



**Government of the Northwest Territories Response to Committee**  
**Report 13-20(1): Report on the Review of the 2023-24 Annual Report of the Northwest**  
**Territories Official Languages Commissioner**

**Background**

The Standing Committee on Government Operations (SCOGO) released the Report on the Review of the 2023-2024 Annual Report of the Northwest Territories Languages Commissioner (the Report) on October 22, 2024.

The report provides four (4) recommendations for the Government of the Northwest Territories (GNWT), one (1) recommendation to the Premier of the Northwest Territories, and one (1) recommendation to the Legislative Assembly.

Responses to the recommendations made by SCOGO were addressed by the Department of Education, Culture and Employment (ECE), and are outlined as follows:

**Recommendation 1**

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

*GNWT Response*

The Languages Commissioner, SCOGO and the GNWT all share the same goal of improving access to services in French and Indigenous languages across the territory. The Department of ECE will carefully consider this recommendation as it determines how best to implement the concept of “significant demand” in a way that is both applicable to all distinct communities and supports all minority languages of the Northwest Territories (NWT).

ECE has been actively addressing Recommendation 1 of the SCOGO *Committee Report 49-19(2): Report on the 2021-2022 Review of the Official Languages Act* that relates to the concept of significant demand<sup>1</sup>. The recommendation was as follows:

*“That Government of the Northwest Territories recognize the right of each resident to receive services in the official language of their choice.*”

<sup>1</sup> The Languages Commissioner’s 2023-2024 Annual Report on Official Languages erroneously stated that “the GNWT has yet to responded (*sic*) to the report and recommendations at the end of this report period”. GNWT’s full response to SCOGO’s Report on the 2021-2022 Review of the *Official Languages Act* was tabled on May 29, 2023 (TD 937-19(2)).

*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.”*

The Minister of ECE, through the Francophone Affairs Secretariat and the Indigenous Languages Secretariat, is responsible for coordinating the delivery of official language services throughout government. The Official Languages Policy also sets out “Official Languages Guidelines” which are written instructions that establish specific responsibilities with respect to the use of official languages in the delivery of GNWT programs and services. ECE is undergoing work to replace the Official Languages Guidelines Manual with four guiding documents<sup>2</sup>: the *GNWT Strategic Plan on French Language Communications and Services*, *GNWT Standards on French Language Communications and Services*, *Indigenous Language Communications Guidelines*, and *Indigenous Languages Services Standards* (forthcoming).

The following outlines the use of “significant demand” as it relates to both French and Indigenous language communication and services under the *Official Languages Act* and supporting documents:

#### Significant demand and French language communications and services

Section 11 (1) of the *Official Languages Act* indicates that any head or central offices, regardless of their location, and any other office in Fort Smith, Hay River, Inuvik and Yellowknife, must provide both communications and services in French. Additionally, the *Government Institution Regulations* set out that there is significant demand for communications with, and services to, the public in both English and French from an office of a government institution located in the aforementioned four communities. Further, the regulations list all institutions to which this applies, alongside departments, ministries and the Office of the Legislative Assembly.

#### Significant demand and Indigenous languages communications

The communications requirements for French and Indigenous languages are distinct: Section 8 of the *Official Languages Act* sets out unique obligations for providing “instruments in writing”, i.e. communications materials to the colonial languages recognized by the federal government and the Indigenous languages native to the NWT.

As such, the *Indigenous Languages Communications Guidelines*, under the *Official Languages Act*, identifies community languages and provides references and learning tools for GNWT employees to engage respectfully with Indigenous people, and recognize where languages were traditionally spoken when creating communications materials across the territory. The *Indigenous Languages Communications Guidelines* encourage departments to “[make effort] to provide communications materials in the Indigenous language(s) spoken in the community and in the preferred dialect.”

#### Significant demand and Indigenous languages services

---

<sup>2</sup> Work has begun in ECE to update to the GNWT Official Languages Policy following the release of the Indigenous Languages Services Standards to reflect this change.

