



How to Comply with Nunavut's Language Acts



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NUNAVUT ECONOMIC DEVELOPERS ASSOCIATION

PREPARED BY NEDA



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Table of Acronyms

The following table provides definitions for the acronyms used in this handbook.

ACRONYM	DEFINITION
GN	Government of Nunavut
ILPA	Inuit Language Protection Act
NEDA	Nunavut Economic Developers Association
NWT	Northwest Territories
OLA	Official Languages Act
OLC	Office of the Languages Commissioner

INTRODUCTION

A Note from the President of the Nunavut Economic Developers Association

I'm pleased to present our members with our guidelines for compliance with the Nunavut Language Acts.

The Inuit Language Protection Act and the Nunavut Official Languages Act are unique and important pieces of legislation, defining the way we communicate, govern and do business in our territory. But ever since the Acts were first passed, many people – businesses, government staff, and even many responsible for enforcing the Acts – have had questions about what they really mean, what they require, and when they come into force. Hopefully, this document will answer many of those questions, and provide you with contacts and resources to find any additional answers and information.

Our role as an association is to support and promote economic development. At first glance, the Language Acts would seem to be strictly a cultural concern, of secondary interest to our businesses and entrepreneurs. We know, however, that economic development in Nunavut is closely linked to the social health and well-being of our communities; perhaps nowhere else in Canada are businesses, governments, non-profit organizations and cultural agencies so closely connected by links of family and culture.

The language of Nunavut, the Inuit language, is an important element of that culture. It ties people and communities together, it identifies us, and it distinguishes us from the rest of the country. It is a first language to the largest segment of our markets; and for several of our key industries – tourism, travel, hospitality, arts and culture – it is a unique and distinctive element of the Nunavut "brand". For those reasons, it's important to understand the history and provisions of the Acts, and to be clear on the obligations and opportunities the Acts entail for us.

I hope this document will answer your questions about the new Acts: and I hope it provides you with a useful resource for informing and supporting your clients. Feel free to use it as you see fit; for your own information, or in one-to-one or group training sessions in your community. And let me know what you think: we are always interested in your feedback!

Keith Collier

President, Nunavut Economic Developers Association

WHAT ARE THE LANGUAGE ACTS?

A history of Nunavut's language laws

The following is a brief history of the two Language Acts in Nunavut:¹

DATE	EVENT(S)
April 1 st , 1999	<p>Nunavut adopts the NWT's Official Languages Act.</p> <ul style="list-style-type: none"> • The Official Languages Act (OLA) recognizes Cree, Chipewyan, Dogrib, Gwich'in, Inuktitut, North Slavey and South Slavey, French and English as the official languages of Nunavut. • The Government of Nunavut, its boards and agencies, the courts, and the Legislative Assembly are expected to provide services in an official language where there is a significant demand. • The introduction of the OLA states it is established to ensure equality between French and English, and that Aboriginal languages will be given "recognition".
November 1999	Eva Aariak assumes the role of first Languages Commissioner of Nunavut.
October 30 th , 2000	<ul style="list-style-type: none"> • OLA is amended to allow for an Acting Languages Commissioner • In accordance with Section 29 of OLA, the Legislative Assembly develops a Special Committee to review the provisions of the existing legislation, its implementation and its effectiveness. Section 29 also requires that the Languages Commissioner assist the Legislative Assembly in the review process.

