



## IDENTIFICATION

| Department           | Position Title                |                     |
|----------------------|-------------------------------|---------------------|
| Legislative Assembly | Deputy Languages Commissioner |                     |
| Position Number      | Community                     | Division/Region     |
| 12-17593             | Hay River                     | Office of the Ombud |

## PURPOSE OF THE POSITION

The Deputy Language Commissioner leads the complaint intake and informal complaint resolution function of the Office of the NWT Official Languages Commissioner, and undertakes formal investigations into non-compliance of *the Official Languages Act* raised in complaints from the public, or on the initiative of the Languages Commissioner or on their own motion.

The position provides expert policy and strategic advice to the Ombud/Acting Languages Commissioner on emerging issues related to the recognition of the rights, status and privileges of each of the Official Languages, best practices, and other matters within the Office's mandate.

The position also provides guidance, assistance and education to department and agency officials and the public on the role of the Languages Commissioner.

## SCOPE

The Official Languages Commissioner is an independent officer of the Legislative Assembly responsible under the *Official Languages Act* for resolving and/or investigating complaints arising from any act of omission in the administration of the affairs of any government institution where the status of an Official Language was not or is not being recognized, any provision of any act; or regulation relating to the status or use of the Official Languages was not or is not being complied with; or the spirit and intent of *the Official Languages Act* was not or is not being complied with.

The Deputy Languages Commissioner takes all actions and measures under the authority and direction of the NWT Official Languages Commissioner ensuring the recognition of the rights, status and privileges of each Official Languages and compliance with the spirit and intent of *the Official Languages Act* in the administration of the affairs of government institutions.



The Deputy Languages Commissioner investigates any reasonable complaint arising from any act or omission where the status of an Official Language was not or is not being recognized or a provision of the act not being complied with. The position's work contributes directly to the recognition of rights, status and privileges of each of the Official Languages and compliance in the administration of the affairs of government institutions. The position supports the population of the entire Northwest Territories (NWT) as well as persons outside the NWT wishing to make complaints about territorial public services.

Located in Hay River and reporting to the Ombud/Acting Official Languages Commissioner, the Deputy Language Commissioner is responsible for the complaint intake and informal complaint resolution function of the Office of the Official Languages Commissioner in addition to managing their own caseload, analyzing and determining the best course of action for individual complaints, identifying and applying principles of fairness, and communicating and negotiating resolutions with complainants and government officials. The position also ensures systems are in place to receive, document and track inquiries and complaints.

This position acts in accordance with territorial legislation, standards, policies and procedures where applicable, as well as policies and procedures established by the Official Languages Commissioner for informal complaints resolution and investigations, and is required to take an oath not to disclose confidential information. The Official Languages Commissioner has a wide discretion to accept or refuse complaints, to decide how and when to use formal investigation powers, and to identify appropriate resolutions and remedies; the incumbent therefore must also exercise independent judgment within this wide scope of discretion.

The Deputy Languages Commissioner has daily contact with the general public and staff and administrative heads of public bodies, and frequent contact with other independent legislative offices in the NWT and elsewhere in Canada. Improper handling of complaints and investigations could lead to judicial reviews, loss of public trust in the office, damage to relationships with public bodies, and damage to the interests of members of the public.

The Deputy Languages Commissioner uses active listening, conflict resolution and interview skills to gather information from complainants and public servants, and knowledge of policy, public administration and best practices to gather and analyze information, determine jurisdiction, make any appropriate referrals, and identify next steps, including further information or assessment needs. Where a matter reaches the complaint stage, the Deputy Language Commissioner uses a principled approach to engage collaboratively with public service employees and complainants to develop solutions through facilitated contact, information exchange, and internal review by public agencies. Where informal resolution is not appropriate or cannot resolve issues within reasonable timelines, the Deputy Language Commissioner makes recommendations to the Official Languages Commissioner to escalate complaints to formal investigation.



The Deputy Languages Commissioner plans and conducts investigations through research, gathering documents and other evidence, and witness interviews and prepares post-investigation summaries, including details and evaluations of evidence, suggested findings and remedies, and recommendations for further steps for consideration by the Official Languages Commissioner. These detailed summaries are typically 20-40 pages in length and are relied on by the Official Languages Commissioner to decide investigation outcomes and to prepare formal reports to Ministers, Deputy Heads, and complainants, which are sometimes made public.

