

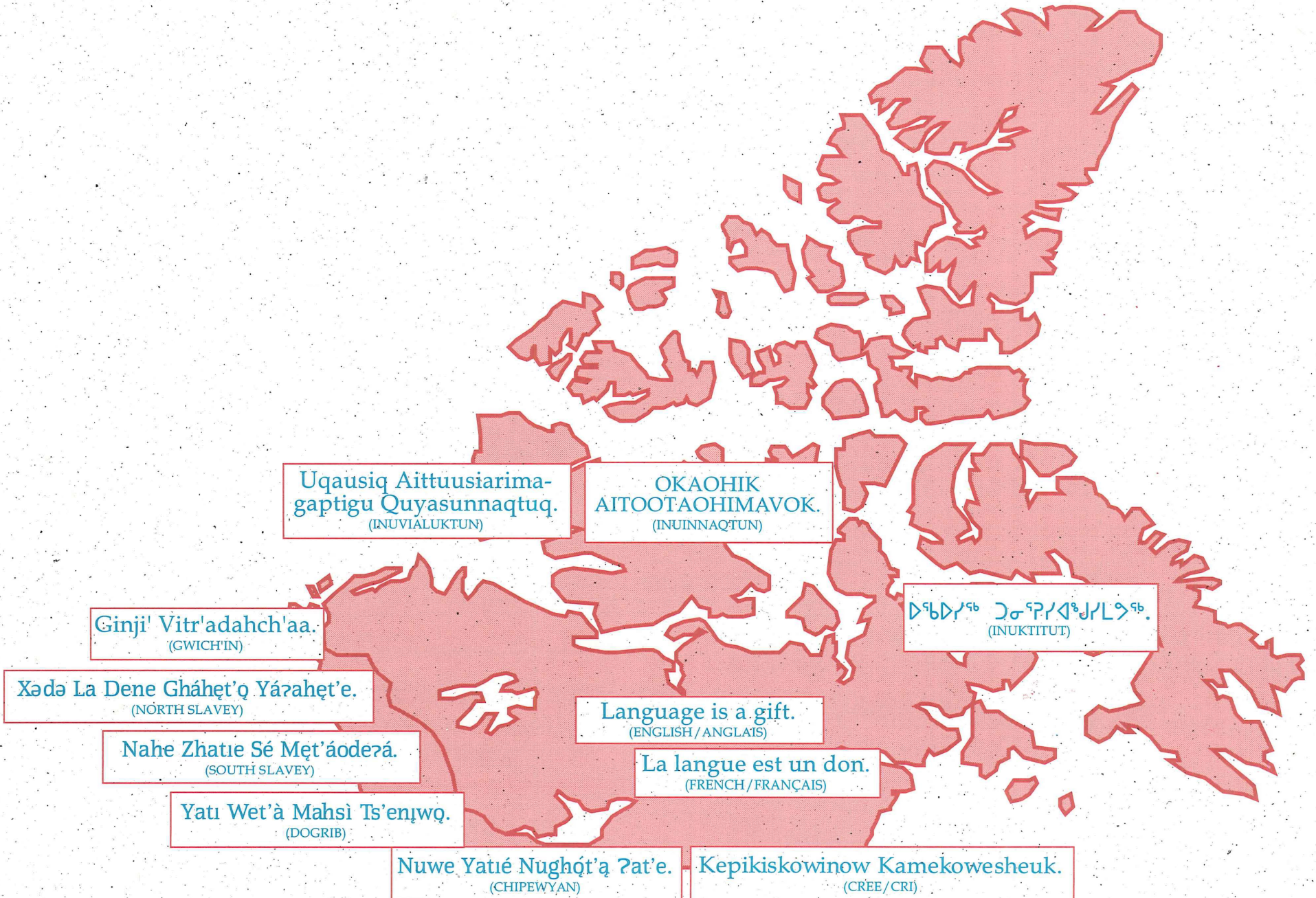


Together,  
we can do it!

2<sup>ND</sup> ANNUAL REPORT

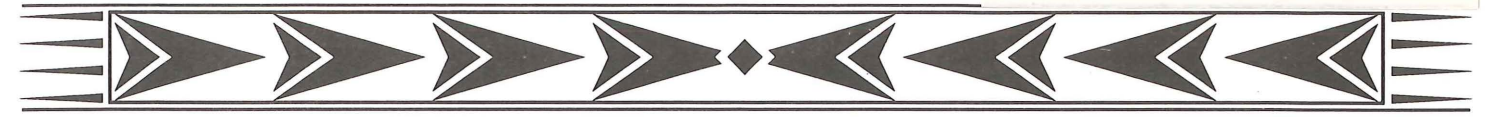
FOR THE PERIOD APRIL 1, 1993, TO MARCH 31, 1994

LANGUAGES COMMISSIONER OF THE NWT







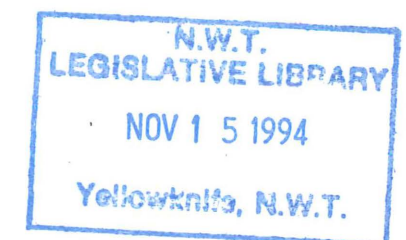


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**2<sup>ND</sup> ANNUAL REPORT**

FOR THE PERIOD APRIL 1, 1993, TO MARCH 31, 1994

LANGUAGES COMMISSIONER OF THE NWT



**Personal Notes:**

## APPENDIX 2

### APPLICATION OF THE *OFFICIAL LANGUAGES ACT* TO INSTITUTIONS OF THE LEGISLATIVE ASSEMBLY AND THE GOVERNMENT OF THE NWT

The *Official Languages Act* applies to the "institutions of the Legislative Assembly and Government of the NWT". The Languages Commissioner can deal with matters involving any of these bodies. However, since there is no list which clearly identifies all of these bodies, the Languages Commissioner must decide, in each case, whether or not she has jurisdiction over the body.

The NWT *Financial Administration Act*, the *Public Service Act*, and other Acts that provide for the creation of these bodies, are consulted when such a decision must be made.

The following three general criteria are also used to determine whether or not a body fits into this category.

- 1) Does the legislative, executive or administrative branch of government exercise general control over the entity?
- 2) Does the entity perform a traditional government function or a function which, in more modern times, is recognized as a responsibility of the state?
- 3) Is the entity one that acts pursuant to statutory authority, specifically granted to it to enable it to further an objective that government seeks to promote in the broader public interest?

Given these criteria, the Languages Commissioner is of the opinion that the *Official Languages Act* applies to all of the bodies listed below. This is not a complete list. The criteria for each body have to be examined individually to determine conclusively that the *Official Languages Act* applies.

The *Official Languages Act* applies to:

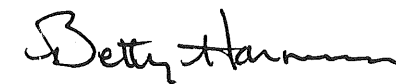
All the departments of the GNWT	Workers' Compensation Board
Arctic College	Highway Transport Board
Divisional Boards of Education	N.W.T. Council on the Status of Women
Boards of Education	N.W.T. Housing Corporation
Health Boards	N.W.T. Business Credit Corporation
Labour Standards Board of the N.W.T.	N.W.T. Development Corporation
Legal Services Board of the N.W.T.	N.W.T. Power Corporation
N.W.T. Water Board	Science Institute of the N.W.T.
	Other bodies that meet the above criteria

The Honourable Jeannie Marie-Jewell  
Speaker  
Legislative Assembly  
Yellowknife, NWT

Madam Speaker:

Pursuant to Section 23 of the *Official Languages Act*, I hereby submit to the Legislative Assembly, through your good offices, the Annual Report of the Languages Commissioner of the NWT, covering the fiscal year 1993-94.

Yours respectfully,



Betty Harnum  
Languages Commissioner of the Northwest Territories

October 1994



## APPENDIX 1

### ACTS AND REGULATIONS RELATING TO THE STATUS AND USE OF OFFICIAL LANGUAGES

Briefly, Section 21(1) of the NWT *Official Languages Act* states that the Languages Commissioner shall investigate any reasonable complaint that, in the administration of the affairs of any government institution,

- (a) the status of an Official Language was not or is not being recognized;
- (b) any provision of any Act or regulation relating to the status or use of the Official Languages was not or is not being complied with; or**
- (c) the spirit and intent of this Act was not or is not being complied with.

The Languages Commissioner has identified numerous NWT Acts and regulations, besides the NWT *Official Languages Act*, which contain language provisions. The following list provides some examples, but is not intended to be a complete list. It would be useful for such a list to be included in the GNWT's Handbook on Official Languages.

The *Official Languages Act* applies only to institutions of the Legislative Assembly and Government of the Northwest Territories. However, language provisions of some other Acts and regulations also apply to municipalities, settlements, their councils, private businesses, and other bodies.

Examples of Language Provisions:

1. *Corrections Act* (information for inmates)
2. *Education Act* (language of instruction, teaching of other languages, language of meetings)
3. *Elections Act* (elector unable to read language of ballot, information for electors, interpretation and translation services)
4. *Jury Act* (qualifications of jurors)
5. *Local Authorities Elections Act* (language of ballots)
6. *Mental Health Act* (consultation with elders, information for patients)
7. *Motor Vehicles Act* (language of examinations)
8. *Plebiscite Act* (plebiscite materials, ballots, etc.)
9. *Summary Conviction Procedures Act* (the form of tickets to be used for offences under the *All-terrain Vehicles Act*, *Liquor Act*, *Motor Vehicles Act*, *Transportation of Dangerous Goods Act*, *Wildlife Act*, and/or regulations).
10. *Financial Administration Act* (public advertisement of invitations to tender, etc.).

#### 4.2. CONCLUSION

In 1993-94, many individuals and groups continued to contact the Languages Commissioner for information and for assistance in resolving complaints. This demonstrates that the public and employees of government institutions consider the Languages Commissioner's office a useful resource.

Numerous issues which caused some confusion in the first year were addressed in 1993-94, and a greater understanding has developed about the *Official Languages Act*, the role of Languages Commissioner, and the responsibilities of government institutions.

The public and private sectors have demonstrated widespread support for Official Languages initiatives, although some unsupportive attitudes must still be addressed.

Institutions of the Legislative Assembly and GNWT have continued to show progress in implementing the language provisions of the *Official Languages Act* and other Acts and regulations. The strong commitment and hard work of many individuals are commendable. However, clear direction on how the *Official Languages Act* is to be implemented is still lacking.

Following several Languages Commissioner's investigations, and the recommendations in her first Annual Report, a number of positive changes have been made in government institutions, which better ensure that language rights and privileges are respected.

Numerous non-government organizations, especially Aboriginal and Francophone organizations, have expressed the need for more involvement in the management of Official Languages funds. Community priorities have been recognized as one of the major factors that must be considered in the allocation of resources.

Funding from the federal and territorial governments for the implementation of the *Official Languages Act* has allowed definite progress in the preservation, development and enhancement of these languages, but some re-evaluation of the effectiveness of certain programs and services is required. Federal funding was cut by 10% for the 1993-94 year, and the federal government has already indicated that further cuts are imminent. The GNWT will have to identify the areas for which they will commit more of their own funds, or they will have to decide how to redistribute existing funds.

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In addition, the report of the independent evaluator of the Canada-NWT Cooperation Agreement (pg. xix) indicated that "greater community participation in the design, development and implementation of the Agreement is seen as very important", and that there is "limited delegation of authority, and over-centralization of control and funds" (pg. xxiii).

Many events such as the signing of land claims agreements, the development of self-government structures and community transfers must also be considered in any scheme for the management of programs and services for which the GNWT is currently responsible. The division of the NWT, scheduled for 1999, is also a major factor. Further, the GNWT has recently increased the number of programs and services being contracted out and privatized. Therefore, the Languages Commissioner recommends:

#### RECOMMENDATION # 4

a) That the GNWT explore the possibility of establishing a joint management committee for the administration of funds for Official Languages; and

b) That GNWT consider transferring the responsibility for such Official Languages programs and services as are reasonable under the terms of any agreements involved, while maintaining the resources necessary to meet its obligations under the *Official Languages Act* and the language provisions of other Acts and regulations; and

c) That GNWT clarify any obligations and expectations with regard to Official Languages services and programs when they are transferred.

#### RESEARCH ON MICHIF LANGUAGE

The existence of Michif language(s) in the NWT was confirmed by a recent Metis Nation census project and a recent conference on Michif sponsored by the Metis Heritage Association. However, Michif was not considered during the development stages of the NWT *Official Languages Act*, although a major purpose of the Act is to recognize in law the Aboriginal Languages of the NWT. Michif is primarily spoken by Metis people, who have been recognized by the Canadian Constitution as an Aboriginal people of Canada.

Michif has been identified elsewhere in Canada and the United States as a separate language, and not a sub-standard version of any other language. A refusal to recognize Michif as a language and afford the proper resources to permit thorough documentation, research and analysis contributes to the devaluation of the Metis culture and heritage.

Therefore, the Languages Commissioner recommends:

#### RECOMMENDATION # 5

That GNWT support the research, documentation and analysis of the Michif language in the NWT, to permit a thorough consideration of this language in the context of Official Languages.



## CHAPTER 4

## RECOMMENDATIONS AND CONCLUSION

## 4.0. ACTIONS TAKEN TO IMPLEMENT THE 1992-93 RECOMMENDATIONS

The Languages Commissioner is pleased that a number of recommendations from 1992-93 have been implemented, and appreciates the actions taken to date, by the Legislative Assembly and GNWT, including (but not limited to):

- discussions of the Annual Report by the Legislative Assembly and referral to one of its standing committees;
- development by GNWT of policy and guidelines relating to the *Official Languages Act*, and the production of a handbook, to be released soon;
- cooperation with the Languages Commissioner's office in producing a brochure explaining the *Official Languages Act*,

which will soon be ready for distribution in all Official Languages;

- efforts of the Department of Justice in developing an annotated version of the NWT *Official Languages Act*;
- cooperation in revising the protocol between GNWT and the Languages Commissioner for coordinating responses to the Languages Commissioner's requests for information;
- attempts by GNWT to more closely monitor the federal government funding for Official Languages, and to achieve greater flexibility in the terms of the agreements; and
- consultation on the future of language services and programs, especially in the context of revising the *Education Act*.

