



Standing Committee on Oversight of Government Operations and Public Accounts

Report on the Review of the 2013-2014 Annual Report of the Languages Commissioner of Nunavut and the 2012-2013, 2013-2014 and 2014-2015 Annual Reports of the Inuit Uqausinginnik Taiguusiliuqtiiit

**3rd Session of the 4th Legislative Assembly of Nunavut
Winter 2016 Sitting**

**Pat Angnakak, Chair
Alex Sammurtok, Co-Chair
Tony Akoak, MLA
Joe Enook, MLA
David Joanasie, MLA
Pauloosie Keeyootak, MLA
Steve Mapsalak, MLA
Simeon Mikkungwak, MLA
Allan Rumbolt, MLA
Tom Sammurtok, MLA
Isaac Shooyook, MLA**

Introduction

Section 24 of the *Official Languages Act* provides that:

- (1) The Languages Commissioner, shall, within 12 months after the end of each fiscal year, prepare and submit to the Speaker of the Legislative Assembly an annual report on the conduct of the office and the discharge of the duties of the Languages Commissioner during the preceding year, including
 - (a) the appointment and activities of an acting or special Languages Commissioner during the preceding fiscal year;
 - (b) a description of the number and type of applications and requests made under this Act and under the *Inuit Language Protection Act*, the status or resolution of the applications or requests that were active during the preceding fiscal year and information about any instances where recommendations made by the Languages Commissioner after an investigation have not been followed; and
 - (c) an assessment of the effectiveness of the enforcement powers exercised and duties performed by the Languages Commissioner, with any recommended changes that the Languages Commissioner considers necessary or desirable to improve compliance with this Act or the *Inuit Language Protection Act*.
- (2) The Speaker shall cause the annual report to be laid before the Legislative Assembly as soon as is reasonably practicable.

Section 23 of the *Inuit Language Protection Act* provides that:

- (1) The Inuit Uqausinginnik Taiguusiliuqtiiit shall, within nine months after the end of each fiscal year, prepare and submit to the Minister and to the Speaker of the Legislative Assembly an annual report on the performance of its statutory duties and exercise of statutory powers, including the following information:
 - (a) the activities of the Inuit Uqausinginnik Taiguusiliuqtiiit during the preceding fiscal year;
 - (a.1) copies or summaries, as the Inuit Uqausinginnik Taiguusiliuqtiiit considers to be appropriate, of the reports or recommendations submitted or advice provided to the Minister under paragraph 17(1)(f), if any;
 - (b) the results achieved;
 - (c) an assessment of the strength or needs of the Inuit Language;

- (d) the priorities of the Inuit Uqausinginnik Taiguusiliuqtiiit and any change of priorities made or anticipated in the interest of a more effective response to the needs of the Inuit Language;
 - (e) any other information that the Minister may require.
- (2) The Speaker shall cause the annual report of the Inuit Uqausinginnik Taiguusiliuqtiiit to be laid before the Legislative Assembly as soon as is reasonably practicable.

The 2013-2014 annual report of the Languages Commissioner was tabled in the Legislative Assembly on November 9, 2015. The 2012-2013, 2013-2014 and 2014-2015 annual reports of the Inuit Uqausinginnik Taiguusiliuqtiiit (Inuit Language Authority) were tabled in the Legislative Assembly on November 5, 2015.

The terms of reference for the Standing Committee on Oversight of Government Operations and Public Accounts include the mandate to review the reports of the Languages Commissioner of Nunavut and the Inuit Uqausinginnik Taiguusiliuqtiiit.

The Languages Commissioner's responsibilities are established by two pieces of territorial legislation: the *Official Languages Act* and the *Inuit Language Protection Act*, both of which were passed in 2008 by the 2nd Legislative Assembly of Nunavut. Nunavut's new *Official Languages Act* came into force on April 1, 2013, while the *Inuit Language Protection Act* has been coming into force in stages.

The Languages Commissioner of Nunavut has three main areas of responsibility: the investigation and resolution of concerns relating to language rights, providing guidance and support to various bodies and institutions on their obligations and duties with respect to language rights, and the administration of her office.

The Inuit Uqausinginnik Taiguusiliuqtiiit was formally established on September 19, 2009, under the *Inuit Language Protection Act*, to expand the knowledge and expertise available with respect to the Inuit Language, and to consider and make decisions about Inuit Language use, development and standardisation.

The Inuit Uqausinginnik Taiguusiliuqtiiit is responsible for developing and approving standardised terminology and expressions in the Inuit language, conducting research and documenting traditional Inuit language terminology, developing standards to ensure that the quality of the Inuit language is maintained, supporting government bodies and other organisations in developing terminology and competency levels, assessing the status of the Inuit language in the territory and recognising achievements of excellence within the territory in relation to the advancement of the Inuit language.

In June of 2015, the standing committee announced its plans to hold televised hearings in the fall of 2015 on the most recent annual reports of the Inuit Uqausinginnik Taiguusiliuqtiiit and the Languages Commissioner.

The November 24-25, 2015, appearances of witnesses from the Inuit Uqausinginnik Taiguusiliuqtiiit and the Office of the Languages Commissioner before the standing committee took place in the Chamber of the Legislative Assembly. The standing committee's hearing was televised live across the territory and was open to the public and news media to observe from the Visitor's Gallery. Transcripts from the standing committee's hearing will be available on the Legislative Assembly's website.