The forthcoming *Indigenous Languages Services Standards* will outline advice, recommendations, and operational actions that GNWT employees and departments can take to provide services and programs in Indigenous languages effectively and ensure compliance with the *Official Languages Act*. These go beyond the concepts of significant demand and nature of office to create a regime where, with planning and effort, departments and government institutions can provide services in Indigenous languages through mechanisms such as direct service, facilitation or referral, interpretation services, and follow-up services. Residents' ability to access these mechanisms to communicate with and receive services from government institutions in Indigenous languages is not contingent upon meeting any criteria for significant demand.

## Recommendation 2

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

### *GNWT Response*

The following outlines GNWT progress and planned updates for official languages regulations, policies and guidelines.

#### 1. Regulations

Under the *Official Language Act*, the *Official Languages Board Regulations* went through substantive changes in 2023 as the former Aboriginal Languages Revitalization Board amalgamated with the Official Languages Board. Additionally, the *Government Institutions Regulations* were last updated in 2017. ECE maintains a list of further updates required for the *Government Institutions Regulations* that will be addressed following updates to language guidelines and policies.

#### 2. Policies

ECE is currently working to develop recommendations for amendments to *Executive Council Policy 71.10 Official Languages* following the release of the *Indigenous Languages Services Standards*. There is also the potential for ECE to provide input on *Policy 71.00 ECE Establishment Policy* when it is next updated by the Department of Executive and Indigenous Affairs. Updates to both the *Official Language Policy* and *ECE Establishment Policy* will provide an opportunity to strengthen and clarify the roles and responsibilities of ECE with respect to official languages.

#### 3. Guidelines

Following the implementation of the *Indigenous Languages Service Standards*, which will update GNWT guidelines, ECE intends to repeal and replace the Official Languages Guidelines Manual.

### Recommendation 3

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

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

### *GNWT Response*

The GNWT will consider this recommendation as it moves forward with updates to regulations and policies related to official languages. However, ECE will note that listing all head, central, regional, area and community offices in regulatory or guiding documents is not feasible to include in documents which require significant administrative work to update, as the specific offices can change frequently based on population shifts and operational decisions of departments and government institutions.

ECE has reached out to the Department of Finance to determine whether there is a GNWT classification system established to identify head, central, regional, community, and area offices. ECE was informed that each department establishes their own classification system to meet the needs of the government institution. For example, the Department of Infrastructure, the Chief Electoral Officer, or the Liquor Licensing Board, may each establish different regions, or areas, based on the specific operations of their department or government institution. Each government institution is best suited to know the programs and clientele they serve and to be responsive to the official languages needs of the communities and regions they serve.

### Offices required to provide services in French

Section 11 (1) of the *Official Languages Act* sets out that *all* head or central offices of departments, ministries, the Office of the Legislative Assembly, and government institutions are required to communicate with and provide services in English and French regardless of their location, type of service, concepts of significant demand, and nature of office.

Section 11 (1), within the bounds of clauses (a) and (b) further sets out that any other office (ie. community, regional and area offices) within the communities of Fort Smith, Hay River, Inuvik and Yellowknife is also required to communicate with and provide services in French, if the office generally serves the public and, in respect to those services, is a central-services point or a referral centre providing services to the public of the whole of the NWT.

### Offices required to communicate with and provide services in Indigenous languages

The forthcoming *Indigenous Languages Services Standards* will outline the procedure and requirements to provide services in Indigenous languages at any office of government institutions. These standards are intended to provide the tools necessary for all offices of government institutions to provide services in all Indigenous languages.

