

The Office of the Northwest Territories Languages Commissioner

Annual Report 2004-2005



N.W.T.
LEGISLATIVE LIBRARY
OCT 26 2005
Yellowknife, N.W.T.



October 1, 2005



The Honourable Speaker
Legislative Assembly of the Northwest Territories
Legislative Assembly Building
Yellowknife, Northwest Territories



Mr. Speaker,



Pursuant to section 23 of the *Official Languages Act*, I am pleased to submit to the Legislative Assembly, for consideration, the Annual Report of the Languages Commissioner of the Northwest Territories for the fiscal year 2004-2005.



Sincerely,



Shannon R. W. Gullberg
Languages Commissioner of the Northwest Territories



Office of the Languages Commissioner
1st Floor Laing Building, 5003-49 Street, Yellowknife, NT X1A 2P4
Tel: (867) 873-7034 Toll Free: 1-800-661-0889 Fax: (867) 873-0357 Toll Free Fax: 1-888-305-7353
E-mail: langcom@gov.nt.ca Web site: http://www.gov.nt.ca/Lang_Com

Message from the Languages Commissioner



Greetings.

Ms. Fibbie Tatti was Languages Commissioner from June 2000 to June 2004, when her appointment expired.

At that time, I was appointed as Acting Languages Commissioner while the Legislative Assembly searched for a new Languages Commissioner. I was honoured and humbled by that appointment.

During my time as Acting Languages Commissioner, I saw my role as “holding down the fort” until a new Languages Commissioner was chosen. I specifically did not want to pursue any initiatives that might not be in keeping with the wishes, goals and objectives of the new Languages Commissioner. Instead, my role was to ensure that the office was accessible, and that inquiries and complaints were dealt with in a timely fashion.

In March 2005, I was appointed as the Languages Commissioner of the Northwest Territories. Again, I was honoured by the appointment, humbled by the privilege, and excited about the future.

In this, my first annual report, I am taking the opportunity to give a bit of history about the office, an overview of the current mandate of the office, and my views on the direction this office needs to go. I am confident that positive things lie ahead.

I also want to take this opportunity to thank Fibbie Tatti for all her hard work during her tenure as Languages Commissioner, and I personally wish her all the best in the future.

Last, please do not hesitate to contact my office if you have any questions or concerns about this Annual Report, or if you have a complaint or inquiry that should be directed to this office.

Mahsi.

The Past

In 1984, the Legislative Assembly passed its first *Official Languages Act*. Modelled on the Federal Act, it had two essential purposes: the Act guaranteed equal status for the use of English and French by members of the public using government programs and services, and the Act officially recognized the Aboriginal languages in use in the Northwest Territories. In 1990, the Legislative Assembly made major amendments to the Act to give greater status to northern aboriginal languages. Recognizing the official status of Aboriginal languages was intended to preserve and promote Aboriginal cultures through protection of their languages.

The 1990 amendments also created the position of Languages Commissioner for the Northwest Territories to be appointed by the Legislative Assembly for a term of four years. The first appointment was made in December 1991.

The Office of the Languages Commissioner was opened in February 1992. The Languages Commissioner is an independent officer and accountable to the Legislative Assembly. In March 2005, Shannon Gullberg became the fourth Languages Commissioner.

Until major amendments to the Act in 2004, the Act gave the Languages Commissioner authority to investigate complaints in regard to compliance with the Act, initiate investigations as appropriate, and engage in activities related to the promotion and protection of Official Languages.

The Present

A New Mandate for the Office

In 2001, the Legislative Assembly appointed the Special Committee on the Review of Official Languages (SCOL). In 2003-2004, the Government of the Northwest Territories (GNWT) considered and responded to the SCOL Final Report. The end result was that major amendments were made to the Act. Some of those amendments had a direct and significant impact on the Office of the Languages Commissioner:

- Section 20(1) of the *Official Languages Act* used to contain a provision giving the Languages Commissioner a broad mandate including taking steps to ensure the promotion and preservation of Official Languages. This promotional role was deleted, and the position of the Languages Commissioner was narrowed to that of an “ombudsman type” role. That is, the role of the Languages Commissioner became one of ensuring compliance with the Act through investigating complaints, handling inquiries, and initiating investigations where appropriate.
- The role of promoting and preserving Official Languages was turned over to the newly created position of Minister Responsible for Official Languages. As part of fulfilling this role, the Minister is to establish two Boards – the Official Languages Board and the Aboriginal Languages Revitalization Board. The Official Languages Board is to review the rights and status of Official Languages and their use in the administration and delivery of services by government institutions. The Aboriginal Languages Revitalization Board is responsible for reviewing programs and initiatives dealing with aboriginal languages, and promoting and revitalizing Aboriginal languages.

