



**Mackenzie Valley**  
Environmental Impact  
Review Board

## **Language Services Funding Proposal**

### **Issue:**

The Review Board is an institution of public government established by the *Mackenzie Valley Resource Management Act* (MVRMA) and being designated a federal institution pursuant to section 3 of the *Official Languages Act of Canada* (OLA) is required to provide public communications and services in Canada's official languages.

Current operations of the Mackenzie Valley Environmental Impact Review Board do not comply with the OLA.

### **Background:**

At the April 2006 meeting of the NWT Board Forum, Indian and Northern Affairs Canada (INAC) provided advice that the Boards formed under the *Mackenzie Valley Resource Management Act* (MVRMA), being defined as "federal institutions" were required to comply with the requirements of the OLA.

A legal opinion obtained by the Mackenzie Valley Environmental Impact Review Board (Review Board) confirmed the advice received from INAC regarding the applicability of the OLA to the Review Board.

The OLA sets out levels of French language service which varies depending on whether or not the office is a "head office" for the federal institution and the predominance of French language spoken in a region.

### **Written Information Produced for Public Distribution**

All public notices, advertisements and other matters (e.g. media releases) must be published in English and French in a publication that is generally circulated to the language group in question. The notices and advertisements must be given equal prominence in both official languages. (s.11)

Section 12 requires that "all instruments directed to or intended for the notice of the public" issued by the Review Board must be issued in both official languages. This

would include various documents issued by the Review Board such as Reports of Environmental Assessment, Reasons for Decision documents, Rules of Procedure and Cooperation Agreements with neighbouring jurisdictions.

This is clarified further in section 13 which states that “any journal, record, Act of Parliament, instrument, document, rule, order, regulation, treaty, convention, agreement, notice, advertisement...” must be published in both languages, released simultaneously and have equal authority in both languages. This broader category would include generic public information and promotional documents including the Review Board website.

### **General Communication in the French Language**

The Review Board office is defined as a head office under the OLA. As a result any member of the public must be able to communicate with the Review Board office in either English or French (s.22). This requirement applies to both “oral and written communication and in respect to any documents or activities that relate to those communications or services” (s.27). This means there must be an employee in the Board office who is capable of speaking to members of the public in French.

Further the Review Board must ensure signage; notices and other information on services are provided in both official languages and to make it known to members of the public that these services are available from its office in either English or French (s.28). Each language must enjoy equal prominence with respect to signage (s.29).

### **Office Work Environment**

The Review Board is not required to ensure that its office work environment is conducive to use of both official languages office even though it is a “head office” according to the OLA. Since the French language is not a predominant language in the Mackenzie Valley as required by s.35(1)(b); there is no requirement to have a bilingual work environment.

### **Considerations:**

There is a number of capacity and procedural issues that need to be considered before the Review Board can begin to implement the requirements of the OLA.

Capacity issues include the need for incremental human and financial capacity to translate documents, including the Review Board website, into the French language and to be able to respond French speaking individuals, both in writing and orally, in the French language.

Procedurally the Review Board needs to consider the similar obligations the Review Board has to make its services and processes accessible in aboriginal languages as well. This obligation arises in part from section 114 of the MVRMA which states environmental impact assessment (EIA) process in the Mackenzie Valley must “ensure

that the concerns of aboriginal people and the general public are taken into account in that process”. It follows that Aboriginal people must be able to receive Board services and communicate with the Board in the language they are most comfortable in to have their concerns fairly heard.

Further, Section 115 of the MVRMA states that the Review Board’s EIA processes shall have regard to “the protection of the social, cultural and economic well-being of residents and communities of the Mackenzie Valley”. Aboriginal languages are important to the social and cultural well-being of Mackenzie Valley residents and communities.

Section 115 of the MVRMA also states that the Review Board’s EIA Processes “shall be carried out in a timely and expeditious manner”.

Another consideration is that the provision of French language services required by the OLA without at the same time equitably addressing aboriginal language needs may be inconsistent with the Board’s duty of fairness to all EIA participants. The Review Board is an Administrative Tribunal and must ensure its proceedings are carried out in a fair and transparent manner.

To address these considerations the following principles were deemed necessary for the development of a comprehensive action plan to implement the OLA.

1. Language services of the Review Board should be provided in all of the official languages of Canada and aboriginal languages of the Mackenzie Valley to ensure the environmental impact assessment (EIA) processes of the Review Board are as accessible as possible to all Mackenzie Valley residents and to all Canadians.
2. Language services provided by the Review Board to aboriginal language speakers should be equitable to services provided to French speakers. The *Official Languages Act of the Northwest Territories* specifies an equitable level of aboriginal language services for NWT Government operations and should be used as a guide.

## **Proposed Level of Service**

English would be the working language of the Review Board office.

Language services in French would be consistent with the requirements of the OLA.

Language services in Aboriginal languages would be consistent with the requirements of the *Official Languages Act of the NWT* governing the delivery of NWT Government programs and services.

Language Services would be provided in the five main aboriginal languages of the Mackenzie Valley; Gwich’in, North Slave, South Slave, Tlicho and Chipewyan.

## Board Requirements:

Capacity to communicate orally and in writing with French speakers

- Designate two staff positions as bilingual positions to respond to oral and written communication in French as required in day to day operations
- Establish standing service contracts with aboriginal interpreter/translators to assist with communications in aboriginal languages as required.
- Retain French and aboriginal language interpreter/translators for Board public proceedings as needed (**an existing service**)

Capacity to translate documents into French and Aboriginal languages

- Establish standing service contracts for French and aboriginal language translation services

## Proposal Summary:

Enhancement of French and aboriginal language services by the Review Board should be addressed concurrently to ensure a fair and transparent EIA process for all Mackenzie Valley residents.

To implement a level of service to French and aboriginal language speakers that will satisfy the requirements of the OLA and commensurate obligations to aboriginal people under the MVRMA; the Review Board proposes a multi-year investment as follows:

<b>Fiscal Year</b>	<b>Description</b>	<b>Required Investment (\$)</b>
2007/08	-Provide a bilingual bonus for employees that can speak French or one of the five primary aboriginal languages of the Mackenzie Valley fluently -Translation of Board documents (notifications, advertisements) into French and aboriginal languages	23,000
2008/09	- same as above - Begin Website Redesign for French and Aboriginal Language content - Begin translation/printing of promotional and Guidance documents into French and aboriginal languages	100,000
2009/10	- same as above - Completion of website redesign -Complete translation/printing of promotional documents into French and Aboriginal Languages - Begin translation/printing of new Reports of Environmental Assessments & Reason for Decision	200,000

	Documents into French and Summaries into Aboriginal languages	
Future Years	Incremental level of language services subject to resources available	Incremental funding amounts until full compliance is achieved

The estimates presented in this funding proposal will be refined each year as the Board gains experience in implementing the OLA and aboriginal language services.

*Dated: November 2006*