

Standing Committee on
Government Operations



Report on the Review of the 2021-2022 Annual Report of the Languages Commissioner

19th Northwest Territories Legislative Assembly

Chair: Mr. Rylund Johnson

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September 28, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its *Report on the Review of the 2021-2022 Annual Report of the Languages Commissioner* and commends it to the House.



Mr. Rylund Johnson
Chair, Standing Committee on Government Operations

STANDING COMMITTEE ON GOVERNMENT OPERATIONS

REPORT ON THE REVIEW OF THE 2021-2022 ANNUAL REPORT OF THE LANGUAGES COMMISSIONER

INTRODUCTION

The Standing Committee on Government Operations (Committee) has reviewed the 2021-2022 Annual Report of the Languages Commissioner.¹

The *Official Languages Act* requires the Commissioner to prepare an annual report. The report includes information on the number of complaints filed. It can also include recommendations. The Speaker tables the report in the Legislative Assembly. Once tabled, Committee reviews the report.

As part of the review, the Languages Commissioner, Ms. Brenda Gauthier, appeared before the Committee on June 26, 2023.² In the past year, the Commissioner has also engaged with Committee on two other significant projects – our statutory review of the *Official Languages Act*³ (*Act*) and our legislative review of Bill 63: *An Act to Amend the Official Languages Act* (Bill 63).⁴ Across all this work, the Languages Commissioner offered thoughtful input to enhance rights, especially for Indigenous-language speakers.

In her annual report, the Languages Commissioner offered four recommendations. Committee carefully considered each one. This report presents Committee's response to the Languages Commissioner's report, including two of our own recommendations to reinforce the Commissioner's advocacy.

RECOMMENDATIONS FROM THE LANGUAGES COMMISSIONER

Separating the Minister Responsible for Official Languages from the Department of Education, Culture and Employment

The Languages Commissioner recommended that the Minister Responsible for Official Languages be a standalone role within a different department. She believes some of the Minister's legislative duties, especially the duty to promote the use of Official Languages in delivering public services, "*appear[] to be lost in the provision of providing education services.*"⁵ She noted that residents are "*not getting service in all 11 of the official languages [...] as required.*"⁶

Committee agrees with the importance of providing public services in each official

language. In March 2023, Committee recommended that the government implement a right for each resident to receive services in the official language of their choice.⁷ The government responded by pointing out various initiatives currently underway to expand official language service delivery.⁸

While Committee welcomes the work underway, the government should also review whether the Minister Responsible for Official Languages could more effectively carry out their mandate if they were not also the Minister of Education, Culture and Employment (ECE). Committee shares the Commissioner's concern about language and culture getting lost within a department that also handles early learning and childcare, K-12 education, income security, and labour development. The size and scope of ECE may not allow for enough focus as the Minister Responsible for Official Languages.

One alternative is making the Minister Responsible for Official Languages a standalone role within a department that serves a broader mandate. This approach was cited by the Languages Commissioner, who suggested it be more like the Minister responsible for the Status of Women. Another option is placing the secretariats for French and Indigenous languages within a smaller, more focused department. Nunavut, which has a standalone Department of Culture and Heritage, could be a model.⁹

Committee therefore recommends:

Recommendation 1: That the Government of the Northwest Territories study separating the Minister Responsible for Official Languages from the Department of Education, Culture and Employment in the 20th Assembly.

Clarifying the relationship between the Languages Commissioner and the Minister Responsible for Official Languages

The Languages Commissioner recommended clarifying the *Official Languages Act* on whether she can make recommendations to the Minister.¹⁰ The Commissioner has previously said she finds her role to communicate with the Minister is “blurred.”¹¹

Committee already endorsed this recommendation last year and put it forward to ECE.¹² In response, the government said it believes the *Act* allows the Languages Commissioner to bring forward concerns and recommendations to the Minister.¹³

Committee is satisfied with the government's response. Committee encourages and supports the Languages Commissioner in making recommendations to the Minister and suggests that she copy us on communications to the Minister. Committee believes such recommendations can enhance oversight for official languages in the Northwest Territories.

