

THE DYNAMICS OF EXCLUSION

DISCRIMINATION AND OTHER BARRIERS FACING ABORIGINAL PEOPLES IN THE LABOUR MARKET

Final Report
on Project 2.5
submitted to

Land & Economy Unit

ROYAL COMMISSION ON ABORIGINAL PEOPLES

by

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Montreal, June 30, 1994

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Executive Summary

Exclusion from participation in the labour market is a reality for Aboriginal Peoples in Canada that derives from several types of barriers that block access to and success in employment. Most of these barriers are rooted in the discriminatory attitudes and behaviours of non-Aboriginal society that have been present for decades; while other barriers have been erected more recently, in the form of systemic or structural impediments in the path of Aboriginal people.

This report presents a review of the factors that prevent Aboriginal peoples from joining the regular workforce in greater numbers. It responds to research questions provided by the Land and Economy Unit of the Royal Commission of Aboriginal Peoples, and is intended to inform the deliberations of the Commissioners as they prepare to issue their formal recommendations.

Organized under five general headings, the report presents research findings drawn from relevant literature as well as from personal interviews with Aboriginal employment specialists and practitioners from across Canada. Their expertise in the form of direct quotations expressed throughout the report, serves as the basis for the development of the report's conclusions and recommendations. Analysis of the commentary from these key respondents has produced findings that substantiate the existence of discrimination based on race in all regions of the country, in both the private and public sectors, and in urban as well as rural areas. In addition, findings suggest that such discrimination is frequent, having been identified by 100% of the respondents as affecting Aboriginal people from all walks of life with different education and income levels. It has further produced a clear portrait of the many barriers that impede Aboriginal people from participating in the Canadian Labour Market. Some of these barriers are explicit insofar as examples of verbal abuse, systematic exclusion, or blatant racism are articulated clearly by the respondents. Other barriers are implicit insofar as organizational cultures, regulatory matters, and traditional staffing

and employment systems militate against the inclusion of Aboriginal peoples. And still other barriers are imposed by more long-standing oppressive factors such as lack of relevant, quality education; bureaucratic inertia; and forced assimilation policies.

Programs and policies designed to address the issue of Aboriginal employment are found to be ineffective because of such factors as lack of managerial accountability, inadequate enforcement mechanisms, poor initial design and application, and a general lack of cultural understanding and commitment on the part of various competent authorities charged with the responsibility for their implementation. Aboriginal people, on the other hand, are found to lack the comprehensive, national focus on crucial issues of employment-related education, in a large part because government intervention has traditionally driven such matters, but also because community leadership has been preoccupied with other issues such as health and socio-economic problems, political deliberations, and other pressing concerns.

Research has revealed that although human rights statutes and codes exist across Canada, they do little to serve the needs of Aboriginal people in matters of employment discrimination. Reasons for the existence of this situation are explored in the report, and recommendations are made to implement change.

The five general headings include the following:

The Context

Economic restructuring, demographic realities, rising levels of racism, 'backlash' attitudes, resurgence of Aboriginal pride, and the movement toward self-government are all considered as contextual factors that surround the question of Aboriginal participation in the workforce. The report explores these and other issues that must frame any discussion of strategies to improve participation rates.

The Programs and Policies

Employment equity programs and policies are the central focus of findings expressed in this section of the report. Comments from respondents speak eloquently of the level of dissatisfaction they have experienced. While a principal finding notes the need for continued regulation of employment practices, current legislation must be strengthened to improve audit and monitoring functions, to establish formal enforcement mechanisms, and to expand the coverage to include larger groups of employers. A key suggestion involves the need to shift the focus from a 'supply' orientation, to a 'demand' orientation in efforts to accomplish employment equity objectives.

Human Rights commissions are found to be ineffective vehicles to move Aboriginal issues forward both because they do not handle complaints expeditiously and are not mandated to initiate investigations. All programming related to Aboriginal employment is seen to operate outside the realm of Aboriginal communities and this element is found to be a root cause of its failure to meet the needs of the population it is designed to serve.

The Barriers

Racism directed at Aboriginal peoples is rising in direct proportion to such realities as migration to urban settings, increased media attention to Aboriginal issues, and the general increase in racial intolerance currently permeating Canadian society. Research findings note that this phenomenon is occurring within the context of government-sponsored anti-racist publicity campaigns, growing levels of poverty in urban areas, and is concurrent with government decisions to acknowledge and apologize for past examples of injustice to certain ethnic groups. Examples of formal redress commitments are raised in the paper.

A full range of barriers raised by respondents is detailed with verbatim comments provided to clarify, exemplify and amplify their role in excluding Aboriginal people from the labour market.

Among these barriers, the report covers organizational culture, attitudinal, systemic, logistical, educational and cultural barriers that are defined and demonstrated for the reader.

The Stakeholders

Eight key stakeholders are identified as having a direct interest in the elimination of barriers faced by Aboriginal peoples. Their involvement in the change process is seen as equal and essential if positive, productive change is to be achieved. Specific analysis of their roles and responsibilities is provided in the report, as is the importance of their unequivocal commitment to contribute to develop a strategic action plan for the future. Aboriginal leaders are identified as the lead stakeholder since all other aspects of self-government such as economic development, community infrastructure and industrial development, political negotiations, and land and resource management will inevitably require a skilled, educated Aboriginal labour force to meet the needs of self-sufficient Aboriginal communities. The other stakeholders identified include: legislators, Aboriginal communities, Aboriginal organizations, employers, municipal governments, Human Rights agencies, and academic institutions.

The Strategy

Three elements are found to be necessary in the development of a strategy to eliminate barriers and accelerate the rate at which diverse segments of the Aboriginal population gain entry to the labour market. It is stipulated that the strategic development of an action plan include the recognition that all Aboriginal people are not at the same stage of readiness or willingness to participate in the regular workforce, and so a comprehensive view of Aboriginal Canada should guide such development.

The first element that is required is the enactment of formal amendments to the current

Employment Equity Act, to strengthen enforcement provisions and widen coverage. The second element is the development, by the key stakeholders, of a Special Policy Framework for Aboriginal People and Employment Equity. The need for such action is detailed in the report, as are a series of specific operational guidelines that must be targeted by such a framework. Justification for such an Aboriginal-only policy framework is provided, including reference to Judge Rosalie Abella's final report of the Royal Commission on Equality in Employment which identifies the possibility of acting on situations using a "WORST FIRST" approach. Finally, the third required element in strategic development is the need to identify and develop a model for an efficient, practical delivery mechanism to implement the strategy. Two models are provided for consideration in the report including the National Association of Friendship Centres and the National Aboriginal Management Board under the Pathways to Success program.

The report identifies specific action items under each of the five headings, that respond to issues raised in these sections. General findings are summarized in the Conclusion, and a series of 12 recommendations are then put forward for the consideration of the Royal Commission on Aboriginal peoples. Items recommended include a broad range of initiatives from establishing set-aside or bid-preference provisions for Aboriginal-owned businesses in government contracting, to calling for action to respond to the increasingly urgent needs of urban Aboriginal organizations, to implementing the establishment of the Canadian Race Relations Foundation.

Preface

The prospect of defining and giving form to an intangible factor such as discrimination challenges any writer. To provide evidence and to bring substance to what is essentially a set of perceptions built upon intuition, supposition, assumptions and gut feelings, was a formidable task from the beginning of this research assignment. So many dimensions to the problem exist amid an equally wide range of variable factors, that one of the greatest challenges lay in designing a systematic approach to the research problem. Also challenging was the decision on how best to capture the anecdotal data and to present a final report that would clearly articulate the problem and present a similarly clear strategy to resolve it. The resulting document presented here is the product of this decision and, because of the need to provide sufficient evidence, is longer than originally anticipated. While not a definitive analysis, hopefully it accomplishes the task of providing sufficient groundwork to begin the crucial process of affecting a variety of changes to eliminate exclusionary elements that result in the low rate of Aboriginal peoples' participation in the labour market.

Management guru Peter Block writes: "Empowerment is a state of mind as well as a result of position, policies, and practices." If Aboriginal people are going to move forward into the next millennium with a well-defined measure of self-sufficiency, they must do so as empowered peoples who believe that their capacity to survive and thrive rests in their own hands, not in the exclusive domain of others who impose limits and exclusionary, paternalistic powers. The time is right to speak out about discriminatory barriers, to move beyond quiet acquiescence, and to develop constructive policies and programs that will make a difference. Lessons learned from intolerance can chart a course for a stronger future for our sons and daughters.

Acknowledgments

The writer gratefully acknowledges the significant contribution made to this project by Mr. Clarence Chabot, of the Algonquin Nation from Maniwaki, Quebec. His patience and assistance in conducting lengthy interviews for the data collection phase of the research provides much of the anecdotal material provided in the report. His wisdom and years of experience in the field of Native employment were indispensable to the project.

Acknowledgment is also given to the many respondents who agreed to be interviewed formally, or who provided informal comments to us on their experience with issues related to Aboriginal employment. Finally, the writer also wishes to acknowledge the efforts of Saul Henteleff, a graduate student in the Communications program at Concordia University in Montreal who compiled a summary of respondent comments, and who also conducted research into set-aside provisions for government contracting.

A special word of thanks must go to Jane Venettacci for her invaluable contributions of time and energy to the final assembly and presentation of this report.

... reflections from across Canada:

"I encountered extremely blatant discrimination from both the managers and the system in place. I found there to be a complete lack of respect and a disregard for a person's dignity and self-esteem because of my being Native. By refusing to compromise my principles and by remaining "Indian" I was pegged and type-casted. I was subject to humiliation and closed door terrorism, verbal abuse, both direct and indirect."

(extract from The Brown Line: Aboriginal Peoples in the Federal Public Service, Review Directorate of the Public Service Commission of Canada, p.23) [Ottawa 1990]

"How was I supposed to deal with a manager and a system that continually sought to treat me as a child? I have both a Bachelor and a Masters degree, and their tactics included requests that I submit all of my calculations for verification by a supervisor, ostensibly because they couldn't be sure that my totals were correct. No other person among my forty-three co-workers was required to do this. They told me that my work was being checked because I grew up on a reserve where nobody learned to add properly."

(extract from a personal interview conducted in preparation for an appeals hearing following dismissal from an indeterminate post in the Public Service Commission.) [Calgary 1991]

"I was reprimanded by my supervisor because I was different, because I 'didn't fit in'. When I asked what I could do to improve, she told me to go out for lunch with my co-workers, and to wear high heels. As a single-parent trying to make a life for my children in the city, I can't afford restaurant prices, and I sure don't have the money or the desire to buy fancy shoes."

(extract from interview notes for an arbitration hearing following dismissal from an indeterminate post in the Public Service Commission.) [Montreal 1988]

"... if you don't accept harassment, 'you don't have a sense of humour'."

(extract from an interview with a non-Aboriginal employment equity consultant) [Saskatoon 1994]

"Because I don't look like the typical Aboriginal person, people usually get to know me and become friends before they realize that I'm Aboriginal. Then it's too late."

(extract from an interview with an employment counselor situated on reserve) [Nova Scotia 1994]

"... I've been told that 'we don't want people like you'."

(extract from an interview with an employment skills counselor) [Sudbury 1994]

"Someone always puts up cartoons depicting Indians in unflattering ways ... I've been faced with comments like 'O.K. guys, circle the wagons, the Indians are coming'..."

(extract of a personal interview with an Aboriginal staffing consultant) [Winnipeg 1994]

"Aboriginal women face the double barrier as women and also as Aboriginal people."

(extract of an interview with a non-Aboriginal human resources manager) [Winnipeg 1994]

"I have to deal with remarks such as 'You people are always looking for a free ride or an easy way around things!'"

(extract of an interview with an employment skills counselor) [Toronto 1994]

1.0 INTRODUCTION

1.1 Background

As a component of its research into the underrepresentation of Aboriginal peoples in the Canadian Labour Market, the Land and Economy Unit of the ROYAL COMMISSION ON ABORIGINAL PEOPLES (RCAP) has commissioned studies by labour market economists to develop empirical analysis of various contributing factors that militate against the full labour market participation of Aboriginal peoples.

One such empirical study, *Expanding Employment in the Canadian Economy* prepared by George and Kuhn (1993) for the National Round Table on Aboriginal Economic Development in April 1993 examines wage differentials and returns to education results for Aboriginal and non-Aboriginal workers. Their analysis refers to earlier studies including Banerjee, Alam, and De Civita (1991) where "Overall, about 58% of the Aboriginal/non-Aboriginal wage gap is 'explained' by differences in human capital (e.g. experience, education, unionization), and the remaining 42% is 'unexplained' and is accounted for by such factors as 'barriers to entry, culture, remoteness, and racial discrimination.'" [2] As well, the George and Kuhn (1993) study also draws attention to the findings of Patrinos and Sekellariou (1992) which make similar reference to the 'unexplained' wage differential between Aboriginal and non-Aboriginal workers.

George and Kuhn (1993) observe from the study by Patrinos and Sekellariou, that "Differential endowments of productive personal characteristics explain about 41% of the wage differential between Indians and non-Indians. The remaining 59% is 'unexplained', and may be because of unobserved characteristics (e.g. ability, health, culture) and/or by discrimination." [3] The authors further observe with interest that although the wage differentials in the United States in similar circumstances, might disappear with increased education and experience, the same cannot

be said of the Canadian context. In fact, George and Kuhn state that "Even after allowing for the endowment of Indians with the same productive characteristics as non-Indians, Indians are paid less in Canada." [1]

The George and Kuhn (1993) study provides an in-depth empirical analysis of the factors that come into play as few Aboriginal people participate in the Canadian labour market. They employ scientific methods and are careful to allow for such variables as status under the Indian Act, as well as urban/rural/remote location of workers, and still conclude that the 'unexplained residual' in the gap between wages earned by Aboriginal and non-Aboriginal workers needs further explanation. Their conclusion states: "Nevertheless, the empirical studies reported here also deny the implicit assumption that parity in earnings and employment would follow on greater integration into the labour market. Given the George and Kuhn (1993) results, even when restricting our analysis to those Aboriginal people who are off-reserve, full-time, full-year wage earners, there is still a large unexplained residual after differences in human capital endowments are accounted for. Job equity may well begin with education, but even after full policy attention has been directed to the ameliorative effects of greater Aboriginal participation in educational and training opportunities, Commissioners will still need to give close consideration to equity and affirmative action policies to eradicate persistent earnings differentials that can be laid to discrimination." [1]

1.2 Purpose

This report is written as a direct response to questions posed by the Land and Economy Unit of RCAP that follow on the empirical studies related to the underrepresentation of Aboriginal peoples in the Canadian labour market. While it is certainly possible to quantify the income levels of persons reporting through such institutions as Statistics Canada, and to draw conclusions based

on empirical analysis of these figures, it is not at all easy to quantify the extent or the incidence of racial discrimination that must be factored in to any discussion of underrepresentation in the labour market. In fact, it is practically impossible to assign any quantitative value to the level of damage that is done by off-hand remarks, malicious cartoons, systemic employment barriers, or blatant ignorance on the part of line supervisors or department managers. But the fact remains that such intolerance, whether from a structural or attitudinal base, does impose a substantial barrier to Aboriginal people's participation in the Canadian labour market.

The purpose of this report, then, is to shed some light on the matter of discrimination and other barriers faced by Aboriginal people in Canada, and further, to inform the Commissioners, to the best of our ability, of the very real existence of discriminatory employment practices and prejudicial attitudes that persist in spite of the wide-ranging programs, policies, and legislated standards that exist in this country.

The report explores various programs and policies that exist; presents analysis of the effectiveness of these initiatives; takes a hard look at the kind of human interaction that negates such programs and policies; examines proposed intervention strategies; profiles the various players who should form partnerships for success; and makes recommendations that may present viable options for concrete action in response to the situation.

Finally, findings expressed in the report are derived from literature reviews, experiential research, personal interviews, anecdotal evidence and what some might refer to as 'intuitive logic'. The existence of discrimination and other barriers to full participation in the labour market can be substantiated by the firsthand knowledge of practitioners who have spent years in the field of Aboriginal employment. Their words, and the wisdom they have contributed to this process, speak of the value that must be accorded to an expression of the truth. While empirical analysis does

confirm the absence of Aboriginal people in the workplace, intuitive analysis confirms many of the reasons why they are absent. And where empirical analysis can demonstrate that some form of action must be taken, intuitive analysis can provide suggestions on what those actions might be. Therefore, the reader is encouraged to consider both sources of analysis as interdependent when formulating solutions to address the problem.

1.3 Problem

A cursory review of statistics in employment equity annual reports provides clear evidence that employment equity programs and policies have not met their objectives of moving greater numbers of Aboriginal people into the labour force. A closer analysis reveals the more significant fact that little or no progress has been made over several years in spite of the existence of specific employment-related initiatives.

While many reports have been written in connection with Aboriginal employment and have recommended different types of remedial action, little substantive change has occurred. Our research proposes to identify whether discrimination and other barriers rooted in discrimination have been a major cause of Aboriginal people being excluded from mainstream labour market participation. We will also examine some of the reasons why programs such as employment equity have not been successful in reaching their intended goal. It is our intention to shed some light on this problem so that RCAP Commissioners can develop practical, realistic recommendations for its solution.

1.4 Scope

In conducting research for this report, literally thousands of pages of source material have

been consulted. As well, a national focus has been applied throughout, in spite of some minor differences that may exist on a regional level. As interviews were conducted, effort was made to identify employment specialists across Canada, representing the views of Aboriginal communities, Aboriginal organizations, private sector employers, and employers from various municipal, provincial and federal institutions.

For the interview process alone, 32 respondents were identified and interviewed in person in all provinces except P.E.I. and Newfoundland. Travel to the Yukon and Northwest Territories was not attempted because of time and financial restraints. As well, efforts were made to seek out the viewpoints of experienced employment practitioners from Native training organizations, Employment counselors on reserve, Employment consultants in both small and large private sector companies, representatives of provincial and federal governmental departments, Friendship Centres, and Employment Centres at selected universities. It was felt that such broad-based consultation would provide the most solid foundation from which to draw research findings.

The scope of the research was focused primarily on the identification of specific barriers to Aboriginal employment as well as on the clarification of how best to improve the effectiveness of programs and policies targeted at Aboriginal employment.

1.5 Methodology

Following a period of planning and research design in early 1994, a team of two researchers led by the project director, set out to gather data related to the questions provided by the Land & Economy Unit of RCAP (see Appendix 1 for research questions). One researcher was responsible for collecting data on existing programs and policies with respect to employment practices affecting Aboriginal people in Canada, while the other was charged with gathering data from personal

interviews with experts in the field of Aboriginal employment.

A number of up-date meetings were held throughout the spring of 1994 to maintain the focus of the research and to respond to problem areas that arose. Since initial discussions with the Land & Economy Unit of RCAP included reference to data collection on 'best practice' models for case study, a limited amount of research was conducted, which resulted in a decision to rely on existing literature in the form of a report entitled *Completing the Circle, Report by the Aboriginal Employment Equity Consultation Group* presented to the Secretary of the Treasury Board of Canada in 1992. (See Appendix 2 for a copy of this report together with *Aboriginal Employment and Community Relations: Best Practices Case Studies*) This document presents clear and precise information on best practice models that are widely held as effective means to achieve employment equity goals. It was felt that the limited time frame for the research project did not allow for more extensive analysis of best practices than could be gleaned from the above mentioned report.

Progress and Interim Reports were submitted to RCAP during the various stages of the research, and regular briefing sessions were held by the Project Director during the data gathering phase. A focus group of employment equity practitioners representing eight major employers was held June 6, 1994, in Montreal, to review the current issues surrounding the recruitment and retention of Aboriginal employees in their organizations. This session provided affirmation of many of the recommendations to be put forward by the research team. (See Appendix 3 for list of participants in the focus session).

In support of the recommendation regarding the establishment of procurement preference for Aboriginal businesses following a request from the Land and Economy Unit of RCAP, separate research was conducted on existing set-aside or bid-preference programs in the United States and Canada. This task was undertaken by a graduate student at Concordia University in Montreal, and

produced an overview of some current programs as well as specific information in the form of a report entitled *Racial Minority and Aboriginal Owned Business & The Provision of Goods and Services to the Municipality of Metropolitan Toronto, Final Report November 1992*. Since the experience of many Aboriginal business owners is not unlike that of several minority-business owners in major urban centres in Canada, this report sheds light on the current process of gaining access to government contracts. A brief summary document on this issue was prepared for inclusion in this report. (See Appendix 4 for reports on Set Aside and Procurement Practices).

Since the primary data gathering operation of this project involved the collection of information regarding discrimination and other barriers to employment, a major proportion of the research time was dedicated to preparing and administering a questionnaire related to these issues. In all, 32 respondents were selected, based on their experience and expertise in the area of Aboriginal employment. Twenty of the respondents possess over 15 years of direct employment-related experience; ten have held employment-counselor positions for between 7 and 10 years; and the two remaining respondents are young Aboriginal people who have recently been hired as employment specialists in two major corporations. In addition, 12 other individuals provided commentary on the basis of anonymity. This group also consisted of experienced Aboriginal people, all of whom are currently in the workforce.

This depth of understanding of the issues surrounding discrimination towards Aboriginal people in the workplace was crucial to support the findings from this phase of the research. Both direct and open-ended questions were used to elicit responses during the interview process, and additional discussion formed the basis of on-site interviews that averaged between 45 and 90 minutes in duration. Respondents were given assurance that their individual comments would be treated confidentially, so quotations provided in the body of this report will not be directly

attributed to a specific person. (See Appendix 5 for sample questionnaire, a summary of responses, and an alphabetical listing of respondents).

Following completion of the data gathering phase of the research, elaboration and design of the final report were completed. Composition and editorial revision of the text formed the final stage of the project.

1.6 Report Structure

To provide a foundation for the delivery of the findings of the research, the body of the final report will be presented in five sections followed by conclusions and recommendations.

Each of the five sections is presented under headings to identify the various elements that must be considered in an analysis of the underrepresentation of Aboriginal people in the labour market. The complexity of the issue, and the importance of providing anecdotal material to explain any 'unexplained residual' following the empirical studies referred to earlier, necessitate a clear and simple means of sorting out specific elements that each have an important bearing on the situation. Therefore, the elements to be presented in the body of the report are arranged under the following headings: The Context, The Programs, The Barriers, The Stakeholders, and The Strategy.

Once each of the elements has been explored, conclusions are drawn and are then followed by a series of recommendations that are intended to inform the deliberations of the RCAP Commissioners.