## 4.1. RECOMMENDATIONS

## CONSIDERATION OF THE RECOMMENDATIONS OF THE 1992-93 ANNUAL REPORT

The 1992-93 Annual Report of the Languages Commissioner contained 30 recommendations, and many of these recommendations have not yet been fully considered by the Legislative Assembly and the GNWT. Therefore, the Languages Commissioner recommends:

**RECOMMENDATION # 1**

**That the Legislative Assembly and GNWT fully consider all of the outstanding recommendations, and take such actions as are deemed necessary and appropriate to implement them.**

## TIMELY REVIEW OF THE LANGUAGES COMMISSIONER'S REPORTS

The current provisions for tabling of the Languages Commissioner's Annual Report, if based on the fiscal year, do not provide for a timely review by the Legislative Assembly. Therefore, the Languages Commissioner recommends:

**RECOMMENDATION # 2**

**That the Annual Reports of the Languages Commissioner be based on the calendar year, rather than the fiscal year, and that they be tabled in the Legislative Assembly in the first session of the following calendar year, to allow for a more immediate consideration.**

## REPORTS ON OFFICIAL LANGUAGES FUNDING AND EXPENDITURES

The Languages Commissioner's first Annual Report contained information on the 1984 - 1994 funding and expenditures under the Canada-NWT Cooperation Agreements for French and Aboriginal Languages in the NWT. Since many people, including some Members of the Assembly, were not previously aware of these funds and, in some cases, under-expenditures, although these are public documents, the Languages Commissioner recommends:

**RECOMMENDATION # 3**

**That the interim and final activity and financial reports of any future language agreements be tabled in the Legislative Assembly to provide an opportunity for a review by the House, and to keep the public informed.**

## JOINT MANAGEMENT OF OFFICIAL LANGUAGES FUNDING

The GNWT is responsible for the administration of Official Languages funding received under special agreements with the federal government, and as a part of their annual financing. Many organizations representative of Official Languages, with whom the Languages Commissioner has consulted regarding the formation of an Advisory Council, have indicated that they prefer a management role rather than an advisory role in matters of Official Languages.

## PREFACE

This is the second Annual Report of the NWT Languages Commissioner. In last year's report, we presented an overview of all the Official Languages in the NWT, an introduction to language rights, a discussion of the *Official Languages Act*, descriptions of the complaints and inquiries received, and three special studies - a ten year history of the language agreements between GNWT and Secretary of State, a survey of employee awareness and attitudes about Official Languages, and a brief survey of policies on Official Languages.

This year our focus is on a statistical analysis of complaints and inquiries, and on the procedures used for investigating complaints. A short "Who's Who" in Official Languages clarifies the roles of the many individuals involved in this task. As in 1992-93, there is also a report of the activities of the Office of the Languages Commissioner. There are three short reports of special studies, and a brief review of the impact of the first Annual Report.

Although investigating complaints is the major duty of the Languages Commissioner according to the *Official Languages Act*, and 155 complaint files were handled, we also dealt with 222 requests for information. We achieved an 80% completion rate on this case load. In addition, we spent considerable time preparing and distributing promotional information in the form of press releases, radio spots, post cards, book marks and summaries of the *Official Languages Act*. Over 400 English copies of the first report were sent out, along with hundreds of copies of translated summaries of it. Numerous interviews were done with the media, and several presentations were made at conferences and workshops.

Many meetings were held with organizations representative of each Official Language, as required by the Act, and consultation was carried out about the formation of an Advisory Council. Some community visits were made, although travel was limited because we had to spend eleven months of this second year doing research and preparing the first Annual Report, as well as carrying out our regular duties.

Three conferences and several meetings with experienced colleagues in the fields of language rights and ombudsmanship provided essential professional development. We wish to express our appreciation for the excellent advice and assistance we have received from these individuals.

In 1992-93, there were only two positions in the office - the Languages Commissioner and an Executive Secretary/Administrative Assistant. In 1993-94, a position was approved for a Researcher/Writer, and this was filled in December, 1993. Some assistance was received from casuals and contractors. Legal counsel services continue to be provided on a contract basis, for which a tender was issued in March 1993.

With the setting up of the office in 1992-93 behind us, we feel that this second year has been more productive and our experience and understanding have greatly increased. The opportunity of meeting

with the Members of the Legislative Assembly has provided us with valuable insight, and we are pleased that the first report was referred to a standing committee for detailed consideration. A number of issues have been addressed about the Languages Commissioner's relationship with government institutions and the Legislative Assembly, and the role of the Languages Commissioner is gradually becoming understood.

We also worked in cooperation with the Official Languages Unit, in the Premier's office, and the Department of Justice to finalize the text for a booklet explaining the *Official Languages Act*, to be released in 1994-95 in all Official Languages. The existing protocol for the Coordination of Responses to Requests for Information has been reviewed and will be revised in the new year. We have also established clearer guidelines on complaints investigations, which are presented in Chapter 2.

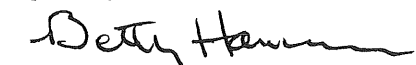
One of our main concerns for the next year is that the Canada-NWT Cooperation Agreement for French and Aboriginal Languages expired on March 31st, 1994. Secretary of State (now Canadian Heritage) told us in March 1993, when 10% cuts were announced, that we should expect further cuts in the next few years. This means that some changes may be necessary to ensure that financial and, especially, human resources are allocated to the activities that best ensure the preservation, development and enhancement of the Official Languages of the NWT. Communities have expressed the need for a management role in the planning and allocation of language resources so that community priorities are adequately addressed.

A major independent evaluation of the 1991-94 Cooperation Agreement was undertaken in 1993-94, which will be a useful tool in assessing the effectiveness of the programs and services offered to date. The Department of Education, Culture and Employment is also undertaking an in-depth review of language programs and services, and the *Education Act*, and we will provide input into this process, along with many other individuals and groups.

The Languages Commissioner would like to thank the Members and staff of the Legislative Assembly, the Government of the NWT and its institutions, other organizations and groups, the public, and especially her staff and legal counsel for their cooperation and earnest efforts in the challenge of making such a unique *Official Languages Act* become a reality. The achievements in the NWT are widely recognized, but there is still a tremendous amount of work to be done. Together, we can do it!

We must always remember that "Language is a Gift", and that we have been entrusted with a valuable resource. We must not realize its worth only after it is gone.

Respectfully,



Betty Harnum  
Languages Commissioner of the NWT

# CHAPTER 1 THE OFFICE OF THE NWT LANGUAGES COMMISSIONER

## I OBJECTIVES AND ACCOMPLISHMENTS

The duties of the Languages Commissioner are set out in the NWT *Official Languages Act*, as follows:

- to take all actions and measures within her authority to ensure that institutions of the Legislative Assembly and Government of the NWT recognize the spirit, intent and provisions of the *Official Languages Act*;

- to investigate any reasonable complaint that the *Official Languages Act* or any provision of any other Act or regulation relating to the status and use of Official Languages has not been respected (See Appendix 1);

- to make any necessary reports and recommendations to government institutions or the Legislative Assembly about situations that require corrective action;

- to solicit the advice of organizations that represent each Official Language;

- to prepare and submit an annual report to the Legislative Assembly.

In relation to these objectives, in 1993-94, the office undertook three specific initiatives, as described below.

### Initiative 1

**Distribute a public information package about the *Official Languages Act* and the role of the Languages Commissioner.**

The Languages Commissioner feels that one way of ensuring the recognition of language rights is to provide information to the public and employees of government institutions about these rights and about who to contact if they have any questions or problems. For this reason, the following actions were taken.

#### 1. Post Cards, Bookmarks and Signs:

Several thousand post cards and bookmarks with the slogan "Language is a Gift" in all Official Languages, and the Languages Commissioner's logo, phone number and address were made and distributed. The Languages Commissioner also completed a project to get a sign inside the Cunningham Building to identify the office. Efforts to get an outside sign have been postponed, because the office might move in 1994-95.

#### 2. Brochure about *Official Languages Act*:

Numerous discussions took place with the Official Languages Unit, Executive, and the Department of Justice in order to finalize a brochure about the *Official Languages Act*. This project was initiated by the Languages Commissioner in January 1993. A final draft was agreed upon in February 1994. The Official Languages Unit is handling the translation and both

offices are working on the design. It should be ready by the fall of 1994 in all Official Languages. In the meantime, the Languages Commissioner has distributed several hundred copies of her original draft brochure.

#### 3. Aboriginal Languages Month and French Week:

In March 1994, in recognition of Aboriginal Languages Month and French Week, the Languages Commissioner prepared a one and a half page summary of the rights in the *Official Languages Act*. This was translated into all the Official Languages, and widely distributed.

Audio tapes of this summary were prepared in all Official Languages and played many times on CBC and CKLB radio during March. Some stations are continuing to play these tapes. A press release, post cards and bookmarks were sent to all schools and all MLA's in March 1994, encouraging people to do something to recognize these Official Languages.

Ads were also placed in most of the NWT newspapers, and public service announcements were made on the radio. The Languages Commissioner also did numerous radio interviews about Aboriginal Languages Month and French Week.

#### 4. Word Quest:

Each week, the Languages Commissioner has been running "Wordquest" in News North, a quiz in which people are asked to identify the meaning of a different word each week and tell which Official Language it is. The ad also includes a brief note about the eight Official Languages, along with the logo of the Languages Commissioner.

#### 5. Annual Report:

The Languages Commissioner tabled her first Annual Report for 1992-93 in the Legislative Assembly in November 1993, and appeared before the Legislative Assembly in February and March. About 400 copies of the English report were distributed as well as several hundred copies of the summary in all Official Languages. Several radio and newspaper interviews were also done at that time. This provided the public and employees of government institutions with information about the state of each Official Language, the provisions of the *Official Languages Act*, common problems and possible solutions, and other information about Official Language issues.

#### 6. Sections 13(4) and (5) of the *Official Languages Act*:

The Languages Commissioner made public announcements

**Figure 18**  
Number of Aboriginal People (5 to 14 Years)  
Speaking, Reading and Writing an Aboriginal Language, NWT 1991

	Aboriginal Population		Speak		Read		Write	
	Aboriginal Population	Aboriginal Languages	Aboriginal Languages	%	Aboriginal Languages	Aboriginal Languages	Aboriginal Languages	Aboriginal Languages
Arctic Bay	160	160	160	100%	145	140		
Broughton Island	110	110	110	100%	95	95		
Cape Dorset	235	235	240	102%	185	185		
Clyde River	160	160	160	100%	135	130		
Grise Fiord	30	30	30	100%	25	30		
Hall Beach	125	130	130	104%	105	100		
Igloodik	255	255	255	100%	210	195		
Iqaluit	535	490	490	92%	385	375		
Lake Harbour	90	95	95	106%	80	80		
Nanisivik	25	20	20	80%	20	15		
Pangnirtung	275	265	265	96%	225	210		
Pond Inlet	275	270	270	98%	250	240		
Resolute	40	30	30	75%	20	20		
Sanikiluaq	120	125	125	104%	95	85		
Baffin, Unorganized	55	50	50	91%	35	35		
Arviat	325	325	325	100%	265	240		
Baker Lake	215	155	155	72%	140	125		
Chesterfield Inlet	70	70	70	100%	45	45		
Coral Harbour	145	145	145	100%	125	115		
Rankin Inlet	335	290	290	87%	145	135*		
Repulse Bay	135	130	130	96%	80	70		
Whale Cove	50	55	55	110%	25	20		
Bay Chimo	15	10	10	67%	10	5*		
Cambridge Bay	195	135	135	69%	80*	55*		
Coppermine	220	90	90	41%	70*	55*		
Gjoa Haven	200	165	165	83%	80	80		
Holman	75	15*	15*	20%	15*	5*		
Pelly Bay	90	75	75	83%	50	50		
Taloyoak	135	80	80	59%	65	65		
Aklavik	165	¶	¶	¶	¶	¶		
Colville Lake	15	5	5	33%	¶	¶		
Déline	120	115	115	96%	75	60*		
Fort Good Hope	140	30*	30*	21%	¶	¶		
Fort McPherson	150	¶	¶	¶	¶	¶		
Fort Norman	60	20*	20*	33%	15*	10*		
Inuvik	365	¶	¶	¶	¶	¶		
Norman Wells	30	¶	¶	¶	¶	¶		
Paulatuk	50	5*	5*	10%	5*	¶		
Sachs Harbour	20	¶	¶	¶	¶	¶		
Tsiligehtchic	30	¶	¶	¶	¶	¶		
Tuktoyaktuk	195	¶	¶	¶	¶	¶		
Dettah	40	5*	5*	13%	¶	¶		
Fort Liard	80	35*	35*	44%	30*	25*		
Fort Providence	115	30*	30*	26%	¶	¶		
Fort Resolution	80	¶	¶	¶	¶	¶		
Fort Simpson	135	¶	¶	¶	¶	¶		
Fort Smith	320	¶	¶	¶	¶	¶		
Hay River	230	¶	¶	¶	¶	¶		
Hay River Reserve	50	15*	15*	30%	¶	¶		
Jean Marie River	10	¶	¶	¶	¶	¶		
Kakisa	5	¶	¶	¶	¶	¶		
Lac La Martre	90	90	90	100%	¶	¶		
Łúts'él K'é	65	15*	15*	23%	¶	¶		
Nahanni Butte	15	5	5	33%	5*	5*		
Rae Lakes	50	50	50	100%	¶	¶		
Rae Edzo	325	280	280	86%	¶	¶		
Snare Lakes	40	35	35	88%	¶	¶		
Trout Lake	10	10*	10*	100%	¶	¶		
Wrigley	30	25	25	83%	15*	10*		
Yellowknife	655	¶	¶	¶	¶	¶		
Fort Smith, Unorganized	20*	¶	¶	¶	¶	¶		

Source: Aboriginal Peoples' Survey 1991

\*: Figures to be used with caution. The standard deviation of the estimate is between 16.6% and 33.3%.

¶: Incompletely enumerated settlement.

Note: Some percentages are over 100 because some people speak more than one Aboriginal Language.