#### Recommendation 4

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

#### *GNWT Response*

All GNWT budgets are approved by Cabinet. Each department is responsible for the delivery of their programs and services in accordance with *Executive Council Policy 71.10 Official Languages* and the related guiding documents (*Strategic Plan on French Language Communications and Services*, *French Language Communications and Services Standards*, *Indigenous Language Communications Guidelines*, and *Indigenous Languages Services Standards* (forthcoming)). Departments are responsible for allocating necessary funding and resources to ensure application of the Official Languages Policy. Deputy Heads are responsible for establishing levels of service in official languages and for commitments under the *Official Languages Act*, as well as deciding how official language services are provided within their department or agency. Departmental and agency spending on Indigenous languages programs and services is reported each year in the *Annual Report on Official Languages*.

The forthcoming *Indigenous Languages Services Standards* will ensure speakers of the NWT's official Indigenous languages have access to government services in their language within the existing fiscal and human resource capacity of the Indigenous Languages Secretariat.

ECE works within a Cabinet approved 2024-2025 budget of \$20.3 million to support Indigenous language education, revitalization, and services. As SCOGO identified in *Committee in Report 13-20(1): Report on the Review of the 2023-24 Annual Report of the Northwest Territories Official Languages Commissioner*, most of the Indigenous language funding is distributed directly to external partners. The chart in Appendix A illustrates how Indigenous language funding is distributed. Of the \$20.3 million, \$12.2 million is distributed to Education Bodies, leaving the Indigenous Languages Secretariat with \$8.1 million.

Of the Indigenous Languages Secretariat's \$8.1 million, \$6.5 million is directly transferred to partners and programs that support Indigenous language revitalization, and \$1.4 million is allocated to salaries and Operations and Maintenance, which includes funding for administration of the Official Languages Board, Indigenous Languages Month, translations, and other incidental costs.

#### Recommendation 5

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

#### *GNWT Response*

The GNWT takes this recommendation under advisement. ECE will work closely with other departments to clarify roles and responsibilities throughout the roll-out of the Indigenous Language Service Standards. ECE will also engage with the Department of Executive and Indigenous Affairs and the Department of Finance when updating policies to ensure that the roles and responsibilities of the departments, Ministers, and Executive Council are identified.

Currently, several documents lay out the roles and responsibilities held by various departments and Ministers regarding official languages (Appendix B). Much of the work to clarify the roles and responsibilities to ensure all eleven official languages are treated equitably can be done through collaboration between the departments who are responsible for the policies. The *GNWT Strategic Plan on French Language Communications and Services* and forthcoming *Indigenous Languages Services Standards* further detail the roles and responsibilities, as well as provide guidance to specific units and employees who have key roles in official language communications and services.

The Premier of the NWT has the authority to assign portfolios. In the past, the portfolio of Minister responsible for Official Languages has been formally assigned to the Minister of ECE. There are additional official language responsibilities placed on the Minister responsible for Official Languages through the *Official Languages Act*, and the Minister of ECE through the *Official Languages Policy* and *ECE Establishment Policy* which, when compared side-by-side, are similar. The department will work with EIA and the Premier to discuss whether or not further clarification is required to address this concern.