Reviewing official language service delivery

Section 29(a) of the *Act* allows the Official Languages Board to “review the rights and status of each of the Official Languages, including their use in the administration and delivery of services and communications by government institutions.”¹⁴ The Languages Commissioner recommended that the Board action this part of their mandate, with a focus on the nine Indigenous official languages.¹⁵ Committee does not know when the last review took place – none of the annual reports on official languages going back to 2006 make any mention.¹⁶ It is important for the Board to exercise all aspects of its mandate.

Committee supports the Languages Commissioner’s recommendation. We note with some concern the issue of vacancies on the Official Languages Board. As of July 10, 2023, four of the eleven official languages did not appear to be represented on the Board.¹⁷ Any review by the Board would be more effective with full representation on the Board. We encourage the Minister to ensure all official language communities are consistently represented on the Board. The Board plays an important oversight role to ensure services are being delivered in each local Indigenous official language.

We also note the importance of having more Indigenous language speakers in the public service, especially in leadership roles and policymaking roles related to Indigenous language program - and service-delivery. Committee has expressed this concern before. We believe it is a key aspect to improving service delivery and revitalization in the Indigenous languages.

Committee therefore recommends:

Recommendation 2: That the Minister Responsible for Official Languages work with the Official Languages Board to enable the Board to carry out a review as prescribed in Section 29(a) of the *Official Languages Act* and report on the results.

The review should evaluate the administration and delivery of public services in each official language, with a focus on the nine Indigenous official languages.

Responding to recommendations from the Languages Commissioner

The Languages Commissioner repeated a long-standing recommendation regarding her ability to get responses. She asked for a formal process for the Legislative Assembly to respond to her recommendations.¹⁸

A formal process already exists. Committee outlined the two processes that exist in last year’s review report.¹⁹ Committee does not see the need for any new or additional processes.

However, Committee shares the Commissioner’s frustration with the lack of action on her office’s recommendations. Languages Commissioners have put forward dozens of

recommendations over the last 20 years. Previous Standing Committees have reinforced many of these recommendations with reports and motions in the House. But many recommendations have not been implemented.

Improving legislation and administration regarding official languages is not only good governance; it's also a matter of rights. The *United Nations Declaration on the Rights of Indigenous Peoples* makes this clear. Article 13 commits governments to take effective measures to ensure Indigenous peoples':

*"right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing system and literatures, and to designate and retain their own names for communities, places and persons."*²⁰

When the Languages Commissioner issues a recommendation, she is often advocating for the recognition, protection, and enhancement of Indigenous official languages. By doing so, the Languages Commissioner plays a role in bringing the government closer to fulfilling the rights outlined in Article 13 of the *Declaration*. The government needs to be more serious when considering and implementing recommendations from the Languages Commissioner and Standing Committee.

We are encouraged by recent steps by the Minister, who put forward Bill 63. That bill was the first legislation to improve the *Official Languages Act* in twenty years. The government has also expressed openness to additional, more ambitious legislation to improve the *Act* in the 20th Assembly.²¹ Committee urges the government to pursue this work and implement more of the Languages Commissioner's historical and current recommendations in the next Assembly. The government should consult the Languages Commissioner in this work.

CONCLUSION

This concludes the Standing Committee on Government Operations' *Report on the Review of the 2021-2022 Annual Report of the Languages Commissioner*. Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond.²² However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and requests that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20th Assembly.

NOTES

¹ Available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf.

² Available at: <https://youtu.be/KMvb8XX1Fe0?list=PLZiv8ITEMg4cxlwqCQJdi9JfF5J-BhMPg&t=490>. The Legislative Assembly uploads video recordings of public meetings and other special events to its Youtube channel.

³ On February 17, 2022, the Languages Commissioner presented to Committee on our statutory review of the *Official Languages Act*. The Languages Commissioner reproduced her oral comments in her 2021-2022 Annual Report. Available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf#page=24.

