



**JULY 27-28, 2016**

**FIRST NATIONS**  
**Labour Market FORUM**

**Winnipeg, Manitoba**

**Assembly of First Nations**

**SUMMARY REPORT**



**JULY 27–28, 2016**

## **ABOUT THE ASSEMBLY OF FIRST NATIONS**

The AFN is the national, political organization comprising First Nations governments and their citizens in Canada, including those living on reserve and in urban and rural areas. Every Chief in Canada is entitled to be a member of the Assembly. The National Chief is elected by the Chiefs in Canada, who in turn are elected by their citizens.

In addition to many other functions, the AFN facilitates consideration for means to address national policy issues raised among the over 630 First Nations across Canada. The role and function of the AFN is to serve as a national delegated forum for determining and harmonizing effective collective and co-operative measures on the priorities identified by First Nations.

Under the leadership of National Chief and the AFN Executive Committee, who oversee targeted portfolios, organizational activity has included advancing Aboriginal and Treaty Rights, economic development, education, and array of issues that are relative to advancing First Nations economic infrastructure and labour force development interests.

Photo credits: Employment and Social Development Canada

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## Introduction

The Assembly of First Nations (AFN) held the First Nations Labour Market Forum in Winnipeg, Manitoba. The forum was held in response to calls by AFN Regional Chief Bobby Cameron, as the portfolio holder for the AFN human resources development, and the AFN Chiefs Committee on Human Resources Development, for a First Nations specific opportunity to discuss priorities, needs, and the issues for a new strategy to better support the First Nations labour force.

The forum was attended by a spectrum of delegates interested in the emerging and long-standing issues in the First Nations labour market including First Nations leaders; First Nations Aboriginal Skills and Employment and Training Strategy (ASETS) agreement holders; First Nations employment and training experts; and, First Nations community members. Federal government officials from Employment and Social Development Canada (ESDC) and Service Canada were also in attendance.

The agenda created a forum to draw upon the experiences and lessons learned from First Nations-mandated ASETS agreement holders, and the identification of the key requirements needed to strengthen a national strategy. The event highlighted a range of topics including: new investments to support First Nations involvement in the labour force; access to training and skill development; and, the appropriate structures and/or institutions needed to support First Nations human resources development.

The Honourable Minister MaryAnn Mihychuk, Minister of Employment, Workforce Development and Labour, provided encouraging comments in the opening and closing plenary sessions. She noted that we are at a point in time where we can be the changemakers – to move the situation forward in a leap; not in a step – by being bold and taking the opportunity to assert our space where we need to, and should be. She says she was very aware of the red tape burden, and advised us to take advantage of this opportunity to make change. She identified a need to make things as simple as possible, simpler than ever before. In her view, the Federal Government shouldn't be “asking what kind of chair you get, you have your own government and governance. I respect your abilities and want to give you more responsibility”.

In the closing plenary the Minister reinforced her message by saying: “You have my respect, we are equals. We must move away from the top down approach, a paternalistic approach”.

The forum agenda included daily plenary sessions and several topical breakout discussions. The following summary is based on the perspectives tabled during the forum.

## New Relationship

There was a generally positive sense of a renewal reflecting a relationship with more empowerment for community-based decision-making and client-centred programming. The foundation of this new relationship would be a new labour market strategy and agreements specifically for First Nations organizations clearly outlining First Nations jurisdictional authority. There was noticeable pride among the participants that the existing structure has done a commendable job in spite of a host of controls, imposed changes and generally unproductive requests from Service Canada. Participants from across Canada were consistent in noting that the relationship has been strained by the absence of Aboriginal counterparts in the government, government staff who were unaware of the challenging conditions in many labour markets, and who were uninformed of cultural frameworks which, when coupled with an unprecedented reporting burden, made day-to-day communications more confrontational than collaborative. In addition, there was a sense of powerlessness as several instances were profiled where issues were identified back to government without response.

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The new relationship is challenged by the fragmented delivery from the government with two Branches within ESDC and Service Canada responsible for the development of policy and operational administration. There is a need for streamlined delivery preferably with First Nations control and at an arm's length from the Government of Canada.

## Timing

There was not a sense of urgency to sign an agreement starting April 1, 2017. There were numerous comments that an extra year would allow for a thorough and well-structured agreement. It was noted that, as a step forward, a more flexible interim agreement would be put in place for the transitional year of 2017-2018 and a new long-term strategy developed for 2018 and beyond.