- Before the amendments, the Act referred to eight Official Languages (Chipewyan, Cree, Dogrib, English, French, Gwich'in, Inuktitut, and Slavey). In the definitions section of the Act, "Slavey" was defined as including North Slavey and South Slavey, and "Inuktitut" was defined as including Inuinnaqtun and Inuvialuktun. With the amendments, the Act now clearly identifies North Slavey, South Slavey, Inuinnaqtun and Inuvialuktun as separate Official Languages. As well, "Dogrib" is referred to by its proper name, "Tłı̨chǫ". As such, the Northwest Territories now has eleven distinct Official Languages.

These changes have had a significant impact on the nature of the Office. There is no longer a need for a full time Languages Commissioner. The Languages Commissioner needs to be available to handle inquiries, investigate complaints, and initiate investigations of non-compliance with the Act. This may seem like a step backwards, but the reality is that it allows the Languages Commissioner to act in a truly ombudsman type fashion, and maintain distance from the Legislative Assembly and the GNWT. This adds to the independence of the Office. The government must now clearly take responsibility for promotion and preservation of languages.

A New Office

For a number of years, the Office of the Languages Commissioner was located on the third floor of the Panda II Mall. In summer of 2004, the Office moved to the main floor of the Laing Building where it shares space with other Commission offices (the Human Rights Commission, the Information and Privacy Commissioner, the Conflicts Commissioner, and the Equal Pay Commissioner). This arrangement offers many benefits:

- The office now has a true storefront location that is very visible and easily accessible to the public. Given the nature of the Office, this is important.
- In many respects, the office provides one centralized location for dealing with complaints against government and government institutions. If a member of the public does not know exactly which office is responsible for his or her complaint, the central receptionist can direct the complainant to the appropriate Commission.

- Even when the Languages Commissioner is not in her Office, the Office is accessible. Further, the Languages Commissioner can always be contacted by cell phone or e-mail. This system is working well.
- Although the various offices are independent and have distinct responsibilities, they all have the common mandate of dealing with inquiries and complaints. By having these offices together, we can all learn and grow from general discussions on investigation procedures and policies. This allows all of us to better fulfill our mandates.

Inquiries and Complaints

During the 2004-2005 fiscal year, the number of inquiries and complaints were as follows:

- Inquiries – 55
- Complaints – 1

Most of the inquiries related to translation of materials and revitalization of Aboriginal languages. The one complaint that was filed was found to be outside the jurisdiction of the Languages Commissioner, as the complaint did not involve a government institution. One other person inquired about the complaint process, but never did file a complaint.

Budget

Office of the Commissioner of Official Languages
Financial Position at March 31, 2005
for fiscal year 2004-2005

	2004-2005 <u>Budget</u>	Actual <u>Expenditures</u>	<u>Balance</u>
Compensation and Benefits			
Salaries – Permanent Staff	158,000	54,865	103,135
Salaries – Casual Staff	<u>0</u>	<u>12,238</u>	<u>(12,238)</u>
Total Compensation and Benefits	\$158,000	\$67,102	\$90,898
Other Operating Expenses			
Travel and Transportation	28,000	12,191	15,809
Materials and Supplies	20,000	3,739	16,261
Purchased Services	20,000	18,580	1,420
Utilities	0	394	(394)
Contract Services	100,000	51,804	48,196
Fees and Payments	15,000	200	14,800
Other Expenses	5,000	0	5,000
Tangible Assets	0	0	0
Computer Hardware and Software	5,000	0	5,000
Total Other Operating Expenses	<u>\$193,000</u>	<u>\$86,908</u>	<u>\$106,092</u>
TOTALS	<u>\$351,000</u>	<u>\$154,010</u>	<u>\$196,990</u>

The Future

As indicated, there are positive developments in the Office of the Languages Commissioner. However, more steps need to be taken to ensure that the Office can best meet the needs of the public:

Web Site

The web site for the Office is very outdated and needs to be upgraded:

- Currently, the focus of the web site is on the preservation and promotion of Official Languages. The focus of the web site should be in keeping with the new mandate and ombudsman focus of the Office.
- Up-to-date documents need to be added to the web site. This includes the amended Act and recent Annual Reports.
- The web site should focus on the complaints process and, if possible, should allow for the filing of complaints on-line.
- At least basic information should be available on the web site in all Official Languages. There should also be an active offer to provide information in any Official Language.