2.0 THE CONTEXT

As the Commissioners of RCAP enter into the final deliberations stage of their important task of formulating recommendations, the issue of underrepresentation of Aboriginal people in the Canadian labour market is but one of many other pressing concerns that must be viewed within the wider context as recommendations are put forward that will affect the future of Aboriginal Canada. Empirical evidence exists that Aboriginal Canadians with post-secondary education and full-time, full-year wage earnings are not as well paid as non-Aboriginal Canadians [1]. Further, statistical data from the 1986 Census indicate that the rate of participation of Aboriginal people in the Canadian labour force stands at 2.1%, a figure that is unacceptably low, yet still surpasses by a large margin, the percentage of Aboriginal people employed by most major employers in this country.

Aboriginal Canadians are underrepresented in all occupational groups; in all industrial sectors governed by employment equity legislation; in all public service organizations, particularly in the scientific and management levels; in all post-secondary graduation statistics; and this situation applies in all regions of the country.

As the Commissioners consider possible ways to address this problem, many contextual factors must come into play. Of primary importance are the effects of economic restructuring, demographic change, workforce adjustment, and globalization on the Canadian economy in general. As well, recent events that have resulted in stronger momentum towards self-government and the ensuing efforts at building local Aboriginal economic development also underline the urgency of the employment issue.

Employment Equity and other existing policies and regulations aimed at the elimination of discriminatory behaviours do have a place in the future of Aboriginal participation in the labour market. But they must be seen as only part of the solution. If more and better advantage is to be

experienced by Aboriginal people, a number of other barriers must also be identified, examined, and dealt with. As history has shown, the mere existence of regulatory practices has not produced any significant returns in the form of full employment for Native people.

In fact, employment equity is viewed disparately and disparagingly by both employers and potential employees alike in the context of the current economic climate in this country. Employers wonder how they can be expected to meet EE objectives when no new hiring is taking place. And Aboriginal people question the existence of these policies as unemployment rates continue to climb. Able-bodied, white males consider members of EE designated groups as 'privileged', while frustration grows among potential beneficiaries of EE programs who see such programs as offering only 'lip service' responses from employers. This general malaise surrounding employment equity must be seen as a clear signal that the status quo is completely unacceptable and that significant enhancement changes to the original legislative policy are required immediately.

What may have been true and evident in 1984 while Judge Rosalie Silberman-Abella headed the Royal Commission on Equality in Employment, may also have been true during the late 1980's as well. But as global economic trends translated into the recessionary realities of the past three to four years in Canada, the truths that were held to be self-evident 10 years ago simply do not exist in the same form today. Current buzz-phrases such as 'downsizing', 'devolution', 'streamlining', and 'out placement', are simply euphemistic terms for bankruptcy, budget cuts, layoffs, and repeated demands for higher levels of productivity from shrinking ranks of employees. These are the realities of economic life in the 90's, and there is little doubt that there will not be a return to the high-rolling economic activity that characterized the earlier decade. While growth is projected in the North American economy, predictions of fundamental changes in employment conditions and labour market trends are undeniable.

As well, North American society's recoil to the demands of many so-called 'special interest' groups that has come to be known as the 'political correctness backlash' phenomenon also underlines the important need to re-define programs and policies that are aimed at removing discrimination from employment practices. There still exists however, a very pressing need to regulate and monitor the methods used to recruit, train, hire, and promote members of underrepresented groups in the labour force. Without such regulation, every possibility exists that current levels of discriminatory practice will more than likely escalate significantly.

But the prescription applied as treatment for the disease of discrimination cannot simply attempt to reduce or disguise the symptoms. The prescription in the form of fair employment practices must seek to root out the cause of the disease, and therefore eradicate it at its core. Quite simply, a sugar-coated approach intended to appeal to the 'good-hearted' employer, no longer applies. Programs and policies that require, rather than suggest fairness must be put into place if any real progress is to be achieved. Given the competitive nature of the employment market, potential employees must also recognize that the principle behind Judge Abella's vision of equality in employment was never intended to mirror the made-in-America version of Affirmative Action that was played out as a numbers game, requiring employers to hold positions open so that a pre-defined quota of minority employees could be hired simply to raise the percentage of underrepresented peoples from designated groups.

Added to this complex equation of removing discriminatory practices and ensuring able, qualified candidates for employment competitions, is the on-going need to adjust 'corporate cultures' so that they better reflect the demographic adjustments that continue to change the face of Canadian society. Statistical data bear out the many realities in support of this critical need to adjust corporate cultures. Aging of the 'baby boom' generation, changes in family structures,

migration to urban centres, and the decreasing median age of the Aboriginal population in Canada are undeniable factors that must be clearly addressed by corporate leaders in both the private and public sectors, as well as by Aboriginal leaders throughout the country. As major labour force adjustments occur, Aboriginal youth must be prepared in far greater numbers not only to meet the needs of the Canadian economy as a whole, but even more significantly, to meet the emerging professional, intellectual, and workforce needs of local Aboriginal economies as well.

So the challenge then, is to develop a sense of common purpose among the many partners in this equation. Businesses and institutions must react to the continued existence of exclusionary employment practices and discrimination in the workplace; must respond to calls for adjustments to corporate culture; must recognize that concepts of cultural retention and identity development among Aboriginal people may be abstract in nature, but are clearly concrete in their manifestation; and must be held accountable for their legal, ethical, and economic obligations. Likewise, Aboriginal leadership must react to the low participation rates of Aboriginal youth in post-secondary education; must respond to the widespread need for improved cross-cultural understanding among all nations in this country; must recognize their responsibilities to strengthen the belief that cultural retention and traditional values can exist in harmony with professional management practices in technological corporate environments; and must be held accountable for their obligation to build sustainable Aboriginal economic development by widening the circle of Aboriginal people who possess the skills and expertise to contribute to local communities.

As Canadian Labour Market trends include such factors as more part-time or contractual work; greater dependence on elements of the electronic highway; increased demand for high-level technological education; and more emphasis on globalization, there is little doubt that employment policies and programs must also evolve to meet the challenges ahead. Consequently, the time is

right to examine such programs that were intended to augment the participation rate of Aboriginal people in the labour market. And in this process of examination, to assess the extent of success that has been achieved through them.

Clearly, where employment equity has shown some levels of success for women, visible minorities, and to a lesser extent, persons with disabilities; there have not been many success stories for members of Aboriginal communities. In fact, given that over twenty years of employment programming designed to improve the representation of Aboriginal peoples has shown only marginal results, all partners in the Canadian economy should now revisit both the substantive and the procedural elements of employment equity as they apply to Aboriginal people.

Finally, attention must be paid to the rising levels of racism that have become more and more evident in our society. Intolerance directed at immigrants, increased support for mainstream politicians who espouse exclusionary ideology, uncontrolled incidents of defamatory articles in the media, and even the much-reported voting results by members of the Canadian Legion to refuse entry to anyone wearing religious headgear, are all symptoms of the current malaise affecting our country.

The context surrounding measures to improve the participation rate of Aboriginal people in the Canadian labour market demands that Commissioners take a bold step into the future. Where employment equity has failed to reach the desired goal, it still has the potential to produce successful results. What needs to occur is clearer communication of the objectives of the program, stronger enforcement of regulatory processes, and greater partnership initiatives that involve Aboriginal communities.

As Aboriginal leadership moves toward the goal of self-government, it must recognize the importance of working within the present context to ensure that young people acquire the quality of

education and skills they will need to support community infrastructure requirements in the years to come. Emphasis should be placed on those post-secondary programs which will prepare young people to develop a sound Aboriginal economy; to participate in global enterprises; to design and implement technological infrastructure; to counter incidents of racist attitudes or structures through litigation; to respond to the needs of urban Aboriginal communities; and to take on the responsibilities of leadership in the future. Only by examining the current reality, can the next generation be adequately prepared to meet the challenges of the next millennium.

In recent years, a number of key sociological factors have contributed to social changes that have created a negative environment surrounding discussions of employment equity or affirmative action. These factors will be examined here to provide background necessary to counter the argument that such programs constitute reverse discrimination. As contextual issues, they should be considered in any attempt to address discrimination and other barriers facing Aboriginal peoples in the labour market.

The development of the Women's Movement through the 1960's and 1970's laid the foundation for a number of social issues including working mothers, two-income families, single parenting, domestic violence, and daycare, among others. Organizations such as the National Action Committee on the Status of Women and the recently abolished Canadian Advisory Council on the Status of Women, together with many other similar agencies, have brought to light a great deal of information related to historical examples of the lack of equality experienced by women. From the early efforts of suffragettes who sought the right to vote, through examples of women who became the first to venture into many traditionally male-dominated fields of endeavour, to the election in 1993 of Canada's first female Prime Minister, women's issues have gradually gained a more prominent place on the social agenda. Within the past 20 years, particular attention has been

focused on wage differentials among men and women, as well as on the rate at which women have advanced to positions of leadership and administration. All of this, during reasonably strong economic times.

The 1980's saw even more attention paid to women's place in the Canadian economy, including a major Task Force on Barriers to Women in the Federal Public Service established by the Treasury Board of Canada. Its final report entitled: *Beneath the Veneer*, identified a number of very specific obstacles that prevented women from upward mobility in the labour market, a phenomenon commonly referred to as 'the glass ceiling' effect. The release of this report coincided with several other events such as demands for Pay Equity legislation and other measures to address inequality between genders. The rise of women within corporate organizations and through appointments to boards of directors and other decision-making bodies also signaled very concrete examples of returns to the investment of time and effort by advocates, lobbyists, and grass-roots organizations. Again, these events took place in the context of a thriving economy, and at a time when politicians were seen to be supportive of equality issues.

The release in 1979 of the *Equality Now !* report following a major government study into the issues surrounding minority relations in Canada also heralded the arrival of Multiculturalism as a "fundamental characteristic" of Canadian society. In the years that followed the release of this report, a number of minority-specific organizations and agencies also moved forward onto the social agenda. With the changing demographics of immigration patterns to Canada beginning in the late 60's, these organizations began to focus attention on the debilitating effects of racism as it was encountered in health, education, justice, and employment. While human rights issues had been within the social consciousness of society, the enactment of the Canadian Charter of Rights and Freedoms in April 1982 made every Canadian more keenly aware of their rights to equality within

this country. Later, with the adoption of the Canadian Multiculturalism Act, and the establishment of a separate Department of Multiculturalism and Citizenship, even more attention was placed on differences, albeit in the form of celebration.

Still later, in 1985, amendments were made to a number of articles in the Charter of Rights and Freedoms including the provision that accorded Native women the right to maintain their status under the Indian Act when they married non-Indian men. The elimination of gender discrimination, producing a group of so-called C-31 individuals, also had the effect of raising consciousness not only among wider Canadian society, but also among Aboriginal communities as well.

With each step, wider recognition of the existence of inequality in Canadian society was enhanced, as were calls for concrete action, including affirmative action, to address long-standing examples of unequal treatment for many sub-sections of Canadian society. The case was being made that because of historical injustice, governments, corporations and institutions should make an effort to right the wrongs of the past through special measures or redress packages that would offer a sort of restitution to the disadvantaged groups who had been affected. Rightfully, the case was also clearly made that such past injustice had had serious economic as well as psychologically harmful effects on the productivity of large numbers of people.

The one group, or sub-section, of society that was never included in this movement toward greater equality was the group that constituted most of the decision-makers, politicians, and power-brokers in society: able-bodied white males. Again, because of the economic climate of the late 70's and early 80's, the threat of any substantial impact on this group of individuals brought about by special measures related to equality was minimal. With little or no perceived negative effect, the prospect of enhanced human dignity for disadvantaged groups was a marketable concept that almost no one could oppose publicly. And few did.

With the economic realities emerging in the early 1990's, stronger and more frequent demands for programs related to affirmative action or employment equity began to draw criticism from many directions. Initially, the strongest objections began to emerge from individual members of the so-called disadvantaged groups who saw special programming as offensive; as a deliberate attempt to discount the hard-earned credentials and qualifications they had obtained. Other groups saw any form of affirmative action as a vehicle to reinforce negative stereotypes. In fact, as early as June 1989, the Assembly of First Nations national meeting held in Edmonton voted to distance itself from any form of employment equity, ostensibly because it denied the fundamental principles of equality between Aboriginal and non-Aboriginal people. As the recessionary realities of this period deepened, a more consistent anti-affirmative action voice developed.

At approximately the same time, a movement toward the use of acceptable terminology for various targetted groups gained momentum. Terms in popular language usage changed from 'handicapped' to 'disabled' to 'differently abled'; and from 'postman' to 'letter carrier', etc. As this process of challenging accepted norms continued, a seemingly insignificant debate began in academic circles in the United States. It spawned the term "politically correct" language, and resulted in a nation-wide debate that lasted for several months. What emerged at the end of this period of heated discussion, was a strong articulation of two opposing views. One, that a special interest group had the right to demand special status and consideration in view of its differences and disadvantages. The other, that enough effort had been dedicated to special interest groups, and that any further advantage would be tantamount to reverse discrimination.

The debate over political correctness offered a non-threatening public forum for anyone to challenge the validity of giving any one sub-section of society special treatment. Also at play during this period was the rise of more right-wing conservative thinking. It became acceptable particularly

in light of the sluggish economy, for outspoken individuals to attack the allocation of public tax dollars to support the goals of any special interest group. As the world economy sunk deeper into recession, and employment opportunities disappeared from the resulting closure of a record number of businesses, the critics of affirmative action programs continued to speak out. The earlier lack of any substantial threat to large groups of unrepresented able-bodied white males was now disappearing. In fact, the threat was emerging as entirely real. And the voice of increasing numbers of individuals from the targeted groups who objected to such programming was also being heard.

As noted earlier in this section of the report, the subsequent "backlash" toward attempts to gain equality has now progressed to the point that growing numbers of people have expressed objection to any form of "special interest" support. Enactment by the Government of the Province of Ontario of its Employment Equity legislation, and the earlier appointment of an Employment Equity Commissioner, have initiated long and loud protests from all sectors of society in Ontario. Stringent guidelines, sanctions, and monitoring measures have been denounced as unfair, while the designation of minority-specific or gender-specific employment positions have been challenged as discriminatory. Similarly, in two cases recently brought before U.S. Federal courts, judgments have been handed down that label affirmative action as reverse discrimination.

These realities have produced widespread objection to programming related to employment equity, and have contributed to the development of an atmosphere of hostility when the subject is raised. As a consequence, employers and potential employees alike are unlikely to buy into the concept of employment equity as it stands. A climate of misunderstanding and resentment surrounds the issue and must be diffused if any real progress is to be achieved. A number of specific points of concern must be addressed, and a complete and accurate picture of employment realities for the target groups must be presented.

One central point of information that must be communicated is the fact that regardless of the number of programs that have been put into place, regardless of the number of dollars that have been spent in search of equality in employment, the results should speak for themselves. Aboriginal people have not been beneficiaries of these programs as they have been administered. Flaws in the communication of and support for the programs have existed since their inception. Managers have not been held accountable for their poor performance in achieving EE objectives. While much public relations activity has surrounded employment equity programming, very little progress has been achieved.

In almost every case of reported statistics, Aboriginal people repeatedly place in the lowest segment of each occupational category. While exceptions do exist, the fact remains that more Aboriginal people leave permanent positions than individuals from either the visible minority or disabled populations. And while specific clerical or administrative support categories do show concentrations of Aboriginal people, their distribution at higher occupational levels is extremely low or non-existent. Furthermore, repeated examples exist of educated, employable Aboriginal people who do not gain access to positions offered by EE employers. How is it then, that a widely held popular notion exists that Aboriginal people are somehow 'privileged', and should therefore not be supported with special measures like employment equity? The simple answer is clear: individuals who hold such a viewpoint are obviously misinformed.

In order for employment equity programming to survive within this context of misinformation, hostility, and opposition, a concerted effort to communicate accurate information must be instituted. Agencies and organizations responsible for the implementation of employment equity programming must accept the responsibility to market the issue more effectively. Without such a re-defined communications strategy, present trends will continue. Backlash views will

harden, misinformed critics will gain wider audiences, and whatever progress has been achieved will disappear.

In fact, a number of recent indications show that the trend toward even fewer Aboriginal workers employed full time has begun to emerge in the federal public service. Informal observations expressed by current Aboriginal employees tell of Aboriginal positions being eliminated, of Aboriginal colleagues being terminated, and of a steep decline in the number of Aboriginal people who participate in employee networking activities. Cuts to the size of the federal public service in the name of deficit reduction are having a significant impact on the Aboriginal population, and deliberate moves to wind down the activities of Indian and Northern Affairs Canada are also causing an equally significant outflow of Aboriginal employees. These facts need to be made known to employment equity employers. If large numbers of experienced, skilled Aboriginal persons are on the job market because of lay offs in the public service, they should be targeted whenever recruiting activities are being carried out.

The packaging of the concept of employment equity requires redefinition, as does the idea of how EE objectives can be achieved. In a later section of this report, a change in focus is suggested that may provide a concrete basis upon which to develop this new definition. What is entirely clear, however, is the fact that the redefined concept and delivery mechanisms must stress the positive benefits to both individuals and organizations of working toward the elimination of discriminatory employment practices. Clearly, if the objectives are well communicated, and a new strategy is put forward to achieve these objectives, wide ranging benefits will ensue.

3.0 THE PROGRAMS

Programs and policies currently exist that should support the capacity of Aboriginal people to participate in the Canadian labour force. In general, these programs can be divided into two categories: Aboriginal Employment Programs and Policies, and Human Rights Programs and Policies. A general review of the latter group is provided later in this chapter, with commentary on their apparent effectiveness in dealing with matters such as complaints by Aboriginal people. First, however, some insight into the effectiveness of Federal initiatives is provided.

3.1 Aboriginal Employment Programs and Policies

3.1.1 The Federal Public Service Experience

As early as 1969, the absence of Aboriginal employees within the Federal public service was recognized as a problem, and an *Office on Native Employment* was created at the Federal level by the Public Service Commission. Subsequently, the *Indian/Inuit Recruitment and Development Program* was created at the Department of Indian Affairs, and in 1974, a special measures initiative known as *The Northern Careers Program* was established in the Federal Public Service to respond to the needs of Aboriginal people. "This program was designed to provide Aboriginal individuals with developmental opportunities to enable them to compete for public service positions in the Northern regions." [4]

Then,

"In 1978, a policy directed to the *Increased Participation of Indian, Métis, Non-Status Indian and Inuit People in the Public Service* offered guidelines reflecting the overall commitment of the Federal government to improve the employment situation of Aboriginal Peoples in Canadian society. Studies had demonstrated unemployment rates ranging from 35 to 75 percent and, in some communities, close to 100 percent...." [4]

In 1983, the *National Indigenous Development Program* was created, and was followed in 1984 by an *Affirmative Action Policy* which was replaced by the current *Employment Equity Policy* in 1985. In all, some twenty-five years of program initiatives have been dedicated to increasing the presence of Aboriginal peoples, but they simply haven't worked. Today, over 210,000 employees comprise the Federal Public Service, yet only one Aboriginal person has ever risen to the Deputy Minister level.

This report does not seek to examine the levels of good intention, the number of dollars spent, or for that matter, the number of 'person-years' that have been dedicated to the matter of Aboriginal employment in the Federal public service. Undoubtedly, much human energy has been expended, and millions of taxpayers' dollars have been spent. What this report does seek to do is to underline the fact that any number of programs can be conceived by theorists operating in isolation from reality, and any amount of money can be disbursed to support such programs, but the end result will be the same if major adjustments do not occur in how these programs are designed, administered, monitored and evaluated.

Essentially, the long history of Native "employment programs" is fraught with examples of Aboriginal-designated positions being staffed by non-Aboriginals; so-called 'development assignments' not leading anywhere beyond routine clerical duties; repeated incidents of qualified Aboriginal employees being overlooked for promotion or excluded entirely from internal competitions; and clear cases of racial harassment in the workplace. Aboriginal employees have spoken out from time to time, but never with the concerted voice that could be heard and acted upon.

Our research indicates that Aboriginal employees have been hired into positions without sufficient training; have been clustered at low levels in various occupational groups; have been

given term positions and been excluded from competing for indeterminate ones; and have received little or no opportunities for professional development. While one might say that this type of treatment is not unlike that experienced by any non-Aboriginal employee, the fact remains that Native employment programs should have been designed to create an environment that would be hospitable, not hostile, to its specific client group. There is little wonder why so few Aboriginal people remain in the system.

In 1989, a formal study was commissioned by the Public Service Commission and the Treasury Board of Canada to examine the problem of low retention among Aboriginal employees.

"During the period January 1, 1988 to December 31, 1988, 351 Aboriginal people were appointed to indeterminate positions in the Public Service. In the same period, 346 Aboriginal employees left the Public Service. Aboriginal women comprised a disproportionate share of the total number of Aboriginal departures (59.5%). These figures on the separation of Aboriginal employees prompted our study." [5]

Analysis of the two reports following this study provides much insight into the effectiveness of Aboriginal employment initiatives and will be presented here and later on in this report as additional corroboration of our research findings. The first version of the final report from the 1989-90 study is entitled *The Brown Line: Aboriginal Peoples in the Federal Public Service* [5] and is dated October 1990. A later version was released under the title: *A Study on the Retention of Aboriginal Peoples in the Federal Public Service* and is dated simply 1991. [4] Both reports set out statistical data as well as qualitative analysis of interviews with then current and former Aboriginal employees. In total, 155 persons were interviewed, of whom 118 had resigned, and 37 were employed at the time. [5]

Contents of the reports indicate the level of frustration and alienation that was experienced by Aboriginal employees, as well as the barriers that they faced as individuals in the workplace. Keeping in mind that many of these employees were probably recruited and hired under then

existing 'Native Employment Programs' as part of the overall strategy to integrate more Aboriginal people, their comments speak eloquently of the level of ineffectiveness that characterized these initiatives.

"Management and government should be more serious in their efforts to employ Native people, starting with a change in their attitudes to eliminate covert and systemic discrimination."

"The general and prevailing attitudes toward Native people; management did not recognize abilities, but they knew best. The distrust by management in Native people, it seemed that they wanted Native people around for window dressing."

"... a benefit if you want to be referred to a Native content position and it allowed me to get the position. A hindrance when I am told that I have the position because I am Native. Managers perceive this as a past record, and because of being Native, I am not qualified."

"The implementation of these policies and programs were and are not effectively implemented. It appears departments hoped that a lack of response would contribute to a natural death. There is no monitoring of accountability for these programs and policies."

"I found that there is a lot of resentment by non-natives. I am not regarded as intelligent but as a statistic. This is especially found in Native content positions."