Observations and Recommendations

Issue: Implementation Activities of Territorial Institutions

Section 22 of the *Official Languages Act* provides that:

- (1) It is the duty of the Languages Commissioner to take all actions and measures within the authority of the Languages Commissioner to ensure that Official Language rights, status and privileges are recognized, and the duties respecting the Official Languages are performed.
- (2) Without limiting the generality of subsection (1), the duties of the Languages Commissioner include
 - (a) investigating whether the requirements of this or any other Act, regulation, policy or procedure concerning the Official Languages have been appropriately performed, and providing reports about the results of the investigation and recommendations, if any;
 - (b) developing mediation and other methods consistent with Inuit Qaujimajatuqangit, and using these methods when appropriate to resolve concerns about the performance of legislative, policy or procedural language obligations; and
 - (c) commenting on the implementation activities and performance of territorial institutions and municipalities under this Act, and on their compliance with the spirit and intent of this Act.
- (3) The Languages Commissioner shall exercise such other powers and perform such other duties as are assigned to the Languages Commissioner by this and any other Act.

Section 28 of the *Inuit Language Protection Act* provides that:

- (1) The Languages Commissioner shall take all actions and measures within the authority of the Languages Commissioner to ensure that the rights, status and privileges established by this Act with respect to the Inuit Language are recognized and performed.
- (2) The Languages Commissioner may, on request, advise an organization regarding the specific actions or approaches the Languages Commissioner considers appropriate for compliance with this Act and the regulations.
- (3) On the request of the Inuit Uqausinginnik Taiguusiliuqtiiit, the Languages Commissioner may provide reasonable assistance to support the informed and effective exercise of a power or performance of a duty of the Inuit Uqausinginnik Taiguusiliuqtiiit.

It is important to acknowledge the progress that has been made by the Languages Commissioner of Nunavut in providing more detailed information in her annual reports concerning her office's activities, plans, and priorities.

In her 2013-2014 annual report, the Languages Commissioner describes the results of her office's "press release review" and "website review," which allowed her office to investigate the extent to which government departments were distributing and displaying notices to the public in the official languages, as required under subsection 11(1) of the *Official Languages Act*.

In her 2013-2014 annual report, the Languages Commissioner also describes the results of her office's "call verification survey," which allowed her office to investigate the extent to which head or central offices of government departments were providing active offers in the official languages, as required under subsection 12(7)(a) of the *Official Languages Act*.

It is noted that in her 2012-2013 annual report, the Languages Commissioner previously provided the results of her office's 2012-2013 "call verification survey," which allowed the office to investigate the extent to which the employees' right to work in the Inuit language was facilitated within the public service, as required by subsection 12(1) of the *Inuit Language Protection Act*.

In her 2013-2014 annual report, the Languages Commissioner provides information on six formal concerns related to the performance of legislative, policy or procedural language obligations that were received by her office during the 2013-2014 fiscal year.

It is important to acknowledge that the Office of the Languages Commissioner provides an "Our Investigative Procedure" document on its website, which outlines the specific steps to be taken once a formal concern has been submitted with the office. This document indicates that:

"The Languages Commissioner will advise the parties of the option of going through a mediation process. If the parties choose to go through a mediation process then the Languages Commissioner or representative will coordinate this process."

It is also important to acknowledge that, in her 2013-2014 annual report, the Languages Commissioner recommends that regulations be approved and published on language services and communications to be provided by municipalities. The Languages Commissioner also recommends that the Minister of Languages collaborate with departments and the Inuit Uqausinginnik Taiguusiliuqtiiit to develop specialized terminology in the Inuit language to allow for the adequate provision of pharmaceutical services in Nunavut, bring into force sections 3 to 5 of the *Inuit Language Protection Act*, work towards the establishment of an accredited translation bureau for all official languages, and raise awareness of the role of the Inuit Uqausinginnik Taiguusiliuqtiiit.

Subsection 22(2)(c) of the *Official Languages Act* provides that:

“[T]he duties of the Languages Commissioner include ... commenting on the implementation activities and performance of territorial institutions and municipalities under this Act, and on their compliance with the spirit and intent of this Act.”

However, the Languages Commissioner does not indicate in her annual report, and did not provide testimony to the standing committee, during its November 24-25, 2015, televised hearing, to suggest that her office has conducted a review or provided comments on implementation activities such as language development programs or policies of territorial institutions and municipalities, beyond the public service’s statutorily mandated right to work in the Inuit language and the government’s statutorily mandated requirement to provide in all official languages public notices and active offers from central and head offices.

Subsection 13(2)(c) of the *Official Languages Act* provides that:

“The Minister of Languages shall ... coordinate the implementation, monitoring, management and evaluation of language obligations, policies, programs and services by departments of the Government of Nunavut and public agencies.”

Subsection 13(3)(a) of the *Official Languages Act* provides that:

“The Minister of Languages shall, in consultation with territorial institutions and municipalities, develop and maintain a comprehensive plan for the implementation of language obligations, policies, programs and service by departments of the Government of Nunavut and public agencies.”

It is important to note that section 15 of the *Official Languages Act* provides that:

- (1) The Minister shall, within 12 months after the end of each fiscal year, prepare and submit to the Speaker of the Legislative Assembly and the Languages Commissioner a report that describes
 - (a) all the activities, results achieved and use of government resources during the preceding fiscal year in relation to the discharge of language obligations;
 - (b) the establishment, operation or performance of policies, programs and services in this regard; and
 - (c) any other information that the Minister considers appropriate.