The Deputy Languages Commissioner provides expert policy and strategic advice to the Official Languages Commissioner on operational matters, emerging language issues, and best practices in public administration, which is used to determine priorities for own-motion investigations and education initiatives, to develop and revise internal policies and procedures, and to develop the Office's capacity to analyze and resolve complex complaints in emerging areas of concern.

The Deputy Languages Commissioner also supports the public education mandate by delivering presentations, providing information and advice to government officials and the public about the role of the Languages Commissioner, representing the Office at public events, and preparing content for public information materials and reports. The incumbent provides back up support for various financial and administrative tasks as needed.

## **RESPONSIBILITIES**

### **1. Conducts complaint intake and informal complaint resolution.**

- Conducts complaints intake, primarily by phone, email, and in person, for issues related to languages and *the Official Languages Act*.
- Manages own caseload of complaints or own motion investigations: using a trauma-informed approach, gathers initial information from complainants and keeps them updated on the progress of their complaint; interprets legislation, case law, policy, and applies them to specific complaint situations to confirm the jurisdiction within *the Official Languages Act*, to determine whether there are grounds for accepting or dismissing the complaint, to identify additional information needs and a plan to gather that information, to determine whether a complaint should be referred to an alternate process, and to determine whether an informal resolution process is appropriate.
- Resolves complaints informally through approaches such as facilitated contact, information exchange, negotiation, conciliation and/or mediation between the complainant and the department or agency complained about.
- Ensures a case management system to record and document complaints and inquiries is in place and used by team members.



**2. Conducts formal investigations into recognition of the rights, status and privileges of each of the Official Languages.**

- Plans and conducts complaint-based and systemic investigations as assigned by the Languages Commissioner, including identifying specific issues to be investigated, communicating with the complainant and the department or agency involved, interviewing witnesses, accurately recording interviews, gathering and analyzing necessary background, context and evidence, and interpreting and applying legislation, policy, case law, best practices, and recognition of the rights, status and privileges of each of the Official Languages.
- Prepares detailed investigations reports summarizing all evidence gathered, identifying applicable law, policies and principles, and suggesting possible findings and recommendations from the Languages Commissioner to the department or agency.
- Reviews investigation findings and recommendations with complainants.

**3. Provides expert policy and strategic advice to the Ombud/ Acting Languages Commissioner.**

- Researches and monitors trends and best practices in administration, decisions and investigation reports by other Language Commissioner offices, and emerging language issues.
- Consults technical specialists and external legal counsel when required, obtaining opinions if necessary.
- Makes recommendations to the Official Languages Commissioner on whether individual complaints should be escalated to formal investigation or closed and on potential topics for own motion investigations.
- Represents the Office of the Official Languages Commissioner on and contributes to interprovincial/territorial working groups and committees on subjects such as emerging issues and training for Language Commissioner staff.
- Liaises with other Language Commissioner offices to exchange ideas and information about practices, procedures and legislative interpretation.
- Monitors departments and agencies' compliance with and follow up on recommendations they have accepted.

**4. Supports the Official Languages Commissioners public information and education activities.**

- Delivers public information sessions on the role of Official Languages Commissioner and the *Official Languages Act*
- Writes and assembles plain language content for the website and promotional materials.
- Promotes the Office of the Language Commissioner at events such as tradeshow and conferences.



**5. Supports administration of the *Official Languages Act*.**

- Drafts content for annual reports as assigned by the Official Languages Commissioner.
- Establishes and maintains a Knowledge Management System for storage and easy access to the office's accumulated knowledge about public bodies and programs, other language commissioner offices and other relevant information.
- Assists with drafting of and making recommendations to the Official Languages Commissioner on internal policies and procedures.
- Provides back-up support on financial and administrative tasks when the Early Resolution and Education Officer is absent.