"It is ironic that the policy for hiring of Native people appears to have worked for the advancement as long as it was within the Native fields of work. As a Native you become a Native specialist and you are confined to that Native ghetto. Once this happens, you are no longer a consideration for any jobs."

"We were ... brought in as warm brown bodies, for the purposes of statistics, not to do a job." [4]

The litany of negative criticism continues throughout the reports, each respondent uncovering yet another aspect of their experience of working in an environment where their work was undervalued, their presence was questioned, and their contributions ignored.

The report states:

"Feeling excluded from participation and real responsibility for decision-making,

many of the Aboriginal peoples surveyed commented that while it may appear that they failed in their job, in fact it was the program that was destined for failure. For some, the end result is a sense that they were just hired to fill a quota." [5]

Our research indicates that Native Employment Programs undertaken by organizations either within the public or private sectors must be predicated on principles that are developed with direct input from Aboriginal people, must be implemented in partnership with Aboriginal advisors, and must be monitored effectively to ensure that the initial objectives are being accomplished. Policy development and program implementation cannot be effective for Aboriginal employees if it takes place in a vacuum. The experience of former employees is the best measurement of how well these types of programs are functioning. By not involving Aboriginal players in the process of structuring, administering, and delivering employment programs, policy-makers run the risk of creating paternalistic structures that will not show any measurable results.

On the one hand, the development of successful employment initiatives must have the unconditional commitment of decision-makers in any organization. And on the other hand, a very clear understanding of the importance of Aboriginal involvement in the process must also exist. This concept is well expressed in an excerpt of the brief submitted to RCAP by Joanne De Laurentiis, Vice President, Domestic Banking & Public Affairs, Canadian Bankers Association:

"Increasing employment of Aboriginal people has presented special challenges to the banks. A major component of any success that has been achieved so far has been the cooperation and input of Aboriginal organizations and individuals (some of whom have become bank employees) and their willingness to enter into constructive relationships. With their help, the banks' efforts in employing Aboriginal people have become more focused and more informed in the past several years; the population of Aboriginal people in the industry almost doubled between 1987 and 1991. The industry still has a great distance to go in reaching an appropriate level of Aboriginal representation. The barriers to entry described earlier still exist, but we have now more clearly identified them and can only fully dismantle them with the assistance and understanding of the Aboriginal community." [6]

Aboriginal people are able and willing to enter into those productive partnerships that will result in successful employment policies and programs. An expression of this position appears in the submission to RCAP by the Assembly of Manitoba Chiefs, under section 11 that deals with Employment Equity:

(11.2 Status) "...We have seen some very positive improvements in corporate awareness, particularly among the large banking institutions. Several settlements have been reached which incorporate employment equity plans encompassing attitudinal change and cross-cultural training as well as employment practices." [7]

It should be noted that in addition to system-wide programs in support of Aboriginal people, that many other department-specific programs have been created, most notably in the Department of Indian Affairs and Northern Development, which currently has five programs specifically for the recruitment and placement of Aboriginal persons:

1. Indian and Inuit Recruitment Program (IIRD)
2. Native Development Program (NDP)
3. Aboriginal Special Assignment Pay Plan (ASAPP)
4. Indian and Inuit Graduate Opportunity Program (IIGOP)
5. Aboriginal Summer Student Program (Direct Hire) [8]

In addition, there exist across the country a number of special initiatives that have been put into place to increase the representation of Aboriginal people in other public institutions.

3.1.2 The Focus of Employment Equity Programs

When Judge Rosalie Silberman-Abella submitted her final report in March 1984 entitled *Equality in Employment : A Royal Commission Report* to the government of the day, a number of key recommendations were related to the establishment of an enforcement agency that would be

required to monitor and enforce the provisions of any legislated requirements. Recommendation number 25 from the Abella Report states: "Several alternative enforcement models are offered for the government's consideration. Each model is assumed to contain the statutory requirement to implement employment equity and to collect data as outlined in these recommendations. In all models, Statistics Canada analyzes the data and the enforcement agency is independent from government." (four models are then outlined). [9] In hindsight, this critical element was never fully acted upon, and may be the single most important reason for any lack of success of the Employment Equity program.

Later, in the context of the review of the Employment Equity Act which took place during 1992-93, the Special Parliamentary Committee chaired by Mr. Alan Redway P.C., M.P. also heard many recommendations with regard to the establishment of an enforcement agency such as an Employment Equity Commission. These recommendations have also eluded any real action because the Review process became stalled in the transition between governments following the October 1993 election. To date, the government has not responded officially to the Redway report, and consequently, there appears little likelihood that any concrete action will be taken to establish a national body with an enforcement mandate in the foreseeable future.

This reality militates against any truly effective enforcement of the principles behind employment equity. And as the Commissioners undertake their final deliberations, consideration must be given to recommendations calling for stronger enforcement measures to ensure the accountability of line managers and senior administrators in carrying out their obligation to develop a labour force that accurately reflects Canadian society.

To date, the central focus of employment equity has been on the good will of employers to respond voluntarily to calls for fair employment practices. Historically, responsibility for

employment equity has been assigned to human resources personnel who, in most cases, already had other demanding responsibilities (most notably, for implementation of Official Languages regulations). Companies and institutions initiated 'Public Relations' - type activities; compiled voluminous reports; undertook 'soft' campaigns to inform managers of their social responsibility to integrate 'disadvantaged' individuals; and generally, devoted their energies to drafting 'Employment Equity Plans' in response to their obligations as employers.

Other organizations devoted their time to compiling inventories of qualified employees; compiling 'tip sheets' on how to interact with minority-community organizations; and generally devising strategies to cope with the changing demographics of Canadian society. Meanwhile, Aboriginal organizations undertook to inform their constituents of the text of employment equity legislation; to encourage qualified applicants to apply for positions with employment equity employers; and to respond to calls for cross-cultural training sessions from interested corporations.

Throughout this period, however, it seems that little concerted effort has been directed to long-term goals. The focus of most employment equity activity has been on the 'supply' side of the equation: gathering inventories of people with various levels of education and experience. Employers were advised to 'integrate' Aboriginal people wherever openings occurred. As experience has taught us, this method has not produced positive results. In fact, it has probably contributed to the underuse of otherwise well-qualified individuals who have themselves been victimized by the system.

In a major study undertaken by the Department of Indian Affairs and Northern Development in 1990, entitled *Aboriginal Employment Strategy: Towards 2000 and Beyond*, the following excerpt illustrates this point:

"Aboriginal women also appeared more likely to accept lengthy underfill assignments, or long-term acting assignments, with no clear promise of advancement. A number of

anecdotes were told of such situations ending in another person getting the position on an indeterminate basis." [8]

Other examples of bureaucratic inertia, complacency on the part of employers, and feelings of futility on the part of qualified Aboriginal job-seekers point to the need to move beyond the stage of focusing employment equity efforts on the 'supply' side, and to move beyond a climate of altruistic volunteerism on the part of employers. Simply put, the focus should be shifted to a system of 'demand' driven employment equity within a climate of stringent audit and monitoring controls delivered by an independent enforcement body.

Such a system would see employers prepare 'menus' of occupational areas where potential job openings would occur in both the short and long terms. Aboriginal job-seekers would peruse these 'menus', and be better informed of the qualifications required for various sectors of the economy. Employers would not be placed in the position of having to bear the burden of locating and recruiting qualified applicants, only to place them in low-level, temporary assignments; and Aboriginal people would not have to deal with the false sense of security resulting from being listed in invisible inventories. By supplementing this system with an efficient enforcement agency, coupled with a local mechanism for delivery of employment equity services, the focus could be shifted to one where the labour force requirements of employers could be met with appropriately qualified candidates. Aboriginal education and employment specialists would also be better served by such a system, since they would then be in possession of clear guidelines with which to formulate advice to their clients on the types of educational programs to pursue.

In a climate of 'demand' driven employment equity, appropriately qualified Aboriginal candidates would have recourse to an enforcement agency if they encountered discriminatory barriers to employment, and employers would have the opportunity to achieve their employment equity objectives more efficiently. Clear guidelines for both employers and prospective employees

would eliminate the need for the kind of exhaustive search efforts that currently characterize employment equity practices. Aboriginal people would be well informed about the basic educational requirements for various occupational positions, and would not have their expectations raised unnecessarily.

RCAP Commissioners should consider this focus shift as a concrete means of developing recommendations to increase the representation of Aboriginal people in the Canadian labour force.

3.2 Human Rights Codes

It would be presumptuous for this research team to enter into in-depth analysis of the complex problems surrounding the current human rights codes as they affect Aboriginal people. Much additional research is required into the issues related to concepts of individual/community rights as seen from the Aboriginal perspective. We assume that Commissioners are well versed on the difficulties that current human rights legislation imposes on Aboriginal communities given the unique perspectives that exist with regard to community relations and the traditional holistic approach to individual identity. Application of the Canadian Charter of Rights and Freedoms within the context of self-government was a great source of debate during the Charlottetown Accord discussion, and was a matter of grave concern voiced by the Native Women's Association of Canada. Our research has uncovered a number of problematic areas, particularly with regard to the complaints process. We explore these issues here.

Human rights codes do exist across Canada, however, and afford Aboriginal people the right to file complaints of discrimination in matters related to employment. Our research included the compilation of extracts from human rights codes in all jurisdictions in the country. Requests were also made for any statistical data related to Aboriginal race-based complaints related to

employment discrimination. Not surprisingly, perhaps, very little material was received from the 13 Human Rights Commissions we approached. (A detailed summary of our findings is included as Appendix 6). Again, given the time frame for the research, and the primary focus of this project, only overview commentary is provided with regard to the existence of human rights legislation.

One principal finding confirmed our initial expectation that very few complaints have in fact been filed by Aboriginal people. While we had anticipated a clearer result, it appears that most Human Rights Commissions do not select out employment discrimination complaints specifically filed by Aboriginal complainants. Their records are coded simply as race-based employment complaints, and therefore would require a manual search to determine exactly how many were filed by Aboriginal people. This finding in itself, prompts us to suggest that Commissioners consider a recommendation that more precise methods be used to construct data bases of complaints so that the Aboriginal origin of the complainant could be identified and resulting statistical reports could then be prepared.

Even though it appears that Aboriginal people complain little about discrimination in employment, our research suggests that this phenomenon should not be interpreted as evidence that discrimination in employment does not exist. On the contrary, cultural factors most likely inhibit Aboriginal people from lodging complaints through formal structures such as Human Rights Commissions. Furthermore, factors inherent in Aboriginal society that can be attributed to long-standing effects of oppression and repression also inhibit Aboriginal individuals from calling attention to what they might perceive as their own failure, by filing a formal complaint. Learned experience no doubt also plays a part in this phenomenon.

One could ask why a particular Aboriginal individual might choose to avoid filing a complaint. Our research offers the following suggestions:

- Filing a complaint is tantamount to 'taking on the system' ... an enormous task that requires specific knowledge and expertise that individuals may feel they don't have.
- Filing a complaint calls attention to an individual ... and requires the individual to express feelings publicly to a stranger.
- Filing a complaint is a confrontational act ... requiring a clear-cut resolution that involves risk: a win-or-lose situation.
- Filing a complaint involves a challenge to authority ... distasteful to some; anathema to others.
- Filing a complaint may bring attention to the individual's colleagues, co-workers, and/or his or her community ... a risk not worth taking.
- Filing a complaint is seen as a futile effort ... based on previous experiences by other individuals.
- Filing a complaint is likely to be a long, drawn-out process ... one that the individual has neither the physical stamina nor the emotional reserves to expend.

When respondents to our questionnaire were asked to discuss this situation, they suggested that Aboriginal employees did not lodge complaints because they "didn't want to rock the boat"; because they "feared reprisals in future jobs"; or because they believed that filing a complaint was essentially a useless exercise that would benefit no one. One respondent noted that many Aboriginal employees chose to "rationalize their experience ... to say that they really didn't want the job anyway". Low self esteem was also cited as a principal reason why Aboriginal employees avoid the formal complaints process.

Additional research is required to define exactly how human rights issues can be dealt with in the context of self-governing Aboriginal structures. The foundation of human rights legislation

for Aboriginal people must reflect the culture of the people, must take into account the rights of the community as well as the individual, and must define more effective ways of dealing with the complaints process. And until such time as self-governance exists, current Human Rights Commissions must review their own operating procedures so that they better reflect the needs of the Aboriginal population. At the very least, Aboriginal people should be employed by Human Rights Agencies in greater numbers to act as facilitators in the complaints process.

In the Speech from the Throne that opened the 35th Parliament in Canada in January 1994, a commitment by the new government was made to provide the "legislative authority to the Canadian Human Rights Commission to initiate investigations of Employment Equity issues". [18] This commitment, if acted upon, would respond to, in part, the difficulty most Aboriginal people experience with the complaints process.

3.2.1 The Assembly of Manitoba Chiefs Complaint

One major existing complaint of systemic discrimination has been filed with the Canadian Human Rights Commission by the Assembly of Manitoba Chiefs against 17 corporations and 34 Federal government departments. This matter will not be dealt with in detail here, since Commissioners no doubt have access to detailed accounts of the case through other sources within RCAP. Our research suggests that the resolution of this case will have important implications for all Aboriginal people in the labour force, and we would encourage RCAP to study the ongoing process to inform the deliberations of the Commissioners.

Essentially, the complaints are based on statistical indications of low representation of Aboriginal Public Servants when compared to availability in the external labour market, as well as a concentration of Aboriginal employees in term and part-time positions, and a clustering of

Aboriginal employees at the bottom of the occupational and salary scales. Since the filing of the complaint in November 1990, the most evident outcome has been a supreme example of bureaucratic inertia. Officials of the Canadian Human Rights Commission and the Treasury Board of Canada, together with lawyers from the Department of Justice and other federal government departments have undoubtedly compiled copious notes and files related to the complaint. Hundreds of 'person hours' have no doubt been dedicated to writing letters, analysing statistics, reviewing employment equity plans, and discussing how to handle what could be a landmark case in the area of discriminatory employment practices. What is clear, is the fact that no resolution to the complaint will be forthcoming in the immediate future.

Of the many cases put forward in the original complaint, Treasury Board notes in September 1994 that "4 cases have been or are close to being officially settled as the allegations were found to be unsubstantiated. 22 cases remain active:

- 5 departments are in various stages of conciliation
- 5 investigation reports have been disclosed with departmental responses and comments still pending
- 12 other investigation reports are to come from the Canadian Human Rights Commission (CHRC)"

As the employer, Treasury Board denies the existence of discrimination, and prefers instead to pursue a long and tedious course of legal wrangling. Officially, the stated position is to arrive at an amicable solution through conciliation and the creation of employment equity action plans with the various departments concerned. The Canadian Human Rights Commission, on the other hand, also pursues a long and winding process. While at arm's length from the government in theory, the

CHRC is staffed by government employees who are themselves committed to a convoluted set of legal procedures that militate against any early resolution of the problem.

What further obfuscates the situation is the climate of legalistic rhetoric created by officials from three units who all lay claim to positions of power within Ottawa. Treasury Board on the one hand, as employer, is ultimately responsible for defending against a complaint of discrimination. It can argue successfully, however, that all powers related to staffing of positions rests with its operational arm, the Public Service Commission. The PSC, in turn, can put forward its defense that policies and guidelines are in place to prevent discrimination. The CHRC, as investigator, is ultimately responsible for finding fault and bringing the underlying evidence forward. Its position, as the body empowered under the Canadian Human Rights Act to investigate complaints, is precarious at best, in so far as it must oppose the power of both the Treasury Board and the Public Service Commission.

If found responsible for the existence of systemic discrimination, both the Treasury Board and the Public Service Commission would be placed in a highly embarrassing position. The CHRC, on the other hand, in finding for the complainant, would be hard pressed to impose meaningful sanctions given its lesser position of control. The result therefore, is likely to drag on into the future, with little likelihood of any decisive action.

An interesting development in this case lies in one of the proposed technical amendments being considered by the Special Parliamentary Committee to Review the Employment Equity Act. Among a series of proposed technical amendments, Section 10 of the Canadian Human Rights Act will be amended so that no complaint of systemic discrimination will be accepted solely on the basis of statistical representation evidence. If this amendment is indeed acted upon, it is not inconceivable that the CHRC would be placed in the untenable position of having no foundation

upon which to pursue any further action on the Assembly of Manitoba Chiefs complaint. By effectively removing the basis of the AMC complaint, the government would remove the potential for embarrassment that may be caused to Treasury Board, the Public Service Commission, and the Canadian Human Rights Commission.

Failing the adoption of the above mentioned amendment, a 'back-up' amendment is also proposed. Again in reference to section 10 of the Canadian Human Rights Act, it is proposed that a complaint of discrimination received under section 10 may be declined if the Commission is of the opinion that the matter has been adequately dealt with in the employer's employment equity plan. By requiring employers to simply intend to improve the situation, the Commission would be free to decline almost any potentially embarrassing complaint.

The type of bureaucratic strategic planning outlined above, coupled with the perceived conflictual roles of these powerful government agencies can only lead to questions of the good will with which complaints of discrimination are treated. After nearly five years of foot dragging, the Aboriginal public servants have gained no clear benefits from the complaint action, and the Assembly of Manitoba Chiefs will have amassed only the human and financial costs associated with their complaint. Meanwhile, line managers in the various government agencies and departments named in the complaint are no more likely to stop discriminatory employment practices than they were prior to November 1990. In fact, the long-standing nature of this dispute has probably had the effect of hardening negative attitudes toward Aboriginal employees, reinforcing negative stereotypes, and lessening any potential for employment opportunities within the departments concerned.

Instead of proving the potential of the CHRC to improve the climate for Aboriginal employees in the Federal public service, this complaint has provided unadulterated proof that the

CHRC and the Canadian Human Rights Act are not effective instruments in defending the rights of Aboriginal people. Whether based solely on statistical representation evidence, or based on real discriminatory practice or circumstances, complaints brought forward must be acted upon within a reasonable delay. Justice delayed still remains justice denied.

By means of intricate procedures, overly bureaucratic handling of reasonable complaints, and the creation of insurmountable obstacles to resolution, the individuals involved have made a mockery of the spirit and intent of the Canadian Human Rights Act, sections of the Public Service Employment Act, sections of the Employment Equity Act, and even the Canadian Charter of Rights and Freedoms.

3.3 The Effectiveness of Programs and Policies

By an overwhelming margin, respondents and discussants who were identified by the research team were unanimous in their opinions that existing programs and policies, whether specifically focused on employment strategies, or more generally focused on human rights codes, were not effective in helping Aboriginal people overcome the obstacles they face in entering or remaining in the labour force.

The reasons cited point to the complexities of the problem. Respondents said that while some employment programs initially had potential to assist Aboriginal people, the communication practices used to disseminate information about the programs did not produce results. In the case of broad programs like Employment Equity, respondents said that systemic barriers such as "overstatement of qualifications", "the ELOST test", "unrealistic expectations", "lack of mentoring", "lack of professional development opportunities", "lack of management commitment", and "lack of management accountability" were the principal reasons why this program is ineffective.

Responses related to the effectiveness of human rights programs and policies were not as clearly articulated, but were generally consistent in their assessment that such programs are not effective tools in the support or defense of Aboriginal people. Some of the comments related to these programs include: "no faith in such formal structures", "ineffective because of lack of sensitivity to Aboriginal culture", "delays are too long", "not enough people to handle number complaints", and "onus is on the victim to 'make the case'".

In summary, responsibility for the lack of effectiveness of employment equity programs within the federal government should be laid squarely on the shoulders of senior administrators and career public servants who have not managed the programs properly. To some extent as well, elected officials who have headed various government departments are also responsible for the failure of these programs to achieve their objectives.

To understand this situation, one must recognize the dual management structures that are in place. On the one hand, members of various political parties assume leadership of government departments when they are appointed to cabinet following their election. These politicians, together with their political staff, form one level of management and leadership for any given department. They bring to their new positions the vision of their party, and the responsibility to provide leadership in the area covered by their department. Political party platforms are played out through the Minister responsible for the department, and his or her political staff are accountable to the Minister for the perception as well as the reality of what goes on within the department. Ultimate responsibility to the citizens of the country for the affairs of the department rests with the Minister.

At the same time, senior department bureaucrats, who for the most part, are long-standing career public servants, assume responsibility for the delivery of programs and services within the departments. While they function within a quasi-altruistic context of a public service that is

supposedly committed to "serving the public", they must also cater to the wishes of the Minister. If both levels of leadership are pursuing an identical course of action, with identical objectives and goals, and there is sufficient open communication between both levels, the ultimate delivery of programs and services can take place unobstructed. But, these senior department officials function within the organizational culture of the Federal government. They have assumed their positions after years of professional experience and occupy positions of authority that are extremely powerful. They are knowledgeable of routine management practices that can accomplish stated goals; and they are also well aware of routine procedural applications that can stall, or even obstruct the implementation of particular programs and policies. While the mission of their departments may be articulated in full view of the public, they are ultimately accountable to the wishes of the Minister of that department.

Management of any program and the delivery of the various services related to it, are the purview of the career public servants who administer the department operations. Theirs is the responsibility to hold line managers accountable; to educate their department with regard to the program; to promote its application; and to monitor the effectiveness of the program's implementation. If the program isn't working, one can only assume that the senior administrator responsible for it should be held responsible for this failure. But a cursory review of the contractual requirements of deputy ministers, and assistant deputies would show that no specific accountability provisions with regard to employment equity were present throughout the 1980's. Employment Equity was seen as a 'desirable' rather than as a 'compulsory' element of standard management practice.

Returning to the issue of the dual management structures in place within government departments, it follows that this "two-headed monster" system allows for a number of potentially

damaging conflicts that are rarely played out in public. Rather, any disagreement between political personnel and the bureaucracy is frequently understated, often disguised, and always denied. The obligation of the department to respect the position and authority of the Minister applies regardless of the attitudes and experience of the senior officials. This dichotomy is at the root of the problem surrounding the design, development, implementation, monitoring, and accountability for the delivery of employment equity programs. Where public pronouncements and policy publication indicated support for the concept of employment equity, in several instances, the commitment to follow through on these pronouncements and policies never existed. The proof of this reality lies in the results that have never been achieved.

While no one consistent pattern is evident, a number of scenarios can be presented as illustration. The first, and most obvious fact, is that the Royal Commission on Equality in Employment headed by Judge Abella was established by the government of the day under Pierre Trudeau (Liberal). The report of the Royal Commission, published in 1984, resulted in a series of actions, including the enactment of the Employment Equity Act in 1986, which required implementation under the government of the day headed by Brian Mulroney (Conservative). Given the reality that a program designed within the context of one specific political ideology, had to be followed through within the context of an opposing political perspective, there is little wonder that elements of the program were doomed from the outset.

