

**An Act concerning the use, revitalization,
maintenance and promotion of Inuktitut and
its recognition as an official language of
Canada**

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An Act concerning the use, revitalization, maintenance and promotion of Inuktut and its recognition as an official language of Canada

Preamble

WHEREAS Inuit are an Indigenous people in Canada;

WHEREAS Inuit Nunangat is the Inuit homeland in Canada;

WHEREAS Inuktut is an original language of Canada, predating European presence in Canada, which will continue to evolve over time;

WHEREAS Inuktut survives today due to the resilience and vigilance of Inuit despite government-led attempts to erode it;

WHEREAS Inuktut is core to Inuit identity, spiritual beliefs, relationships to lands, worldview and culture; and fundamental to Inuit self-determination in Canada;

WHEREAS Inuktut is a necessary foundation for a sustainable future for Inuit as a people with a distinct cultural and linguistic identity;

WHEREAS Inuktut contributes to the diversity and richness of Canadian society and of humankind;

WHEREAS Inuit are an Aboriginal people under section 35 of the *Constitution Act, 1982*;

WHEREAS Aboriginal and treaty rights protected under section 35 of the *Constitution Act, 1982* include Aboriginal language rights and cultural rights;

WHEREAS these rights are affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* and by the *American Declaration on the Rights of Indigenous Peoples*;

WHEREAS Canada has binding obligations under the *United Nations Convention on the Rights of the Child* relating to the rights of Indigenous children to enjoy their own culture and use their own language, and to not be denied these rights;

WHEREAS the United Nations Educational, Scientific and Cultural Organization (UNESCO) has designated some Inuit languages as vulnerable and definitely, severely or critically endangered in the regions that make up Inuit Nunangat and there is an urgency to reverse this trend;

August 2, 2018

WHEREAS Canada is a party to the *International Covenant on Civil and Political Rights*, which recognizes linguistic and cultural rights and the right to self-determination;

WHEREAS Canada, as a party to the *International Covenant on Economic, Social and Cultural Rights*, has undertaken to guarantee that language rights will be exercised without discrimination of any kind;

WHEREAS the Truth and Reconciliation Commission of Canada (TRC) has found in its report dated 2015 that the Government of Canada pursued a policy of cultural genocide toward Inuit and other Indigenous Peoples;

WHEREAS Parliament and the Government of Canada acknowledge they played an historic role in the erosion of Inuktitut through their laws, actions and assimilation policies including forced relocation, residential schools and federal day schools;

WHEREAS Parliament and the Government of Canada acknowledge their corresponding responsibility to remedy past wrongs, including actively supporting and assisting in the use, revitalization, maintenance, and promotion of Inuktitut;

WHEREAS Parliament and the Government of Canada are committed to working with Inuit representative organizations and their institutions and with provincial and territorial governments and their institutions to enhance Inuit language and cultural rights and opportunities;

WHEREAS Inuit representative organizations have provided their free, prior, and informed consent in support for this Act;

AND WHEREAS, due to the fundamental character of the values expressed and the important objectives reflected in this Act, and on legal authority including sections 15, 25 to 27 and 35 of the *Constitution Act, 1982*, this Act is intended to enjoy quasi-constitutional status in law;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *Inuktit Language Act*.

Her Majesty

Her Majesty

2 This Act is binding on Her Majesty in right of Canada and of a province.

Purposes

Purposes

3 The purposes of this Act include

- (a) recognizing Inuktitut as a fundamental and valued element of Canadian heritage, culture and society, which embodies Inuit presence, occupation, and attachment to and interest in Inuit Nunangat;
- (b) recognizing Inuktitut as an official language of Canada;
- (c) recognizing and affirming inherent Inuit language and cultural rights;
- (d) recognizing that there is an urgency to revitalize, maintain, and promote Inuktitut and its use and ensure the provision of adequate resources to that effect;
- (e) ending discriminatory laws, policies, practices and actions, including in the determination of adequate and equitable funding;
- (f) promoting equity and eliminating regional disparities in access in Inuktitut to programs and services;
- (g) establishing institutions that strengthen Inuit language, culture, and self-determination;
- (h) promoting Inuktitut as the primary language of every sector of society in Inuit Nunangat; and
- (i) affirming the right of Inuit and Inuit families to transmit Inuktitut from one generation to the next.

Interpretation and Application

Values and guiding principles

- 4** (1) Interpretation and implementation of this Act is to be guided by the following principles:
- (a) Inuktitut and other Indigenous languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to revitalize, maintain and strengthen them;
 - (b) the connections among language, culture and land form the foundation of Inuit identity;
 - (c) Inuktitut is essential to the transmission of Inuit culture, identity, knowledge and ways of life from one generation to the next and in maintaining the special relationship that Inuit have with their lands, waters and the rest of the living world;
 - (d) the use, revitalization, maintenance and promotion of Inuktitut are best managed by Inuit, Inuit representative organizations and their designated institutions;
 - (e) the use, revitalization, maintenance and promotion of Inuktitut require adequate and equitable funding from the Government of Canada;
 - (f) funding and funding accords for Inuktitut language initiatives must meet the standard of substantive equality and reflect regional language priorities;
 - (g) Inuit Aboriginal language rights are protected by the Constitution, international law and are reinforced by the Treaties;
 - (h) Inuit Aboriginal language rights have both collective and individual aspects;
 - (i) the rights and obligations described in this Act must be interpreted broadly and liberally and in light of its remedial purpose; and
 - (j) the fundamental principle of free, prior and informed consent must be promoted and applied in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*.

Additional guides

- 5** (1) Interpretation and implementation of this Act is also to be guided by the following:
- (a) the Final Report of Truth and Reconciliation Commission of Canada and its Calls to Action of 2015; and
 - (b) the final Report of the Royal Commission on Aboriginal Peoples.
- (2) This Act must be interpreted and implemented in light of
- (a) constitutional principles, including the honour of the Crown, the fiduciary relationship between the Crown and Inuit, reconciliation, rights protected under section 35(1) of the Constitution Act, 1982, Inuit inherent rights to self-determination and self-government, and substantive equality; and
 - (b) the international human rights law instruments and principles.

Definitions

- 6** In this Act,

Commissioner means the Inuktitut Language Commissioner established under Part VIII;

Deputy head or other administrative head means

- (a) in relation to a department of the Government of Canada named in Schedule 1 of the *Financial Administration Act*;
- (b) in relation to any portion of the federal public administration named in Schedule IV of the *Financial Administration Act* or designated by the Governor in Council for the purpose of this paragraph, its chief executive officer or, if there is no chief executive officer, its statutory deputy head or, if there is neither, the person who occupies the position designated by the Governor in Council in respect of that portion; and
- (c) in relation to a separate agency, its chief executive officer or, if there is no chief executive officer, its statutory deputy head or, if there is neither, the person who occupies the position designated by the Governor in Council in respect of that separate agency.

