



# **Reports of Standing and Special Committees**

**Standing Committee on  
Oversight of Government Operations and Public Accounts**

***Report on the Review of the  
2012-2013 Annual Report of the Languages Commissioner of Nunavut***

**Second Session of the Fourth Legislative Assembly of Nunavut  
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The Languages Commissioner's duties and responsibilities are established by two pieces of Nunavut legislation: the *Official Languages Act* and the *Inuit Language Protection Act*. Nunavut's new *Official Languages Act* was passed by the 2<sup>nd</sup> Legislative Assembly in 2008 and, with the exception of subsection 12(7)(c), came into force on April 1, 2013. The *Inuit Language Protection Act* was also passed during the 2<sup>nd</sup> Legislative Assembly in 2008, and has been coming into force in stages since that time. Sections 3-5 and 9-10 of the *Inuit Language Protection Act* are not in force.

Ms. Sandra Inutiq is the current Languages Commissioner of Nunavut. She assumed her duties as Languages Commissioner on January 14, 2013. The Languages Commissioner's 2012-2013 annual report was tabled in the House on May 22, 2014.

The Standing Committee recognizes that the Languages Commissioner assumed her duties after the 2012-2013 fiscal year had already begun, following a four month period during which the position was vacant. The Standing Committee also recognizes that the Languages Commissioner has previously experienced challenges in staffing her office, which has caused delays in number of its activities.

The Standing Committee held its hearing on the Languages Commissioner's 2012-2013 annual report on September 22, 2014. The hearing was open to the public and news media to observe and was broadcast on local radio, cable and satellite television. The proceedings were interpreted in all official languages. Transcripts from the hearing have been produced in all official languages and are available to the public through the Legislative Assembly's website.

The Languages Commissioner 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, and the administration of her office.

As a part of its mandate, the Office of the Languages Commissioner monitors the performance of territorial institutions in providing services and information to the public in Nunavut's official languages. Consequently, the Standing Committee maintains the view that the Languages Commissioner must lead by example as she carries out her duties as ombudsman, advocate, monitor and advisor for language rights in Nunavut. The Standing Committee was therefore disappointed that the Languages Commissioner failed to produce an Inuit language translation of her opening comments during its recent hearing.

The Standing Committee maintains the view that in order for the Languages Commissioner to successfully fulfill her mandate as ombudsman, monitor and advisor on language rights issues, she must ensure that her office provides the highest quality of services that it expects of all other territorial organizations.

During the Standing Committee's recent hearing, the Languages Commissioner raised concerns in relation to the government's current hiring processes, including the extent to which language proficiency is recognized in its Priority Hiring Policy. The Standing Committee acknowledges the value of official languages proficiency and notes that this issue merits ongoing attention.

During its recent hearing, the Standing Committee raised concerns regarding the Languages Commissioner's own hiring practices. For example, the Languages Commissioner recently hired an employee for her office by way of direct appointment. The Standing Committee maintains the view that the Languages Commissioner must lead by example in practicing fair and transparent hiring, and strongly encourages the Languages Commissioner to fill vacant positions in her office through competitive hiring processes to the greatest practical extent.

The Standing Committee notes that the Languages Commissioner recently signed an open letter to the Premier of Nunavut in which she raised concerns regarding the government's initiatives to increase Inuit employment in the public sector. The Standing Committee recognizes and respects the independent role of the Languages Commissioner in monitoring issues related to language services in the territory and raising concerns as necessary.

However, the Standing Committee also notes that the Languages Commissioner's primary mechanism for raising concerns and making recommendations is through her formal reports to the Legislative Assembly. The Standing Committee strongly encourages the Languages Commissioner to use the appropriate instruments available to her office in order to effectively address issues related to language rights and services in Nunavut.

The Standing Committee of the previous Legislative Assembly recommended that the Languages Commissioner provide greater detail on her office's initiatives and benchmarks by which her office could measure its success. The Standing Committee recognizes the Languages Commissioner's efforts to provide more detail on her office's initiatives in its 2012-2013 annual report. However, the Standing Committee is of the view that the Languages Commissioner should provide more detail on her office's expenditures. For example, although the Languages Commissioner indicated that her office incurred significant expenditures on travel and contract services during the 2012-2013 fiscal year, her annual report did not clearly describe the nature or results of these expenditures.

The Standing Committee of the previous Legislative Assembly also recommended that the Languages Commissioner meet with language stakeholders to address issues related to statutory obligations under the territory's official languages legislation. The Standing Committee notes that the Languages Commissioner's 2012-2013 annual report listed meetings and conferences that her office had attended, including meetings with stakeholders such as the Inuit Language Authority, the Minister of Languages and officials from the Department of Education. The Standing Committee is of the view that more information on the substance and outcomes of such meetings will provide more transparency on the Office of the Languages Commissioner's initiatives.