## Term

There was a general consensus that a 10-year term was a priority.

## Labour Market Focus

There was a basic acceptance that a new agreement with ESDC would require terms and conditions specific to the ESDC department. However, many attendees noted that current program approaches were limiting their ability to invest in the basic client-centred supports required for success in skills development and transitions to work. While several comments noted the need to reach into other portfolios, it was stated as more of a practical approach for specific issues rather than a formalized protocol.

## Adequacy of Funding

A perennial issue for agreement holders is the cumulative effects of inflation over the long term. Participants were presented with a precise measurement of the loss in purchasing power. (see Indexation of Funding – Federal Employment and Training Strategy for Indigenous People, working document v.160606b\revised 160719a @FNHRDCO, 2016) The loss of purchasing power from 1999 to 2016 is valued at 26.5% which, because of its cumulative effect is equivalent to losing two and an half years of funding over that period.

At the same time the Aboriginal labour force working-age population has increased significantly which has reduced the financial capacity of agreements from a level of \$491 per capita to \$188 per capita (61.7% decrease) over this same period.

There is support for the government to re-establish the base funding for a new labour market agreement, to fix it within a statutory environment and to index it to avoid future inflationary pressures.

Agreement holders are limited to a fifteen percent cap on administrative costs which are also subject to inflation effects. This area has also been impacted by a sharply increased reporting burden as the government has formalized several control and review mechanisms that are beyond the capacity of some agreement holders. For example, the Service Level Agreements that were recently mandated had defined cost implications which, being unplanned, were problematic and consume valuable time away from client support.



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Removing the fifteen percent (15%) cap on administration would still not address inadequacies of funding and requires allowances for building the needed capacity of service organizations.

The existence of higher costs in northern and remote communities was present in most group discussions. This is an area where, although a key factor in resource distribution originally, may have had accelerated effects since 1999. This is an area that needs to be researched and addressed in the allocation discussion.

## Joint Planning

The Minister asked “What do you want?” First Nations responded that they want a First Nations -specific process, and for the Minister to champion the development of a new relationship. First Nations informed that their expectation is that a new approach would be described through:

- A jointly prepared Memorandum to Cabinet (MC) for October 2016;
- To bridge 2016 – 2017 and 2017 – 2018, First Nations want an interim arrangement that reflects the flexibility and re-emergence of our authority to manage our programs.

As this is a process which is required to be undertaken in secrecy, there may be limitations as to the collaboration which could be allowed. As this is a process that evolves from a broad approach into specific terms and conditions, it is necessary to have cabinet approval for the broad approach that will allow for terms and conditions that empower agreement holders to operate efficiently with appropriate accountability.

Some of the key changes that were requested that could be undertaken to form key features of an interim agreement include:

- Remove all the “with the approval of Canada” clauses.
- Transition away from a contribution agreement.
- Design reciprocal accountability.
- Revisit eligible expenses.
- Design a direct transfer process.
- Avoid separate new proposal-based initiatives.
- Clear definitions, including what constitutes a Sub-Agreement vs a Third Party Agreement.

Conceptually, there are approaches available which would avoid a significant reporting burden such as fixed administrative budgets with limited line item expenditure budgeting and reporting. A “right of first refusal” for new community-based programming was also suggested.

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## Transition

The majority of participants were First Nations ASETS agreement holder representatives and there was a noticeable comfort with the existing network. Some comments were:

- “Regarding structure and moving forward, under the ASETS we have had a structure that has been in place a long time, we have a steady strategy that has evolved in a natural manner and will continue to evolve in a natural way. Starting with a new structure would be a mistake. We should develop capacity in communities and government where it is needed.”
- “There will be different stages of readiness for agreement holders. No cookie cutter approach. Support those that need it to get where they want to go and allowing those ready to move forward.”
- One size Agreement does not fit for all. There is a need for agreements that are harmonized with the other forms of agreements that First Nations and First Nations governments enter into with Canada. The undertakings such as reporting must be similar to reduce the duplications and inefficiencies that currently exist.

There were also inquiries as to whether additional agreements would be considered.

## National Coordination

Discussions around the development of a national coordinating secretariat to provide selected supports for a First Nations Labour Market Agreement generated a host of possible functions. Overall, the participants envisioned some very solid needs that could be met. There was some concern that the resourcing of this body would take away from resources that would otherwise flow through to community programs and services.

