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Uqauhinut Kamisinaup Havakvia Nunavunmi

Office of the Languages Commissioner of Nunavut

Bureau du commissaire aux langues du Nunavut

# BUSINESS PLAN

2020 - 2023

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## 1. INTRODUCTION

The Languages Commissioner is an independent officer of the Legislative Assembly of Nunavut appointed on a five-year term by the Commissioner of Nunavut on the recommendation of the Legislative Assembly. The duty of the Languages Commissioner is established under section 22 of the *Official Languages Act* (OLA) and under section 28 of the *Inuit Language Protection Act* (ILPA).

The Languages Commissioner position was vacant since June 6, 2016 when the Legislative Assembly approved the five-year appointment of Helen K. Klengenberg as Languages Commissioner on September 12, 2017. She has resigned in September 2019 and Karliin Aariak has been hired as acting Languages Commissioner on October 21, 2019.

In accordance with subsection 24(1) of the *Official Languages Act*, the Languages Commissioner is required to prepare annual reports which are tabled in the Legislative Assembly. The Languages Commissioner is also required to appear before the Standing Committee on Oversight of Government Operations and Public Accounts and before the Management and Services Board to account for annual reports and business plans.

## 2. MANDATE AND VISION

### MANDATE

The Languages Commissioner's mandate is to promote and safeguard the language rights of Nunavummiut enshrined in Nunavut's language legislation.

### VISION

In addition to her statutory aims and duty, the Languages Commissioner's wider vision is:

For the official languages to be central to everyday life in Nunavut  
and wherever they can be used to a greater degree

More specifically:

(*Official Languages Act* - OLA) Individuals are able to communicate with and receive services from the Government of Nunavut and its public agencies, the Legislative Assembly and its institutions, Nunavut courts and municipalities<sup>1</sup> in the official language of their choice.

(*Inuit Language Protection Act* - ILPA) Individuals are able to communicate with and receive services from the Government of Nunavut and its public agencies, the Legislative Assembly and its institutions, Nunavut courts, municipalities<sup>2</sup>, private sector organizations and federal departments, agencies and institutions in the Inuit language.

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<sup>1</sup> Municipalities need to provide communications and services in French or English if it is deemed that there is "significant demand." The Government of Nunavut has yet to provide a mechanism to identify what this "significant demand" is and to pass regulations under which municipalities are to provide services and communications in French or English.

<sup>2</sup> The ILPA applies to municipalities regardless of demand.

### 3. PRINCIPLES AND CONCEPTS OF INUIT QAUJIMAJATUQANGIT

The following general principles and concepts of *Inuit Qaujimaqatuqangit* apply in respect of the exercise of the powers and performance of the duties of the Languages Commissioner:

1. *Inuuqatigiitsiarniq*: respecting others, relationships and caring for people
2. *Tunnganarniq*: fostering good spirit by being open, welcoming and inclusive
3. *Pijitsirniq*: serving and providing for family or community, or both
4. *Aajiqatigiinni*: decision-making through discussion and consensus
5. *Piliriqatigiinni* or *Ikajuqtiigiinni*: working together for a common cause
6. *Qanuqtuurniq*: being innovative and resourceful

### 4. RESPONSIBILITIES OF THE LANGUAGES COMMISSIONER

The Languages Commissioner has four main responsibilities:

#### **Ombudsman**

The Languages Commissioner reviews any possible breach of the language legislation by territorial institutions, municipalities, private sector organizations, and federal departments, agencies and institutions. The Office can investigate, make findings and reports, mediate settlements and suggest ways to redress language rights violations.

#### **Advocate**

The Languages Commissioner communicates with obligated bodies to influence decision-making, practices or policies about respecting language rights.

#### **Advisor**

The Languages Commissioner advises, assists and works with territorial institutions, municipalities, private sector organizations, and federal departments, agencies and institutions on their service and communication obligations. The Office also informs Nunavummiut of their language rights.

#### **Monitor**

The Languages Commissioner monitors and examines the progress of territorial institutions, municipalities, private sector organizations, and federal departments, agencies and institutions in meeting their obligations under Nunavut's language acts.