Where individual senior officials within the bureaucracy may have been committed to the spirit and intent of the EE Act, their efforts could well have been thwarted by Ministerial guidelines requiring them to slow down or even obstruct any movement toward the achievement of department objectives related to employment equity. An elected MP appointed as Minister to a department may have had no understanding of the EE program, or may have opposed its

philosophy, thus choosing to lower the level of priority assigned within that department's operation. In such a scenario, the bureaucracy would defer to the Minister's wishes and not pursue the delivery of EE programs and services.

Another equally possible scenario would involve an elected MP appointed to a given department where the existing bureaucracy was not convinced of the merit or value of EE programs. While the Minister might establish clear guidelines in support of the principle and application of EE programs, his or her departmental personnel could conceivably find ways to adopt protracted, lingering procedures aimed at delaying the publicly stated objectives. In either this scenario or the previous one, the end result would be the same. Employment Equity programs, and their potential beneficiaries did not receive the kind of support required to achieve any measurable result.

Finally, over and above the type of obstruction described here, the ineffectiveness of EE programs can also be laid to more specific management practices and decisions that relate to the actual legal responsibilities related to the achievement of equality in employment practices. When the Employment Equity Act was promulgated, it covered those employers who were federally regulated, crown corporations, and other employers who wished to enter into contracts with the federal government. The country's largest employer, the Federal government, was not required to report to parliament under the Act. This contradiction was explained by government officials who argued passionately that the affirmative action policies, and later employment equity guidelines established within the federal government structures were superior means to achieve the stated objectives. The fact that a number of these government programmes pre-dated the legislation was also used as an argument against requiring the federal government to report to itself through parliament. An attitude of self-righteousness and self-imposed authority led to no substantive way

for the Canadian public to hold the federal government accountable for its performance in the area of employment equity.

Through the critical early years following the enactment of the Employment Equity Act, therefore, the largest single employer in Canada had no formal responsibility to report to parliament. It was not until 1992 that amendments proposed to the Financial Administration Act resulted in the current requirement of the federal government to begin annual reporting. In fact, a number of federal agencies and organizations, including the military, are still exempt from the reporting process.

This double standard, imposing stringent reporting requirements on all but the federal public service, was also a factor in the development of the current malaise surrounding employment equity provisions. Private sector employers, and particularly major regulated employers, were required to absorb the costs associated with employment equity program delivery and reporting, while fully aware that the federal government had effectively exempted itself from this formal process.

Several factors, therefore, not the least of which was a lack of political will coupled with the intricate dual management structures within federal government departments, led to an absence of any real accountability measures to support the achievement of the spirit and the real objectives articulated in the original legislation.

With this knowledge, the Special Parliamentary Committee to Review the Employment Equity Act can take into account the many complexities that exist, and can hopefully adopt a series of amendments designed to correct the anomalies. Informed employment equity practitioners and advocates have addressed many of these issues in their submissions to the committee. RCAP Commissioners would be well advised to consider releasing an early statement on the issue since

the Committee concluded its public hearings in March 1995, and will likely draft a response to parliament in the coming months.

The management of employment equity by the federal government, particularly with regard to a realistic means of monitoring and enforcement, will only provide positive results for Aboriginal people if an effective Employment Equity Act is in place. It should be noted that the same senior government officials who have held responsibility for the programs for the past decades, are still in a position to make recommendations on how the revised EE Act should be implemented. This fact alone should raise concerns about the prospect for any future improvements.

This report deals in a later section with the need for Aboriginal Leadership to play an active part in determining how employment equity can be used most effectively to meet the long-term employment needs of Aboriginal people. Similarly, Aboriginal Leadership is in the best position to suggest how employers needs can be met; how talented, qualified Aboriginal people can join the labour market; and how skill development through employment can prove to be a long-term asset in the economic development of Aboriginal communities. Discrimination in the work place can be addressed through the medium of employment equity programming. Even within the context of restructuring of the economy and reduced hiring, the existence of a commitment to employment equity principles can contribute to the elimination of the many examples of racial misunderstanding and intolerance cited in this study.

4.0 THE BARRIERS

In reviewing the available literature, and in conducting personal interviews with key respondents, our research has identified a number of serious obstacles that prevent the participation of Aboriginal people in the Canadian labour market. While some of these obstacles are, in themselves, very real barriers, in most cases, several obstacles occur concurrently and taken together, form insurmountable barriers to the participation of Aboriginal people in the Canadian labour market.

Discrimination based on Aboriginal origin is at the root of nearly all of the barriers identified. Long-standing attitudinal assumptions and stereotypes contribute to the formation of negative prejudices among non-Aboriginal peoples. These attitudinal factors constitute the first and most destructive form of discrimination. While another group of structural, or systemic factors make up a second form of discrimination that creates equally negative effects on Aboriginal people.

Much has been written about the various historical influences that have created the present situation. The missionary zeal of European 'explorers'; the imposition of foreign value systems; the forced attempts at acculturation; the concerted efforts at assimilation; the Indian Act; the residential schools; and most recently, the Oka Crisis, have all contributed to the process that plays out on a daily basis in Canadian cities, towns, board rooms, classrooms, courtrooms and, most pertinently to our study, in employment offices. Sometimes behind closed doors, and at other times in full view of society, judgments are made that Aboriginal people are somehow less capable, less functional, less intelligent, less civilized, and perhaps, less human than other citizens of this country. Discrimination, whether attitudinal or structural, is a fact of life for Aboriginal people.

While the RCAP Commissioners need no instruction in the field of discrimination targeted at Aboriginal Canadians, this portion of our study is intended to provide a clear set of indicators to

substantiate the fact that racial discrimination, among other obstacles, plays a major part in Aboriginal peoples' lack of participation in the labour force. We have identified six separate types of barriers under the following headings:

- Corporate Culture
- Attitudinal Barriers
- Systemic Barriers
- Logistical Barriers
- Educational Barriers
- Cultural Barriers

Within our discussion of each of these barriers, the recurrent theme of exclusion will be highlighted, since it is this reality which precludes the participation of Aboriginal people in the labour market. Whether because of the blatantly racist actions of a supervisor in an office; the subtleties of cross-cultural misunderstanding; the inability to perform well on standardized testing; or the need to be close to young children or aging parents; the ultimate result is the same - exclusion.

Each type of barrier manifests itself in statistics on labour market participation. And each one exists in every region of the country. To some extent, a few encouraging signs point to the fact that employers and Aboriginal people have taken the important first step of recognizing that these barriers exist and have begun to look for ways to eliminate them. But our research shows that some form of major combined effort must take place in the immediate future if any substantial change is to occur. Perhaps the catalytic action in such a process could come from the Royal Commission on Aboriginal Peoples. It appears clear to us that without the concerted efforts of

many stakeholders, coupled with the impetus for change issued by RCAP Commissioners, that these formidable barriers will remain in place for many years to come.

Following conclusions at the end of this report, a series of recommendations related to the identified barriers will be put forward. To the extent possible, recommendations will be as specific and forward-looking as possible, but one important thought should be kept in mind before beginning a discussion of itemized barriers faced by Aboriginal people in the labour force.

In recent years, the Government of Canada has seen fit to embrace a concept known as multiculturalism, and has in fact, adopted a policy defined in The Canadian Multiculturalism Act passed in the House in July 1988. This thrust has followed upon some twenty years of debate and controversy, as an institutional response to the existence of racial discrimination amidst the rapidly changing demographic composition of this country. Canadians have been encouraged to "promote and celebrate cultural diversity" from the first release in 1979 of the Equality Now! report. As well, a number of national programs and initiatives have been put into place to finance and support cultural festivals, heritage activities, and thousands of projects aimed at increasing the positive perception of ethnocultural diversity, and designed to inculcate the message that "Multiculturalism...is a fundamental characteristic of Canada". (extract from the Preamble to the Canadian Multiculturalism Act, July 1988).

In recent years, the central thrust of the Multiculturalism and Citizenship Department has been shifted away from support for so-called "song and dance" celebrations, and focused more closely on race relations policies and programs. Attention has been diverted to national publicity campaigns to put an end to racism (i.e. IF YOU DON'T STOP RACISM, WHO WILL? is a nationally recognized slogan) and national organizations such as the Canadian Broadcasters' Association, the Canadian Association of Chiefs of Police, the Federation of Canadian

Municipalities, the Canadian Radio and Television Commission, among many others, have also turned their attention to the elimination of inter-racial conflict. Major resource commitments have been made to raise the profile of April 21st, the International Day for the Elimination of Racial Discrimination. And another group of initiatives have concentrated on encouraging major corporations and their advertising agencies to depict racial diversity in their advertising.

But throughout this same period, citizens of this country have witnessed such incidents as the Manitoba Justice Inquiry; the resolution of the Donald Marshall case, and the ensuing Provincial Inquiry; insidious comments from members of the judiciary on the sexual assault of Native women; public revelations concerning the experience of Aboriginal people in the residential school system; and even more disturbing revelations related to 'Child Welfare' practices in this country.

"And then came the late summer of 1990.

In what might have unfolded as any other misguided decision by a group of uninformed, foolish local municipal councilors, a decision was taken to develop a seemingly unimportant pine forest into a potentially lucrative golf course. Had the circumstances been different, had the values of mainstream white society not encroached on the traditional cultural values of the Mohawks of Kanasetake, perhaps the whole incident might not have erupted into the powder keg that will always be known as 'The Oka Crisis'.

Thus the 'Crisis' became for all First Nations people an unforgettable moment in time. A moment in time that forever changed the relationship between the first inhabitants of the land and the ancestors of those who came here 400 years ago. Wherever the next clash of values develops, whether in the logging regions of British Columbia, the river basins in Northern Quebec, the forestry areas of Ontario, or the dam sites in Alberta, Native people now have what might be termed a strong 'corporate memory', and they have learned the lessons of Oka.

Within the space of a little over two short months in the late summer of 1990, Canadians watched as a police officer was buried, as armored personnel carriers rumbled through sleepy rural villages in Quebec, as crowds of rowdy citizens shouted mock war cries and burned effigies of their Native neighbors, and as children peeked through curtains at the

sight of machine guns trained on their homes. Yes, this moment in time etched itself into the psyches of Aboriginal people everywhere. Even outside Canada, other indigenous peoples saw for the first time the vivid demonstration of how Canada dealt with its First Nations people...

Whether young or old; remote, rural, or urban; status, non-status, or métis; every Aboriginal person in Canada was subjected to scenes of some of the most virulent racist activity that has ever been captured on videotape for presentation on the evening news. Nightly coverage showed in-depth footage of non-Native Quebecers hurling rocks at passing innocent people as they ran an expressway gauntlet used to evacuate the sick and elderly from Kahnawake, a Mohawk community outside Montreal. Newspapers covered stories of school officials who refused to allow Native and non-Native children to attend school together. Radio openline hosts further exacerbated the hatred by inviting racist callers to offer their own solutions to the 'Indian problem'. These graphic examples of blatant racism were particularly harmful for a whole generation of Aboriginal children who were subjected to them." [10]

And all of this within the borders of a country heralded internationally for its 'leading edge' policy on multiculturalism! All of this at a time when clear policy shifts included a focus on improved racial understanding. All of this, within a time period when redress settlements have been and are being negotiated for various ethnic groups based on discriminatory treatment accorded by previous governments. As an example, the National Association of Japanese Canadians (NAJC) was able to achieve the very significant accomplishment of obtaining official apologies, financial redress, and commitments of such positive actions as the establishment of the Canadian Race Relations Foundation in a settlement reached in September 1989. By its action, the Government of Canada officially recognized the debilitating consequences of racial discrimination, offered compensation for past injustices, publicly acknowledged the negative effects on succeeding generations that were caused by discriminatory behavior, and made a public commitment to end racism!

As the reader proceeds into the enumeration of the type of barriers that Aboriginal people face because of discriminatory attitudes and discriminatory structures, one cannot help but wonder

if there is a lesson to be learned here. And as a consequence, RCAP Commissioners should give serious consideration to demands for official government recognition and redress of documented past injustices perpetrated on Aboriginal people in Canada.

4.1 Corporate Culture

Accepted standards of behavior, norms for human interaction, established protocols for use of language, regulations for organizational management, and enshrined patterns of creating a 'corporate image' are the principal ingredients in the abstraction known as 'corporate culture'. Whether determined by written rules and regulations, or informally adopted over time, these elements combine to define the essence of any organization's operating systems.

Some of these elements are critical to the efficiency and productivity of a company or institution. Others are simply practices that have come into being throughout the historical development of the organization. Some elements are essential to avoid chaotic situations, others are simply 'rituals' that come and go, much like fads in popular culture. For example, there was a time when all typists wore gloves or when overflowing ashtrays on a conference room table were a sign of a productive afternoon meeting. In some organizations, there was a time when women were considered strictly as ornamental fixtures to be strategically placed at reception desks, or when 'keeping in step' with the competition required busy senior executives to keep a well-stocked bar in the executive suite. Times change. And so does the need for ritualistic behaviors that unnecessarily exclude people.

Where certain practices or regulations are required for the smooth running of an organization, or for the maintenance of a particular corporate image, the corporation or institution is certainly within its rights to enforce specific rules. Where other less-critical practices are overtly or

subtly imposed simply 'to maintain tradition', they do have the effect of excluding those individuals who can not subscribe to the same standards of formal behavior or do not share the same value system.

Conflicting value systems, rigid expectations, and unrealistic, inflexible demands are entrenched realities that are frequently the cause of high employee turnover. The concept of self-actualization through employment status may not be consistent with the pattern of values of some Aboriginal people, and may create situations where employer/employee conflict is based in rudimentary differences that could be resolved by minor adjustments to corporate culture.

As an example, the Federal public service has been populated over the years by a number of retiring members of the Canadian military establishment. As these individuals availed themselves of the former so-called 'Khaki Parachute' provisions to move directly from military positions to non-military positions in the Public Service Commission, it is most likely that the practices common in their previous working environments were also 'parachuted' into most government departments. Consequently, many everyday courtesies, customs, and operating procedures present today within these same offices artificially reflect the need for formality, secrecy, subordination of roles, and stereotyping of any individual who appears to be 'out of step' with the majority of workers in the department. As well, the existence of entrenched hierarchical patterns of human interaction make realistic change very difficult. To challenge the existent corporate culture within such environments, is to challenge the very fundamental underpinnings that have existed over long periods of time and are inculcated within the organizational structures.

Our research shows that low retention rates for Aboriginal people within the Federal public service are closely linked to attitudes and practices within the organizational culture of that given environment. In *A Study on the Retention of Aboriginal Peoples in the Federal Public Service*

referred to earlier, this fact emerges clearly:

"Current and former Aboriginal employees frequently comment on the difficulties faced in adapting to the Public Service. For many, entry involves a culture shock which comes in a variety of guises. The language of the bureaucracy and formalities of government create uneasiness for many Aboriginal Peoples. They feel conflicts between their traditional ways and accepted government practices.... The bureaucratic levels and systems within government are also foreign." [4]

"The Public Service is perceived to allow minimal room for autonomy or creativity. The environment is perceived to be fiercely competitive, filled with roadblocks to advancement, and with people looking out only for themselves. The individualistic way in which work is done is perceived to be alien and pressure packed." [4: pp. 16-17]

Respondents to our questionnaire were very clear in their comments regarding the negative effects of long-standing patterns of behavior:

"When people hire, they unconsciously hire themselves. We have to train people to hire differently and change interviewing policies"

"The system ignores us when our work is satisfactory. It's almost as if you have no face and no name. We never see senior managers. We're expected to fit in with our co-workers, to be 'clones' of our fellow public servants. I am different from the others, but I can still do the job I was hired to do."

"Every department has its own culture. Transfers from one place to another often require you to adjust to many different rules in a short time. I suppose that's normal, but sometimes the rules don't make any sense."

"Management styles in government don't reflect a team approach. Native people would adapt to the environment better if they felt that their efforts were recognized."

Organizational cultures are not impermeable to change. A number of major corporations and service industries have seen fit to adjust dated practices so that the organization keeps pace with the demographic changes in society. Such changes need not lower the standard of delivery to clients, and in most cases, actually improve the overall working environment.

An enlightening report by the Ontario Native Employment Equity Circle is entitled *Honouring the Difference: A Challenge Paper*, the contents of which are based on discussions, presentations and summaries from the Native Employment Equity Conference for employees of the Ontario Public Service (OPS) held at Geneva Park, February 9-12, 1992. It provides a concise and cogent analysis in Chapter One under the title of '*A Comparison of Native Cultures and OPS Organizational Cultures*'. Fifteen aspects of culture are detailed, and in each one a comparison is made between Native cultures, and the organizational cultures of the OPS. A brief summary is included here, but readers are encouraged to examine this report in detail to gain a better understanding of the many areas of organizational culture that present potential conflictual situations for Aboriginal people.

In identifying 'corporate culture' as a clear barrier to the participation of Aboriginal people in the labour force, our research shows that the following differences articulated in this report are consistent in many organizations across the country. While the authors of the report note at several points that positive changes are occurring, the substance of these observations are very valuable in that they clarify the kinds of subtle incompatibility that causes Aboriginal people to react negatively to certain organizational environments.

The report stipulates that,

"There are many Native cultures. Therefore, it is difficult to make generalizations about all Native peoples based on a single culture. Similarly, there are many organizational cultures in the OPS and it is equally difficult to make generalizations about the cultures of the OPS; ..." [11]

Comparisons are made under the following headings:

Non-Interference

"Native people have a way of influencing decisions without overtly meddling ... In contrast,

it was felt that part of the OPS's day-to-day management and operation consists of constant advising, instructing, arguing, and persuading." [11]

Concept of Time

"Native Peoples' concept of time, which they have always respected and worked with, has derived from what they perceive as the natural order of the world... In the OPS culture, time is seen as a rigid, structural element. Working against time appears to be the norm. Tardiness is frowned upon... Deadlines must be met. Short-term planning is more often the rule, rather than the exception." [11]

Sharing

"In most Native cultures, sharing the material goods, knowledge and experience of the individuals, families, and the community is valued... In contrast, the OPS promotes competition, ownership, and individual success through individual competitions, individual rewards, etc." [11]

Equality and Respect

"In Native cultures, everyone is equal and, with the exception of elders, no one is given special treatment. Each individual is accorded natural respect as a human being ... In the OPS cultures, the division of labour, hierarchical command and control structures, stratified pay and benefits system, etc., create and maintain a system of superiors and subordinates ... This difference often leaves Native public servants with an unfamiliar and unsettling sense of lack of power and lack of involvement in the decision-making processes..." [11]

Gratitude

"In traditional Native cultures, each person is expected to take his/her share of the responsibility and to do it well ... if one makes a contribution over and above what is required, then

that person may be honoured ... In the OPS, expression of gratitude for a job well done is a function of the management style of each superior..." [11]

Humour

"In Native cultures, humour is an important element, especially when dealing with a contentious issue ... In the OPS, the use of humour is not generally included in the decision-making process. Using humour could be perceived as lessening the seriousness of the situation. Native public servants see the OPS as cold, impersonable and humourless which, in turn, makes Native employees feel uncomfortable and alienated." [11]

Trust

"In Native cultures, establishing trust is the first step in developing a relationship, often called the 'tobacco level'. The building of trust is a necessary and lengthy process ... It is felt that, in the OPS, people interact only to conduct business. They interact based on their positioning in the bureaucracy. Trust is seldom sought or given." [11]

Power

In traditional Native cultures, power resides with the people. A leader earns this position and maintains it only as long as (s)he demonstrates commitment to the people ... In the OPS, power resides at the top of the hierarchy. It is delegated, in varying degrees, to lower levels across the bureaucracy. The OPS consists of a system of command and control, with superiors in control and subordinates at their command..." [11]

Work Ethic

"Native cultures place strong emphasis on family and community relationships, including the cultural activities which surround these factors... It was felt that, in the OPS, most public

servants are expected to put their job first, over and above all aspects of one's life, especially family. In order to be valued by the OPS, public servants must be career-minded. They must continually demonstrate this by not letting the family aspects of their life interfere with or intrude on work..." [11]

Holistic Approaches

"Native cultures use a holistic view which takes the physical, mental, emotional, and spiritual aspects of an issue into consideration. Native public servants are reluctant to compartmentalize issues ... Although the OPS is increasingly viewing policy issues from a holistic and long-term perspective, it is felt that the OPS still deals with most issues from a short-term perspective and, for a variety of reasons, still compartmentalizes issues and options." [11]

Decision-Making Processes

"In traditional Native cultures, decisions are made through consensus. In the OPS ... Some feel that senior management does all the real decision-making ... others feel that decisions are made by committees using the adversarial mode ... consensus is still perceived as a seldom used process in the workplace." [11]

Leadership

"In traditional Native cultures, leaders are typically selected by Clan mothers or Elders ... At no time is leadership absolute ... the Native concept of leadership is dependent upon the implicit permission of the community ... It is felt that, in the OPS, notions of leadership revolve around power and authority to control the workforce. Leaders are usually appointed by the political/bureaucratic system ... An aura of mystique and 'fear of the top brass' are notions that exist widely in the OPS." [11]

Results Orientation

"Native cultures expect everyone to do their best. Therefore, there is little need to 'supervise' someone ... (In the OPS) Value is placed on defining and completing tasks, within a given period of time, and holding people accountable for this task. This often results in constant supervision that is intimidating to a Native person." [11]

Governance

"In Native cultures, the people govern and control their systems so that they serve the Native peoples. If the community determines the need for some change, the people with the appropriate knowledge are given the responsibility to proceed with these changes ... Native OPSers are not comfortable with a system that both Native and non-Native OPSers have described as resistant to beneficial change for all people, not just the white able-bodied male and female ... Both Native and non-Native public servants feel that if they could get the 'system' to be more sensitive to individual needs, many public servants and members of the public would benefit." [11]

Assimilation

"Native peoples have been resisting attempts to assimilate them into non-Native cultures since the first European settlers arrived in North America. They do not want to give up their culture in order to work for the OPS. Some Native public servants feel lost in a 'twilight zone', somewhere between the two cultures, a zone in which they have little sense of self-esteem or self-worth." [11]

Differences such as these constitute clearly identifiable areas where potential discord is created. And it is precisely this type of cross-cultural misunderstanding that ultimately results in Aboriginal peoples' reluctance to remain in such working environments. Impact from this barrier to Aboriginal peoples' increased participation in the labour market can be addressed through the

following ways:

- increased cross-cultural awareness
- comprehensive review of organizational culture
- elimination of needless/redundant 'ritual' behaviors
- improved orientation of new employees
- pre-recruitment information sessions on corporate behavior
- mentoring of new employees by Aboriginal personnel

4.2 Attitudinal Barriers

Stereotypical attitudes toward Aboriginal people on the part of non-Aboriginal supervisors and managers was identified in our research as a clearly identified barrier to the participation of Aboriginal people in the labour market. Respondents cited several examples that we present here.