Section 27 of the *Inuit Language Protection Act* also provides that:

- (1) The Minister shall include in a report prepared and submitted under section 15 of the Official Languages Act a separate description of
 - (a) all the activities, results achieved and use of government resources during the preceding fiscal year in relation to the discharge of language obligations under this Act;
 - (b) the establishment, operation or performance of policies, programs and services in this regard;
 - (c) the number and nature of the reports and recommendations provided by the Inuit Uqausinginnik Taiguusiliuqtiiit pursuant to subsection 17(1), the government response in each case and, if a report or recommendation has not been accepted or implemented, an explanation for the government response; and
 - (d) the other information relating to this Act and the regulations that the Minister considers appropriate.

On June 12, 2014, the Minister of Languages tabled the government's 2011-2012 annual report on its administration of the *Inuit Language Protection Act* in the Legislative Assembly. This report included information on the government's programs and policies to promote, develop, and provide Inuit and French language services in the territory. The standing committee notes with concern that the Minister has not yet tabled the government's 2012-2013, 2013-2014, and 2014-2015 annual reports on its administration of the territory's language legislation.

On October 30, 2012, the Minister of Languages tabled *Uqausivut: The Comprehensive Plan Pursuant to the Official Languages Act and the Inuit Language Protection Act* in the Legislative Assembly, which was intended to guide the government's implementation activities and performance under the territory's language legislation from 2012 to 2016, as required under subsection 13(3) of the *Official Languages Act*.

The government indicates in its *Uqausivut* document that the Languages Commissioner had provided a submission to the Minister of Languages to review and comment on the content of the document during its draft stage.

The government also indicates in its *Uqausivut* document that the Minister of Languages will be responsible for preparing an annual progress report on the government's work to implement the priorities and actions identified in this document. The standing committee notes with concern that the Minister has not yet tabled any reports that provide a progress update on the government's *Uqausivut* implementation plan.

The standing committee notes that the Languages Commissioner has not formally reviewed or commented on the government's *Uqausivut* implementation plan or its activities and performance in meeting the expectations set out in this plan since it was tabled in the Legislative Assembly on October 30, 2012.

Standing Committee Recommendation #1

The standing committee recommends that the Government of Nunavut make every effort to produce and table its annual reports in the Legislative Assembly within the timeframes that are statutorily mandated under the territory's language legislation.

The standing committee further recommends that the Government of Nunavut provide, in its response to this report, a detailed timeline in which it will table its 2012-2013, 2013-2014, and 2014-2015 annual reports on its administration of the territory's language legislation in the Legislative Assembly.

The standing committee further recommends that the Government of Nunavut begin the practice of including annual progress reports on its administration of the *Uqausivut* implementation plan as a separate section within its annual report under the territory's language legislation.

The standing committee further recommends that the Government of Nunavut provide, in its response to this report, a detailed timeline in which it will finalize and table an updated version of its statutorily mandated implementation plan.

Standing Committee Recommendation #2

The standing committee recommends that the Languages Commissioner begin the practice of reviewing territorial and municipal programs and policies related to the implementation of the territory's language legislation to determine the extent to which these policies and programs exist and meet the statutory requirements set out in the language legislation, specifically programs and policies relating to the following areas:

- Policies that provide for the facilitation of employees' right to work in the Inuit language within the public service;
- Programs to promote the revitalization of Inuinnaqtun;
- Policies that provide for the distribution of the Language Promotion Fund and federal-territorial funding agreements; and,
- Territorial and municipal policies to provide for communications and services to the public in official languages.

The standing committee further recommends that the Languages Commissioner begin the practice of including a report on her office's review of these territorial and municipal programs and policies as a separate section in her future annual reports, beginning with her 2015-2016 annual report, to be presented to the Speaker and subsequently tabled in the Legislative Assembly.

Issue: Implementation of Sections 8-10 of the *Inuit Language Protection Act*

In her 2013-2014 annual report, the Languages Commissioner indicates that her office undertook a one-time initiative to “Research the language protection and revitalization initiatives in early childhood education in Nunavut,” which would allow the office to “provide recommendations supporting the linguistic needs and rights of children in Nunavut in anticipation of the *Childcare Act* and the *Inuit Language Protection Act*.”

In her 2013-2014 annual report, the Languages Commissioner also indicates that one of her office’s planned activities for the 2013-2014 fiscal year was to “Monitor progress towards instruction in the Inuit language from kindergarten to grade three and grade four to grade 12.” However, the Languages Commissioner also indicates in her 2013-2014 annual report that her office decided to continue this work and to measure the education system’s performance by reviewing the Auditor General of Canada’s 2013 report on *Education in Nunavut* and the Minister of Language’s annual report, anticipating that this report would outline the “status of legislative obligations relating to primary and secondary education.”

Subsection 8(2)(b) of the *Inuit Language Protection Act* provides that:

“The Government of Nunavut shall, in a manner that is consistent with Inuit Qaujimajatuqangit … develop and implement appropriate Inuit Language competency targets necessary for the achievement of full proficiency for all stages of learning …”

Subsection 9(a) of the *Inuit Language Protection Act* provides that:

“[T]he Government of Nunavut shall promote early childhood Inuit Language development and learning involving children and their parents at the community level, and shall develop and provide early childhood education materials and programs in the Inuit Language.”

Section 10 of the *Inuit Language Protection Act* provides that:

“The Government of Nunavut shall develop and provide Inuit Language acquisition and upgrading materials and programs designed for adults who wish to learn or improve their proficiency in the Inuit Language both in community learning environments and through post-secondary education.”

