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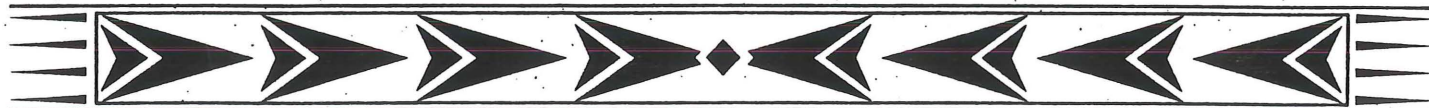
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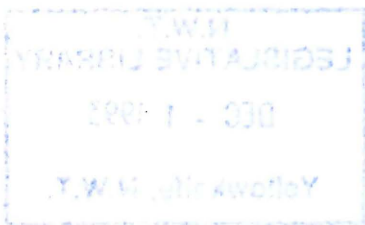
EIGHT OFFICIAL LANGUAGES: MEETING THE CHALLENGE

FIRST ANNUAL REPORT OF
THE LANGUAGES COMMISSIONER
OF THE NORTHWEST TERRITORIES
FOR THE YEAR 1992 - 1993

EXECUTIVE SUMMARY

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Report of the NWT Languages Commissioner, 1992-93: Executive Summary

This is the first annual report of the Northwest Territories Languages Commissioner to the Legislative Assembly.

The Northwest Territories is the only place in North America where Aboriginal languages have Official status and one of the few places where French has Official status in provincial or territorial institutions.

1. OVERVIEW OF LANGUAGES IN THE NWT

According to the 1991 Census, more than 5,000 people in the NWT do not speak or understand English or French. About six in ten people in the NWT are of Aboriginal origin. Four people in ten say their mother tongue, (i.e. the first language they learned in childhood and still understand) is an Official Language other than English. Three in ten most often use a language other than English at home.

But the shift towards English is pervasive in the NWT.

The illiteracy rate in English in the NWT is 44% for the total population over 15 years, 72% for Aboriginal people, and 7% for the non-Aboriginal population. These figures are based on Grade Nine or less as the indicator of illiteracy. But many people, especially Inuit, are literate in their own language.

More Inuktitut speakers were unilingual (26%) than any other group. Younger people were less likely to speak an Aboriginal language than older ones. Only 1% of non-Aboriginal people 15 or older speak an Aboriginal language.

Labour force surveys say that people who speak English only are more likely to be in the labour force and employed, than people who are bilingual in English and an Aboriginal language.

In the NWT, Cree and Gwich'in are classified as extremely endangered. Chipewyan is very endangered, and Slavey and Dogrib are somewhat endangered. Inuktitut is the only NWT Aboriginal language rated as having an excellent chance of survival. However, Cree in Canada as a whole is one of three Aboriginal languages considered most likely to survive after the end of the century.

About 2.5% of the NWT population claimed French as their mother tongue. French is still a minority language in the NWT and needs special care. There is a high rate of shift to English (56%).

2. LANGUAGE RIGHTS IN CANADA

There are a variety of legal sources of language rights, including the *United Nations Universal Declaration of Human Rights* and the *Convention on Civil and Political Rights*; the *Canadian Constitution* and the *Charter of Rights and Freedoms*; the federal *Official Languages Act*, the *Criminal Code* and provincial statutes. The NWT Languages Commissioner does not deal with rights stemming from these sources, unless they are adopted as NWT laws.

3. THE NWT OFFICIAL LANGUAGES ACT

In 1984, the NWT Legislative Assembly passed its own *Official Languages Act*.

The first funding agreement with the federal Secretary of State was signed in June 1984. Under that agreement, the federal government agreed to pay for specific French and Aboriginal Languages activities.

Equality does not mean treating everyone the same. Provisions in the *Official Languages Act* for English and French are different from those for Aboriginal Languages. The idea is to provide services where they are most needed.

It is not yet clear if the law gives rights to GNWT employees themselves, or if it applies to certain boards and agencies that deliver services on behalf of GNWT.

The GNWT did not announce the coming into effect of the section on services to the public at the end of 1992. There are no guidelines for employees to use in determining when and how Aboriginal Languages services should be made available. The section regarding services to the public in French has been in effect since 1990, but no guidelines exist there either.

GNWT is conducting a review of demand for services in Official Languages, and of the language capabilities of their employees. They plan to draft some guidelines when these studies are complete.

4. THE OFFICE OF THE LANGUAGES COMMISSIONER

The Languages Commissioner is appointed by vote of the Legislative Assembly for a term of four years. The first Languages Commissioner was appointed in December of 1991, and the office opened in February of 1992.

The Languages Commissioner is responsible for:

- promotion of Official Languages
- monitoring language services and programs in GNWT
- resolving complaints
- making recommendations to improve language services

The Languages Commissioner can conduct investigations, make recommendations, require action to be taken, report to the Assembly on problems, and appear in court to represent those who feel their rights have been denied.