"It is in everyone's best interest to deal seriously with incidents of racial harassment ... Fire the harasser."

"I was told 'We didn't think you would be as smart as you are when we hired you.'"

"Competence is not readily recognized ... attention, however, is always paid to shortcomings like tardiness, manner of dress, and is often labeled as normal for 'people like you'."

"Most non-Aboriginal employers think that Aboriginal people are lazy, uneducated drunks"

"Racism continues to exist in spite of legislation and policy. You can change people's behavior, but attitudinal change has to come from within."

"Blatant discrimination remains a very real issue in Saskatchewan."

"Even in 1994 there are still barriers [related to racism]...perceptions that we are less capable, less educated, and therefore less employable ... my degree in Commerce was even questioned during an interview."

"The media has a lot to do with racist attitudes. We're fighting an uphill battle against unfair portrayals in mainstream media. Whenever there's an article that reflects on Aboriginal people, somebody leaves a copy of it on my desk."

"I don't know what's worse. Being ignored - people won't sit with you or walk with you; or being singled out - people who make fun of you because of who you are."

"I knew there was a job opening at Indian Affairs, and I applied verbally but was not given an application form ... I was told it was an internal competition ... Later found out that the job was given to a non-native with no degree. I have the proper qualifications and a degree in business. Is that fair?"

"Managers are conditioned to thinking that Natives will not show up on time, will have a high rate of absenteeism, and will have a lack of interest in the work. No number of policies will work until attitudes change."

And the list goes on. In conducting interviews for this study, we repeatedly heard respondents refer to the continued existence of racist attitudes that they have encountered personally.

Of the 32 respondents interviewed, 100% replied "yes" to Question #2: *'Do you think that racial discrimination is a barrier to employment for Aboriginal people?'* This unanimous response reflects a national perspective on the subject and is derived not only from personal experience, but more importantly from the fact that each respondent has expertise in the area of Aboriginal employment. Such a finding clearly demonstrated to us that the 'unexplained residual' results from empirical studies do include racial bias in employment practices, and therefore are a clear barrier to the participation of Aboriginal people in the labour force.

In the report prepared by the DIAND Working Group on Aboriginal Recruitment, Retention and Advancement, some statistical evidence is presented with regard to attitudinal barriers.

"73% of Aboriginal employees surveyed reported that they considered attitudes of supervisors were a barrier to advancement opportunities."

66% of Aboriginal employees surveyed reported that they considered attitudes of supervisors were a barrier to their retention as a DIAND employee.

It is important to note that 22% cited racial prejudice against Aboriginal staff as a reason for this lack of opportunity for advancement. It must also be noted that this response was totally unsolicited. The question was open-ended and in no manner suggested any response. In order to respond in this manner, the respondent had to write in the reason."
[8]

Our research has confirmed the hypothesis that stereotypical views of Aboriginal people by non-Aboriginal managers and supervisors are not only damaging to current employees, but also create further barriers when these attitudes enter into the process of recruiting and hiring new employees. Through discussion with respondents, it was clear that hardened views of line managers who currently supervise Aboriginal employees, frequently translate into equally inflexible attitudes toward locating new recruits.

One respondent pointed out the cyclic nature of this phenomenon: "Stereotypes of Aboriginal people maintain the racism to be used as excuses to keep Aboriginal people out. For example, employers say that there are not enough qualified Aboriginal people out there."

This cycle of attitudinal bias against Aboriginal workers mitigates against efforts to implement programs such as Employment Equity. It clearly contravenes existing Human Rights codes, and contributes to heightened degrees of intolerance within work environments and society in general.

In the *Study on the Retention of Aboriginal Peoples in the Federal Public Service* cited earlier, similarly disturbing findings are expressed:

"Incidents of overt racism and systemic barriers to advancement and other opportunities, are reported by former and current Aboriginal employees. While such incidents are not cited as the determining factor in the decision to resign, they appear to be common." [4]

"At the level of racist stereotypes, Aboriginal employees report degrading and abusive treatment on preconceived ideas of Native appearance and behavior." [4]

Comments from participants included in the same study are revealing:

"In a situation I had to put up with 'teach me to dance like an Indian' and I was told 'Your job is protected because you are an Indian' from my manager and co-workers."

"Yes, a good example is my devastating development experience with NIDP. The racial discrimination in the workplace that allows for statements like 'I thought I saw a squaw hanging around my door'. I no longer believe in these programs."

"Government managers and government policy. The attitudes were patronizing and paternalistic, statements such as, 'my Indians in my district don't do this.'"

"I felt oppressed by management. I was working in a vacuum. There was no trust, a lack of humanity and compassion in the structure."

"The Public Service tends to protect incompetent workers/ supervisors and will not deal with racists and bigots directly." [4]

In the summary of the section dealing with stereotyping and discrimination, the report states:

"Discrimination appears to be an important part of the experience of Aboriginal Peoples in the Public Service. Aboriginal public servants say they face a set of workplace-specific obstacles including: stereotyping, patronizing attitudes, and distrust from managers. They feel that these obstacles are an important barrier to their advancement in the Public Service." [4: p. 28]

As noted in the introduction to The Barriers section, a number of national organizations have undertaken specific action to deal with the existence of racist attitudes in the workplace. Such positive measures are required in every region of the country, in all sectors of the economy, and should be targeted at all age groups from all levels of society. It should be noted that anti-racist training and/or so-called 'valuing diversity' programs require a specific component related to the attitudinal biases that exist against Aboriginal Peoples. In its brief to the Royal

Commission on Aboriginal Peoples, The Canadian Labour Congress makes this point:

"The CLC has incorporated Aboriginal issues as an integral part of the anti-racism program it is currently developing, and has included a number of Aboriginal members in its program for anti-racism trainers. Aboriginal issues should be a regular component of anti-racism training provided not just by the labour movement but by governments, police forces, and private employers." [12]

The significance of this excerpt lies in the fact that such a major organization as the Canadian Labour Congress recognizes the existence of attitudinal bias against Aboriginal people, and commits its membership to concrete action aimed at the elimination of racial intolerance. Similarly, the United Steelworkers of America also prepared a brief for RCAP which states:

"... Non-Aboriginal culture has developed a stereotype of Aboriginal culture that negatively judges the attitudes and behaviors of Aboriginal people based on the concerns that are important to non-Aboriginal society ... In this context, it becomes clear that a major issue requiring attention in any attempt by a trade union to remove barriers for Aboriginal members are the assumptions, attitudes, and expectations that non-Aboriginal people hold, together with the resulting behaviours." [13]

We note that such clear statements as this, add further credence to the existence of widespread attitudinal barriers that prevent Aboriginal people from full participation in the labour market. As well, a number of major corporations from all sectors of the economy have also undertaken specific measures such as anti-racism programs for their management and staff, and most have included components on Aboriginal issues.

One such large institution, The Royal Bank of Canada, has for several years been at the forefront of initiatives aimed at developing better understanding of Aboriginal issues. Their policy, in keeping with their obligations as an Employment Equity employer, has been to increase knowledge of Native culture, Native tradition, and Native communities among their management and staff. Anti-racism seminars, 'Diversity Month' activities, and support for several Aboriginal-community programs and activities, have all resulted in better understanding of

Aboriginal Peoples. Most recently, a Native Student Awards Program has been initiated to offer generous financial support to post-secondary students. By way of example, these measures are clear indicators of a commitment from one major employer to increase the participation of Aboriginal people in the labour market, by addressing in very concrete ways the need to change attitudes to ensure success.

Police Forces, municipal agencies, transportation companies, communications organizations, educational institutions, and many private sector employers have seen fit to implement strategic initiatives aimed at recognizing the existence of attitudinal barriers. As well, Max Yalden, Chief Commissioner of the Canadian Human Rights Commission, has referred to the treatment of Aboriginal people as "...a national tragedy". In fact, there seems no doubt that racist attitudes do impinge on the participation of Aboriginal people in the labour market. As the RCAP Commissioners enter into their final deliberations, they should be encouraged to treat the continued existence of attitudinal barriers as a stark reality in 1994, and should therefore assign a high level of priority in developing recommendations to eliminate them. Impact from this barrier to the participation of Aboriginal people can be addressed in the following ways:

- clear recognition that destructive attitudes exist
- development of zero-tolerance of racist behaviors
- stronger enforcement of human rights codes
- harsher sanctions directed at violators
- 'public' responses to 'private' racist incidents
- increased cross-cultural/anti-racist training
- establishment of Aboriginal-run ombuds offices

Our research has focused heavily on effort to substantiate the high level of attitudinal barriers faced by Aboriginal people who have attempted to function as productive employees in the labour force. In many instances, the personal experience of these individuals has been communicated to other members of their communities, and has itself created attitudes among other Aboriginal people that we will explore in the next section.

4.2.1 The Chilling Effect

It is no secret that a number of highly qualified Aboriginal people choose to avoid employment opportunities in mainstream organizations. They opt instead to devote their professional skills and expertise to Native organizations where they experience better levels of job satisfaction. For some, the prospect of working outside their own community holds the promise of living through the experiences of other Aboriginal people. Other motivating factors may direct them to Aboriginal working environments, such as tax exemption, proximity to their community, or the opportunity to contribute to long-term future development, but there is little doubt that a key factor in such a decision is rooted in a phenomenon known as 'The Chilling Effect'.

This phenomenon has been defined as a major impediment to the success of special employment programs and policies. It has its roots in word-of-mouth communication of the negative experiences of former employees, and has been identified as a clear barrier to a number of 'disadvantaged' employees, most notably explored in the report of the Task Force on Barriers to Women in the Public Service entitled *Beneath the Veneer*..

Essentially, the working climate of a particular organization is determined by several factors including the attitudinal biases of senior, middle, and line managers. If these positions are occupied by a primarily homogenous group of people, the resulting environment is predicated upon these

same attitudes. Individuals from outside of the dominant group are said to experience a 'Chilling Effect' that isolates, demoralizes, and prevents them from realizing their full potential to contribute to the organization. As more and more individuals are exposed to the 'Chilling Effect', their experience gains wide recognition and understanding. This perception then translates into negative attitudes on the part of prospective employees.

These negative attitudes are usually based in fact, but occasionally involve extrapolation that creates an even greater sense of futility and anger that is then targeted at the employing organization. Members of Aboriginal communities are aware of the negative experiences of their peers, and are therefore more likely to avoid such working environments, and more importantly, are more likely to pass on their impressions to young people who may express a desire to seek employment in organizations that actively recruit through special employment programs. Aboriginal people have a great capacity to learn through observation, and consequently are more likely than other minority groups to respond to the 'Chilling Effect'. In addition, history has also taught Aboriginal people to be suspect of government organizations, and this factor also contributes to the impact created by this phenomenon.

Our findings indicate, therefore, that attitudinal barriers exist as well within Aboriginal individuals, organizations, and communities that serve as formidable obstacles to the participation of Aboriginal people in the labour force. These attitudes exist within all regions of the country, are prevalent in urban and rural areas, and constitute difficult impediments for employers to overcome.

Impact from this barrier can be addressed through the following ways:

- increased efforts to open communication with communities
- improved levels of trust between employers/communities
- clear indication of efforts to correct past injustices

- promotion of Aboriginal employees to management levels
- realistic, effective support systems for Aboriginal employees

4.3 Systemic Barriers

Issues within the organizational structures of corporations and institutions that prevent the participation of Aboriginal people in the labour market will be highlighted in this section of our report. Responses from interviewees indicate that although some effort has been directed to the elimination of systemic barriers, a number of issues remain that have not been addressed, and still constitute formidable obstacles to Aboriginal people.

4.3.1 Recruitment & Selection

One respondent summarizes widely expressed views: "The only way to find a job in the regular work force is if you know someone. For the Federal Public Service, the testing makes the job unreachable and for the Provincial Public Service, Native peoples can't get jobs because the qualifications are exclusionary."

As an example, the Entry Level Officer Selection Test (ELOST) that is still used by the Public Service Commission in spite of widespread denouncement by representatives from all four Employment Equity target groups, has the ultimate effect of selecting out any individual who cannot attain the required minimum passing level. As a means of determining personal abilities and aptitudes for entry-level positions, this instrument seeks to measure qualities that may not be required for candidates seeking entry into the public service. It constitutes a systemic barrier to entry because it is not culturally appropriate, does not set realistic levels of achievement for job-related abilities, and over-estimates the minimum qualifications for the entry level positions it

purports to staff.

As a contentious testing instrument, attempts have been made in the past to justify its continued application. For example, when the cultural-appropriateness of the test was challenged, a number of highly educated, fully-employed individuals were invited to take the test, ostensibly to assist in the identification of areas of the test that were being challenged as culturally appropriate. As each individual sat the test, their results were recorded and comments noted. It was observed that the participants in this process did exceptionally well, and since they were coded as members of the so-called 'disadvantaged' groups, their results were entered in statistical summaries of individuals who had completed the test. When subsequent objections to the test were raised later, these same statistical summaries were used to defend the validity of the test.

Our findings refer to first-hand experience of this process since the Project Director was selected as a participant in the evaluation of the test in October of 1991. As a university professor with over twenty years of experience as an educator, the results obtained by this individual on the ELOST test were predictably above average. When these results were factored in to the overall summary of results of all Aboriginal candidates, PSC officials were then able to report that since Aboriginal people had fared well on the test, that concerns raised about its appropriateness were unfounded. Today, the ELOST still constitutes a barrier to the recruitment of Aboriginal people. Other systemic barriers to recruitment and selection include:

- inflated requirements for open positions
- selection criteria that stress education levels and do not value life experience
- intricate and unduly bureaucratic application processes
- lack of sufficient outreach to communities & organizations
- lack of use of appropriate media to advertise positions

- use of intricate jargon in describing job requirements instead of adhering to the policy on the use of plain language in government publications
- screening processes that select out potential candidates without consideration of skill levels or experience
- lack of Aboriginal employees involved in recruiting and selection processes
- interview processes that are biased, intimidating, formal, and potentially conflictual in nature
- lack of integration of culturally appropriate techniques in interviews (e.g. allowance for lack of eye contact; sufficient time for candidates to express themselves; interpretation of non-verbal communication; allowance for nervousness masked as humour; etc.)

4.3.2 Language

In several regions of the country, but especially in Quebec, language requirements for employment in the Federal public service constitute a systemic barrier to Aboriginal people. In the PSC study referred to earlier, one respondent states:

"I think it [advancement] is limited here in the North and mobility is lacking because there are so few departments. I am restricted by the requirement for French and not Inuktitut." [4]

"A number of Aboriginal people see the government's bilingual policy as a major barrier to [recruitment] and advancement. They feel that their own language is devalued by the Public Service." [4]

Within the Province of Quebec and the National Capital Region, many Aboriginal people seeking employment in either private or public sector organizations are not sufficiently bilingual in English and French. This reality constitutes another barrier to employment and can be addressed

by:

- increased language training in communities and organizations
- opportunities for post-employment language training
- recognition of realistic language requirements by position

A respondent to the PSC Study on the Retention of Aboriginal People in the Federal Public Service offers this suggestion:

"Correct the conflict between language requirements and introduce an Employment Equity exclusion order to allow Native people more time and modify the model for learning French." [4]

4.3.3 Orientation & Training

Marked improvement in the adaptation of Aboriginal employees to mainstream work environments could be accomplished by better orientation and training sessions. In most cases, Aboriginal people speak of being placed in public sector positions and being left to 'fend for themselves' in attempting to adapt to corporate work habits, regulations, and procedures. While such comments are no doubt echoed by non-Aboriginal employees as well, Aboriginal people rarely have experienced Aboriginal co-workers to rely on for support. Where their non-aboriginal colleagues may also lack sufficient job orientation, Aboriginal employees are often reticent to seek information and support. As noted earlier, powers of observation and imitative learning styles are the primary tools which Aboriginal employees must rely on to adjust to organizational practices when orientation sessions do not take place.

Among several other concrete suggestions, The Ontario Native Employment Equity Circle makes the following recommendations with regard to orientation in its report *Honouring the Difference: A Challenge Paper*: [11]

"Whenever possible, deliver job orientation and training programs at or close to the Native person's community ..."

"Conduct orientation sessions for new Native employees in the form and spirit of the 'Circle'..."

"Introduce Native employees to support systems ..."

"Create workplace support groups ... to assist Native employees to settle in."

There appears to be a systemic barrier present in the access to training and development opportunities for Aboriginal people. Our respondents cite examples of developmental opportunities being denied to them on several occasions, but given to non-Aboriginal colleagues with less experience or inferior qualifications. The competitive nature of the workplace often labels training or development opportunities as 'rewards' or 'incentives' that are not available to everyone. Consequently, given the non-competitive quality of an individual Aboriginal employee, s/he may not choose to compete for such a reward. This action is likely to be interpreted by a manager as 'lack of initiative', or 'lack of interest', thereby reinforcing existing stereotypes.

The impact of barriers in orientation and training could be addressed by the following:

- better use of Aboriginal mentors and role models
- recognition of the relationship between orientation & retention
- encouragement of Aboriginal support systems
- equal access to training & development opportunities
- regular interaction between employers & Native communities

4.3.4 Certification & Licensing

Access to employment in the trades and technologies requires solutions to the problems presented by Aboriginal workers who do not possess the required certification or licenses required

to perform specific jobs. In some cases, Aboriginal people possess the technical skills, but lack the formal documentation to gain employment. While respondents to our research questionnaire indicated that this situation exists, we were not able to identify any measurable degree to which it negatively affects the labour market participation rate. We did note however, that a number of our respondents referred to the need for more formal education to prepare young people for jobs in these areas.

Employment counselors in both urban and rural areas suggested to us that employment prospects would be brighter if more Aboriginal youth were encouraged to seek professional certification through vocational education programs.

The issue of adjusting criteria for professional trades people is one that requires more research to determine the feasibility and the implementation mechanisms that would be required. Our research indicates that the lack of formal qualifications does inhibit Aboriginal trades people from gaining employment, and therefore constitutes an additional systemic barrier to participation in the regular labour force.

4.3.5 Career Advancement

Obtaining promotion or career advancement within any organization is dependent upon several factors. Job performance, job evaluation results, timing, knowledge of the application process, familiarity with the competitive process, and ambition are only some of the elements at play if an individual wishes to advance their career through promotion.

Our findings indicate that career advancement is frequently stalled for Aboriginal employees because of systemic barriers that they face. To illustrate this observation, we again refer to the *Study on the Retention of Aboriginal People in the Federal Public Service*.

"It is important for Native people to develop their own networks because they are excluded from the mainstream 'old boys network'." [4]

"I do not have a support mechanism such as a mentor to help me get into the Management Category. One has to be ... part of the 'Old Boys Network' to get ahead..." [4]

"When I was associate to the ADM he participated in social events and never invited me, all things happen in the social scene." [4]

"I found that my advancement was limited and I was excluded because of my association with Native Peoples." [4]

For many Aboriginal people, the prospect of attaining high level positions of authority is most unlikely. Very few Aboriginal senior executives exist, and even if they did, the hierarchical structure of many large organizations prohibits any regular contact between senior managers and junior level employees. In other instances, when an Aboriginal person does reach a senior level, s/he is sometimes labeled as having compromised his/her Native values, and is consequently dismissed by some Aboriginal employees as too 'distant' to be of any help in their career progression.

Other systemic factors in career advancement have been identified by our respondents.

"Vacancies do not filter down to Aboriginal people. Positions are filled by mainstream candidates. I have seen trainees dismissed at the termination of training with a comment that there are no vacancies."

"When I expressed my desire to seek a developmental assignment that I knew could lead to an opening where my qualifications fit, my manager scoffed at me, and asked where 'this sudden burst of ambition' came from."

"There should be some sort of Directory of upcoming open positions, and an advocate for Aboriginal employees. I wasn't aware of the steps you should take to obtain a promotion. There was no one for me to ask. I had four different managers in the space of two years, and they were all too busy 'getting used to the place' to respond to my questions."

We also identified some common practices that constitute systemic barriers to advancement. For example, if a competition for a particular job is foreseen, managers have been known to schedule routine performance evaluations for Aboriginal employees in advance of the competition. Where the employee had held consistent ratings of "fully satisfactory" for several months prior to this evaluation, a new rating of "satisfactory" would be assigned by the manager, much to the surprise of the employee. Knowing that one important criteria of the competition would be a performance rating of "fully satisfactory", the manager concerned could effectively block the Aboriginal employee's entry into the competition. While there is some question of whether this type of tactic should be classified as 'attitudinal' or 'systemic', the fact remains that the Aboriginal employee is stymied because of a technicality.

Such instances of blockage from line managers suggests the need for alternate routes to career advancement for Aboriginal people. Managers have also been known to discourage Aboriginal employees from seeking new assignments. In their words:

"I knew that I wanted a more challenging position, and my manager knew as well. She made a point, however, of letting me know that she would not support my efforts to compete for a promotion because I had trained a long time in my position, and knew the job better than my colleagues. I knew then that I had no choice but to leave."

"Many Aboriginal people feel 'locked in' to their current positions ... don't have adequate career counseling, and aren't aware of how they could apply their skills in another environment. Their managers are satisfied with their work and don't want to lose them by suggesting career advancement choices."

The impact of these barriers to career advancement could be addressed in the following ways:

- increased opportunities for career path planning
- direct invitations to Native employees to compete for promotions

- establish an Aboriginal Career Counseling service
- involvement of Aboriginal mentors and role models
- provide opportunities for junior employees to interact with employees at more senior levels

4.4 Logistical Barriers

A variety of other factors prevent Aboriginal people from participating in the labour force, that are not related to either attitudinal or systemic barriers. We have grouped these factors under the heading of 'Logistical Barriers' because they stem from physical limitations over which the individual may have no control. Perhaps by identifying a number of these barriers, the knowledge that they exist will help in their elimination.

Sophisticated work environments require a number of 'tools of the trade', and when individuals seek employment in these organizations, they frequently lack the necessary requirements to function properly. We have noted several of these limiting factors from our research, and enumerate them here. While it could be argued that some of the examples presented here are relatively trivial for some, several of our respondents feel that they constitute major impediments to the participation of some Aboriginal people in the labour force.

