
LANGUAGES COMMISSIONER OF NUNAVUT

**An Independent Officer of the
Legislative Assembly of Nunavut**

Position Profile



Legislative Assembly of Nunavut

September 2019

www.assembly.nu.ca

LANGUAGES COMMISSIONER OF NUNAVUT

I. ENABLING LEGISLATION, PURPOSE AND MANDATE

On April 1, 1999, Nunavut inherited the *Official Languages Act* that was originally passed by the Legislative Assembly of the Northwest Territories. In 2008, the Legislative Assembly of Nunavut passed a new *Official Languages Act* and the *Inuit Language Protection Act*.

In accordance with section 38 of the federal *Nunavut Act*, the Parliament of Canada gave concurrence to the passage of the new *Official Languages Act* in June of 2009.

With the exception of subsection 12(7)(c), Nunavut's new *Official Languages Act* came into force on April 1, 2013.

The *Official Languages Act* and the *Inuit Language Protection Act* constitute the territory's official languages legislation. The statutes define the official languages of the territory, establish obligations on the part of territorial institutions and other bodies to provide services in the territory's official languages and create mechanisms to support the preservation, protection and promotion of the Inuit Language.

The position of Languages Commissioner of Nunavut is established pursuant to section 16 of the *Official Languages Act*.

The *Official Languages Act* mandates 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."

The Languages Commissioner of Nunavut functions as an ombudsperson, advocate, advisor and monitor with respect to official language rights, services and obligations in Nunavut.

II. ACCOUNTABILITY TO THE LEGISLATIVE ASSEMBLY AND STATUTORY REPORTING REQUIREMENTS

The Languages Commissioner is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Languages Commissioner holds office during good behaviour.

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. The Management and Services Board has adopted the practice of requiring the Languages Commissioner to appear before the Board on an annual basis to present the office's proposed budget and business plan for the upcoming fiscal year. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

Under section 24 of the *Official Languages Act* and section 28.4 of the *Inuit Language Protection Act*, the Languages Commissioner is required to submit an annual report to the Legislative Assembly on the activities of the Office of the Languages Commissioner during the preceding fiscal year, including a detailed account of the status of any investigations undertaken by the Languages Commissioner. The annual report may contain recommendations for amendments to the legislation and other matters. The annual report is tabled in the Legislative Assembly.

Pursuant to its approved *Terms of Reference*, the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts (OGOPA) holds televised hearings on the annual report of the Languages Commissioner. The hearings are held in public. The Languages Commissioner is expected to appear before the Standing Committee to publicly account for the contents of the report and to respond to questions from members of the Standing Committee. The Standing Committee subsequently makes its own report to the Legislative Assembly.

III. SPECIFIC ACCOUNTABILITIES

The following does not represent an exhaustive listing of the responsibilities of the Languages Commissioner. Rather, these accountabilities are the primary indicators against which performance will be measured in assessing the overall success of the independent officer.

The complete and prescriptive descriptions of the role, responsibilities, authorities and legal requirements of the position of Languages Commissioner are contained in the *Official Languages Act* and the *Inuit Language Protection Act*.

Financial and Human Resources Management Functions

- The Languages Commissioner is accountable for the prudent management of the Office's financial and human resources in compliance with relevant statutory authorities, including the *Financial Administration Act*, the *Government Contract Regulations* and the *Public Service Act*.
- The Languages Commissioner is accountable for the development and submission of the Office's annual budget and business plan to the Management and Services Board of the Legislative Assembly for consideration. The Languages Commissioner is accountable for ensuring that the contents of the annual business plan meet or exceed the requirements established in legislation and in any guidelines issued by the Management and Services Board, including, but not limited to:
 - A detailed description of the Office's operating environment, statutory obligations and identified challenges;
 - A detailed description of the Office's goals and objectives for the upcoming fiscal year;
 - A detailed description of the Office's strategy for achieving its goals and objectives; and
 - A detailed rationale for the Office's proposed budget, including any requests for enhanced resources.
- The Languages Commissioner is accountable for the development and submission of the Office's statutorily-required annual report to the Legislative Assembly and for appearing before the appropriate Standing Committee of the Legislative Assembly to account for its contents. The Languages Commissioner is accountable for ensuring that the contents of the annual report meet or exceed the requirements established in legislation and in any

guidelines issued by the Management and Services Board, including, but not limited to:

