

Standing Committee on
Government Operations



Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Official Languages Commissioner

20th Northwest Territories Legislative Assembly

Chair: Mr. Julian Morse

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Languages Commissioner* and commends it to the House.



Mr. Julian Morse
Chair, Standing Committee on Government Operations

**STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

**REPORT ON THE REVIEW OF THE 2023-2024 ANNUAL REPORT OF THE
NORTHWEST TERRITORIES LANGUAGE COMMISSIONER**

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STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2023-2024 ANNUAL REPORT OF THE NORTHWEST TERRITORIES LANGUAGES COMMISSIONER

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the *2023-2024 Annual Report of the Northwest Territories Languages Commissioner* (Annual Report).¹ The Committee thanks Ms. Brenda Gauthier, NWT Languages Commissioner, for her appearance before the Committee on August 29, 2024.²

The *Official Languages Act* requires the Languages Commissioner (Commissioner) to prepare an annual report.³ The 2023-2024 report highlights the Commissioner's focus on community outreach, investigating complaints and inquiries, and continued advocacy for the Government of the Northwest Territories Indigenous Languages and Education Secretariat to mirror the services provided by the Francophone Affairs Secretariat.

ABOUT THE OFFICE OF THE LANGUAGES COMMISSIONER

The Commissioner has a narrow scope to investigate complaints that violate the Act and to promote the Office of the Languages Commissioner. The Northwest Territories has eleven official languages: English, French, Chipewyan, South Slavey, North Slavey, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, Cree, and Tlicho.

OBSERVATIONS

Review Indigenous Languages service offerings

The Commissioner put forward two recommendations in the 2023-2024 Annual Report. The first recommendation is repeated from last year and called on the

Government of the Northwest Territories (GNWT) to mirror the Indigenous Languages and Education Secretariat (ILES) to the Francophone Affairs Secretariat. Committee agreed with this recommendation and submitted it for the GNWT's consideration in *CR 4-20(1) Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Languages Commissioner*. Committee anticipates the government's response to this recommendation in the Fall 2024 session of the Legislative Assembly.

Provide services in all Official Languages

The second recommendation of the Commissioner is that the GNWT “do more to provide services in all Official Languages in Government institutions in all communities. One way to accomplish this is to collaborate with Indigenous Regional Governments.”

The *Official Languages Act* 11.(2) states that any member of the public in the Northwest Territories has the right to communicate with and to receive services from any regional, area, or community office of a government institution in an Official Language other than English or French spoken in that region or community, where

- a) There is a **significant demand** for communications and services from the office in that language; or
- b) It is reasonable, given the nature of the office, that communications with and services from it be available in that language.

However, Committee notes that there is no definition of “significant demand,” nor are any communities identified as having “significant demand” for Indigenous languages services in the *Official Languages Act* Government Institutions Regulations.

Recommendation 1: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories define the term “significant demand.”

Appendix A of the Official Languages Guidelines Manual, published in 1997, outlines designated geographic areas for the use of official languages by the GNWT.⁴ While updating these guidelines is an action identified in the current NWT Indigenous Languages Action Plan,⁵ Committee is not aware of the GNWT delivering services to the public in any official Indigenous languages in designated

areas at this time.

Recommendation 2: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories prioritize Action 2.1 of the Indigenous Languages Action Plan to update official languages regulations, policies, and guidelines as soon as possible.

According to the 2021 Statistics Canada census, 5,385 people in the NWT (13.2% of the population) reported speaking an Indigenous language.⁶ In comparison, just over

1 in 10 people (10.8%, or 4,395 people) could conduct a conversation in French in 2021. The municipalities with a population of more than 500 that had the highest proportion of people who spoke French were Yellowknife (17.1%), Hay River (10.4%), and Norman Wells (8.1%).⁷ Meanwhile, the Government Institution Regulations identify Fort Smith, Hay River, Inuvik, and Yellowknife as having significant demand for communications with and services to the public in both English and French.¹

Recommendation 3: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories update the Government Institution Regulations to accurately reflect the requirements of Section 11 of the *Official Languages Act* by specifying:

1. Which head or central offices in which communities are required to communicate with and provide services in English and French (11.(1))
2. Which regional, area, or community offices in which communities are required to communicate with and provide services in which Indigenous languages (11.(2)).