Figure 17

Number of Aboriginal People (15 Years and over)  
Speaking, Reading and Writing an Aboriginal Language, NWT 1991

	Speak			Read		Write	
	Aboriginal Population	Aboriginal Languages	%	Aboriginal Languages	Aboriginal Languages	Aboriginal Languages	Aboriginal Languages
Arctic Bay	245	245	100%	225	225		
Broughton Island	260	260	100%	245	245		
Cape Dorset	495	490	99%	455	430		
Clyde River	290	290	100%	275	270		
Grise Fiord	70	70	100%	65	60		
Hall Beach	280	275	98%	240	240		
Igloodik	500	500	100%	450	440		
Iqaluit	1,235	1,180	96%	1,065	990		
Lake Harbour	185	180	97%	165	165		
Nanisivik	55	55	100%	40	35		
Pangnirtung	610	615	101%	595	575		
Pond Inlet	475	475	100%	465	445		
Resolute	70	70	100%	55	55		
Sanikiluaq	295	295	100%	235	225		
Baffin, Unorganized	70	70	100%	70	65		
Arviat	710	700	99%	605	585		
Baker Lake	665	635	95%	540	465		
Chesterfield Inlet	170	165	97%	135	135		
Coral Harbour	290	285	98%	245	230		
Rankin Inlet	765	715	93%	525	500		
Repulse Bay	240	240	100%	205	200		
Whale Cove	125	120	96%	95	90		
Bay Chimo	35	35	100%	30	30		
Cambridge Bay	495	420	85%	325	275		
Coppermine	570	455	80%	415	360		
Gjoa Haven	415	390	94%	315	285		
Holman	205	165	80%	160	135		
Pelly Bay	220	215	98%	190	190		
Taloyoak	295	270	92%	255	235		
Aklavik	445	130	29%	70*	40*		
Colville Lake	45	45	100%	15	5		
Déline	330	325	98%	80	40*		
Fort Good Hope	340	230	68%	55*	40*		
Fort McPherson	465	135	29%	80	40*		
Fort Norman	225	180	80%	45	35*		
Inuvik	1,030	210	20%	115*	¶		
Norman Wells	85	35	41%	20	15*		
Paulatuk	130	45	35%	35	25		
Sachs Harbour	75	30	40%	20	10		
Tsiigehtchic	85	35	41%	10*	10*		
Tuktoyaktuk	500	185	37%	125	80*		
Dettah	95	85	89%	10*	10*		
Fort Liard	255	230	90%	50	30*		
Fort Providence	415	320	77%	75	40*		
Fort Resolution	310	175	56%	30*	25*		
Fort Simpson	485	305	63%	95*	35*		
Fort Smith	910	275	30%	¶	¶		
Hay River	700	225	32%	¶	¶		
Hay River Reserve	135	105	78%	20	5*		
Jean Marie River	35	30	86%	5	¶		
Kakisa	30	25	83%	5	¶		
Lac La Martre	210	210	100%	40	30		
Łuıts'el K'é	165	150	91%	40	20*		
Nahanni Butte	60	50	83%	5*	¶		
Rae Lakes	150	150	100%	15*	5*		
Rae Edzo	835	825	99%	125*	65*		
Snare Lakes	75	75	100%	15	5		
Trout Lake	45	45	100%	25	20		
Wrigley	110	110	100%	45	25		
Yellowknife	1,535	490	32%	200*	150*		
Fort Smith, Unorganized	90	70	78%	20*	20*		

Source: Aboriginal Peoples' Survey 1991

\*: Figures to be used with caution. The standard deviation of the estimate is between 16.6% and 33.3%.

¶: Incompletely enumerated settlement.

Note: Some percentages are over 100 because some people speak more than one Aboriginal Language.

when, on December 31, 1993, Section 13(4) and (5) of the *Official Languages Act* came into effect. They provide for tapes in Aboriginal languages of important decisions, orders and judgements from Courts and quasi-judicial bodies. The Act is now fully in effect.

#### Initiative 2

##### Establish an Advisory Council for the Languages Commissioner.

The Languages Commissioner must consult annually with organizations representative of each Official Language. In order to accomplish this, an Advisory Council was suggested by the Legislative Assembly when the Languages Commissioner was appointed. In 1992-93, the Languages Commissioner developed a discussion paper highlighting the questions that needed to be answered before a Council could be appointed. (This paper appears in the appendices of the first annual report.)

In April and May 1993, over 100 letters were sent to individuals, Members of the Assembly, groups and organizations in the NWT asking for comments on how a Council could be formed, who should be represented, and so on. Only about 30 responses were received. The Languages Commissioner has followed up by meeting with some of the groups and individuals who did not respond.

Many different ideas have been submitted, including the possibility of using existing groups rather than creating a new body. The Languages Commissioner briefly mentioned these options in her Annual Report, and indicated that she wanted to discuss this matter with the Legislative Assembly before proceeding. When the Languages Commissioner appeared in the Assembly in March 1994, the Annual Report was referred to the Agencies, Boards and Commissions Committee for review in April 1994, so as of March 31st, she was still awaiting the opportunity of discussing these options. In the meantime, the Languages Commissioner is preparing some cost estimates for the various options.

In the absence of an Advisory Council, the Languages Commissioner has met with the Dene Cultural Institute Elders Council, the Inuit Cultural Institute Elders Council and General Assembly, the presidents of all the francophone organizations, and the Fédération Franco-TéNOise, and she attended the Metis Heritage Association conference on Michif. She has also met with many other groups and individuals to maintain an awareness of their needs and to solicit their advice.

The Languages Commissioner also wrote to the Premier to ask if GNWT employees could serve on the Council, as many of

them have expressed an interest. The Premier indicated that it will depend on the terms of reference and objectives of the Council.

#### Initiative 3

##### Draft regulations for the administration of the *Official Languages Act*.

The Languages Commissioner was advised that the drafting of regulations is not her responsibility, but rather that of the GNWT, and that they are adopted and amended by Cabinet. Numerous meetings were held with the Official Languages Unit of the Premier's office, to urge GNWT to develop these regulations and to discuss the process for initiating them. GNWT has indicated that they will not be moving forward with regulations at this time, but will be drafting guidelines and directives for the Act instead. The Languages Commissioner offered to provide comments as these guidelines evolve.

The Languages Commissioner recommended in her 1992-93 Annual Report that GNWT proceed immediately with developing these guidelines and that they consult the public, organizations, all departments and institutions, and the Languages Commissioner during the development process. She also recommended that the guidelines be gathered together into one document. The GNWT indicated that they would be tabling an update on the directives manual in the January - February 1994 session of the Legislative Assembly, in response to this recommendation, but it was not tabled. The Languages Commissioner, however, understands that this project requires a great deal of time, and is pleased that it is being undertaken.

The Languages Commissioner has also obtained copies of Official Languages policies, guidelines and regulations from other jurisdictions and forwarded them to the Official Languages Unit for their consideration.

In considering guidelines that must be established for the implementation of this Act, the Languages Commissioner reviewed the protocol, drafted by her office and the Official Languages Unit in September 1992, relating to the coordination of response to requests for information. She provided comments to the Official Languages Unit in March 1994.

The Languages Commissioner also began working on clarifying the guidelines for investigations (see Complaints and Inquiries Chapter).

In addition to these specific initiatives, the Languages Commissioner dealt with 377 complaints and inquiries, 80% of which are completed. See Chapter 2 for details.



**II STAFF**

During 1993-94, the Office of the Languages Commissioner hired a researcher/writer. This position was filled by a casual for eight months, while it was being classified and advertised. It was filled in December 1993. The office now has three positions.

During the year, we hired some casuals and contractors for projects like the production and distribution of the Annual Report, the compilation and analysis of the results of our public awareness survey and our survey of language programs and services in non-governmental organizations, cataloguing

resource materials, updating the information package on funding sources, the production and distribution of public information on the *Official Languages Act* for Aboriginal Languages Month and French Week, and to replace the secretary during vacation.

The Office of the Languages Commissioner also issued a call for proposals for legal counsel services. In March 1994, a committee of three people reviewed all the proposals in detail and made a recommendation to the Management and Services Board of the Legislative Assembly (The contract was finalized shortly after this).

**III BUDGET**

In 1993-94, the budget of the Office of the Languages Commissioner was adjusted to allow us to hire a researcher/writer.

Our overexpenditure was only 2%. In 1992-93, it was 4.5%. If we consider that this was only the second year for this Office, that we can never anticipate our needs for legal counsel services (as this relates to the number of complaints received), and that in 1993-94 an Annual Report was produced for the first time, our overexpenditure is understandable. All expenditures are reviewed and processed by the finance and administration section of the Legislative Assembly.

For 1994-95, the Office has requested an increase in the funds for legal counsel services, because we anticipate that more people will know about the existence of this office, and we may need more advice. We also have a number of cases ongoing from the 1992-93 and 1993-94 years that require further consultations, so our case load in 1994-95 will include new cases plus these outstanding cases.

**Figure 1**  
**Office of the Languages Commissioner**  
**Budget 1993-94**

	Allocation	Expenditures	Variance
<b>Salaries &amp; Wages</b>			
Permanent	\$206,000	\$163,145	\$42,855
Casuals	\$16,000	\$65,158	(\$49,158)
<b>Total</b>	<b>\$222,000</b>	<b>\$228,303</b>	<b>(\$6,303)</b>
<b>O&amp;M</b>			
Travel, Transport	\$27,000	\$18,291	\$8,709
Materials, Supplies	10,000	8,340	\$1,660
Purchased Services	5,000	7,449	(\$2,449)
Contract Services	59,000	61,027	(\$2,027)
Furniture, Equipment	0	4,916	(\$4,916)
Other expense	0	1,198	(\$1,198)
<b>Total</b>	<b>\$101,000</b>	<b>\$101,221</b>	<b>(\$221)</b>
<b>Task as a Whole</b>	<b>\$323,000</b>	<b>\$329,524</b>	<b>(\$6,524)</b>

Source : Legislative Assembly Financial Report

**IV MANDATE**

**INTRODUCTION**

The Languages Commissioner has become aware that there is some confusion about who is responsible for various activities related to Official Languages. There are two *Official Languages Acts*, for example, and people are sometimes confused about how they apply and who they apply to. There are three different roles as well - the role of the Legislature, the role of government

institutions and their employees, and the role of the Languages Commissioner or Commissioner of Official Languages. The following charts provide a brief explanation of the roles and responsibilities as they were for the 1993-94 year. A more detailed explanation of responsibilities for the NWT *Official Languages Act* is found after Figures 2.1 and 2.2.

**3.2. SURVEY OF OFFICIAL LANGUAGES SERVICES AND PROGRAMS IN NON-GOVERNMENT ORGANIZATIONS**

One purpose of this study was to determine the level of support in communities for Official Languages. It is important to know whether or not employees of government institutions support these initiatives, especially if the government has obligations to meet, but it is equally as important to know that there is concrete evidence of support in the non-government sector of society as well. If there is little such evidence, it could mean that there are barriers that prevent people from being involved, or that there is a lack of support. This study revealed a tremendous contribution being made by people outside government, even though they have no obligation to be involved. This is a very positive sign.

This survey, conducted over the telephone by summer students in 1992-93, resulted in several hundred pages of information from almost every community in the NWT. As a result of this project, the Languages Commissioner became aware that many non-government organizations are engaged in language-related activities - providing service and information to the public, conducting research, recording traditional knowledge, telling and recording stories, teaching fluency and literacy, developing computer-assisted learning tools, conducting linguistic research, writing dictionaries, producing artistic works (music, theatre, dance, video, film), counseling, advising, doing community development, and many more activities.

Organizations surveyed included: Hamlets, regional councils, other municipal bodies, private businesses, elders groups, community education councils, co-ops, women's and youth groups, literacy support groups, housing associations, justice committees, drug and alcohol committees, band and tribal councils (First Nations councils), Aboriginal organizations,

regional and community corporations, newspaper, magazine and book publishers, hunters' and trappers' associations, friendship centres, Official Languages associations and committees at the territorial, regional and community level, day cares, visitors' centres, unions, and so on!

One comment frequently heard was that community radio stations and bush radios are often used full-time by community residents, especially when people are out in the bush, on the land, or in homes with no telephone. A large part of this information network involves Aboriginal Languages, and in some communities is considered to be a strong contributor to the maintenance of these languages. Television and radio programs in Official Languages were also considered to be a very effective medium for encouraging the use of these languages in the home.

The results of this survey were originally gathered with the intention of producing a directory so people could contact others who were undertaking a similar project. It would also be a useful tool for newcomers to a community. However, after realizing the magnitude of such a project, it was decided that the office did not have the resources to undertake this research on a yearly basis. The office does, however, use this information to refer people to others who might be of assistance because of their previous experience.

This study has also provided the Languages Commissioner with a wealth of information about community needs and expertise. It has also made many individuals aware of the *Official Languages Act*.

**3.3. LITERACY AND FLUENCY RATES BY COMMUNITY**

The third study completed in 1993-94 provided us with literacy and fluency rates by community. The information provided in the 1992-93 report was very general, but we have now obtained more specific information from Statistics Canada. See Figures 17 and 18.

The new figures confirm the data reported in 1992-93. On the average, Inuit have a higher fluency and literacy rate in their language, but these rates are lower in the Western Arctic communities than in the East. Dene and Metis communities have varying degrees of fluency - some show a 100% fluency rate, some only 20%. Fluency among younger speakers is

lower than in the group over 15 years old. Literacy rates are lower in the West than in the East.

There are still gaps in this information, however, and a more detailed study must be undertaken, so that language planning and policy development can take the reality into consideration. Some studies already conducted by the regions themselves may provide additional data, but these studies need to be identified and gathered first. Without accurate and complete information, many efforts will continue to be based on "best guesses".

## CHAPTER 3

## SPECIAL STUDIES

## 3. INTRODUCTION

Three special studies were completed in 1993-94. The results are reported below. Two of these began in 1992-93 - a survey of public awareness and attitudes about Official Languages, and a survey of Official Languages services and programs in non-government organizations. The Languages Commissioner thanks everyone who participated in these activities.

The third study contains new information obtained about literacy and fluency by community after the detailed overview

## 3.1. SURVEY OF PUBLIC AWARENESS AND ATTITUDES ABOUT OFFICIAL LANGUAGES

During 1992-93, several hundred surveys were distributed to surveyors in 25 communities. Three Arctic College students in the Interpreter/Translator Program, Fort Smith, also assisted during their practicum.

Five surveyors who received questionnaires did not respond at all. From the other 20 communities, 588 surveys were received. Almost all of these were from the Inuvik, Fort Smith, and Kitikmeot regions, and Yellowknife. Other communities may be surveyed in the future, but for the time being, the office is devoting its time and resources to other tasks.

Although it is not possible to draw any major conclusions from such a small sample, the survey provided the Languages Commissioner with some useful information. For example, since some people indicated that they had never heard of the

of NWT Official Languages was published in 1992-93.

Last year's report also contained information on the Official Languages funding agreements with Secretary of State. Since the final financial statements for 1993-94 have not yet been received by this office, they cannot be included here. Once these interim and final reports are signed by GNWT and Canadian Heritage (the department now responsible for the agreements), they are public documents and can be obtained from the Premier's office or Canadian Heritage.

*Official Languages Act* before, or that they did not know anything about its provisions, the Languages Commissioner confirmed that there was a need for more public information.

It also provided a better insight into some negative attitudes that need to be addressed, and became aware of personal evaluations of the effectiveness of current programs and services. Although complaints expressed in these surveys were not added to the case load, the Languages Commissioner became aware of a number of situations that she should monitor.

