

Minister
of Canadian Heritage



Ministre
du Patrimoine canadien

Ottawa, Canada K1A 0M5

October 16, 2023

Mr. John Aldag
Chair
Standing Committee on Indigenous and Northern Affairs
House of Commons
Ottawa ON
K1A 0A4

Dear Mr. Aldag,

Pursuant to Standing Order 108(2) of the House of Commons, and on behalf of the Government of Canada, I am pleased to respond to the Standing Committee on Indigenous and Northern Affairs' Ninth Report of the 44th Parliament, entitled, Reclaiming, Revitalizing, Maintaining and Strengthening Indigenous Languages in Canada, tabled on June 16, 2023.

The Government thanks the Committee and all those who appeared before the Committee or submitted briefs to share their perspectives on the implementation of the Indigenous Languages Act (the Act).

Of the over 70 Indigenous languages spoken in Canada, three quarters are considered endangered, and none are considered safe according to the United Nations Educational, Scientific and Cultural Organization. The loss of Indigenous languages is felt internationally, and the United Nations declared a Decade of Indigenous Languages from 2022 to 2032 to draw attention to the critical state of Indigenous languages and the need for urgent action to ensure Indigenous languages can thrive. In Canada, historic governmental policies have contributed significantly to language and culture loss, and these detrimental effects of colonial practices continue to be felt today. As noted by the Committee, for many First Nations, Inuit or Métis, reconnecting with an Indigenous language is a way of healing from collective and individual trauma, which is at the core of reconciliation. Indigenous Peoples have consistently raised the importance of reclaiming and revitalizing their languages and cultures, and the urgency of doing so given the age of Elders, who are often the main language and knowledge keepers.

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The Government is committed to taking steps so that all Indigenous Peoples in Canada have permanent and meaningful access to their languages as a foundation for identity and belonging. The Government has implemented several substantial measures in recent years to advance Indigenous languages. The Act, which was co developed with Indigenous Peoples, received Royal Assent in 2019, has the overall purpose of supporting Indigenous Peoples in the important task of reclaiming, revitalizing, maintaining and strengthening their languages. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) further confirmed the Government's commitment to moving forward on the path to reconciliation. This legislation sets out a path toward implementing the United Nations Declaration on the Rights of Indigenous Peoples, including article 13.2 which indicates the State has a role in "taking effective measures to ensure Indigenous Peoples have the right to revitalize, use, develop and transmit future generations their languages". The UNDA Action Plan published in June 2023 provides a roadmap for the Government to implement the Declaration in collaboration with First Nations, Inuit, and the Métis.

The Government Response provides the Committee with more information on existing measures and recent actions that have been taken by the Government, as well as work underway in relation to the specific recommendations in the Report. The Committee's recommendations have been grouped in the following themes: supporting flexible, Indigenous-led approaches to language reclamation and revitalization; increasing funding for Indigenous languages; strengthening collaboration and establishing new partnerships; considering amendments to the Act; and increasing the use of Indigenous languages within the Government.

Theme 1: Supporting flexible, Indigenous-led approaches to language reclamation and revitalization (Recommendations 2, 3, 4, 5, 6, 8)

The Government acknowledges the Committee's recommendations for Indigenous-controlled funding, reduced administrative burden, and flexible and diverse approaches, particularly in the areas of healing, research and music. Many of these recommendations echo what Canadian Heritage heard from Indigenous communities, organizations and governments during its consultations on the implementation of the Act in 2020, and are strongly aligned with the work currently underway at Canadian Heritage in collaboration with Indigenous partners to implement the Act.

That is why in recent years, collaborative work with Indigenous partners, more specifically with the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, has focused on the development of a new approach to funding the Indigenous Languages Component of the Indigenous Languages and Cultures Program, the Government's primary program for supporting Indigenous Peoples in their efforts to reclaim, revitalize, maintain and strengthen their languages. New funding models specific

to First Nations, Inuit and the Métis Nation have been developed and are now being implemented for the first time in 2023-24 to support increased Indigenous autonomy over funding, flexible long-term funding and greater responsiveness to the priorities of First Nations, Inuit and the Métis Nation.

The new funding models represent a concrete way in which the Government is increasing its support for Indigenous-led, self-determined approaches for Indigenous languages. Currently, First Nations Regional Delivery Organizations entirely manage the program in three regions. The Department will work with First Nations to increase the number of First Nations organizations that undertake this role, and introduce a long-term ongoing funding stream to support First Nation communities. Funding will now directly support the four Inuit Land Claim Organizations, the Governing Members of the Métis National Council, and the Manitoba Métis Federation to develop and implement long-term strategies tailored to meet their unique regional and local needs.