- A detailed accounting of the conduct of the Office and the discharge of the duties of the Languages Commissioner during the preceding fiscal year, including the status of investigations undertaken by the Languages Commissioner;
 - A detailed accounting of the expenditures of the Office during the preceding fiscal year;
 - A detailed accounting of the Office's success in meeting the goals and objectives in its annual business plan for the preceding fiscal year; and
 - 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 the territory's official languages legislation.
- The Languages Commissioner is accountable for providing leadership to the employees of the Office in a manner that supports the fulfillment of the Office's mandate.
 - The Languages Commissioner is accountable for evaluating employee performance and resolving disciplinary issues.

Investigations and Mediations

- Sections 26 to 36 of the *Official Languages Act* and sections 31-37 of the *Inuit Language Protection Act* prescribe the powers and duties of the Languages Commissioner in relation to the conduct of formal investigations.
- The Languages Commissioner is accountable for ensuring that the Office develops such rules, forms, procedures and processes as are required for the conduct of formal investigations under the territory's official languages legislation.
- The Languages Commissioner is accountable for ensuring that the Office develops and disseminates such information as is required for members of the general public to have a clear understanding of the process for applying to the Office of the Languages Commissioner for an investigation into an alleged breach of the territory's official languages legislation.

- The Languages Commissioner is accountable for ensuring that the Office receives appropriate legal counsel concerning the conduct of formal investigations, including receiving advice concerning the Office's jurisdiction on any given matter.
- The Languages Commissioner is accountable for ensuring that investigations undertaken by the Office are conducted within prescribed statutory timelines.
- The Languages Commissioner is accountable for ensuring that the Office adheres to protocols with the Legislative Assembly and the Nunavut Court of Justice in respect to the Languages Commissioner's exercise of powers in the conduct of investigations.
- The Languages Commissioner is accountable for ensuring that any investigation reports prepared by the Office are submitted to the Legislative Assembly in the prescribed manner, and for appearing before the appropriate Standing Committee of the Legislative Assembly to account for its contents.
- The Languages Commissioner is accountable for developing mediation practices 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.

Public Information, Advocacy and Advisory Functions

- The Languages Commissioner is accountable for ensuring that the Office develops and disseminates information for the general public concerning their rights under territorial official languages legislation and the role of the Office of the Languages Commissioner.
- The Languages Commissioner is accountable for ensuring that the Office of the Languages Commissioner maintains an up-to-date website that contains such information as the annual reports of the Languages Commissioner, relevant forms for the use of the general public and other information concerning the role of the Office.
- The Languages Commissioner is accountable for providing advice to institutions, organizations and individuals regarding the specific actions or approaches the Languages Commissioner considers appropriate for compliance with territorial official languages legislation.
- The Languages Commissioner is accountable for providing reasonable assistance to the *Inuit Uqausinginnik Taiguusiliuqtiit* (Inuit Language Authority) to support the informed and effective exercise of a power or performance of duty of the Authority.

- The Languages Commissioner is accountable for providing and/or publishing guidelines in respect to Inuit Language plans that are developed by organizations that are not territorial institutions.

IV. BUDGET

The Management and Services Board of the Legislative Assembly approves the remuneration and budgets of all independent officers of the Legislative Assembly. The Management and Services Board has adopted the practice of requiring the Languages Commissioner to appear before the Board on an annual basis to present the office's proposed budget and business plan for the upcoming fiscal year. From time to time, the Management and Services Board may issue direction concerning the operations of offices of independent officers in respect to such areas as financial management, human resources management, contracting and procurement.