It was also an interesting exercise to compare some of these surveys with those received from employees of government institutions in these same communities. For a detailed report of the employee survey, see the first Annual Report, 1992-93.

## WHO'S WHO IN OFFICIAL LANGUAGES?

Figure 2.1

## THE NWT OFFICIAL LANGUAGES ACT

The NWT *Official Languages Act* applies to institutions of the NWT Legislative Assembly and Government of the NWT.

It recognizes eight Official Languages:

English, French, Cree, Chipewyan, Dogrib, Gwich'in, Slavey (North and South), Inuktitut (including Inuvialuktun and Inuinnaqtun)

## LEGISLATIVE ASSEMBLY

- adopts and amends NWT Official Languages legislation

## LANGUAGES COMMISSIONER

- ensures NWT government institutions respect the NWT *Official Languages Act* and language provisions in other territorial Acts and regulations and
- handles complaints about NWT Official Languages implementation and
- promotes the Official Languages of the NWT

DEPARTMENT OF EXECUTIVE  
(OFFICIAL LANGUAGES UNIT)

- oversees and coordinates the implementation of Official Languages in NWT government institutions and
- promotes Official Languages of the NWT and
- coordinates negotiations with the federal government for Official Languages funding and monitors expenditures and
- acts as a liaison between NWT government institutions and the Languages Commissioner

## NWT GOVERNMENT

## DEPARTMENTS, AGENCIES, BOARDS

- implement NWT Official Languages policies, directives, guidelines and
- provide NWT Official Languages services and programs (eg. interpretation, translation, school programs, language training programs, linguistic research, services to the public...)

Figure 2.2

## THE OFFICIAL LANGUAGES ACT OF CANADA

The *Official Languages Act* of Canada applies to all institutions of the Parliament of Canada and the government of Canada.

It recognizes English and French as the Official Languages of Canada, and the importance of preserving and enhancing the use of languages other than English and French. It does not affect legal and customary rights of languages other than English and French.

## PARLIAMENT OF CANADA

- adopts and amends federal Official Languages legislation

## COMMISSIONER OF OFFICIAL LANGUAGES

- ensures federal government institutions respect the *Official Languages Act* of Canada and language provisions in other federal Acts and regulations and
- handles complaints about federal Official Languages implementation and
- promotes the Official Languages of Canada

## TREASURY BOARD

- directs, coordinates, monitors, evaluates federal Official Languages policies, directives, programs and
- provides information on Official Languages of Canada

## CANADIAN HERITAGE

(formerly SECRETARY OF STATE)

- encourages a coordinated approach to Official Languages implementation in federal institutions and
- promotes and supports Official Languages activities such as services to the public, language learning opportunities, etc.

## FEDERAL DEPARTMENTS, AGENCIES, BOARDS

- implement federal Official Languages policies, directives, guidelines and
- provide federal Official Languages services and programs

Speakers of the Official Languages are the most important partners  
in preserving, enhancing and developing these languages.

**WHO'S WHO IN NWT OFFICIAL LANGUAGES?**

**THE NWT OFFICIAL LANGUAGES ACT**

This Act applies to institutions of the NWT Legislative Assembly and Government of the NWT. It does not apply to municipal councils, the federal government or private businesses. It establishes English, French, Cree, Chipewyan, Dogrib, Gwich'in, Slavey (North and South), and Inuktitut (including Inuinnaqtun and Inuvialuktun) as the Official Languages of the NWT. Responsibility for this Act is shared by many individuals, as described below.

**NWT LEGISLATIVE ASSEMBLY**

Members of the Legislative Assembly:

- are elected by the people of the NWT;
- debate and adopt the laws for the NWT (passed the NWT *Official Languages Act* in 1984);
- debate and pass amendments to these acts (have adopted several amendments to the NWT *Official Languages Act*, especially in April 1990);
- provide direction to government about the implementation of NWT laws;
- approve the funding for government departments and institutions;
- study government activities through standing and special committees, questions during sittings of the Assembly, and daily monitoring.

**LANGUAGES COMMISSIONER OF THE NWT**

- is appointed by a vote of the Legislative Assembly, under the NWT *Official Languages Act*;
- is independent of government; reports to the Legislative Assembly as a whole;
- monitors the activities of institutions of the Legislative Assembly and GNWT to ensure they comply with the *Official Languages Act*;
- investigates complaints that the spirit, intent or provisions of the *Official Languages Act* are not being respected, or that any provision of any other Act or regulation relating to the status and use of Official Languages is not being complied with;
- attempts to achieve a reasonable resolution of any Official Language problems identified in government institutions;
- provides information about Official Languages of the NWT;
- promotes an understanding of the needs, aspirations, rights and privileges of Official Language groups;
- solicits the advice of organizations representative of each Official Language;
- reports annually to the Legislative Assembly, making recommendations for amendments to the *Official Languages Act* or to improve programs and services in Official Languages.

**NWT EXECUTIVE COUNCIL OR CABINET**

- includes the Premier and all the Ministers;
- oversees the operations of all government departments, boards and agencies;
- ensures that all legislation is respected in government institutions;
- adopts and amends regulations for Acts of the NWT;
- reviews and approves government policies;
- approves major expenditures for departments and agencies;
- establishes priorities for government programs and services.

**OFFICIAL LANGUAGES UNIT, DEPARTMENT OF EXECUTIVE**

- provides support to the Premier and Cabinet on Official Language matters;
- is responsible for government initiatives with respect to:
  - maintenance and revitalization of Aboriginal Languages;
  - delivery of Official Language services throughout the government;
  - negotiations with the federal government for funding under Official Languages agreements;
  - implementation of Official Languages agreements; and
  - evaluation and monitoring of those agreements.
- oversees and coordinates the implementation of Official Languages in government departments and institutions;
- ensures policies, directives and guidelines on Official Languages are developed by departments and other government institutions for approval as required;
- acts as a liaison between the Languages Commissioner's office and government institutions.

**DEPARTMENTS, BOARDS, AGENCIES OF THE GNWT**

- consult with Official Languages Unit in the development and implementation of Official Language policies\*, guidelines, programs and services;
- ensure employees understand and respect the spirit, intent and provisions of the *Official Languages Act*;
- ensure employees understand and respect the provisions of other Acts and regulations relating to the status and use of Official Languages;
- provide services and programs as required by the *Official Languages Act* and language provisions of other Acts and regulations;
- keep the Official Languages Unit informed of language issues arising in their department or agency\*\*.

\* (Some departments have policy officers responsible for Official Languages.)  
 \*\* (All departments and some agencies have Language Coordinators who coordinate their department's or agency's approach to Official Languages initiatives.)

**DEFINITION:**

An **INQUIRY** is a simple request for information, usually about Official Languages or the *Official Languages Act*, or any other Act or regulation relating to the status or use of the Official Languages. It does not include any suggestion that a person feels that she or he has been unfairly treated.

**DEFINITION:**

A **COMPLAINT** involves a situation where a person or group feels that their language rights or privileges have been infringed or denied. They may feel that they have been treated unfairly or have been adversely affected by some policy, program, action or lack of action.

Examples of Inquiries:	Examples of Complaints:
How many speakers of Dogrib are there in the NWT?	I wasn't able to speak with anyone in the local GNWT office in my language.
Which languages are spoken in each community?	I wasn't told I could have an interpreter assist me in court proceedings.
What are dialect differences?	I received a letter from GNWT in English, but that's not my first language.
What computer programs exist for various languages?	The sign on the government building is in English only.
Do all of the languages have writing systems?	The notices in the newspaper are only in English.
How do I arrange for interpretation or translation services?	I couldn't get a copy of the Legislative Assembly debates in my language.
Which languages are Official and why?	I was told I can't use my language at work, but it is an Official Language.
What is the history of Official Languages legislation and policy in the NWT?	I want to learn another Official Language, but my supervisor won't allow me to take a course during working hours.
How can I obtain tapes or lessons in Inuinnaqtun?	
Do I have the right to use my language in the courts?	
What is the role of the Languages Commissioner?	



**8. WHAT IF THE DEPARTMENT OR AGENCY DOESN'T ACT ON THE LANGUAGES COMMISSIONER'S RECOMMENDATIONS?**

The Languages Commissioner can report to the Legislative Assembly if a department or agency does not take action within the required time to rectify a problem. She can do this

through her Annual Report to the Legislative Assembly, or through a Special Report at any time.

**9. CAN THE LANGUAGES COMMISSIONER DO ANYTHING ELSE TO ENSURE THAT RIGHTS AND PRIVILEGES ARE RESPECTED?**

The Languages Commissioner can go to court on someone's behalf, or as a party, to ask the courts to consider a case. However, this is only used as a last resort, when a negotiated settlement cannot be reached. Besides, courts are adversarial, which means that they do not always consider a solution that is of benefit to all parties. The Languages Commissioner will try to find solutions that will benefit everyone, even if that benefit is simply a better understanding of administrative fairness or of someone's rights and privileges.

Often, individuals will decide not to go to court to resolve issues, because it is time-consuming, expensive, and too formal. The Languages Commissioner could ask the courts to consider any matter that she thinks is in the public interest, but this is only done by an ombudsman if it is absolutely necessary.

The Languages Commissioner's office gives citizens some assurance that there is a "watchdog" who assists in keeping the government accountable, but it also offers government institutions an opportunity to answer to unfair criticism.

**V TRAVEL**

The following trips were made by the Languages Commissioner and her staff in 1993-94.

	In NWT	Outside NWT
<b>Languages Commissioner</b>	Fort Smith Fort Norman Coral Harbour	{ Toronto Ottawa
<b>Staff</b>	Tuktoyaktuk	Ottawa

In Ottawa, the Languages Commissioner met with staff of the GNWT office, the Commissioner of Official Languages, Secretary of State, Treasury Board, and Corrections. She also travelled to Toronto and Ottawa on one trip to attend the National Ombudsman's Conference and a Linguistic Rights Conference, where she made a presentation. These trips provide opportunities for professional development that are not available in the NWT.

The Languages Commissioner's trips to communities involved complaints investigations and consultations with groups representative of Official Languages. Because of the number of communities to be consulted, the Languages Commissioner also meets with a number of groups in Yellowknife to limit her time away from the office. The Executive Secretary attended a meeting in Tuktoyaktuk about Inuinnaqtun (her own language) and Inuvialuktun.

When the Researcher/Writer filled the indeterminate position, he travelled to Ottawa to attend a conference on assimilation of minority languages, and had meetings with Treasury Board, the office of the Commissioner of Official Languages, the office of the Clerk of the Joint Standing Committee on Official Languages, the Access to Information and Privacy Commissioners' offices, and Canadian Heritage. This was for research and professional development.

**VI OBJECTIVES FOR 1994-95**

Along with the ongoing objectives of this office, the following are the specific objectives for the next year:

- 1) To monitor the Canada-NWT Cooperation Agreements on Aboriginal Languages and French (the Cooperation Agreement expired on March 31st, 1994);
- 2) To work with GNWT to establish guidelines for the implementation of the *Official Languages Act*;
- 3) To distribute the brochure about the *Official Languages Act* and the role of the Languages Commissioner;
- 4) To commemorate the tenth anniversary of the passing of the NWT *Official Languages Act* on June 28th.

In addition to these objectives, the office will review the investigative guidelines, finalize the review of the protocol between GNWT and the Languages Commissioner regarding requests for information, and research and, hopefully, implement a new database system.

Also, after the 1992-93 Annual Report is reviewed by the Agencies, Boards and Commissions Committee in April 1994, some recommendations will be made and the office will have to work on these. As well, the question of the Advisory Council will be addressed during this review.

The Languages Commissioner anticipates providing comments on the review of the *Education Act* and the proposed *Access to Information and Privacy Act*, and will cooperate, if possible, with the Commissioner of Official Languages of Canada in a study of Official Languages in the justice system.

The office will probably move from the Cunningham Building in 1994-95. This will be time consuming, and signs, promotional materials, and stationery will have to be changed.

CHAPTER 2

COMPLAINTS AND INQUIRIES

INTRODUCTION

This chapter contains an analysis of the complaints and inquiries handled by the Languages Commissioner in the 1993-94 year. Instead of providing details about the cases, as was done last year, this report focuses on an analysis of the case load - where the complaint or inquiry originates, what type of organizations or individuals have contacted us, which department or agency was the subject of the complaint or inquiry, what type of issues were raised, and so on.

Most of the figures relate to the "case load" in 1993-94, that is, all the new cases opened in 1993-94 plus all the cases that were unresolved at the end of 1992-93. Some of the figures show comparisons between 1992-93 and 1993-94.

Guidelines used by the Languages Commissioner for complaints investigations are also included. There is a flow chart which summarizes this process, followed by a detailed explanation of each step taken by the Languages Commissioner in dealing

with complaints. These procedures are based on the *Official Languages Act*, investigation guidelines used in other ombudsmen's offices around the world, and previous court decisions which have interpreted wording that is the same as or similar to the wording of our Act. These are legal precedents that must be considered by the Languages Commissioner in interpreting our *Official Languages Act*.

These guidelines are currently used by the Languages Commissioner in complaints investigations. This is the first time they have been described in detail, so, with the tabling of this report, they should be considered to be fully in effect. However, comments would be welcomed.

There is also a Protocol for the Coordination of Responses to Requests for Information from the Languages Commissioner. This protocol is under review, but does not affect the guidelines for complaints investigations.

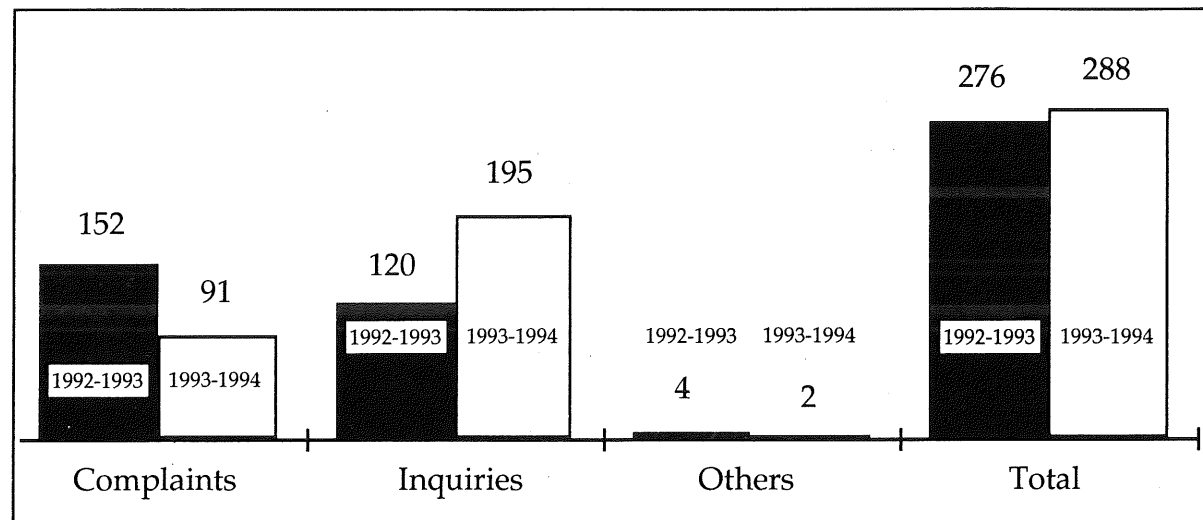
ANALYSIS OF THE COMPLAINTS AND INQUIRIES 1993-94

How many complaints and inquiries were received?

