

Standing Committee on
Government Operations



Report on the 2021-22 Review of the *Official Languages Act*

19th Northwest Territories Legislative Assembly

Chair: Mr. Rylund Johnson

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March 27, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the 2021-22 Review of the Official Languages Act* and commends it to the House.



Mr. Rylund Johnson
Chair
Standing Committee on Government Operations

STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE 2021-22 REVIEW OF THE OFFICIAL LANGUAGES ACT

INTRODUCTION AND SUMMARY

Over the last two years, the Standing Committee on Government Operations (Committee) reviewed the *Official Languages Act*.¹ This law protects speakers of the NWT's eleven official languages and outlines language rights, rules, and responsibilities in different parts of government.² This law requires a review about every five years.³ Previous Committee reviews were released in 2003,⁴ 2009,⁵ and 2015.⁶

For our 2021-22 review, Committee aimed to collect input from Northerners on the effectiveness of the *Official Languages Act*, recommend changes to better protect and revitalize official languages, and ensure changes are implemented. The COVID-19 pandemic delayed our review, but Committee pushed for changes before the end of the 19th Assembly.

This report describes how the public participated in the review and summarizes what Committee heard. Participants shared many examples of how the languages approach of the Government of the Northwest Territories (GNWT) falls short of Northerners' needs and rights, and many suggestions for improvements. Statistics back up what residents are saying: Indigenous language communities continue to lose speakers, but many more people want to learn the language.

The report also outlines Committee's call to overhaul the government's approach to official languages, starting with four transformative changes:

1. Implementing the right to receive services in your official language of choice;
2. Implementing the right to K-12 immersion education in your local language;
3. Doubling resources to support and revitalize Indigenous languages; and
4. Support of official language speakers in the public service.

Committee urges the government to begin making these changes now and completion in the 20th Assembly.

DESPITE PANDEMIC DELAYS, COMMITTEE PUSHED FOR CHANGES

In early 2021, Committee set out to travel across the NWT. Unfortunately, our plans were

repeatedly postponed due to the COVID-19 pandemic.

In December 2021, Committee realized that we could not finish our review of the *Official Languages* in time to make changes to the law before the end of the 19th Assembly. However, almost twenty years had passed since the law was last updated, and in that time many important and straightforward amendments had been suggested. Therefore, Committee urged the Minister Responsible for Official Languages to work with us to develop legislation before our review was complete. The Minister agreed and invited our input.

In response, Committee reviewed all past suggestions for changes to the *Official Languages Act* since 2003, the last time the law was changed. Committee identified about 50 past suggestions and prioritized 12 of them for the new bill. The Department of Education, Culture and Employment (ECE) accepted some of our priorities and put them into Bill 63: *An Act to Amend the Official Languages Act* (Bill 63). Bill 63 would:

1. Clarify and strengthen the role of the Languages Commissioner;
2. Merge the two languages boards; and
3. Update the law's preamble to recognize the impact of colonialism and the relevance of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP).






While Committee was pleased with these changes, we were also disappointed that the bill was not more ambitious. We wrote a report about our review of the bill entitled *Report on Bill 63: An Act to Amend the Official Languages Act*.⁷ In that report, Committee recommended a second phase of legislative changes to improve the government's approach to official and Indigenous languages. Those changes should start in the life of the 19th Assembly and respond to the recommendations contained in this report. It is a known fact that the 20th Assembly is not obligated to follow up or consider any recommendations this Assembly makes. Furthermore, it may not be their priority.

PARTICIPANTS ACROSS THE NWT WERE CLEAR ON NEED FOR CHANGE

In October 2020, Committee held public briefings with the Languages Commissioner⁸ and the Minister Responsible for Official Languages and his staff.⁹ Between June 2021 and October 2022, Committee engaged the public. 74 people from across the NWT participated in public meetings, including 33 residents, organizations, and governments that provided formal oral comments.

During this time, Committee was inspired by NWT residents doing amazing things to reclaim their languages, teach young people with limited resources, and advocate for changes to help their language communities survive and thrive.

Table 1: Summary of public meetings

 Date	 Place	 Participants	 Verbal submissions	 Written submissions
Jun. 7 / '21	Inuvik ¹⁰	7	5	0
Jan. 26 / '22	Somba K'e – Yellowknife (Virtual) ¹¹	4	4	1
Jun. 22 / '22	Thebacha – Fort Smith ¹²	9	3	0
Jun. 23 / '22	Zhahti Kúé – Fort Providence ¹³	29	3	0
Jun. 24 / '22	Behchokò ¹⁴	3	2	0
Aug. 15 / '22	Hay River ¹⁵	5	5	0
Aug. 16 / '22	Kátl'odeeche First Nation ¹⁵	9	7	0
Oct. 7 / '22	Déljne (Virtual) ¹⁵	8	4	0
Total		74	33	1

We were especially moved by what Elders had to say. They reminded Committee of the horrific role of the Indian Residential Schools system in the loss of Indigenous languages – but also Indigenous peoples’ determination to keep their language. One survivor shared:

“Even we whispered, and we get slapped. Sometimes we bleed from our mouths, we get hit. And you’re so scared. You just wish you could go home, and you were a long way from home [...] And today, when we’re trying to teach our young people to speak, that thing is with us [...] I don’t know why they didn’t want us to speak in our language. But we held on to it.”

The harmful legacy of residential schools and colonialization, and the need for reconciliation and recognition of Indigenous rights, were major themes that Committee heard from residents. Other important themes were:

- 1. Visibility.** Indigenous languages need to be more visible in daily life.
- 2. Education.** Barriers to revitalization can be overcome with more funding, training, educational resources, instruction time, and rights to immersion education.
- 3. Program funding.** Existing funding for Indigenous-language education and revitalization is not enough and must be increased. Funding requirements should be tailored to applicants’ needs and flexible for creative approaches.
- 4. Services.** The government should improve access to quality services in official languages by enhancing active offer, standards, and rights to service.
- 5. Public service.** The government should promote using and learning official languages in the public service by increasing Indigenous representation, providing more training, and recognizing the value of knowing a second official language.
- 6. Legislation and rights.** More needs to be done in law to protect rights and revitalize languages, including adding Michif as an official language and setting up new bodies and policies for language revitalization.
- 7. Languages Commissioner.** The role should be clarified and strengthened.
- 8. Languages Boards.** A merged board needs a better nomination process, a clearer role, and more effective representation, transparency, and resources.

Committee provided more detail on these themes in an appendix to this report. We recommend the government review and consider residents’ input on official languages.

STATISTICS SHOW INDIGENOUS LANGUAGES ARE DECLINING AND ENDANGERED

Statistics confirm a trend Committee heard on the road: Indigenous language communities in the NWT are not creating enough new speakers to sustain their languages. From 2014 to 2019, eight of the nine Indigenous official languages lost speakers, resulting in a total decline from 7,900 to 6,800 Indigenous language speakers.¹⁶

According to UNESCO, an agency of the United Nations, all nine Indigenous official languages are endangered, meaning they’re at risk of disappearing.¹⁷ Inuvialuktun and Dinjii Zhu’ Ginjik (Gwich’in) are the most severely endangered languages, with 560 and 290 speakers in the NWT, respectively.

Table 2: People able to converse, NWT, 2014 and 2019

<i>Indigenous language</i> ¹⁸	<i>Legal name</i> ¹⁹	<i>2014</i>	<i>2019</i>	<i>Change</i>
Inuinnaqtun ²⁰	Inuinnaqtun	210	260	50
ᐃᓄᐅᓂᑦ ²¹	Inuktitut	210	180	- 30
Inuvialuktun ²²	Inuvialuktun	620	560	- 60
Nēhiyawēwin ²³	Cree	320	260	- 60
Dinjii Zhu’ Ginjik ²⁴	Gwich’in	380	290	- 90
Dēne Sųłiné Yatıé ²⁵	Chipewyan	650	540	- 110
Sahtúot’ıne Yatı ²⁶	North Slavey	1,220	1,080	- 140
Dene Zhatıé ²⁷	South Slavey	1,580	1,380	- 200
Tıjchų Yatıı ²⁸	Tıjchų	2,720	2,250	- 470
Total		7,890	6,780	- 1,110

Source: Office of the Clerk calculations on data from the NWT Bureau of Statistics.

Note: Totals may be overestimated as some people speak more than one language.

The age profile of current speakers is also concerning. Half of the 6,800 Indigenous-language speakers are over 50 years old and one fifth are over age 65.²⁹ In almost every community, Committee heard that young people are losing the Indigenous language, and Elders find they are unable to communicate with them in their Indigenous languages.

A 2019 survey by the NWT Bureau of Statistics gives reason for hope. The survey found that thousands of residents, Indigenous and non-Indigenous, want to improve their conversational skills in each of the nine Indigenous official languages. For instance, while less than 1,400 Northerners speak Dene Zhatıé (South Slavey), nearly 5,000 Northerners want to improve their Dene Zhatıé. This extends to all nine languages. The desire to learn each language is three and fourteen times higher than the number of actual speakers.

Table 3: People that want to improve conversational skills, NWT, 2019³⁰

<i>Indigenous language</i>	<i>Legal name</i>	<i>Currently able to converse</i>	<i>Wants to improve</i>
Inuinnaqtun	Inuinnaqtun	260	2,110
ᐃᓄᓐᓂᓄᓐ	Inuktitut	180	2,570
Nēhiyawēwin	Cree	260	3,470
Dēne Sųłiné Yatıé	Chipewyan	540	3,600
Dinjii Zhu' Ginjik	Gwich'in	290	3,770
Sahtúot'ıne Yatı	North Slavey	1,080	4,600
Inuvialuktun	Inuvialuktun	560	4,520
Dene Zhatıé	South Slavey	1,380	4,930
Tıchq Yatı	Tıchq	2,250	6,940

Source: Office of the Clerk calculations on data from the NWT Bureau of Statistics.

Despite attempts to eradicate Indigenous languages, many people remain passionate about reclaiming this right. Committee is convinced there is incredible potential to revitalize all language communities.

Revitalizing languages is not just a hope – it's a right. Article 13 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) says that:

“Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures [...] States shall take effective measures to ensure that this right is protected.”³¹

Article 13 matters because it confirms the government's unique duty to protect Indigenous peoples' language rights and prevent the loss of valuable knowledge and traditions. While the GNWT has made improvements, anecdotal evidence and the statistics suggest that the government is not fulfilling its language responsibilities under the Declaration.