In addition, long-term funding will not be determined through the department's long-standing approach, where recipients applied to a department-led call-for-application process that only supported projects for one or two years of length. Instead, long-term funding will be supported through the development of a multi-year work plan, so that Indigenous recipients will no longer have to submit administratively burdensome annual applications. Canadian Heritage has also introduced in 2023-24 new flexible contribution agreements, which enable greater multi year funding management flexibility and less administrative tasks for recipients. The program will continue to accept yearly and multi-year applications through an annual call for applications, specifically for short term projects and new applicants.

Canadian Heritage is also working with Indigenous partners to develop a funding approach to support Indigenous organizations that serve Indigenous peoples of multiple distinctions, including the urban Indigenous population. To inform the development of this new approach, Canadian Heritage is engaging with the Congress of Aboriginal Peoples, and has supported them to organize a National Language Engagement Conference with regional organizations and Indigenous languages experts. The Department is also working with Indigenous urban organizations such as the Friendship Centre Movement, to help assess regional and local needs and pilot approaches in urban contexts.

The Indigenous Languages Component was designed to fund a broad range of activities, which supports Indigenous governments, organizations and communities in deciding which types of activities are the most relevant to meet their unique regional or local community needs. The most common funded activities are mentor-apprentice programs, language nests, immersion, language classes, on-the-land learning, and print/ multi-media-based resources and learning tools. Funded activities have also included research

on language revitalization best practices and the incorporation of songs and ceremonies within language learning activities. The program also supports healing and trauma-informed approaches, such as initiatives designed for silent speakers – Indigenous people who have a good understanding of the language but do not speak it, often due to the direct or intergenerational trauma of residential schools or day-schools, where Indigenous languages were banned.

In addition, the Office of the Commissioner of Indigenous Languages, an independent arms-length entity, may also conduct research on the provision of funding to support Indigenous languages or on the use of Indigenous languages, measuring the vitality of those languages or identifying measures to restore and maintain fluency in those languages. This also includes research to support the requirement to annually report on the use and vitality of Indigenous languages and the needs of and progress made by Indigenous peoples in revitalizing their languages.

The Government’s main support program for commercially driven Canadian music is the Canada Music Fund (CMF), which aims to foster an environment where a diversity of Canadian music artists connect with audiences everywhere. The CMF includes incentivized support for Indigenous artists, including those who perform in an Indigenous language. Through the UNDA Action Plan, the Government of Canada has committed to supporting “commercial Indigenous music artists, entrepreneurs, and organizations to increase the participation of Indigenous peoples within the Canadian music industry.”

The Government recently reformed its broadcasting policy in 2023 and made changes to the Broadcasting Act to work towards a fairer representation of Indigenous peoples in the Canadian broadcasting system. The Online Streaming Act states the importance of programming that reflects Indigenous cultures and Indigenous languages. The modernization of Canada’s broadcasting policy will not only contribute to the dissemination of Indigenous music and audiovisual programs, but also explicitly recognizes the special place of Indigenous peoples and languages within Canadian society. Consultations are underway by the Canadian Radio-television and Telecommunications Commission with the goal of building and implementing a new regulatory framework to support Canadian and Indigenous content.

Theme 2: Increasing funding for Indigenous languages (Recommendations 10, 11, 12 and 15)

One of the main purposes of the Act is to establish measures to facilitate the provision of adequate, sustainable and long-term funding to support the reclamation, revitalization, maintenance and strengthening of Indigenous languages. The Government recognizes the importance of this provision of the Act and acknowledges the Committee’s recommendation that immediate actions be taken to increase funding and provide an

update to the Committee within a year, provide stronger supports for immersion, teacher training and remuneration, as well as preventing clawbacks on supplementary income supports for Elders who receive compensation for the important role they play in teaching Indigenous languages.

Since 2019, the Government has provided historic investments totaling \$840.1 million from 2019-20 to 2025-26, and \$117.7 million in ongoing funding to support Indigenous languages. As a result of these investments, funding provided through the Indigenous Language Component increased progressively from \$29.7 million in 2019-20 to \$163.8 million in 2023-24. This increased funding supported an unprecedented increase in community-driven activities and programming, from 301 projects funded in 2019-20 to 1033 in 2022-23.