Designated institution means an institution designated by the Inuit representative organizations to advance the purposes of this Act;

Designated Minister means such member of the Queen's Privy Council for Canada as is designated by the Governor in Council as the Minister for the purposes of this Act;

Federal court means in Part V any court, tribunal or other body that carries out adjudicative functions and is established by or pursuant to an Act of Parliament. In Part IX it means the Federal Court of Canada;

Federal institution includes any of the following institutions of Parliament or Government of Canada:

- (a) the Governor in Council,
- (b) the Senate,
- (c) the House of Commons,
- (d) the Library of Parliament,
- (e) the office of the Senate Ethics Officer and the office of the Conflict of Interest and Ethics Commissioner,
- (f) the Parliamentary Protective Service,
- (g) the office of the Parliamentary Budget Officer,
- (h) any federal court,
- (i) any board, commission or council, or other body or office, established to perform a governmental function by or pursuant to an Act of Parliament or by or under the authority of the Governor in Council,
- (j) a department of the Government of Canada,
- (k) a Crown corporation established by or pursuant to an Act of Parliament, and
- (l) any other body that is specified by an Act of Parliament to be an agent of Her Majesty in right of Canada or to be subject to the direction of the Governor in Council or a minister of the Crown;

Inuit Nunangat means the Inuit homeland in Canada, including land, inland waters, arctic and other offshore areas, air space, and ice-covered lands and waters. It is a distinct geographic, political and cultural area that includes the Inuvialuit Settlement Region, Nunatsiavut, Nunavik, and Nunavut;

Inuit representative organizations means the Inuvialuit Regional Corporation, Makivik Corporation, Nunavut Tunngavik Inc., and the Nunatsiavut Government, and any of their designated representatives;

Inuit regions means the Inuvialuit Settlement Region, Nunatsiavut, Nunavik, and Nunavut;

Inuktitut means the Indigenous language spoken by Inuit in Canada, including Inuinnaqtun, Inuktitut, Inuttut, Inuvialuktun and all dialects and subdialects therein.

Act prevails

7 (1) In the event of any inconsistency between any other Act of Parliament or regulation thereunder, this Act prevails to the extent of the inconsistency.

(2) Subsection (1) does not apply to the *Canadian Human Rights Act* or any regulation made thereunder.

Rights of Aboriginal peoples

8 This Act shall be construed so as to uphold and implement Aboriginal and treaty rights and not to abrogate or derogate from

(a) any Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*, including but not limited to

(i) the objectives, rights and obligations affirmed in the *James Bay and Northern Quebec Agreement*, the *Inuvialuit Final Agreement*, the *Nunavut Land Claims Agreement*, the *Nunavik Land Claims Agreement* and the *Labrador Inuit Land Claims Agreement*;

(ii) any responsibility for implementation that is required to give effect to one or more of the agreements in subsection (a)(i);

(b) the duties of the Languages Commissioner of Nunavut or Languages Commissioner of the Northwest Territories

(c) any legal or customary right or privilege acquired or enjoyed by Inuit with respect to their language, either before or after the coming into force of this Act; or

(d) any responsibility of the Parliament and Crown of Canada for the protection of the linguistic or cultural rights or heritage of Inuit or any linguistic minorities in Canada.

Non-Derogation

9 (1) Nothing in this Act shall be construed so as to abrogate or derogate from

(a) the status of or any constitutional or other rights in respect of other Indigenous languages, or English and French; or

- (b) any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Act with respect to English, French or other Indigenous languages either before or after the coming into force of this Act;

(2) Nothing in this Act is intended to affect the rights and obligations set out in the *Official Languages Act*;

Act not a limit

10 This Act is not intended to prescribe or limit actions consistent with its spirit and intent that exceed the requirements set in this Act and its regulations.

Geographic Application

11 This Act applies in Canada in the manner prescribed therein.

Inuit Nunangat

12 For the purposes of the application of this Act, Inuit Nunangat is the Inuit homeland in Canada. It includes land, inland waters, arctic and other offshore areas, air space, and ice-covered lands and waters. It is a distinct geographic, political and cultural area that includes the Inuvialuit Settlement Region, Nunatsiavut, Nunavik, and Nunavut. It is formative and integral to Inuit identity, culture and way of life. Its existence, as an Inuit homeland, predates Canada.

PART I - Status of Inuktitut

Official language

13 Inuktitut is an official language of Canada within Inuit Nunangat, and in dealings with Inuktitut-speaking persons elsewhere.

PART II - Inuktitut as language of education and instruction

Application

14 This Part applies throughout Inuit Nunangat and, in the manner provided in section **20**, outside Inuit Nunangat.

Right to receive education and instruction in Inuktitut

15 (1) Inuit have the right to receive education and instruction in Inuktitut.

(2) Inuit have the right to have their children receive early childhood, primary and secondary education and instruction in Inuktitut as the principal language of instruction.

Language of education and instruction

16 (1) Inuktitut is the preferred language of education and instruction in Nunatsiavut, Nunavik, Nunavut, and the Inuvialuit Settlement Region.

(2) Within ten years of the coming into force of this Act, Inuktitut shall be the principal language of education and instruction in Nunatsiavut, Nunavik, Nunavut, and the Inuvialuit Settlement Region.

Right to Inuktitut language courses

17 Inuit have the right to learn Inuktitut, and to receive Inuktitut language courses at every level of education, including post-secondary and adult education.

Right to establish and control education in Inuktitut

18 Inuit have the right to establish and control their own educational systems and institutions providing education in Inuktitut.

Duty of the Government of Canada

19 (1) The Government of Canada shall, in conjunction with Inuit and Inuit organizations, take effective measures to advance and implement the rights described in this Part and to ensure reasonable and sustained progress toward achieving the objectives of this Act.

(2) The Government of Canada shall provide adequate and equitable funding in order to advance and implement the rights described in this Part.

(3) includes funding for the use and development of technologies to advance and implement the rights described in this Part.

(4) Without limiting subsection (1), in fulfilling its funding commitments under this Part, the Government of Canada shall provide funding support at a level that is at minimum comparable, on a per capita basis, with funding support provided for minority English and French language education and instruction within various regions in Canada.

Outside Inuit Nunangat

20 (1) The Government of Canada, to the extent possible, shall undertake to implement the rights described in this Part outside Inuit Nunangat.

(2) Notwithstanding section (1), outside Inuit Nunangat, the Government of Canada has the duties described in this Part where

- (a) the numbers warrant; or
- (b) to the extent that it is reasonable.

PART III - Communications and services in Inuktitut

Application

21 This Part applies throughout Inuit Nunangat and, in the manner provided in section 27, outside Inuit Nunangat.

Right to communicate and receive services in Inuktitut

22 Inuit have the right to communicate with and to receive services from a federal institution in Inuktitut.

Written and Oral Communications

23 The communications referred to in this Part include both written and oral communications.

Duty of the Government of Canada

24 (1) The Government of Canada shall, in conjunction with Inuit organizations, take effective measures to advance and implement the rights described in this Part.

(2) The Government of Canada shall provide adequate and equitable funding in order to advance and implement the rights described in this Part.

(3) Adequate and equitable funding includes funding for the use and development of technologies to advance and implement the rights described in this Part.

Posting of Signs and Publications Intended for the Public

25 A federal institution shall

- (a) display its public signs, including emergency and exit signs, in Inuktitut together with any other language used;
- (b) display and issue its posters and commercial advertising in Inuktitut together with any other language used;
- (c) ensure that the Inuktitut text of its public signs, posters and commercial advertising is at least equally prominent as any other language used;
- (d) publish all publications and documents intended for Inuit and Inuit organizations in Inuktitut.