Figure 3 shows the total number of complaints and inquiries received in each year - 276 files were opened in 1992-93, and 288 in 1993-94. The category "others" includes such things as the Languages Commissioner's own initiatives - for example, informing a bank or a restaurant about a translation error on one of their signs. These matters are not within the jurisdiction of the Languages Commissioner, but, in the public interest, she has made an effort to provide some assistance.

The number of complaints is larger in the first year than in the second year. One reason for this is that the Languages Commissioner explained, during the first year, the limits of her jurisdiction to many groups and individuals, so people became more familiar with her role. For example, people who complained, in 1992-93, about a matter related to the *Official Languages Act*, were told that the Languages Commissioner could not deal with such things, so they were referred to the office of the Commissioner of Official Languages in Edmonton or Ottawa.

Figure 3  
Complaints, Inquiries, and Other Cases Received in 1992-93 and 1993-94



6. WHAT MATTERS SHOULD BE BROUGHT TO THE ATTENTION OF THE DEPUTY HEAD AND PREMIER?

The *Official Languages Act* says that the Languages Commissioner must notify the Deputy Head and Premier, if, after she conducts her investigation, "the Languages Commissioner is of the opinion that any matter should be referred to a government institution concerned for consideration and any necessary action". (Some Acts require that an investigator give a "notice of intent to investigate" to the Deputy Head of a department or agency, before investigating, but this is not the case with the *Official Languages Act*.)

The Languages Commissioner may find that some procedural unfairness exists or existed. She might also find that this was due to an administrative mistake or an abuse of power. If the Languages Commissioner finds that, indeed, a person or organization has been treated unfairly, or has been adversely affected by some policy, action or lack of action, then she must bring this to the attention of the head of the department or agency, and to the attention of the Premier.

If she finds that a person's language rights or privileges under any Act or regulation have been infringed or denied, or that the spirit and intent of the *Official Languages Act* have not been upheld, she will also report this.

The Languages Commissioner may find, however, that no administrative error occurred, and that the complaint is not valid. She will then report this to the institution and the complainant, with reasons.

It is important to note that the Languages Commissioner does not issue decisions or orders. She cannot force a government institution to act or cease to act in a certain way. Nor can she

impose any penalty on the parties involved. She is limited to reporting findings and making recommendations, although there is an onus on government to respond to the recommendations.

6.1. WHAT RECOMMENDATIONS CAN THE LANGUAGES COMMISSIONER MAKE?

The Languages Commissioner may make any recommendations that she thinks fit. She can recommend that employees and officials of government departments and agencies be better informed about the rules of fairness. She can explain why certain actions were not acceptable, and suggest how a situation could have been handled better to avoid unfairness.

She can also recommend that employees be better informed about the rights and privileges provided for in the *Official Languages Act*, and in other Acts or regulations relating to the status and use of Official Languages.

The Languages Commissioner can also recommend that other factors, which are outside the control of the individuals involved, be addressed by higher officials who have the authority to make the required changes. This may involve recommendations about policy, guidelines, directives, allocation of resources, or other administrative affairs.

When the Languages Commissioner makes recommendations, she can ask the department or agency to take action to implement them within a specified time. She can also ask to be notified of any action taken.

7. HOW SHOULD THE COMPLAINANT BE INFORMED?

The Languages Commissioner must inform the complainant, "in the manner and at the time that the Languages Commissioner thinks proper", about the results of an investigation, any recommendations she has made, and about what actions the institution proposes to take to correct the situation.

If the Languages Commissioner decides that a complaint is invalid, she can explain to people why their expectations were unreasonable, what their real entitlements are, and why she feels that they were, in fact, treated fairly.

The Languages Commissioner, in reporting about a complaint, is subject to certain restrictions about what information she can

reveal. The Languages Commissioner cannot release information about matters involving cabinet secrecy, evidence of criminal activity, matters regarding the security of an institution or individual, personal medical or financial information, and so on. The identity of the complainant is also kept confidential unless the person gives permission for it to be revealed. (Much of this is addressed in the proposed *NWT Access to Information and Privacy Act*, and, although this Act has yet to be debated by the Legislative Assembly, most of its provisions are already used as guidelines by the Languages Commissioner.)

**5. IS THE COMPLAINT VALID?**

After considering all the information, the Languages Commissioner must decide whether or not a complaint is valid.

**5.1. WHAT RIGHTS AND PRIVILEGES DOES THE PERSON HAVE?**

The Languages Commissioner, with the assistance of legal counsel, will decide what rights and privileges a person has according to the *Official Languages Act*, or according to any other Act or regulation relating to the status or use of Official Languages. She then has to decide whether or not the rights, privileges, spirit and intent of the Act were respected.

**5.2. WHAT STANDARD OF SERVICE IS ACCEPTABLE?**

One difficulty the Languages Commissioner has faced in deciding whether or not a complaint is valid, is that up to the end of March 1994, no guidelines, policies or regulations existed for the implementation of the *Official Languages Act*. In many cases, the Languages Commissioner must decide for herself what a reasonable level of service is. For example, in Section 14 of the *Official Languages Act*, a person has the right to services in French or an Aboriginal language, in "regional, area and community offices", if there is "a significant demand" or if the "nature of the office makes it reasonable to expect that service".

But what is a "significant demand"? Should this be based on the number of people who ask for a service, or on the number of people who speak a certain language in a community, even if they don't ask for a service? And from what type of office is it reasonable to expect service? Should it be any office that has any contact with the public, or only offices that deal with the public regularly? Does it include any office that sets policy

and determines priorities for programs and service? And how should a service be delivered? Does it have to be provided by the officer responsible or can it be delivered by an interpreter or translator? Should the interpreter or translator be available in person, or is it adequate to provide a service over the telephone or in written form?

Because the *Official Languages Act* does not itself establish these standards, they must be set out in guidelines, directives, policies or regulations. The Languages Commissioner can establish her own standards, and decide what is acceptable in her own opinion, but these standards might differ from what a government institution considers adequate. If people know from the beginning what level of service they are entitled to, there is less chance they will complain when services do not meet their personal expectations.

The Languages Commissioner applies what she feels are reasonable criteria in establishing whether or not a service or program meets the requirements under the Act. In some cases, she has told the institution that their service is in excess of what is required by law. Usually, this is a credit to the institution, but if this level of service takes away the resources needed for the provision of another required service or program, the Languages Commissioner will bring this to the attention of the institutions involved and suggest a more equitable distribution of resources, so that peoples' rights are respected in all their activities.

The Languages Commissioner is also aware that we must use innovative ways to implement our *Official Languages Act*, because it is unique. The provision of services and programs to each linguistic minority group must be based on the special needs of each group, but also on the limited financial and human resources available.

Figure 4  
Case Load in 1992-93 and 1993-94

	Ongoing from previous year	Cases received	Current Year Case Load	Cases closed	Cases ongoing	% of Case Load completed
1992-1993	0	276	276	187	89	68
1993-1994	89	288	377	301	76	80

Another reason for the larger number of complaints in 1992-93 is that it actually covers 14 months; two months from the 1991-92 year were included, since the office opened on February 1st, 1992.

**How many cases were resolved?**

Figure 4 illustrates that in the first two years, 564 files were opened. Since not all cases from 1992-93 were completed, the actual "case load" in 1993-94 is 377 (288 received in 1993-94, plus 89 cases ongoing after March 31st, 1993.) In 1992-93, 68% of the case load was completed, and in 1993-94, 80% of the case load was completed.

**How many cases are within the Languages Commissioner's jurisdiction?**

Figure 5 shows the percentage of cases dealt with in 1993-94 over which the Languages Commissioner had jurisdiction. Each contact with the office is recorded as a complaint or inquiry, but many are classified as "outside our jurisdiction". Out of the case load handled in 1993-94, 35% of the cases were not within the Languages Commissioner's jurisdiction. These matters are referred to the appropriate authority whenever possible. In reviewing the reports of other ombudsmen and commissions, it becomes obvious that this is a typical situation, even for offices that have existed for a long time.

Figure 6.1  
Origin of the Cases Received by Region - 1992-93 and 1993-1994

	% 1992-93	% 1993-94	%Population*
Inuvik Region	10.9	3.1	14.7
Fort Smith Region	9.4	8.3	21.5
Yellowknife	42.4	51.4	26.3
Baffin Region	14.9	9.7	19.7
Keewatin Region	4	4.9	10.1
Kitikmeot Region	6.5	2.1	7.6
Outside NWT (Canada)	8.7	16.3	-
Outside Canada	0.4	2.4	-
All Communities of the NWT	2.2	0.4	-
All Dene & Metis Communities	0.7	1	-

\* Bureau of Statistics - Census 1991

Figure 5  
Jurisdiction over the 1993-94 Case Load by Complaints, Inquiries and Other Cases

Type of Cases	Within Jurisdiction	Outside Jurisdiction	Total
Complaints	77%	23%	100%
Inquiries	57%	43%	100%
Others	0%	100%	100%
Grand total	65%	35%	100%

**Where did the complaints and inquiries come from?**

Figures 6.1 and 6.2 show what percentage of the cases came from each region and each community in 1992-93 and 1993-94. There are a number of factors that influence these numbers. First, some regions and communities have larger populations, so more cases will naturally originate there. Also, the Languages Commissioner's office is in Yellowknife, and the staff live in Yellowknife; this availability definitely affects these numbers. Cases which are "Languages Commissioner's own initiative" are also recorded as originating in Yellowknife, even if the matter deals with some other community.

In addition, if the Languages Commissioner or her staff travel to communities, the number of complaints and inquiries from the communities visited will increase as a result. The Languages Commissioner tries to accept all invitations to communities, but is sometimes unable to travel because, for example, the Legislative Assembly is sitting, and she could be called as a witness anytime. However, she also provides a lot of public information which goes to all communities in all Official Languages, so people know the office exists and how to contact her. She also meets with many community representatives in Yellowknife and at regional meetings.



Figure 6.2  
Origin of the Cases Received by Community - Detailed Comparison 1992-93 and 1993-94

	% 1992-93	% 1993-94		% 1992-93	% 1993-94
Inuvik Region in general	1.5	0	Hall Beach	0	0.7
Colville Lake	0.4	0.4	Iqaluit	6.5	5.9
Déline	0.4	0.4	Lake Harbour	0.4	0.7
Fort Good Hope	0.4	0.4	Pangnirtung	4	0.4
Fort McPherson	0.7	0	Pond Inlet	3.3	1.7
Inuvik	4.4	1.7	Baker Lake	0.4	0.4
Tuktoyaktuk	3.3	0.4	Coral Harbour	1.1	3.1
Dettah	0	0.7	Rankin Inlet	2.2	1.7
Fort Liard	0.7	0	Whale Cove	0.4	0
Fort Providence	1.1	0.7	Kitikmeot Region in general	0.4	0
Fort Resolution	0	0.7	Cambridge Bay	3.6	0.7
Fort Simpson	1.1	0.7	Coppermine	0	0.7
Fort Smith	2.2	1.4	Gjoa Haven	0.4	0.7
Hay River	0	3.5	Pelly Bay	1.5	0
Hay River Reserve	3.6	0.4	Taloyoak	0.7	0
Lac La Martre	0.4	0	Outside NWT (Canada)	8.7	16.3
Snare Lake	0	0.4	Outside Canada	0.4	2.4
Łúts'élK'é	0.4	0	All Communities of the NWT	2.2	0.4
Yellowknife	42.4	51.4	All Dene & Metis Communities	0.7	1
Baffin Region in general	0.4	0	Don't know	0	0.4
Grise Fiord	0.4	0			

In Figures 6.1 and 6.2, cases said to originate in a "region in general" are cases that have been received from organizations representing that region, or cases where people specified their region, but not their community.

Cases that are indicated as having originated in "all communities", or "all Dene and Metis communities", are cases that are brought to the attention of the Languages Commissioner by groups or committees that have members in many communities, but no head office, and that represent the interests of all such communities. There are also a few cases where people do not wish to identify their community, so we "don't know" the origin.

It is also important to note the number of cases that originate outside the NWT. Some of these cases come from NWT residents who are students or medical patients outside the NWT, and from organizations that represent NWT residents, but that are located, for example, in Ottawa.

Many inquiries are also received from universities, research centres, native organizations, journalists, other governments, and so on, outside the NWT, who have heard about our unique *Official Languages Act* and want to know its history or its provisions, or who want information about the languages themselves. Some of these requests even come from outside Canada.

### 3.2.4. DOES THE COMPLAINT INVOLVE A POSSIBLE DENIAL OR INFRINGEMENT OF A RIGHT OR PRIVILEGE?

When a person complains, it is important to establish whether or not the complaint involves the possible infringement or denial of a right. In conducting the investigation, the Languages Commissioner will have to decide whether or not a specific right or privilege is involved, or whether the complaint relates to the spirit and intent of the *Official Languages Act* in general.

### 3.2.5. WHAT STEPS HAS THE PERSON OR ORGANIZATION TAKEN TO RESOLVE THE PROBLEM?

The Languages Commissioner's office is intended to be used as a last resort. The Languages Commissioner must ensure that the person or organization that is complaining has taken all possible steps to try to resolve the issue(s) themselves. If the

Languages Commissioner is aware of any steps that should have been taken, she will tell the complainant to follow another procedure. For example, when complaints are received from employees of government institutions, the Languages Commissioner will ensure that the individual has first contacted his or her supervisor or union about the matter, if it is within their jurisdiction. The Languages Commissioner often assists people in identifying who is responsible for dealing with each issue.

When a person contacts an ombudsman's office, the person should not leave "empty-handed". She or he should understand why the office cannot deal with a problem, and know where to go to address the problem, or she or he should feel that their complaint is reasonable and will be investigated. This is the nature of the ombudsman's role - to assist people in dealing with government.