Canadian Heritage has been working with First Nations, Inuit, Métis partners, and Self-Governing Indigenous Governments to better understand adequacy of funding to support the reclamation, revitalization, maintenance and strengthening of Indigenous languages. This has involved examining costing of a range of critical activities outside of the kindergarten to grade twelve education system, including salary costs for Indigenous language instructors in activities such as language nests, adult classes and immersion, and mentor apprenticeship programs. The Government acknowledges that these types of language immersion activities are a proven approach to creating new speakers and increasing the fluency of language learners, and is taking steps to better support immersion activities as well as to increase the availability of qualified language teachers. This includes support for Inuktitut certificate and diploma programs in Nunavut, and for the delivery of a community-based Cree, Oji Cree and Ojibway adult language revitalization program in nine Mattawa First Nation communities in northern Ontario.

All these efforts continue to inform the way forward on implementing the Act, including highlighting the need for urgent action to support Indigenous languages and the resources required to support them. The Government recognizes the importance of annual monitoring on the implementation of the Act, particularly progress on establishing measures that facilitate the provision of adequate, sustainable and long-term funding. The Act mandates the Commissioner of Indigenous Languages to report on the adequacy of federal funding for Indigenous languages in an annual report that is tabled in Parliament. Canadian Heritage believes that this is the most appropriate mechanism to monitor progress given their independent nature and expertise.

The question of fair teacher remuneration within the kindergarten to grade twelve (K-12) system must consider different jurisdictional responsibilities. In fact, elementary and secondary education is a provincial and territorial responsibility, with the exception of education programming for First Nations students ordinarily resident on reserve. This is a

federal responsibility and is provided through Indigenous Services Canada (ISC). For First Nations students in the Yukon and Northwest Territories, as well as First Nations, Inuit, and Métis Nation students ordinarily resident off reserve, education is provided by their respective province or territory.

In 2019, ISC began implementing a new policy and funding approach for K-12 on reserve First Nations education. In the spirit of First Nations control of First Nations education, this new approach was co-developed with First Nation partners in order to better support the needs of students on-reserve. This approach replaced outdated proposal-based programs with predictable and provincially comparable core funding, which includes teacher remuneration funding. In addition to this core funding and recognizing that language and culture are a critical component of successful on-reserve education systems, ISC also provides up to \$1,500 per student per year to support language and culture programming in on-reserve schools. Over 90% of students attending First Nations-administered schools are now taught at least one subject in a First Nations language. Canada continues to hold collaborative discussions with First Nations partners through regional technical tables to guide the implementation of the new approach and identify and address First Nations' education needs.

The co-developed approach also established the option of Canada and First Nations entering into regional education agreements that respond to the education goals and priorities set by First Nations. These agreements identify collaborative education service delivery strategies, and outline how Canada can best support First Nations schools, students, communities, and education organizations in ensuring that First Nations students receive a high quality, linguistically and culturally appropriate education that improves student outcomes.

ISC also works with First Nations, Inuit and Métis Nation partners through the Permanent Bilateral Mechanisms (PBMs) to identify joint educational priorities and co-develop policy options. Indigenous Services Canada remains committed to advancing reconciliation and collaborating closely with First Nations, Inuit and Métis Nation partners to advance their education and language priorities, including Indigenous language instruction, culturally appropriate programming and recruitment and retention of Indigenous educators.

Finally, the Committee raised that Elders' participation in language revitalization activities could lead to clawbacks of Old Age Security (OAS) and Guaranteed Income Supplement (GIS) payments. By design, the OAS program contains features to ensure that income-tested benefits such as the GIS are targeted to those seniors most in need, while ensuring that the OAS program remains viable.

The OAS program provides a modest base upon which individuals can add income from other sources, such as the Canada Pension Plan (CPP)/Québec Pension Plan, employer-sponsored pension plans, personal registered retirement savings plans, tax-free savings accounts, as well as other personal savings and investments, to address their particular financial circumstances.

The OAS pension is paid to all persons aged 65 or over who meet the residence requirements. While the OAS pension is not income-tested, higher-income OAS pensioners are subject to the OAS Recovery Tax. The Recovery Tax, which is part of the Income Tax Act, was put in place in 1989 to ensure the OAS program's viability and its contribution to the financial security of seniors, particularly those with low and modest incomes. It requires all higher-income pensioners to repay their OAS pension at a rate of 15 percent of their income above a certain threshold. That being said, the threshold amount was \$81,761 for the 2022 income year, and approximately only 8 percent of pensioners are subject to the OAS Recovery Tax.

The GIS is an income-tested monthly benefit paid to OAS pensioners with little or no income other than the OAS pension. It is intended to provide a basic level of income protection to help provide for immediate needs. With no other income, seniors receive the maximum GIS benefit. However, for every \$2 of other income a senior receives, the maximum benefit is reduced by \$1. This allows the benefits to be targeted to those seniors most in need. While receiving other income does reduce the amount of GIS payable, seniors with additional income are always better off than those with no income, as the GIS is only partially reduced.

