



**Government of the Northwest Territories Response to Committee Report
51-19(2): Report on Indigenous Representation in the Northwest Territories Public Service**

Background

This report is drafted in response to the Standing Committee on Government Operations Committee Report 51-19(2): *Report on Indigenous Representation in the Northwest Territories Public Service* addressing Indigenous representation in the territorial public service.

Recommendation 1

The Committee recommends that the Affirmative Action Policy (AAP) reflect its objective and intent and mitigate the disadvantage and underrepresentation of Indigenous persons in the NWT public sector by implementing a Priority 1 - only competition.

GNWT Response

Competitions wherein positions are limited only to Indigenous candidates may be utilized when appropriate. As job description reviews are conducted under the Indigenous Recruitment and Retention Framework Action Plan (IRRF Action Plan), more positions will be properly designated as requiring an Indigenous employee.

The Department of Finance recently conducted a review of the AAP that involved public and internal engagement concerning Indigenous representation and career advancement with the Government of the Northwest territories (GNWT). One of the central recommendations from that engagement was for the GNWT to establish and enforce policy measures that would prioritize Indigenous persons.

Implementing a policy that solely prioritizes the hiring of Indigenous persons would support progress in increasing Indigenous representation and involvement at all levels of the territorial public service by providing preferential hiring for Indigenous applicants. In combination with other GNWT initiatives already being implemented, including the IRRF Action Plan, a new policy, if approved, would help mitigate systemic barriers Indigenous people face in obtaining meaningful employment with the GNWT.

Recommendation 2

The Committee recommends that the GNWT identify which headquarters positions can be located to the regions, which jobs could be tagged as flexible and moved among a number of locations, and those that could be classified as remote working arrangements, aiming to allow Priority 1 employees to work in the community of residence.

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GNWT Response

The introduction of the GNWT's Remote Work Policy in 2022 marked a significant step in shifting how employees and potential employees view the GNWT as an employer. One impact of this change was potential for "digital de-centralization", allowing positions that might otherwise be located in the Headquarters Region to be instead be located in other regions of the territory, staffed by employees working remotely and living in those regions.

The GNWT recognizes the valuable role that "digital de-centralization" can play in opening employment opportunities for residents from other parts of the NWT, thereby increasing representation of Indigenous persons in the territorial public service. For example, where appropriate, positions that can be successfully supported and fulfilled remotely can be made available to employees of the GNWT residing outside of Yellowknife, allowing employees the opportunity for career growth without having to leave their community of residence.

The Department of Finance recognizes that candidates may be screening themselves out of competitions that are not advertised as being available in their home communities. To mitigate this potential barrier, the GNWT is reviewing job descriptions and exploring how to make positions digitally available for candidates who would like the opportunity to work remotely from the regions of the NWT. This will include advertising job competitions that are available for remote work by clearly communicating that the position can be considered remote on the job posting. This recruitment tactic can potentially stimulate an increase in the number of Indigenous applicants from outlying communities.

Recommendation 3

The Committee recommends that the GNWT establish one uniform, clear and accessible appeal process for public service positions that:

- Establishes a mechanism empowering Priority 1 candidates with the ability and enough time to appeal a hiring decision before a job is offered to a non-Priority 1 candidate.
- Operates independently and at arms-length from the government.
- That has an appeal body that is representative of the Indigenous population with a minimum Indigenous membership of fifty percent.
- Clearly outlines how appeals can be requested and considered.
- Contains clear terms of reference for a fair and consistent appeal process.
- Ensures availability and accessibility of support by Indigenous staff of the Diversity and Inclusion Unit to the Indigenous candidate.

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GNWT Response

The staffing appeals process is guided by the Staffing Appeals Regulations, which give eligible unsuccessful candidates the opportunity to appeal a staffing decision if they feel that a procedural error was made during the hiring process. Any substantive changes to how appeals are administered and reviewed would likely require changes to the *Public Service Act* and the Staffing Appeals Regulations.