Duties of the Administrative Head

26 In collaboration with the Inuit representative organizations, the administrative head of a federal institution shall establish and maintain the operational policies necessary to implement this Part, and shall take appropriate measures consistent with this Act to

- (a) provide an active offer of the services in question, making it known to Inuit that they have the right to communicate and receive services in Inuktitut;
- (b) ensure that the services in question are
 - (i) available to Inuit on request,
 - (ii) delivered with attention to cultural appropriateness and effectiveness,
 - (iii) of comparable quality of those services also offered in English or French;

- (c) implement this Part with respect to its communications with and services to Inuit, including communications or services that are delivered by a third party;
- (d) establish and maintain the operational policies necessary to implement this section.

Outside Inuit Nunangat

27 (1) The Government of Canada, to the extent possible, shall undertake to implement this Part outside Inuit Nunangat as set out in subsections (2), (3), and (4).

(2) Notwithstanding section (1), outside Inuit Nunangat, the Government of Canada has the duties described in section **24** to the extent that

- (a) there is a significant demand for the use of Inuktut in programs or services, or
- (b) it is reasonable that programs or services be available in Inuktut outside Inuit Nunangat.

(3) Significant demand for programs or services under section (2) can be evidenced by any of the following:

- (a) the number of Inuit who would benefit from the programs or services;
- (b) the particular needs, circumstances, and characteristics of those Inuit;

(4) Reasonability of the availability of programs or services in Inuktut under section (2) can be evidenced by any of the following:

- (a) the scope, impact or importance of the programs or services in question for Inuit;
- (b) the relevance of the programs or services in question to the physical, mental or spiritual health and wellbeing and security of Inuit;
- (c) the extent to which the service may have a revitalizing impact on or promote the use of Inuktut; or
- (d) to the extent that it contributes to the transmission of Inuit culture from one generation to the next and solidifies familial ties.

PART IV - Inuktut in the public service

Application

28 This Part applies throughout Inuit Nunangat and, in the manner provided in section **33**, outside Inuit Nunangat.

Language of work

29 Inuktut is a language of work in federal institutions and every Inuit officer and employee of a federal institution has the right to use Inuktut in the workplace and in the conduct of work.

Duty of the Government of Canada

30 (1) The Government of Canada shall, in conjunction with Inuit and Inuit organizations, take effective measures and provide adequate funding in order to advance and implement the rights described in this Part.

(2) This includes funding for the use and development of technologies to advance and implement the rights described in this Part.

Duty of federal institutions

31 (1) Every federal institution has the duty to ensure that work environments of the institution or body are conducive to and accommodate the effective use of Inuktitut by its officers and employees.

(2) Every federal institution has the duty

- (a) to recruit, train and employ Inuktitut speakers in each of the four Inuit regions so that the proportion of Inuktitut speakers in its workforce in the region is, at a minimum, no less than the proportion of Inuktitut speakers in that region;
- (b) to design and implement measures to identify, to eliminate and to prevent any barriers faced by individuals who prefer to speak Inuktitut during recruitment or in the workplace;
- (c) to identify and implement measures to increase the use of Inuktitut as a working language of the institution;
- (d) in recruitment, to include in the job description a statement outlining justified language requirements, if any;
- (e) to consider competence in Inuktitut, or a declared willingness to become competent in Inuktitut, as a valued and significant criterion in the assessment of an applicant's qualifications for the position;
- (f) in job offers, to advise applicants that applications and interviews may be entirely in Inuktitut unless the skills in another language are a justified language requirement;
- (g) to determine through an active offer at the beginning of employment whether Inuktitut is an employee's preferred language of work, and if so
 - (i) ensure management can communicate with and supervise the employee in Inuktitut;
 - (ii) provide performance appraisals in Inuktitut; and
 - (iii) promote Inuktitut language networks, mentoring or other means of facilitating the use and strength of Inuktitut among those who prefer using it;
- (h) to ensure that the management of the institution has the capacity to function in Inuktitut;
- (i) to issue or display internal communication directed to its employees in Inuktitut in addition to other languages used;
- (j) to promote the use of Inuktitut in workplace communication, including interdepartmental and interagency communication;
- (k) to acquire and distribute work instruments in Inuktitut; and
- (l) to acquire, when available, information technology systems that are appropriate to support the use of Inuktitut.

(3) Whether or not Inuktitut is the employee's preferred language of work, a federal institution shall

- (a) offer to all employees Inuktitut language training, upgrading and assessment of competence in Inuktitut;
- (b) ensure that employees seeking this training or upgrading are not prevented from registering or attending due to routine work duties; and
- (c) maintain records of individual attainment and outcomes from training and upgrading.

(4) The Government of Canada shall ensure that the federal government workforce reflects, at all levels, the Inuit proportion of the residents of each Inuit region and Inuit community.

Special duties for institutions directing or providing services to others

32 Every federal institution that has authority to direct or to provide services to another federal institution must ensure that it exercises its powers and carries out its duties in relation to that other institution in a manner that accommodates the use of Inuktitut by officers and employees of that institution.

Outside Inuit Nunangat

33 (1) Outside Inuit Nunangat, the Government of Canada has the duties described in this Part where the speaking of Inuktitut is important to the performance of the duties of employees, to the extent that it is reasonable.

(2) The treatment of Inuktitut outside Inuit Nunangat is to be at minimum comparable to the treatment of other official minority languages in various regions in Canada where another official language is dominant.

PART V - Inuktitut in the administration of justice

Application

34 This part applies within Inuit Nunangat and outside Inuit Nunangat in cases involving a Inuktitut-speaking litigant.

Official language of federal courts

35 Inuktitut is an official language of the proceedings of the federal courts.

Language of choice

36 (1) Every person has the right to choose to use Inuktitut in any matter before any federal court, including all proceedings, or in any pleading or process issuing from any federal court.

(2) Every federal court has, in any proceedings before it, the duty to ensure that any person giving evidence before it may be heard in Inuktitut if it is the person's language of choice, and the

duty to ensure that in being so heard the person will not be placed at a disadvantage by not being heard in either English or French.

(3) The rights conferred by subsection (1) apply whether or not the person can understand or communicate in any other language, including English or French.

(4) No person shall be placed at a disadvantage by reason of the choice made under this section.

Presiding and other members of federal courts

37 Presiding and other members of federal courts have the right to use Inuktitut in the exercise of their functions.

Interpretation services

38 An Inuktitut-speaking party or witness in proceedings before a federal court is entitled

- (a) to request and receive interpretation services in Inuktitut; and
- (b) to be actively notified of this right before having made any request for interpretation.

Duty to provide simultaneous interpretation when requested

39 (1) Every federal court shall in any proceedings conducted before it, at the request of a party to the proceedings, cause facilities to be made available for the interpretation of the proceedings, including evidence given and taken, from Inuktitut into English or French, or from either English or French into Inuktitut.

(2) The Government of Canada shall ensure the availability of Inuktitut in federal judicial proceedings, including but not limited to interpretation services and the translation of documents.