Any income that is considered to be net income under the Income Tax Act is used to determine the amount of GIS. This includes any money that a pensioner receives other than the basic OAS pension, including Canada Pension Plan/Québec Pension Plan benefits, employer-sponsored pensions and private pensions, interest, dividends, capital gains and various forms of employment income, including many honorariums.

However, the Old Age Security Act already contains a provision known as the GIS Earnings Exemption, which allows low-income seniors who work to exempt a portion of their earnings from their GIS calculation. This exemption applies to both employment and self-employment income, and provides a full exemption on up to \$5,000 of annual earnings, as well as a 50% exemption on the next \$10,000 of earnings. This means that low-income seniors can exempt up to \$10,000 of their first \$15,000 of earnings from their GIS calculation.

Moreover, employment income earned on reserve is tax exempt for First Nations living on reserve and is not included in the calculation of income under the Income Tax Act. This is also true for any pensions or CPP benefits that are directly related to income

earned on reserve. Entitlement to GIS benefits is based on this same calculation of net income, excluding the OAS pension. As a result, employment income earned on reserve does not impact a person's eligibility to the GIS.

**Theme 3: Strengthening collaboration and establishing new partnerships
(Recommendations 9, 13 and 16)**

The Government acknowledges the Committee's recommendations that it should take a whole of government approach to the implementation of the Act, including stronger federal/provincial/territorial/Indigenous coordination and efforts to reconcile official bilingualism with recognition of Indigenous languages.

Over the past years, Canadian Heritage has worked with other government departments to foster a whole-of-government approach, including broad federal engagement on the International Decade of Indigenous Languages, regular meetings with Indigenous Services Canada to coordinate funding approaches and collaborative opportunities, and work with the Translation Bureau on demand and capacity for translation and interpretation in Indigenous languages. Further, the Permanent Bilateral Mechanisms provide an opportunity to advance reconciliation with Indigenous partners by identifying joint priorities, co-developing policy and monitoring progress. Indigenous languages are identified as a priority area for two of these Permanent Bilateral Mechanisms (Inuit and Metis). For example, the Inuit Crown Partnership Committee's Leaders meeting and Senior Officials meeting allows for the sensitization and engagement of multiple federal departments on Indigenous language revitalization. Finally, in 2022, Canadian Heritage launched with Employment and Social Development Canada a senior-level, interdepartmental steering committee composed of 15 federal departments, which provides guidance and advice to meet the objectives of the Act related to access to services in Indigenous languages.

Canadian Heritage co developed a Memorandum of Understanding with the Minister of Indigenous Relations and Reconciliation of British Columbia and the First Peoples' Cultural Council, which aims to provide flexible, long-term, predictable and sustainable provincial and federal support to reclaim, revitalize and maintain First Nations languages, and explore opportunities to achieve common objectives for cultural heritage and arts in British Columbia. In addition, Canadian Heritage, the Government of Nunavut and Nunavut Tunngavik Incorporated established a tripartite Nunavut Partnership Table on Language and Education, which focuses on a long-term collective approach to achieve mutual language and education goals and strengthened coordination. Under this Table, a Tripartite Agreement was put in place to increase the number of Inuktitut speaking teachers in Nunavut. This is a successful model that could be replicated in other jurisdictions, should there be interest from Indigenous partners and from provinces and territories to do so.

Some provinces and territories have legislation with regard to Indigenous languages, such as the Nunavut's Official Languages Act and Inuit Language Protection Act; the Northwest Territories Official Languages Act, which recognizes nine Indigenous languages as official languages; and, the Nova Scotia's Mi'kmaw Language Act, which recognizes the Mi'kmaw Language as the original language of the province and helps promote and support its revitalization and reclamation. In the case of Nunavut and the Northwest Territories, Canadian Heritage provides funding under Territorial Language Accords, which support the two territorial governments in advancing their official languages and Indigenous language priorities, initiatives and activities. Canadian Heritage will continue to explore opportunities to establish new tripartite relationships to support improved coordination of funding and the advancement of these joint priorities.

Theme 4: Considering amendments to the Act (Recommendation 7)

The Committee recommended that the Government, in collaboration with Indigenous partners, prepare and introduce in Parliament amendments to the Act to: clearly state in section 5 that protecting all Indigenous languages in Canada is one of the purposes of the Act; consider the creation of more mandatory obligations for Canada; and amend sections relating to the Office of the Commissioner of Indigenous Languages' role. Many witnesses and briefs pointed to the United Nations Declaration on the Rights of Indigenous Peoples, which includes several articles that relate to Indigenous languages and that were not included in the Indigenous Languages Act when it was adopted in 2019.

