



WHAT WE HEARD | CE QUE NOUS AVONS ENTENDU

AFFIRMATIVE ACTION POLICY REVIEW | EXAMEN
DU PROGRAMME DE PROMOTION SOCIALE

RECOMMENDATIONS AND PERSPECTIVES FROM
ENGAGEMENT | RECOMMANDATIONS ET PERSPECTIVES
ISSUES DES ÉCHANGES

Le présent document contient un sommaire en français

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Executive Summary

The Department of Finance (Finance) has conducted a review of the Government of the Northwest Territories' (GNWT) Affirmative Action Policy. The review assessed the policy and considered the potential impacts of replacing it with hiring policies designed to better offer equitable access to employment and career advancement for applicants from all backgrounds.

As part of the review, Finance conducted in-person engagement sessions and presented on the topic to representatives of Indigenous and community governments, GNWT panels, and members of the public in communities across the territory. Direct input was also sought from members of the public through an opinion survey hosted online, allowing those unable to attend in-person the opportunity to share their perspectives.

The engagement process for this review provided participants with the opportunity to share their experiences with and perspectives of the Affirmative Action Policy. It also provided the engagement team with the chance to hear, gather information, and better understand what people value in terms of the GNWT's hiring practices and in how the territory serves its residents.

In-person and online engagement produced responses covering many perspectives, some of which were conflicting or contrasting, but many of which were aligned. One of the perspectives that had near universal support from respondents was prioritizing Indigenous representation in government.

There was widespread support for the GNWT to address barriers to employment and continue prioritizing diversity and inclusion, however there were concerns about whether the Employment Equity Policy as proposed would advance these priorities. Concerns were also raised about the potential for adverse impacts on members of the groups the policy was intended to benefit. As such, the findings of the review do not support the development at this time of an EEP as proposed during engagement.

Likewise, despite support for the GNWT to hire local applicants over applicants from outside the North, and to preserve some form of preferential status for those the review process dubbed "Long Term Northerners", the review also highlighted several potential hazards of the including an explicit hiring priority akin to "P2's" under the Affirmative Action Policy.

As a result of the views expressed during engagement and their alignment with the GNWT's priority of the increasing Indigenous representation at all levels of government, the review has concluded that the GNWT should introduce a policy prioritizing the hiring and career advancement of Indigenous persons. This policy would replace the Affirmative Action Policy

and would afford preferred hiring status first to Indigenous persons connected to the Northwest Territories and then to all Indigenous Canadians.

Sommaire

Le ministère des Finances a effectué un examen du programme de promotion sociale du gouvernement des Territoires du Nord-Ouest (GTNO). L'examen a permis d'évaluer la politique et d'examiner les répercussions possibles de son remplacement par des politiques d'embauche conçues pour offrir un accès plus équitable à l'emploi et à l'avancement professionnel aux candidats de toutes les origines.

Dans le cadre de l'examen, le ministère des Finances a tenu des séances d'engagement en personne et a présenté le sujet à des représentants des gouvernements autochtones et communautaires, à des groupes du GTNO et à des membres du public dans les collectivités de l'ensemble du territoire. Les membres du public ont également été invités à participer directement à un sondage d'opinion en ligne, ce qui a permis à ceux qui n'étaient pas en mesure d'assister aux séances en personne de partager leurs points de vue.

Le processus de participation à cet examen a permis aux participants de partager leurs expériences et leurs points de vue sur le programme de promotion sociale. Il a également donné à l'équipe de mobilisation la possibilité de recueillir des renseignements, d'entendre les différentes opinions des gens et de mieux comprendre ce qu'ils apprécient en ce qui concerne les pratiques d'embauche du GTNO et la façon dont le territoire sert ses résidents.

La mobilisation en personne et en ligne a permis de recueillir des réponses couvrant de nombreuses perspectives, dont certaines étaient contradictoires ou contrastées, mais dont beaucoup étaient alignées. L'une des perspectives qui avait le soutien quasi universel des répondants était de donner la priorité à la représentation autochtone au sein du gouvernement.