In accordance with the Staffing Appeals Regulations, appeals are only accepted if:

- the appellant is eligible to appeal (i.e., current GNWT employees and candidates with staffing priority under the Affirmative Action Policy or the Staff Retention Policy);
- within the legislated timeline after an offer/appointment has been made; and
- the position is appealable, as outlined in Section 2. (5) of the Staffing Appeals Regulations.

The timeline for an appeal to be accepted is as follows: the appeal application must be received by 5:00 p.m. (MST), within:

- Four (4) working days after the date the unsuccessful candidate was notified verbally in person or by phone;
- Five (5) working days after the date the notification message was sent by fax or email; or
- 10 working days after the date the notification letter was sent by mail.

The Regulations do not allow for appeals to be received outside of these timelines. These timelines balance allowing sufficient time for unsuccessful candidates to appeal a staffing decision with the importance of completing competitions in a reasonable amount of time.

Each staffing appeal is reviewed by an independent Staffing Review Officer. In accordance with the *Public Service Act*, Staffing Review Officers are appointed to three-year terms by the Minister of Finance, and employees of the public service are precluded from being appointed to the role.

The Department of Finance administers the GNWT's staffing appeals functions, including the confirming receipt of the appeal, assigning the appeal to a Staffing Review Officer, receipt, and review of those reports, tracking the appeal process, and other steps involved in the appeal process. The Department of Finance does not have any influence over the reviews themselves or the decision-making process, nor does it have any influence over the outcome of an appeal.

Currently, the pool of Staffing Review Officers is consists of one Indigenous employee and three non-Indigenous employees.

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During the regrets phase of the competition processes, recruiters are required to provide unsuccessful candidates with the Staffing Appeals Information Guide and Brochure, as well as to answer questions regarding the process.

Including a representative from the Diversity and Inclusion Unit to support the appeals process is not recommended, as the appeals process is meant to be kept at arms-length to mitigate the risk of the GNWT influencing the outcome of an appeal.

Recommendation 4

The Committee recommends that the GNWT:

- For the purpose of capacity building, makes it standard policy to ensure that an Indigenous person consistently occupies at least one Assistant Deputy Minister position within all Departments.
- Consistently staffs all regional supervisor positions with Indigenous employees.
- Promotes and requires, where possible, that all public boards and agencies have a minimum level of Indigenous representation within the overall makeup of their Board of Directors.
- Requires, where possible, for agencies to invest in hiring Indigenous employees and follow the Affirmative Action Policy.

GNWT Response

The recommendation of enhancing Indigenous participation within leadership positions is one shared by the Department of Finance. This value is reflected in the IRRF Action Plan which sets out furthering Indigenous leadership in the territorial public service as a primary goal.

Finance recognizes that a multipronged approach must be taken to recruit, retain, and build capacity of our Indigenous employees, thus preparing them for promotion into leadership positions throughout the government. Recruitment tactics will be assessed and reconsidered to introduce innovative approaches, such as mandatory consideration of eligible, pre-qualified Indigenous candidates before approval to initiate job competitions can be granted. Additionally, training and development opportunities such as the Indigenous Development Training Program, mentorships, succession planning, leadership development program, and career pathways are amongst the deliverables of the IRRF.

Further, the use of transfer assignments and cross-training to promote the development of Indigenous employees are identified as useful mechanisms for promotion into leadership roles.

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To ensure accountability and transparency to the goals within the IRRF, departments and agencies have developed and implemented Indigenous employment plans to further Indigenous hiring, retention and career advancement with the territorial public service. These plans are publicly available and include department specific actions directly tied to deputy head and senior management's performance appraisals.

The IRRF Action Plan outline tactics that will be used to accomplish this recommendation for each department through succession planning, training programs, and career development. The deliverables that are specifically tied to this recommendation are:

- Action 1.3 Enhance employment opportunities for Indigenous Candidates.
- Action 1.5 Develop Departmental Indigenous Employment Plans and Targets.
- Action 2.5 Improve development and training options and opportunities for Indigenous employees' career advancement.
- Action 2.6 Build capacity and career development.

