

Standing Committee on
Government Operations



Report on the Review of the 2021-2022 Annual Report of the Ombud

19th Northwest Territories Legislative Assembly

Chair: Mr. Rylund Johnson

**MEMBERS OF THE STANDING COMMITTEE ON
GOVERNMENT OPERATIONS**

Rylund Johnson
MLA Yellowknife North
Chair

Frieda Martselos
MLA Thebacha
Deputy Chair

Caitlin Cleveland
MLA Kam Lake

Richard Edjericon
MLA Tu Nedhé-Wiilideh

Lesa Semmler
MLA Inuvik Twin Lakes

Alternates

Jackie Jacobson
MLA Nunakput

Kevin O'Reilly
MLA Frame Lake

September 28, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2021-2022 Annual Report of the Ombud* and commends it to the House.



Mr. Rylund Johnson
Chair, Standing Committee on Government Operations

STANDING COMMITTEE ON GOVERNMENT OPERATIONS
REPORT ON THE REVIEW OF THE 2021-2022 ANNUAL REPORT OF THE
OMBUD

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the 2021-2022 Annual Report of the Ombud.¹

The *Ombud Act* requires the Ombud to prepare an annual report. The report includes information on the number of inquiries and complaints received. It can also include recommendations. The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report. As part of the review the Ombud, Ms. Colette Langlois, appeared before Committee on June 27, 2023.²

The Ombud has released three annual reports since setting up her office in 2019. In that time, the Ombud has shown leadership in navigating the challenges and complexities that come with launching a first-time institution. Her dedication to the principles of fairness, competence at managing an increasing workload, and accessible communication have laid a foundation for an effective Ombud office that residents can trust. Committee commends the Ombud for her hard work and high standard of public service.

OMBUD'S RECOMMENDATION ADDRESSED IN PRIVATE MEMBER'S BILL

The Ombud made one recommendation in her annual report: To allow the Ombud to investigate complaints going further back in time, to April 1999.³

The Ombud already made this recommendation in her first annual report, in 2019-2020.⁴ It was one of fourteen recommendations at the time. The Ombud prioritized repeating this recommendation because it impacts the public and whether she can accept their complaints. Committee also endorsed this recommendation in a previous review report.⁵

After the Ombud submitted her annual report, the Legislative Assembly passed Bill 61: *An Act to Amend the Ombud Act* (Bill 61).⁶ Bill 61 was a private member's bill sponsored by the Member for Yellowknife North. The Bill effectively implemented the Ombud's recommendation by extending her temporal jurisdiction back to April 1999. Committee supported this change,⁷ which came into effect in July 2023. Committee appreciates the Ombud's persistence in advocating for this change and the initiative from the Member for Yellowknife North for bringing forward this change.

In her presentation, the Ombud said she would “repackage” the outstanding recommendations from her first annual report in her next annual report, for 2022-2023. Committee welcomes this input and encourages the next Assembly to consider the recommendations. We note that the Government of the Northwest Territories (GNWT) has also “agree[d] to a review of the [*Ombud Act*] in the first two years of the 20th Assembly.”⁸

SUGGESTION TO LOOK INTO UNFAIR HIRING PRACTICES

During the 19th Assembly, Committee’s priority has been to increase the representation of Indigenous people at all levels of the public service.⁹ A key aspect to that work has been to identify barriers to achieving a representative public service. In every community Committee visited, there were residents who felt that the GNWT’s existing *Affirmative Action Policy* is not being followed consistently.

Committee discussed this issue with the Ombud at the public briefing. We asked what the Ombud could do to help Indigenous residents who feel unfairly treated in a GNWT hiring competition. The Ombud explained that she could not investigate whether discrimination is occurring because that work infringes on the mandate of the Human Rights Commission. But she said she can investigate other unfair hiring practices – such as whether the hiring process was followed properly, or whether enough information was provided to an applicant.