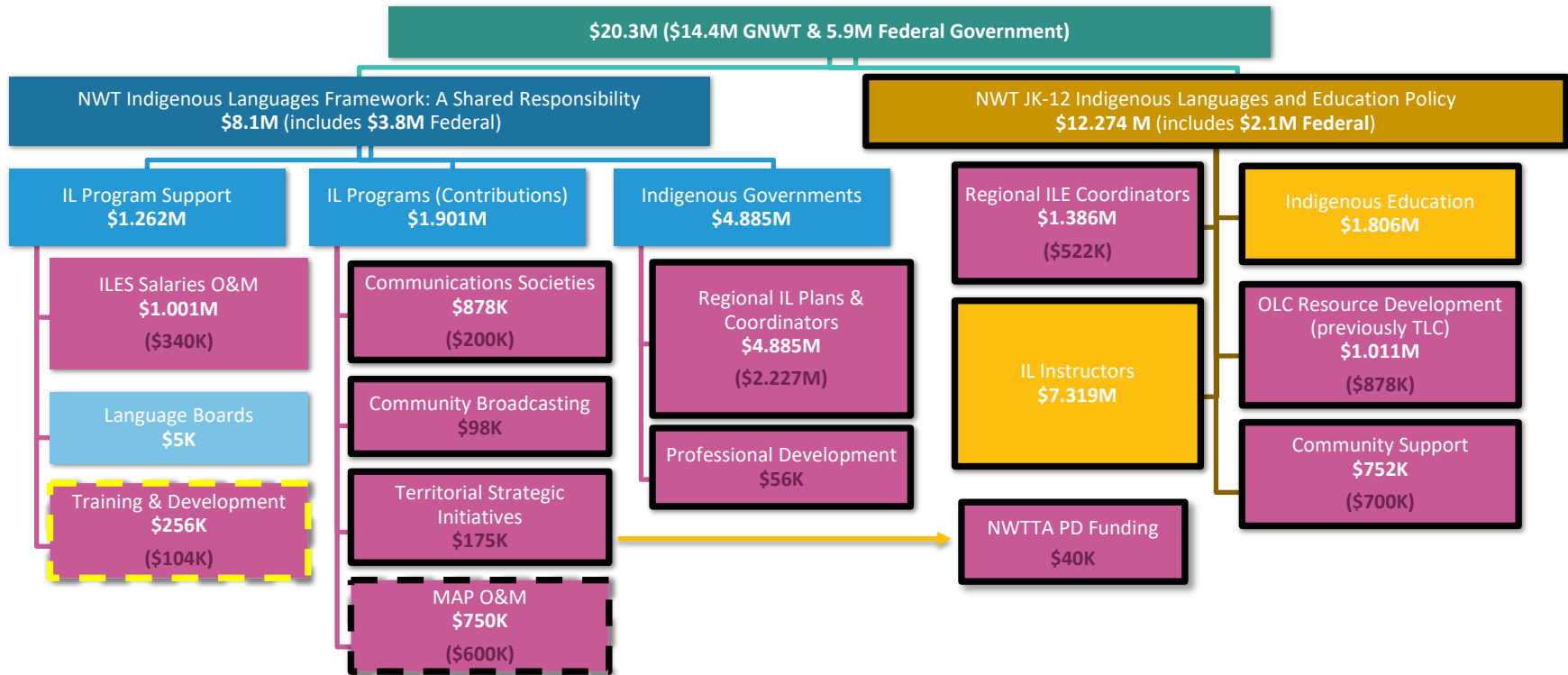
#### Recommendation 6

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

#### *GNWT Response*

This recommendation is directed to the Legislative Assembly. The Department of ECE will reach out to the Legislative Assembly to ensure their awareness of this recommendation.

# Appendix A – ECE Indigenous Languages Funding (2024-25 Budget)



## Legend:

Pink – Funded by GNWT and Federal

Yellow (Right side) – Money that goes to Education Bodies

Blue (Left side) – Money allocated to the Indigenous Languages Secretariat

Black outline – Money that is distributed directly to external partners

Black dash outline (MAP) – Money is used to administer Mentor-Apprentice Program. A portion of these funds is distributed directly through Indigenous Governments to program participants, a portion of this money is for staff salaries.

Yellow dash outline (Training & Development) – Money is used to administer the Indigenous Languages Revitalization Scholarship and training opportunities for interpreters and translator, and regional coordinator meetings.