The Languages Commissioner is accountable for the management of the budget that is approved annually by the Legislative Assembly for the operation of the Office.

2019-2020 Budget

Compensation and Benefits:	\$990,000
Other Operations and Maintenance:	<u>\$420,000</u>
TOTAL:	\$1,410,000

Staffing

The Office of the Languages Commissioner currently has a staff complement of 6.0 Full-Time Equivalent (FTE) positions:

1. Director of Strategic Planning and Policy
2. Public Affairs Officer
3. Project Manager
4. Investigator/Research Officer (Inuit Language)
5. Investigator/Research Officer (French Language)
6. Executive Secretary

The employees of the Office of the Languages Commissioner are considered to be members of the public service within the meaning of the *Public Service Act*. The employees are not eligible for membership in a bargaining unit as defined in the *Public Service Act*.

Under the *Official Languages Act*, the Languages Commissioner may engage or retain the services of counsel, experts and other persons that the Languages Commissioner considers necessary.

V. PROFESSIONAL DEVELOPMENT AND ASSOCIATIONS

The Languages Commissioner of Nunavut will maintain strong linkages with his or her counterparts serving as:

- The federal Commissioner of Official Languages;
- The Languages Commissioner of the Northwest Territories; and
- The Commissioner of Official Languages for New Brunswick.

The Languages Commissioner will also maintain strong linkages with the Forum of Canadian Ombudsman (www.ombudsmanforum.ca).

The Languages Commissioner is expected to undertake independent reading in order to remain current with relevant literature in the fields of official languages legislation and related matters.

VI. TERMS AND CONDITIONS

The Languages Commissioner is appointed by the Commissioner of Nunavut on the recommendation of the Legislative Assembly for a five-year term of office. The Languages Commissioner holds office during good behaviour. The Commissioner of Nunavut, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend or remove the Languages Commissioner.

The Management and Services Board of the Legislative Assembly approves the remuneration of all independent officers of the Legislative Assembly. A comprehensive remuneration package is provided for this five-year statutory appointment. Although the Languages Commissioner is not considered to be a member of the public service within the meaning of the *Public Service Act*, the remuneration and benefits package for the position is generally equivalent to that which is provided to senior managers in the territorial public service.

The detailed terms and conditions of employment and the associated benefits will be specified in the contract of employment.

The Office of the Languages Commissioner is physically located in Iqaluit, Nunavut.

VII. COMPETENCIES

The demands of this position require skills and attributes that go far beyond those obtained simply through academic qualifications. In addition to the formal educational and professional certifications required for the role, the Languages Commissioner must have the proven ability to apply a balanced, common sense approach to carrying out the duties of the position, while exercising sound judgment and demonstrating fairness, integrity and tolerance. Credibility in the languages field is critical.

The Languages Commissioner must have an understanding of the constitutional and political context of the position's role and the ability to carry out its functions with the dignity befitting an independent officer of the Legislative Assembly of Nunavut.

1. Formal Qualifications and Credentials

- Graduation from a recognized secondary institution is expected.
- Post-secondary educational experience (graduation and/or completed coursework) is desirable.

2. Knowledge and Experience

- A knowledge of the Canadian parliamentary system of government, including the unique characteristics of Nunavut's non-partisan, consensus-based model;
- A knowledge of national trends concerning official languages legislation;
- A knowledge of administrative law, including the principles of natural justice in the conduct of investigations;
- Proven experience in conducting investigations and mediations; and
- Proven experience as an advocate for language rights.

3. Skills and Abilities

- Fluency in the Inuit Language (Inuktitut or Inuinnaqtun) and English or French is required;

- Strong problem-solving skills, including a demonstrated ability to conduct fair and impartial investigations;
- Strong analytical, writing and decision-making skills;
- Strong skills in budget development and control;
- Strong leadership skills; and
- Strong skills in human resource management.