



What We Heard Report

NWT Official Languages Act Engagement

May- June 2022

If you would like this information in another official language, call us.

English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.

French

Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

Tlıchö yatı k'èè. Dı wegodi newö dè, gots'o gonede.

Tłęchę

?erihtl'ís Dëne Sųłiné yatı t'a huts'elkér xa beyáyatı the?ą ?at'e, nuwe ts'ën yólti.

Chipewyan

Edi gondı dehgáh got'je zhatié k'ée edat'eh enahddhe nide naxets'eh edahlí.

South Slavey

K'áhshó got'ıne xədə k'é hederı ɂedıhtı'l'é yeriniwę nídé dúle.

North Slavey

Jii gwandak izhii ginjìk vat'atr'ijahch'uu zhit yinohthan jì', diits'at ginohkhìi.

Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

Inuvialuktun

Čéđak унреће да се узимају симболи и симболи, а не људи.

Inuktitut

Hapkua titiqqat pijumagupkit Inuinnagtun, uvaptinnut hivajarlutit.

Inuinnagtun

Indigenous Languages:

French:
867-767-9348
866-561-1664 Toll Free

Table of Contents

Table of Contents.....	3
Executive Summary.....	4
Introduction/Background.....	5
Engagement Process	6
Governments and Stakeholders	7
Indigenous Governments.....	7
Francophone Organizations	7
Language Board Representatives.....	7
GNWT	7
What We Heard	8
Next Steps	9

Executive Summary

The Department of Education, Culture and Employment (ECE) is proposing amendments to the Northwest Territories (NWT) *Official Languages Act* (OLA) to update the language of the Act, improve the intended function of the Office of the Languages Commissioner and the Language Boards, ensure that the Act is protecting official language rights in communities, 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.

The proposed amendments are based on recommendations and feedback from the Languages Commissioner, the Standing Committee on Government Operations (SCOGO) and the public between from 2003 to 2022. They specifically follow up on SCOGO's own public hearings that took place in 2021 and 2022, and the Committee's request to introduce legislative amendments within the life of the 19th Legislative Assembly, which adjourns in 2023.

From May to June 2022, ECE invited language communities as represented by Indigenous Governments and Francophone organizations, members of the Language Boards, senior management of the GNWT, and the general public to provide input on proposed amendments to the OLA. With the timeframe of engagement compressed to accommodate the drafting, introduction, deliberation, and passage of a bill in the spring of 2023, the GNWT received a limited response from stakeholders, as noted in this report; that said, the bulk of the proposed amendments reflect the feedback received from key stakeholders during previous engagements.

Introduction/Background

Since its original establishment in 1984, the OLA has remained the legislative basis for the recognition of the NWT's 11 official languages – English and French as enshrined in Canada's own *Official Languages Act*, and the Indigenous languages of Chipewyan, Cree, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey and Tłı̨chǫ. It commits the GNWT to the provision of territorial services in the official languages and establishes the Languages Commissioner of the NWT to investigate complaints under the Act. The OLA further establishes the Aboriginal Languages Revitalization Board and the Official Languages Board to assist in the goals of service delivery and language revitalization.

The OLA requires a legislative review by a Standing Committee of the Legislative Assembly to be conducted every five years. Substantial reviews were undertaken in 2003 and 2008, leading to the evolution of language programs and services within the GNWT. A minor review in 2014 reiterated the recommendations of the 2008 review. Meanwhile, the language boards, which were established in the wake of the 2003 review, brought forward their own reforms for consideration by the GNWT.

Postponed from the 18th to the 19th Legislative Assembly, SCOGO began the latest review of the OLA in earnest in 2020. The Minister Responsible for the *Official Languages Act*, ECE senior management, and directors of the Francophone and Indigenous languages secretariats briefed the Committee and pledged to work cooperatively towards amending the OLA. The Committee also met with the Languages Commissioner and reviewed the Commissioner's annual reports.

Unfortunately, SCOGO's plans for public engagement were disrupted by COVID-19 restrictions throughout 2021, and as of June 2022, they had not finalized their review of the OLA. However, in March 2022, SCOGO did communicate a preliminary set of legislative priorities to ECE so that the department could move forward with a legislative proposal to update the OLA. ECE pledged to welcome additional findings when they are reported to the Legislative Assembly at a future date.

Engagement Process

ECE launched its public engagement process based on the general outlines of a prospective legislative proposal on May 13. Stakeholders were requested to review a plain language summary document and provide feedback in writing, by phone, or through one-to-one meetings with the directors of the language secretariats of ECE by June 6.