During its November 24-25, 2015, televised hearing, Members asked a number of questions concerning the Office of the Languages Commissioner's plans to conduct its own analysis of the education system's activities and performance in relation to the implementation of the *Official Languages Act* and the *Inuit Language Protection Act*. In response, the Languages Commissioner stated that:

“We were actually quite overwhelmed by the level of work by the systemic investigation. So that took away from some of the work that we had hoped to do, including the work on education. So I decided for 2015-2016 that [our] annual report will focus on education.”

The standing committee recognizes that the Languages Commissioner may use secondary resources that are available to her office, such as the reports of other organizations and departments, to supplement her office's work to monitor and investigate the extent to which territorial and municipal governments are fulfilling their statutory language obligations.

However, the standing committee is of the view that the Languages Commissioner must have a direct knowledge of the activities and performance of the institutions that her office monitors and investigates to allow her office to provide comprehensive comments that reflect the specific experience and expertise of her role as language ombudsman of Nunavut.

Standing Committee Recommendation #3

The standing committee recommends that the Languages Commissioner provide, in her response to this report, detailed information on her office's work to independently review the education services provided by the Government of Nunavut and clarify whether her office has been able to determine the extent to which the Government of Nunavut's programs and policies meet the statutory requirements set out in sections 8-10 of the *Inuit Language Protection Act*.

Issue: Implementation Activities of Municipalities

Section 7 of the *Inuit Language Protection Act* provides that:

- (1) Every municipality shall make available to the public, regardless of the volume or level of demand, if any, the following additional communications and services in the Inuit Language:
 - (a) street signs, traffic signs and any maps that may be produced or procured by the municipality;
 - (b) activities or services delivered by the municipality relating to the social welfare of individuals or the community;
 - (c) municipal notices to the public, by-law enforcement and ticketing;
 - (d) interpretation at public meetings and municipal council meetings;
 - (e) the other prescribed communications or services that the Commissioner in Executive Council considers to be essential as the result of their nature or consequences for individuals, for a community or for Nunavut as a whole.

In her 2013-2014 annual report, the Languages Commissioner indicates that one of her office's planned activities for the 2013-2014 fiscal year was to "Follow up on the available services and communications provided by municipalities," and that this activity was to be carried out with the following objectives:

- "Ensuring that municipalities' services and public communication comply with language laws;
- Identifying challenges to providing language services and communication; [and,]
- Supporting municipalities to be in a position to provide language services."

During the standing committee's November 24-25, 2015, televised hearing, the Languages Commissioner stated that:

"We have sent out questionnaires to the communities and asked the hamlet councils about what their roles and responsibilities are, if they knew their roles and responsibilities under the *Official Languages Act*, and whether they need more information.

We have sent out two sets of questionnaires to the communities, but we had very little response. We also thought about calling the communities to get the information that we would like to get and to find out whether they know their roles and responsibilities under the Act."

The standing committee continues to emphasize the importance of ensuring that municipalities are aware of their language obligations and that municipalities have the opportunity to discuss challenges, needs or best practices regarding the provision of services in the Inuit language within the communities.

Subsection 12(8) of the *Official Languages Act* provides that:

“If there is a significant demand for communications with and services in an Official Language in a municipality, the administrative head of the municipality has the duty to ensure that members of the public entitled to the municipal communications and services prescribed by regulation, can receive them in that Official Language.”

Subsection 38(1)(h) of the *Official Languages Act* provides that the Commissioner in Executive Council may make regulations:

“[I]dentifying a municipality referred to in subsection 12(8) or setting out the evidence or criteria to be considered in determining whether subsection 12(8) applies to a municipality.”

In her 2013-2014 annual report, the Languages Commissioner makes the following recommendation:

“To provide clarity, the OLC recommends that the Minister of Languages pass regulations on expected language services and communications for all municipalities according to their respective significant demand.”

During the standing committee’s November 24-25, 2015, televised hearing, the Languages Commissioner stated that:

“We do have the mandate to deal with Inuktitut services in hamlets under the *Inuit Language Protection Act*, but with regard to English language services, we do not have that authority...

If it is deemed that there is a significant demand under the *Official Languages Act*, the Minister of Language is supposed to pass a regulation deeming that there is a significant demand in a community for languages of English and French.

Until there’s a regulation identifying that a community has to provide services in English or French, we don’t have the jurisdiction to investigate concerns with municipalities in those languages. Right now, the only obligation to provide services is for municipalities under the *Inuit Language Protection Act*, in Inuktitut.”

The standing committee agrees with the intent of the recommendation to ensure that municipal offices make available communications and services in the English or French languages in communities with a significant population of English or French language speakers.

However, the standing committee notes that there are currently no procedures or policies, that have been communicated to the public, which outline the process by which the Executive Council must determine whether a municipality has a significant demand for English or French language services.

Standing Committee Recommendation #4

The standing committee recommends that the Government of Nunavut provide, in its response to this report, a detailed timeline by which it will publish regulations under section 38 of the *Official Languages Act* and section 44 of the *Inuit Language Protection Act*.

The standing committee further recommends that the Government of Nunavut develop and implement its regulations and procedures concerning subsection 38(1)(h) in consultation with the Office of the Languages Commissioner.

Issue: Status of the Systemic Investigation of the Qikiqtani General Hospital

On February 24, 2012, the Office of the Languages Commissioner announced that it would be conducting a systemic investigation to determine the extent to which services provided at the Qikiqtani General Hospital are available in the territory's official languages.

It is important to acknowledge that the systemic investigation of the Qikiqtani General Hospital was initiated before the current Languages Commissioner assumed her office.

In her 2013-2014 annual report, the Languages Commissioner indicated that one of her office's planned activities for the 2013-2014 fiscal year was to "Finalize the systemic investigation report on the availability of language services and communications at the QGH [Qikiqtani general Hospital] and release the systemic investigation report."