"Subsistence living makes it difficult for Aboriginal people to possess clothing that will meet dress codes in offices or other work areas ... safety boots, goggles, etc.)."

"Aboriginal people from small communities or bands located in remote areas do not know how to get around the city well. They usually need help to use the transit system and often have trouble leaving the usual paths they follow."

"Proper child care and elder care are essential ... a priority for Aboriginal people. They aren't just perks for us. And adequate services are just not affordable away from home communities."

"Quality of life is important to Aboriginal employees. Sometimes I think employers confuse this principle with laziness. Just because their values are centered around their work, doesn't mean ours have to be."

"Cost of living in large urban centres is a big factor."

Other issues that come under the heading of logistical barriers include the following:

Demographics

Aboriginal populations across Canada are distributed in remote, rural, and urban environments. The size of each community varies widely according to the general distribution of the population in each region and province. As well, the proximity of each community to more densely populated towns and cities has a bearing on the level of services that are available. Geography also plays an important part in determining the capacity of Aboriginal people to participate in the labour market. Education levels, income levels, language facility, and many other factors vary enormously depending upon the demographic make-up of each community.

Whether viewed through the rubric of barrier or opportunity, these demographic realities make it extremely difficult to determine any generally applicable set of methods to promote the participation of Aboriginal people in the labour market.

For example, if an Aboriginal community is fairly large, and located within commuting distance of major employment equity employers in large towns or cities, the prospect of accessing employment and therefore meeting employment equity objectives should be feasible. On the other hand, the existence of a large population of Aboriginal people within close proximity to an urban area may also mean that racial intolerance is exacerbated by the existing socio-economic problems of the population, and may therefore inhibit opportunities for employment with local employers. This situation is illustrated around the cities of Winnipeg or Regina. Where the demographic

composition of the local community could provide potential candidates for positions, attitudes become barriers because of demographic realities. On the other hand, where large populations of Aboriginal people are widely distributed around the province of Ontario, employers with operations in smaller communities may try to recruit employees through major centres like Toronto or Ottawa, and fail to conduct sufficient local outreach activities in more appropriate areas. Proper research can reduce barriers related to demographics.

Taxation

Tax exemption status is an important factor in choosing between employment on reserve or off reserve. For many, the costs associated with working off reserve are outweighed by the advantage of remaining on reserve.

Distance

Traveling distance from home communities to workplaces in urban centres or towns is often a problem for Aboriginal people. Public transit may or may not be available, and actual distances mitigate against regular commuting.

Native work environments

Aboriginal employees prefer to work within culturally sensitive work environments. Stresses associated with foreign organizational cultures are eliminated by opting to work for a Native organization. Logistically, an Aboriginal employee faces fewer workplace accommodations, fewer changes in behavioral requirements, when s/he finds employment in an Aboriginal milieu.

Clothing requirements

Regulations, stated or unstated, related to personal attire have the effect of excluding any individual who cannot dress according to required standards. An example noted in our research

involved an Aboriginal woman who was hired to work for a national railway corporation as a maintenance worker. The job required steel-toe safety boots for her to enter the job site, and she could not afford them. When the foreman on the site correctly refused her access, she did not report for work. Since she found it difficult to explain her financial situation to company officials, she chose to forego the job opportunity, and began work with an Aboriginal organization the following week. While this is certainly an isolated incident, it clearly illustrates the minor factors that can impinge on labour force participation.

Another example of this type of logistical barrier is the case of a young man in the Toronto area who successfully obtained a job offer from a major bank. He had a young family to support, heavy financial obligations, and a very limited wardrobe. Rather than inform the new employer of his inability to purchase what he considered proper 'business' clothing, he chose not to take the job. He remained unemployed in spite of having a university degree, and returned to his reserve after about a year.

These illustrations are presented as a concrete way of pointing out that seemingly insignificant job requirements can, and do present barriers to Aboriginal people. Both of these incidents could have been avoided quite easily had the lines of communication been open between the employer and the prospective employee, but since they were not, the employment opportunities were forfeited.

Physical disabilities

Aboriginal persons with disabilities experience the same difficulties in terms of access and transportation that all disabled people face on a daily basis. Their support requirements constitute real barriers to employment, whether in the form of attendant care, adapted transportation, or building access.

Welfare regulations

Another logistical barrier that prevents a number of Aboriginal people from entering the labour force in urban environments in particular, is the existence of regulations regarding income limitations imposed by social assistance agencies. Some individuals who might consider part-time or casual employment as a means of entering the labour force, are prevented from doing so because earned income would 'penalize' them and disrupt the flow of welfare income and suspend their social assistance benefits. This phenomenon has been discussed in many fora as one of the contributing aspects of the welfare cycle, but has not yet been addressed effectively.

Finally, while the items listed above as logistical barriers were identified by a number of our respondents, as many as 25% of those we interviewed were very definite in their assessment that the matters raised in this section do not constitute real barriers. They tended to view these items as 'excuses'.

"Aboriginal people don't have the networks they need to find employment, or to find solutions to these kinds of problems. They only become barriers when people don't have support"

"I feel employers use these as excuses and therefore they are barriers. In reality, we do not identify any of these barriers for ourselves today.

The debate over these so-called 'logistical' barriers has confounded employment specialists for years. The question of whether people are excluded from the labour market by their socioeconomic status, or whether such influences are merely 'excuses' to avoid full-time participation will no doubt continue, but the statistical evidence is unquestionable. Our research, and that of other investigators has clearly demonstrated that the range of barriers to the participation of Aboriginal people in the workforce is so extensive, that no single element can serve as a base for explanation.

The complexity of this situation is further expanded when issues related to health and well-being are included. For example, the incidence of 'children having children', the evidence of high rates of diabetes among Aboriginal people, the existence of fetal alcohol syndrome, the long-term effects of substance abuse and alcoholism, and the debilitating effects of such mental illnesses as depression and anxiety, no doubt all play a part in adding to real or perceived barriers to full participation in the labour market. What can be said with certainty, is the fact that all types of barriers, whether minor or major, do contribute to the overall low participation rates.

The impact of logistical barriers can best be addressed by a full-range of support services, coupled with increased analysis and study of concrete mechanisms designed to address them.

4.5 Educational barriers

In every interview conducted for this study, the issue of under-education was paramount. While many respondents spoke of discrimination in all stages of employment practices, the one common theme was the need to increase the number of qualified, educated Aboriginal people to counter the claims that 'there are not enough qualified applicants'.

One theory exists that has been put forward by advocates of minority groups in the U.S. as well as by advocates of feminist organizations. It speaks of the need for the development of a 'critical mass' of candidates and employees from any underrepresented group in order to affect any degree of measurable change. A widely accepted definition of 'critical mass' is usually placed at approximately 30% of the population in question. Thus, it is stipulated that if any employee group in a given workplace is composed of 30% minority workers, the incidence of discrimination and exclusionary practice subsides primarily because of 'strength in numbers', as well as because of the increased potential for greater cross-cultural understanding. Similarly, the theory suggests that if a

population of job applicants consists of approximately 30% minority candidates who are equally qualified, the incidence of biased hiring decisions and exclusion based on ethnicity or gender also decreases.

This theory can be applied at least in part, to the experience of qualified, educated Aboriginal people who compete for job opportunities. In most cases, the percentage of applicants who meet the criteria requirements of prospective employers is usually well below the critical mass threshold of 30%. As well, in reviewing the graduation statistics of post-secondary students in Canada, the percentage distribution of Aboriginal graduates falls far below the 30% margin when seen as a proportion of the whole population. Therefore, applying the theory, it follows that a far greater percentage of Aboriginal graduates than currently exists, is required before any marked change in exclusionary employment practices occurs. While it would be unrealistic to expect that a target of 30% Aboriginal job applicants for employment opportunities could be attained, given their overall representation in the overall Canadian population, it is not unrealistic under this theory to expect that higher percentages could lead to a lower incidence of exclusionary or discriminatory hiring practices.

Further, in a study by Peter and Kuhn (1994) entitled *The Size and Structure of Native-White Wage Differentials in Canada*, findings are presented that indicate improved earning potential for Aboriginal people who do complete higher education. Their study analyzes gaps in income between Aboriginals and non-Aboriginals, and concludes that "...we find an overall wage gap of about 11%, which is small compared to that of, say, women versus men in the same data set.." [14]

While they note that Aboriginal people living on reserve earn less than those living off reserve, George and Kuhn observe that, particularly for women, the potential for smaller gaps in

income exists when education levels are higher.

"... What is perhaps most surprising about our results here is that, given the above "barriers" have been overcome (i.e. given a native person is working full-time and full-year), natives face wage gaps that are small and *returns* to education that are high when compared to other, much-studied, disadvantaged minorities (i.e. women and U.S. Blacks) in the same situations." [14: p. 20]

Other units within RCAP are providing studies with regard to the need for higher levels of education for Aboriginal people, and we assume that Commissioners are informed of the many benefits that could be derived were more young people to become motivated to pursue higher education.

What we can confirm for the Commissioners, however, is the strong link that has been defined for us by key respondents that the need to act on measures to promote education is an urgent and pressing one. Employment counselors, both on reserve and in urban areas have expressed clearly the importance of preparing more young people to contribute to the economic development of Aboriginal communities. Interview respondents have repeatedly called for better skills development and efforts to provide relevant training and education to help reduce exclusion from the labour market.

Three of our survey questions related directly to the issue of education. When asked if under-education was, in itself, a barrier to the participation of Aboriginal people in the workforce, over 80% of our respondents (26 of 32) replied that it was. A similar number (75%, or 24 of 32) replied that, in their opinion, university-level programs were the minimum level of education required to eliminate barriers to employment. And when they were asked to specify which types of education/training were most in demand by employers, the choices they listed clearly indicated that university degrees were essential. We include here a list in descending order, by frequency of responses, ranked according to perceived market demand.

DISCRIMINATION AND OTHER BARRIERS FACING
 ABORIGINAL PEOPLES IN THE LABOUR MARKET

	RESPONSES
Computer Science	29
Finance / Accounting	29
Engineering	21
Health Sciences	21
Teaching	18
Law / Paralegal	18
Writing	16
Political Science	14
General Arts	13

We can conclude from these findings that employment specialists consistently identify the need for education at the post-secondary level as imperative. Further, one can also draw the conclusion that in order for these minimum levels to be realized, a major shift must take place in the rate at which young Aboriginal people pursue post-secondary education.

Our respondents have identified a number of factors that impinge on the rate at which Aboriginal people choose to follow post-secondary education, and consequently contribute to the formation of under-education as a barrier to labour market participation. Some of these factors include the following realities that have come forward from discussions held during our interviews.

Motivation

A vicious circle is created by lack of motivation to pursue higher education. Young people

see no apparent reason to seek educational opportunities because they see little likelihood that their skills would be put to use. This reality is confirmed when they note the high unemployment levels in their communities, even among educated Aboriginal people.

Lived Experience

Since many parents of young Aboriginal people experienced the residential school system, they are very reluctant to agree to any suggestion that their children should be 'sent away' to distant educational institutions, even at the post-secondary level. Their negative experiences are vivid living memories that are not easy to expunge.

Acculturation

Many Aboriginal people feel that it is impossible to retain traditional cultural identity in the process of acquiring skills and knowledge from non-Aboriginal instructors in non-Aboriginal institutions. The recent renewal of many cultural practices and the renaissance of cultural pride, only reinforces the threat posed by non-Aboriginal educational institutions. In addition, such fears are indeed well founded in the negative experiences of many young people who attend schools where cultural sensitivity toward Aboriginal Peoples is lacking.

Role Models

Those Aboriginal people who do succeed at the delicate balancing act of living 'with a foot in both canoes', or who manage the transition between both societies, are few and far between. While more and more Aboriginal people have been able to cope with the stresses of post-secondary education, their presence as role models in their communities is not very common. Some encouraging efforts to honour such individuals has already produced positive results, but young people still need even more concrete evidence to be reassured that they can follow similar paths.

Awareness

In families where no one has acquired post-secondary education, awareness of the need for it seldom exists. The fact that most occupations now require higher education is no doubt reiterated from a number of sources, but the message has still not yet been received. Most notably, generations of older Aboriginal people have not yet been convinced that post-secondary education will contribute to the development of Aboriginal communities; on the contrary, there is still a strong sentiment that non-Aboriginal educational institutions are only interested in preparing young people for entry into non-Aboriginal society.

Counseling

Education counseling of young people is not yet producing desired results. Job-related education programs are not receiving sufficient attention and career counseling tends to focus on fields that are related to the socio-economic problems being felt at the community level. While there certainly exists a need to educate social workers, community health workers, and the like, little focus appears to be placed on programs linked to economic or technological development. This imbalance is being addressed in some regions, but has not shown any marked impact as yet.

Skills

Readiness skills for admission to post-secondary educational institutions are lacking. Literacy and numeracy skill levels are underdeveloped and make it extremely difficult for Aboriginal people to make the transition into university-level coursework. Such things as time management, study skills, note-taking, writing skills, and other important life skills are not given sufficient focus in primary or secondary programs. Teaching of math and science is not accompanied by sufficient relevance to Aboriginal community development

Educators

Post-secondary institutions in general, and non-Aboriginal faculty members in particular, are not sufficiently aware of cultural factors that influence Aboriginal people seeking education. The absence of Native people from the post-secondary education environment has resulted in a very low level of understanding of the different learning styles, different behavioral norms, and different interpersonal practices that characterize Aboriginal learners. This fact, coupled with the absence of Aboriginal curriculum content, and the low incidence of relevant Aboriginal community-directed courses, make most post-secondary institutional environments unfriendly for aboriginal students. Outreach to communities is seriously lacking, as is the development of effective support services including bridging programs, transition-year programs, and counseling services. While some encouraging signs are emerging from a number of academic institutions, there still remains a great deal of work to be done to ensure access and success for Aboriginal students.

Leadership

Aboriginal community leaders are most often preoccupied with many urgent and pressing matters to such an extent, that little attention is given to matters related to all of the above factors that contribute to the barrier of under-education. Efforts have been directed at building infrastructures to support the delivery of educational programs, but more long-term planning and vision are required to address the effectiveness of such programs. Leadership of Aboriginal communities must devote the necessary time, effort, and resources to building a 'learning culture', where education is valued, encouraged, and celebrated. Direct intervention with post-secondary academic institutions is required on the part of Aboriginal leadership to open the dialogue that is required. This process has particular importance for urban Aboriginal communities.

In support of these summarized observations we provide a selection of comments from our

respondents.

"Parents must take the responsibility not only to encourage their kids at home, but also to get involved with their kids' education at school"

"There are an insufficient number of role models. In our schools and in the community we must use successful Indians as role models for others to copy."

"We've seen so much money spent educating our people. Where are the results of that expenditure? They say there are over 20,000 students being funded, but what kind of programs are they following? And how many times have they changed their field of study? We need better counseling at the reserve levels, and better guidance in the schools."

"Fine Arts are important. So are anthropologists and nurses. But who's going to manage our economies in the future?"

"We need career planning in the High Schools and this should be done by Indian people speaking to Indian students."

"On the reserve there are lots of youth who have dropped out of school and are illiterate. The government through Pathways is going to have to recognize this and do something about it."

"Aboriginal learning styles are different and are not accommodated in the present education system. In general the education system and its modes of discipline are unpalatable to Aboriginal youth."

"Education is the key. The need for education for Aboriginal people is greater than ever and youth should be the target. At the same time though it is absolutely necessary that mainstream schools help create a receptive environment. Our society has been driven by Euro-white value systems and the mainstream must learn about the cultural and social values of the Aboriginal Peoples of Canada."

"How long is it going to take for non-Aboriginal teachers to stop reinforcing stereotypes about us? My kids should be able to hold their heads up high in their classroom. Here in the city it's even harder to keep them in school sometimes."

"Our communities have to get the message that computers, technology, and science are all necessary to our future. We need education that fits the employment patterns

necessary to support Aboriginal communities. And we need education counselors who understand this relationship."

Some of the actions that are needed to eliminate the educational barriers to participation of Aboriginal people in the labour market could include the following:

- commitment from leaders to develop a 'learning culture'
- increased parental involvement in children's education
- development of partnerships with academic institutions
- improved education/career counseling from early childhood
- identification and promotion of role models
- greater awareness of job-related training and education
- improved overall education focus on literacy/numeracy
- wider research/publication on Aboriginal learning styles
- campaigns to promote culturally relevant academic programs
- increased awareness of importance of math & science
- better teacher training in science & technology
- more involvement of elders in promoting formal education
- expanded partnerships between communities & institutions

4.6 Cultural Barriers

Participation of Aboriginal people in the labour market is adversely affected by a number of cultural factors over and above those identified earlier in the section of this report dealing with organizational culture. These additional elements constitute the final group of barriers that were identified by respondents to our study.

4.6.1 Family Obligations

We referred earlier to the incidence of 'children having children' as a real barrier to workforce entry. Demographic studies show that high birthrates in recent years have included large numbers of teenage pregnancies among young Aboriginal women. This reality is only one aspect of the barriers that develop because of the importance of family in the cultural makeup of Aboriginal people.

Lack of adequate childcare services and eldercare services particularly in urban environments, makes it practically impossible for large numbers of potential employees to occupy full-time positions. While these family pressures are a fact of life for many Canadian workers, Aboriginal people may experience greater levels of absenteeism, and more importantly, higher levels of unemployment, because of the intensity of the role that family plays in Aboriginal cultures.

Extended family structures provide support systems for Aboriginal people, but at the same time, they can also constitute additional burdens when the phenomenon known as the 'sandwiched generation' effect occurs. Responsibilities for care of infants and the elderly has a disproportionately negative effect on women.

Our respondents observed that although employment participation rates for Aboriginal women are slightly higher than for Aboriginal men, it is likely that the proportion would be even higher if better support systems existed, particularly in urban centres. At present, many Aboriginal working women rely on relatives and extended family members to provide childcare or eldercare service because they are unable to locate quality public caregivers. This situation creates a 'trickle down effect', effectively keeping the caregivers out of the regular labour force. Furthermore, when such caregivers are unavailable, the burden of responsibility on working women frequently results

in their leaving positions of employment.

Other cultural matters requiring Aboriginal people to maintain their family obligations have been identified in our research as an important reason for the low retention rates in some corporate environments. For example, when an Aboriginal person is forced to choose between honouring a family obligation and following up on a work commitment, unexplained absences or departures can frequently be traced to a family crisis or to another equally compelling explanation related to familial obligations. During the Oka Crisis for example, a number of regularly employed people opted to leave their workplaces in order to assist family members who were relocated or traumatized by the events.

4.6.2 *Communication*

Another cultural factor that disadvantages Aboriginal people from participating in the regular labour force is the lack of facility with spoken and written forms of standardized English. To a great extent, employability is often predicated on a candidate's ability to articulate ideas in a clear and concise fashion. Mainstream norms of human interaction involve many indicators such as small talk, facial expressions of acknowledgment, and subtleties of communication that Aboriginal people do not participate in when they are outside their own circle.

Non-verbal communication abilities among Aboriginal people are efficient and effective means of communicating ideas; are widely understood; and are accepted forms of interaction. The need to develop complex articulation, to apply sophisticated forms of rhetoric; or to exercise the use of specialized jargon simply does not exist within many Aboriginal societies. Consequently, when employment/ hiring practices measure these abilities, candidates are often misjudged as non-communicative, unintelligent, or somehow suspect in their perceived 'unwilling-ness' to

communicate in an interview. Such intercultural misunderstanding therefore creates a significant barrier to employment.

Shyness is often attributed to Aboriginal applicants, and may in fact, be true. But the inability to differentiate between initial reticence on the part of an interviewee, and that person's overall potential to become a productive employee still constitutes a barrier in the hiring practice.

Communication is a teachable skill. Where specific levels of communicative ability are required in a given work environment, they can be practiced and learned over time. What needs to occur is greater appreciation for the gap in cultural norms, where Aboriginal educators recognize this gap and identify ways to impart these skills to young people; and where non-Aboriginal employers accommodate the need for improved communication skills through information sessions and training programs.

4.6.3 Gender Roles

Our findings indicate that the continuing existence of gender-role stereotyping within Aboriginal communities is also a significant barrier to greater participation of Aboriginal people in the labour force. Women are key players in Aboriginal society, and to a large extent support grass-roots organizations through voluntary activity. And in some regions, they have become involved in political structures, as well as in educational and social service occupations. But any of the positive results that have ensued from mainstream society's reaction to the Women's Movement, have not been felt in most Aboriginal communities, where control and authority still rests almost entirely with male leaders.

As a consequence, young people are still confronted with very clear gender roles that may preclude them from developing a vision of equality between the sexes. "Although there is evidence

that women are becoming more involved in local decision making through their participation in various 'governing' bodies, as well as through the roles they play in directing social service, education, and community health initiatives, for the most part, exclusionary attitudes and behaviours still persist within Aboriginal communities. Historical sexist ideologies imported by European conquerors and religious missionaries still play a part in gender role stereotyping to such an extent that Aboriginal children lack the positive message that gender equity will contribute to self-sufficiency of Aboriginal communities." [15]

Cultural attitudes toward women in non-traditional roles and occupations therefore constitute obstacles to wider involvement of young women and must be addressed if change is to occur.

In spite of the many Aboriginal cultures where the role of women is highly regarded, evidence to confirm the existence of sexism as a cultural factor is expressed in the report of the *DIAND Working Group on Aboriginal Recruitment, Retention and Advancement* cited earlier in this study.

"Attitudes of Aboriginal Men

One factor that emerged in some regions and in the NCR was that many Aboriginal women feel that 'Aboriginal men are the most sexist of males'. This was by no means a universal statement, but did come up frequently in discussions, particularly in certain regions. Some women stated that they would go out of their way not to work for an Aboriginal man, in many cases drawing on experiences in Indian organizations rather than in DIAND. A number of Aboriginal women feel that Aboriginal men are conditioned to view women as inferior to them, and that this attitude is carried over into the workplace more in relation to Aboriginal women than other women." [8]

As a 'double-barreled' obstacle, gender-role stereotyping causes added stress factors for Aboriginal women who must contend with pressure from both their own communities, as well as from mainstream work environments.

4.6.4 Identity

As Aboriginal people witness the long-standing effects of attempts at cultural assimilation, and struggle to maintain their true identity, the prospect of joining mainstream organizations can constitute, in itself, a barrier to participation in the labour force. Pride in, and commitment to, the retention of cultural identity does prevent some individuals from compromising their principles and beliefs. While this phenomenon is not necessarily a negative one, our findings show that several respondents have spoken directly with Aboriginal people who fear a 'loss of identity' by having to 'compromise' their cultural attachments, and therefore opt to remain outside of the regular labour force.