## Appendix B – Official languages roles and responsibilities established in legislation and policy

Document	Role	Responsibility
Official Languages Act	Commissioner of NWT	<ul style="list-style-type: none"> <li>Make regulations as per section 34 of the <i>Official Languages Act</i>, on the recommendation of Executive Council</li> </ul>
Official Languages Act	Minister responsible for Official Languages	<ul style="list-style-type: none"> <li>Responsibility for the <i>Official Languages Act</i> and general direction and coordination of the policies and programs of the Government of the Northwest Territories that relate to Official Languages.</li> <li>Oversee the development of policies and regulations necessary to implement the <i>Official Languages Act</i>.</li> <li>Promote the use of official languages in the administration and delivery of programs and services by government institutions.</li> <li>Encourage the maintenance and revitalization of Indigenous languages.</li> <li>Recommend to the Commissioner in Executive Council members and alternates to the Official Languages Board.</li> </ul>
Education, Culture and Employment Establishment Policy	Minister of Education, Culture and Employment	<ul style="list-style-type: none"> <li>Promote and support the enhancement and preservation of the languages, cultures and heritage of the NWT including responsibility for the <i>Official Languages Act</i>.</li> </ul>
Official Languages Policy	Executive Council	<ul style="list-style-type: none"> <li>Issue Official Language Policy.</li> <li>Make exceptions and approve revisions to the Official Languages Policy.</li> <li>Approve Official Languages Guidelines and amendments to the Guidelines.</li> </ul>
Official Languages Policy	Minister of Education, Culture and Employment	<ul style="list-style-type: none"> <li>Accountable to Executive Council to implement the Official Languages Policy.</li> <li>Coordinate the delivery of official languages services throughout government.</li> <li>Recommend amendments and exceptions to the Official Languages Policy to the Executive Council.</li> <li>Recommend Official Languages Guidelines and amendments to the Guidelines to the Executive Council.</li> </ul>
Official Languages Policy	Other Ministers	<ul style="list-style-type: none"> <li>Responsible for the delivery of programs and services of their departments, and for boards and agencies for which they are responsible, in accordance with the <i>Official Languages Act</i>, and Official Languages Policy.</li> </ul>
Official Languages Policy	Deputy Heads	<ul style="list-style-type: none"> <li>Accountable to Ministers for the application of the Official Languages Policy and Guidelines.</li> </ul>
Bilingual Designation Policy	Financial Management Board	<ul style="list-style-type: none"> <li>Authority to issue Bilingual Designation Policy.</li> </ul>



		<ul style="list-style-type: none"> <li>• Authority to make exceptions and approve revisions to the Bilingual Designation Policy.</li> <li>• Approve the Bilingual Designation Policy.</li> </ul>
<b>Bilingual Designation Policy</b>	Minister of Finance	<ul style="list-style-type: none"> <li>• Accountable to the Financial Management Board for the implementation of the Bilingual Designation Policy.</li> <li>• Recommend amendments and exceptions to the Bilingual Designation Policy to the Financial Management Board.</li> </ul>
<b>Bilingual Designation Policy</b>	Deputy Minister of Finance	<ul style="list-style-type: none"> <li>• Accountable to the Minister for the administration of Bilingual Designation Policy.</li> <li>• recommend Bilingual Designation Guidelines and amendments to the Minister. These guidelines may include: <ul style="list-style-type: none"> <li>i. a process to designate positions within the public service as bilingual required;</li> <li>ii. a process to evaluate and assess employee language proficiency; and</li> <li>iii. a process to determine whether an employee in a non-Bilingual Required position will be designated as Bilingual Preferred.</li> </ul> </li> </ul>
<b>Bilingual Designation Policy</b>	Ministers	<ul style="list-style-type: none"> <li>• Ministers are responsible for ensuring that all staffing in the departments, boards and agencies for which they have responsibility is carried out in accordance with the Bilingual Designation Guidelines.</li> </ul>
<b>Bilingual Designation Policy</b>	Deputy Heads	<ul style="list-style-type: none"> <li>• Deputy Heads are accountable to their respective Ministers for the application of the Bilingual Designation Guidelines.</li> </ul>
<b>Bilingual Designation and Bonus Guidelines and Human Resource Manual</b>	Deputy Heads	<ul style="list-style-type: none"> <li>• Responsible for establishing levels of service in official languages and for commitments under the <i>Official Languages Act</i>.</li> <li>• Deputy Heads decide how official language services are provided within their Department or Agency.</li> </ul>