Simultaneous interpretation by own initiative

40 Any federal court may, by its own initiative in any proceedings conducted before it, cause facilities to be made available for the interpretation of the proceedings, including evidence given and taken, from Inuktitut into English or French, or from either English or French into Inuktitut, where it considers the proceedings to be of general public interest or importance or where it otherwise considers it desirable to do so for Inuit or other members of the public in attendance at the proceedings.

Written decisions, orders and judgments

41 Inuktitut-speaking persons before a federal court have the right to request and receive in Inuktitut, a printed or recorded translation of a final decision, order or judgment.

Public or other grounds

42 A final decision, order or judgment issued by any federal court shall be provided with translations in Inuktitut if the decision, order or judgment determines

- (a) a question of law of general public interest or importance for Inuit;
- (b) a question of law of specific interest or importance affecting Inuit; or

(c) a question of significant interest or importance for an Inuktitut-speaking party who used Inuktitut in the proceedings.

Oral decisions

43 Nothing in this section shall be construed as prohibiting the oral rendition or delivery, only in Inuktitut of a decision, order, judgment or any reasons given for it.

Sound recordings

44 A sound recording of all final decisions, orders and judgments, including any reasons given for them, issued by any federal court shall be made in Inuktitut and copies of the sound recording shall be made available to any Inuit upon request.

Authority to make implementing rules

45 (1) The Governor in Council shall make any rules governing the procedure in proceedings before any federal court, other than the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court or the Tax Court of Canada, including rules respecting the giving of notice, that the Governor in Council deems necessary to enable that federal court to comply with Part V, in the exercise of any of its powers or duties.

(2) Subject to the approval of the Governor in Council, the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court and the Tax Court of Canada shall make any rules governing the procedure in their own proceedings, including rules respecting the giving of notice, that they deem necessary to enable themselves to comply with Part V in the exercise of any of their powers or duties.

PART VI - Funding

Right to equitable, sustainable, predictable and flexible funding

46 Inuit have the right to equitable, sustainable, predictable and flexible funding to advance the purposes of this Act, to ensure the full exercise of Inuit language and cultural rights and corresponding obligations provided in this Act.

Equitable funding and substantive equality

47 (1) Equitable funding requires consideration of the social and political context, the cultural, linguistic, historical, demographical and geographical needs and circumstances and the historical disadvantages suffered by the Inuit.

(2) For funding to be equitable and to ensure substantive equality for each Inuit region, it must enable the delivery of programs and services that

- (a) are culturally appropriate;
- (b) meet the actual and specific needs of Inuit;

- (c) do not perpetuate the legacy of stereotyping and prejudice endemic to colonialism, displacement, residential schools, federal day schools, or other coercive policies or programs;
- (d) aim to advance Inuktitut as the primary language spoken by every sector of society; and
- (e) are at minimum comparable in terms of quality and accessibility to the services offered to other Canadians.

(3) Federal funding provided to Inuit representative organizations shall be equitably distributed among them and shall be based on the needs and distinctions across the four Inuit regions and any other area where programs and services are delivered, so as to adequately address the unique social, cultural, political, demographic and geographic realities of each Inuit region, as it relates to language use, revitalization, maintenance, and promotion.

Other principles guiding the determination of funding

48 The determination of funding must also be guided by any applicable constitutional law principles.

Co-determination of the funding formula

49 Federal funding support shall be provided in accordance with a formula to be determined by the designated minister in partnership with the Inuit representative organizations.

Technology and the media

50 In recognition of the critical role of technology and the media in the use, revitalization, maintenance, and promotion of both language and culture, Inuit and Inuktitut media and technology shall receive adequate funding for their development and operation in accordance with industry standards, including costs related to but not limited to

- (a) television and cable programming;
- (b) production;
- (c) equipment;
- (d) technology as a tool of
 - (i) language preservation and maintenance;
 - (ii) pedagogy and learning;
- (e) infrastructure;
- (f) personnel salaries and training; and
- (g) any other costs that may arise in relation to the creation, production, and distribution of Inuktitut media content.

Inuit Nunangat Language Accords Program

51 (1) A program is hereby established within the Department of Canadian Heritage under the name of “Inuit Nunangat Language Accords Program”.

(2) The purpose of the program is to facilitate access to multi-year, flexible federal funding for Inuktitut revitalization, maintenance, and promotion activities and initiatives within Inuit

Nunangat through bilateral contribution agreements between the Department of Canadian Heritage and each Inuit representative organization.

(3) Agreements shall be comprehensive and empower Inuit representative organizations to align federal funding with regional priorities as well as existing language obligations through a single source funding stream;

(4) This program shall serve as the primary federal funding stream in Inuit Nunangat for Inuktitut use, revitalization, maintenance, and promotion activities and initiatives;

(5) The determination of funding under the Inuit Nunangat Language Accords Program shall meet the requirements set in this Part.

Agreements

52 (1) The Government of Canada shall pursue the fulfillment of the commitments in this and other parts of this Act through the negotiation and conclusion of funding agreements with any person, organization or government, including the Inuit representative organizations, with respect to any matter under this Act.

(2) The negotiation and conclusion of funding agreements may occur via the Inuit Nunangat Language Accords Program.

(3) Funding agreements under subsection (1) cannot be concluded without the free, prior and informed consent of the Inuit representative organizations and without their active participation.

(4) Active participation of the Inuit representative organizations requires that they be involved from the outset of negotiations for setting up the negotiation terms, parameters and timelines, and that they have access to all of the relevant data and analysis produced.

(5) Parties to a funding agreement must notify in writing the Commissioner of Inuktitut Language of the conclusion of any funding agreement within ten working days.

PART VII - Responsibilities of the Designated Minister

Specific mandate of the Designated Minister

53 The Designated Minister shall take such measures as are necessary, in consultation with Inuit organizations, to support the revitalization, maintenance and promotion of Inuktitut through the following

- (a) ensure the vitality of Inuktitut-speaking communities and support and assist their development;
- (b) fund and support and provide incentives for the learning of Inuktitut;
- (c) fund, encourage and assist provincial and territorial governments and Inuit representative organizations to support the development of Inuktitut-speaking communities;

- (d) generally and, in particular, to offer services in Inuktitut and to provide opportunities for Inuktitut-speakers to be educated in their own language;
- (e) ensure that Inuktitut becomes the principal language of education, as stipulated in subsection 16(2);
- (f) encourage and cooperate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in Inuktitut and to foster the recognition and use of that language;
- (g) enter into agreements with Inuit representative organizations and provincial or territorial governments in furtherance of this Act; and

Coordination

54 The Designated Minister, in consultation with other ministers of the Crown, shall employ coordinated approach in the implementation of the commitments set out in this Part.

Minister's annual report

55 The Minister shall, within twelve months after the end of each fiscal year, prepare and submit to Parliament and the Commissioner a report that describes

- (a) all activities undertaken, results achieved and use of government resources during the preceding fiscal year in relation to the discharge of the Minister's obligations under this Act;
- (b) the establishment, operation or performance of policies, programs and services in this regard;
- (c) financial information on funds disbursed relating to the implementation of this Act; and
- (d) any other information that the Minister considers appropriate.