⁴ The Languages Commissioner's written submission on Bill 63: *An Act to Amend the Official Languages Act*, is available at: https://www.ntassembly.ca/sites/assembly/files/cr_43-192_scogo_report_on_bill_63_an_act_to_amend_the_official_languages_act_0.pdf#page=32.

⁵ See recommendation #1, available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf#page=31.

⁶ Ibid.

⁷ See recommendation #1 from Committee's *Report on the 2021-22 Review of the Official Languages Act*. Available at: https://www.ntassembly.ca/sites/assembly/files/cr_49-192_scogo_report_on_review_of_official_language_act.pdf#page8.

⁸ See the government's response to recommendation #1 from Committee's *Report on the 2021-22 Review of the Official Languages Act*. Examples of the government's work on expanding official language service delivery include:

- Setting up new *Indigenous Languages Communications Guidelines*, to promote multilingualism in government communications;
- Implementing *Indigenous Languages Service Standards* and exploring the principle of substantive equality in the language of service delivery; and
- Developing an Indigenous languages professional training program.

Available at: https://www.ntassembly.ca/sites/assembly/files/td_937-192_gnwt_response_to_committee_report_49-192_report_on_the_2021-2022_review_of_the_official_languages_act.pdf#page=2.

⁹ Nunavut Department of Culture and Heritage. Available at: <https://www.gov.nu.ca/culture-and-heritage>.

¹⁰ See recommendation #2, available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf#page=31.

¹¹ Said at the February 17, 2022, public review of the Languages Commissioner's 2020-2021 Annual Report, and reported in Committee's review report. Available at: https://www.ntassembly.ca/sites/assembly/files/scogo_report_on_the_review_of_the_languages_commissioner_for_the_northwest_territories_annual_report_2020-2021.pdf#page=6.

¹² See recommendation #1 from Committee's *Report on the Review of the 2020-2021 Annual Report of the Languages Commissioner*. Available at: https://www.ntassembly.ca/sites/assembly/files/scogo_report_on_the_review_of_the_languages_commissioner_for_the_northwest_territories_annual_report_2020-2021.pdf#page=6.

¹³ See the government's response to recommendation #1, available at: https://www.ntassembly.ca/sites/assembly/files/td_691-192.pdf.

¹⁴ For more information, see Section 29(a) of the *Official Languages Act*. Available at: https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages_a.pdf#page=20.

¹⁵ See recommendation #3, available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf#page=31.

¹⁶ Annual Reports on Official Languages going back to 2006-07 are available at: <https://www.ece.gov.nt.ca/en/annual-reports-on-official-languages>.

¹⁷ As of July 10, 2023, seven of eleven official languages were represented on the Aboriginal Languages Revitalization Board. With the passage of Bill 63: *An Act to Amend the Official Languages Act*, this Board is supposed to merge with the Official Languages Board. Information on board membership is available

at: <https://boardappointments.exec.gov.nt.ca/en/appointments/appointments-full/>.

¹⁸ Available at: https://www.ntassembly.ca/sites/assembly/files/td_812-192.pdf#page=10.

¹⁹ Available at:

https://www.ntassembly.ca/sites/assembly/files/scogo_report_on_the_review_of_the_languages_commissioner_for_the_northwest_territories_annual_report_2020-2021.pdf#page=5.

²⁰ *United Nations Declaration on the Rights of Indigenous Peoples*, Article 13. Available at:

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

²¹ See the Government of the Northwest Territories' Response to Committee Report 43-19(2): *Report on the Review of Bill 63: An Act to Amend the Official Languages Act*. Available at:

https://www.ntassembly.ca/sites/assembly/files/td_935-192_gnwt_response_to_committee_report_43-192_report_on_the_review_of_bill_63_an_act_to_amend_the_official_languages_act.pdf.

²² As required by Rule 9.4(5) of the *Rules of the Northwest Territories Legislative Assembly*. Available at:

https://www.ntassembly.ca/sites/assembly/files/td_527-192.pdf#page=40.