During her recent appearance before the standing committee, during its November 24-25, 2015, televised hearing, the Languages Commissioner stated that:

"To provide an update on the systemic investigation on the Qikiqtani General Hospital, the Office of the Languages Commissioner finalized a report on the systemic investigation and provided it to the Department of Health. A summary and recommendations will be included in the 2014-2015 annual report and the report itself will be tabled along with the annual report."

The standing committee notes with concern that the Office of the Languages Commissioner's final report on its systemic investigation has not been made available to date.

In her 2013-2014 annual report, the Languages Commissioner indicates that one of her office's planned activities for the 2013-2014 fiscal year was to "Finalize and publish the systemic investigation procedures," and that the office will "assess and review our practices for lessons learned."

The standing committee notes that the Languages Commissioner has not made her office's updated procedures concerning systemic investigations available to the public to date.

During her recent appearance before the standing committee, during its November 24-25, 2015, televised hearing, the Languages Commissioner also stated that:

"Some of our projects have had to be postponed due to staffing issues, as well as the focus on trying to complete the systemic investigation. If you can imagine that 51 interviews of half an hour and trying to pull quotes just from those interviews alone, and the research that was done trying to create expectation standards of language services for multilingual services. We were actually quite overwhelmed by the level of work by the systemic investigation."

The standing committee notes with concern that the office's workload associated with its systemic investigation of the Qikiqtani General Hospital exceeded the capacity of its staff and that, as a result, a number of the office's planned activities could not be completed.

In her 2013-2014 annual report, the Languages Commissioner indicates that one of her office's planned activities for the 2013-2014 fiscal year was to hold "Meetings every two months with the French coordinators of the GN's Interdepartmental French Working Group," in order to have a "better understanding of the status of the implementation of French language rights in territorial institutions," but that "this activity was postponed until September 2014."

During the standing committee's November 24-25, 2015, hearing Members asked a number of questions concerning the reasons for this postponement. In response, the Languages Commissioner stated that:

"What happened was the investigator/researcher for the French language was the main person working on the systemic investigation. So that took her away from some of the activities that we had hoped for her to take part in. Now that the systemic investigation is complete, she has resumed her regular duties, as of [today]."

The standing committee notes with concern that staff vacancies in the Office of the Languages Commissioner has been an ongoing issue for a number of years.

During the standing committee's November 24-25, 2015, televised hearing, the Languages Commissioner stated that:

"I don't know why we can't fill the positions. Right now, we have three positions open. One is a communications officer. They are advertised for three weeks and once it is closed, we have to re-advertise it because of no applicants."

It is important to acknowledge that the office's systemic investigation of the Qikiqtani General Hospital marks the first investigation of its kind to be undertaken by the Office of the Languages Commissioner of Nunavut.

However, the standing committee has observed that the Office of the Languages Commissioner may not have had the necessary strategic direction or resources to undertake this systemic investigation and, as a result, faced ongoing challenges related to staff and capacity throughout the three years that the investigation was taking place.

The standing committee notes that the delay in the presentation of the Languages Commissioner's annual reports, and subsequent tabling of these reports in the Legislative Assembly, creates confusion as to the actual date of completion of a number of the office's activities, such as the final report on the office's systemic investigation. The standing committee emphasises the importance of providing clear and timely accounts of the office's activities and related timelines when presenting an annual report.

Standing Committee Recommendation #5

The standing committee recommends that the Languages Commissioner provide in her response to this report a detailed timeline in which her office will produce and present to the Speaker her 2014-2015 and 2015-2016 annual reports to be tabled in the Legislative Assembly.

The standing committee further recommends that the Languages Commissioner produce and present to the Speaker a full and final report on her office's systemic investigation of the Qikiqtani General Hospital to be tabled in the Legislative Assembly.

The standing committee further recommends that the Languages Commissioner provide a detailed timeline in which she will produce and present to the Speaker a full and final report on her office's systemic investigation of the Qikiqtani General Hospital to be tabled in the Legislative Assembly.

The standing committee further recommends that the Languages Commissioner provide in her response to this report a detailed timeline by which her office will publish its updated procedures on conducting systemic investigations.

Issue: Mandate of the Inuit Uqausinginnik Taiguusiliuqtiiit

Section 16 of the *Inuit Language Protection Act* provides that:

- (1) It is the duty of the Inuit Uqausinginnik Taiguusiliuqtiiit to expand the knowledge and expertise available with respect to the Inuit Language, and to consider and make decisions about Inuit Language use, development and standardization under this Act.
- (2) Without limiting the generality of subsection (1), the Inuit Uqausinginnik Taiguusiliuqtiiit shall
 - (a) develop, through consideration of the oral traditions and usage, diversity and modern needs of the Inuit Language, standardized terminology or expressions in the Inuit Language;
 - (b) publish, promote and maintain a database of all the standardized terminology or expressions in the Inuit Language;
 - (c) develop and publish competency levels or standards of Inuit Language use or correctness, including with respect to any dialect of the Inuit Language in local use;
 - (d) on receiving a request from the Minister, the Languages Commissioner or an organization, consider proposed terminology, expressions, documents, standards, competency levels or communications in the Inuit Language and provide recommendations in response; and
 - (e) establish and administer, in accordance with applicable law, an award program to recognize outstanding achievement by an organization or individual in implementing the requirements of this Act or in contributing to the development, promotion or protection of the Inuit Language.
- (3) Without limiting the generality of subsection (1), the Inuit Uqausinginnik Taiguusiliuqtiiit shall undertake and supervise research to support the work and performance of its duties, and shall
 - (a) document and preserve traditional or historic terminology, regional variants or dialects, expressions and accounts of the Inuit Language;
 - (b) identify research requirements and deficiencies relating to the use, development, learning, linguistic structure, vitality or standardization of the Inuit Language;
 - (c) undertake or supervise and publish research to address the requirements and overcome the deficiencies identified;
 - (d) promote quality, coherence, balance, accessibility and the avoidance of duplication in the research;