PART VIII - Inuktitut Language Commissioner

Office of Inuktitut Language Commissioner

Establishment of the Office of Inuktitut Language Commissioner

56 The Office of Inuktitut Language Commissioner is established under this Act.

Appointment

57 The Governor in Council shall appoint an Inuktitut Language Commissioner ("Commissioner") with the free, prior and informed consent of the Inuit representative organizations and following the approval of the appointment by resolution of the Senate and House of Commons.

Special Considerations of Appointment and Priority to Inuit

58 (1) To be eligible for appointment as the Inuktitut Language Commissioner, an individual must demonstrate Inuktitut and Inuit cultural competency and the ability and willingness to respond to

- (a) the concerns, experiences and perspectives of Inuit; and
- (b) the specific historical, social and cultural contexts in which Inuktut and Inuktit linguistic rights are to be advanced under this Act.

(2) Preference for appointment of the Inuktut Language Commissioner shall be given to Inuit, considering the qualifications and eligibility for the appointment are met.

(3) A qualified Inuk candidate is to be offered the position before it can be offered to a non-Inuk candidate.

Tenure

59 (1) Subject to this section, the Inuktut Language Commissioner holds office during good behavior for a term of five years, but may, with the free, prior and informed consent of the Inuit representative organizations, be removed for cause by the Governor in Council, at any time on address of the Senate and House of Commons.

Further terms

(2) The Inuktut Language Commissioner, on the expiration of a first term, is eligible to be re-appointed for only one further term not exceeding ten years in total.

Interim appointment

60 In the event of the absence or incapacity of the Inuktut Language Commissioner or if that office is vacant, the Governor in Council may, with the free, prior and informed consent of the Inuit representative organizations, appoint any qualified person to hold that office in the interim for a term not exceeding six months.

Resignation

61 The Inuktut Language Commissioner may resign at any time by providing written notice to the Governor in Council and the Inuit representative organizations.

Removal for cause or incapacity

62 The Governor in Council, in consultation with the Inuit representative organizations, may, for cause or incapacity, suspend or remove from office the Inuktut Language Commissioner.

Acting Inuktut Language Commissioner

63 (1) The Governor in Council, in consultation with the Inuit representative organizations, may temporarily appoint an acting Inuktut Language Commissioner when

- (a) the Inuktut Language Commissioner is temporarily unable to act because of illness or for another reason;
- (b) the Inuktut Language Commissioner is suspended, removed or the office of the Inuktut Language Commissioner becomes vacant and the new selection has not yet been made.

Term of acting Inuktit Language Commissioner

(2) An acting Inuktit Language Commissioner holds office until

- (a) the Inuktit Language Commissioner returns to office after a temporary absence;
- (b) the suspension of the Inuktit Language Commissioner ends; or
- (c) a person is appointed as the Inuktit Language Commissioner according to section 57 (“Appointment”), whichever is the case.

Special Inuktit Language Commissioner

64 (1) If due to a conflict of interest the Inuktit Language Commissioner should not act in respect of any particular matter under this Act, the Governor in Council, in consultation with the Inuit representative organizations, may

- (a) determine whether the conflict of interest, or risk thereof, exists; and
- (b) upon a finding of the existence of a conflict of interest, or risk thereof, appoint a special Inuktit Language Commissioner to act in the place of the Inuktit Language Commissioner in respect of that matter only.

Term of the special Inuktit Language Commissioner

(2) A special Inuktit Language Commissioner holds office during good behaviour until the conclusion of the matter in respect to which he or she has been appointed.

Rank, powers and duties of the Inuktit Language Commissioner

65 The Inuktit Language Commissioner shall rank as and have all the powers of a deputy head of department and shall

- (a) engage exclusively in the duties of the office of the Commissioner and not hold any other federal office or engage in any other employment; and
- (b) take all actions and measures within the authority of the Office of Inuktit Language Commissioner to ensure that the rights, status and privileges established by this Act with respect to Inuktit are recognized, protected and implemented.

Salary and expenses

66 The Inuktit Language Commissioner shall be paid a salary equal to the salary of a judge of the Federal Court, other than the Chief Justice of that Court, and is entitled to be paid reasonable travel and living expenses while absent from the Commissioner’s ordinary place of residence in the course of duties.

Staff

67 (1) Such officers and employees as are necessary for the proper conduct of the work of the office of the Inuktit Language Commissioner shall be appointed in the manner authorized by law.

(2) Inuktitut language training courses shall be made available to staff working at the office of the Inuktitut Language Commissioner.

(3) The Inuktitut Language Commissioner and Staff appointed under subsection (1) are members of the federal civil service.

Technical or specialized knowledge

68 (1) The Inuktitut Language Commissioner may, on request, advise an individual, organization, or government regarding the specific actions or approaches the Inuktitut Language Commissioner considers appropriate for compliance with this Act and the regulations.

(2) The Inuktitut Language Commissioner may engage, on a temporary basis, the services of persons having technical or specialized knowledge of any matter relating to the work of the Inuktitut Language Commissioner, to advise and assist the Commissioner in the performance of the duties of the office, and with the approval of the Treasury Board, may fix and pay the remuneration and expenses to those persons.

Public Service Superannuation Act

69 The Inuktitut Language Commissioner and the officers and employees of the Inuktitut Language Commissioner's office under section 67 ("Staff") shall be deemed to be persons employed in the public service for the purposes of the *Public Service Superannuation Act*.

Order exempting the Inuktitut Language Commissioner from directives

70 The Governor in Council, on the recommendation of the Treasury Board, may by order exempt the Inuktitut Language Commissioner from any directives of the Treasury Board or the Governor in Council made under the *Financial Administration Act* that apply to deputy heads or other administrative heads in relation to the administration of a federal institution.

General Duties and Functions of the Inuktitut Language Commissioner

71 (1) The Inuktitut Language Commissioner shall carry out such duties and functions as are assigned to the Commissioner by this Act or any other Act of Parliament, and may carry out or engage in such other related assignments or activities as may be authorized by the Governor in Council.

(2) It is the duty of the Inuktitut Language Commissioner to take all actions and measures within the authority of the Inuktitut Language Commissioner to ensure that official language rights, status and privileges described in this Act are recognized, that the duties respecting this Act are performed, and that the spirit and intent of this Act are complied with.

(3) It is the duty of the Inuktitut Language Commissioner, for the purpose of subsection (2), to conduct and carry out investigations either on his own initiative or pursuant to any complaint made to the Inuktitut Language Commissioner and to report and make recommendations with respect thereto as provided in this Act.

- (4) This Act shall be interpreted in a manner that is consistent with provincial and territorial Inuktitut language legislation and such that the duties of the Inuktitut Language Commissioner will supplement, and not undermine, the duties of provincial or territorial language commissioners who contribute to the use, revitalization, maintenance and promotion of Inuktitut.

Specific duties relating to investigation powers and non-investigative resolution

72 Without limiting the generality of subsections (1), (2) and (3) of section **71** the duties of the Language Commissioner also include

73

- (a) investigating whether the requirements of this Act have been appropriately performed and providing reports about the results of the investigation and recommendations, if any;
- (b) mediating to resolve concerns about the performance of legislative, policy or procedural language obligations; and
- (c) commenting on the implementation activities and performance of a federal institution under this Act, and on their compliance with the spirit and intent of this Act.