¹ Office of the Languages Commissioner of Nunavut

May 2001	<ul style="list-style-type: none"> The Languages Commissioner travels to Greenland to learn more about its language institutions and see how Greenlanders have managed to stop the decline of Kalaallisut (the Greenlandic language). The Office of Languages Commissioner (OLC) releases an Overview of Current Language Initiatives in Greenland in preparation for the review of OLA.
2000-2001 Annual Report	<ul style="list-style-type: none"> The Languages Commissioner recommends a working group of senior officials to develop a comprehensive language strategy to make Inuktitut the working language of government, as promised in the Bathurst Mandate, and to improve delivery of services in the official languages. The Languages Commissioner also recommends the creation of a Language Commission to standardize the use of Inuktitut in government.
January 18 th , 2002	<p>The OLC releases "Recommendations regarding changes to the Official Languages Act". Some recommendations include:</p> <ul style="list-style-type: none"> The need for two language acts: <ul style="list-style-type: none"> A new OLA that eliminates all irrelevant aboriginal languages in Nunavut, and gives equal status to all official languages, including Inuit, French and English. Another act that takes special measures to protect and strengthen the Inuit Language.
December 2003	<p>A special Committee to review OLA in the Legislative Assembly releases their final report. Key recommendations include:</p> <ul style="list-style-type: none"> Create a new OLA that recognizes the equal status of Inuit, French and English languages; Create an authority to standardize terminology in Inuktitut; Create an Inuktitut language protection act (later the term "Inuit language" is used). Appoint a Minister to promote, enhance vitality of official languages, and be responsible for implementing the language acts. Completed a review within five years of the effectiveness of the act(s).

2004	<ul style="list-style-type: none"> The Languages Commissioner and staff travel to Quebec City to meet with the Office de la langue française (French Language Office) and Ministre de la Culture (Minister of Culture) to research models for an Inuit language authority. The Office of the Languages Commissioner develops a discussion paper on different models of language authorities. The Language Legislation Steering Committee is created to provide advice on the language acts. Members include the Office of the Languages Commissioner, Government of Nunavut and Nunavut Tunngavik Inc.
January 2005	The Office of the Languages Commissioner's "Preserving Inuit Dialects in Nunavut" is released. The paper identifies measures for preservation of language, and shapes the Office Languages Commissioner's recommendations on drafting the Inuit Language Protection Act.
March 2007	Bills 6 & 7, the Official Languages Act and Inuit Language Protection Act, are tabled and regional consultations take place the following month.
June 2007	Bills 6 & 7 are introduced for first and second reading in the Nunavut Legislative Assembly.
September 4, 2007	A submission to Ajaqtiit Committee is made by the Office of Languages Commissioner on recommended changes to Bills 6&7.
June 4, 2008	Official Languages Act passed in the Nunavut legislature. It needs parliamentary approval because of Slavey and Dene languages being lowered in importance.
September 18, 2008	Inuit Language Protection Act passed in the Nunavut legislature. It comes into force the following day
June 1, 2009	Parliament approves with the Nunavut OLA, and it goes to Senate. On June 4th, the Senate refers it to the Legal and Constitutional Affairs Committee. It receives Parliamentary concurrence June 11th, 2009.

Official Languages Act

When Nunavut was created in 1999, it inherited the Northwest Territories Official Languages Act. While it dealt with English and French, it did not reflect the realities of Nunavut. On June 4, 2008, Nunavut's new Official Languages Act (OLA) was approved by Nunavut's Legislative Assembly and received concurrence from the Federal Parliament on June 11, 2009. The new Act established the Inuit Language ("Inuktitut"), English and French as Nunavut's Official Languages. The Act maintained all the rights and privileges of English and French speakers, while raising the Inuit Language to equal status – a first in Canadian history.

Inuit Language Protection Act

Approved in September 2008, the Inuit Language Protection Act (ILPA) confirms that the Inuit of Nunavut have an inherent right to the use of the Inuit Language, and that actions are necessary to protect and promote the Inuit Language and Inuit cultural expression. The ILPA requires all government departments and agencies to act to protect and promote the Inuit Language, and to ensure it remains at the center of education, work and daily life in Nunavut.

The ILPA's main objectives are to ensure:

- The promotion, protection and revitalization of the Inuit Language, and the right to Inuit Language instruction, preparing children to enter adult life with a rich knowledge of the Inuit language and full ability to use it;
- The right to work in the Inuit Language in territorial government institutions, supporting a representative public service and the full participation of Inuit in it;
- The Inuit Language is used daily in services and communication with the public by governments, municipalities, community organizations and business.

WHY DID NUNAVUT NEED THE LANGUAGE ACTS?

The following information from the Government of Nunavut's Uqausivut Plan shows the decline over the last two decades in overall knowledge of Inuktitut, Inuktitut as the primary language used (or "mother tongue"), and Inuktitut as the main language used at home.