The types of activities that were identified are as follows:

- Activities to market the various agreement holders
- Clearinghouse of key documents and First Nations statistics for agreement holders
- Point of contact with Canada to vet potential changes before such changes are authorized.
- Advocacy for agreement holders having issues with Canada.
- Source of expertise on provincial agreements and facilitator of better relations with provinces.
- Support for agreement holders requiring capacity development
- Advocacy for developmental changes to the overall agreement
- Organization of regular regional meetings to discuss developments and obtain regional perspectives.
- Development and dissemination of key training curricula for front-line and financial staff in the face of turnover and operational changes.
- Preparation of briefing packages for leadership



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- Development of a strategy for cultural competency among government staff working with agreement holders.
- Outreach to national interests in industry and labour.
- Undertake key research projects.
- Profiling of best practice among agreement holders.
- Possible lead role in development of a database solution for the First Nations agreement
- Liaison with other development sectors (post-secondary, social, etc.)

The establishment of a secretariat would require a business plan to manage the selected functions which would include accountability provisions at both operational and governance levels. The relationship between the secretariat and the agreement holders was clearly to exclude all administrative functions (allocations, flow of funds, reporting, etc).

### **Capacity Building**

The discussions included regular comments concerning the need to build capacity both at the agreement level and national First Nations activities. Some participants identified the historical practice of a separate capacity building allocation while others noted the most recent practice of including capacity building activities in the business plan process (which is limited by the classification of this as an administrative cost).

Undoubtedly, the approach taken here will depend on the scope, indeed the existence, of a national secretariat.

### **Employment Insurance**

Employment insurance (EI) resources and authorities are a key element for comprehensive labour market investments. This is a resource where one size does not fit everybody. Two distinct perspectives related to EI were identified. Firstly, the limited usefulness of EI resources in areas with a relatively smaller experienced labour force was profiled. Secondly, a concern that provincial labour market development agreements (LMDA's) had greater authority to access the EI Part I resource was identified as an unresolved issue.

### **First Nation/Inuit Child Care Initiative**

The First Nation/Inuit Child Care Initiative (FNICCI) has been a part of the First Nations labour market environment since 1998 but has been a stagnant area which requires review and discussion. Some key issues are as follows:

- Resources and seat capacities are unchanged creating a funding challenge and an inability to meet demands for service.
- Resource allocations based on the Halifax formula have unresolved issues for some regions.
- Resource limitations means lower wages for staff who are recruited by nearby provincial child care centres. (a \$10 per hour wage difference noted)



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- Funds are too limited to support the level of professional development expected within the industry.
- Many centres desperately need repairs for the safety and well-being of the children and staff.
- Centres cannot afford to open extended hours necessary to support shift workers, workers with extended hours and workers who commute.
- There are not any supplementary funds to meet the support needs of special needs children who require special equipment or special staff certifications.
- Supplemental parent fees are not affordable for many parents.
- Procurement provisions of the agreement are difficult to meet as there are limited contractors available in many rural and remote communities.

The need for a national child care committee was supported. This committee would have a broad base of members, be able to ensure that child care does not continue to be an add-on agenda item but have a vibrant national presence of its own.

## Disabilities

Perspectives related to First Nations persons living with disabilities were raised both in plenary sessions and a dedicated breakout discussion. In addition to the known prevalence of disabilities within the First Nations population, the absence of a strategy to address their needs was identified. Compounding issues are the complexity of client-centred solutions which reach beyond the limits of employment and training interventions, the higher cost of interventions and the overall lack of access to needed professional services related to many types of disabilities.

The AFN is currently undertaking a major research and consultation project related to a distinct First Nation approach for persons living with disabilities.

## Government Awareness

There was a call for cultural competency among government staff. Some of the comments from participants are:

- “I object when culture is dismissed. Culture reminds us of who we are and why we work so hard. For successful labour market programming, we need to understand who we are partnering with. We need to build a support system for someone to have a successful career. This includes a prominent cultural component.”
- “We need to have a healthy relationship. I got SDOs to come and discuss how to work together. They sent a list of things that cannot be done in one day. Had 15 minutes for relationship building.”