Review of regulations and directives

74 The Inuktitut Language Commissioner may initiate a review of

- (a) any regulations or directives made under this Act; and
- (b) any other regulations or directives that affect or may affect the status or use of Inuktitut and may refer to and comment on any findings on the review in a report made to Parliament pursuant to section **86** and **87** (“Reports to Parliament”).

Authority to make rules and establish procedures

75 Subject to this Act, the Inuktitut Language Commissioner shall make rules governing the procedures and forms that may be used and the manner in which the powers conferred and duties imposed on the Commissioner by this Act will be exercised and performed.

Application of the Statutory Instruments Act

76 Rules made under subsection (1) are not statutory instruments or regulations within the meaning of the *Statutory Instruments Act*.

Powers of investigation

Investigation of complaints

77 (1) Subject to this Act, the Inuktitut Language Commissioner shall investigate any complaint made to the Inuktitut Language Commissioner arising from any act or omission to the effect that, in any particular instance or case

- (a) the status of Inuktitut has not been recognized, or given proper effect;
- (b) any provision of any Act of Parliament or regulation relating to the status or use of Inuktitut has not been complied with; or

(c) the spirit and intent of this Act has not been complied with in the administration of the affairs of any federal institution.

Who may make complaint

(2) A complaint may be made to the Inuktitut Language Commissioner, by any Inuk or group of Inuit, including the Inuit representative organizations, or any other person or group of persons, whether or not they speak Inuktitut or represent a group that speaks Inuktitut.

(3) A complaint may be made to the Inuktitut Language Commissioner regarding both individual and collective rights protected under this Act.

Language Commissioner may initiate

(4) The Inuktitut Language Commissioner may on its own initiative commence an investigation on the grounds for concern referred to in subsection (1).

Combining investigations

(5) The Inuktitut Language Commissioner may conduct a single investigation of two or more complaints if the Commissioner is satisfied that it is fair and reasonable in the circumstances to do so.

Discontinuance of investigation

(6) If in the course of investigating any complaint it appears to the Inuktitut Language Commissioner that, having regarded all circumstances of the case, any further investigation is unnecessary, the Commissioner may refuse to investigate the matter further.

Right of Commissioner to refuse or cease investigation

(7) The Inuktitut Language Commissioner may refuse to investigate or cease to investigate any complaint if in the opinion of the Commissioner

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the subject-matter of the complaint does not involve a contravention or failure to comply with the spirit and intent of this Act or does not for any other reason come within the authority of the Inuktitut Language Commissioner under this Act.

Complainant to be notified

(8) Where the Inuktitut Language Commissioner decides to refuse to investigate or cease to investigate any complaint, the Inuktitut Language Commissioner shall inform the complainant of that decision and shall give the reasons therefor.

Notice of intention to investigate

78 Before carrying out an investigation under this Act, the Inuktitut Language Commissioner shall inform the deputy head or other administrative head of any federal institution concerned of his intention to carry out the investigation.

Investigation to be conducted

79 (1) Every investigation by the Inuktitut Language Commissioner under this Act shall be conducted in private.

(2) It is not necessary for the Inuktitut Language Commissioner to hold any hearing and no person is entitled as of right to be heard by the Inuktitut Language Commissioner, but if at any time during the course of an investigation it appears to the Inuktitut Language Commissioner that there may be sufficient grounds to make a report or recommendation that may adversely affect any individual or any federal institution, the Inuktitut Language Commissioner shall, before completing the investigation, take every reasonable measure to give to that individual or institution a full and ample opportunity to answer any adverse allegation or criticism, and to be assisted or represented by counsel for that purpose.

Public hearing relating to an investigation

(3) The Inuktitut Language Commissioner may hold a public hearing in relation to an investigation, at the request of the complainant or on the Inuktitut Language Commissioner's own initiative, if the Inuktitut Language Commissioner decides that there are sufficient reasons to justify it, including when the matter is of general public interest or importance for Inuit.

(4) Subject to subsections (5), (6) and (7) a public hearing as specified in subsection (1), shall be conducted in public, as specified by under section **81**, and after providing written notice of the public hearing to the complainant and to the deputy head or other administrative head of any federal institution concerned.

(5) The Inuktitut Language Commissioner may, on application, take any measures and make any order that he or she considers necessary to ensure the confidentiality of the investigation if he or she is satisfied, that during the public hearing or as a result of having a public hearing as part of the investigation, that

(a) there is a real and substantial risk that matters involving public security will be disclosed;

(b) there is a real and substantial risk to the fairness of the investigation such that the need to prevent disclosure outweighs the societal interest that the investigation be conducted in public; or

(c) there is a real and substantial risk that the disclosure of personal or other matters will cause undue hardship to the persons involved such that the need to prevent disclosure outweighs the societal interest that the inquiry be conducted in public.

(6) Under sec. 81, the Inuktitut Language Commissioner may determine the manner in which a public hearing will be held, including by electronic means or in-person, according to the context of the investigation and with the purpose to facilitate the hearing.

(7) Public hearings shall be recorded and all hearings shall be made available to the public and published online.

Procedure

80 (1) Subject to this Act, the Inuktitut Language Commissioner may determine the procedure to be followed in carrying out any investigation under this Act.

(2) The Inuktitut Language Commissioner may direct that information relating to any investigation under this Act be received or obtained, in whole or in part, by any officer of the office of the Inuktitut Language Commissioner appointed under section 67(1).

(3) The officer shall, subject to such restrictions or limitations as the Inuktitut Language Commissioner may specify, have all the powers and duties of the Inuktitut Language Commissioner under this Act in relation to the receiving or obtaining of that information.

Powers of Commissioner in carrying out investigations

81 (1) The Inuktitut Language Commissioner has, in relation to the carrying out of any investigation under this Act, in addition to powers of investigation under this Part, the power

(a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and things as the Inuktitut Language Commissioner deems requisite to the full investigation and consideration of any matter within his authority under this Act, in the same manner and to the same extent as a superior court of record;

(b) to administer oaths;

(c) to receive and accept such evidence and other information, whether on oath or by affidavit or otherwise, as in his discretion the Inuktitut Language Commissioner sees fit, whether or not the evidence or information is or would be admissible in a court of law; and

(d) subject to such limitation as may in the interests of defence or security be prescribed by regulation of the Governor in Council, to enter any premises occupied by any federal institution and carry out therein such inquiries within the Commissioner's authority under this Act as the Commissioner sees fit.

Threats, intimidation, discrimination or obstruction to be reported

(2) Where the Inuktitut Language Commissioner believes on reasonable grounds that

(a) an Inuk or a non-Inuk has been threatened, intimidated or made the object of discrimination because that person has made a complaint under this Act or has given evidence or assisted in any way in respect of an investigation under this Act, or proposes to do so; or

(b) the Inuktitut Language Commissioner, or any person acting on behalf or under the direction of the Commissioner, has been obstructed in the performance of the Commissioner's duties or functions under this Act.

(3) The Commissioner may report that belief and the related grounds to the President of the Treasury Board and the deputy head or other administrative head of any institution concerned, including the Inuit representative organizations.