The Standing Committee encourages the Languages Commissioner to ensure that her office leads by example as it works to meet statutory language obligations, exercise fair hiring processes, utilize appropriate mechanisms to fulfill its mandate and provide transparency through detailed and comprehensive reporting.

### **Standing Committee Recommendation #1**

**The Standing Committee recommends** that the Languages Commissioner's future annual reports to the Legislative Assembly provide detailed information on her office's staffing initiatives during the fiscal year.

**The Standing Committee further recommends** that the Languages Commissioner be mindful that her formal reports to the Legislative Assembly are the most appropriate and effective means of raising concerns and making recommendations to the government.

**The Standing Committee further recommends** that the Languages Commissioner's future annual reports to the Legislative Assembly provide detailed and comprehensive breakdowns of her office's expenditures in areas such as travel and contract services.

**The Standing Committee further recommends** that the Languages Commissioner's future annual reports to the Legislative Assembly provide greater detail on the purpose and outcomes of meetings and conferences that her office attends during the fiscal year.

Section 12 of the *Inuit Language Protection Act* came into force on September 19, 2011. This section provides that public sector employers shall accommodate individuals who prefer to speak the Inuit language during recruitment or in the workplace.

During the Standing Committee's recent hearing, the Languages Commissioner raised concerns that individuals are unaware of their right to submit applications in the Inuit language for positions in the public service. The Languages Commissioner also indicated that her office has observed that a number of employees in the public service are not aware of their right to work in the Inuit language.

The Standing Committee firmly supports the protection and promotion of the Inuit language and the expansion of its use in the government. During the Standing Committee's recent hearing, Members expressed concerns regarding the state of the government's hiring practices and its apparent lack of compliance with section 12 of the *Inuit Language Protection Act*.

During the Standing Committee's recent hearing, the Languages Commissioner indicated that her office may undertake a systemic investigation on the Government of Nunavut's human resources practices. The Standing Committee encourages the Languages Commissioner to focus on the government's statutory obligations under the *Inuit Language Protection Act* as her office progresses with its work in this area.

#### **Standing Committee Recommendation #2**

**The Standing Committee recommends** that the Languages Commissioner undertake a review of the implementation of section 12 of the *Inuit Language Protection Act*, and that her findings be provided as a detailed and comprehensive companion to her 2014-2015 annual report to the Legislative Assembly.

Section 6 of the *Inuit Language Protection Act* came into force on September 9, 2012, and requires all municipalities to provide services in the Inuit Language.

Subsection 12(8) of the *Official Languages Act* came into force on April 1, 2013, and requires municipalities to provide communications and services to the public in an official language where there is a significant demand for that official language.

During the Standing Committee's recent hearing, the Languages Commissioner indicated that a number of municipalities are struggling to secure funding and other resources with which to develop and establish adequate language services and signage programs in the communities. While the Standing Committee notes that the Languages Commissioner has made efforts to inform municipalities of their statutory language obligations, Members were of the view that further work could be done to monitor the adequacy of language services provided by the territory's municipalities.

In her 2012-2013 annual report to the Legislative Assembly, the Languages Commissioner used a scoring system to evaluate the Government of Nunavut's performance in issuing news releases in all official languages. In this evaluation, the Languages Commissioner assigned grades to a number of the government's departments and offices. These grades were presented in comparison with grades that her office had assigned in previous fiscal years. This allowed the Languages Commissioner to illustrate which departments and offices had improved their performance and which departments required more work. The Standing Committee notes that the Legislative Assembly was graded for the first time during the 2012-2013 fiscal year and received an "A" for its performance.

The Standing Committee maintains the view that this type of evaluation provides Members of the Legislative Assembly and the public with a clear assessment of which organizations require further work in meeting their statutory language obligations. This scoring system could also provide incentive for other organizations, in both the public and private sectors, to improve their efforts in providing written communications to the public in all official languages. The Standing Committee encourages the Languages Commissioner to utilize a similar type of evaluation as her office monitors the implementation of Nunavut's official languages legislation at the municipal level.

The Standing Committee also encourages the Languages Commissioner to perform periodic site visits to Nunavut's communities to determine which municipalities are meeting their statutory language obligations. The Standing Committee also encourages the Languages Commissioner to work closely with municipal organizations, including the Nunavut Association of Municipalities, to develop strategies that will allow her office to effectively monitor and advise the implementation of Nunavut's official languages legislation at the municipal level.

### **Standing Committee Recommendation #3**

**The Standing Committee recommends** that the Languages Commissioner establish a strategy and methodology for her office to effectively monitor and evaluate the status of the implementation of the *Official Languages Act* and the *Inuit Language Protection Act* at the municipal level of government in Nunavut.

**The Standing Committee further recommends** that the Languages Commissioner develop a timeframe for her office to undertake site visits to Nunavut's communities to determine the adequacy of language services and signage programs at the municipal level.

**The Standing Committee further recommends** that the Languages Commissioner work closely with municipal organizations, including the Nunavut Association of Municipalities, when her office monitors and advises municipalities in relation to their statutory language obligations.