FOUR CHANGES TO OVERHAUL GNWT LANGUAGES APPROACH

1. Implement the right to receive services in your official language of choice

Since 1984, the *Official Languages Act* has set out the public's right to government services in an official language. That right exists where there is “significant demand” or where it is reasonable given “the nature of the office.”³²

However, the concepts of “significant demand” and “nature of the office” have been criticized for years because they are unclear and do not work for the NWT.³³ These concepts make it hard for residents to understand their right to demand services from the government in any official language.

Committee believes each resident is a language rights holder, regardless of where they are and which office they interact with. These rights extend to the descendants of language speakers, especially if they lost their language. Language rights should ensure “substantive equality” – this means using targeted measures to address underlying barriers and achieve true equality. Language rights should also be remedial in nature, meaning that they address inequalities and past injustices.³⁴

Practically speaking, the government has far to go to implement this expansive vision for language rights. But even the Minister has expressed hope that the NWT will “*one day realize the vision of service delivery similar to what we see for French-language services for all of our official languages.*”³⁵ Committee therefore recommends:

Recommendation 1: That Government of the Northwest Territories recognize the right of each resident to receive services in the official language of their choice.

This right should go beyond the concepts of “significant demand” and “nature of the office,” and follow the principle of substantive equality. As such, the GNWT should consider quantitative and qualitative characteristics when determining service levels to each official language community. This right should also be remedial in nature, designed to counter the gradual decline of Indigenous official language speakers.

Residents expressed a desire to see more Indigenous-language signage on a day-to-day basis. The government has a guidelines manual requiring new and replacement signs to display local Indigenous official language. The rules only apply to territorial government institutions.³⁶

The department is currently updating the guidelines.³⁷ Committee welcomes that work but recommends that the government accelerates the transition towards more Indigenous-language signage in the built environment. We therefore recommend:

Recommendation 2: That Government of the Northwest Territories set up a policy and a plan to display more Indigenous-language signs before the 19th Assembly ends.

The policy should require all new signs at all territorial public bodies and community governments to prominently feature the local Indigenous official language(s). The plan should set targets and offer funding for new Indigenous-language signs.

In the NWT, the Métis are the only Indigenous group whose traditional language is not recognized as an official language. Committee heard interest in adding Michif as an official language in Hay River.

This idea is not new. In 2002, a Special Committee developed a discussion paper about Michif in the NWT³⁸ and recommended further research to figure out how the language should be recognized.³⁹ The Languages Commissioner also recommended reconsidering whether Michif should be an official language in 2016.⁴⁰ As there is no recent publicly

available research on Michif in the NWT, Committee believes more study is necessary and recommends:

Recommendation 3: That the Department of Education, Culture and Employment commission a study on the state of Michif in the NWT and options to recognize Michif in the *Official Languages Act*. The study should be tabled in the House within the first 18 months of the 20th Assembly.

2. Implement the right to K-12 immersion education in your local language

Committee heard a strong and clear desire for more Indigenous-language education – including more intergenerational learning opportunities, more instruction time, and K-12 immersion options in each community. However, there are formidable barriers such as a lack of fluent young people to replace retiring teachers and too few language instructor training opportunities at Aurora College.

Committee believes the long-term goal needs to be a right for full K-12 immersion in your local official language. Anything less would fall short of UNDRIP Article 14, which says:

“States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.”⁴¹

Committee believes upcoming work to renew the *Education Act* must prioritize language revitalization and aim to make a plan to achieve full immersion in the future. We note that Nunavut’s *Education Act* sets out a long-term schedule to phase in bilingual Inuktitut education for all grades by 2039.⁴² The Standing Committee on Government Operations recommends:

Recommendation 4: That the Department of Education, Culture and Employment implement an exercisable right for Northerners to full K-12 immersion in each local Indigenous official language. To achieve this vision, ECE should prioritize Indigenous-language revitalization in the ongoing *Education Act* modernization.

Recommendation 5: That the Department of Education, Culture and Employment (ECE) help ensure Indigenous-language early childhood education is available in each community. To achieve this vision, ECE should provide additional and sufficient funding to program operators that use Indigenous languages.

3. Double resources to support and revitalize Indigenous languages

Committee heard clearly that funding for Indigenous-language education and revitalization is not enough to ensure language communities survive. This unanimous sense of underfunding exists despite recent increases in language funding. The GNWT

now spends around \$21 million each year on Indigenous language programming,⁴³ up from \$14 million ten years ago.⁴⁴

To gauge the potential funding gap, Committee compared the GNWT's Indigenous-language funding with its French-language funding. Committee acknowledges this comparison is far from perfect: these language communities have different histories, circumstances, and needs; and the government's responsibilities to these communities are different based on constitutional and international law.

Committee compared French-language funding per French-speaker with Indigenous-language funding per Indigenous resident. Looking at Indigenous residents, rather than current Indigenous-language speakers, is appropriate because Indigenous language rights extend to all Indigenous people, including those who have lost the language.

Committee found that the GNWT's French-language funding is around \$2,200 per French speaker, compared to Indigenous-language funding of around \$1,100 per Indigenous person. This puts the funding gap at \$1,100 per Indigenous person. To close this gap, the GNWT would have to double per-person Indigenous-language funding. The total cost would add up to an additional \$22 million per year. More details on this calculation are included in Appendix C of this report.

Committee believes that increasing funding by at least this amount is necessary to reverse the decline in Indigenous-language speakers and revitalize language communities. Committee therefore recommends:

Recommendation 6: That the Government of the Northwest Territories double funding for Indigenous-language education, services, and revitalization.

Recommendation 7: That the Government of the Northwest Territories reimburse use of an Indigenous official language as an eligible expense for all programs, grants, and contributions. These funding agreements should be multi-year to reduce administrative burden and improve sustainability.

Educators and language experts brought up the problem of fragmentation among language communities in developing resource materials. Committee heard one example of a southern publisher charging \$20,000 to allow an education resource in one Indigenous language to be translated into another.

Participants thought the department could do more to “*minimize the reinvention of the wheel*” so that educational resources can be translated easily and affordably. One promising suggestion was for a “creative commons” – a digital space for people to share and collaborate on educational resources. Existing resource hubs, like the *Our Languages NWT* platform,⁴⁵ do not particularly promote decentralized content creation and digital collaboration. Committee therefore recommends:

Recommendation 8: That the Department of Education, Culture and Employment set up a creative commons for Indigenous-language resource materials.

The creative commons should build on the *Our Languages NWT* platform and offer an accessible digital space. It should allow creators and users to share and collaborate on educational materials, language-learning apps, curricula, grant applications, and other resources.

4. Support of official language speakers in the public service

The Government of Canada has committed to preserving, promoting and revitalizing Indigenous languages in Canada (*Indigenous Languages Act*, 2019). Supporting the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages also responds to Calls to Action 13, 14 and 15 of the Truth and Reconciliation Commission of Canada. Keeping Indigenous languages alive contributes to implementing the United Nations Declaration on the Rights of Indigenous Peoples. Specifically, Article 13 recognizes the right of Indigenous peoples to revitalize, use, develop and transmit their languages and traditions to future generations and indicates that states should take adequate measures to ensure these rights are protected.

The government's duty to protect language rights extends to its role as an employer of over 6,300 public servants. However, current efforts appear modest. In 2021-22, only 340 employees, or 5 per cent of the workforce, received a bilingual bonus. The bonuses were worth only \$560,000, or 0.1% of total human resource costs.^[i] The government also gives an allowance to teachers using an Indigenous official language, but this has decreased from 105 teachers getting the allowance in 2010^[ii] to fewer than 40 teachers receiving it now.^[iii]

In the spirit of Reconciliation, it is imperative that the Government of the Northwest Territories steps up and does much more as an employer. After all, the loss of Indigenous languages in this country directly relates to Residential Schools.

The public service must support Indigenous language speakers proactively. The employer should be responsible for identifying and supporting employees who want to learn the language of their heritage and culture rather than demanding Indigenous persons achieve and prove bilingual proficiency in an independent path. Departments and agencies should prepare an annual action plan to support and grow the official Indigenous languages. The plans should include funding, targets, and regular reporting. Committee recommends:

Recommendation 9: That each department and agency be required to have an annual official languages action plan to improve and revitalize the language skills of its Indigenous employees.

The plans should identify objectives, actions, performance measures, and multi-year targets. The plans should be supported by an updated *Bilingual Designation Policy* creating a new category of bonuses for Indigenous employees learning to speak an official Indigenous language. Each department and agency should be responsible for identifying Indigenous employees wanting to learn the Indigenous language of their heritage and culture, helping identify access to learning opportunities, providing financial support, and assisting access to language proficiency assessments where available.

Recommendation 10: That each department and agency be required to create an individual language training account for each person. The account should guarantee each Indigenous employee a minimum number of hours of language training, in any Indigenous official language, as a first or second language.

Recommendation 11: That the Department of Finance set up an Indigenous languages revitalization fund to support Indigenous employees in the effort to reclaim, revitalize, maintain and strengthen their languages.

RESTORE INDIGENOUS-LANGUAGE TERMS AND SPELLINGS

Committee was disappointed that Bill 63 did not update colonial terms used in the law like “North Slavey” and “South Slavey.” The Minister said that language communities did not agree on new terms, so the terms stayed the same. Committee shares the Minister’s hope that the terms can be changed during the next review. Committee therefore recommends:

Recommendation 12: That the Government of the Northwest Territories (GNWT) restore Indigenous language terms and spellings to refer to languages and communities. The GNWT should update all legislation, regulations, policies, guidelines, standards, and communications within the life of the 20th Assembly. The GNWT should also consult Indigenous communities on the changes.

CONCLUSION

This concludes the Standing Committee on Government Operations’ *Report on the 2021-22 Review of the Official Languages Act*. Committee looks forward to the Government’s response to these recommendations.

Recommendation 13: The Standing Committee on Government Operations recommends that the Government of the Northwest Territories respond to this report within 120 days.

NOTES

¹ The *Official Languages Act* is available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf>.

² The Languages Commissioner provides a useful overview on each of the NWT's eleven official languages. Available at: <https://olc-nt.ca/languages/>.

³ For more information, see section 35 of the *Official Languages Act*. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf#page=20>.

⁴ A summary of the 2003 review report is available at: <http://library.assembly.gov.nt.ca/2003/ECE/i9780770800697Sum.pdf>.