Bien que le GTNO ait reçu un large appui des répondants pour éliminer les obstacles à l'emploi et continuer de donner la priorité à la diversité et à l'inclusion, certains d'entre eux se sont toutefois demandé si la Politique d'équité en matière d'emploi telle qu'elle a été proposée ferait avancer ces priorités. Des répondants ont également soulevé des préoccupations au sujet du risque d'effets néfastes sur les membres des groupes à qui la politique était censée bénéficier. Par conséquent, les conclusions de l'examen n'appuient pas l'élaboration, à l'heure actuelle, d'un plan d'équité en matière d'emploi (PEE) tel qu'il a été proposé au cours des échanges.

De même, bien que le GTNO soutienne l'embauche de candidats locaux plutôt que de candidats de l'extérieur du Nord et souhaite préserver une forme de statut préférentiel pour ceux que le processus d'examen a appelés « les habitants du Nord à long terme », l'examen a également

mis en évidence plusieurs dangers éventuels, notamment une priorité d'embauche explicite semblable à « P2 » sous le programme de promotion sociale.

À la suite des opinions exprimées au cours de l'engagement et de leur alignement sur la priorité du GTNO d'accroître la représentation des Autochtones à tous les niveaux de gouvernement, l'examen a conclu que le GTNO devrait adopter une politique qui donne la priorité à l'embauche et à l'avancement professionnel des Autochtones. Cette politique remplacerait le programme de promotion sociale et accorderait le statut d'embauche privilégié d'abord aux Autochtones des Territoires du Nord-Ouest, puis à tous les Canadiens autochtones.

Background

The Affirmative Action Policy has been central to the GNWT's human resources processes since it was implemented in 1989, replacing the Native Employment Policy. While GNWT human resources policies are generally the purview of the Minister of Finance, the Affirmative Action Policy is a Cabinet-approved policy, meaning its authority and accountability lie with the Executive Council, and there have been no substantive changes to the policy since it was introduced.

While the policy has at times been a lightning rod for criticism, its true impact on the makeup of the public service is difficult to assess.

Despite its deficiencies and the challenges in assessing it, for a little more than 30 years, the Affirmative Action Policy has served as a statement of the GNWT's commitment to prioritizing Indigenous representation at all levels of government. And, while the GNWT has failed to increase the percentage of "indigenous Aboriginal" employees in the public service much beyond 30%, the real number of "indigenous Aboriginal" employees has grown by nearly 1000 employees over the past 20 years, a trend that should be prized and supported to grow.

One of the challenges in assessing the policy is that while its purpose is to "*increase the representation of eligible target groups under-represented within the Public Service*", the policy does not say how to measure representation or assess success. For example, the policy says nothing about whether representation should be measured compared to the population of working age adults, the available labour force, or the overall population of the NWT.

The terminology in the policy is also challenging. The policy's use of the word indigenous to mean someone who was born or who has lived the majority of their life in the territory is confusing in a policy that is intended to benefit Indigenous people. It is also problematic for measuring representation because, for example, Census data captures information about all Indigenous persons living in the Northwest Territories, but some Indigenous employees of the GNWT are not considered "indigenous Aboriginal". Those employees are considered as having no-status under the Affirmative Action Policy so, despite being Indigenous Canadians, the GNWT's affirmative action program does not include them in employee data as being Indigenous.

Over the past few years, the GNWT has developed and initiated several programs that strengthen diversity, prioritize inclusion, and actively address discrimination throughout the public service. This programming is helping advance our goals in ways that the Affirmative Action Policy was never equipped or able to do.

The Indigenous Recruitment and Retention Framework and Action Plan (IRRF Action Plan), for example, establishes a structure for GNWT departments and agencies to make tangible progress in increasing the representation of Indigenous peoples traditionally from what is now the NWT in the public service. The IRRF Action Plan includes metrics to assess the success of the program and accountability measures meant to pressure departments and agencies to meet their targets.