The Languages Commissioner's duties are the following:

- To inform Nunavummiut of their language rights
- To inform and advise territorial institutions, municipalities, private sector organizations and federal departments, agencies and institutions of their language obligations

- To monitor territorial institutions, municipalities, private sector organizations and federal departments, agencies and institutions' language services and communications with the public
- To inform municipalities, private sector and federal organizations of their language communication and service requirements pursuant to section 3 of the ILPA and assist them in the planning and implementation of their Inuit language plan
- To investigate, or facilitate resolution, and to recommend corrective actions
- To support and monitor the implementation of the Nunavut's language legislation

The Commissioner also has wider functions, including:

- Promoting language rights through the provision of opportunities to use the official languages
- Keeping under review the adequacy and effectiveness of the laws relating to the official languages rights
- Producing and publishing reports
- Carrying out research or studies
- Making recommendations to obligated bodies and giving advice to any person

## **5. CAPACITY**

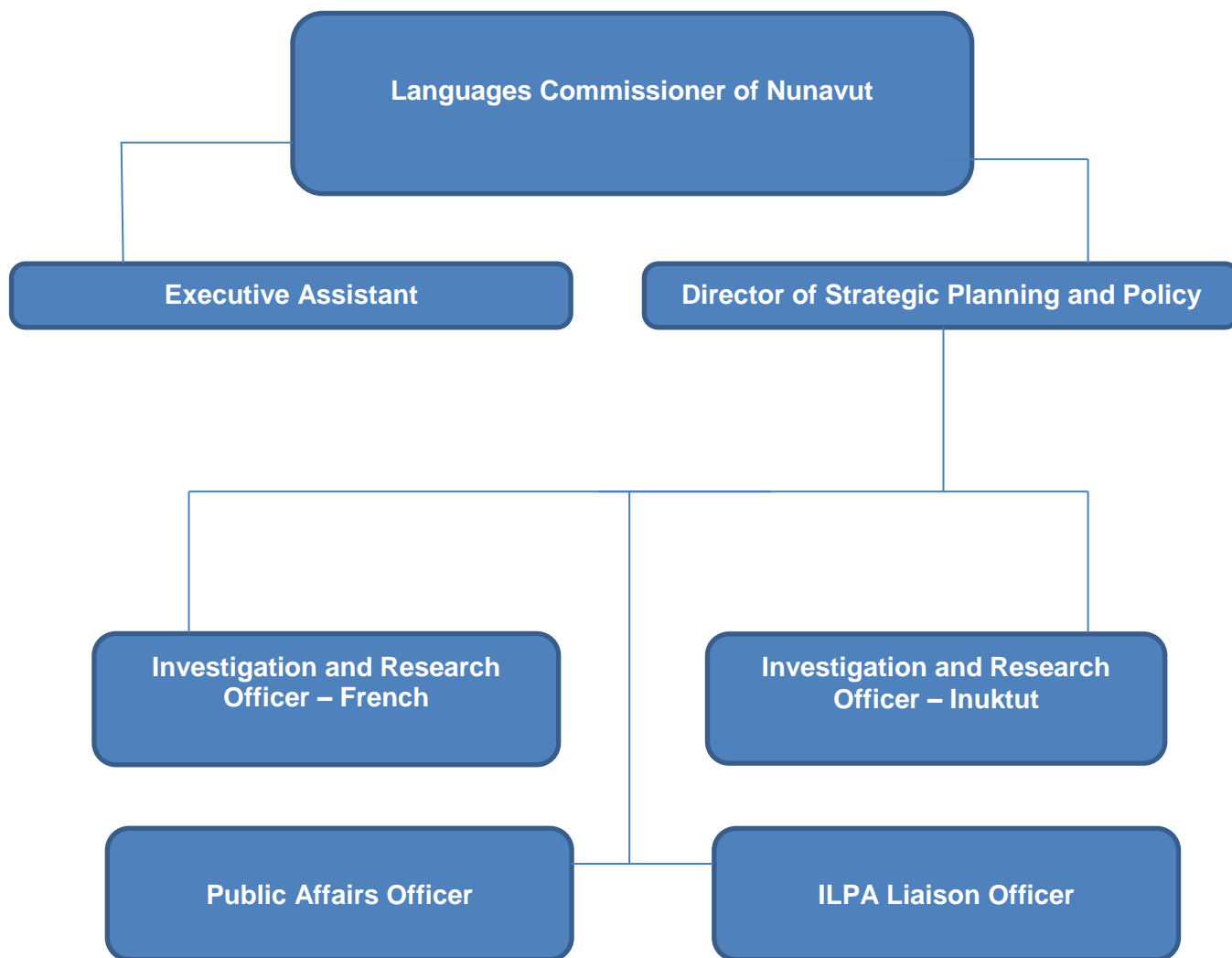
The OLC has a total of seven positions. In addition to the full-time contingent of employees, the OLC has a contract with a legal firm to provide legal advice and assistance with mediation when required. The positions are the following:

- Languages Commissioner (five-year term)
- Director of Strategic Planning and Policy (indeterminate)
- Public Affairs Officer (indeterminate)
- Investigation and Research Officer – Inuktitut (indeterminate)
- Investigation and Research Officer – French (indeterminate)
- ILPA Liaison Officer (indeterminate)
- Executive Assistant (term, until September 2022)

## 6. ORGANIZATION CHART



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Uqauhinut Kamisinaup Havakvia Nunavunmi  
Office of the Languages Commissioner of Nunavut  
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## **7. LEGISLATION**

In Nunavut, there are two language acts, the *Official Languages Act* and the *Inuit Language Protection Act*, and three official languages: Inuktitut, English and French.

### **The *Official Languages Act* (OLA)**

Nunavut's *Official Languages Act* was approved by the Legislative Assembly in 2008 and came into force on April 1, 2013. The OLA maintains all the rights and privileges of English and French speakers, while raising Inuktitut to equal status. This level of statutory protection of an Aboriginal language is unprecedented across Canada. The OLA creates obligations for the Legislative Assembly, the courts and the Government of Nunavut to actively offer their communications and services to the public in all the official languages. Since July 2017, services being provided to the public for territorial institutions through third-party contracts have to be provided in all the official languages.

Municipalities also need to provide communications and services in French or English if it is deemed that there is a "significant demand" for services and communications in these official languages. The Government of Nunavut has yet to provide a mechanism to identify what constitutes this "significant demand" and to pass regulations under which municipalities are to provide services and communications in French or English.

These obligated bodies must provide an active offer and ensure that members of the public can communicate with and receive services in the official language of their choice from the head or central service offices as well as other offices where there is significant demand for an official language or due to the nature of the service (public safety, security and health).

The implementation of the *Official Languages Act* as it applies to Inuinnaqtun must address the need for language revitalization and improve access to government programs and services specifically in Kugluktuk and Cambridge Bay.

The OLA created a minister responsible for languages to coordinate and guide the language service requirements that must be met by territorial institutions and municipalities.

### **The *Inuit Language Protection Act* (ILPA)**

The *Inuit Language Protection Act* was approved in September 2008. The ILPA responds more specifically to the challenges confronting the Inuit language and its speakers by protecting and promoting its use, quality and prevalence throughout Nunavut society. The ILPA guarantees the right to education in the Inuit language, protects territorial public servants who prefer to work in the Inuit language, and defines specific obligations for government, municipalities, and private sector and federal organizations for providing their day-to-day communications and services generally available to the public in the Inuit language.

Since July 9, 2017, provisions for Inuit language services in civil claims must be included in the Nunavut Court of Justice's rules or directions. Moreover, every contract issued or made by or on behalf of a department of the Government of Nunavut or a public agency shall require the third-party communications with and services to the public in the Inuit Language that are necessary to ensure compliance with section 3.

The ILPA created a minister responsible for coordinating the implementation of policies as well as the Inuit Uqausinginnik Taiguusiliuqtiit (IUT), the Inuit Language Authority.

The Cabinet has yet to set an effective date for early childhood education and adult language acquisition and upgrading to be provided in the Inuit language (ILPA, sections 9 and 10).

## **8. CORE ACTIVITIES AND BUDGET**

The OLC works in three main areas: legislation, communications and policy, planning and investigations.

### **8.1. LEGISLATION**

At the Office of the Languages Commissioner (OLC), we believe that protecting citizens' language rights and ensuring that they are treated with respect and fairness is central to our work. The Office is supporting official languages users and working with obligated bodies in order to gain a better understanding of their experiences, needs and aspirations. Evidence gathered is used to help ensure compliance with the laws. By doing this, the Office aims to give people the assurance and confidence to use the official language of their choice in their everyday lives.

The OLC expects obligated bodies to comply with the legal duties imposed on them. When they fail to do so, the Office takes appropriate steps to ensure compliance with these duties and, by doing so, it ensures that the rights of official languages users are protected. To achieve this, the Office uses a variety of methods.

### **8.2. COMMUNICATIONS**

The Languages Commissioner recognizes the importance of language rights promotion; it is her duty to inform the public of its language rights, and to inform obligated bodies of their language obligations under the Nunavut's language legislation. It is important to raise Nunavummiut's awareness of language rights and the office's mandate.