## 4. WHAT STEPS DOES THE LANGUAGES COMMISSIONER TAKE IN CONDUCTING INVESTIGATIONS?

The steps that the Languages Commissioner must take in complaints investigations are set out in the *Official Languages Act*. They are briefly described below.

### 4.1. CAN THE COMPLAINT BE RESOLVED THROUGH AN INFORMAL INVESTIGATION?

In conducting an investigation, the Languages Commissioner must first establish what the facts of the case are. This requires gathering information, not only from the complainant, but also from the department or agency involved. This is done through some preliminary, informal inquiries.

The Languages Commissioner must consider what happened, or what did not happen, why, what the parties' intentions were, whether or not the complainant had any right to be treated differently, and whether or not the situation is part of a larger problem.

In conducting the investigation, the Languages Commissioner must have full access to all the relevant information. It is important that she be able to talk to all the individuals involved, review their actions or lack of action, and consider all the facts.

Often, a situation can be resolved by these informal procedures, and there is no further investigation. Sometimes the Languages Commissioner finds that the department or agency is aware of the problem and is already taking steps to address it. The complainant can then be informed of the outcome.

### 4.2. IS A FORMAL INVESTIGATION REQUIRED?

In the case of a more complicated complaint, a formal investigation may be required. The Languages Commissioner will usually notify the Deputy Head (the head of the department, board or agency) and determine with her or him how the investigation will proceed. The *Official Languages Act* does not require the Languages Commissioner to notify the Deputy Head at this point, but it is done out of courtesy and so that the cooperation of the employees will be assured.

It is important to note that the Languages Commissioner has the authority to conduct the investigation. She must be assured that the process is fair, complete and directed by her office.

The Languages Commissioner must have access to all the necessary information in a formal investigation. This includes official documents such as legislation, regulations, policies, internal directives, information booklets, press releases, minutes of meetings, job descriptions, memos, correspondence, files, and many other items. If the information does not exist in written form, individuals may be interviewed. (In some places, it is an offence to refuse to cooperate with an ombudsman's investigation, but there is no such provision in the NWT *Official Languages Act*).

Once a formal investigation begins, the Languages Commissioner will keep the Deputy Head of the department or agency, the Official Languages Unit and the complainant informed, in the manner that she thinks is appropriate.

3. IS THIS A COMPLAINT OR AN INQUIRY?

Once the Languages Commissioner has determined that a matter is within her jurisdiction, she has to decide whether the client is making a complaint or a simple inquiry. This will determine what procedures to follow.

3.1. INQUIRY:

DEFINITION:

An **INQUIRY** is a simple request for information, usually about Official Languages or the *Official Languages Act*, or any other Act or regulation relating to the status or use of the Official Languages. It does not include any suggestion that a person feels that she or he has been unfairly treated.

3.1.1. PROCEDURES FOR INQUIRIES:

When an inquiry is received, the Languages Commissioner provides the information if she has it, and refers the person to the appropriate department or agency for verification, whenever possible. If the Languages Commissioner must seek information from a department or agency, she follows the protocol established by her office and the Official Languages Unit in the Premier's office. Requests for such information and any replies to these requests go to the deputy head. The Official Languages Unit is also informed and consulted. (This protocol is under review.)

The Languages Commissioner can then provide the information to the person or organization requesting it, if the department or agency has not already done so.

3.2. COMPLAINT:

DEFINITION:

A **COMPLAINT** involves a situation where a person or group feels that their language rights or privileges have been infringed or denied. They may feel that they have been treated unfairly or have been adversely affected by some policy, program, action or lack of action.

3.2.1. PROCEDURES FOR COMPLAINTS INVESTIGATIONS:

The Languages Commissioner must decide exactly what a complaint is about before proceeding.

3.2.2. IS THE COMPLAINT "REASONABLE"?

The Languages Commissioner alone must decide whether a complaint is reasonable or not. She must decide whether or not the complaint is serious enough to warrant an investigation. She must decide whether or not there is something the person should genuinely be upset about. She must determine what the complainant's motives are - is she or he just trying to "get someone else in trouble", or does she or he really feel that some unfair situation should be addressed?

If the Languages Commissioner decides not to investigate a matter because the complaint is not reasonable, she must explain her reasons to the person who contacted the office.

3.2.3. DOES THE COMPLAINT INVOLVE SOME PROCEDURAL UNFAIRNESS?

In determining whether or not someone has been treated unfairly, the Languages Commissioner reviews the principles of administrative fairness. These are the guidelines by which the affairs of government must be conducted, as well as the affairs of her own office. Briefly, these principles include the following:

- Each individual must be treated with respect.
- Each complainant must be assured that his or her case will be kept confidential.
- Each person must be treated with impartiality; she or he should not be favoured over any other person.
- Each person must be given an opportunity to respond to any complaint made against him or her.
- Each party must be consulted before a final decision is made.
- Each party must be kept informed of the progress of and results of the case.

In evaluating procedural fairness, the Languages Commissioner is concerned with whether or not the rules of the game were respected, rather than with who won or lost.

How many employees of government institutions contacted the Languages Commissioner?

Figure 7 indicates that, of the case load in 1993-94, 30.2% of the cases came from employees of institutions of the Legislative Assembly and Government of the NWT. Many of these cases are simple inquiries. There are also some complaints about internal matters. If the matter is not within the Languages Commissioner's jurisdiction, or if the employee has not taken all possible steps to resolve the problem, the Languages Commissioner will explain to him or her what steps must be taken, and refer the person to another authority.

Figure 7  
1993-94 Case Load from Employees

	Percentage
Employees	30.2
Non employees	61.0
Languages Commissioner's Initiatives	5.8
Others	2.9
Total	100%

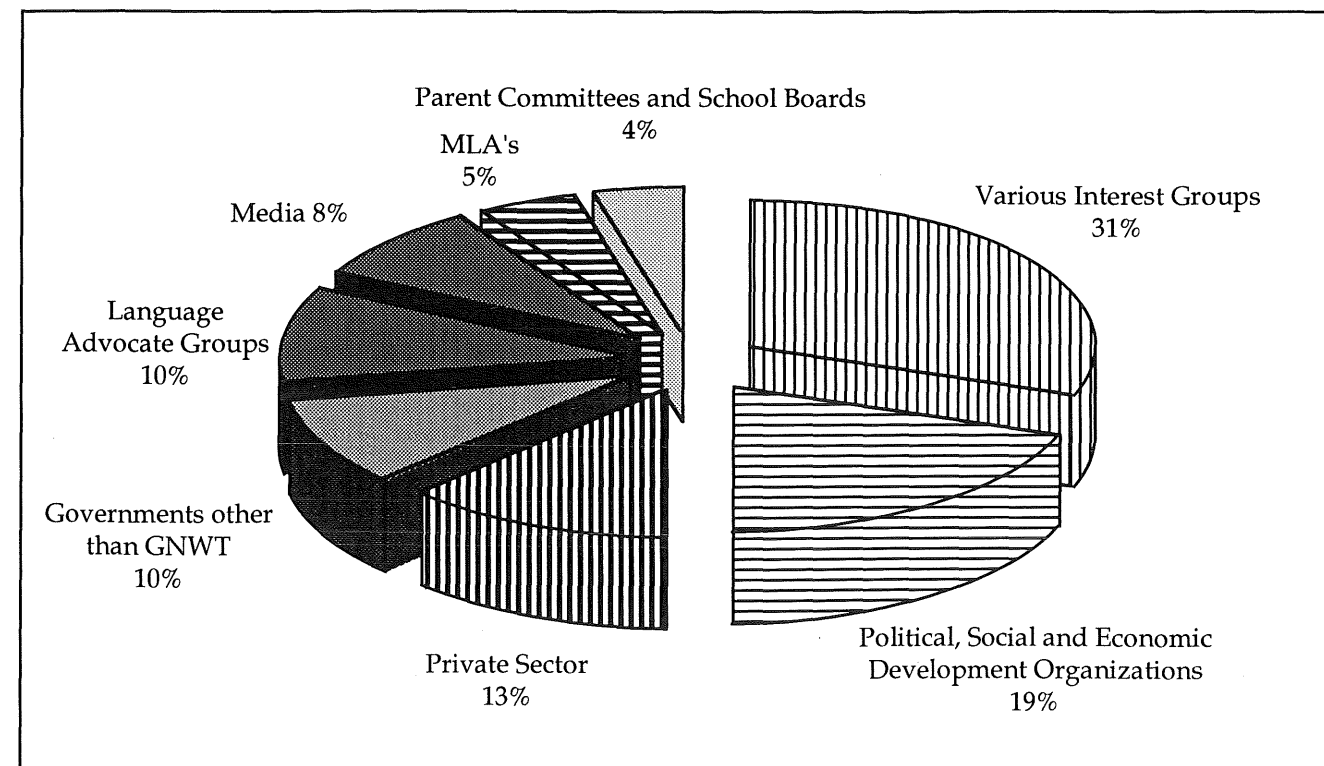
The *Official Languages Act* states that the Languages Commissioner must investigate "any reasonable complaint". It does not place any restrictions on who may call the office. The Languages Commissioner must follow all the steps laid out in the investigation guidelines, no matter who contacts the office. (These guidelines are presented later in this chapter.)

The Languages Commissioner can also initiate complaints investigations herself, or initiate a request for certain information that she feels would be useful to her office. These cases are indicated in the table as "Languages Commissioner's Initiatives". The category "others" includes students, committees composed of government and non-government members, and other individuals who do not wish to identify themselves.

What type of organizations contacted the Languages Commissioner?

Figure 8 illustrates the type of organizations which contact the Languages Commissioner's office. Half of the contacts come from political, social or economic development organizations and interest groups. The private sector has also demonstrated an interest in Official Languages (13%). Sometimes these inquiries relate to whether or not they have any obligations under the *Official Languages Act*. Other governments and groups specifically mandated to deal with language issues

Figure 8  
Type of Organizations Which Contacted the Languages Commissioner - 1993-94 Case Load



form another 20% of the contacts.

The 8% of cases originating from the media do not include interviews requested when, for example, the Languages Commissioner issues a press release. These are usually cases where a journalist simply calls for information needed for an article or story.

Parent committees and school boards (4%) have addressed complaints or questions to the Languages Commissioner, as have several Members of the Legislative Assembly (5%) (who are included here in "organizations" simply for purposes of comparison).

**How many complaints were received about each department or agency? How many of these were within the Languages Commissioner's jurisdiction?**

Figure 9 shows how many complaints of the 1993-94 case load relate to each department or agency. It is important to note that not all of these complaints are valid - that is, some of them were found to be misunderstandings, some were unreasonable, and so on.

Figure 9  
Languages Commissioner's Jurisdiction over Complaints by Department and Agency - 1993-94 Case Load

	Number of Complaints	Number within Jurisdiction		Number of Complaints	Number within Jurisdiction
Education, Culture & Employment in General	28	23	Official Languages Unit	13	10
- Arctic College	5	4	Finance	2	2
- Boards of Education	4	3	FMBS	1	1
- Language Bureau	19	14	Legislative Assembly	4	3
- Schools	4	3	Office of the Languages Commissioner	1	1
- Cultural Affairs	4	4	MACA	7	7
- Museums/Libraries	1	1	Personnel	3	1
<u>E. C. &amp; E. sub-total</u>	<u>65</u>	<u>52</u>	Public Works and Government Services	1	1
Justice in General	3	2	Renewable Resources	3	3
- Courts	8	6	Social Services	2	2
- Correctional Institutes	2	2	Safety & Public Services	1	1
- Legal Services Board	1	1	Transportation	5	5
<u>Justice sub-total</u>	<u>14</u>	<u>11</u>	Housing Corporation	1	1
- Regional Health Boards	2	1	NWT Power Corporation	2	2
- Stanton Hospital	3	3	WCB	1	1
- Iqaluit Hospital	1	1	Whole GNWT	4	3
- Hay River Hospital	1	1	Federal depts/agencies	6	0
<u>Health sub-total</u>	<u>7</u>	<u>6</u>	Others	11	2
Economic Development and Tourism	1	1	<b>Total</b>	<b>155</b>	<b>116</b>

A larger number of complaints does not necessarily indicate a more serious problem. Several departments and agencies have larger numbers of complaints simply because they play a major role in offering Official Languages services and programs.

Complaints about boards and their facilities are listed with the department. Courts are included in "justice sub-total" because these matters usually involve some administrative matter for which the department is responsible.

The head of the department or agency (Deputy Head), and the Official Languages Unit in the Premier's office may not be aware of some of these complaints, because the *Official Languages Act* states that the Languages Commissioner need only bring to their attention matters that, in her opinion, require their consideration and action.

This figure also shows that of the 155 complaints handled in 1993-94, the Languages Commissioner had jurisdiction over 116. Only the ones considered reasonable would have been investigated. The category "others" includes complaints against departments or agencies not specified in the list above.

**2. IS THE MATTER WITHIN THE LANGUAGES COMMISSIONER'S JURISDICTION?**

The Languages Commissioner must follow well-established guidelines on procedural fairness when she deals with complaints and inquiries. She must ask herself the following questions each time she deals with a case.

**2.1. HOW DOES THE LANGUAGES COMMISSIONER DETERMINE JURISDICTION?**

In deciding whether or not a complaint or inquiry is within her jurisdiction, the Languages Commissioner will often consult with legal counsel or other associates in the ombudsman field who have expertise in these matters. Since the wording of the *Official Languages Act* is the same as or similar to the wording of other acts, the courts may have issued decisions that apply to the interpretation of NWT acts and regulations.

**2.2. WHAT TYPE OF INSTITUTION IS INVOLVED?**

The *Official Languages Act* applies to the "institutions of the Legislative Assembly and Government of the NWT", so the Languages Commissioner can deal with matters involving any of these bodies. However, there is no list of the bodies that are captured in this definition. The Languages Commissioner uses the *NWT Financial Administration Act*, the *Public Service Act*, and other Acts that provide for the creation of certain bodies, when she tries to determine whether or not the *Official Languages Act* should apply. (A partial list of these institutions appears in Appendix 2 and GNWT has indicated that a list of these institutions will be included in the Handbook on Official Languages.)

If the complaint or inquiry involves some other body, the Languages Commissioner will refer the person to another authority.

**2.3. WHAT ACT OR REGULATION DOES THE COMPLAINT OR INQUIRY INVOLVE ?**

The Languages Commissioner can only investigate matters that involve provisions of the *NWT Official Languages Act* or "any other Act or regulation relating to the status or use of Official Languages". (See Appendix 1.) The Languages Commissioner can also investigate complaints that the spirit and intent of the *Official Languages Act* are not being respected.