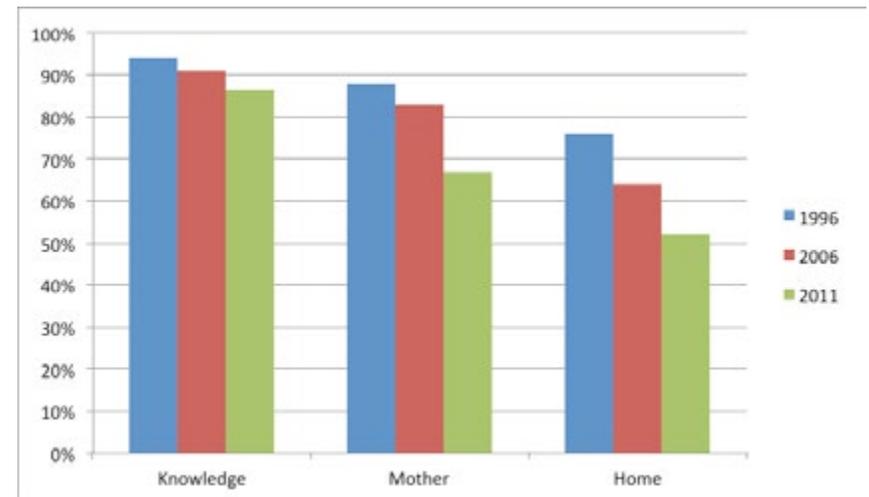


Figure 1: Inuit identity with mother tongue and home language, Nunavut, 1996-2011²

As the Uqausivut plan states:

"The decline in the number of people who speak mainly Inuktitut in their homes is particularly worrisome. Home is the most important environment for the transfer of a language from one generation to another. If enough households stop using Inuktitut in the home, there will not be enough mother tongue speakers to sustain the language into the future."

² Uqausivut– The Comprehensive Plan Pursuant to the Official Languages Act and the Inuit Language Protection Act - 2012-2016, Government of Nunavut and Statistics Canada, 2011 National Household Survey and Census 2011 Data

Inuit youth are beginning to feel that cultural gap. English dominates many aspects of contemporary society in Nunavut. Inuit youth are increasingly concerned about hearing and speaking more English and losing their ability to speak Inuktitut. They have expressed the need for support for their language through family, community and education.

The vitality of Inuktitut varies considerably by region, as illustrated in figure 2. A language strategy prepared by the Kitikmeot Inuit Association estimates that language revitalization in the region may take between 20 to 40 years if concerted action is taken immediately in homes, communities and schools. There are also concerns about language loss in other communities across Nunavut, particularly in Rankin Inlet, Baker Lake, Chesterfield Inlet, Iqaluit, and Resolute Bay

Social exclusion and access to services are also long-standing concerns. These include access to federal, territorial, municipal and business services delivered in Nunavut. To date, unilingual Inuit, particularly Elders, report feeling disadvantaged in their homeland. Because of language barriers, they often do not have equal access to important and basic services that other Canadians enjoy in either English or French.

Past government actions and policies, such as compulsory relocation of Inuit to residential schools, have had a persistent negative and destructive impact on Inuit identity, culture and language. The Canadian Prime Minister's apology in June 2008 was a welcome step to begin the healing process, but much must still be done to truly address the disadvantages and discrimination faced by those for whom Inuktitut is the first, only or preferred language."

TO WHOM DO THE ACTS APPLY?

The ILPA contains both general provisions, and elements that affect specific kinds of organizations. These include, societies, community organizations, Inuit organizations, cooperatives, unions, and non-governmental organizations, along with municipal, territorial and federal governments.

They also include the private sector – businesses. . For the purposes of the ILPA (and this handbook), the private sector includes:

"a corporation, a partnership, sole-proprietorship, society, association, cooperative, union or other non-government entity operating in Nunavut, whether or not it is incorporated or registered in the Territory."

The language legislation has sections that apply to services from every private and public sector organization.

Particular Services

The ILPA (Part 1, s3(2)) puts special emphasis on the importance the Inuit Language in providing "essential" services and "household, residential or hospitality services".