The OLC's public awareness work takes many forms, including presentations, information sessions, community outreach, contests, developing information material, attending public events, and maintaining the Office's website and Facebook page. The OLC's website and Facebook page are important communication tools to Nunavummiut. The website is giving information on the OLC's mandate, legislation, language rights and obligations, concerns and publications. People can also use the online form to file concerns with the OLC when they feel



their language rights may have been violated. Traditional means of communication (in person, by phone, email and mail) are still used to communicate with the Office.

Promotion of language rights happens through public education campaigns, public appearances, participation in the Inuit Language Month and Les Rendez-vous de la Francophonie, reports of findings and recommendations. All of these activities share one goal: to build and strengthen relationship with the public and obligated bodies.

Moreover, the OLC is developing a strategic plan and a communication plan in order to choose the best strategies and tactics to implement to reach the target audience. It is an effective way to set goals, target groups and activities to communicate in a coherent and effective manner.

### **8.3. POLICY, PLANNING AND INVESTIGATIONS**

The OLC examines, analyses and makes recommendations with regards to the proposed and existing language policies in territorial institutions, municipalities, private sector organizations and federal departments, agencies and institutions. Moreover, as section 3 of the ILPA came into force on July 9, 2017, the Office can now monitor private sector organizations and federal departments, agencies and institutions' compliance with this section of the Act.

Nunavummiut can contact the Office for information on language rights and obligations, and when they want to file a concern.

#### Official Languages Act (OLA)

According to the OLA, territorial institutions are required to communicate with the public and provide services in all the official languages. They must also make an active offer of their services by informing members of the public of their right to communicate in their preferred official language and to receive communications and available services in that language.

A language rights concern with a territorial institution and a municipality can be filed with the Office of the Languages Commissioner by an individual, or on behalf of another person, group or community, when members of the public are not receiving services and communications in the official language of their choice, in accordance with sections 11 and 12 of the OLA.

A concern can be brought to the OLC in any of these circumstances:

- The status of an official language have not been recognized
- A provision of the OLA, or any other act or regulation relating to the status, use or protection of an official language has not been complied with
- The spirit and intent of the OLA or ILPA have not been fulfilled

The Languages Commissioner can also, on her own initiative, or at the request of a territorial institution, a municipality, a member or committee of the Legislative Assembly, commence an investigation without having received concerns directly from an a member of the public.

### Inuit Language protection Act (ILPA)

A language rights concern with a territorial institution, a municipality, a private sector organization and a federal department, agency or institution can be filed with the Office of the Languages Commissioner when members of the public are not receiving services and communications in the Inuit language. The Languages Commissioner takes all actions and measures to ensure that the rights, status and privileges established by this Act with respect to the Inuit language are recognized and performed.

Also, according to section 11 of the ILPA, territorial institutions must provide an active offer, which means that there must be a “clear explanation in the Inuit Language of an individual's right to use the Inuit Language during recruitment or employment”. Without the active offer, individuals may be shy or scared to use the Inuit language.

### Monitoring

To ensure that they are complying with subsections 12(7) and (8) of the OLA, the OLC monitors the availability of language services and communications and active offer within Nunavut's territorial institutions and municipalities. Surveys such as call verification, written communication and website reviews and email verification are useful measurement tools to collect data. The OLC also conducted a municipality survey and a survey on the right to work in the Inuit language in territorial institutions to monitor their compliance with sections 11 and 12 of the ILPA.

### Systemic Investigation

An investigation may take the form of a systemic investigation when non-compliance of language rights is seen as an endemic problem. The decision to conduct a systemic investigation is based on a list of criteria that follows ombudsman practices in Canada, such as:

1. The situation concerns major strategic issues.
2. It is a recurring problem.
3. A large number of people are potentially at risk.
4. The number of concerns received is important.
5. The recommendations made by the Languages Commissioner's Office were ignored.

The OLC conducted a systemic investigation to determine whether the QGH complied with its linguistic obligations as stated in OLA, between March 1, 2012 and March 31, 2013. The Office also wanted to describe the repercussions of language barriers on the quality of care and access to health care services and to make recommendations to fix the language issues.

### Ombudsman and Investigative Training

It is imperative for all the OLC employees to be informed and have up-to-date knowledge about investigation, ombudsman role and best practices. The Office will participate in the training offered by the federal Office of the Commissioner of Official Languages (Investigation Process), the Ontario Ombudsman (Sharpening your teeth) and the training offered by York University and the Forum of Canadian Ombudsman (Essentials for Ombuds).