The full 2003 review report, entitled *One Land Many Voices*, is available at: <http://library.assembly.gov.nt.ca/2003/LA/02-0021756.pdf>.

⁵ The full 2009 review report, entitled *Reality Check: Securing a Future for the Official Languages of the Northwest Territories*, is available at: <http://library.assembly.gov.nt.ca/2009/LA/a252959.pdf>.

A question-and-answer document for the 2009 review report is available at: <http://library.assembly.gov.nt.ca/2009/LA/a252959Q&A.pdf>.

⁶ The full 2014 review report, which was tabled in 2015, is available at: <https://www.ntassembly.ca/sites/assembly/files/cr14-175.pdf>.

⁷ The Standing Committee's on Government Operations' *Report on Bill 63: An Act to Amend the Official Languages Act* is available at: https://www.ntassembly.ca/sites/assembly/files/cr_43-192_scogo_report_on_bill_63_an_act_to_amend_the_official_languages_act_0.pdf.

⁸ Video of Committee's October 26, 2020, public briefing with Languages Commissioner Shannon Gullberg is available at: <https://www.youtube.com/watch?v=G7Uui0FNy3o>.

⁹ Video of Committee's October 28, 2020, public briefing with the Minister Responsible for Official Languages, R.J. Simpson, and staff from the Department of Education, Culture and Employment is available at: <https://www.youtube.com/watch?v=VpFJnIT7o7E>.

¹⁰ Video of Committee's June 7, 2021, public meeting in Inuvik is available at: <https://www.youtube.com/watch?v=yqbm3Zt13CY>.

¹¹ Video of Committee's January 26, 2022, virtual public meeting hosted in Somba K'e – Yellowknife is available at: <https://www.youtube.com/watch?v=tl6yLWYM-hU>.

¹² Video of Committee's June 22, 2022, public meeting in Thebacha – Fort Smith is available at: <https://www.youtube.com/watch?v=aL0JJUHqVN8>.

¹³ Video of Committee's June 23, 2022, public meeting in Zhahti Kúé – Fort Providence is available at: <https://www.youtube.com/watch?v=7NxY1JzpgaQ>.

¹⁴ Video of Committee's June 24, 2022, public meeting in Behchokò is available at: <https://www.youtube.com/watch?v=yQuyqTG5DSI>.

¹⁵ Due to technical constraints, video recordings of Committee's public meetings in Hay River, Kátt'odeeche First Nation, and with the Deline Got'ine Government are not available.

¹⁶ Full statistics available for download from the NWT Bureau of Statistics. Available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/2019%20Indigenous%20Languages.xlsx

¹⁷ UNESCO Atlas of the World's Languages in Danger (2011). Atlas entries for Dinjii Zhu' Ginjik (Gwich'in), Inuinnaqtun, ᐃᓄᓂᓄᓄᓄ (Inuktitut), Inuvialuktun, Sahtúot'ıne Yatı́ (North Slavey), Dene Zhatı́ (South Slavey), and Tı́chq Yatı́ are available at: <https://unesdoc.unesco.org/ark:/48223/pf0000187026/PDF/187026eng.pdf.multi.page=165>. Atlas entries for Dēne Sı́ıne Yatı́ (Chipewyan) and Nēhiyawēwin (Cree) are available at: <https://unesdoc.unesco.org/ark:/48223/pf0000187026/PDF/187026eng.pdf.multi.page=167>.

- ¹⁸ Traditional name based on information from the *Prince of Wales Northern Heritage Centre*. Available at: <https://www.pwnhc.ca/official-languages-of-the-northwest-territories/>.
- ¹⁹ Legal name as currently stated in the *Official Languages Act*.
- ²⁰ An infographic with more data on Inuinnaqtun speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/inuinnaqtun.pdf.
- ²¹ An infographic with more data on ᐃᓄᓐᓂᓂᓂᓂ (Inuktitut) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/inuktitut.pdf.
- ²² An infographic with more data on Inuvialuktun speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/inuvialuktun.pdf.
- ²³ An infographic with more data on Nēhiyawēwin (Cree) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/cree.pdf.
- ²⁴ An infographic with more data on Dinjii Zhu' Ginjik (Gwich'in) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/gwich-in.pdf.
- ²⁵ An infographic with more data on Dēne Sųłíné Yatré (Chipewyan) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/chipewyan.pdf.
- ²⁶ An infographic with more data on Sahtúot'ıne Yatı (North Slavey) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/north-slavey.pdf.
- ²⁷ An infographic with more data on Dene Zhatıé (South Slavey) speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/south-slavey.pdf.
- ²⁸ An infographic with more data on Tıchq Yatı speakers in the NWT is available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/ticho.pdf.
- ²⁹ Full statistics available for download from the NWT Bureau of Statistics. Available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/2019%20Indigenous%20Languages.xlsx.
- ³⁰ Full statistics available for download from the NWT Bureau of Statistics. Available at: https://www.statsnwt.ca/recent_surveys/2019NWTCommSurvey/2019%20Indigenous%20Languages.xlsx.
- ³¹ The United Nations Declaration on the Rights of Indigenous Peoples is available at: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf#page=14.
- ³² See section 11 of the *Official Languages Act*. Available at: <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf#page=9>.
- ³³ For more information on the criticism and recommended solution to the concepts of “significant demand” and “nature of the office” in the NWT, see:
- The Languages Commissioner’s Annual Report for 2005-2006. Available at: <https://olc-nt.ca/wp-content/uploads/2021/08/2005-2006-Annual-Report.pdf#page=21>.
 - The Languages Commissioner’s Annual Report for 2007-2008. Available at: <https://olc-nt.ca/wp-content/uploads/2017/01/2007-2008-Annual-Report.pdf#page=38>.
 - The Languages Commissioner’s Annual Report for 2015-2016. Available at: <https://olc-nt.ca/wp-content/uploads/2017/11/OLC-Annual-Report-for-2015-2016.pdf#page=26>.
- ³⁴ The federal *Office of the Commissioner of Official Languages* has recommended that languages regulations seek to achieve substantive equality and consider the remedial nature of language rights. More information is included in that Office’s Special Report to Parliament entitled *A Principled Approach to the Modernization of the Official Languages (Communications with and Services to the Public) Regulations*. Available at: <https://www.clo-ocol.gc.ca/sites/default/files/special-report-to-parliament-ol.pdf#page=17>.

³⁵ At the October 28, 2020, public briefing with Committee, the Minister Responsible for Official Languages said: “*With the efforts that are taking place to rebuild our Indigenous languages, I am encouraged that we will one day realize the vision of service delivery similar to what we see for French-language services for all of our official languages.*”

³⁶ Available at: <https://olc-nt.ca/wp-content/uploads/2017/01/Official-Languages-Guidelines-Manual.pdf>

³⁷ The department’s progress is available on the “Action Plan Progress Tracker” for the NWT Indigenous Languages Action Plan. Available at: <https://www.ece.gov.nt.ca/en/progress-tracker/decision/nwt-indigenous-languages-action-plan-346/priority/indigenous-language-access-349>.

³⁸ Harnum, Betty (2002). *Michif language and the Métis in the Northwest Territories*. A paper prepared for the Special Committee on the Review of the Official Languages Act. Available at the NWT Legislative Assembly Library: https://lant.bywatersolutions.com/cgi-bin/koha/opac-detail.pl?biblionumber=16065&query_desc=kw%2Cwrdl%3A%20michif.

³⁹ The recommendation (A4) is available at: <https://library.assembly.gov.nt.ca/2003/ECE/i9780770800697Sum.pdf#page=22>.

⁴⁰ Languages Commissioner (2016). *Annual report for 2015-2016*. Available at: <https://olc-nt.ca/wp-content/uploads/2017/11/OLC-Annual-Report-for-2015-2016.pdf#page=25>.

⁴¹ The United Nations Declaration on the Rights of Indigenous Peoples is available at: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf#page=15.

⁴² For more information, see Nunavut’s *Education Act*. Available at: <https://gov.nu.ca/education/information/education-act#:~:text=Nunavut's%20Education%20Act%20governs%20all,of%20the%20territory's%20education%20system>.

⁴³ For more information, see the GNWT’s 2021-2022 *Annual Report on Official Languages*. Available at: https://www.ece.gov.nt.ca/sites/ece/files/resources/annual_report_on_official_languages_2021-2022.pdf#page=23.

⁴⁴ For more information, see the GNWT’s 2011-2012 *Annual Report on Official Languages*. Available at: <https://www.ntassembly.ca/sites/assembly/files/12-11-05td95-173.pdf#page=36>.

⁴⁵ Available at: <https://www.ourlanguagesnwt.com/>.

^[i] For more information, see the Public Service Annual Report 2021/2022. Available at: https://www.fin.gov.nt.ca/sites/fin/files/resources/17026_gnwt_public_services_ar_8.5x11in_web_0.pdf#page=17.

^[ii] For more information, see the GNWT’s 2010-2011 *Annual Report on Official Languages*. Available at: <https://www.ntassembly.ca/sites/assembly/files/11-12-14td10-171.pdf#page=16>.






^[iii] For more information, see the GNWT’s 2021-2022 *Annual Report on Official Languages*. Available at: https://www.ece.gov.nt.ca/sites/ece/files/resources/annual_report_on_official_languages_2021-2022.pdf#page=22.

Briefing Note: *Official Languages Review*
Summary of Public Comments

Purpose

This briefing note summarizes public feedback to Committee’s statutory review of the *Official Languages Act* (OLA).