In 1984, the Government of Canada partnered with the GNWT to fund Indigenous languages programming and services in the territory. Since 2017, the GNWT has received \$5.9 million each year under the Canada-NWT Cooperation Language Agreement to support Indigenous languages programs and initiatives.⁸ Of that funding, \$4.9 million goes directly to Indigenous governments to support the development of Indigenous languages plans and community-based revitalization programs. The GNWT uses the remaining portion of the funding to deliver the Mentor- Apprenticeship Program, Indigenous Language Revitalization Scholarships, and to administer the funding agreement.

Committee recognizes the Truth and Reconciliation Commission's Call to Action

14.iv., which states that “the preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by [Indigenous] people and communities.”⁹ However, Committee also strongly believes that active reconciliation requires ongoing support and engagement; as such, simply passing along funding to Indigenous governments does not allow the GNWT to abdicate its responsibility to actively provide services and programming to our residents in the official languages of the NWT.

As stated in the 2017 NWT Indigenous Languages Framework:¹⁰

Every NWT resident has the right to access the same high-quality public services. In the NWT, there are nine official Indigenous languages, alongside English and French. Currently, speakers of the NWT’s official Indigenous languages do not have equitable access to services in their language.

The goal of language access speaks to the need for all people to be able to use and benefit from high-quality public services in all official languages, including Aboriginal languages. Public services include things like health care, justice, legislative proceedings, education and public hearings.

Yet seven years later, 41% (7/17) of the deliverables in the NWT Indigenous Languages Action Plan to improve access to public services in all official languages remain incomplete (Goal 2).¹¹ Committee recognizes that offering frontline services in Indigenous languages comes with significant challenges (such as training staff, developing resources, and the availability of language speakers). Committee is concerned that:

1. There is insufficient funding and capacity for the GNWT to successfully champion improving the public’s access to government programs and services in all official languages.
2. The Premier did not identify a Minister Responsible for Official Languages, and yet the *Official Languages Act* requires a Minister be held responsible. By default, the responsibility for official languages seems to have fallen on the Minister of Education, Culture, and Employment (ECE). However, the ECE Minister does not have the authority to direct other departments on the use of official languages in their program delivery, nor do they possess the authority to hold other departments accountable for poor performance.

Therefore:

Recommendation 4: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories implement the funding and resources necessary to ensure speakers of the NWT's official Indigenous languages have access to government services in their language.

Recommendation 5: The Standing Committee on Government Operations recommends that the Premier of the Northwest Territories clarify the roles and responsibilities held by the various departments and Ministers regarding Official Languages to ensure that all eleven of the Northwest Territories languages are treated equitably.

Languages Commissioner

The *Official Languages Act* was amended in 1990 to create the position of "Languages Commissioner" to act as a linguistic ombud for people who have complaints that their linguistic rights are not being upheld – the first ombud-like position in the NWT. Interestingly, the First Annual Report of the Languages Commissioner for the Year 1992-1993¹² states that:

The *Official Languages Act* simply provides a framework for choice – those people who cannot communicate in English, or who prefer to communicate in a language other than English, now have certain guarantees from their government that they can communicate in their own language. It is about respect for minorities, about breaking down systemic barriers that have existed for years, and about fairness. It is about equal opportunity for linguistic minorities to participate in the affairs of government.

Thirty-two years later, the Languages Commissioner is still advocating for fundamental improvements in language provision in government services, while the GNWT has not yet to make meaningful advancements in providing government services in Indigenous languages.

