



15th Legislative Assembly of the Northwest Territories

Standing Committee on Accountability and Oversight

Report on the Review of the
2005-2006 Annual Report of the
Languages Commissioner

Chair: Mr. Jackson Lafferty

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SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Accountability and Oversight is pleased to provide its Report on the Review of the 2005-2006 Annual Report of the Languages Commissioner and commends it to the House.

A handwritten signature in black ink, appearing to be 'J. Lafferty', written over a horizontal line.

Jackson Lafferty, MLA
Chairperson

**STANDING COMMITTEE ON
ACCOUNTABILITY AND OVERSIGHT**

**REPORT ON THE REVIEW OF THE
2005-2006 ANNUAL REPORT OF THE
LANGUAGES COMMISSIONER**

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STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT

REPORT ON THE REVIEW OF THE 2005-2006 ANNUAL REPORT OF THE LANGUAGES COMMISSIONER

The Standing Committee on Accountability and Oversight met on December 6, 2006 to review the 2005-2006 Annual Report of the Languages Commissioner. The Committee would like to thank Ms. Shannon Gullberg, the Languages Commissioner, for appearing before us.

The Committee was pleased to hear that some of the previous goals of the Commissioner are at or near completion, in particular the Commissioner's new website and the development of printed information about the complaints process in aboriginal languages. The new website will be fully bilingual in English and French and will provide some information in all aboriginal official languages of the Northwest Territories.

In our previous report, we encouraged the Commissioner to step up her efforts to publicize her office, particularly by undertaking community visits to meet with stakeholders and to raise public awareness about her office. Therefore, we were pleased to hear of the Commissioner's plans to visit Rae, Hay River, Inuvik and Fort Smith in early 2007 to conduct community and school meetings and to visit health centres.

The Committee is also looking forward to receiving the two reports the Commissioner referred to in her presentation, namely a report regarding advertising requirements and a report on language services in health care facilities.

At several points in the Report, the Commissioner directs comments at the Legislative Assembly or recommends that the Legislative Assembly take certain actions. These comments incorrectly suggest that the Legislative Assembly has responsibilities, which are in fact under the authority of the Government. For example, on page 15 of the report, she states that: "The Legislative Assembly's approach to the issue of communication with the public has been uncoordinated and chaotic." The Commissioner then discusses amendments to section 11 of the *Act* regarding (communication with the public. Although the Speaker and the Legislative Assembly retain some authorities under the *Act*, for example, the appointment of the Commissioner and the ultimate approval of Bills to amend the *Act*, the authority to make regulations resides with the Commissioner in Executive Council, which is effectively the Government of the Northwest Territories. As well, it is the Government, and not the Legislative Assembly, which introduces Bills to amend the *Act*.

RECOMMENDATIONS

In the 2005-2006 Annual Report, the Commissioner makes six recommendations:

Languages Commissioner Recommendation 1

That the Legislative Assembly clarify what is meant by paragraph six of the preamble to the *Official Languages Act*. Further, paragraph 10 of the preamble should be deleted.

Paragraph six speaks to the purpose of the *Act* with regard to the use of Aboriginal Languages. Presently, the *Act* reads that Aboriginal languages should be used “for all and any official purposes of the Northwest Territories at the time and in the manner that is appropriate.” The Commissioner recommends that the meaning of this section needs to be clarified and suggests replacement with: “... the use of Aboriginal languages in the manners and circumstances specifically identified and provided for in the *Act*”.

Paragraph ten of the preamble relates to “language of work”. The Commissioner recommends the deletion of this paragraph, because workplace language is not addressed in the *Official Languages Act* nor in any other GNWT policy. Presently the protection from discrimination in employment practices stems from the *Human Rights Act*.

The Committee shares the Commissioner’s perception that the wording on language of work incorrectly suggests the *Act* provides language rights in the workplace, which it does not.

Committee Recommendation

The Committee recommends that the Government of the Northwest Territories include in its next Bill to amend the *Official Languages Act* changes to clarify the wording of paragraph 6 of the preamble leading to a more specific prescription for the use of Aboriginal languages provided for in either the *Act* or regulations;

The Committee further recommends the deletion of paragraph 10, which deals with “language of work”, until such time as workplace language is addressed.

Languages Commissioner Recommendation 2

That the *Official Languages Act* of the Northwest Territories be amended to include a provision that binds all contractors with the Government of the Northwest Territories. Suggested wording is as follows:

Every government institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in the Northwest Territories or elsewhere can communicate with and obtain those services from that person or organization in any particular Official Language in any case where those services, if provided by the institution, would be required to be provided in that Official Language.

The Committee discussed these recommendations with interest, however decided that more clarity about their implications is needed. The Committee agrees that they deserve further consideration.

Languages Commissioner Recommendation 3

That the Legislative Assembly consider amending section 11 of the *Official Languages Act* such that, instead of defining language rights based on the concepts of “significant demand” and “nature of the office”, language rights in the area of communication with the public be based on the following principles:

- i) That some basic services should be available in any and all Official Languages, regardless of geographical area. This should include health services, mandatory registration, licensing, safety and other services that the legislature consider essential.
- ii) That other services should be available according to designated language areas that are established in regulation. As well, those services that must be provided in those designated areas should also be set out in regulation, instead of policies and guidelines. In this way, the responsibility to provide such services will be clear and binding.