The Ombud was open to a broader investigation on unfair hiring processes. She reported that hiring is the subject of 5 per cent of case files, a rate she characterized as “pretty significant”. Given these statistics and the public’s interest in the issue, Committee encourages the Ombud to investigate systemic issues in the GNWT’s hiring practices. We recognize the timing of such an investigation is complicated by the government’s plan to replace the *Affirmative Action Policy* with a new *Indigenous Employment Policy*.¹⁰ Nevertheless, Committee hopes the Ombud will examine unfair hiring practices sooner rather than later.

OMBUD MAY NEED MORE RESOURCES FOR GROWING WORKLOAD

At the public review, the Ombud was concerned her office lacked capacity to fulfill its mandate. The office’s current complement of three staff, including the Ombud herself, manages between 150 and 200 case files per year. They also initiate investigations and provide public education. However, due to capacity constraints, the Ombud warned that she may need to start “triaging” which investigations to pursue. The Ombud also indicated she has “no capacity” to accept referrals from the Legislative Assembly, municipal

governments, or Indigenous governments. This duty has been mandated in the *Ombud Act* since January 2022.^{11,12}

Committee believes the Ombud's office should have the resources it needs to fulfill all aspects of its mandate. We note that the Ombud's capacity may be further strained with the recent coming into force of Bill 61. Bill 61 expanded the list of authorities that fall within the Ombud's mandate and allows the Ombud to investigate complaints going further back in time, to April 1999. Committee encourages the new Board of Management in the 20th Assembly to consider the Ombud's concerns.

CONCLUSION

This concludes the Standing Committee on Government Operations' *Report on the Review of the 2021-2022 Annual Report of the Ombud*.

NOTES

¹ Available at: https://www.ntassembly.ca/sites/assembly/files/td_713-192.pdf.

² Available at: <https://youtu.be/3UTJZ0VdoTo?list=PLZiv8ITEMg4cxlwqCQJdi9JfF5J-BhMPg&t=3846>. The Legislative Assembly uploads video recordings of public meetings and other special events to its Youtube channel.

³ Specifically, the Ombud recommended “that subsection 17(3) [of the *Ombud Act*] be replaced with a provision that authorizes the Ombud to investigate matters that occurred after April 1, 1999.” Available at: https://www.ntassembly.ca/sites/assembly/files/td_713-192.pdf#page=34.

⁴ Available at: https://www.ntassembly.ca/sites/assembly/files/td_178-192.pdf#page=44.

⁵ Specifically, in the review report on the Ombud’s 2020-2021 Annual Report, Committee recommended a review of each recommendation in the Ombud’s 2019-2020 Annual Report. Committee echoed the Ombud’s emphasis on the value of extending her temporal jurisdiction. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_34-192_-_scogo_report_on_the_review_of_the_2020-2021_annual_report_of_the_ombud.pdf#page=7.

⁶ Available at: https://www.justice.gov.nt.ca/en/files/bills/19/2023.2/Bill_61.pdf.

⁷ A summary of Committee’s review of changing the Ombud’s temporal jurisdiction is available in a Committee report. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_40-192_-_scogo_report_on_bill_61_an_act_to_amend_the_ombud_act_0.pdf#page=8.

⁸ The GNWT made this commitment in response to a Committee recommendation. More context is available at: https://www.ntassembly.ca/sites/assembly/files/td_841-192_0.pdf.

⁹ More information on Committee’s priority is available at: <https://www.ntassembly.ca/documents-proceedings/news-releases/standing-committee-government-operations-focuses-representative>.

¹⁰ More information on the government’s review of the *Affirmative Action Policy* is available at: <https://haveyoursay.nwt-tno.ca/review-of-affirmative-action-policy>.

¹¹ Specifically, the Ombud’s duty to consider referrals comes from Section 16 of the *Ombud Act*. Available at: https://www.justice.gov.nt.ca/en/files/legislation/ombud/ombud_a.pdf#page=11.

¹² Section 16 of the *Ombud Act* came into force on January 28, 2022. Notice was provided in the Northwest Territories Gazette, Volume 43, No. 1. Available at: https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2022/01_2.pdf#page=4.