1. Essential Services
 - Essential services include emergency and rescue services, or similar urgent services or interventions (including intake or dispatch services); and health, medical and pharmaceutical services.
2. Household, Residential or Hospitality Services
 - Household services include electricity, fuel, water, and telecommunications (telephone, and internet)
 - Hospitality services include restaurant, lodging and hotel services.
 - Residential or housing services
3. Other Prescribed Services
 - Other prescribed services that the Commissioner in Executive Council considers to be appropriate "as the result of their essential nature or important consequences for individuals."

There are specific requirements for businesses and organizations that offer these particular services due to their importance. This includes providing written and oral communications to the public in the Inuit language in all of the following formats

- All notices
- Warnings
- Instructions directed to users or consumers of the service
- Monthly bills
- Invoices
- Other similar demands directed to persons who may be Inuit Language speakers
- The other communications that the Commissioner in Executive Council considers to be appropriate as the result of their essential nature or important consequences for individuals.

Exceptions to the Acts

The ILPA give the Office of the Language Commissioner and the Nunavut Court of Justice the power to reduce a requirement under to the Act for a private sector organization, and substitute a less difficult requirement for communication or services in the Inuit Language.³ However, a business would have to demonstrate:

- That the organization is established for purposes relating primarily to the heritage, expression, strengthening or promotion of a non-Inuit linguistic or cultural community; or
- That compliance would otherwise result in “undue hardship.”

To establish whether or the compliance with the ILPA would involve “undue hardship”⁴, the Office of the Language Commission would review such factors as:

- Any issue involving the health and safety of a business owner, staff, or its clients;
- Any significant impairment of important objectives, functions or activities of a business;
- An adverse impact on the ability of a business to meet contractual obligations; and
- The size, efficiency or viability of a business.

If a business is going to be negatively affected in any of these ways by the ILPA, the Language Commission may consider making an exception for that business.

³ Replacing a legal requirement with another one that is less challenging or difficult to achieve

⁴ Conditions that are hard to survive in

WHAT DO I HAVE TO DO TO BE IN COMPLIANCE?

Items to be Translated into the Inuit Language

Advertising

Under Part 1 s.3(1) of the ILPA, Inuit language text used in posters and commercial advertising, whether syllabics or roman orthography, **MUST** be at least as prominent (the same size) as any other language used.

Signage

Under Part 1 s.3(1) of the ILPA, Inuit language text, either syllabics or roman orthography, **MUST** be at least as prominent as any other language used in public signs, including emergency and exits signs.

Labelling

Most grocery and department stores have categories of food and/or items listed, whether at the beginning of an aisle or posted on the shelves. These are considered “messages to the public”, and must be in the Inuit Language, as well as any other language.

One thing that grocery stores may consider as part of their Language Plan is a binder listing ingredients of a product in the Inuit language. This could help people who check ingredients because of food allergies and/or for other medical reasons.

Bills and Receipts

“Thank you for shopping...” and any other public messages that are printed on receipts should be printed in the Inuit language.

Monthly bills, invoices, notices, warnings, and instructions for services, and any other similar information must be provided in the Inuit Language if you deliver specified services, or fall under Part 1, s.3(2) of the Act.

Reception

The ILPA requires that businesses offer reception and customer services in the Inuit Language; that’s the responsibility of each business. This means that when a client enters a store or place of business, or calls on the phone that they have a right to be spoken to in Inuktitut.

Client communication

If a customer or supplier contacts an organization or business with a request in one of the recognized languages, the organization or business should have the capacity to respond in that language.

General Comments

People only have to translate into every version of the Inuit language (Inuktitut and Inuinnaqtun) if they are providing services to all of Nunavut.

All these requirements refer to both written AND verbal communications. That includes radio advertising; notices, warnings or instructions to users of a product or service; and monthly bills, invoices or other messages to people who may be Inuit Language speakers.

The section of the ILPA regarding services to the public will be implemented over several years. Most of the provisions of the Act with an impact on the private sector will be implemented and come into force in 2016.