Recommendation 5

The Committee recommends that the GNWT attract Indigenous professionals with roots and relations in the NWT to take public service positions with the GNWT by:

- Creating an outreach campaign targeting NWT residents studying outside of the NWT
- Offering incentives to returning students
- Requiring that hiring managers are aware of the campaign

GNWT Response

The IRRF Action Plan is intended to support a cultural shift throughout the GNWT towards increased inclusivity and celebration of Indigenous perspectives. It and other similar initiatives are also a showcasing opportunity in a recruitment and retention marketing campaign to attract Indigenous professionals to the territorial public service.

The IRRF Action Plan has many goals and deliverables focused on increasing Indigenous representation and involvement at all levels, but there is a focus on leadership. The IRRF Action Plan sets out accountability measures that make departments responsible for ensuring that they are implementing as many action items as possible and that they present Indigenous resources and training initiatives available to their employees.

Action 1.3 of the IRRF Action Plan focuses on enhancing employment opportunities for Indigenous candidates by developing a networking strategy with secondary and post-secondary institutions and Indigenous governments to target Indigenous students. This initiative also involves the Department of Finance and the Department of Education, Culture and Employment working cooperatively to identify Indigenous post-secondary students from the NWT to target for employment.

Through this partnership, the departments involved can provide information to hiring managers and connect them with Indigenous candidates with skills and educational qualifications for positions they may be looking to fill. It also provides an opportunity for departments to tailor their recruitment efforts to eliminate barriers that could be unique to their department, the positions they are trying to fill, and the applicants they are hoping to attract.

Recommendation 6

The Committee recommends that the GNWT and all Departments:

- Update the job descriptions of all public service positions to ensure the inclusion of value statements which affirms the importance of Indigenous knowledge and community experience.
- Update the "Job Information" section of all job descriptions to ensure that only plain language is used.
- Ensure that each "Job Information" section provides an equivalency formula that is publicly accessible and demonstrates concrete examples of what education equivalencies will be accepted in place of university education.
- Create a mechanism that requires offering qualifying Priority 1 candidates who participated in a competition, a training path into the position before submitting the job to a non-priority candidate.

GNWT Response

Job Descriptions have been identified as a barrier to meaningful employment opportunities with the GNWT for Indigenous people. Engagement for the IRRF Action Plan, the GNWT's Diversity and Inclusion Framework, and the AAP review further reinforced public concern with job descriptions, particularly about overinflated qualification requirements for the position's actual duties, the consideration of experiential knowledge, the potential that job descriptions may be tailored by hiring managers to hire a specific person rather than properly adhering to hiring processes, and a general lack of transparency about the hiring process.

Action item 1.1 of the IRRF Action Plan requires departments and agencies to conduct a detailed review their job descriptions. This review is currently underway and will result in amending job

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descriptions to address concerns with systemic barriers, inflation of qualifications, and including cultural competencies. Also, all job descriptions are now required to include the statement, “equivalent combinations of education and experience will be considered”. In addition, the Department of Finance has developed a job description review guide and provides comprehensive training on how to write an effective job description, offered monthly through MS Teams.

The Department of Finance has also introduced the inclusion of cultural competencies in job competitions, a further step in ensuring that cultural knowledge and competencies is valued appropriately.

A staged hiring approach for priority candidates first is being considered to help mitigate the option of offering the position to a non-priority candidate who has also participated in the competition process. A staged hiring approach would mean that only priority candidates are participating in the competition process i.e., screening, assignment, interview. Indigenous candidates who may have the qualifications for the position but require additional training and support could be offered a developmental or training position which will include a training plan to support the employee. If no priority candidate is found to be suitable for a position or a training/developmental position, then the process would move on to the non-priority candidates. The Department of Finance will work with hiring managers to determine if a position is suitable for a training or developmental opportunity prior to advertising or attempting to fill the vacancy.