The office has two full-time staff, the Languages Commissioner and an Executive Secretary /Administrative Assistant. The office made it a priority to resolve individual complaints and inquiries as soon as possible. Another priority was research.

The total budget was \$262,000, and \$273,904 was spent. Next year there will be one new position for a Researcher/Writer.

5. COMPLAINTS AND INQUIRIES

Complaints tell the government what needs to be improved in providing services. The Official Languages Commissioner handled about 250 complaints and inquiries between February, 1992 and March 31, 1993. The office now keeps track of all complaints and inquiries on computer.

The number of items raised by government employees shows that there is a lack of information even within the GNWT about the *Official Languages Act*.

The following types of complaints were received:

1. Lack of information on Secretary of State language agreements, including how to access funding.
2. Lack of information on the *Official Languages Act* and its implementation.
3. Lack of language courses and resources.
4. Poor communications with the public (signage, lack of staff speaking Official Languages, etc.).
5. Quality of and resources for interpretation/translation.
6. Equal rights for all languages.
7. Bilingual bonus.
8. Surveys about Official Languages.
9. Delays in translation of regulations.

6. SPECIAL STUDIES

The Languages Commissioner has the authority under the law to conduct special studies on her own.

In a survey of GNWT employees, a majority said they are interested in learning another Official Language or improving their language skills. Most said it was necessary or at least helpful in their job to know another language. About half said they could communicate in a language other than English.

About four out of ten people replying, said they used interpreters in their job. Interpreters are used mostly for Inuktitut, Slavey, French and Dogrib.

In a survey of GNWT policy sections, most departments indicated there were no guidelines or policies in their departments about Official Languages, or if there were, they were not aware of them.

Some were not aware that they could seek funding from the Secretary of State agreement.

Generally this survey indicated a lack of awareness about Official Languages and some confusion about how and why the GNWT is trying to implement the initiative. Attitudes ranged from willingness, to indifference.

Perhaps the most important study findings were those related to the *Secretary of State language funding agreements*. Results show large sums of unspent monies – hundreds of thousands of dollars – in each year of the agreements, despite constant complaints of a lack of resources. One reason for the lapsed funds is the federal government's delay in signing the agreements each year. But GNWT should also be reallocating funds to ensure they are spent.

Two *other studies* are still in progress: a survey of language services in non-governmental organizations; and a survey of community residents' awareness of and attitudes to Official Languages.

7. RECOMMENDATIONS

The following recommendations are based on complaints and inquiries and our studies of the 1992-93 activities of the institutions of the Legislative Assembly and GNWT. Since this report only covers the fiscal year ending March 1993, some actions may already have been taken since then to implement some of these recommendations.

The Languages Commissioner recommends the following actions:

1. That the Legislative Assembly establish a Standing Committee on Official Languages, or assign this responsibility to an existing committee, and that the Languages Commissioner and Official Languages Unit report regularly to this committee, and that the Annual Report of the Languages Commissioner be referred to this committee for review.
2. That the Legislative Assembly clarify the intended scope of the Languages Commissioner's authority to obtain documents and information from institutions of the Legislative Assembly and GNWT for the purpose of investigations.
3. That the Legislative Assembly clarify whether or not the Languages Commissioner should deal with complaints from employees about Official Languages policies, services and programs, and, if not, that the Legislative Assembly provide direction to GNWT as to how these complaints should be handled without the employees having fear of reprisal.
4. That the Legislative Assembly clarify whether or not the *Official Languages Act* is intended to allow employees to use any Official Language as a language of work, and that GNWT determine how many employees do not speak English or prefer to communicate in a language other than English, and that they develop policies required to accommodate employees who do not speak English.
5. That the Legislative Assembly consider the current GNWT practice of requiring boards, agencies and other institutions to report to the Languages Commissioner through the Deputy Minister responsible, and determine whether or not this is appropriate in all circumstances.
6. That the Legislative Assembly consider whether or not any provision should be made in the *Official Languages Act* for the travelling public, (i.e. people travelling outside the region where their language is spoken) and, if so, what provisions should be made.
7. That the Legislative Assembly clarify whether or not it was intended that obligations under the *Official Languages Act* should apply to groups and bodies providing a service or program to the public on behalf of GNWT or one of its institutions.
8. That GNWT clearly identify to which institutions of the GNWT and Legislative Assembly the *Official Languages Act* applies, and ensure that all of these institutions and the public are made aware of their obligations.
9. That GNWT determine all other Acts and Regulations, besides the *Official Languages Act*, relating to the status and use of Official Languages, and that they monitor any activities related to this legislation.