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There was also an observation that having more Aboriginal employees working in Service Canada, Employment and Social Development and other government departments would improve relations.

## Appeals

There are very obvious issues between agreement holders and Service Canada. According to several participants, they become frustrated by the lack of a timely response to their issues when they formally raise them. While agreement holders are expected to formalize an appeal process within their agreement structure, a similar provision is missing in their relations to government.

Agreement holders are typically isolated in addressing their issues with Service Canada and do not have recourse to a higher authority.

## Staff Training

Concerns related to staff training are based on several factors including staff turnover, ongoing changes to terms and conditions of the agreement, and a commitment to capacity building. A common curriculum for different staff positions would be valued according to some participants. Some agreement holders have developed formal training approaches that may be a solid foundation for a broader approach. As with capacity building, cultural integration activities should be factored into the business plan process of a new agreement.

## Local and Regional Strategies

There were numerous observations that can be put in the category of local and regional business which can be addressed internally to the agreement holders and their respective stakeholders. Most of these topics are policy or program limitations that the agreement holder has adopted probably due to limited resources or strategic programming.



## Key Themes/Recommendations

Recommendations and key themes from the forum dialogue are summarized as follows:

- First Nations want a First Nations-specific process that will be championed by the Minister of Employment, Workforce Development and Labour based on a new relationship with First Nations.
- A new approach would be described through a jointly prepared Memorandum to Cabinet (MC) for October 2016. This will require financial support to the AFN to participate with ESDC officials in the development of the MC and to collect the views amongst our diverse processes including increasing the capacity at the national organization.
- To bridge 2016-2017 and 2017-2018 fiscal years: an interim arrangement is required that reflects the flexibility and re-emergence of First Nations authority to manage First Nations programs; and, dedicate funds to assist First Nations organizations in the transition to a new labour market strategy.
- The AFN will invite additional views and further recommendations in follow up to the Forum; request that the Sub-Technical Working Group consider the best approaches and examine the interim agreement requirements; meet with federal officials; and, call on the CCHRD for consideration and recommendations going forward and how to best engage our internal processes.



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## APPENDIX A

**Wednesday July 27, 2016**

*Preparatory Cultural Protocols*

### Welcome All Delegates and Presenters!

7:30am -5:00pm **Registration** Location: Convention Foyer, Mezzanine Level, Fairmont Winnipeg

9:00am **PROTOCOL**

### OPENING PRAYER

Location: Midway Ballroom, Mezzanine Level

Introductions and Acknowledgements

- **Regional Chief Kevin Hart**, MB, Forum Chair
- **Steve Williams**, Forum Co-Chair

9:30am **OPENING REMARKS**

**Regional Chief Bobby Cameron**, Federation of Saskatchewan Indian Nations

- Portfolio
- Recognition of Members of the Chiefs Committee on Human Resources Development
- Looking Forward

9:55am **The Honourable Minister MaryAnn Mihychuk, P.C., M.P.**  
Employment, Workforce Development and Labour

10:50am **Health Break**

11:05am **Framing the Conversation and Context Setting**

- An historical overview and the critical questions we asked of ourselves in the course of the strategy changes and renewals: Roger Schindelka

11:30am **Open discussion: Where Do We Need to Go?**

12:00noon **Lunch – provided** Location: Midway Ballroom, Mezzanine Level

1:00pm **Indexation Options for Labour Market Funding** Location: Midway Ballroom, Mezzanine Level

This plenary session considers funding provided to agreement holders in the last 25 years. Since annual funding of ASETS is not indexed to the cost of living, the paper considers the purchasing power of agreement holders year after year. Added to this is the high population growth of First Nations, further impacting the efforts undertaken by agreement holders.

**Dave Sergerie**, Assembly of First Nations Quebec and Labrador (Human Resources Development Commission of Quebec)

**Discussion**

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## Wednesday July 27, 2016

2:30pm **Health Break**

### 2:45pm **Framing a New Relationship**

The Assembly of First Nations Chiefs Committee On Human Resource Development and First Nations Labour Market Service Agreement Organizations are developing an approach to negotiate the successor program to the Aboriginal Skills Employment Training Strategy (ASETS) with the federal government.