- (e) share information with an organization, academic institution or individual, within or outside Nunavut, with the objective of expanding the available knowledge about and expertise in the Inuit Language, language development or standardization more generally; and
 - (f) undertake or supervise research that the Minister or Executive Council may request.
- (4) Without limiting the generality of subsections (1) and (3), the Inuit Uqausinginnik Taiguusiliuqtiiit may collaborate with, promote or contribute to the work of an organization, academic institution or individual capable of expanding the knowledge and expertise available with respect to the Inuit Language, or supporting the work or any special projects of the Inuit Uqausinginnik Taiguusiliuqtiiit.
- (5) The Inuit Uqausinginnik Taiguusiliuqtiiit may
- (a) designate standard terminology, expressions, orthography, language or usage in the Inuit Language for (i) use by an organization or in an area of activity to which this Act and the regulations apply, and (ii) the communications of a department of the Government of Nunavut or public agency;
 - (b) direct a department of the Government of Nunavut or public agency to implement standard terminology, expressions, orthography or another standard language or usage in the Inuit Language that the Inuit Uqausinginnik Taiguusiliuqtiiit has recommended; and
 - (c) undertake or supervise additional projects consistent with the duties of the Inuit Uqausinginnik Taiguusiliuqtiiit that the Minister or Executive Council may request.

Section 17 of the *Inuit Language Protection Act* provides that:

- (1) In order to perform its duties under this Act, the Inuit Uqausinginnik Taiguusiliuqtiiit may
- (a) establish committees composed wholly or partly of its members, under the terms and conditions that the Inuit Uqausinginnik Taiguusiliuqtiiit considers appropriate;
 - (b) conduct the reviews, hearings or meetings and receive the submissions or reports that the Inuit Uqausinginnik Taiguusiliuqtiiit considers appropriate;
 - (c) develop, review, recommend or administer surveys or tests that evaluate Inuit Language proficiency for purposes including the certification of an individual's educational or employment skill or competency level in the Inuit Language;
 - (d) collaborate with an organization, the Languages Commissioner and any other person exercising powers or having duties under this Act;
 - (e) index or publish information concerning any matter within the authority of the Inuit Uqausinginnik Taiguusiliuqtiiit; and

- (f) advise or submit reports or recommendations to the Minister at its own initiative, concerning any matter within the authority of the Inuit Uqausinginnik Taiguusiliuqtiiit.
- (2) Subject to this Act, the Inuit Uqausinginnik Taiguusiliuqtiiit may establish rules and procedures
- (a) applying to the Inuit Uqausinginnik Taiguusiliuqtiiit, or to the Minister or Government of Nunavut or to organizations dealing with the Inuit Uqausinginnik Taiguusiliuqtiiit; and
 - (b) governing the work, priorities and business of the Inuit Uqausinginnik Taiguusiliuqtiiit and the manner in which its duties will be exercised and its powers will be performed.
- (3) Rules and procedures established under subsection (2) are not statutory instruments or regulations within the meaning of the *Statutory Instruments Act*.

It is important to acknowledge that the Inuit Uqausinginnik Taiguusiliuqtiiit has made efforts to demonstrate in its 2013-2014 and 2014-2015 annual reports the manner in which its activities during these periods of time have allowed it to fulfil a number of its duties and powers, as mandated under sections 16 and 17 of the *Inuit Language Protection Act*, respectively.

However, the standing committee notes that an ongoing concern has been the extent to which the Inuit Uqausinginnik Taiguusiliuqtiiit has been successful in promoting its role, activities, plans and the availability of its resources throughout the territory, despite efforts to collaborate with the Offices of the Languages Commissioner and the Minister of Languages to raise public awareness on the division of roles between each entity.

Testimony provided during the standing committee's November 24-25, 2015 hearing indicated that:

"There are various language entities and we know there's confusion. Some concerns are expressed to the Languages Commissioner, even though it's our responsibility. Due to the confusion by the public, a couple of years ago, we developed a poster to define and publicize the roles and responsibilities of the Languages Commissioner, the Minister of Languages, and the Inuit Uqausinginnik Taiguusiliuqtiiit, and to indicate the differences between the roles and responsibilities of these three language entities. We provided that poster to the public."

In its 2014-2015 annual report, the Inuit Uqausinginnik Taiguusiliuqtiiit indicated that it had provided assistance to a number of departments and the Inuit Broadcasting Corporation in reviewing and developing terminology in the Inuit language.

The standing committee recognizes that the Inuit Uqausinginnik Taiguusiliuqtii may decide to publish developed material and resources jointly with a department, public agency, or organization with which the authority develops such publications. However, given that the Inuit Uqausinginnik Taiguusiliuqtii is statutorily mandated to publish, promote and maintain a database of all the standardized terminology or expressions in the Inuit language, the standing committee emphasizes the importance of ensuring that the authority makes any materials and resources that it has developed publicly available on a permanent basis.

Testimony provided during the standing committee's November 24-25, 2015, hearing indicated that:

"As we indicated earlier, we are compiling this database of terminology. We're currently working on the website and we have requested Pirurvik to put the website together. Once we have compiled the terminology, we are going to make it available to the public and to the people of Nunavut as soon as it's completed."