10. That GNWT, without delay, in consultation with the public, the Languages Commissioner and all departments and institutions, establish operational guidelines for the implementation of the *Official Languages Act*, especially for Section 14, and determine a process and timeframe for the drafting of policies and regulations for this Act. (This includes identifying existing guidelines that are in use, and collecting them into a public document along with new guidelines, policies and regulations.)

11. That GNWT prepare and distribute, to employees and the public, information on the *Official Languages Act*, Official Languages initiatives and the Secretary of State funding agreements.

12. That GNWT more closely monitor the Secretary of State funding agreements to ensure that money allocated is spent and that excess funds are re-allocated early enough in the year to allow other projects to take advantage of these available funds.

13. That GNWT give clear direction to all departments and institutions about how to apply for funding under the Secretary of State agreements, and that they assist them in developing proposals that meet the required criteria.

14. That GNWT advise the public immediately of the coming into effect of new Sections of the *Official Languages Act* or of any Act or Regulation relating to the status and use of Official Languages, or any guidelines or policies related to their implementation.

15. That GNWT adopt a policy of "active offer" for the provision of language services by clearly identifying, through signs, pins/buttons, and public announcements, offices where services are available in languages other than English, as required by Section 14 of the *Official Languages Act*.

16. That GNWT develop a policy on the provision of interpreter/translator services to all departments and institutions, so that all employees know how to make services to the public available in all offices at all times, either through employees of GNWT or through freelance I/T's, as required by Section 14 of the *Official Languages Act*. (This will require clearly identifying which office(s) will be responsible for maintaining and distributing information about freelance interpreter/translators who can be called when GNWT staff are not available, procedures and terms to be used in contracting for I/T services, reviewing and equalizing rates of pay for I/T's for all languages, and so on.)

17. That GNWT consider whether or not it is necessary to provide full simultaneous interpretation in the Legislative Assembly at all times and in all Official Languages, as currently available, or whether service in some languages can be made available on demand, with reasonable notice. (This decision will have to be made in consultation with MLA's. This is based upon many comments that the current interpreter/translator services in the Legislative Assembly do not make the best use of human resources and that interpreters are not available for other urgent assignments when needed.)

18. That GNWT avoid all delays in filling positions responsible for the delivery of Official Languages programs and services required under the *Official Languages Act*, and that if some delay is unavoidable, that an interim arrangement be made with the department or institution responsible, to ensure that the required language services are available at all times.

19. That GNWT clarify to departments, institutions and the public, which documents, forms, and other communications, including "instruments in writing directed to or intended for the notice of the public" as per Section 11 of the *Official Languages Act*, must be translated and into which Official Languages, and in what format (oral, audio-visual or written).

20. That a policy be developed on communicating information to the public using the media most appropriate for each Official Language group.
21. That GNWT consider setting up a 1-800 line for each Official Language, similar to the one existing for French, so that people can contact the GNWT or its institutions at any time using their Official Language.
22. That GNWT, in consultation with employees, the Unions representing employees, and the Languages Commissioner, reconsider their current policies of Bilingual Bonus and Language Allowance, and especially their plans for language fluency testing, to see if this funding would be better utilized instead for language training programs. (People already receiving the bonus could be offered courses in upgrading their fluency or literacy skills, or be taught how to teach language courses, or be involved as instructors.)
23. That GNWT ensure that all managers and employees are aware of the eligibility criteria for bilingual bonus, and ensure that all eligible employees are collecting it.
24. That GNWT ensure that more individuals who are unilingual in an Official Language other than English, or who are bilingual, are employed in the public service. This should be done by adding a language criterion to the Affirmative Action Policy (since these groups have been "traditionally disadvantaged" in employment), or by providing for hiring preference for these people in more jobs.
25. That GNWT determine what materials are available for adult literacy and fluency training for all Official Languages and that they collect and further develop these materials and make them readily available.
26. That GNWT establish more training programs for employees and members of the public who want to learn or teach Official Languages.
27. That GNWT continue to inform the public and its employees of the standardized writing systems for native languages, that they support further research in this area, and that support be developed through non-government bodies for the standardization initiative.
28. That GNWT research and document Dene syllabics for historical purposes and for use in translation for elders when it is specifically requested by them.
29. That GNWT conduct a thorough study of literacy and fluency for all Official Languages in the NWT.
30. That GNWT assist non-government organizations and groups, whenever possible, with developing and delivering services and programs to the public in Official Languages, both by assisting them with planning, interpreting/ translating or other such services, and by ensuring that all available funding is allocated for such community projects. (Examples: phone companies, airlines, drug stores, small businesses, etc.)

Response to Recommendations - Follow Up

The Languages Commissioner requests that a response to the recommendations be received from GNWT before March 31st, 1994, so that the Annual Report for 1993-94 can take this response into consideration.

8. THE FUTURE

The Languages Commissioner plans to continue her mandated activities next year. There will be new initiatives in providing public information, and the establishment of an advisory council.