"Loss of identity is a critical issue. Preference for working in a native environment is a limiting factor, but exists nonetheless."

"Cultural factors are considered a priority for most native people ... to know who we are ... to work for ourselves to better ourselves..."

"The dilemma is quite obvious ... when we are only given a choice between remaining Indian or having a job, how are we supposed to choose?"

The existence of cultural barriers, then, should be recognized as a significant issue that requires more action-oriented analysis to find workable solutions. As a first point of reference, recognition of the cultural diversity among Aboriginal Peoples is paramount. Regional differences, lifestyle differences, and differences in beliefs, characterize individuals and communities, and are further complicated by the many varying degrees of acculturation, sophistication, and integration into mainstream society..

In its submission to RCAP, entitled *Working Together to Promote Native Employment*, the Interprovincial Association on Native Employment (IANE) presents thoughtful insight into this diversity, and explores some very important ideas that should be given serious consideration by

RCAP Commissioners.

"It is within the urban centres that evidence is most obvious that the indigenous race are a people on two, often contrasting paths. To respond to this little understood dichotomy, wherein some Aboriginal people are moving directly into the modern socio-economic arena and others are struggling to adapt and survive within their changing socio-cultural environment, it is critical that the present conventional strategy, programs and services be broadened to respect the needs of a race of people in transition.

While the programs required by those Aboriginal individuals who aspire to modern society must continue in some enriched form, the new approach must bring into focus for the first time the complex situation dramatically affecting the daily lives of the more traditional collective. Daily the media tell Canadians and indeed the entire world, that the more traditional collective, who best epitomize the 'roots' of a legitimate, indigenous people, and who, because of choice or circumstance cannot meet the norms of industrial/technological society, remain on the outside looking in." [16]

Analysis provided by IANE in its submission to RCAP begins to define the extent of diverse needs among the Aboriginal population. What could be defined as cultural barriers for individuals from rural or remote communities, are probably not an issue for more acculturated, job-ready Aboriginal workers in urban areas. As well, programs such as employment equity that are predicated on establishing an even playing field for competing job candidates, can not begin to meet the needs of all Aboriginal people unless they are designed with the knowledge that such imbalances among a given group of people are recognized and factored into the process. The design and development of such employment enhancement programs will be dealt with in the next two sections of this report.

5.0 THE STAKEHOLDERS

If the goal of increased participation of Aboriginal Peoples in the labour market is to be achieved, our research indicates that several key stakeholders must become involved actively in designing strategies that will yield concrete results. We chose the term 'stakeholders' because under the present circumstances, many important groups have much to lose if the human potential of Aboriginal people is not fully utilized. The barriers that have been identified through our research have serious consequences in terms of significant losses in productivity, no returns on investment, continued demoralization of skilled people, and innumerable other negative results that will impinge on the development of strong Aboriginal communities. Individuals and institutions who commit to implementing positive change are therefore venturing into a sound investment in the future. Hence the term: stakeholders.

In each case the motivation to achieve the common goal may be different, but each stakeholder must bear some level of responsibility for its success. In each case the level of required effort may vary, but each stakeholder must recognize their crucial role in the process. Through our research, we have identified eight key stakeholders and will now present commentary on how their actions can have an impact on the achievement of higher employment participation rates for Aboriginal people in the labour market. These eight key stakeholders would include:

- Legislators
- Aboriginal leaders
- Aboriginal communities
- Aboriginal organizations
- Employers -- Public and private sectors
- Municipal governments

- Human Rights agencies
- Academic institutions

We note here that other bodies such as professional associations, labour unions, chambers of commerce, industry-specific organizations and other local and national agencies can also contribute to the change process as barriers are identified and partnerships are sought to eliminate them. Our primary focus, however, is on those stakeholders who have been identified through key respondents to our study.

5.1 Legislators

Governments at both the federal and provincial levels must enhance and strengthen existing legislation with regard to employment equity and human rights legislative policies as they apply to Aboriginal Peoples. Specifically, where existing legislation provides for the elimination of discriminatory barriers in employment practices, governments must remain vigilant so that evidence such as we have observed in our research, is not tolerated. Moreover, government legislators bear the ultimate responsibility for the ineffectiveness of government policies and programs. When the intended objectives of such programs and policies are not met, it is incumbent upon elected members to react by changing and/or improving them.

In its widely published document entitled *Creating Opportunity*, the Liberal Party of Canada made specific references to a number of issues related to our study. The 'Red Book' included the commitment to 'forge new partnerships with the Aboriginal Peoples of Canada', and more specifically, to 'give the Canadian Human Rights Commission the legislative authority to initiate investigations of Employment Equity issues'. [17] It also mentions that the Liberal Party intends "changes ... to strengthen the Employment Equity Act ..." [17] Moreover, "In February

1991, Parliament passed the Canadian Race Relations Foundation Act ... A Liberal government will proclaim this law and create the Canadian Race Relations Foundation, to work at the forefront of efforts to combat racism and all forms of racial discrimination in Canada." [17] Through these policy statements, the present Government of Canada has publicly gone on the record and, therefore, should act decisively and immediately to implement these promises. As a stakeholder in the future of Aboriginal peoples' capacity to contribute to Canadian society, Federal legislators already have the makings of important steps toward the elimination of some of the barriers to employment. Provincial and Territorial governments should also act to address these issues.

5.2 Aboriginal Leaders

As the lead stakeholder in the process of increasing the participation rate of Aboriginal people in the labour force, Aboriginal leaders must take a strong stand in support of all measures to assist in the change process. A number of issues emerge in the movement towards self-government, but none is more pressing than the need to educate and train a skilled workforce that can contribute to the growth of Aboriginal communities in the future. Establishing political structures, negotiating land and resource agreements, initiating economic strategies, and refining growth areas for Aboriginal Canada can not take place in isolation from the issue of how the people who comprise this population can function as productive, contributing members of society.

A long-term strategic planning process undertaken by Aboriginal leaders must include concrete measures to ensure that the barriers identified in this study are effectively eliminated using methodical, realistic, and visible initiatives. While this task is monumental in proportions, it must be carried out in order to provide the necessary human resource foundations for any future expectations of self-sufficiency.

The starting point in such a planning process involves a clear and direct commitment on the part of Aboriginal leaders to define and develop what has been termed a 'learning culture' among young Aboriginal people. To this end, support in the form of experts in the field of education, and sufficient resources to accomplish concrete objectives must be put into place and fortified with the unconditional backing of all band chiefs, band counselors, directors of employment and education offices, and finally, all elected officials of national Aboriginal organizations. Regional differences and competing agenda items must be put aside in order to develop a National Plan of Action for Aboriginal Education and Employment.

As well, strong and unequivocal support must be provided to eliminate the behavioral signs of discrimination that are faced by Aboriginal people throughout the country. Victims must be supported and encouraged to file complaints; must have the legal, financial and morale support to sustain them through long hearing processes; and employers bound by employment equity provisions must be held publicly accountable for their lack of results.

Action such as that taken by the Assembly of Manitoba Chiefs in their complaint to the Canadian Human Rights Commission should be the norm, rather than the exception, given the climate that exists for Aboriginal employees in many workplaces.

Communication of common goals and objectives regarding education and employment issues must be the responsibility of Aboriginal leaders as well. For it is only through major concerted efforts that the importance of these issues will come forward in Aboriginal communities. While we recognize that the current situation has long-standing roots in oppression, we also observe that non-Aboriginal government intervention to improve the employment situation has not produced any measurable impact. For this reason, then, the people of Aboriginal Canada can only rely on their leaders to precipitate action that will address and correct existing employment

conditions.

5.3 Aboriginal Communities

Specific individuals within remote, rural, and urban Aboriginal communities must begin the process of developing national awareness of the need for better education and training to respond to the barriers that our research has identified.

- Parents must take an active part in ensuring that their children remain in school.
- Guidance counselors must research and identify the types of educational programs and training that will best fit the needs of their local communities and economies.
- Educators must ensure that basic elements such as good levels of literacy and numeracy are obtained by their students.
- Employment counselors must be aware of the human resources requirements of employers, and provide their clients with up-to-date information on job training and apprenticeship programs.
- Members of local governments must ensure that sufficient financial, human, and infrastructure resources exist to meet the objectives.
- Role models who have achieved success must come forward when identified to act as mentors for young Aboriginal people.
- Members of Aboriginal communities must provide opportunities for enhanced cross-cultural understanding through the creation of receptive environments for non-Aboriginal visitors, as well as through the enhancement of community interaction activities.

As stakeholders in the future of their own communities, these individuals can play an extremely important role in helping to eliminate some of the barriers to labour force participation.

5.4 Aboriginal Organizations

With the growth of Aboriginal populations in urban areas, certain key organizations are crucial stakeholders in the process of improving the employment situation. From supporting Aboriginal employees who feel that they have been treated unfairly, to providing space for skills upgrading sessions, and offering workshops in cross-cultural training, these organizations can act as ambassadors for the Aboriginal population.

Our findings show that Native people require a wide range of support assistance from organizations like the Friendship Centres, job-skills training centres, community referral centres and the like, as they make the transition to urban living. And we recognize further that many of these organizations are becoming overwhelmed with the demands that are being placed on them. Funding agencies and other sources of financial support must be informed of the urgent need that exists to expand facilities in response to the growing population levels.

Heritage Canada now bears full responsibility for initiatives dedicated to urban Aboriginal populations, including the Friendship Centre Program, and as such, has become a significant stakeholder in any initiatives designed to improve the employment situation for Aboriginal Peoples.

Moreover, Heritage Canada is the lead department at the federal level with responsibility for promotion of measures to combat racist activity. As well, Human Resources Development Canada, through its Pathways to Success Program is also directly implicated in finding solutions to eliminate the barriers identified in this study. Of course, to the extent that its programs are not devolved to local communities, the Department of Indian Affairs and Northern Development also maintains a role as an important stakeholder as well.

All three federal departments must act on their formal responsibilities to address the various issues surrounding additional pressures that are building in urban environments. Aboriginal

organizations must not be left alone to deal with added burdens to their operations that result from underemployment among Aboriginal people in urban settings.

5.5 Employers

Employers from both the public and private sectors are important stakeholders in the process of eliminating barriers that exclude Aboriginal people from the labour market. They will be the first to benefit from gains in productivity, as well as decreased losses from such negative factors as loss of skilled workers, poisoned working environments, low employee morale, and costs incurred to respond to complaints of human rights abuses such as racism in the workplace.

Our research shows that efforts to affect organizational change by adjusting exclusionary aspects of 'corporate culture' usually have the value added result of improving the climate for all personnel in the organization. And by working toward the elimination of discriminatory employment practices, successful employers send the message as well to their clients that they are open, respectful of diversity, and conscious of their wider obligations to society. These 'measurables' are some of the foundations of good business practice and often have cumulative effects over the long term that attract new client markets which, in turn, can positively affect profitability.

As supporters of innovative and creative measures to achieve employment equity objectives, employers will establish the much needed trust factor that will attract skilled Aboriginal employees to their organizations. This reduction of the 'chilling effect' can also have positive implications for Aboriginal young people, who currently lack sufficient levels of trust to enable them to set goals for the future.

By opening channels of communication with Aboriginal communities, employers can also

benefit from their increased exposure to cultural practices inherent in Aboriginal society that could be applied within their own corporations. Organizational management in the context of the 90's calls for radical change from the traditional, conventional ways of the past. As organizations adjust to economic restructuring and 'rightsizing', greater emphasis is being placed on consensual management practices, transparent decision making, and inclusive work settings. These 'new' behavioural changes are not at all new in the context of Aboriginal culture, and could become adopted methods for managing organizations in the next millennium.

5.6 Municipal Governments

The growth of urban Aboriginal populations that is predicted to continue over the coming years should be addressed by municipal authorities now. As stakeholders in the process of eliminating the barriers to Aboriginal participation in the labour market, municipal governments should respond actively by reviewing their own employment practices. Public transit corporations, police and fire services, public works departments and other municipally run institutions could be 'employers of choice' for new groups of skilled Aboriginal people, but the impetus for change must come from within these organizations.

Reactive measures to deal with increased racial conflict in towns and cities can be costly both in terms of the financial and human resources that often need to be dedicated to their resolution. History has shown that rising levels of racism created by growing groups of people living in poverty and isolation frequently result in catastrophic incidents that can tarnish the reputation of municipalities. Conversely, proactive steps by municipal authorities to address the devastating effects of long term unemployment can enhance the quality of life for their citizens, and can be accomplished without massive financial costs.

By providing unused space, or vacant buildings to support overburdened urban Aboriginal organizations, municipalities can contribute in very concrete ways to the efforts of Aboriginal people to better prepare themselves for entry into the labour market. Such creative solutions are often within reach, but cannot be realized because of the existence of communication barriers between Aboriginal people and municipal bureaucracies. By instituting open dialogue with Aboriginal community leaders, municipalities would contribute to the process of change, and would invest in the future development of their own territories as well.

5.7 Human Rights Agencies

Human rights agencies and commissions across the country, with the possible exceptions of Saskatchewan and Ontario, are perceived as not being sufficiently involved in issues surrounding discrimination targeted at Aboriginal people. The Canadian Human Rights Commission, through its Chief Commissioner, Maxwell Yalden, has issued public statements in defense of Aboriginal people, but has been painfully slow in taking decisive action on their behalf.

Aboriginal people, on the other hand, have been reluctant participants in the complaints process; to a degree at least, because of the absence of credible action on the part of human rights commissions in general.

As stakeholders in the process of eliminating exclusionary barriers to Aboriginal people, human rights agencies should act now to dispel the perceptions or the realities that they are ineffective instruments in the enforcement of existing legislated human rights codes. Insufficient human resources or inadequate funding allocations may be part of the explanation for the current situation, but the fact remains that Aboriginal people are experiencing discrimination, and have no other formal mechanisms to seek corrective action.

Examples abound of discriminatory treatment of Aboriginal people, and human rights agencies need look no farther than to their nearest Aboriginal community to substantiate the evidence we have observed in our research. As concrete action to begin the change process, human rights commissions in all jurisdictions in the country could initiate a two-stage recruitment effort: first, to appoint more Aboriginal commissioners, and second, to hire more Aboriginal employees. (See Appendix 7 for a table listing the current number of Aboriginal Human Rights Commissioners in 13 jurisdictions across Canada) Such an undertaking would signal their intention to adopt a zero-tolerance level of attitudinal or behavioral examples of racially motivated, exclusionary practices in employment.

While Canada has a broad range of human rights codes and legislated policies that we have detailed in our research, respondents to this study have been almost unanimous in their assessment that these instruments do not protect Aboriginal people from discriminatory treatment. Analysis of statistical data related to the participation rates of Aboriginal people in the labour force gives clear indication that a large segment of the educated, skilled population remains outside of the regular workforce. Further analysis of the factors inhibiting participation to include such variables as gender, geographic location, migration patterns, and education levels, still leaves large percentages that have been laid to discrimination as the probable explanation. Human rights agencies are therefore, the 'last resort' instruments to affect change and contribute to the correction of this reality.

5.8 Academic Institutions

Throughout our interviews and discussions, a recurrent theme expressed was the issue of education. In examining barriers to participation in the labour force, the two principal avenues where education was considered essential were in the improved levels of preparation required by

Aboriginal people, and in the improved levels of cross-cultural understanding required in the workplace. We also found current available forms of education in both areas are lacking.

As a result, we have identified academic institutions as significant stakeholders in the process of removing barriers that prevent Aboriginal people from participating in the labour market.

On the one hand, training and vocational schools, community colleges, specialized adult education centres, and universities all have a key role to play in responding to the educational needs of Aboriginal Canada. Through curriculum designed to be relevant, opportune, and realistic, these academic institutions can open doors to access and success for Aboriginal people. As well, by responding to the immediate need for bridging or transition programs, support/counseling services, and tutorial assistance, these stakeholders can assist in the development of the learning culture that is required to motivate young Aboriginal people to pursue education beyond high school.

On the other hand, the discrimination and its associated exclusionary attitudes and behaviors, can only be addressed through greatly expanded efforts to educate individuals. Racial intolerance stems from several sources, but one principal factor is ignorance. By amplifying the frequency and availability of cross-cultural or anti-racist education, employers can address workplace exclusion directly. But more specialists in the area of cross-cultural sensitivity training will be required, as will new and better methods of delivering this type of information on a large scale. Post-secondary institutions could research and develop programs to meet these needs.

In addition, planning for the expansion of more inclusive, and perhaps more appropriate curriculum development within existing post-secondary education should involve reference points to Aboriginal issues in Canada. Programs in commerce and management might include courses related to land and resources issues that have particular significance to Aboriginal people. Applied science and engineering programs might include courses that relate applications of various fields of

engineering to the development of local infrastructures or industry required by Aboriginal communities. Moreover, delivery of existing programs through alternate formats such as distance education, video-teleconferencing and interactive video technology would meet the needs of rural and remote communities, and contribute to the overall process of removing barriers to the participation of Aboriginal people in the labour force. As well, academic institutions involved in professional education programs should consider the feasibility and process of instituting educational equity initiatives aimed at accelerating the rate at which Aboriginal people successfully complete much-needed professional degree programs.

Thus the eight stakeholder groups identified above each constitute crucial players in the process of removing barriers to the participation of Aboriginal people in the labour market. It became evident early in our interviews that the identification of these stakeholders was important so that they could form the driving force behind any constructive, realistic movement toward the elimination of barriers. The other requirement that has emerged from our research is the very fundamental need for all of these stakeholders to establish open channels of communication, clear articulation of common objectives, and unequivocal commitment to form lasting partnerships to achieve these objectives.

Our respondents all stipulated through their comments that this form of shared management agenda is critical if Aboriginal people are to gain entry in large numbers, to the labour market. We have heard several stories of programs and policies that were designed with the best of intentions, but failed because they operated in isolation from required supporting measures. As well, we have been told that many concerned, caring individuals have devoted years of their lives trying to address some of the issues raised in our study, but they too, have been hampered by the complexities of the problem as well by the fact that they often worked in isolation. Certainly evidence has been put

forward that special employment initiatives have been developed to meet the needs of Aboriginal people for many years, but their operation has also proven ineffective, primarily because of a lack of commitment and accountability on the part of line managers, but also because of lack of open communication among the various partners in the equation.

Our respondents often spoke of 'lip service' to characterize formal employment initiatives such as Employment Equity. This major government legislated policy initiative appears to be the 'court of last resort' where underrepresented peoples and willing employers should convene to determine whether it is in fact possible to create productive workplaces that reflect the diversity of the population being served, that offer efficient, 'user-friendly' client services, and that do so in an atmosphere of mutual respect and collegiality.

Employment Equity principles are sound and reflect good business practice. What appears to be the root cause of the current program's apparent failure for Aboriginal people is the inability of the various players to work in tandem towards the same goal. Programs that operate in isolation, individuals who undermine efforts because of personal biases, and groups that indicate a wholesale disregard of change initiatives because they represent a deviation from the status quo, are all examples of other causes for the evident ineffectiveness of employment equity programs. Aboriginal stakeholders, together with employers, elected officials, educators, and advocates can accomplish the objectives laid out by Judge Rosalie Abella over ten years ago. But they must approach solutions together.

6.0 THE STRATEGY

In order to eliminate barriers to the participation of Aboriginal people in the labour market and thereby increase participation rates, a clearly defined strategy must be developed. We present in this section of our report, a summary of items that should be considered in the development of such a comprehensive strategy. RCAP Commissioners may wish to recommend that the stakeholders identified in the previous section be called together and mandated to develop this strategic plan as their first collective initiative to begin the process of change for Aboriginal Peoples.

The strategy items we put forward here are derived from our findings, and are presented in a deductive pattern of organization, that is, from general employment measures to specific measures that would respond to the employment needs of Aboriginal people. Three phases of the strategy are identified as:

- 6.1 Employment Equity
- 6.2 Special Policy Framework for Aboriginal Peoples
- 6.3 Delivery Mechanisms

6.1 Employment Equity

In reviewing the literature on employment equity, and in interviews with our respondents, the overwhelming volume of commentary includes reference to statistical results, reporting processes, and numerical analysis. Much focus has been given to generating and collecting data. Too much focus perhaps. What appears to have been lost in the pursuit of employment equity results is the underlying substantive purpose of the program: the removal of barriers to fair employment practices.

So one of the most important first steps would be to revisit the document published in March 1984 entitled *Equality in Employment - A Royal Commission Report*. The 117 recommendations listed in the report contain precise and useful information on how such programs should function. They also provide good insight into why current programs have not worked, in the form of recommendations that were never acted upon. The message here is that stakeholders in the change process do not have to "re-invent the wheel" to accomplish their objectives. Our findings indicate that employment equity possesses the best potential to improve the current situation, provided that renewed vigour is applied to its implementation.

It is imperative therefore, that everyone from Aboriginal employment officers and corporate human resources specialists, to CEO's from industry and the President of the Treasury Board of Canada revisit the original spirit and the original thrust of Judge Rosalie Abella's final report.

Strategic items drawn from our findings include the need for:

- Action in the form of Federal government response to the report of the Special Parliamentary Committee to Review the Employment Equity Act chaired by Alan Redway.
- Expansion of the coverage of the Act to include more employers than are currently required to conform to Employment Equity provisions.
- Harmonization of federal and provincial Employment Equity statutes and policies.
- Establishment of a central enforcement agency or commission with combined responsibility for all federal employment equity initiatives, including increased audit and monitoring functions.
- Definition and communication of Employment Equity principles, in a comprehensive way so that myths are dispelled, rationale is clarified, and objectives are clearly understood by everyone concerned with the policy. (Special attention should be paid to differentiate

- Employment Equity from earlier U.S. experiences with Affirmative Action Programs because such misinformation still exists across all regions of the country.)
- Response to the growing problem of 'backlash' effects expressed by members of society outside of the designated groups
 - Maintenance of the original four designated groups covered by the policy. (Expansion of these groups to include a wider range of under-represented persons will have the effect of 'diluting' the concentration of effort, and will ultimately deconstruct policy application)
 - Provision of clearer, more concrete accountability mechanisms directed at various levels of management
 - Review and correction of structural flaws in the application of the policy including such issues as self-identification, inconsistent definitions, burdensome, bureaucratic reporting processes, and needlessly protected handling of annual reports
 - Identification and communication of realistic parameters for the operation of Employment Equity programs in a period of fiscal restraint and economic restructuring
 - Recognition of the meaning and importance of the use of 'special measures' to implement Employment Equity policies, with due regard for the need to differentiate short-term special measures from perceptions of long-term 'reverse discrimination'
 - Provision of skilled Employment Equity practitioners with adequate resources to realistically accomplish their objectives. (Particular attention should be paid to recruiting underrepresented people for development into these positions)
 - Involvement of specialists to conduct awareness sessions related to employment equity as well as cross-cultural sensitivity/anti-racist training

6.2 Special Policy Framework for Aboriginal Peoples

Aboriginal people are one of the four designated groups who fall under current legislation with women, visible minorities, and persons with disabilities. Employment Equity practitioners are expected to deliver their services in relatively equal ways, but are guided in their efforts by goals defined in the availability data of population rates in various census collection areas. Similarly, employers are expected to strive for representative levels in their own workplaces that reflect these same availability data. As well, the 'rules' of employment equity programs often suggest that removal of barriers in employment practices should occur at the same rate for all four groups: a daunting task for anyone. These general operating procedures can, in themselves, mitigate against Aboriginal people in a number of ways.