The Government acknowledges this recommendation. Any proposed amendments to the Act, including consideration of additional mandatory obligations for Canada and any changes to the role of the Commissioner of Indigenous Languages, will be considered in the context of the upcoming independent review. The Government believes this to be an appropriate review mechanism due to its independent nature (appointment of an independent reviewer), as well as its embedded requirement to consult with Indigenous Peoples.

Theme 5: Recognizing Indigenous languages within the Government (Recommendations 1 and 14)

The Committee recommended that the Government of Canada refer to the Board of Internal Economy a request to find ways to accommodate simultaneous interpretation in more than three languages during parliamentary committee meetings, when requested by either members or witnesses speaking an Indigenous language. The Government appreciates the significance of the Committee's recommendations, which emphasize the importance of using Indigenous languages in Parliament and in the public administration.

The provision of interpretation in more than three languages during committee meetings falls within the purview of the House of Commons and its recognized parliamentary privilege to regulate its own internal affairs. Accordingly, it is the responsibility of Members to determine whether to accommodate simultaneous interpretation in more than three languages during committee meetings when requested by either Members or witnesses speaking an Indigenous language. The current processes in place regarding the use of Indigenous languages in the House of Commons are discussed in the 66th report of the Standing Committee on Procedure and House Affairs, which was concurred in by the House of Commons on November 29, 2018.

This report states that “the implementation of the use of Indigenous languages in the House be guided by the principles of flexibility, practicality, reasonableness and respect. In regard to the latter, the process to be followed should attempt to strike a balance between respecting the inherent value of Indigenous languages and respecting the longstanding and time-tested practices of the House of Commons.” (p.25) As such, a Member wishing to use an Indigenous language is asked to provide sufficient written notice to the Clerk of the House of Commons, of “their intention to speak in an Indigenous language during a future sitting of the House or committee meeting” to enable the identification of interpretation and technical requirements.

The Government, through Public Services and Procurement Canada’s Translation Bureau, serves Parliament as a priority client, including through the provision of interpretation services. The Translation Bureau continues to work towards increasing the number of Indigenous freelance interpreters, strengthening relationships with Indigenous communities and building partnerships with Indigenous organizations. It regularly provides interpretation services in Inuktitut and other Indigenous languages, when requested by the House of Commons. The Government will continue to work with parliamentary partners and stakeholders to support a well-functioning Parliament of Canada, including through the provision of capacity and services for interpretation of Indigenous languages, as requested.

The Committee also recommended that the Government of Canada incentivize Indigenous languages within the public service through bonuses, promotions, nominations and other means. Currently, there is no block bonus in the federal public service for employees who use an Indigenous language in the course of their work. During recent collective bargaining between the Public Service Alliance of Canada and the Treasury Board, teachers employed by Indigenous Services Canada who are qualified and assigned to teach an Indigenous language in Tyendinaga schools (Ontario), Six Nations of the Grand River (Ontario) and Cold Lake First Nations (Alberta) were awarded an annual compensation of \$1,015.

The Government of Canada remains committed to advancing reconciliation with Indigenous Peoples based on recognition of rights, respect and collaboration. On July 10, the Treasury Board Secretariat and the Public Service Alliance of Canada released the results of the first-ever survey of the extent and scope of Indigenous language use in the federal public service. This survey, carried out among 24 federal institutions, made it possible to collect valuable data on the use of Indigenous languages by federal public servants belonging to the Program and Administrative Services and Education and Library Science occupational groups and for the Parks Canada bargaining units. This data will contribute to the development of options to support Indigenous language capacity in the public service.

Conclusion

I would like to thank the Committee members for conducting this study and express my gratitude to the witnesses and those who submitted briefs for sharing their knowledge and experiences. The Act is a historic piece of legislation that cements our commitment as a government to ensure Indigenous languages are protected as a valued part of Canadian culture. We will continue to work closely with Indigenous Peoples to implement the Act, following the principle of “nothing about us without us”. We, collectively, cannot allow this language loss to continue, because Indigenous languages are vital to the cultures, knowledge and identities of Indigenous Peoples. The Government will continue playing its part to support Indigenous Peoples’ efforts to reclaim, revitalize, strengthen, and maintain their languages, and to help create conditions in which Indigenous languages can thrive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pascale St-Onge', with a long horizontal flourish extending to the right.

The Honourable Pascale St-Onge, P.C., M.P.