The Languages Commissioner must turn to the preamble of the *Official Languages Act* and prior legislative debates to determine the spirit and intent of the Act. She must consider all of these details in deciding whether or not she has jurisdiction to investigate any particular matter.

If the complaint, or any part of it, involves any other act or regulation, the Languages Commissioner will refer the complainant to another authority.

**2.4. DOES THE MATTER INVOLVE THE "ADMINISTRATION OF THE AFFAIRS OF GOVERNMENT INSTITUTIONS"?**

The *Official Languages Act* gives the Languages Commissioner the authority and duty to conduct investigations about Official Languages in "the administration of the affairs of government". This phrase has been interpreted by many courts. It means "everything done by governmental authorities in the implementation of government policy" including "the adoption, formulation or application of general public policy in a particular situation" and "a decision or recommendation made, an act done or omitted, or a procedure used". In effect, it includes all administrative matters. (See B.C. Development Corporation c. Friedmann, Ombudsman, [1984] 2.R.C.S.)

**2.5. WHO IS CONTACTING THE OFFICE?**

The Languages Commissioner treats all complaints and inquiries the same way, no matter who they come from - the general public, employees of government institutions, NWT residents, non-residents. The *Official Languages Act* does not provide any limitations on who may lodge a complaint with the Languages Commissioner; it only says that the Languages Commissioner should investigate "any reasonable complaint".

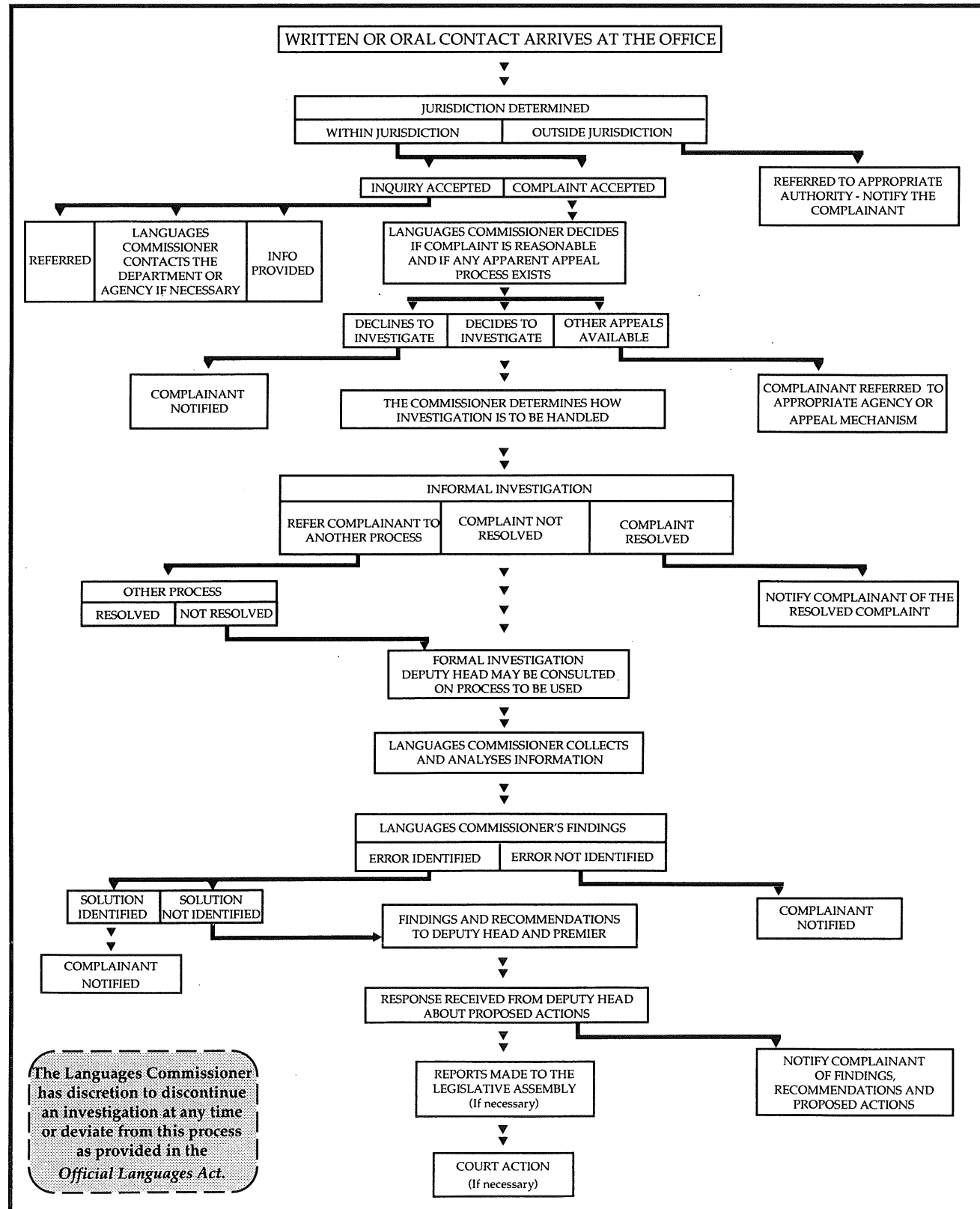
**2.6. DOES THE LANGUAGES COMMISSIONER FEEL SHE SHOULD INITIATE HER OWN INVESTIGATION?**

Under Section 20(2) of the *Official Languages Act*, the Languages Commissioner can initiate her own investigation if she is aware of any situation that appears to contradict the provisions, spirit or intent of the *Official Languages Act*, or any other Act or regulation relating to the status or use of the Official Languages.



INVESTIGATION GUIDELINES

Figure 16  
Procedures for Handling Complaints and Inquiries - Office of the Languages Commissioner



What were people complaining about?

Figure 10 shows the subjects of the complaints. Again, it is important to remember that not all complaints are valid.

The categories used here are very broad, but the office maintains more detailed information about each case. The largest percentage of cases (27.7%) related to services to and communications with the public, for example: complaints about correspondence, signs, forms, transcripts, public notices, radio or TV announcements, and so on.

The second largest percentage of complaints (23.9%) dealt with language courses and resources. This includes complaints, for example, that people could not find materials or courses for learning another Official Language, or that the resources for language teaching (other than funding) were not available or not adequate.

Complaints about interpreter/translator services made up 17.4% of the total. These were complaints, for example, that the quality of interpretation or translation was questionable, that interpreters or translators were not available when needed, or that interpreting equipment was not available for meetings.

Complaints (9%) were also received from the public and from employees about the lack of regulations or specific guidelines for the implementation of the *Official Languages Act*. Other cases involved dissatisfaction with the way the Act was being implemented, even if some general guidelines did exist.

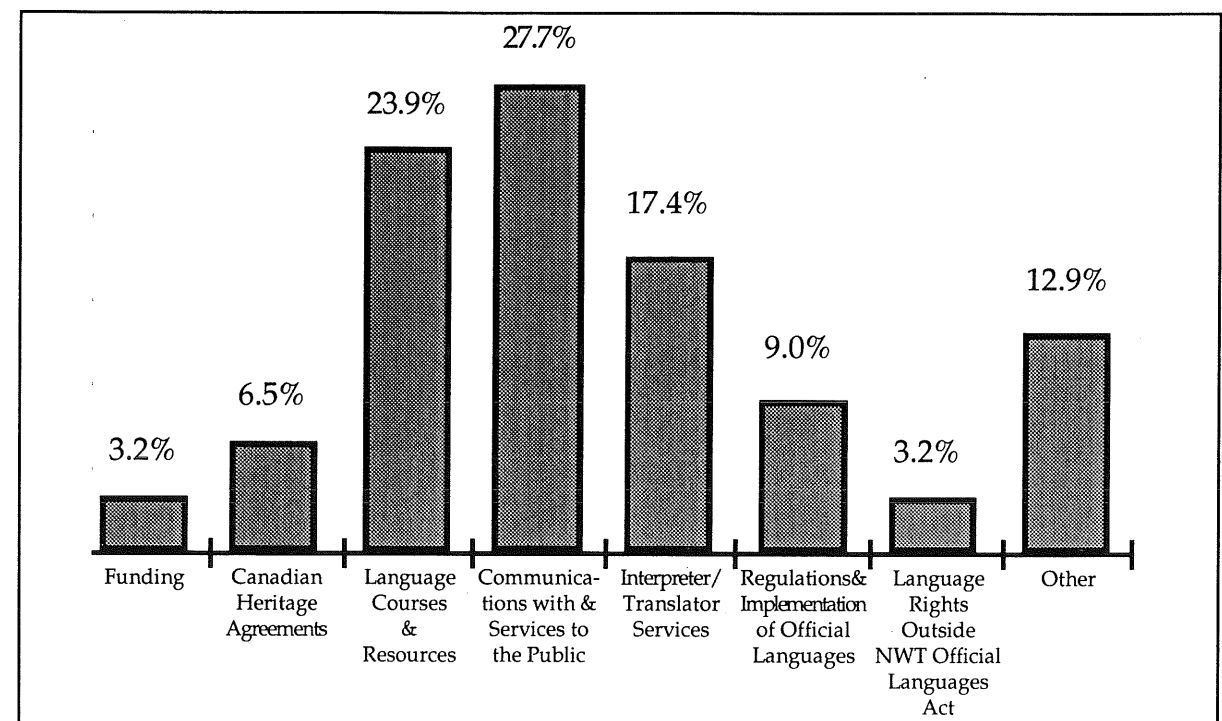
The language agreements between the GNWT and Canadian Heritage (formerly Secretary of State) accounted for 6.5% of the complaints. A typical complaint in this category would be someone asking for information about the agreements and being told it wasn't public.

Complaints specifically about funding make up 3.2% of the total. For example, someone might complain that a proposal for a language project was denied funding, and ask the Languages Commissioner to review the reasons why it was denied.

Some complaints (3.2%) involve language rights that are not in the *Official Languages Act*, but which are established by some other Act or regulation relating to the status or use of Official Languages (See Appendix 1).

The category "other" includes all other types of complaints that represent very small percentages of the total. Altogether, they form 12.9% of the complaints dealt with in 1993-94.

Figure 10  
Subjects of the Complaint Case Load 1993-94



**What type of information did people want?**

The most frequent requests for information (23.6%) involve questions about the *Official Languages Act* - which languages are Official, what rights and obligations are contained in the *Official Languages Act*, who is responsible for a service or program, what role the Languages Commissioner plays, and so on. See Figure 11.

There are also inquiries (10.5%) about the languages themselves, such as which language or dialect is used in a certain community, where else outside the NWT these languages are found, how many people speak each language, where the names of the languages came from, and so on.

Many people (15.9%) also call the office to ask about interpretation and translation services. Some people think that the Languages Commissioner is responsible for providing these services. Others ask for assistance in locating interpreters or translators, or ask how information can best be conveyed to each language group.

Requests for information about funding make up 13.2% of the inquiries. Some people think the Languages Commissioner

has funding to distribute for language projects, some people just want to know where to apply. The Languages Commissioner has developed a package of information with over 200 sources of funding, so that people know where else, besides GNWT, they can apply. The office is aware that several projects have received money from other sources by using this information.

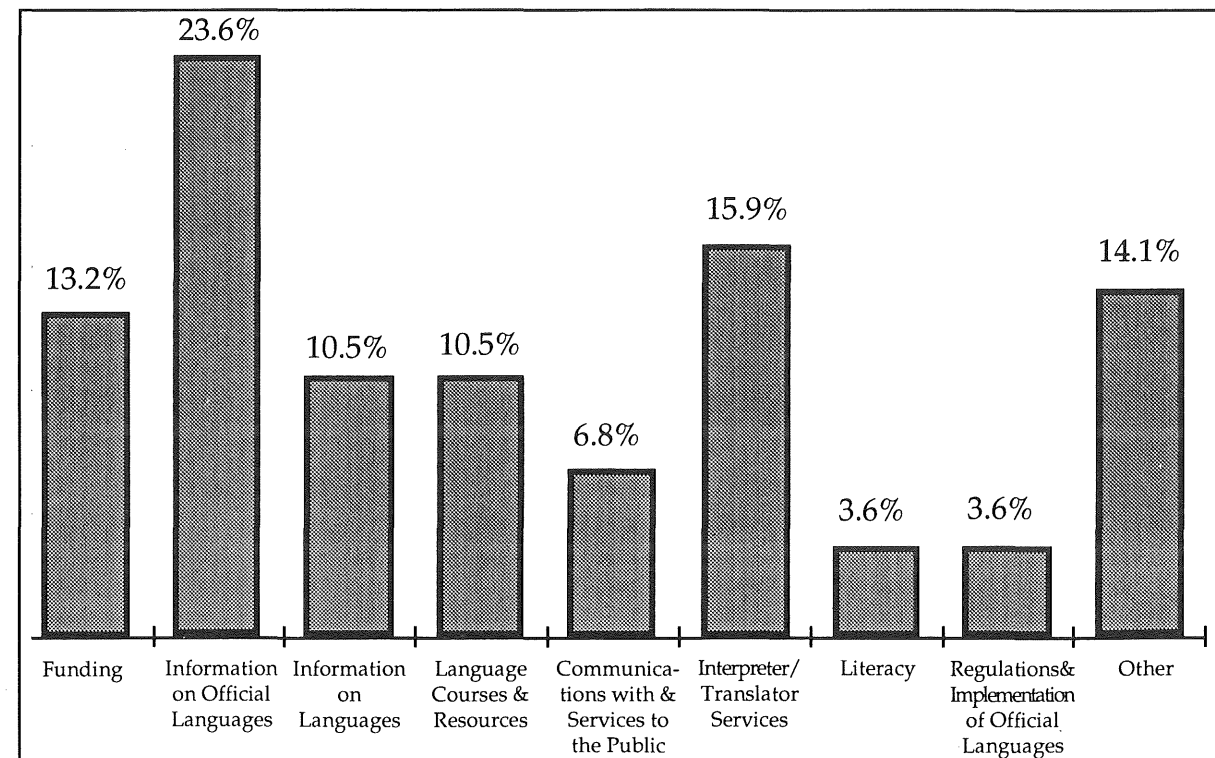
People who want to know where to obtain materials for learning or teaching another language, or who want other information about language courses or resources, make up 10.5% of the inquiry case load.

Another 6.8% of the inquiries deal with services to or communications with the public, such as what order the Official Languages should be in on a sign or into which languages notices to the public must be translated.

Questions specifically about literacy make up 3.6% of the total, as do questions about what regulations or guidelines exist for the implementation of the *Official Languages Act* or another Act with language provisions.

Other inquiries that do not fit into the above categories form 14.1% of the total.