The standing committee recognizes the importance of providing online resources such as databases, publications and language training materials. However, during the standing committee's November 24-25, 2015, hearing, Members raised concerns that not all residents of Nunavut may have easy access to the internet and that these individuals should not be restricted from accessing such important resources and materials.

It is important to acknowledge that the Inuit Uqausinginnik Taiguusiliuqtii has made efforts to communicate its roles and activities to the communities during meetings that it holds in various communities.

Testimony provided during the standing committee's November 24-25, 2015, hearing indicated that:

"When we go to the communities, we usually go on the local radio station to talk about our roles and responsibilities as the Inuit Uqausinginnik Taiguusiliuqtii. If anyone wants further information, they can call our office. We try to provide all that information when we go to the communities."

The standing committee recognizes that travel to communities within Nunavut often involves high costs related to transportation and accommodation. However, the standing committee emphasizes the importance of providing information on, and access to, the entities responsible for the administration of the territory's language legislation to communities, to ensure that the public is aware of their rights and obligations and the resources that are available to individuals and organizations regarding language services.

Standing Committee Recommendation #6

The standing committee further recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit begin the practice of including in its annual reports, beginning with its 2015-2016 annual report, a detailed account of its activities and plans to publicize its roles and the resources that it may provide.

The standing committee further recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit provide, in its response to this report, a detailed account of the information that is included in its terminology database.

The standing committee further recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit provide, in its response to this report, a detailed timeline in which it will launch its website.

The standing committee further recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit establish procedures pursuant to subsection 17(2) of the *Inuit Language Protection Act* to provide departments and organizations with clear direction on the process by which entities may request and receive assistance from the Inuit Uqausinginnik Taiguusiliuqtiiit.

Issue: Travel of the Inuit Uqausinginnik Taiguusiliuqtiiit

In its 2014-2015 annual report, the Inuit Uqausinginnik Taiguusiliuqtiiit indicates that representatives of the authority participated in a number of conferences and meetings during the 2014-2015 fiscal year in order to identify research needs and gaps relating to the Inuit language, including an Inuit studies conference in Quebec City and a meeting with the language secretariat of Greenland in Nuuk, Greenland.

During the standing committee's November 24-25, 2015, hearing, Members asked a number of questions regarding the specific research initiatives and outcomes of the meeting that took place in Nuuk, Greenland. In response, testimony provided indicated that:

"They went over there to do fact-finding, but sometime in the future, we believe that if we have to travel to a conference, we want to take from them and also provide something to them. That's one of the areas we want to improve upon because this was not set up properly due to a high turnover of our staff... In the future, we would like to get further information from other meetings and do some fact-finding and provide our information to them and give our position to them."

The standing committee recognizes that the field of Inuit language studies may be considered relatively new and that accumulating a comprehensive library on current and developing research initiatives related to the Inuit language may require the Inuit Uqausinginnik Taiguusiliuqtiiit to pursue partnerships and consultations outside of Nunavut, nationally and internationally.

The standing committee also recognizes that the Inuit Uqausinginnik Taiguusiliuqtiiit is an arm's length body and has the mandate to make decisions regarding Inuit language use, development and standardization independently of the government's administration. However, given that the Inuit Uqausinginnik Taiguusiliuqtiiit operates entirely on contribution funding provided by the Government of Nunavut, the standing committee maintains that the authority must provide the highest level of transparency possible when disclosing the purpose and outcome of its expenditures.

Standing Committee Recommendation #7

The standing committee recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit begin the practice of including in its annual reports, beginning with its 2015-2016 annual report, detailed accounts of its activities, expenditures and plans in relation to travel.

Issue: Annual Reports of the Inuit Uqausinginnik Taiguusiliuqtiiit

It is important to acknowledge that the Inuit Uqausinginnik Taiguusiliuqtiiit provided in its 2012-2013, 2013-2014 and 2014-2015 annual reports a list of activities that it had undertaken and resources that it had developed during these periods of time. However, the standing committee observed that these annual reports did not provide detailed information on the timelines in which these resources were developed, how these resources were distributed throughout the territory, or the authority's future plans to use its resources to fulfil its mandate.

For example, the standing committee observed that the Inuit Uqausinginnik Taiguusiliuqtiiit did not provide in its most recent annual reports detailed information on how it plans to distribute, use and record the results of the surveys that it had developed.

In its 2013-2014 annual report, the Inuit Uqausinginnik Taiguusiliuqtiiit indicated that it had "developed a comprehensive language use survey that can be conducted with Inuktut speakers in government, private businesses and the general public."

In its 2013-2014 annual report, the Inuit Uqausinginnik Taiguusiliuqtiiit also indicated that:

"A dialectal attitudes survey was developed to research the attitudes of Inuktut speaking teachers across Nunavut. This survey can also be used to assess dialectal attitudes among employees in the government and the private sector, interpreters and translators, youth and the general public."

However, the Inuit Uqausinginnik Taiguusiliuqtiiit did not provide in its 2013-2014 annual report any further clarification on whether these surveys were distributed or conducted.

In fact, the Inuit Uqausinginnik Taiguusiliuqtiiit did not provide in its 2014-2015 annual report any follow-up on its "language use survey" or its "dialectal attitudes survey."

The standing committee notes that the mandate of the Inuit Uqausinginnik Taiguusiliuqtiiit includes identifying research requirements and deficiencies relating to the use, development, and standardisation of the Inuit Language.