Conclusion of investigation

82 (1) If, after carrying out an investigation under this Act, the Inuktitut Language Commissioner is of the opinion that

- (a) the act or omission that was the subject of the investigation should be referred to any federal institution concerned for consideration and action if necessary;
- (b) any Act or regulations thereunder, or any directive of the Governor in Council or the Treasury Board, should be reconsidered or any practice that leads or is likely to lead to a contravention of this Act should be altered or discontinued; or
- (c) any other action should be taken,

the Inuktitut Language Commissioner shall report that opinion and the reasons therefor to the President of the Treasury Board and the deputy head or other administrative head of any institution concerned, including the Inuit representative organizations.

Other policies to be taken into account

(2) In making a report under subsection (1) that relates to any federal institution, the Inuktitut Language Commissioner shall have regard to any policies that apply to that institution that are set out in any Act of Parliament or regulation thereunder or in any directive of the Governor in Council or the Treasury Board.

Recommendations

(5) The Inuktitut Language Commissioner may

- (a) in a report under subsection (1) make such recommendations as the Commissioner thinks fit; and
- (b) request the deputy head or other administrative head of the federal institution concerned to notify the Inuktitut Language Commissioner within a specified time of the action, if any, that the institution proposes to take to give effect to those recommendations.

(4) A report issued under subsection (1) shall be made available to the public and published online, specifying the recommendations made, and the reasons given.

Where investigation carried out pursuant to complaint

83 (1) Where the Inuktitut Language Commissioner carries out an investigation pursuant to a complaint, the Commissioner shall inform the complainant and any individual by whom or on behalf of whom, or the deputy head or other administrative head of any federal institution by which or on behalf of which, an answer relating to the complaint has been made pursuant to subsection (subsection **79**(2) “opportunity to answer allegations and criticisms”), in such manner and at such time as the Commissioner thinks proper, of the results of the investigation.

Where recommendations made

(2) Where recommendations have been made by the Inuktitut Language Commissioner under subsection (subsection **82**(3) “Recommendations”) but adequate and appropriate action has not, in the opinion of the Inuktitut Language Commissioner, been taken thereon within a reasonable time after the recommendations are made, the Inuktitut Language Commissioner may inform the complainant of those recommendations and make such comments thereon as he thinks proper, and shall provide a copy of the recommendations and comments to any individual, deputy head or administrative head whom the Inuktitut Language Commissioner is required under subsection (1) to inform of the results of the investigation.

Report to Governor in Council where appropriate action not taken

84 (1) If, within a reasonable time after a report containing recommendations under subsection **82**(3) (“Recommendations”) is made, adequate and appropriate action has not, in the opinion of the Inuktitut Language Commissioner, been taken, the Commissioner, after having considered any reply made by or on behalf of any federal institution concerned, shall transmit a copy of the report and recommendations to the Governor in Council.

Action by Governor in Council

(2) The Governor in Council shall take such reasonable action as the Governor in Council considers appropriate in relation to any report transmitted under subsection (1) and the recommendations therein.

Report to Parliament

(3) If, within a reasonable time after a copy of a report is transmitted to the Governor in Council under subsection (1), adequate and appropriate action has not, in the opinion of the Inuktitut Language Commissioner, been taken, the Inuktitut Language Commissioner may make such report to Parliament as the Commissioner considers appropriate.

Reply to be attached to report

(4) The Inuktitut Language Commissioner shall attach to every report made under subsection (3) a copy of any reply made by or on behalf of any federal institution concerned.

Non-investigative resolution

85 (1) The Inuktitut Language Commissioner may recommend or use mediation and other means in attempting to resolve concerns identified in an application or request made under subsection **77(1)** (Investigation of complaints).

(2) Other means may include a competent Inuit judicial or quasi-judicial body, any community justice or traditional dispute resolution mechanism.

Reports to Parliament

Annual report

86 (1) The Inuktitut Language Commissioner shall, within twelve months after the end of each fiscal year, with the consultation of Inuit representative organizations, prepare and submit to Parliament a report relating to the conduct of his office and the discharge of the Commissioner's duties under this Act during the preceding year including his recommendations, if any, for proposed changes to this Act that the Inuktitut Language Commissioner deems necessary or desirable in order that effect may be given to it according to its spirit and intent.

(2) The annual report shall include information on data to improve programs and data informing funding decisions, as well as relevant data analysis, to be provided by and with the cooperation of the Designated Minister and Inuit representative organizations.

Special reports

87 (1) The Inuktitut Language Commissioner may, at any time, make a special report to Parliament referring to and commenting on any matter within the scope of the powers, duties and functions of the Commissioner where, in the opinion of the Commissioner, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for transmission of the next annual report of the Commissioner under section **86** ("Annual report").

Reply to be attached to report

(2) The Inuktitut Language Commissioner shall attach to every report made under this section a copy of any reply made by or on behalf of any federal institutions concerned.

Data acquisition and disclosure

88 (1) In preparation of an annual or special report, the Commissioner must consult with the Inuit representative organizations to obtain relevant data.

(2) Subject to duties of confidentiality under section **79** ("Confidentiality"), all supporting data and analysis of any Commissioner's report shall be disclosed to the Inuit representative organizations.

Transmission of report

89 (1) Every report to Parliament made by the Inuktitut Language Commissioner under subsection **84**(3) (“Report to Parliament” (3)) or section **86** (“Annual report”) or **87** (“Special report”) shall be made by being transmitted to the Speaker of the Senate and to the Speaker of the House of Commons for tabling respectively in those Houses.

(2) The Inuktitut Language Commissioner shall notify the Inuit representative organizations of the issuing of this report.

Reference to parliamentary committee

(2) Every report referred to in subsection (1) shall, after it is transmitted for tabling pursuant to that subsection, be referred to the committee designated or established by Parliament for the purpose of Part XIII.

Delegation

Delegation by the Inuktitut Language Commissioner

90 (1) The Inuktitut Language Commissioner may authorize any person to exercise or perform, subject to such restrictions or limitations as the Inuktitut Language Commissioner may specify, any of the powers, duties or functions of the Inuktitut Language Commissioner under this or other Act of Parliament except

- (a) the power to delegate under this section; and
- (b) the powers, duties or functions set out in sections **82,84, 89** and **98** (“Conclusion of investigation”, “Report to Governor in Council where appropriate action not taken” to “Transmission of Report” and “Commissioner may apply or appear”).

General

Security requirements

91 The Inuktitut Language Commissioner and every person acting on behalf or under the direction of the Inuktitut Language Commissioner who receives or obtains information relating to any investigation under this Act shall, with respect to access to and the use of such information, satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by, persons who normally have access to and use of such information.

Confidentiality

92 Subject to this Act, the Inuktitut Language Commissioner and every person acting on behalf or under the direction of the Inuktitut Language Commissioner shall not disclose any information that comes to their knowledge in the performance of their duties and functions under this Act.

Disclosure authorized

93 The Inuktitut Language Commissioner may disclose or may authorize any person acting on behalf or under the direction of the Inuktitut Language Commissioner to disclose information

- (a) that, in the opinion of the Inuktitut Language Commissioner, is necessary to carry out an investigation under this Act; or
- (b) in the course of proceedings before the Federal Court under Part IX “Court Remedy” or an appeal therefrom.