Ms. Brenda Gauthier, the 8th Languages Commissioner, stated that she will leave the office at the end of her four-year term (January 2025). She is concerned that the scope of the Languages Commissioner as laid out in the Act is too narrow compared to other statutory officers of the Legislative Assembly. In addition to investigating complaints received and promoting public education, most statutory officers provide an assessment of the effectiveness of their respective legislation. Within the *Official Languages Act*, that responsibility falls on the Official Language

Boards – with recommendations made to the Minister, not the Legislative Assembly.

As such:

Recommendation 6: The Standing Committee on Government Operations recommends that the Legislative Assembly review the duties and mandate of the Languages Commissioner before the recruitment and appointment of a new Commissioner to ensure that the next Commissioner has the resources to successfully act as the guardian of languages rights in the NWT.

CONCLUSION

This concludes the Standing Committee on Government Operations *Report on the Review of the 2023-2024 Annual Report of the Languages Commissioner of the Northwest Territories*. Committee eagerly awaits the government's response to Committee's recommendations in *CR 4-20(1) Report on the Review of the 2022-2023 Annual Report of the Languages Commissioner*,¹³ and respectfully recommends that:

Recommendation 7: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories provide a response to the recommendations contained in this report within 120 days.

ENDNOTES

¹ Languages Commissioner of the Northwest Territories 2023-2024 Annual Report. Available at: <https://www.ntlegislativeassembly.ca/file/lc-annual-report-2024engpdf>.

² Public Briefing on the 2023-2024 Languages Commissioner Annual Report. Available at: <https://www.youtube.com/watch?v=Cwy2Omf8XNE>.

³ The requirements for the Languages Commissioner's annual report are laid out in Section 27 of the *Official Languages Act*, available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf>.

⁴ Official Languages Guideline Manual. Available at: <https://olc-nt.ca/wp-content/uploads/2017/01/Official-Languages-Guidelines-Manual.pdf>.

⁵ NWT Indigenous Languages Action Plan. Available at: https://www.ece.gov.nt.ca/sites/ece/files/resources/nwt_indigenous_languages_action_plan.pdf#page=19.

⁶ Language 2021 Census, NWT Bureau of Statistics. Available at: https://www.statsnwt.ca/census/2021/Census_Language.pdf

⁷ Ethnicity, Language, and Immigration Thematic Series: Key facts on the French language in the Northwest Territories in 2021. Available at: https://www150.statcan.gc.ca/n1/en/pub/89-657-x/89-657-x2023009-eng.pdf?st=SM_l6eOm#page=6.

⁸ Government of the Northwest Territories News Release: GNWT and Canada sign \$17.7 million three-year agreement for Indigenous languages. Available at: https://www.ntlegislativeassembly.ca/sites/default/files/legacy/td_47-201_2022-2023_annual_report_on_official_languages.pdf.

⁹ Truth and Reconciliation Commission of Canada: Calls to Action. Available at: https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf

¹⁰ NWT Indigenous Languages Framework: A Shared Responsibility. Available at: https://www.ece.gov.nt.ca/sites/ece/files/resources/northwest_territories_aboriginal_languages_framework_-_may_2017.pdf#page=54.

¹¹ NWT Indigenous Languages Action Plan Progress Tracker. Available at: <https://www.ece.gov.nt.ca/en/progress-tracker/decision/nwt-indigenous-languages-action-plan-346>

¹² First Annual Report of the Languages Commissioner of the Northwest Territories for the year 1992- 1993. Available at: <https://olc-nt.ca/wp-content/uploads/2017/01/1992-1993-Annual-Report.pdf#page=14>.

¹³ Report on the Review of the 2022-2023 Annual Report of the Northwest Territories Languages Commissioner. Available at: <https://www.ntlegislativeassembly.ca/committee-reports/cr-4-201-report-review-2022-2023-annual-report-languages-commissioner>.