While the Inuit Uqausinginnik Taiguusiliuqtiiit has indicated that it had developed surveys concerning the use and development of the Inuit language, the standing committee remains concerned that the authority did not provide further information in its annual reports to clarify the manner in which these surveys would be, or have been, used to produce research results on the use of the Inuit language.

During its November 23-24, 2015, televised hearings, testimony provided did clarify the status of these two surveys. Testimony provided during the standing committee's November 24-25, 2015, televised hearing indicated that:

"In the report, it states that the survey questionnaire has been completed on the language use in the government, private businesses, and the general public. The questionnaire has been drafted, but we haven't initiated the survey. I believe that we will start off with the government employees and which language they use in the workplace according to their roles, responsibilities, and duties. The questionnaire has already been drafted and I believe that we will start off with the government employees."

In response to questions concerning the "dialectal attitudes survey," testimony provided during the standing committee's November 24-25, 2015, hearing indicated that:

"I've done surveys with the teachers and we will do a survey with the government. Employees, private interpreter/translators, the general public and the private sector and we'll use various means to get survey perhaps use Survey Monkey and use the fax survey, although the survey questionnaire are the exact same. We'll provide an opportunity to the public or other entities so that they can use any means that they like, whether it would be computer or fax."

The standing committee also notes with concern that the 2012-2013 and 2013-2014 annual reports of the Inuit Uqausinginnik Taiguusiliuqtiiit were not tabled in the Legislative Assembly until November 5, 2015.

The standing committee emphasises that, as a publicly-funded entity, the Inuit Uqausinginnik Taiguusiliuqtiiit must be held to the same standard that any other territorial institution or public agency is expected to meet in relation to reporting standards. To ensure transparency in the allocation of public funds, the annual reports of the Inuit Uqausinginnik Taiguusiliuqtiiit should provide, to the greatest extent possible, comprehensive information on its completed, ongoing, and planned initiatives.

Standing Committee Recommendation #8

The standing committee recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit begin the practice of including in its annual reports, beginning with its 2015-2016 annual report, more comprehensive information on its activities, publications, priorities and future plans.

Issue: Language Proficiency Assessment in the Public Service

In its 2014-2015 annual report, the Inuit Uqausinginnik Taiguusiliuqtuit indicated the following:

“Taiguusiliuqtuit has collaborated with the Government of Nunavut’s Department of Executive and Intergovernmental Affairs and the Pirurvik Centre on developing Inuktut competency levels for the government’s proposed language incentive.”

In response to Member’s questions concerning this “proposed language incentive,” testimony provided during the standing committee’s November 24-25, 2015 televised hearing indicated that:

“There have been a lot of concerns about the government bilingual bonus and we hear about this issue. That’s why we’re working on the competency levels so that we can identify which stage an employee is at. Although some of us can speak Inuktitut, some of us can’t work on the written component of it, and there are different levels of proficiency.

Once we find out that a certain level of Inuktitut proficiency has been reached by an employee and once they have learned, then according to the level of Inuktitut, a bonus will be given. This could happen over a period of a year or more. There are incentives we are trying to provide so that people will take Inuktitut language training that can be reflected in their pay.

Their level of proficiency will determine which pay level they would be at. That is how we would like to set it up...

We will work with the Department of Finance to determine how many staff work within the government that are eligible for the bilingual bonus and once all of this work is complete, our goal is to make sure we provide incentives for employees to take more training.”

In its 2014-2015 annual report, the Inuit Uqausinginnik Taiguusiliuqtuit also indicated the following:

“A preliminary language assessment test was developed to evaluate the language skills of employees and, where necessary, to help pace them in an Inuktut training program.”

During the standing committee's November 24-25, 2015, televised hearings, Members asked a number of questions concerning this "preliminary language assessment test." In response, testimony provided indicated that:

"We just completed the assessment on the Quttiktuq language ... If we need to make an improvement on the assessment test, we will do so because we will have to do assessments on the government staff. I'm talking about the North Baffin dialects.

We will change the dialect and develop another assessment test on the South Baffin dialects and Inuinnaqtun. Those will be next. Next year, this will be set and we will expand our assessment test to other regions for different dialects. At this time, we just initiated the work and we haven't started the assessment test on the public. We just did an assessment test yesterday on our staff and we will do more work on that."

While the standing committee agrees with the intent and spirit of a language incentive for the territorial public service that is based on adequate assessment, it is important to consider the variance amongst various regional Inuit language dialects throughout the territory.

It is also important to note that an ongoing concern for employers in Nunavut's public and private sectors is the apparent lack of professionals that are qualified to educate and conduct assessments in the Inuit language. The standing committee notes that the establishment of a new language incentive based on an assessed proficiency of the Inuit language may require a number of specific positions responsible for undertaking assessments of a number of current and new employees on an ongoing basis.

Standing Committee Recommendation #9

The standing committee recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit provide, in its response to this report, a detailed account of the proficiency assessments that it is currently developing and planning to develop in collaboration with the Government of Nunavut, including information on the specific dialects that will be focused on in the development of these assessments.

The standing committee recommends that the Inuit Uqausinginnik Taiguusiliuqtiiit provide, in its response to this report, a detailed timeline in which it will complete these proficiency assessments.

Standing Committee Recommendation #10

The standing committee recommends that the Government of Nunavut provide, in its response to this report, a detailed timeline in which it plans to complete and implement its new language proficiency incentive.

The standing committee further recommends that the Government of Nunavut provide, in its response to this report, a detailed account of any Inuit language training programs and assessments that will be developed and implemented in association with its new language proficiency incentive.