The most important message of the legislation is that in **all advertising, signage and documents provided to clients or the public, the Inuit language must be as prominent or larger in text size than English.**

Summary of Items to be Translated

The following list summarizes business tools to be translated into the Inuit language:

- Signs on buildings
- Signs on vehicles
- Hours of operations sign
- Parking signs
- Directional signs
- Signs identifying services or group of products
- Posters
- Notices
- Exit signs
- Restaurant menus
- Hotel room instructions
- Drug use instructions
- Business cards
- Letterheads
- Email blocks
- Flyers or brochures
- Promotional materials
- Radio ads
- Television ads
- Websites
- Newspaper ads
- Automated telephone
- Correspondence
- Water supply monthly bills
- Fuel supply monthly bills
- Telecommunication monthly bills

Developing a Language Plan: What is a Language Plan, and how do I create one?

A Language Plan is a tool for ensuring that your business is compliant with the ILPA. It sets out a step-by-step process that helps you to identify your obligations, and to determine exactly how and when you're going to address them.

You must make your plan available for the public to view. Simply post it on your website, or display it in a binder in your reception area.

A Language Plan isn't mandatory; it is simply a process that will aid a business in ensuring it is compliant with Nunavut legislation. As a bonus, it will likely improve customer relations, particularly with those who are unilingual. You may prepare and submit an Inuit Language Plan voluntarily to make sure you're in compliance with the language laws, or to proactively manage how you plan to provide services in the Inuit language. You may be required to prepare a Language Plan, however, if you are under investigation by the Languages Commissioner, or if you're ordered to do so by the Court.

The ILPA itself, in Part 4, s.29, describes what a Language Plan must contain.

(a) the organizational measures, policies and practices proposed for the communications with or delivery of services to the public that are required under the Act;

(b) a schedule for giving effect to the measures, policies or practices;

(c) an indication of the numbers of the organization's staff, if any, that are or will be fluent in the Inuit Language and able to communicate with or deliver services to the public in the Inuit Language as required under the Act; and

(d) the ways in which the organization will ensure that the Inuit Language Plan and the availability of communications with or services to the public in the Inuit Language are publicized.

Language Plans must also include:

- Specific, measurable goals that will result in compliance with the Act;
- A situation analysis describing its operational readiness on the date the Inuit Language Plan is submitted;
- An "Active Offer"; in other words, people have to know that a service in a language is available.

WHY SHOULD I TRY TO BECOME COMPLIANT?

The business case for compliance

There are many reasons for willing compliance with the Language Acts. From the perspective of a businessperson in Nunavut, the first and most important reason is that it makes good business sense.

- A business in Nunavut that can promote and offer its full range of business services in the official languages of the territory has the capacity to reach, market to, and provide its products and services to the widest possible range of clients. This will give you a significant competitive edge in the territory, and could part of your marketing plan and promotion.
- Businesses compliant with the Language Acts will not run the risk of having to divert time and resources to dealing with complaints filed against them, or worse, paying non-compliance penalties. Apart from the poor optics associated with non-compliance, the need to deal with fines or complaints represents a real cost to your business.
- Compliance with the Acts will be viewed favourably by customers, who appreciate being served in their language of choice, regardless of the legislation involved. Compliance could increase the likelihood of return customers if they are satisfied with the language services provided.
- Compliance also offers the opportunity for free promotion, through such initiatives as the OLC's "language heroes" program, which recognizes achievements in language promotion.

The social case for compliance

The following are some of the reasons why complying with the language acts is a good idea from an ethical standpoint.

- Inuit make up the majority of the population in Nunavut. It's only right that they should have access to businesses and services in their own language.
- Many Inuit elders, highly respected members of Inuit society across the Territory, are unilingual and cannot speak English. If they have difficulty accessing a business' services, this may have a negative impact on their well-being.
- In a wide range of service areas – tourism, transportation, hospitality, arts and cultural industries, and others – the Inuit Language is an important and unique element of our territorial "brand", a facet of our territory to be promoted and protected for both social AND business reasons.

CAN I GET ANY HELP FROM THE GOVERNMENT TO BECOME COMPLIANT?