A New Logo



When the Office was first opened, the Languages Commissioner, in conjunction with officials at the Department of Public Works, developed a logo for the Office. The logo symbolizes eight Official Languages (an arrow for each language). The arrows all focus on the diamond, for just like diamonds, the languages of the Northwest Territories are unique, precious and rare. The points of the arrows reflect the struggle to promote, protect and preserve the various cultures through the continuing use of languages. The circle is a powerful symbol for the strength and protection of all language groups working together.

The logo has wonderful symbolism, and has come to be strongly associated with the Office. However, now that the Act clearly delineates eleven Official Languages, the symbol is outdated. Designing a new logo could be a wonderful opportunity to promote the Office.

Procedures for Complaints and Inquiries

A review of previous files in the Office shows that there has not been a consistent use of the terms “inquiry” and “complaint” over time. This is not meant as a negative reflection on previous Languages Commissioners. However, it becomes impossible to compare statistical information from one year to another if common terminology is not used. Terminology needs to be standardized and applied consistently. Further, it is important to develop standard practices for dealing with complaints and inquiries. This ensures that the public knows the process to be followed, and that the public is dealt with in a fair and consistent manner.

As well, previous Languages Commissioners have expressed concerns about the database used for recording and tracking complaints and inquiries. This needs to be reviewed in greater detail.

In dealing with a complaint, the complainant may be more comfortable in dealing with the matter in a particular language. Therefore, the Office must have processes in place to ensure that a complaint can be dealt with in any of the Official Languages. This will be considered further.

Promotion of the Office

As already indicated in this report, there was only one complaint filed with the Office during this fiscal year. This could be a sign that people are comfortable that their rights under the Official Languages Act are being met. However, it could also mean that people do not understand their rights, or if they do, they do not know what steps to take if they feel their language rights have been violated. Regardless of the reason, it is important that efforts be taken to promote the Office in order to be sure that the Act and the Office are understood by the government and the public. A number of steps should be taken:

- development of promotional material on language rights and the Office of the Languages Commissioner.
- meeting with members of the Official Languages Board, the Aboriginal Languages Revitalization Board, as well as other language groups, in order to understand their perspective and gain their input into how the Act is working and any need for change.
- meet with government officials to ensure that the Legislative Assembly and government departments understand their responsibilities under the Act.
- establish an on-line complaint process. Also, the current complaint form is only available in English. Steps should be taken to ensure that information is available in all Official Languages.

About The Languages Commissioner

Shannon Gullberg grew up in rural Alberta. In 1983, she obtained her Bachelor of Science degree in Rehabilitation Medicine (with distinction) from the University of Alberta. She then practised as a Speech Pathologist for several years, where she worked with children with severe language impairment and adult stroke victims. In 1988, she obtained her Bachelor of Laws degree from the University of Alberta, and immediately came north to Yellowknife where she articulated under Donald M. Cooper, Q.C., now the Deputy Minister of Justice. After practising with the firm of Cooper Johnson for several years, Shannon worked for the Legal Division in the Department of Justice, GNWT until 1995. She then opened her own law practice.

As part of her practice, Shannon was legal counsel for the Languages Commissioner from 1996 to 2004. She also served as a Fair Practices Officer, and is now an adjudicator under the *Human Rights Act*.

How To Contact Us

In Person: 5003 - 49th Street
1st Floor, Laing Building
Franklin Avenue Entrance
Yellowknife, NT

By Mail: Office of the Languages Commissioner
Box 1320
Yellowknife, NT X1A 2P4

Phone: (867) 873-7034
1-800-661-0889

Fax: (867) 873-0357
1-888-305-7353