Summary of public hearings

 Date	 Place	 Participants	 Verbal submissions	 Written submissions
June 7, 2021	Inuvik	7	5	0
January 26, 2022	Yellowknife – Somba K’e (Virtual)	4	4	1
June 22, 2022	Fort Smith – Thebacha	9	3	0
June 23, 2022	Fort Providence – Zhahti Kúé	29	3	0
June 24, 2022	Behchokò	3	2	0
August 15, 2022	Hay River	5	5	0
August 16, 2022	Kát’odeeche First Nation	9	7	0
October 7, 2022	Dél̄n̄ę (Virtual)	8	4	0
Total		74	33	1

Summary of public comments

Theme	Sub-theme	Comment	Where	Committee direction
Residential Schools, Colonisation, Reconciliation	1 Harmful legacy	Residential schools robbed people of their language, broke inter-generational language transmission. Enduring fear to speak Indigenous languages. Minority languages continue to be in a state of assimilation. Children don't understand Indigenous language. Families don't use the language at home (including Michif). Elders with the language are passing, no one left to teach. Society is running out of time to restore languages. Government must give back languages.	Inuvik Yellowknife (FR) Fort Smith Fort Providence Behchokò Hay River KFN Délįnę	
	2 Decentralization	Give Indigenous Governments and regions more authority for language revitalization. Apply a community-based approach to programming.	Fort Providence Hay River Délįnę	
	3 Healing	Acknowledge harms and need to heal aspect in the <i>Act</i> . Provide more funding for healing, mental health. Establish a Legacy Fund with federal money for revitalization.	Inuvik Hay River KFN	
	4 Decolonization, Reconciliation, TRC, UNDRIP	Language revitalization is reconciliation. Indigenous rights in the <i>Act</i> are tokenistic. Decolonize the <i>Act</i> to reflect everyone's voice, including youth. Make the <i>Act</i> a living document to promote creative solutions. Recognize TRC, UNDRIP in the <i>Act</i> .	Inuvik Yellowknife (IN) Fort Providence Hay River KFN Délįnę	
Linguistics	5 Linguistic change	Indigenous languages are not keeping up with new concepts. Language must adapt new lexicon.	Inuvik Délįnę	
	6 Technology	Technology is not available in Indigenous languages.	Délįnę	
Visibility	7 Signage	More Indigenous-language signage. Kids, everyone needs to see the language being used in the community.	Yellowknife (IN)	



Theme	Sub-theme	Comment	Where	Committee direction
	8 GNWT offices and ads	Create mandates for language visibility in government offices and advertising.	Yellowknife (IN)	
	9 Businesses	Provide trained language ambassadors in businesses.	Fort Smith	
	10 Legislative Assembly	All MLAs should learn and use Indigenous languages in the House.	Inuvik	
Education	11 Intergenerational learning	Support programs that bring Elders and Youth together.	Inuvik	
		- Have fluent Elders in the classroom to support teachers.	Fort Providence	
		- Support more on-the-land language learning opportunities with Elders and Youth.	Behchokò	
		- Compensate Elders properly to share the language.	Hay River	
		Remove barriers to the Mentor-Apprenticeship Program (MAP) . Improve access and expand program with cooking circles, sharing circles, sewing circles, on the land circles centered on language. Allow GNWT employees to take leave for MAP.	KFN	
			Délįnę	
	12 Instruction time	English instruction (210 hours) > Indigenous language (90 hours). Increase Indigenous-language instruction and learning outcomes at all levels. Spend less time on paperwork for curricula, more time teaching.	Inuvik Yellowknife (IN) KFN Délįnę	
	13 Immersion	Provide K-12 immersion in local Indigenous language(s) and increase funding for immersion education.	Fort Smith	
	14 Education rights	Work towards exercisable right to Indigenous language education. Make changes to the <i>Education Act</i> .	Inuvik Yellowknife (FR)	
	15 Educator and translator training	Not enough fluent young people to replace retiring teachers. Requirement for fluency to teach is a barrier. Provide more training to language educators, including restoring Aurora's Indigenous language instructor program.	Inuvik Yellowknife (FR) Hay River KFN	



Theme	Sub-theme	Comment	Where	Committee direction
		Lack of translators. Inability to get a postsecondary degree in translation in the NWT. Bring together retired language educators to find solutions.		
	16 Educational resources	Make educational resources more available to the public and culturally relevant. Create more online learning resources, including apps. Promote better sharing of educational resources to avoid reinventing the wheel.	Inuvik Hay River KFN	
	17 Prayer	Bring back prayer in the schools.	Inuvik	
Program Funding	18 Funding adequacy	Existing funding is not enough for desired outcomes and limits programs. Funding focuses too much on policy, not enough on language education. Funding lapses. Increase program funding, especially to Indigenous groups.	Inuvik Fort Smith KFN Délı̄ne	
	19 Funding barriers	Difficult to access funding. Program and funding requirements are poorly timed, not centered on the fundee's needs.	Inuvik Behchokò	
	20 Funding and measuring success	ECE should find, support, and fund success stories. ECE should enable creative approaches to revitalization. It takes more than 1 year to measure success. Measure success in programs, language development over a longer period.	Yellowknife (IN) KFN	
	21 Funding accountability	The <i>Act</i> says nothing about funding or timing of funding. Funds intended for language used for other purposes. Ensure more transparency and accountability on ECE program funding.	Inuvik KFN	
Services	22 Active offer	Indigenous active offer is not provided, only French. Provide active offer in local Indigenous Official Language(s). Ensure active offer is backed up with quality minority-language service. Focus on services at Health and for early childhood education.	Inuvik Yellowknife (IN) Yellowknife (FR) Fort Smith Hay River	



Theme	Sub-theme	Comment	Where	Committee direction
	23 Service standards	Choosing minority language service reduces quality, timeliness, amount of service. Strengthen requirements for minimum service standards. Set up a framework on GNWT obligation to provide minority-language service, potentially in the <i>Regulations</i> .	Yellowknife (FR)	
	24 Significant demand	Enhance rights to service beyond “significant demand” and “nature of the office”, work towards service in all languages in all offices.	Yellowknife (FR)	
Public Service	25 Indigenous representation	Not enough Indigenous people are making the GNWT’s decisions about languages. Increase Indigenous representation in public service, especially at ECE. Ensure Indigenous Advocate positions are staffed.	Inuvik Yellowknife (IN) Hay River	
	26 Hiring and job descriptions	All GNWT positions should consider fluency in a minority language as an asset. Ensure priority hiring for bilingual applicants of equal ability. Identify all bilingual positions.	Yellowknife (FR)	
	27 Staff training	Require all GNWT staff to take a language course.	Inuvik KFN Déljñę	
	28 Bilingual bonus	Provide bonus to staff who speak an Indigenous language.	Déljñę	
Legislation & Rights	29 Michif	Michif is being lost. Michif should be added as an Official Language.	Hay River KFN	
	30 Indigenous vs. French	Indigenous languages and language rights should be treated equally to French.	Yellowknife (IN) Fort Smith Hay River	
	31 Declaration	Issue a Declaration to recognize Official Languages at the community level.	Yellowknife (IN)	



Theme	Sub-theme	Comment	Where	Committee direction
	32 OLA Accountability	The <i>Act</i> should impose obligations on the GNWT and make institutions accountable. The <i>Act</i> must include not only rights, but also internal mechanisms to ensure implementation. The <i>Act</i> should include consequences for violations and incentives to respect legislation. GNWT blatantly violates <i>Act</i> daily.	Yellowknife (FR) Hay River	
	33 OLA Scope	Expand the scope of the <i>Act</i> to cover public organizations, local governments, commissions, administrations, administrative tribunals (membership) and independent entities that receive public funding. Define new bodies, like the Indigenous Languages and Education Secretariat, in legislation.	Yellowknife (FR)	
	34 Human Rights Act	The <i>Human Rights Act</i> doesn't protect from discrimination based on language. Add languages as a protected ground under the <i>Human Rights Act</i> .	Yellowknife (FR)	
	35 Revitalization legislation	Consider revitalization legislation, with Nunavut's <i>Inuit Language Protection Act</i> as a starting point. Set up a roadmap to revitalize languages.	Yellowknife (FR) Fort Smith	
	36 Protection policy	Develop strong policy, not just legislation, on protecting linguistic communities.	Yellowknife (FR)	
Languages Commissioner	37 Language requirement	Require the Languages Commissioner to speak an Indigenous language.	Inuvik	
	38 Powers	Give authority to compel witnesses, produce documents, and issue binding orders. Provide administrative recourse and internal dispute-settlement mechanisms.	Yellowknife (FR)	
	39 Departmental assessments	Mandate the Commissioner to assess language performance of each public entity, using measurable indicators and reporting (e.g., number of bilingual positions).	Yellowknife (FR)	



Theme	Sub-theme	Comment	Where	Committee direction
	40 Under-performance	Years of underperformance have eroded the credibility of the office. Has not initiated an investigation since 2000 (Health). Receives few formal complaints. Annual report documents few violations. Commissioner should have at least 1 investigation on the go all the time. Provide Commissioner a framework on initiating investigations. Commissioner should engage in more public consultation.	Yellowknife (FR) Inuvik	
	41 Commissioner role	Legislation should better define the role: <ul style="list-style-type: none"> - Narrow the scope. - Broaden the scope. - Make the Commissioner more of an Ombud. - Set up the office as an administrative tribunal. - Repository of educational resources. 	Inuvik Yellowknife (FR) KFN Yellowknife (FR) Inuvik	
Languages Board	42 Board role	Clarify and redefine the role and purpose of the Board. Go beyond only review and advice.	Inuvik Yellowknife (IN) Yellowknife (FR)	
	43 Board membership	Fix the nomination process. Ensure representation from each of the 9 Indigenous language communities. Try to have representation from educators on the Board.	Yellowknife (FR) Inuvik	
	44 Board transparency	No transparency. Don't know what happens at meetings, what they're doing. Enhance transparency, including annual reports.	Yellowknife (FR)	
	45 Board independence	Board is organized by ILES, raises questions about its independence. Provide a better framework for the Board and proper resources to do its work.	Yellowknife (FR)	



Sur la bonne voie pour un Territoire aux multiples voix

Notre communauté franco-ténoise, représentée par la Fédération franco-ténoise, prône la persévérance, l'inclusion, la continuité, la collaboration et plus particulièrement le sentiment d'appartenance culturelle et linguistique.

Nous travaillons à :

- assurer la juste place des Franco-Ténois au sein de la collectivité de communautés linguistiques qui peuplent les Territoires du Nord-Ouest et en font la richesse par sa diversité;
- promouvoir le dynamisme de l'identité et du sentiment d'appartenance des Franco-Ténois;
- renforcer la francophonie ténoise;
- développer les capacités.

Nous sommes à un point décisif!

Les enjeux linguistiques sont de taille tant pour la communauté francophone que pour l'ensemble des autres communautés linguistiques minoritaires!