Figure 11  
Subjects of the Inquiry Case Load 1993-94



The Languages Commissioner meets all of these criteria, and must, therefore, be considered an ombudsman, although her mandate relates to a special area - Official Languages. Her only other counterpart in Canada is the Commissioner of Official Languages of Canada, appointed under the federal *Official Languages Act* of Canada to oversee the implementation of that Act in federal institutions. There are many ombudsmen in Canada and around the world, some who deal with any type of complaint or inquiry, some who deal with specialized subject areas, such as Access to Information, Privacy, Corrections, or language.

In addition to dealing with complaints, a specialized ombudsman is also responsible for the promotion of a specific Act or policy initiative. She or he is appointed to ensure that this initiative is implemented in government institutions. In order to do this, it is often necessary to provide information that will help people understand why an initiative is being undertaken, what inequity it is meant to remedy, and how it can be implemented.

An ombudsman's office is established to assist ordinary citizens in resolving complaints about the government and in getting information they require. It is meant to be used as a last resort, when all else fails, and should assist citizens in cutting through the complicated bureaucratic process. An ombudsman protects the individual's rights while, at the same time, protecting government institutions against unfair criticism.

**1.3. COURTS HAVE GIVEN BROAD POWERS TO OMBUDSMEN:**

Many courts have given a broad interpretation to ombudsman legislation. They have said that ombudsman legislation is always adopted with the purpose of providing ordinary citizens with an effective, impartial, cost-free way of resolving disputes. Since many of these Acts contain the same wording as the NWT *Official Languages Act*, the Languages Commissioner must consider these court decisions in interpreting her own role

and powers, but must also consider the unique circumstances in the N.W.T.

When a person tries to find out what the words of any act mean, she or he can also turn to an *Interpretation Act*. In the NWT, as in other places, the *Interpretation Act* states that every act has to be interpreted fairly and liberally, so that it provides for a remedy to a problem. The Languages Commissioner must, therefore, interpret her role in keeping with this direction. This Act also states that, if any act tells someone to do something, or tells them to enforce the doing of any act or thing, the necessary powers are included.

**1.4. THE LANGUAGES COMMISSIONER HAS A DUTY TO INVESTIGATE AND TO ENSURE LANGUAGE RIGHTS ARE UPHELD:**

Section 20(1) of the *Official Languages Act* states: "It is the duty of the Languages Commissioner to take all actions and measures within the authority of the Languages Commissioner with a view to ensuring recognition of the rights, status and privileges of each of the Official Languages and compliance with the spirit and intent of this Act in the administration of the affairs of government institutions, including any of their activities relating to the advancement of the aboriginal languages in the Territories."

Section 20(2) says that: "... the Languages Commissioner may conduct and carry out investigations either on his or her own initiative or pursuant to any complaint..."

Section 21(1) of the *Official Languages Act* states that: "The Languages Commissioner shall investigate any reasonable complaint..."

The Languages Commissioner has a duty to investigate complaints and monitor the activities of government institutions. She, therefore, also has the authority to do so.

**INVESTIGATION GUIDELINES**

**INVESTIGATION GUIDELINES**

Figure 16 and the following outline explain how the Languages Commissioner deals with complaints and inquiries. They also examine the source of her authority, and definitions of the terms complaint, inquiry, ombudsman, and administrative fairness.

These guidelines have been developed over the last two years, since the inception of the Languages Commissioner's office. They are based on the role of the Languages Commissioner as

provided for in the NWT *Official Languages Act*. They also take into consideration court decisions that have interpreted other legislation containing the same or similar wording as that used in the NWT *Official Languages Act*, since these are legal precedents that cannot be ignored. Guidelines from other ombudsmen's offices were also used as a model.

Now that these guidelines are clearly stated, previous confusion over procedure should be dispelled.

**1. WHAT AUTHORITY DOES THE LANGUAGES COMMISSIONER HAVE TO DEAL WITH COMPLAINTS AND INQUIRIES?**

**1.1. THE LANGUAGES COMMISSIONER RECEIVES HER MANDATE FROM THE LEGISLATIVE ASSEMBLY:**

When the NWT *Official Languages Act* was passed in 1984, it gave Official status to English, French and the Aboriginal languages of the NWT. When the Act was amended in April 1990, all of the languages were given equal status, and the Languages Commissioner's position was created.

The Languages Commissioner is appointed by a vote of the Legislative Assembly to ensure that institutions of the Legislative Assembly and Government of the NWT respect the NWT *Official Languages Act* and the provisions of any other Act or regulation relating to the status or use of Official Languages.

The Languages Commissioner is independent. She is not a government employee. She is responsible to the Assembly as a whole - not to any one Member or to any Minister or department. She reports through the Speaker to the Assembly, assisting the Members in ensuring equity, fairness and responsiveness in the administration of government affairs.

The Languages Commissioner's independence assures all parties that, when a complaint is made against a government institution, there is a process available for an impartial review. If the government denies that a complainant was treated unfairly, the complainant may not accept this decision. However, if the case is given an independent review, and the same conclusion is reached, both parties can feel more confidence in such a finding. If the Languages Commissioner finds that some administrative error did occur, the complainant can feel assured that some action will have to be taken by the institution to correct the problem.

The Languages Commissioner's role is similar to that of a Member of the Legislative Assembly. She tries to assist people

in resolving complaints about government and obtaining the information they want. However, she is different from a Member of the Legislative Assembly in that she is impartial; she is not a representative of any particular individual, constituency, or government institution. She deals with every complaint or inquiry without bias. She also has the legislative authority to investigate, which may give her access to documents and information that Members of the Legislative Assembly might find it hard to access.

The Languages Commissioner's role is also similar to that of a judge, especially because of her independence. She considers all the facts in a case and all the rights and privileges of the individual. However, she can only issue findings and recommendations. Courts, on the other hand, issue decisions and binding orders.

**1.2. THE LANGUAGES COMMISSIONER IS AN OMBUDSMAN:**

The duties of the Languages Commissioner, as set out in the *Official Languages Act*, are those of a linguistic ombudsman, (or "ombudsperson").

In 1974, the International Bar Association provided the following definition. An ombudsman:

- is provided for by an action of the legislature;
- is responsible to the legislature;
- is independent;
- is a high-level public official;
- receives complaints from aggrieved persons against government agencies, officials or employees;
- investigates complaints from persons, organizations or on his/her own initiative;
- has the power to investigate;
- recommends corrective action;
- issues reports to the legislature.

**To which languages did the complaints and inquiries relate?**

Figure 12 indicates the number of complaints and inquiries that relate to each language. Each Official Language was quite well represented in the case load.

Out of 377 cases, 232 (62%) dealt with Aboriginal Languages, and 52 (14%) dealt with French. Predictably, only a few cases (3) dealt with English.

Of the 377 cases handled in 1993-94, 180 involved more than one language. Of these, 15 concerned two languages, and were counted in the statistics as one case for each of these languages. Cases involving more than two languages are listed separately. These include 55 cases that related to all Official Languages, 43 related to all Official Languages except English, 31 related to all Aboriginal Languages, 31 related to all Dene Languages and 5 that related to "All Inuktitut" (all dialects, or dialect unspecified).

Only a small portion (7) relate to languages that are not Official. However, it is important to note that a number of cases involved "Michif". There has been some skepticism expressed

Figure 12  
Languages Involved in Complaints and Inquiries - 1993-94 Case Load

	Complaints	Inquiries	Total
Chipewyan	4	4	8
Cree	0	2	2
Dogrib	4	3	7
Gwich'in	6	5	11
Inuinnaqtun	8	8	16
Inuktitut	40	50	90
Inuvialuktun	8	5	13
North Slavey	1	4	5
South Slavey	10	0	10
Slavey	0	1	1
Michif	1	1	2
All Official Languages except Eng. and Fr.	6	25	31
All Dene	15	16	31
All Inuktitut	1	4	5
Total Aboriginal	104	128	232
English	0	3	3
French	34	18	52
All Official Languages except English	4	51	55
All Official Languages except English	17	26	43
Other	1	6	7

• 15 cases involved two languages

about whether or not Michif is "a real language", so a short explanation of why it is included here is warranted.

Michif is a group of languages which contain elements of Aboriginal and non-Aboriginal languages, and is spoken mostly by Metis people. It is not a sub-standard version of any other language, and should not be given any less recognition or status than any other bona fide language.

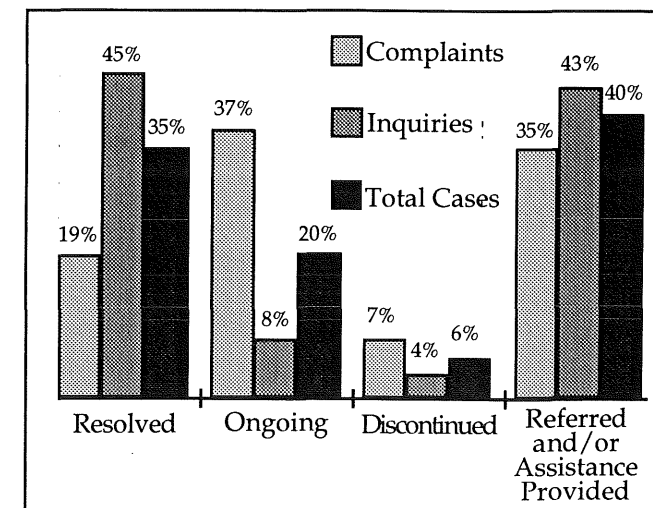
Michif is spoken by about 150 Metis people in the NWT, according to a recent Metis Nation Census project. It has been well documented elsewhere in Canada and the United States, but has not been studied in the NWT, so the exact details of the Michif spoken in the NWT are not yet known. In fact, some of the speakers of Michif in the NWT had never heard their language referred to by this name until the Metis Heritage Association held a conference on Michif in Yellowknife in February 1994. Others said they were always too embarrassed to speak Michif in public because they had always been told it was "poor French".

The Languages Commissioner supports the efforts of the Metis people to have this language documented so that its proper status can be addressed in an informed manner.

**What was the outcome of the complaints and inquiries handled in 1993-94?**

Figure 13 shows the status of all the cases dealt with in 1993-94. Of the complaints, 37% are ongoing. The 62% which were completed include 19% which were resolved, 7% that were discontinued either by the Languages Commissioner or the

Figure 13  
Status of the Complaints and Inquiries - 1993-94 Case Load





complainant, and 35% that were referred to another authority or process. When complaints are referred, some assistance is usually provided, so that the person better understands how to resolve the problem.

Of the inquiries dealt with in 1993-94, 92% are completed. This includes 45% resolved, 4% discontinued, and 43% referred to some other body or individual. Only 8% are ongoing. Again, when people are referred elsewhere, they are usually given some of the information they need and told to confirm it or obtain further details from someone else.

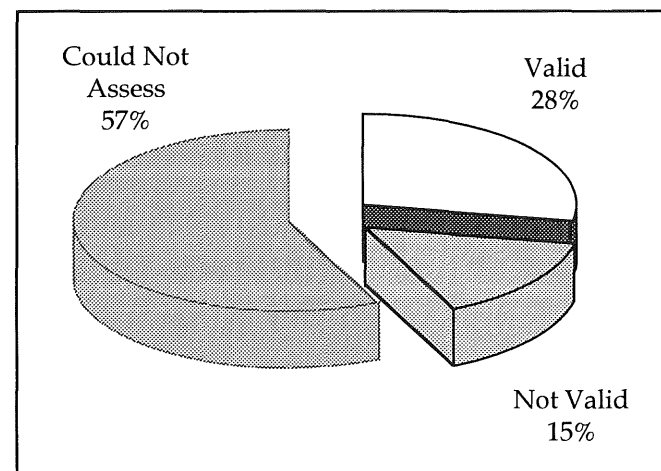
Of the total case load in 1993-94, only 20% was not completed by the end of March 1994. This will now become part of the case load in 1994-95.

**How many complaints were valid?**

Figure 14 shows that 28% of the complaints completed in 1993-94 were valid. This represents 27 cases which the Languages Commissioner has investigated and where she has determined that some administrative error, oversight or unfairness occurred.

Of these 27 cases, 14 were rectified immediately by the department, without any report having to be made to the deputy head or Premier. In some cases, after informal inquiries, the Languages Commissioner simply told the complainant what steps to take to try to resolve the problem, and this was effective. In other cases, the department or agency was already aware of the problem and was taking action to correct the situation.

Figure 14  
Validity of the Completed Complaints



In 13 cases, the Languages Commissioner brought the matter to the attention of the deputy head and Premier for consideration and action. In 5 of these cases, a solution was found. In the 8 cases where no solution was found, the problems were the same as those referred to the Legislative Assembly in the recommendations of the last Annual Report. These cases represent four issues, which are currently being addressed by the GNWT.

Only 15% of the complaints were investigated and found to be "not valid", that is, no administrative error, oversight or unfairness was identified. In these cases, the complainant was informed of the actions taken by the Languages Commissioner and the reasons for this finding.

The office could not assess the validity of 57% of the complaints, either because they were not within jurisdiction, and thus, weren't investigated, or because inconclusive evidence was obtained. Some complaints may also have been abandoned or withdrawn by the complainant.

**Which departments and agencies were the source of valid complaints?**

Figure 15 shows which department or agency was the source of each of the 27 valid complaints completed in 1993-94. Again, it is important to note that those institutions and departments with major responsibilities for language services and programs can be expected to be involved in more of these complaints. However, every institution of the Legislative Assembly and Government of the NWT has some obligations

Figure 15  
Completed Valid Complaints by Department and Agency

	Valid Complaints
Education, Culture & Employment in general	8
- Arctic College	1
- Boards of Education	1
- Language Bureau	3
- Cultural Affairs	2
Courts	1
Official Languages Unit	2
Stanton Hospital	1
Legislative Assembly	2
Personnel	2
Transportation	2
Whole GNWT	2
<b>Total</b>	<b>27</b>

with regard to Official Languages - be it signs, correspondence, forms, telephone answering, public information, or whatever - and any one of them could be the subject of a complaint.

When valid complaints are identified, the Languages Commissioner reports these findings and makes recommendations. She has no power to issue a binding decision or order. She can make a recommendation to the Legislative Assembly if no solution is found within the institution, but these recommendations must be discussed in detail by the Legislative Assembly before they are accepted. Only in

the most extreme cases, after all other avenues are exhausted, would the Languages Commissioner consider court action.

During all investigations, the identity of the parties is kept confidential, and the names of employees involved may never even be known by superiors if a suitable solution is found to a problem through informal discussions. This informal approach can be very useful in resolving issues once people realize how effective it can be and learn not to be afraid of an ombudsman's investigation.