In the first instance, disclaimers are frequently attached to Statistics Canada census reports indicating that the data reporting on Aboriginal people may not be reliable for a number of reasons. This fact combined with recent migration patterns of Aboriginal people to urban centres makes it extremely difficult to rely solely on workforce availability data as the basis for goal setting. Secondly, the level of knowledge of Aboriginal populations, issues, history, traditions, and culture among non-Aboriginal people is remarkably low in society in general, and what knowledge exists is frequently skewed by negative stereotypes, misinformation, and romanticized views of ancestral peoples. As a further perplexing situation, little is known of the wide diversity among modern Aboriginal Peoples in this country.

Given this lack of knowledge, then, it can therefore be inferred that employers must be hard pressed to apply efforts to remove barriers when they may not even know what the barriers are, nor who the people are that are being excluded. To expect employment equity practitioners to apply 'equal' methods to either recruiting or barrier removal for Aboriginal people is therefore unrealistic.

Obtaining relevant, accurate information to act on issues facing women, visible minorities and even persons with disabilities presents some degree of difficulty, but accessing similar information on Aboriginal peoples provides even greater challenges to directors of employment equity programs.

From time to time, employment equity successes have been defined by the extent to which women have begun to move into management positions, have been recruited into non-traditional areas, or have achieved better representation levels in all occupational categories of various large organizations. These successes, which still must be reiterated if real equality for women is to be achieved, are used as examples of how employment equity policies can be very effective, and can produce results. It should be understood however, that pioneering efforts of thousands of women; increased awareness through a global women's movement over some thirty years; and such major initiatives as the Task Force on Barriers to Women in the Federal Public Service or the establishment of hundreds of feminist advocacy groups such as The National Action Committee on the Status of Women, were required elements in order for significant change to occur. And this for a group that constitutes over 50% of the overall population! Heroic efforts and radically changing social and family structures needed to occur before women were able to make appreciable strides in the workforce.

Obviously, the factors outlined above cannot be applied to bolster the position of Aboriginal people's participation rate in the labour force simply based on employment equity initiatives in their present form. Such an assumption would be simplistic at best. It is, in fact, quite evident that a much more concentrated approach is required.

A new Policy Framework within existing employment equity policies and programs must be established for Aboriginal Peoples if any measure of success is to be achieved in the future. Current and improved employment equity provisions provide a solid foundation for the strategic

development of the proposed Policy Framework for Aboriginal Peoples, and should be the principal reference point in drafting such a new strategy.

One important issue that must be addressed in advance of such a new strategy is the matter of defending a unique Special Policy Framework for only one of the four designated groups. Other employment equity target group members may question the judiciousness of having a special strategy applied only to Aboriginal Peoples. To justify such a suggestion, we return to the Abella Commission report and refer to two words extracted from Recommendation number 24 on page 258 of the document: "Monitoring of employers' results can be done either on a random basis or on a '**worst first**' basis...."

Use of the words "worst first" clearly makes reference to employers whose employment equity results are the worst in a list of many other employers, and does not refer to monitoring of designated groups on the basis of which one fared least well under employment equity initiatives. But the use of the term suggests that the Royal Commission on Equality in Employment did recognize that specific action could be taken when the poorest results were obvious. Clearly, thought was given to the need to address the lowest performance results.

We submit therefore, that given the statistical and experiential results of Aboriginal people under employment equity programs, the worst results among the four target groups have consistently applied to Aboriginal people. In support of this statement we have attached as Appendix 8, a very revealing document entitled *Statistical Summary - The Employment Equity Act 1987 - 1991* prepared by the Employment Equity Branch, Employment and Immigration Canada, December 1992. The data contained in this summary document capture the experience of all designated groups employed in those regulated companies reporting in accordance with Employment Equity Act requirements over a five-year period. Brief analysis of the document

confirms clearly that Aboriginal people consistently show the poorest beneficial results of the four target groups. Similarly negative results are demonstrated in annual reports of the Public Service Commission's employment equity programs, but are not appended to our study because of the size and detail of the reports themselves.

We conclude, based on statistical evidence alone, that Aboriginal people's results are indeed **'worst'**, and therefore should be dealt with **'first'** in terms of a Special Policy Framework designed to address the removal of barriers to participation in the labour market.

Other less concrete, but equally significant reasons exist to justify a unique strategy for Aboriginal people. Among others, we would submit the following reasons why such a strategy is called for:

- Decades of effort to improve employment conditions have not worked.
- Demographic realities demand immediate action because of the median age of Aboriginal people.
- Movement toward self-sufficiency will be stalled by inaction.
- Decades of oppression and marginalization have resulted in a range of socio-economic conditions that must be addressed without delay.
- Specific revelations recently of the degree of damage that has been done to Aboriginal communities through government-sponsored injustice demands specific, concrete forms of redress at this time.

The rationale for such a Special Policy Framework for Aboriginal Peoples within the structure of current and improved legislation is clear. Its design and implementation remain to be developed by the various stakeholders identified earlier.

Strategic items drawn from our findings include the following:

- Create Aboriginal-specific positions in all occupational groups.
- Develop partnerships among key stakeholders
- Elaborate a preliminary workplan toward the development of the Special Policy Framework that could be drafted for inclusion in the final report of the Royal Commission on Aboriginal People
- Appoint an Aboriginal person at arm's length from the government to follow up on RCAP recommendations and coordinate the implementation of the draft workplan
- Establish a special task force mandated to design a Special Policy Framework for Aboriginal Peoples and Employment Equity supported by several Departments within the federal Government such as Human Resources Development Canada, Heritage Canada, Industry Canada, Treasury Board, and Indian & Northern Affairs Canada. The Task Force would report to the people of Canada through parliament.
- Initiate a shift in focus from 'supply-driven' to 'demand- driven' employment equity initiatives to better meet immediate employment needs of qualified Aboriginal people.
- Consider set-aside or bid-preference procurement policies for Aboriginal-owned businesses and entrepreneurs who wish to enter into contracts with government.
- Encourage employers to step up efforts in providing cross-cultural training on Aboriginal Peoples

The Special Policy Framework for Aboriginal People and Employment Equity would most likely involve the following strategic items:

- Recruitment of Aboriginal people to direct the operation

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- Action to open channels of communication among stakeholders
- Promotion and marketing of qualified, skilled candidates
- Better communication of Employment Equity rationale and goals
- Improved outreach activities to Aboriginal communities
- Improved definition of employers' needs and expectations
- Development of formal mentoring/orientation/training activities
- Advocacy on behalf of Aboriginal employees in conflict situations
- Identification of employment-related education programs
- Liaison with academic institutions providing such programs
- Liaison with Aboriginal education and employment officers
- Support for students in transition or bridging year programs
- Accreditation of academic programs related to management of Aboriginal land and resources, and other relevant topics
- Creation of databases of Aboriginal-owned businesses, skilled professionals, and job-ready Aboriginal people
- Coordination of cross-cultural/anti-racist seminars and workshops

Operational details of the Special Policy Framework for Aboriginal Peoples and Employment Equity would also require an assessment of the human and financial resource implications. One possible way to reduce the cost implications would be to call upon the various stakeholders to second employees and provide in-kind goods and services during the developmental stages of this process. As noted earlier from our findings, a good deal of expertise and commitment exists among hundreds of individuals across the country. By tapping these resources, the development of a workable strategy does not necessarily require massive injections of funding.

In fact, since regulated employers and other major organizations are already required to commit resources to the pursuit of employment equity implementation activities, it might also be possible to recognize supporting employers' contributions to this process as part of their overall obligations under the Act. Once a formal strategy has been developed, and operational activities are defined, a means of delivering the services provided for in the Special Policy Framework must be found.

6.3 Delivery Mechanisms

To ensure that all regions of the country are covered by the Special Policy Framework, a reliable mechanism is required to deliver employment equity services to all Aboriginal communities. It would require centralized coordination facilities, with a network of local contacts who could act as points of reference for both employers and prospective employees.

Such a mechanism would also serve as a 'clearing house' of information on Aboriginal issues in employment; would intervene in cases where Aboriginal people felt subject to discriminatory employment practices; and could also provide such services as job-readiness workshops, resumé preparation training, and coaching in interview techniques. Another important function would involve the coordination of cross-cultural awareness training sessions or referral services to specialists in the area of adjusting organizational culture.

At present, two national structures for Aboriginal people exist as models for such a delivery mechanism: the National Association of Friendship Centres (NAFC), and the National Aboriginal Management Board (NAMB). While neither organization is in a position to assume such an expanded role at this time, both offer different characteristics that lend themselves to consideration as stakeholders examine concrete ways to implement a Special Policy Framework for Aboriginal People.

In the case of NAFC, a number of locations across the country have high visibility, solid foundations, and experienced personnel who know their clientele very well. Friendship Centres are recognized as essential community resource organizations, offering support and referral services to Aboriginal people from all walks of life, from rural as well as urban communities, and have served as training grounds for many successful Aboriginal professionals. Their role as intermediaries between Aboriginal and non-Aboriginal people is long established, and most have established contact networks with other public service agencies. Different Centres have different strengths, but all have been involved to varying degrees in the promotion of better employment opportunities for Aboriginal people.

Friendship Centres, however, face mounting difficulties in terms of funding, and as a result, must deal with increasing client loads in the midst of enormous pressures caused by the many health and social service needs of Aboriginal people in urban areas. They endeavor to maintain Aboriginal cultural and recreational activities, but must do so with ever increasingly stretched resources. The prospect of establishing another responsibility - that of delivering employment-related services - may be far beyond their potential capacity to assume such a role. Finally, NAFC does not have Friendship Centre locations in all rural areas of the country.

In the case of the NAMB, a more clearly defined link exists to the possibility of delivering services under a Special Policy Framework for Aboriginal People and Employment Equity. It maintains a centralized coordinating function, has several regional and local constituent boards, and is national in scope. As a key element under the Pathways to Success Program within Human Resources Development Canada, the NAMB is clearly positioned as having particular expertise with regard to employment issues. The model presented by its organizational structure would lend itself well to some of the strategic items we have identified in our study. Of additional interest is

the fact that one of the guiding principles of the Pathways program is employment equity. A sub-committee of the NAMB is mandated to report to the national board on issues related to employment equity.

The NAMB, however, is still in very early stages of development in some regions of the country. An evaluation of the program has just recently been completed. Any possible expansion of its role as a delivery mechanism for employment equity services to Aboriginal people would likely require a reconfiguration of its operating procedures, and at this early stage in its development, such disruption could be a source of difficulty to the organizational management of the NAMB. Another potential drawback would be the merging of roles that might be perceived by its client group. As local decision-making bodies in matters related to funding of proposed projects, clients could misinterpret the dual role of LAMB members who might also carry responsibility for the delivery of employment equity initiatives aimed at recruiting Aboriginal people for major employers. This could be seen as competing interest for the same group of skilled prospective employees. Finally, the structure of the NAMB involves co-management processes with representatives of HRD, and while this aspect is not, in itself problematic, it could present administrative challenges at some point in the future.

The ideal delivery mechanism would be a type of supplementary structure that could add to the existing operations of one or both of the organizations presented here. As an independent liaison service, it could provide additional human and financial resources to support existing activities intended to eliminate the barriers to participation of Aboriginal people in the labour market, and still maintain an arm's length relationship from either the NAFC or the NAMB. Realistically, however, it is probable that one of the two models presented should be considered as a delivery mechanism to avoid any possibility of duplication of service.

As an Aboriginal-operated delivery mechanism to implement the Special Policy Framework for Aboriginal people, it would be possible as well to establish an independent organization mandated and directed by several key stakeholders. This gathering of expertise would avoid duplication or redundancy and provide for a more focused delivery of employment-related services that are required by Aboriginal Peoples.

A number of organizations across the country besides the two presented here, are all involved in forward-looking initiatives in employment. They bring together experts who are well acquainted with the needs of Aboriginal communities, and who are conscious of the many complexities inherent in the development of employment strategies for people who are in varying states of readiness to participate in the labour market. Their participation in the delivery of the Special Policy Framework initiatives would be useful. Some of these organizations would include the following:

- Interprovincial Association on Native Employment (IANE)
- Economic Development for Canadian Aboriginal Women (EDCAW)
- Canadian Council for Aboriginal Business (CCAB)
- Canadian Aboriginal Science and Engineering Association (CASEA)
- Council for the Advancement of Native Development Officers (CANDO)
- Concordia Institute for Native Training & Development (CINTAD)
- and several employment directorates of national native organizations.

As well, many other local employment-related organizations across the country could be involved in the process, but would require support in the form of a central coordinating delivery service. A number of Aboriginal consulting bodies affiliated with various public service

organizations at both the federal and provincial government levels have also developed a broad base of expertise in the area of employment, and could also provide constructive suggestions and input into the process. Their involvement would be valuable, but would also involve coordination by a central delivery service. A sampling of these bodies would include:

- Ontario Aboriginal EE Circle
- Canada: Aboriginal EE Consultation Group
- Aboriginal Advisory Committee to Ontario Human Rights Commission

In whatever form emerges as the most practical, efficient and appropriate means of delivering employment equity related services to and for Aboriginal people, the primary focus should be on efforts to eliminate exclusionary elements that prevent Aboriginal people from participating in the labour market.

7.0 CONCLUSION

Our research set out to respond to questions put forward by the Land and Economy Unit of the Royal Commission on Aboriginal Peoples. As noted in the Introduction of this report, we were directed to substantiate through anecdotal evidence, the extent to which discrimination could be used as an explanation of the 'unexplained residual' results from empirical studies of participation rates of Aboriginal people in the labour market. As well, we were directed to examine other barriers to participation; to examine current Aboriginal employment programs and policies; and to measure their levels of effectiveness.

Our findings indicate that discrimination based on race is, indeed, a pervasive, frequent, and national phenomenon that deters Aboriginal people from seeking, retaining, and securing advancement in employment. Furthermore, we have found that discrimination in several forms has generated a broad range of attitudinal, systemic, cultural, and other barriers that persist in spite of the existence of human rights statutes across the country. Most notably perhaps, is the creation of a 'chilling effect' that in turn, has caused some Aboriginal people to develop attitudes that prevent them from any attempt to enter the job market.

In examining programs that have been designed to eliminate these barriers, we have focused on employment equity initiatives and have found them to be lacking in any positive effect on the participation rates of Aboriginal people in the workforce. The ineffectiveness is laid to several factors, including poor audit and monitoring functions, poor communication practices, weak enforcement measures, insufficient supporting activities such as cross-cultural training, lack of accountability mechanisms, and a generalized lack of commitment to the program and policy.

Key respondents with extensive background and expertise in issues related to Aboriginal employment have provided us with clear and concrete evidence to support our findings. In

addition, a number of major reports on the subject have been reviewed and used as additional source material. Personal interviews and discussion formed the primary base of research data, and was supplemented by literature review, and comments drawn from a focus group of employment equity practitioners from major national employers.

A key factor that we wish to emphasize is the inextricably linked relationship that exists among employment, education, and economic development for self-sufficiency. Participation rates for Aboriginal people in the labour market are unlikely to improve unless this relationship is acknowledged, communicated, and acted upon.

Racist attitudes and behaviors are established and fueled by ignorance, stereotypes, and misinformation. They can be controlled, if not eliminated, to the extent that non-Aboriginal people recognize the contributions, capacities, and cultures of Aboriginal people in this country. While such behaviors can be monitored and sanctioned, attitudes are deep-seated and will require education, evidence, and time to adjust.

This document has reviewed the current economic and social context; the various employment programs; the barriers faced by Aboriginal people; the stakeholders who have an interest in promoting change; and the strategy that our respondents feel should be developed to address the issues in question. As well, the suggestion is made to develop a Special Policy Framework for Aboriginal People and Employment Equity to be integrated into a strengthened, and renewed Employment Equity Act.

With the resurgence of pride and the rekindling of traditional cultural values among Aboriginal people that has emerged in recent years, the prospect of a better future for our children lies within reach. The Royal Commission on Aboriginal Peoples is, in effect, a window of opportunity to raise public awareness of the many serious issues that must be addressed, and to

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recommend positive changes that will lay the foundations for a strengthened and renewed Aboriginal society. We are hopeful that the findings expressed in this study are useful contributions as Commissioners enter the final deliberations phase of their work.

8.0 RECOMMENDATIONS

Throughout our report, several specific suggestions are made to address the various topics that are discussed. These suggestions are intended as action steps that can be implemented to solve individual problems on an item-by-item basis. Taken together, they serve as the practical, mechanical components of a much larger change process. We present here a series of more global recommendations that are derived from our research.

Recommendation 1

In general, the Government of Canada and its citizens, and more specifically, Canadian employers should recognize the continued existence of racial discrimination targeted at Aboriginal Peoples in the workplace, and should act to eliminate it immediately through better enforcement of provisions set out in Human Rights statutes across all jurisdictions of the country.

Recommendation 2

Federal and Provincial government departments with responsibility for matters related to racial discrimination, such as Heritage Canada, should reinforce efforts and commit additional resources to respond to rising levels of racist attitudes and behaviors targeted at Aboriginal Peoples in Canada.

Recommendation 3

The Canadian Human Rights Commission and other human rights commissions across Canada should improve their knowledge and handling of complaints filed by Aboriginal people; and undertake a thorough review of their roles and obligations to defend the rights of Aboriginal victims of racial discrimination. Concrete action is required to:

- improve efforts at public education in human rights

- handle complaints expeditiously with cultural sensitivity
- deliver more effective sanctions
- improve data systems and reporting to identify race-based complaints by racial/ethnic origin
- appoint more Aboriginal human rights Commissioners
- hire more Aboriginal employees.

The Government of Canada should act on its formal commitment to "give the Canadian Human Rights Commission the legislative authority to initiate investigations of Employment Equity issues" [17] and should ensure that adequate human and financial resources are provided to support such investigations.

Recommendation 4

In recognition of the rising level of racial conflict in our society, the Government of Canada should act on the commitment to establish the Canadian Race Relations Foundation and ensure that research activities and programs include Aboriginal people, and issues related to Aboriginal concerns.

Recommendation 5

Employers should take special steps to ensure the removal of all discriminatory barriers faced by Aboriginal people, with particular attention to those barriers that exist for doubly disadvantaged individuals (i.e. Aboriginal women and Aboriginal persons with disabilities).

Recommendation 6

Aboriginal people living in urban environments encounter particularly high levels of racial discrimination. Municipal authorities, public service directors, and employers should respond to

this reality particularly in light of the forecasted increase in migration patterns of Aboriginal populations.

Recommendation 6A

Urban Aboriginal organizations should receive additional resource allocations to enhance their services to growing populations of Aboriginal peoples in urban settings. Heritage Canada should consider friendship centres as priority urban response agencies and increase their funding support accordingly.

Recommendation 7

Employers in general, and the Public Service Commission of Canada together with the Treasury Board of Canada specifically, should immediately institute mechanisms to undertake a comprehensive program to provide cross-cultural/anti-racist seminars, workshops, and other vehicles to sensitize managers to the negative effects of racial discrimination against Aboriginal Peoples in the workplace, as a first step in the development of a 'zero-tolerance of racism' policy directive.

Recommendation 8

The Government of Canada should respond to the report of the Special Parliamentary Committee to Review the Employment Equity Act by enacting strengthened provisions covering audit and monitoring functions, accountability, and enforcement mechanisms.

Recommendation 9

As part of its commitment to "... forge new partnerships with Aboriginal Peoples" the Government of Canada, together with Aboriginal Peoples, should establish a Special Policy Framework for Aboriginal Peoples and Employment Equity as a means to increase the participation

rate of Aboriginal people in the labour market. This comprehensive strategy would include action to address the fundamental barriers to access that exist for Aboriginal Peoples.

Government commitment is required to:

- develop a strategic action plan
- involve a wide range of Aboriginal people in its design
- establish partnerships among the key stakeholders
- ensure continuity of communication among stakeholders
- coordinate the consolidation of existing Aboriginal expertise
- design and implement an effective delivery mechanism

Recommendation 9A

As the first step in the development of such a Special Policy Framework, the Government of Canada in consultation with the Canadian Labour Force Development Board, Human Resources Development Canada, Industry Canada, Heritage Canada, the Treasury Board, and the National Aboriginal organizations should call a special meeting of the stakeholders identified in this report to develop a preliminary strategic action plan with terms of reference and a timetable for the establishment of such a Special Policy Framework within one year. Participating stakeholders in such a meeting would form the TASK FORCE ON BARRIERS TO ABORIGINAL EMPLOYMENT and would constitute the core network of advisors to elaborate and direct the implementation of the Special Policy Framework for Aboriginal peoples and Employment Equity.

Recommendation 10

As an immediate response to the lack of participation of Aboriginal people in the Canadian labour market, as well as a means of developing the economic base of Aboriginal communities,

Federal and Provincial governments should undertake to establish set-aside and bid-preference provisions within their procurement policies and procedures for the purchase of goods and services by government departments.

Recommendation 11

Post-secondary educational institutions should begin now to examine the feasibility and implementation of academic and social support programs for Aboriginal students, as a concrete response to the urgent need for more trained, educated Aboriginal workers and professionals. Better academic programs to educate and train specialists in cross-cultural awareness training are also required and should be developed.

Recommendation 12

Aboriginal leaders should take immediate action to develop a National Plan of Action for Aboriginal education and employment. This plan should have both short and long-term components, should be widely communicated, and should include comprehensive, action-oriented measures applicable to all segments of the Aboriginal population.

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