No summons

94 The Inuktitut Language Commissioner or any person acting on behalf or under the direction of the Inuktitut Language Commissioner is not a compellable witness, in respect of any matter coming to the knowledge of the Inuktitut Language Commissioner or that person as a result of performing any duties or functions under this Act during an investigation, in any proceedings other than proceedings before the Federal Court under Part IX “Court Remedy” or an appeal therefrom.

Protection of the Inuktitut Language Commissioner

95 (1) No criminal or civil proceedings lie against the Inuktitut Language Commissioner, or against any person acting on behalf or under the direction of the Inuktitut Language Commissioner, for anything done, reported or said in good faith in the course of the exercise or performance or purported exercise or performance of any power, duty or function of the Inuktitut Language Commissioner under this Act.

Libel or slander

- (2) For the purposes of any law relating to libel or slander,
 - (a) anything said, any information supplied or any document or thing produced in good faith in the course of an investigation by or on behalf of the Inuktitut Language Commissioner under this Act is privileged; and
 - (b) any report made in good faith by the Inuktitut Language Commissioner under this Act and any fair and accurate account of the report made in good faith in a newspaper or any other periodical publication or in a broadcast is privileged.

PART IX - Court Remedy

Definition of Court for this part

96 In this part, *Court* means the Federal Court.

Application for remedy

97 (1) Any person or group of persons who has made a complaint to the Inuktitut Language Commissioner in respect of a right or duty under Parts II, III and IV, may apply to the Court for a remedy under this Part.

Limitation period

(2) An application may be made under subsection (1) within ninety days after

(a) the results of an investigation of the complaint by the Inuktitut Language Commissioner are reported to the complainant under subsection **83**(1) (“Where investigation carried out pursuant to complaint” (1));

(b) the complainant is informed of the recommendations of the Commissioner under subsection **83**(2) (“Where investigation carried out pursuant to complaint” (2)); or

(c) the complainant is informed of the Commissioner’s decision to refuse or cease to investigate the complaint under subsection **77**(3) (“Investigation of complaints” (5)),

or within such further time as the Court may, either before or after the expiration of those sixty days, fix or allow.

Application six months after complaint

(3) Where a complaint is made to the Inuktitut Language Commissioner under this Act but the complainant is not informed of the results of the investigation of the complaint under subsection **83**(1) (“Where investigation carried out pursuant to complaint” (1)), of the recommendations of the Inuktitut Language Commissioner under subsection **83**(2) (“Where investigation carried out pursuant to complaint”(2)) or of a decision under subsection **77**(5) (“Investigation of complaints “(5)) within six months after the complaint is made, the complainant may make an application under subsection (1) at any time thereafter.

Order of Court

(4) Where, in proceedings under subsection (1), the Court concludes that a federal institution has failed to comply with this Act, the Court may grant such remedy as it considers appropriate and just in the circumstances.

Other rights of action

(5) Nothing in this Part abrogates or derogates from any right of action a person might have other than the right of action set out in this section.

(6) Nothing in this Part precludes complainants from seeking a remedy under a competent Inuit judicial or quasi-judicial body, any community justice or traditional dispute resolution mechanism.

Inuktitut Language Commissioner may apply or appear

98 (1) The Inuktitut Language Commissioner may

(a) within the time limits prescribed by paragraph **97**(2)(a) or (b) “Application for remedy” (2)(a) or (b), apply to the Court for a remedy under this Part in relation to a

complaint investigated by the Inuktitut Language Commissioner if the Inuktitut Language Commissioner has the consent of the complainant;

- (b) appear before the Court on behalf of any person or group of persons who has applied under section 97 “Application for remedy” for a remedy under this Part; or
- (c) with leave of the Court, appear as a party to any proceedings under this Part.

(2) Nothing in this Part precludes the Inuktitut Language Commissioner from seeking a remedy under a competent Inuit judicial or quasi-judicial body, any community justice or traditional dispute resolution mechanism.

Complainant may appear as party

(3) Where the Inuktitut Language Commissioner makes an application under paragraph (1)(a), the complainant may appear as a party to any proceedings resulting from the application.

Capacity to intervene

(4) Nothing in this section abrogates or derogates from the capacity of the Inuktitut Language Commissioner to seek leave to intervene in any adjudicative proceedings relating to the status or use of Inuktitut.

Evidence relating to similar complaint

99 In proceedings under this part relating to a complaint against a federal institution, the Court may admit as evidence information relating to any similar complaint under this Act in respect of the same federal institution.

Hearing in summary manner

100 An application made under section 97 (“Application for remedy”) shall be heard and determined in a summary manner in accordance with the appropriate Federal Court rules.

Costs

101 (1) Subject to subsection (2), the costs of and incidental to all proceedings in the Court under this Act shall be in the discretion of the Court and shall follow the event unless the Court orders otherwise.

Idem

(2) Where the Court is of the opinion that an application under section 97 (“Application for remedy”) has raised an important new principle in relation to this Act, the Court shall order that costs be awarded to the applicant even if the applicant has not been successful in the result.

PART X - Inuit free, prior and informed consent

Free, prior, and informed consent

102(1) The Act shall only come into force following the free, prior and informed consent of the Inuit representative organizations.

(2) The process for securing Inuit consent under section (1) is to be mutually agreed by the Designated Minister and the Inuit representative organizations.

Amendments

(3) Prior to amendments to the Act or regulations, the Government of Canada shall consult with Inuit representative organizations and obtain the free, prior and informed consent of the Inuit representative organizations in accordance with article 19 of the United Nations Declaration on the Rights of Indigenous Peoples.

PART XI - Regulations

103(1) Subject to Part X, the Governor in Council may make regulations

- (a) prescribing anything that by this Act is to be prescribed; and
- (b) generally, for carrying out the purposes and provisions of this Act.

PART XII - Agreements with Inuit organizations, provinces and territories

Authority to enter into agreements

104(1) The Government of Canada may enter into agreements with provinces, territories or Inuit representative organizations that are consistent with this Act and with the free, prior and informed consent of the Inuit representative organizations.

(2) The process for securing Inuit consent under section (1) is to be mutually agreed by the Designated Minister and the Inuit representative organizations.

PART XIII - Review

Review after ten years

105 After every ten years of operation, commencing with a first review in the eleventh year after assent to this Act, or such earlier time as Parliament may direct, Parliament or a committee of

Parliament shall review the provisions and operation of this Act, and such other legislation, policies, guidelines, plans or directives as Parliament or committee of Parliament may direct.

Scope of review

106 The review shall include an examination of the administration and implementation of this Act, the effectiveness of its provisions and the achievement of its objectives and may include recommendations for changes to this Act.

PART XIV - Consequential amendments

Broadcast Act

107 Subparagraph 3(1)(o) of the Broadcasting Act is replaced by the following:

(o) programming that reflects the aboriginal cultures and languages of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose;

Department of Canadian Heritage Act

108 [To be determined]

Department of Indian Affairs and Northern Development Act

109 [To be determined]

Official Languages Act

110 [To be determined]

[Part to be further determined]