Committee Recommendation

The Standing Committee on Accountability and Oversight recommends the GNWT examine and report back on the implications and advisability of extending obligations of the *Official Languages Act* to third parties that provide direct government services on a contractual basis.

Furthermore, the Committee recommends the GNWT review and report back on the legal implications and the feasibility of abandoning the concepts of “significant demand” and “nature of the office” in favor of regulations specifying “basic services that should be available in any and all Official Languages regardless of the geographic area”.

Languages Commissioner Recommendation 4

That the Legislative Assembly and all government departments review their systems for providing service through 1-800 numbers. Where a person who requests services in French will be transferred to an identified individual, consideration should be given to an automated response system for the 1-800 number, allowing for an individual to choose services in English or in French. The same approach should be considered for other Official Languages.

The Standing Committee on Accountability and Oversight cautiously supports this recommendation of the Languages Commissioner and was pleased that the Commissioner considers this service delivery method appropriate for Aboriginal Languages as well. The Committee feels strongly that a government-wide coordinated approach is needed to streamline the consistency and extent of the services delivered in languages other than English. The Committee also considered financial implications of the recommendations and favours coordination as well in light of the potential for cost efficiencies. However, the Committee cautions that service delivery through 1-800 or toll-free numbers has its limitations and might not be the only option for government-wide coordination of services delivered in all official languages.

Committee Recommendation

The Standing Committee on Accountability and Oversight recommends the GNWT review and report back on their system for providing service through toll-free numbers in French and Aboriginal Languages.

Languages Commissioner Recommendation 5

That the Government of the Northwest Territories immediately implements a plan for the training and certification of interpreters and translators.

With the closure of the Aboriginal Languages Section of the GNWT Language Bureau in the mid-1990s, the Northwest Territories has lost any institution that would be responsible for language standards, terminology development, training and accreditation. The precarious situation of our Aboriginal languages combined with the declining numbers of mother tongue speakers makes the need to actively address the revitalization of the Aboriginal languages more urgent. In recent years, the former Languages Commissioner and the Special Committee on Official Languages addressed the need for capacity building through the development of translation standards as well as training and certification standards for interpreters and translators.

The Standing Committee on Accountability and Oversight recommended in its Report on the Review of the 2004-2005 Annual Report of the Languages Commissioner that "... the GNWT work with Aurora College to deliver a basic interpreter/translator training program for Aboriginal languages, as well as specialized training in medical terminology." While the Government supports the idea in general, it "delegated" any action to the College and further made any action dependent on "sufficient demand and program funding". The Government's response did not indicate any specific steps towards such an undertaking.

In her report, the Commissioner points out that despite the recognition of the importance of interpreter/translator training and certification, little has been done to actually implement any required steps that would address such education and standardization needs. In recommendation five, the Commissioner is clear about her expectations towards the GNWT in this regard.

The Committee also notes that the re-establishment of training and certification for Aboriginal languages interpreter/translator programs would be an important step towards language and terminology standardization as a vital aspect of language revitalization.

Committee Recommendation

The Standing Committee on Accountability and Oversight recommends that the GNWT implement a plan for the training and certification of interpreters and translators.

Languages Commissioner Recommendation 6

That the Government of the Northwest Territories immediately create a registry of interpreters and translators that is available to both the public and private sector.

Both the former Languages Commissioner Judi Tutcho in her Special Report on Privatization and the Special Committee on Official Languages have previously recommended the creation of an interpreter/translator registry. However, to date, no such registry is in existence; so it remains difficult to find qualified interpreters and translators. Certified interpreters/translators who are established in their profession are often extremely busy and cannot keep up with the demand. Creating a public registry would have multiple benefits like encouraging others to enter into the field and increasing the accessibility to professional linguistic services.

The Commissioner concludes her findings accordingly: "It is imperative that the public registry be developed immediately." The Committee shares the Commissioner's sense of urgency on this issue, but cautions against creating a registry that would not be based on measurable standards of qualification, out of fairness to both interpreters and translators, and members of the public who might rely on such a list.

Committee Recommendation

The Standing Committee on Accountability and Oversight recommends that the GNWT, after progress has been made with the establishment of interpreter/translator training and certification program proceed with establishing a registry of interpreters and translators for all official languages.

In conclusion, the Standing Committee on Accountability and Oversight encourages the Commissioner to exercise her powers and make full use of her mandate, which, as outlined in section 20 of the *Official Languages Act*, includes ensuring recognition of the rights, status and privileges of each of the Official Languages and compliance with the spirit and intent of the *Act* in the administration of the affairs of government institutions, and conducting investigations on her own initiative.

Committee Recommendation

The Standing Committee on Accountability and Oversight recommends the GNWT table a comprehensive response to this report within 120 days.