Support for Language Planning

Sources for additional help, information and tools include:

- Government of Nunavut Office of the Nunavut Languages Commissioner
630 Queen Elizabeth II Way (P.O. Box 309), Iqaluit, Nunavut, X0A 0H0
Phone: 1 (867) 975-5080
Toll Free: 1 (877) 836-2280
Fax: 1 (867) 979-7969
Email: langcom@langcom.nu.ca
Website: <http://langcom.nu.ca/>
- **Government of Nunavut Department of Economic Development and Transportation**
Phone: (Toll Free) 1(888) 975-5999
- **Inuit Uqausinginnik Taiguusiliuqtiit**
Phone: 1(867) 975-5553
Toll free: 1(855) 232-1852

Other Supports

The following organizations can provide support in different areas in order to help businesses comply with the ILPA:

- Government of Nunavut Department of Culture and Heritage
- Kakivak Association
- Kivalliq Partners in Development
- Kitikmeot Inuit Association
- The Community Economic Development Officer located at the Hamlet Office
- NEDA – 867 979 4620, exdir@nunavut.com

WHAT HAPPENS IF I DON'T COMPLY?

If someone feels that their right to service in their preferred language is not being met by a certain organization or business, under the ILPA they are allowed to file a complaint against the group in question through the Languages Commissioner. If this occurs, it triggers an investigation process that is detailed by the ILPA.

Complaint Process

The flowchart on the following page indicates the procedures that occur when a complaint is filed about an organization or business based on a perceived violation of the ILPA:

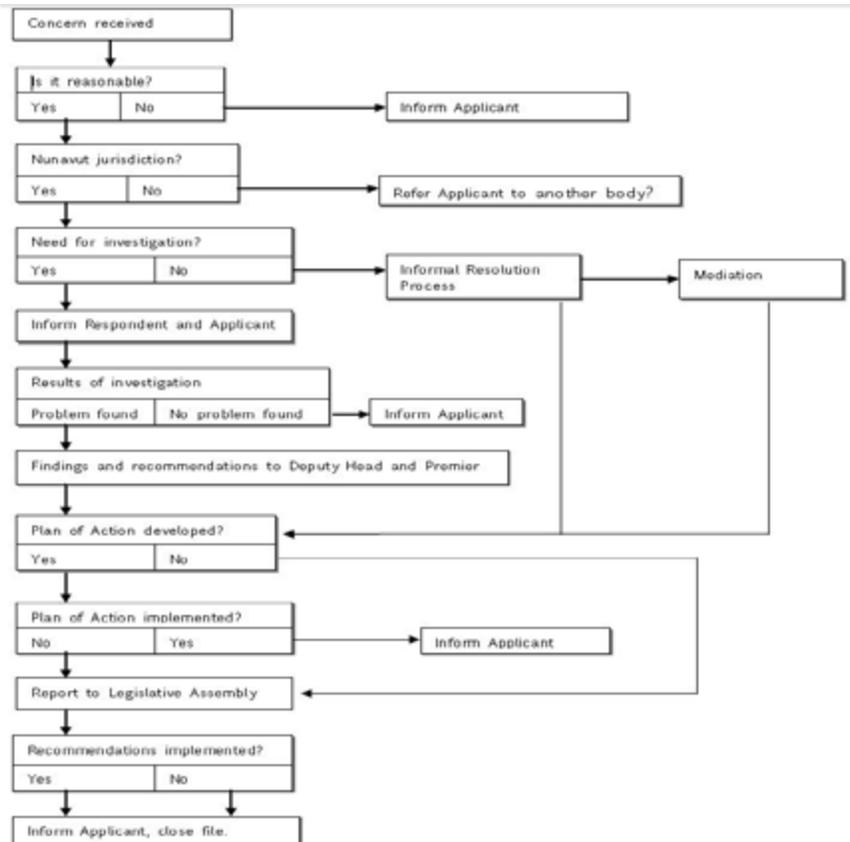


Figure 3: Investigation Flow Chart

Some key additional points regarding the previous chart include:

- A concern can be communicated verbally or in writing. The concerned party will have the ability to communicate their concern in any official language: Inuit, English or French.
- The person indicating concern will receive confirmation of receipt of their concern, indicating the name of the person at the Office of the Languages Commissioner who will handle it.

Additional information may be required so that the Office of the Languages Commissioner fully understands the case; a representative of the Languages Commissioner may contact the concerned party for more information.

