

Doing Business in Nunavut: Complying With Nunavut's Language Laws

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If you do business in Nunavut — or you are planning to — you need to be aware of your legal obligations for language and communication. The *Inuit Languages Protection Act* (ILPA) and *Official Languages Act* (OLA) are Nunavut's language laws. They create rules for the public and private sectors, including businesses, in order to preserve and promote the use of the "Inuit language" in the territory (*i.e.*, Inuktitut and Inuinnaqtun, or together Inuktitut).

Under ILPA, a "private sector body" is defined as any "corporation, partnership, sole-proprietorship, society, association, cooperative, union or other non-government entity operating in Nunavut".

What Does Your Business Need To Do To Comply?

In order to comply with ILPA, all businesses operating in Nunavut must ensure that:

- Inuit language text is displayed at least as prominently as any other language for:
 - Public signs;
 - Posters; and
 - Advertising.
- Services available to the public can be provided in the Inuit language for:
 - Reception services; and
 - Customer and client services.

Inuit language text may be displayed in either syllabics or roman orthography.

Essential and Other Special Services

Some businesses and organizations have additional requirements if they are considered essential, or provide important services:

- Essential services include:

- Emergency, rescue or similarly urgent services or interventions, including intake or dispatch services; and
- Health, medical and pharmaceutical services.
- Household, residential or hospitality services include:
 - Restaurant, hotel, lodging, residential or housing services; and
 - Basic services to a household, including the supply of electricity, fuel, water and telecommunications.

In addition to the general requirements, these businesses and organizations must also ensure that other services are available to the public in the Inuit language, both orally and in writing: invoices, monthly bills, notices, warnings and instructions to the customers or users.

Exceptions

In some circumstances, businesses and organizations may be exempt from some or all of the language requirements if their purpose is to promote or provide non-Inuit linguistic or cultural services (e.g., a francophone language service), or doing so would result in “undue hardship” to the business or organization. The Nunavut Language Commissioner and the Nunavut Court of Justice determine whether a business may be exempt, or can apply less onerous language requirements.

Inuit Language Plan

Businesses and organizations can also outline their policies and manage compliance with the language laws through a Language Plan. These plans are not mandatory, but can be a tool to demonstrate a proactive approach to compliance and assist in communicating with and serving unilingual Inuit language clients and customers.

Effects of Non-Compliance

Complaints against a business or organization can be made to the Nunavut Language Commissioner. The Language Commissioner can investigate any business or organization for non-compliance with the language laws. In cases of non-compliance, the Language Commissioner can require the business or organization to take specific measures or adopt policies and practices. A complainant can also apply to the Nunavut Court of Justice for any remedy that is “appropriate and just in the circumstances”, including monetary awards.

Non-compliance can also negatively affect the reputation or image of a business or organization. Further, responding to complaints can take up valuable administrative time and resources. Pro-active efforts to comply will likely be well received by the community and reflect positively on the business or organization. In short, ensuring you are complying with the language laws is good for business.

Contact the lawyers at BLG if you have any questions about complying with Nunavut’s language laws, or you have any other legal issues relating to your business operations in the territory.

By

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