The following think tank sessions are combined topic areas and will repeat on Day2:

#### **Delegation of Authority & Potential for Added Benefits**

**Location:**  
Midway Ballroom

This session asks delegates to consider the types of flexibility and authority they need to do design and deliver the needed programs with First Nations communities. In addition, the delegates are asked to consider benefits and outcomes for the citizen, First Nations governments and their mandated organizations, and what federal governments may also expect to see.

#### **Exploring a new type of agreement & Transitions and Phases**

**Location:**  
Harrow/Essex Room

The Agreement is the foundation for the relationship between FNLMA's and Canada. The diversity and capacity to deliver optimal services to First Nations clients has been at best challenging. This session asks for consideration toward better agreements and the most reasonable options to be considered to transition to better access, service, program delivery and capacity.

#### **National coordinating and technical/secretariat support capacities & Keeping a labour market focus**

**Location:** York Room

First Nations training and employment organizations have operated primarily in self-supported environments. Technical, operational and administrative capacities are topics of discussion, as is supporting organizations' priorities. In addition, First Nations agreement holders have started a dialogue on establishing a First Nations Employment Insurance organization. Delegates are being asked for their views on supportive structures.

4:00pm **Close of Day 1**

## Thursday July 28, 2016

8:00am **Optional Dialogue Session on Federal Accessibility Legislation**

**Location:**

-9:00am

East Ballroom, Mezzanine Level

### **Breakfast Provided - See Sign up sheet on site**

This session is in follow-up to a specific part of the June 2016 National ASETS meeting held in Gatineau, Quebec. During the national meeting a session was hosted by Employment and Social Development Canada on Federal Accessibility Legislation. This is an opportunity to comment in a First Nations-hosted session and provide comments on matters that need to be considered regarding the Government of Canada's accessibility legislation, supporting the perspective of First Nations persons with disabilities and eliciting key input from the First Nations ASET service delivery network.

Moderated by: **Wendell Nicholas** and **Doreen Demas**



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## Thursday July 28, 2016

8:30am **Registration**

9:00am **First Nations Labour Market Forum** Continues

9:00am **Chairs' Remarks and Summary**

9:15am **Framing a New Relationship**

9:30am **Breakouts** (repeated)

### **Delegation of Authority & Potential for Added Benefits**

**Location:**  
Midway Ballroom

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10:30am **Health Break** (and extra time to finalize hotel check out)

11:00am **Fiscal Relationships: What type of fiscal relationship do we need?**

**Terry Goodtrack**, President and CEO, AFOA Canada

**Discussion**

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**Thursday July 28, 2016**

12:00pm **LUNCH** (provided)

1:15pm **Breakout Sessions**

- 1. Childcare Programming** Location: East Ballroom  
Childcare is impacted in our communities by the growing and changing population, by the health of the economy and initiatives that are undertaken to encourage participation, and even by infrastructure development. This session asks delegates to consider national programming, and the evolving child care needs among First Nations citizens and communities.
- 2. Persons with Disabilities:** Location: Harrow/Essex Room  
First Nations agreement holders' funding and resources to support access to the labour market and skill training for persons with disabilities has been dramatically reduced. This session restarts the dialogue on the programs, services and incentives needed to better support requests by First Nations persons with disabilities.
- 3. Operational Improvements:** Location: Midway Ballroom  
First Nations employment and training organizations have accumulated much experience in managing agreements. This sessions is an opportunity to exchange key issues, improvements, and other operational experience with colleagues from different agreement areas.
- 4. Planning for Skill Building Sessions:** Location: York Room  
First Nations employment and training organization staff may wish to gain from coordinated and shared learning events. This session begins to gather advice on the types and duration of staff /organization skill building recommendations at First Nation TWG events.

2:45pm **Health Break**

3:00 pm **CLOSING** Location: Midway Ballroom, Mezzanine Level

- CHAIR AND CO-CHAIR WRAP UP
- CLOSING REMARKS: **Regional Chief Cameron, SK**  
Outcomes, Deliverables & Next Steps
  - timeframe for roll-up of the information and dialogue
  - defining time frame for framework for post ASET strategy
  - meeting the needs, gaps, and deficiencies
- Draws for gifts

**CLOSING PRAYER**

**FOR MORE INFORMATION, PLEASE CONTACT:**



Assembly of First Nations  
55 Metcalfe Street, Suite 1600  
Ottawa, ON K1P 6L5  
Telephone: 613-241-6789  
Fax: 613-241-5808

**[www.afn.ca](http://www.afn.ca)**