Recommendation 7

The Committee recommends that the GNWT commit to transparent retention practices by requiring all departments to:

- Develop and follow succession planning guidelines.
- Maintain and share internal position tracking.
- Track and share information about transfer assignments and/or promotions.
- Ensure that departmental succession planning is informed by employees' goals and expectations by connecting with development goals expressed by employees in the annual performance appraisals.
- Ensure that all Indigenous employees in senior management positions are well supported by their supervisors and are given training opportunities that are suited to the employees' interests and career goals.
- Create a mechanism to ensure Indigenous employees/applicants receive preferred and priority hiring when replacing outgoing employees leaving the public service.

GNWT Response

Succession planning is a crucially important tool in for the GNWT and, through engagement, it has been highlighted that it was not being used consistently throughout the public service. In accordance with the IRRF Action Plan item 2.5, the Department of Finance launched a succession planning guide to connect succession planning with employees' developmental goals identified through learning and development plans. By connecting the GNWT's need to succession plan with employees' career development, the succession planning guide helps employees, especially Indigenous employees, access training, mentorship, and on-the-job training for preparedness of progression in their careers. Additionally, the Indigenous Development Training Program has been updated to better support Indigenous employees in gaining the skills required to meet their career aspirations and to make the program more accessible.

IRRF Action Plan item 2.6 focuses on building capacity and the career development of Indigenous employees by directing the Department of Finance to identify and promote the use of transfer assignments and cross-training. To encourage mobility and career development of Indigenous employees, all departments included targets within their Indigenous Employment Plans to ensure Indigenous employees have access to and utilize the transfers assignments available in each department every year.

Further, IRRF Action Plan item 1.3 establishes Indigenous eligibility lists and requires consideration of pre-qualified Indigenous candidates to be reviewed prior to initiating job competitions. The mechanisms in the IRRF Action Plan will bolster the GNWT's succession planning by providing means of accountability, transparency, and commitment to increasing Indigenous representation within the public service.

Recommendation 8

The Committee recommends that the GNWT:

- Requires all Departments to conduct exit interviews with all Indigenous employees, including interns and summer students.
- Ensures exit interviews with Indigenous employees leaving a department are conducted by Indigenous staff of the Diversity and Inclusion Unit.
- Requires that all Public Service Annual Reports include a section with an analysis of why Priority 1 employees are leaving the public service.

GNWT Response

Understanding the barriers that Indigenous people face in the workplace is crucial to supporting Indigenous employees in their work and towards becoming leaders throughout the GNWT. IRRF

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Action Plan item 2.4 is intended to increase internal support to Indigenous employees to increase retention by requiring the Department of Finance to implement an exit interview process that includes questions about employee experiences with bias, racism, discrimination, harassment, and cultural insensitivity.

The Department of Finance is currently developing a corporate approach to conducting exit interviews, including questions meant to allow employees to share experiences that they might have had with bias, racism, discrimination, harassment, and cultural insensitivity in the workplace as GNWT employees. Employees will have the option to conduct the exit interview electronically or with an Indigenous human resources employee.

Recommendation 9

The Committee recommends that the GNWT work toward increasing the participation of Indigenous students in all programs, grants, and contributions focused on youth, by:

- Advertising the availability for youth development and making it known in small communities.
- Creating recruitment campaigns in small communities so youth can participate in existing programs and apply for positions.
- Having an advocate for youth and students in each department.
- Creating and tracking hiring targets in all communities for Indigenous youth seeking public service employment under programs such as SNAP, Summer Students, and Internships.

And further, that the Department of Finance re-structure the Summer Student Employment Program to:

- Allow a more extended period for students to apply; and
- Require managers to hire Priority 1 summer students and deplete the Priority 1 candidate list before considering non-Priority 1 students, ensuring not to leave one Priority 1 student candidate without summer employment.