In its report on the review of the Languages Commissioner's 2011-2012 annual report, the Standing Committee of the previous Legislative Assembly recommended that the Languages Commissioner address issues relating to the delivery of language services by federal departments, agencies and federally-regulated entities in Nunavut.

The *Inuit Language Protection Act* provides that organizations which are required to comply with the legislation include public sector bodies. The *Inuit Language Protection Act* defines a public sector body to mean "a department of the Government of Nunavut or public agency, or a federal department, agency or institution."

During the Standing Committee's recent hearing, the Languages Commissioner indicated that her office has had a number of discussions with federally-regulated entities such as airlines and banks. However, the Standing Committee is of the view that more work can be done to ensure that the federal departments, agencies and federally-regulated entities in Nunavut are meeting language obligations under the *Inuit Language Protection Act*.

#### **Standing Committee Recommendation #4**

**The Standing Committee recommends** that the Languages Commissioner establish a strategy and methodology for her office to effectively monitor and evaluate the status of language services provided by federal departments, agencies and federally-regulated entities in Nunavut.

**The Standing Committee further recommends** that the Languages Commissioner include in her future annual reports to the Legislative Assembly specific, comprehensive and detailed information on the status of language services provided by federal departments, agencies and federally-regulated entities in Nunavut.

In its report on the review of the Languages Commissioner's 2011-2012 annual report, the Standing Committee of the previous Legislative Assembly recommended that the Languages Commissioner work with the Minister of Languages to develop and establish policies that would allow her office to effectively monitor the implementation of Nunavut's official languages legislation. During the Standing Committee's recent hearing, the Languages Commissioner indicated that her office had recently begun discussing the need to address the issue of language-related policies within the Government of Nunavut.

The Standing Committee recognizes that the Government of Nunavut is responsible for establishing formal policies, procedures and guidelines by which the public service is expected to fulfill its statutory language obligations.

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 24(2)(a) of the *Inuit Language Protection Act* provides that the Minister of Languages shall "develop policies or programs intended to promote ... the use and development of the Inuit Language so that it can be used in the full range of activities and sectors of Nunavut society."

On October 30, 2012, the previous Minister of Languages tabled the government's plan for its implementation of Nunavut's official language legislation. This document indicates that one of the government's implementation priorities for the period between 2012-2013 and 2015-2016 is to "develop and implement policies and guidelines to support the delivery of both oral and written communications and services in the Official Languages."

Although the territory's official languages legislation is largely in force, the Standing Committee is of the view that more work is required to establish and effectively implement these necessary policies, procedures and guidelines.

### **Standing Committee Recommendation #5**

**The Standing Committee recommends** that the Government of Nunavut's response to this report account, in detail, for its progress to date in developing policies, procedures and guidelines that provide direction on how its departments and agencies are expected meet their statutory obligations under Nunavut's official languages legislation.

**The Standing Committee further recommends** that the Government of Nunavut's response to this report include a detailed timeframe in which these necessary policies, procedures and guidelines are to be implemented.

During the Standing Committee's recent hearing, the Languages Commissioner indicated that the government has been failing to provide adequate transparency in relation to its initiatives on language training, services and promotion.

Section 27 of the *Inuit Language Protection Act* came into force on September 18, 2008, and requires the Minister of Languages to submit an annual report to the Legislative Assembly that describes the government's work in fulfilling its statutory obligations under the *Inuit Language Protection Act*.

The Minister of Languages tabled the 2010-2011 and 2011-2012 annual reports under the *Inuit Language Protection Act* on May 22, 2014. The Standing Committee encourages the Minister of Languages to table the 2012-2013 and 2013-2014 annual reports under the *Inuit Language Protection Act* in a timely manner.

Section 15 of the *Official Languages Act* came into force on April 1, 2013. The Standing Committee notes that this section requires the Minister of Languages to submit an annual report to the Legislative Assembly under the *Official Languages Act* within 12 months after the end of each fiscal year. The Standing Committee looks forward to reviewing the first annual report under the *Official Languages Act*, and encourages the Minister to table the annual report in a timely manner.

Subsection 12(7)(c) of the *Official Languages Act* and sections 3-5 and 9-10 of the *Inuit Language Protection Act* have not yet come into force. These sections include provisions that will require the government's third-party contractors to provide services in all official languages, require the private sector to provide services in the Inuit Language and require the government to develop and implement Inuit language programs for early childhood and adult education.

The Standing Committee recognizes that the Government of Nunavut is responsible for determining the timeline for bringing these sections into force, and that the government bears significant responsibility for developing the necessary policies by which to implement these and other aspects of the territory's official languages legislation.

### **Standing Committee Recommendation #6**

**The Standing Committee recommends** that the Government of Nunavut's response to this report provide a detailed timeline for the coming into force of subsection 12(7)(c) of the *Official Languages Act* and sections 3-5 and 9-10 of the *Inuit Language Protection Act*.