La nouvelle loi doit maintenir et renforcer l'objet de la présente loi par des mesures concrètes, transparentes et vérifiables

Au-delà des mesures prises depuis l'adoption de la LLO 1988 et des progrès réalisés pour préserver les langues minoritaires ou pour en renverser son déclin, de nouvelles politiques linguistiques et mesures législatives s'imposent. Comme décrit par l'intitulé de l'étude de 2002, nous sommes un territoire à plusieurs voix dont la survie n'est pas suffisante, il faut les voir s'épanouir! La LLO n'est pas une loi ordinaire, elle doit refléter à la fois la constitution des Territoires du Nord-Ouest, soit la Loi fédérale sur les Territoires du Nord-Ouest et le compromis social et politique dont nous sommes issus, ou tout au moins, un compromis dont nous sommes capables. La nouvelle loi doit aller au-delà des rapports, des conseils et des recommandations, elle doit lier l'État et imposer des mesures réalistes.

Il est maintenant temps de poser des gestes concrets qui conduiront la collectivité linguistique et culturelle des Territoires du Nord-Ouest vers une prochaine phase d'essor, de valorisation et d'intégration des langues officielles non seulement dans l'ensemble des institutions publiques, mais également dans le quotidien des résidents ténois, au sein de toutes les communautés linguistiques. Le gage futur pour les membres d'une communauté linguistique minoritaire est de vivre dans sa langue pour pouvoir la léguer à sa descendance. Nos enfants ne peuvent transmettre ce qu'ils n'ont pas reçu.

La Cour Suprême du Canada a décidé que les droits linguistiques doivent dans tous les cas être interprétés de façon compatible avec le maintien et l'épanouissement des collectivités de langue officielle au Canada (*Lavigne*¹ au par. 25). Autant les droits linguistiques prévus par la loi fédérale constituent un outil essentiel

¹ *Lavigne c. Canada* (Commissariat aux langues officielles) [2002] 2 RCS 773

au maintien des collectivités de langues officielles au Canada, autant les droits linguistiques émanent de la loi territoriale constituant un outil essentiel à la protection des communautés linguistiques minoritaires des Territoires du Nord-Ouest.

Proposition de plusieurs mesures concrètes afin d'améliorer la LLO

1. Imposer des obligations à l'État et rendre les institutions publiques imputables

La Cour Suprême du Canada a reconnu que l'égalité réelle est la norme applicable en droit canadien. L'égalité réelle « signifie notamment que les droits linguistiques de nature institutionnelle exigent des mesures gouvernementales pour leur mise en œuvre et créent, en conséquence, des obligations pour l'État ». ² Ces obligations peuvent prendre la forme de normes de service minimales, de critères d'embauche prioritaire à compétence égale, d'identification de postes bilingues, de contenu et d'offre linguistique dans les programmes et services.

2. Développer une politique forte sur la protection des communautés linguistiques

L'obligation de faire plus ne doit pas être uniquement considérée d'un point de vue juridique, elle doit être vue très clairement sous un angle politique. Les minorités linguistiques étant mieux informées sur leurs droits apportent une plus grande revendication de ceux-ci autant au niveau politique que sociaux-culturels. Cela s'exerce tant dans la façon dont elles s'organisent, mais également comment et pour qui elles votent.

3. Renforcer le rôle du Commissaire aux langues officielles

Les communautés linguistiques minoritaires des Territoires du Nord-Ouest ont besoin d'une loi plus dynamique. Écrire des rapports et recommandations — et combien la présente loi offre de multiples opportunités d'en rédiger — permettant au mieux d'assurer un maintien des acquis n'est pas suffisant, il faut aller de l'avant avec ses recommandations et les mettre en action. Au même titre que les pouvoirs du Commissaire de l'accès à l'information et de la protection de la vie privée qui ont été récemment renforcés, les mêmes pouvoirs, soit ceux d'instituer une contrainte des témoins et de production de documents ainsi que de rendre des ordonnances contraignantes devraient aussi être accordés au Commissaire aux langues officielles. Donnons le crédit à la présente LLO pour les importantes améliorations réalisées en matière de droits linguistiques pour les francophones et autochtones depuis 1988, mais n'oublions pas que certains progrès dont l'offre de services en français et l'accès à une éducation en français sont le fruit de décisions rendues par les Cours de justice. La loi s'avère un outil clef pour donner le coup d'élan et l'orientation à une politique de l'État. Parfois, le pouvoir de contrainte s'avère nécessaire à la réalisation de l'objet de la loi. Plus la loi offre des mécanismes de contrainte administrative internes, tels des recours auprès d'un ou une commissaire aux langues officielles, moins l'intervention des tribunaux de droit commun sera nécessaire. En clair, la nouvelle loi doit prévoir non seulement des droits, mais des moyens à l'intérieur de la LLO afin d'en assurer l'exécution. La nouvelle loi devrait prévoir des recours administratifs ainsi que des mécanismes internes de règlement. Si le

² *R c. Beaulac*, [1999] 1 RCS 768 au par 24, repris dans *Lavigne c. Canada* supra Note 1 au par 22

commissaire avait plus de pouvoir, les communautés n'auraient pas besoin d'avoir autant de recours aux tribunaux.

4. Instaurer un bilan linguistique avec des indicateurs mesurables

Des indicateurs mesurables et vérifiables ainsi que des objectifs doivent être instaurés ou ajoutés pour établir un bilan linguistique qui instaurera les bases pour un suivi des progrès, l'identification de carences et l'implantation de mesures correctives. Le bilan linguistique, inscrit dans les rapports annuels, devrait être dressé par et pour le commissaire aux langues officielles et il lui servira de fondement pour émettre des ordonnances à un organisme public, pour ainsi mieux le contraindre. Voici un pouvoir qui devrait également être ajouté dans la nouvelle législation sur les langues officielles. Ces indicateurs peuvent être des statistiques clefs tels que le nombre d'employés d'organismes publics et parapublics disposant d'une compétence linguistique fonctionnelle dans une langue officielle autre que l'anglais, le nombre de postes bilingues, les comparatifs de temps de réponse et délais pour les mêmes services rendus dans plusieurs langues, le pourcentage des postes affichés comportant une exigence linguistique ou une compétence linguistique constituant un atout.

5. Mobiliser le secteur public pour favoriser les compétences linguistiques

À compétence égale, il faudrait créer des débouchés pour ceux qui maîtrisent une langue autre que l'anglais. La portée de la loi doit être étendue aux organismes publics, municipaux et aux gouvernements locaux ainsi qu'à l'ensemble des commissions, administration, tribunaux administratifs (composition) et organismes indépendants recevant des fonds publics ou assurant des services aux publics. Au moment du recensement de 2016, plus de 3 300 personnes travaillaient pour les divers gouvernements à l'échelle locale, territoriale et fédérale. Selon le même recensement, les Territoires du Nord-Ouest comptaient 11 fois plus de personnes employées dans le secteur public comparativement à la proportion des travailleurs du secteur public dans le reste Canada. Le secteur public constitue donc un bras de levier important et un puissant moteur linguistique pour favoriser l'essor des langues officielles minoritaires par les politiques d'embauche par les compétences linguistiques. Il ne s'agit pas ici de remplacer l'embauche au mérite, mais bien de prioriser le recrutement, à compétences et expérience équivalente, les futurs employés qui sont en mesure de travailler et d'assurer des services dans une langue officielle autre que l'anglais. L'ensemble des postes affichés par le GTNO devraient obligatoirement comprendre, dans les compétences constituant un atout, la fonctionnalité dans une langue officielle.

Les secteurs à prioriser et l'offre active

La FFT souhaite à nouveau reconnaître les progrès appréciables réalisés au chapitre de la mise en œuvre de la loi. Cela dit, beaucoup de travail reste à faire pour atteindre pleinement les objectifs de la loi. Les secteurs à prioriser pour les améliorations futures sont ceux de la santé et de la petite enfance. Il faudra aller au-delà du cliché « Hello, Bonjour ». L'égalité réelle en matière de droits linguistiques c'est beaucoup plus qu'une formule de salutation répétée de façon aveugle. Il faut une offre active et le personnel disposant des compétences linguistiques pour le faire au sein des organismes publics.

L'importance de la LLO doit assurer le futur des communautés linguistiques minoritaires

La présente loi dote le français et l'anglais d'un statut, de droits et de privilèges égaux. De plus, elle vise à assurer que tous les groupes linguistiques des Territoires du Nord-Ouest, sans égard à leur langue première, ont la même chance d'obtenir un emploi et de participer aux institutions publiques et gouvernementales (GTNO) selon le principe de sélection du personnel basé sur le mérite. En somme, l'essor des langues officielles minoritaires est tributaire des opportunités offertes aux personnes qui maîtrisent ces langues. Elles peuvent être fières de connaître plus d'une langue et surtout d'en connaître une autre que celle de la majorité. Les opportunités offertes aux communautés linguistiques minoritaires dépendent fondamentalement des orientations et des obligations qui seront maintenues et créées par une nouvelle *Loi sur les langues officielles*.

Linda Bussey

Linda Bussey

Directrice générale

Fédération franco-ténoise

Jean-François Pitre

Jean-François Pitre

Président

Fédération franco-ténoise



On the Right Track to One Land – Many Voices

Our Northwest Territories (NWT) French-speaking community, represented by the Fédération franco-ténoise (FFT), is committed to fostering perseverance, inclusion, continuity, collaboration and, more particularly, a sense of cultural and linguistic belonging.

We work to:

- ensure that Francophones in the NWT can assume their rightful place in the linguistic communities that are scattered across the territory, making it richer through their diversity;
- support the vitality of Francophone residents of the NWT by contributing to their identity and sense of belonging;
- strengthen the NWT Francophonie;
- build capacity.

We are at a critical juncture.

The Francophone community and all of the other minority-language communities are facing formidable challenges.

A revamped *Official Languages Act* must maintain and strengthen the purpose of the existing legislation through specific, transparent and verifiable measures.

Beyond the measures that have been taken since the adoption of the *Official Languages Act* in 1988 and progress that has been made in preserving or halting the decline of minority languages, new language policies and legislative measures are needed. As suggested by the aforementioned title of the 2002 study, we are a land of many voices that must not only survive, but also thrive! The *Official Languages Act* is no ordinary statute. It has to reflect not only the constituting legislation of the Northwest Territories, i.e., the federal *Northwest Territories Act*, but also the social and political compromise of which we are a product, or at least, a compromise of which we are capable. A revamped statute has to go beyond reports, advice and recommendations. It has to be binding on the government and impose realistic measures.