GNWT Response

The GNWT recognizes the importance of attracting young residents of the territory to consider a career in the territorial public service. The Department of Finance operates the Summer Student Employment Program (SSEP), Graduate Internship Program, and the Indigenous Career Gateway Program, each of which are designed to help the GNWT attract and retain working age youth.

The GNWT is continually working to improve participation in these programs, particularly among Indigenous candidates. This assessment considers accessibility and advertising of these programs, as well as the supports that potential candidates for the programs would benefit from.

In terms of recruitment campaigns, the IRRF Action Plan item 1.3 - Enhance employment opportunities for Indigenous Candidates includes targeting secondary and post-secondary students by developing a networking strategy and partnering with the Department of Education, Culture and Employment.

Through cooperative efforts with other departments, the Department of Finance can create awareness of the many recruitment campaigns presented by the GNWT. For example, representatives of the GNWT could join Career Development Officers and Student Financial Assistance staff on promotional presentations to high schoolers to share how their studies can support career opportunities with the GNWT, providing students with information about university funding opportunities, summer employment, and internships. Finance will also work to find strategic ways of advertising programs in smaller communities to capture higher participation.

Recommendation 10

The Committee recommends to the GNWT that all departments have in place support for Indigenous employees, and:

- Look to the Indigenous Patient Advocates positions implemented by the Department of Health and Social Services as a model of how to provide support.
- Work with the Indigenous Employee Advisory Committee and the Diversity and Inclusion Unit to provide support.
- Offer pathways and leave to access counselling and addictions services.
- Apply trauma-informed language and practices as a norm.

GNWT Response

IRRF Action Plan item 2.4 focuses particularly on increasing internal support for Indigenous employees. Deliverables include Indigenous focused support services, additional cultural health and wellness resources, cultural competency training, and exit interviews.

The GNWT endeavours to use trauma-informed language and practices as a norm in its operations and in the development of its resources. Research on best practices is regularly undertaken by departments of the GNWT to provide a safe, supporting workplace environment for employees, clients, and guests of the GNWT. Ensuring that all GNWT employees take the mandatory Indigenous Cultural Awareness and Sensitivity Training can be the first step in bringing awareness to Indigenous issues in the territory and to building cultural knowledge and competencies.

The Diversity and Inclusion unit works cooperatively with Health and Social Services, Health and Wellness division in supporting their cultural competency training. The recommendation to work closely with the Department of Health and Social Services to support Indigenous employees through

modeling the Indigenous Patient Advocates is an ideal place to start this work. Additionally, pathways and leave to access counselling and addictions services are currently provided through the GNWT's Employee and Family Assistance Program and benefits programs.

The GNWT will continue to focus on creating safer spaces for employees to feel comfortable accessing support services.

Recommendation 11

The Committee recommends that the GNWT includes in the Indigenous Recruitment and Retention Framework:

- Support in finding housing at the new job site for Indigenous employees relocating to take a government position or move within government.
- Provide a moving allowance for Indigenous employees relocating to other communities.
- Offer education leave to help Indigenous employees to finish any education that was not completed before employment, with the guarantee to remain in the public service and at a minimum return to the same job level.
- Offer education leave to Indigenous employees to support their career goals and interests and help expand their opportunities.

GNWT Response

The Department of Finance provides candidates and current employees with information about relocation to remove as much stress as possible associated with moving to a new community. Materials such as the Relocation Q&A answer common questions related to moving to or within the Northwest Territories, timelines associated with relocation to help with planning their move and choosing their start date, and community profiles help people start to feel at home before they have arrived.

The IRRF Action Plan item 2.5 and 2.6 are directly related to expanding opportunities for Indigenous employees and career development. The deliverables of these action items include requiring departments to better utilize the Indigenous Development Training Program, career pathways, succession planning, and transfer assignments for development of Indigenous employees. Further, under Action item 2.6 the Department of Finance is developing an Equitable Access to Training directive to address barriers to training opportunities and career advancement for Indigenous employees.