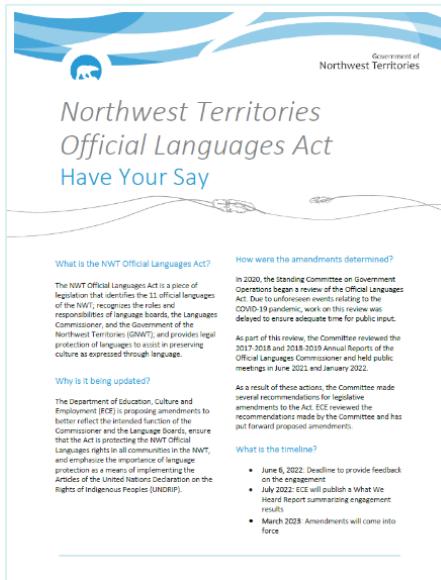


Figure 1. Have Your Say Engagement Document

The summary document categorized the proposed amendments into four focus areas:

1. Clarifying and Strengthening the Role of the Official Languages Commissioner.

Empowering the Commissioner by adding time-bound requirements to requests for information, providing further dispute resolution mechanisms, creating additional tools for the Commissioner to resolve complaints, and imposing a statutory requirement that the Commissioner reside in the Northwest Territories.

2. Merging the Language Boards.

Amalgamating the Official Languages Board (OLB) and the Aboriginal Language Revitalization Board (ALRB) into a single entity to improve efficiency and updating their roles under the Act.

3. Updating the Language of the Preamble.

Adding language to the Preamble to recognize the significant negative effects colonialism has had on the use of Indigenous languages in the Northwest Territories, and the GNWT's commitment to ensuring fair and equitable access to services for Indigenous language speakers.

4. Updating the Language of the Act.

Updating the language in the Act to be more inclusive and to ensure that the French version of the Act is properly translated using current terminology.

Governments and Stakeholders

In addition to issuing a [news release](#) and calling for public comment, ECE circulated invitations to the following groups:

Indigenous Governments

- Akaitcho Dene First Nations
- Dehcho First Nations
- Délı̨nę Got'ı̨nę Government
- Gwich'in Tribal Council
- Inuvialuit Regional Corporation
- Kátł'odeeche First Nation
- Northwest Territory Métis Nation
- Salt River First Nation #195
- Tłı̨chǫ Government
- Sahtu Secretariat Incorporated
- Acho Dene Koe First Nation

Francophone Organizations

- La Fédération franco-ténoise (FFT)
- Collège nordique francophone (CNF)
- Conseil de développement économique des Territoires du Nord-Ouest (CDÉTNO)

Language Board Representatives

- Members of the Official Languages Board and Aboriginal Languages Revitalization Board were engaged.

GNWT

- ECE engaged GNWT departments and agencies on the proposed amendments.

What We Heard

ECE primarily received responses from Yellowknife-based francophone organizations and one Indigenous Government.

General Comments on the Engagement.

The brevity of the plain language summary was an issue for two of the respondents who felt important details were missing on potentially consequential language. Furthermore, given that SCOGO had not yet released its report on the review of the OLA, one respondent noted that they could not reasonably evaluate whether the suggested amendments fulfilled SCOGO's recommendations.

Languages Commissioner

With respect to the role and powers of the Languages Commissioner, the following clarifications were requested:

- Define "other dispute resolution mechanisms" and ensure they do not weaken the investigatory role of the Commissioner. Dispute resolution and other mediation are better suited to bodies such as the Francophone Affairs Secretariat that already support the monitoring and evaluation of service standards.
- Obligate more detailed reporting of complaints without violating confidentiality.
- Develop an appeal process for the decisions of the Languages Commissioner.

Merging of the Boards

Concern was expressed about the merging of the Official Languages Board and Aboriginal Language Revitalization Board, fearing that it would make it more difficult to address French language issues. ECE notes that there are many alternate avenues for feedback that have been established for the Francophone community via the processes put in place by the *Strategic Plan on French Language Communications and Services*.

Scope of Services

ECE heard that Indigenous peoples should have the right to speak and be heard in their language in all government services (e.g., legal, social, health). In the current OLA, these rights to services are already affirmed, and made contingent on the concept of significant demand for services in the language. These are further elaborated in the *Government Institutions Regulations* and *Official Languages Guidelines* where the list of communities and languages can be found.

Next Steps

ECE would like to express its gratitude for the perspectives shared during this engagement. The feedback received, particularly with respect to the Languages Commissioner, was valuable and will assist the Department in the development of the legislative proposal.

ECE will move forward with finalizing a draft legislative proposal with the intention of introducing amendments to the legislation in the life of this Assembly.

While the resulting amendments may not constitute a comprehensive or transformative review of the OLA, the updates being considered are intended to improve its functioning, while allowing for the further evolution of official language policy through revisions of regulations, guidelines, and service standards. Public engagement as a central aspect of this work will continue.