The time has come to take specific measures that will lead the linguistic and cultural community of the Northwest Territories to the next phase of growth and recognition, and the inclusion of our official languages in all of our public institutions and in the day-to-day lives of residents in every linguistic community in the territory. For a minority-language community to ensure its continuity, its members have to be able to live in their language so they can pass it down to the next generation. Our children cannot pass on what has not been passed to them.

The Supreme Court of Canada ruled that language rights must, in all cases, be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada (*Lavigne*¹ at para. 25). Just as language rights included in the federal *Official Languages Act* are a vital tool

¹ *Lavigne v. Canada* (Office of the Commissioner of Official Languages) [2002] 2 SCR 773.

for preserving official-language communities in Canada, language rights emanating from the corresponding territorial statute are a critical vehicle for protecting minority-language communities in the Northwest Territories.

Proposed substantive measures to enhance the *Official Languages Act*

1. Impose obligations on the State and make public institutions accountable

The Supreme Court of Canada ruled that substantive equality is the applicable standard in Canadian law. Substantive equality “provides in particular that language rights that are institutionally based require government action for their implementation and therefore create obligations for the State.”² Those obligations could take the form of minimum service standards, priority hiring criteria for applicants of equal ability, identification of bilingual positions, and language content and offerings in programs and services.

2. Develop a strong policy on the protection of linguistic communities

The obligation to do more must not be considered solely from a legal perspective. It must be seen quite clearly from a political vantage point. If linguistic minorities are more knowledgeable about their rights, they will have a greater tendency to assert them politically and socioculturally. That in turn will be reflected not only in how they organize themselves, but also in how and for whom they vote.

3. Strengthen the role of the Languages Commissioner

Minority-language communities in the Northwest Territories need a more robust statute. Drafting reports and recommendations—for which the current legislation makes ample provision—that enable the communities at most to hang on to their gains is not enough. Those recommendations have to be implemented. Just as the powers of the Information and Privacy Commissioner were recently strengthened, so too should the Languages Commissioner have the authority, for example, to compel witnesses and the production of documents and to issue binding orders. Let us give credit to the current *Official Languages Act* for the significant improvements that have been achieved in the area of language rights for Francophones and Indigenous peoples since 1988. However, we must not forget that certain gains, such as the provision of services in French and access to justice in French, are the product of rulings handed down by our courts of law. Legislation is a key tool for giving momentum and direction to government policies. Sometimes, enforcement powers are needed to fulfil the purpose of legislation. The more the *Official Languages Act* provides for internal administrative enforcement mechanisms, such as recourse to a languages commissioner, the less the common-law courts will have to intervene. In other words, a revamped *Official Languages Act* must include not only rights, but also internal mechanisms for ensuring their implementation. A revamped statute should include administrative recourses and internal dispute-settlement mechanisms. If the Commissioner had more powers, the communities would not need to turn to the courts as often.

² *R v. Beaulac*, [1999] 1 SCR 768 at para. 24, applied later in *Lavigne v. Canada*, *supra* Note 1 at para. 22.

4. Establish an assessment of language performance with measurable indicators

Measurable and verifiable indicators and targets must be established or added to produce an assessment of language performance that will create a benchmark for monitoring progress, identifying deficiencies and taking corrective measures. Such an assessment, to be included in annual reporting, should be prepared by and for the Languages Commissioner to serve as a basis for issuing orders to public entities so as to be more compelling. That authority should also be included in a revamped *Official Languages Act*. The indicators could be key statistics, such as the number of employees of public and parapublic organizations who are able to function in an official language other than English, the number of bilingual positions, comparisons of response times and delays for the same services provided in several languages, and the percentage of job openings with language requirements or asset competencies.

5. Mobilize the public sector to promote language skills

Where there is equal merit, opportunities need to be created for persons proficient in languages other than English. The scope of the legislation should be expanded to include public organizations, municipal and local governments and all commissions, administrations, administrative tribunals (membership) and independent entities that receive public funding or provide service to the public. According to the 2016 Census, more than 3,300 people worked for governments at the local, territorial and federal level. The Census also showed that there were 11 times more people employed in the public sector in the Northwest Territories compared to other jurisdictions in Canada. The public sector is therefore a significant tool and powerful driving force for promoting the vitality of minority official languages through hiring policies based on language ability. It is not a question of replacing merit-based hiring, but rather of prioritizing the recruitment in future of employees with equivalent skills and experience who are able to work and provide services in an official language other than English. All positions advertised by the Government of the Northwest Territories should necessarily include the ability to function in an official language as an asset competency.

Priority sectors and active offer

The FFT wishes once again to acknowledge the significant progress that has been made in implementing the *Official Languages Act*. Nonetheless, much work remains to be done to fully achieve the objectives of the legislation. Health and early childhood should be singled out for future improvements. We have to move beyond the “Hello, bonjour” cliché. Substantive equality in language rights is much more than a mechanically repeated greeting. There has to be an active offer and staff with the language skills who can provide it in public institutions.

The *Official Languages Act* must secure the future of minority-language communities

The current legislation confers equal status, rights and privileges on English and French. It also seeks to ensure that all linguistic groups in the Northwest Territories, regardless of their first language, have equal opportunity to obtain employment and participate in public and territorial government institutions in accordance with the merit-based selection principle. In short, how well minority official languages do depends on the opportunities given to persons who master them. They can be proud to know more than one language and especially one other than the majority language. Opportunities for minority-language

communities depend fundamentally on the directions and obligations that will be created or maintained in a revamped *Official Languages Act*.

Linda Bussey

Linda Bussey

Executive Director

Fédération franco-ténoise

Jean-François Pitre

Jean-François Pitre

President

Fédération franco-ténoise

Calculating the GNWT's Indigenous-language funding gap

GNWT spending on French and Indigenous languages, 2021-22

Languages		Amount	Source
French*	TOTAL	\$9,565,158	Official Languages Annual Report (2021-22)
Indigenous**		\$9,306,074	Official Languages Annual Report (2021-22)
		\$12,057,488	
	TOTAL	\$21,363,562	

* Excludes DEC-sourced spending on French-language education programming. Staff identified \$3.9 million in such spending in the Public Accounts.

** Excludes department and agency spending to deliver services in Indigenous languages. According to the annual report, figures are not readily available.

Population of NWT language communities, 2021

Group	Population	Source
French speakers	4,395	Census 2021
Indigenous population	20,035	Census 2021

Gap calculation

If the GNWT increased Indigenous per-person funding to match French

Languages	Current spending per person	Gap per person	Total gap
French	\$2,176	-	
Indigenous	\$1,066	\$1,110	\$22.2 million

Chipewyan in the Northwest Territories

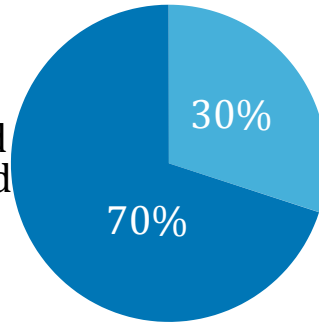
Understanding

1,515

Indigenous residents of the Northwest Territories can understand at least some

Chipewyan

70%
Can understand some words and phrases



30%
Can understand all conversations

Speaking

535

Indigenous NWT residents speak

Chipewyan

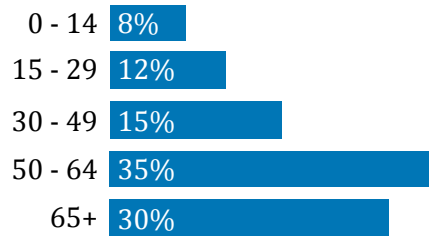
Most predominantly spoken in:



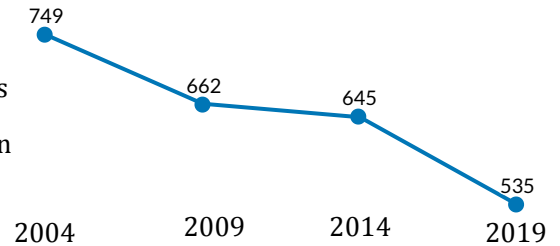
- Fort Resolution** - 30 %...
- Lutselk'e'** - 24 %...
- Fort Smith** - 14 %...

of Indigenous residents speak Chipewyan

By Age Group



The number of NWT Indigenous residents that speak Chipewyan



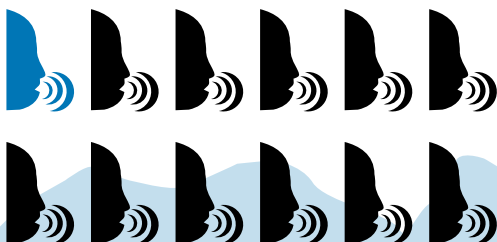
Learning

3,601

Of these, approximately 1 in 3 already understand at least some of the language



while 1 in 12 already speak it

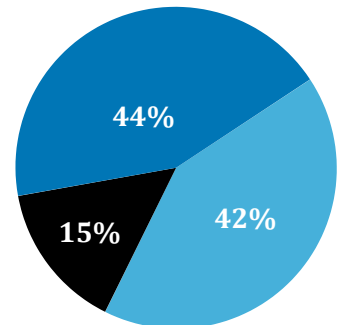


of NWT residents are interested in improving their conversation skills or learn to speak

Chipewyan



Of those interested in learning Chipewyan:



44% live in the Yellowknife Area

42% live in the South Slave

15% live elsewhere in the NWT

Notes:
1. Source: 2019 Community Survey, Bureau of Statistics



South Slavey in the Northwest Territories

Understanding

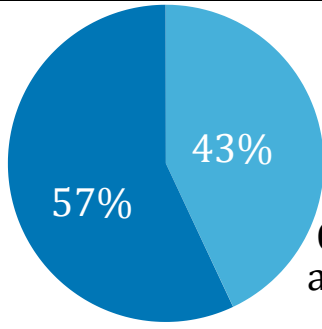
3,019

Indigenous residents of the Northwest Territories can understand at least some

South Slavey

57%

Can understand some words and phrases



43%

Can understand all conversations

Speaking

1,377

Indigenous NWT residents speak

South Slavey

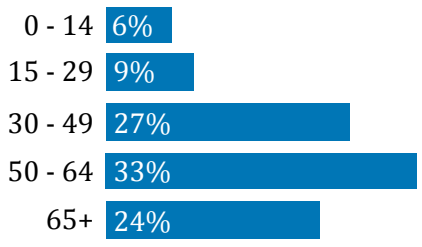
Most predominantly spoken in:



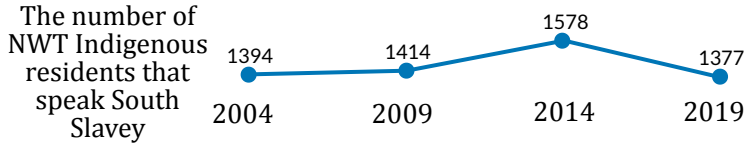
- Fort Providence - 22%...
- Fort Simpson - 19%...
- Fort Liard - 18%...

of Indigenous residents speak South Slavey

By Age Group



Historical Comparison



Learning

4,931

Of those interested in learning South Slavey:

Of these, approximately half already understand at least some of the language

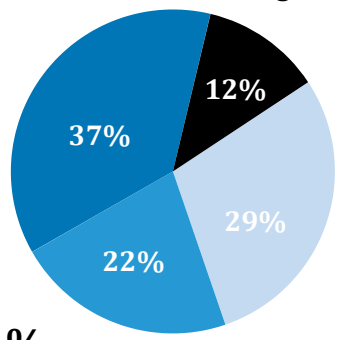


while 1 in 6 already speak it



of NWT residents are interested in improving their conversation skills or learn to speak

South Slavey



- 37% live in the Dehcho
- 29% live in the Yellowknife Area
- 22% live in the South Slave
- 12% live elsewhere in the NWT



Notes:
1. Source: 2019 Community Survey, Bureau of Statistics

Gwich'in

in the Northwest Territories

Understanding

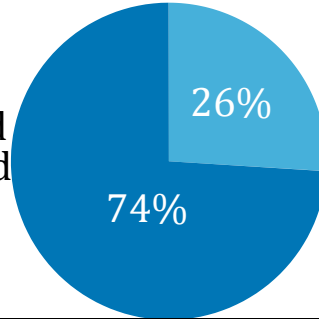
1,576

Indigenous residents of the Northwest Territories can understand at least some

Gwich'in

74%

Can understand some words and phrases



26%

Can understand all conversations

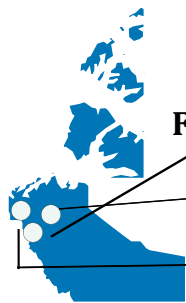
Speaking

290

Indigenous NWT residents speak

Gwich'in

Most predominantly spoken in:



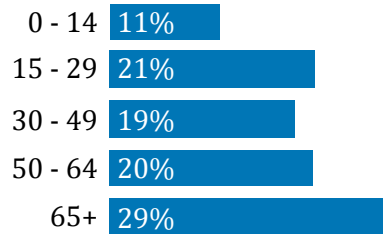
Fort McPherson - 43 %...

Inuvik - 29 %...

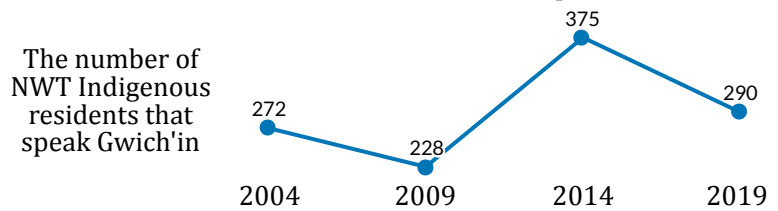
Aklavik - 11 %...

of Indigenous residents speak Gwich'in

By Age Group



Historical Comparison



Learning

3,772

Of these, approximately 3 in 8 already understand at least some of the language

of NWT residents are interested in improving their conversation skills or learn to speak

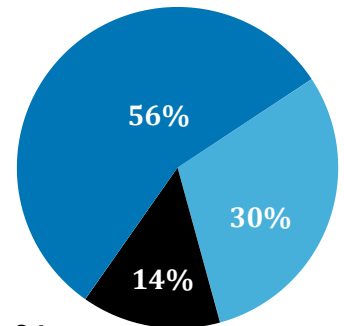
Gwich'in



while 1 in 15 already speak it



Of those interested in learning Gwich'in:



56% live in the Beaufort Delta

30% live in the Yellowknife Area

14% live elsewhere in the NWT

Notes:
1. Source: 2019 Community Survey, Bureau of Statistics



Inuinnaqtun

in the Northwest Territories

Understanding

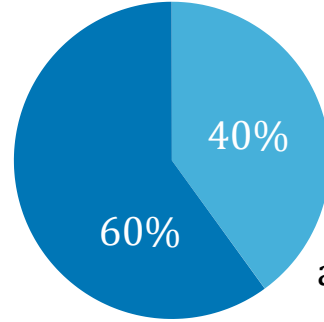
632

Indigenous residents of the Northwest Territories can understand at least some

Inuinnaqtun

60%

Can understand some words and phrases



40%

Can understand all conversations

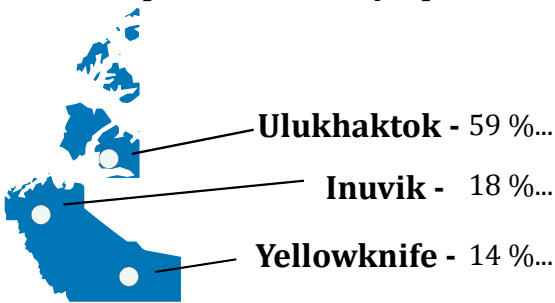
Speaking

259

Indigenous NWT residents speak

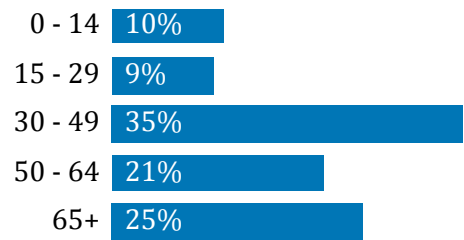
Inuinnaqtun

Most predominantly spoken in:

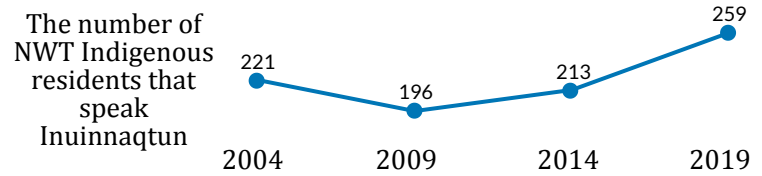


of Indigenous residents speak Inuinnaqtun

By Age Group



Historical Comparison



Learning

2,110

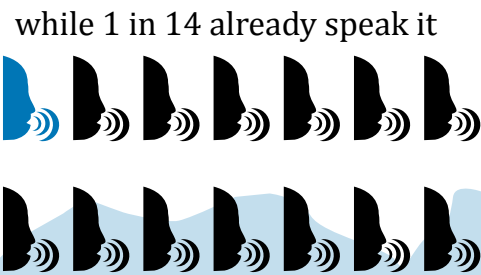
Of these, approximately

1 in 5 already understand at least some of the language

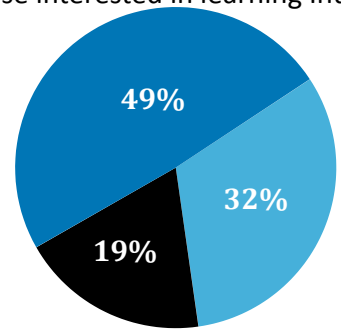


of NWT residents are interested in improving their conversation skills or learn to speak

Inuinnaqtun



Of those interested in learning Inuinnaqtun:



49% live in the Yellowknife Area

32% live in the Beaufort Delta

19% live elsewhere in the NWT

Notes:
1. Sources: 2019 Community Survey, Bureau of Statistics

Inuktitut in the Northwest Territories

Understanding

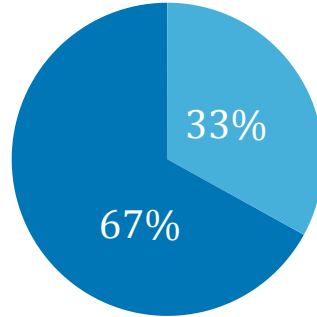
497

Indigenous residents of the Northwest Territories can understand at least some

Inuktitut

67%

Can understand some words and phrases



33%

Can understand all conversations

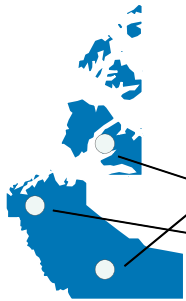
Speaking

175

Indigenous NWT residents speak

Inuktitut

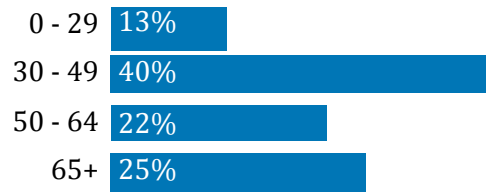
Most predominantly spoken in:



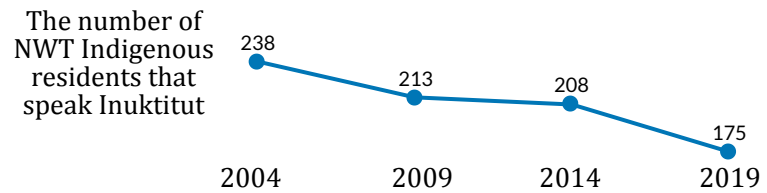
- Yellowknife - 37 %...
- Ulukhaktok - 21 %...
- Inuvik - 14 %...

of Indigenous residents speak Inuktitut

By Age Group



Historical Comparison



Learning

2,568

Of these, approximately 1 in 6 already understand at least some of the language

of NWT residents are interested in improving their conversation skills or learn to speak

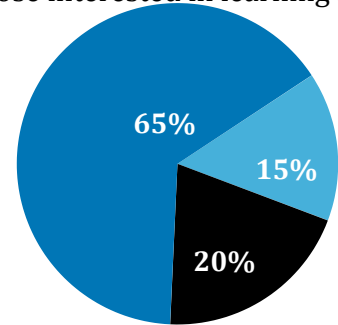
Inuktitut



while 1 in 30 already speak it



Of those interested in learning Inuktitut:



65 % live in the Yellowknife Area

15 % live in the Beaufort Delta

20 % live elsewhere in the NWT

Notes:
1. Source: 2019 Community Survey, Bureau of Statistics



Inuvialuktun

in the Northwest Territories

Understanding

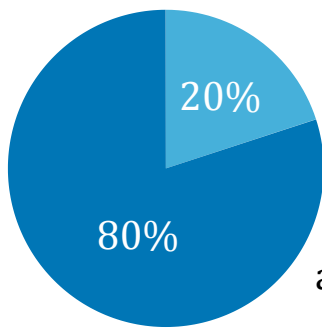
2,563

Indigenous residents of the Northwest Territories can understand at least some

Inuvialuktun

80%

Can understand some words and phrases



20%

Can understand all conversations

Speaking

555

Indigenous NWT residents speak

Inuvialuktun

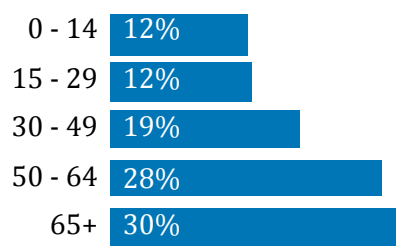
Most predominantly spoken in:



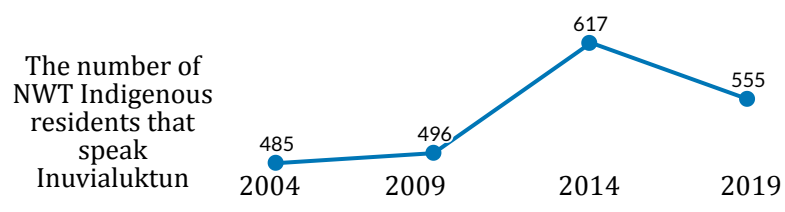
Inuvik - 36 %...
 Tuktoyaktuk - 22 %...
 Ulukhaktok - 16 %...

of Indigenous residents speak Inuvialuktun

By Age Group



Historical Comparison



Learning

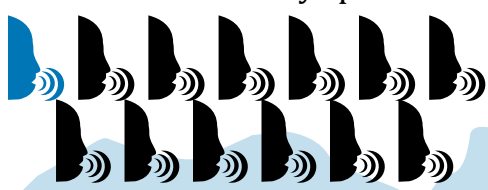
4,520

Of those interested in learning Inuinnaqtun:

Of these, approximately half already understand at least some of the language

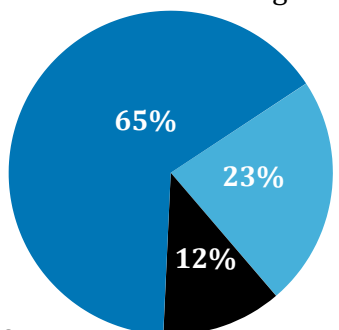


while 1 in 13 already speak it



of NWT residents are interested in improving their conversation skills or learn to speak

Inuvialuktun



65% live in the Beaufort Delta

23% live in the Yellowknife Area

12% live elsewhere in the NWT



Notes:
1. Source: 2019 Community Survey, Bureau of Statistics

Cree in the Northwest Territories

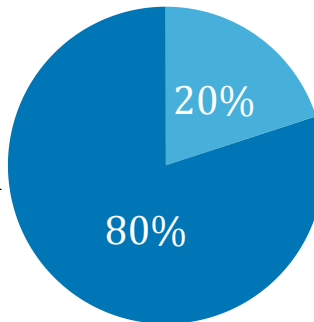
Understanding

891

Indigenous residents of the Northwest Territories can understand at least some

Cree

80%
Can understand some words and phrases



20%
Can understand all conversations

Speaking

256

Indigenous NWT residents speak

Cree

Most predominantly spoken in:



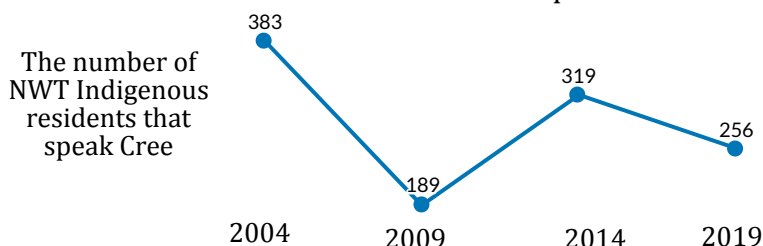
- Fort Smith - 43 %...
- Hay River - 24 %...
- Yellowknife - 6 %...

of Indigenous residents speak Cree

By Age Group



Historical Comparison



Learning

3,466

Of these, approximately 1 in 6 already understand at least some of the language

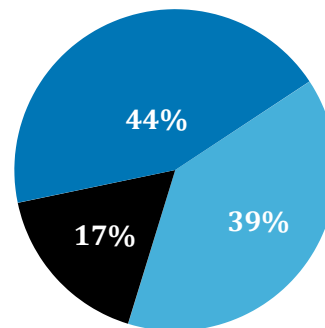


of NWT residents are interested in improving their conversation skills or learn to speak

Cree



Of those interested in learning Cree:



44% live in the Yellowknife Area

39% live in the South Slave

17% live elsewhere in the NWT

Notes:
1. Source: 2019 Community Survey, Bureau of Statistics



North Slavey in the Northwest Territories

Understanding

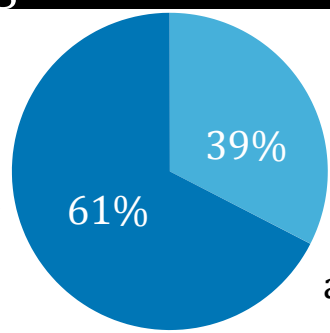
2,587

Indigenous residents of the Northwest Territories can understand at least some

North Slavey

61%

Can understand some words and phrases



39%

Can understand all conversations

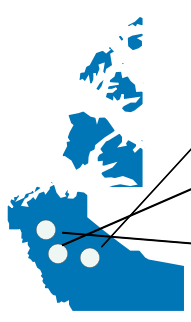
Speaking

1,078

Indigenous NWT residents speak

North Slavey

Most predominantly spoken in:



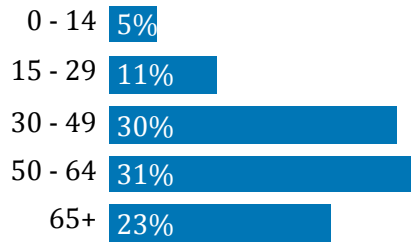
Délıne - 30%...

Tulita - 15%...

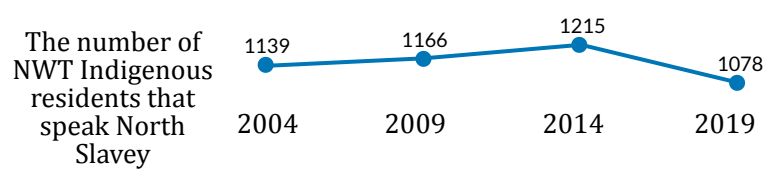
Fort Good-Hope - 10%...

of Indigenous residents speak North Slavey

By Age Group



Historical Comparison



Learning

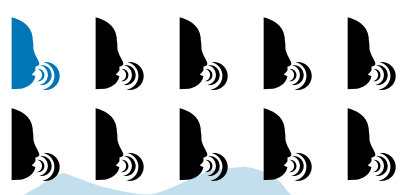
4,595

Of those interested in learning North Slavey:

Of these, approximately 2 in 5 already understand at least some of the language

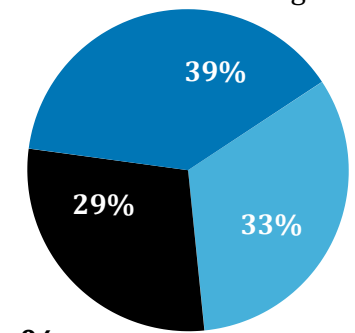


while 1 in 10 already speak it



of NWT residents are interested in improving their conversation skills or learn to speak

North Slavey



39% live in the Yellowknife Area

33% live in the Sahtu

29% live elsewhere in the NWT



Notes:
1. Source: 2019 Community Survey, Bureau of Statistics

Tłıchǫ in the Northwest Territories

Understanding

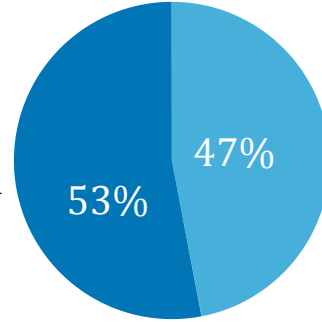
4,233

Indigenous residents of the Northwest Territories can understand at least some

Tłıchǫ

53%

Can understand some words and phrases



47%

Can understand all conversations

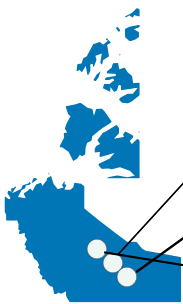
Speaking

2,253

Indigenous NWT residents speak

Tłıchǫ

Most predominantly spoken in:



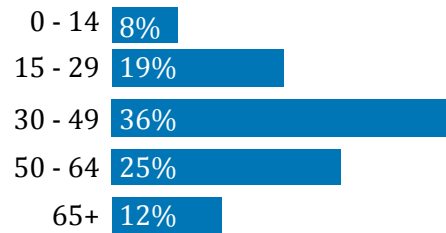
Behchokò - 42 %...

Yellowknife - 22 %...

Whatì - 13 %...

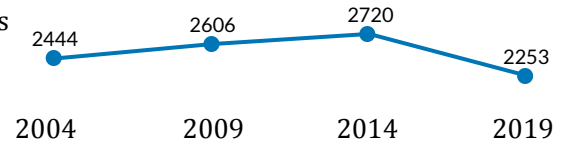
of Indigenous residents speak Tłıchǫ

By Age Group



Historical Comparison

The number of NWT Indigenous residents that speak Tłıchǫ



Learning

6,940

Of these, approximately

half already understand at least some of the language



while 1 in 4 already speak it

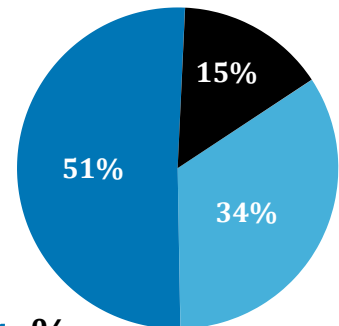


of NWT residents are interested in improving their conversation skills or learn to speak

Tłıchǫ



Of those interested in learning Tłıchǫ:



51 % live in the Yellowknife Area

34 % live in the Tłıchǫ

15 % live elsewhere in the NWT

Notes:
1. Source: 2019 Community Survey, Bureau of Statistics