**6. Supervision of temporary or casual staff and guidance to other team members as applicable.**

- Provides mentoring and coaching support to other team members on complaints intake and handling, including preparing for and debriefing challenging conversations with complainants and/or government officials, analyzing issues raised in complaints, identifying additional information needs and possible resolutions, and identifying possible referrals to other agencies.
- Directly supervises the Intern whose duties include preparing educational materials, carrying out research and analysis support on complaint files, and assisting in developing policies and procedures.
- Provides technical support, direction, and work assignments.
- Monitors and evaluates performance of reporting position.

**7. Acts as a Special Language Commissioner as required/appointed.**

- Section 18(1) of the *Official Languages Act* states if the Official Languages Commissioner determines that they should not act in respect of any particular matter under this Act, the Speaker, on the recommendation of the Board of Management, may appoint a special Languages Commissioner to act in the place of the Official Languages Commissioner in respect of that matter.
- The special Languages Commissioner holds office until the conclusion of the matter in respect of which they been appointed.
- The special Languages Commissioner is responsible for exercising the powers and performing the duties set out in the *Official Languages Act*.

**WORKING CONDITIONS**

**Physical Demands**

No unusual physical demands.



### **Environmental Conditions**

No unusual conditions.

### **Sensory Demands**

The incumbent will be required to exercise focused concentration to simultaneously actively listen to and record information from complainants.

The incumbent works with members of the public who may be distraught or upset. The incumbent must be aware of their surroundings, and able to recognize high risk volatile situations to quickly determine a course of action to ensure their own safety and the safety of the office.

### **Mental Demands**

The incumbent will be intermittently exposed to upsetting information about clients' circumstances. The incumbent will also be intermittently exposed to swearing, complaints and personal threats when dealing with angry members of the public, including correctional centre inmates, through email, telephone, and occasionally in person.

Some travel within the NWT and occasional travel outside of the NWT may be required.

### **KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of colonial history including the loss of Indigenous languages and the intergenerational trauma caused by residential schools.
- Knowledge of the many dialects and linguistic variations of Indigenous Languages within the NWT.
- Knowledge of *the Official Languages Act* and the ability to apply and interpret legislation.
- Ability to handle sensitive information and maintain strict confidentiality.
- Ability to exercise empathy, active listening, tact and diplomacy with clients in a wide range of circumstances and with a wide range of communication abilities.
- Conflict resolution skills to negotiate resolutions to complaints with departments and agencies.
- Policy research and analytical skills to interpret and apply legislation, policy, principles and best practices across the entire scope of territorial public service activity to specific situations, to reach conclusions that are legally sound and supported with evidence and reasons.
- Project management skills to plan and carry out investigations.
- Interpersonal and communication skills, both written and oral, including active listening, in order to convey information concisely and accurately, communicate difficult information and decisions to members of the public who may be distraught or upset, and



to assist members of the public to provide all relevant information with respect to complaints.

- Cultural awareness and sensitivity, understanding of trauma-informed approaches, and ability to communicate courteously and effectively with and provide services to people with diverse abilities, experiences and challenges, and personal crisis.
- Ability to deliver training and presentations to large and small groups with diverse interests and needs, and to manage group dynamics.
- Ability to maintain impartiality.
- Knowledge of community resources and government programs and services.
- Computer literacy skills, including word processing, database, internet and email applications.
- Ability to apply and develop creative and innovative approaches to project planning, implementation, and evaluation is an asset.
- Ability to work flexibly and supportively with a small team in a collaborative high-volume environment, including self-awareness to recognize when to seek help, advice or other support from colleagues.
- Ability to take initiative and solve problems independently with minimal supervision.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.

**Typically, the above qualifications would be attained by:**

A degree in Social Sciences, Indigenous Studies or related field combined with two years of experience that includes interpreting and applying legislation and communicating about legal or technical issues in plain language, and conflict resolution and/or a frontline public service, customer service, complaints resolution or similar role interacting with the general public.

Equivalent combinations of education and experience will be considered.

**ADDITIONAL REQUIREMENTS**

**Position Security (check one)**

- ☐ No criminal records check required
- ☒ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

**French language (check one if applicable)**

- ☐ French required (must identify required level below)  
Level required for this Designated Position is:  
ORAL EXPRESSION AND COMPREHENSION



Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

☐ French preferred

**Indigenous language:** Indigenous Language - Not Specified

☐ Required

☒ Preferred