#### 8.4. BUDGET

The Languages Commissioner has a budget of \$1,410,000 for 2020-2021:

Budget (\$000)	2019-2020	2020-2021	2021-2022	2022-2023
Directorate and operations	628	628	628	628
Communications	159	159	159	159
Policy, planning and investigations	623	623	623	623
<b>Total</b>	1,410	1,410	1,410	1,410

#### 9. STATUS OF 2019-2020 PRIORITIES

Throughout fiscal years, as also indicated in our annual reports, several activities were carried out. As many of these activities are recurrent, in the business plan, the focus is on key priorities. Please note that some of the following activities were not in the previous business plan; they added further to the activities already planned.

##### Legislation

- ✓ Participate in the 2019 *Education Act* review

**Status:** Completed. We submitted our comments on Bill 25 to the Standing Committee on Legislation on September 12, 2019.

- ✓ Conduct information sharing meetings on language legislation with deputy ministers and senior officials from all departments

**Status:** Postponed. As the Languages Commissioner was on a long term sick leave, this activity has been postponed.

- ✓ Initiate the review of the language acts

**Status:** Completed. We have had a 3-day training on legislation, from September 9 to 11. It was conducted by our legal counsel. The first day was on OLA, ILPA, NLCA, Charter of Rights and Freedom, paramountcy, examples of situations. The second day was on investigations and the investigation process (theory and case study). The third day was on section 3 of the ILPA (theory and case study) and Bill C-91.

## **Communication**

- ✓ Develop an advertising campaign on language rights

**Status:** On-going. Each year, the OLC promotes language rights during Inuit Language Month (February) and French Language Month (March). It conducts a print-and radio-based awareness campaign about language rights.

- ✓ Develop an advertising campaign on the Office of the Languages Commissioner's role

**Status:** On-going. The OLC aims to raise public awareness of the OLC, its role and mandate, and to increase the OLC's visibility.

- ✓ Work with private sector organizations on the planning and implementation of their Inuit language plan

**Status:** On-going. We are providing assistance to private sector organizations in the planning and implementation of their Inuit language plan and, if needed, their accommodation request. As of March 31, 2019, we received 18 Inuit language plans; 6 are approved and 12 are on an ongoing process. We are evaluating each plan and, if required, the request for accommodations. We noted that each case is different and requires a different approach and specific answers; it is a case-by-case approach and, for several cases, we have to work with the Office of the Languages Commissioner's legal counsel.

We will continue to inform private sector organizations of their language obligations under section 3 of the ILPA, to respond to inquiries and to assess the Inuit language plans we are receiving.

- ✓ Travel in 4 communities and organize information sessions on language rights

**Status:** Postponed. As the Languages Commissioner was on a long term sick leave, this activity has been postponed.

- ✓ Develop a policy and procedure guide based on the Office's requirements

**Status:** On-going. A draft policy and procedure has to be finalized by the end of the fiscal year.

- ✓ Participate in the *Indigenous Languages Act* consultation

**Status:** Completed. Bill C-91 on Indigenous languages was introduced in the House of Commons of Canada on February 15, 2019, and the Languages Commissioner appeared before the Standing Senate Committee on Aboriginal Peoples on April 4, 2019.

- ✓ Review the OLC's website

**Status:** On-going. The OLC expects to have a new website by the end of the fiscal year.

### **Policy, Planning and Investigations**

- ✓ Monitor territorial institutions' language services by means of a telephone communication verification

**Status:** On-going. The call verification consists of two different surveys: the verification of language services through phone calls and the verification of voicemails. It is conducted separately in Inuktitut and in French.

- ✓ Follow up on the Department of Health's and the Qikiqtani General Hospital's compliance with the Languages Commissioner's recommendations

**Status:** On-going. The OLC wants to determine the Department of Health's and the Hospital's progress in complying with the OLC's recommendations indicated in the systemic investigation report.

- ✓ Follow up on recommendations received from the Standing Committee on Public Accounts, Independent Officers and Other Entities

**Status:** Postponed. The former Languages Commissioner last appearance before the Standing Committee was in November 2015 and her last appearance before the Management and Services Board was in March 2016. After, the position was vacant from June 2016 to June 2017 then the new Languages Commissioner was not able to appear before them.

- ✓ Provide staff training and professional development initiatives

**Status:** We have had a 3-day training on legislation, from September 9 to 11. The next planned training, *Sharpening your teeth*, is an advanced investigative training course. This intensive course teaches advanced investigation techniques for conducting investigations and systemic investigations. Other course topics include interviewing witnesses, writing and publicizing reports, using new technologies and social media. This training will be conducted by the Ontario Ombudsman's Office, here in our office. The last training to be provided to investigators, *Essentials for Ombuds*, is offered by York University and the Forum of Canadian Ombudsman.

