



Plain Language Summary for Bill 63: An Act to Amend the Official Languages Act

The Minister of Education, Culture and Employment (ECE) is sponsoring Bill 63: *An Act to Amend the Official Languages Act* (the Bill).

The *Official Languages Act* (OLA) of the Northwest Territories (NWT) seeks to recognize, preserve, and enhance the use of Indigenous languages in the NWT along with the two official languages of Canada. To do so, the Act designates Chipewyan, Cree, English, French, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey and Tłı̨chǫ as Official Languages in the NWT.

The OLA requires a review to be conducted every five years. Accordingly, in 2020, the Standing Committee on Government Operations (the Committee) began a review of the OLA. Due to unforeseen events relating to the COVID-19 pandemic, work on this review was delayed to allow adequate time for public input. As part of this review, the Committee reviewed the 2017-2018 and 2018-2019 Annual Reports of the Official Languages Commissioner (the Commissioner) and held public meetings in June 2021 and January 2022. Although Committee has yet to complete its statutory review, in the interest of supporting some legislative change in the 19th Assembly, Committee made several initial recommendations for legislative amendments to the OLA that can be taken in short order and which build on issues identified by the Department and previous reviews of the Committee.

Based on the recommendations of Committee, ECE is seeking to amend the OLA to better reflect the intended function of the Commissioner and the Language Boards, ensure the Act is protecting the language rights of all communities in the NWT, and emphasize the importance of language protection as a means of implementing the Articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The significant amendments included in the Bill are as follows:

1. Clarifying and strengthening the role of the Languages Commissioner:

The OLA establishes that it is the duty of the 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.” In practice, there has been confusion over the limits of the Commissioner’s power to investigate matters, to provide recommendations, and whether they are empowered to require action to be taken to address the concerns they have identified.

- The Bill makes amendments in four areas to enhance clarity and strengthen the Commissioner’s role, as follows:
 1. Imposing time limits for responses to requests made by the Commissioner;
 2. Empowering the Commissioner to mandate actions that must be taken to address concerns;
 3. Allowing the Commissioner to refer matters to Alternative Dispute Resolution where appropriate; and

4. Permitting the Commissioner to obtain an order from the court where no action has been taken based on the Commissioner's recommendations.

- The Bill would also amend the Act to require the Commissioner to provide additional details in their annual report on complaints received, while respecting personal privacy. These additional details would include the number of complaints received, the bodies of government that were the subject of the complaints, the recommendations and orders made by the Commissioner as a result of the complaints, and progress made on compliance with the orders and recommendations made by the Commissioner.
- The Bill would also add a requirement that the Commissioner reside in the NWT to ensure they have and continue to hold a strong connection to the land and people they serve.

2. Merging the Languages Boards:

- The OLA creates two Boards: an Official Languages Board and an Aboriginal Languages Revitalization Board. Since 2009, ECE has heard recommendations from both Standing Committee and the Boards themselves that a single board would be preferred. As such, the Bill would amalgamate the two boards into a single entity to improve efficiency and update their roles under the Act.
- The new consolidated board will be empowered to provide advice and recommendations to the Minister on those topics currently within the purview of the two boards, including the scope of usage of all Official Languages in the administration and delivery of services and in official communications. They will also be responsible for reviewing and evaluating the programs and initiatives of communities, government institutions and other bodies or institutions that aim to maintain, promote or revitalize Indigenous languages and the operation and effectiveness of the Act overall.

3. Updating language in the Act:

- The Bill seeks to add language to the Act's Preamble recognizing the significant negative effects of colonialism on the use and proliferation of Indigenous languages, how increasing the use of Indigenous languages takes strides towards repairing the harms that have been caused to Indigenous peoples through forced cultural assimilation, and how these ideas work towards implementing the principles of UNDRIP. Updates will be made to the Preamble to recognize the importance of language to cultural identity, including the importance of local variations and dialects to small communities with significant lexical nuances, as well as to reinforce the GNWT's commitment to ensuring support for the provision of services in a manner that maintains fair and equitable access for Indigenous language speakers. The Bill will also update French terminology throughout the Act.

For additional information or questions contact:

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