- The Languages Commissioner may decide there is a simple solution to the problem identified, and that there is no need to conduct a full investigation into the issue. If so, the Languages Commissioner can agree with a department, board, agency, municipal or private sector head, on the actions which need to be taken.
- Confidentiality and the protection of personal information is a priority for the Languages Commissioner. However if a decision is made to intervene or investigate a concern, then the notification to the affected party, which is mandatory, may require the person raising the concern to disclose their name and other information.

Currently, the investigation process is limited to two separate groups:

- Territorial institution or municipality
- Private sector organizations

The following occurs when territorial institution or municipality is accused of a language rights violation:

- The Languages Commissioner will conduct an investigation of the accused party.
- The Languages Commissioner will write a report of his or her findings; this will be sent to the department or agency head which the concern is about, with a copy given to the applicant, and the Premier and the Minister responsible.
- If a violation is identified, the Languages Commissioner will recommend to the department head or municipality in the report specific measures to correct the violation by a specific date, and give a time to report back.

If no action or report is given by the specified date, a report may be submitted to the Speaker of the Legislative Assembly, who will then table the report. The Languages Commissioner can also apply to the Nunavut Court of Justice for a remedy.

- If, however, the investigation finds there was no violation of language rights, the Languages Commissioner will provide a written explanation of the findings.

As for private sector organizations, the date by which this sector must provide services in the Inuit language will be established by the Government of Nunavut's Cabinet at a future date.⁵

While the OLA and ILPA indicate that complaints can be made when any of the four official languages are not being appropriately acknowledged or displayed, due to time constraints the Government of Nunavut is currently only focussing on those complaints indicating that Inuktitut is not being used as required under the Acts..

Sanctions under the Acts

Under Section 33 of the ILPA and Section 27 of the OLA, if the investigation process is completed by the Languages Commissioner and an organization or business is found to violate the acts and has not taken steps to address these violations despite a warning, they will be subject to a fine:

- If an individual, to a fine not exceeding \$5,000;
- If a body corporate or another body with legal capacity, to a fine not exceeding \$25,000.

The Government of Nunavut views sanctions as a last resort; the GN's preference is to work WITH businesses to achieve the goals of the Acts. The Government seeks to encourage the development of a strong private sector in Nunavut, and is committed to collaboration with businesses in order to make goods and services available to as many people in the territory as possible... These measures are in place, however, to ensure that the Government of Nunavut can take action if businesses or companies are unwilling to make the needs of their customers, the majority of whom are Inuit, a priority.

The Government of Nunavut recognizes that it can be difficult to find high-quality Inuktitut translation and interpretation services, due to high demand for these services. This issue is under review, and a certification process for translators is currently being examined as a way to ensure high standards and track the number of practitioners available. The Government of Nunavut will take such considerations into account when considering enforcement of the Acts.

APPENDIX A: USEFUL LINKS AND ONLINE TOOLS

As mentioned throughout this document, the Office of the Languages Commissioner and its website (<http://langcom.nu.ca/>) can provide support for becoming compliant with the language acts. Links to the language acts themselves are also provided on the website.

- For developing an Inuit Language Plan, the "Inuit Language Plan Guidelines for the Private Sector" downloadable PDF file is useful: http://langcom.nu.ca/sites/langcom.nu.ca/files/InuitLanguagePlanGuidelines%20-%20ENG_0.pdf
- The downloadable PDF file "How to Comply: Inuit Language Protection Act" http://langcom.nu.ca/sites/langcom.nu.ca/files/OLCN%20HowToGuide_ENG.pdf includes further information on Inuit Language Plans and examples of what font sizes and differences are acceptable in printed signs and text, among other tips.
- This list of frequently asked questions includes information on sources to contact for support in getting materials translated: http://langcom.nu.ca/sites/langcom.nu.ca/files/Frequently%20Asked%20Questions_1.pdf

⁵ Languages Commissioner of Nunavut Website: <http://langcom.nu.ca/investigation-process>



N·E·D·A

Iqaluit, Nunavut X0A 0H0
Phone: (867) 979-4620
Fax: (867) 979-4622
exdir@nunavuteda.com

NUNAVUT ECONOMIC DEVELOPERS ASSOCIATION