- ✓ Develop a guide on investigation procedure

**Status:** On-going. The Office wants to update the current information on the investigation procedure and to prepare a guide by the end of the fiscal year.

- ✓ Provide feedback to territorial institutions on the OLC's survey results regarding the right to work in the Inuit language

**Status:** On-going. To raise awareness of the status of the right to work in the Inuit language in territorial institutions, the Office will provide feedback to territorial institutions on its survey (findings and recommendations) concerning the right to work in the Inuit language.

- ✓ Follow up on the five-year review of the implementation of the OLC's recommendations

**Status:** On-going. The follow-up will be conducted by the end of the fiscal year.

- ✓ Prepare a strategic plan for the OLC

**Status:** On-going. The OLC will have a two-day meeting on strategic planning in November. An orientation document was distributed to all employees before the meeting and the team has to determine the OLC's objectives, strategies and tactics for the next fiscal year.

## **10. PRIORITIES FOR 2020-2021**

### **Communications**

- ✓ Develop an advertising campaign on language rights
- ✓ Develop an advertising campaign on the OLC's roles
- ✓ Inform private sector organizations and federal departments, agencies and institutions of their language obligations under the *Inuit Language Protection Act*
- ✓ Travel in 4 communities and organize information sessions on language rights

### **Policy, Planning and Investigations**

- ✓ Monitor territorial institutions' implementation of OLC's recommendations regarding the right to work in the Inuit language
- ✓ Provide staff training and professional development initiatives

## 11. PRIORITIES FOR 2021-2022

### **Communications**

- ✓ Develop an advertising campaign on language rights
- ✓ Develop an advertising campaign on the OLC's roles
- ✓ Inform private sector organizations and federal departments, agencies and institutions of their language obligations under the ILPA and providing assistance in the planning and implementation of the Inuit language plan and, if needed, the accommodation request.
- ✓ Travel in 4 communities and organize information sessions on language rights

### **Policy, Planning and Investigations**

- ✓ Monitor territorial institutions' language services through website review
- ✓ Monitor territorial institutions' language services through email verification
- ✓ Follow up on recommendations received from the Standing Committee on Public Accounts, Independent Officers and Other Entities
- ✓ Provide staff training and professional development initiatives

## 12. PRIORITIES FOR 2022-2023

### **Legislation**

- ✓ Participate in the *Official Languages Act* and *Inuit Language Protection Act* review

### **Communications**

- ✓ Develop an advertising campaign on language rights
- ✓ Develop an advertising campaign on the OLC's roles
- ✓ Inform private sector organizations and federal departments, agencies and institutions of their language obligations under the ILPA and providing assistance in the planning and implementation of the Inuit language plan and, if needed, the accommodation request.
- ✓ Travel in 4 communities and organize information sessions on language rights

### **Policy, Planning and Investigations**

- ✓ Monitor territorial institutions' language services through written communication review
- ✓ Monitor private sector and federal organizations' language services through a survey
- ✓ Follow up on recommendations received from the Standing Committee on Public Accounts, Independent Officers and Other Entities
- ✓ Provide staff training and professional development initiatives

### 13. MAIN ESTIMATES FOR 2020-2023

BUSINESS SUMMARY	2019-2020		2020-2021		2021 – 2022		2022 – 2023	
	Main Estimates		Planned		Planned		Planned	
	\$0	PYs	\$0	PYs	\$0	PYs	\$0	PYs
<b>DIRECTORATE AND OPERATIONS</b>								
Salary	286	2	286	2	280	2	280	2
Grants and Contributions	—		—		—		—	
Other O&M	342		342		348		348	
<b>Subtotal</b>	628		628		628		628	
<b>COMMUNICATIONS</b>								
Salary	129	1	129	1	129	1	129	1
Grants and Contributions	—		—		—		—	
Other O&M	30		30		30		30	
<b>Subtotal</b>	159		159		159		159	
<b>POLICY, PLANNING AND INVESTIGATIONS</b>								
Salary	575	4	575	4	575	4	575	4
Grants and Contributions	—		—		—		—	
Other O&M	48		48		48		48	
<b>Subtotal</b>	623		623		623		623	
<b>TOTAL</b>	1 410	7	1 410	7	1 410		1 410	7





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