Resources like the Diversity and Inclusion Framework, Anti-Racism training, Indigenous Cultural Awareness and Sensitivity Training, and Inclusive Workplace Awareness training help to ensure that employees understand the importance we place on diversity and inclusion in the workplace and why we have these values. They help ensure our employees are equipped to act in ways consistent with those values in their day-to-day work and in the community.

Equity, diversity and inclusion are positively associated with innovation, increased productivity and enhanced performance. They also support talent recruitment and retention, and workforce well-being.

To best serve its clients and residents, the GNWT must be proactive in building a territorial public service that reflects, represents, and includes the Indigenous peoples of the Northwest Territories at all levels. It must also continue to demonstrate its commitment to equity, diversity and inclusion, as well as to support necessary evaluation and accountability metrics for these commitments.

This Report

Engagement

This What We Heard Report summarizes the feedback Finance received during public engagements on the Affirmative Action Policy Review that were held from October 2022 to April 2023. This feedback has been overlaid with existing GNWT programming to help identify persisting gaps in support and barriers to equity that remain to be addressed.

The goal is a review of the Affirmative Action Policy, however engagement in this process was also meant as an opportunity for the GNWT to hear directly about the values and needs of community members, the experiences of Northerners, constructive criticism, and practical suggestions on how best to achieve our territorial human resources goals.

Supporting Initiatives

Over the life of the Affirmative Action Policy, the GNWT has introduced several policies and programs designed to make the territorial public service a more equitable, diverse, and inclusive workforce, to support the hiring of Indigenous applicants, and to promote the career advancement of Indigenous employees.

During engagement, our team's presentation shared details about two of these initiatives that have been recently launched; the Indigenous Recruitment and Retention Framework (IRRF) and Action Plan and Diversity and Inclusion Framework (D&I Framework).

The IRRF Action Plan was launched in November 2021 to support, reinforce, and enhance existing GNWT programs as well as to introduce new methods designed to recruit and retain Indigenous employees.

Each department of the GNWT has developed an Indigenous Employment Plan to collectively increase, develop, and retain Indigenous employees within the GNWT. Through engagement with Indigenous governments, the GNWT identified, and will undertake several actionable steps, to increase Indigenous representation and to improve Indigenous leadership opportunities. These steps require departments to review recruitment and retention practices to ensure barriers to employment for Indigenous peoples are identified and addressed.

The D&I Framework was launched in March 2023 and supports the continued growth of our diverse and inclusive territorial public service. The D&I Framework involves the review of existing programs, tools, training, and resources to identify opportunities for innovation and to address barriers in human resources policies, systems and procedures to promote full, equitable inclusion of all people. This will involve development of data gathering and

measurement systems to better capture information about our workforce and understand where more efforts and support are needed going forward.

Public and Stakeholder Engagement

Engagement Approach

The engagement was guided by the GNWT's Public Engagement Employee Guide and the Open Government Policy, which outlines the government's commitment to providing its residents with meaningful opportunities to take part in engagement activities and to inform them of decisions affecting their lives. The principles guiding this policy reflect the expectation that all GNWT employees approach public engagement in a way that promotes departmental consistency, strengthens relationships, demonstrates respect, builds trust, and models the principles of openness, transparency and accountability².

The engagement focused on the following set of guiding questions:

Questions about the Affirmative Action Policy

1. How do you think the current Affirmative Action Policy is working, and what changes, if any, do you think are needed?
2. What do you think should be the main priorities and goals of the Affirmative Action Policy?

Questions about the Indigenous Employment Policy

3. The proposed Indigenous Employment Policy will prioritize "descendants of the Dene, Inuit, or Métis people, Indigenous to the present boundaries of the NWT".
 - a. Is that definition sufficient?
 - b. What groups, if any, do you think should be added or removed from this definition?
4. What impact will the proposed Indigenous Employment Policy have on the concerns you have identified with the current Affirmative Action Policy?
5. Which of your concerns does the proposed policy address?
6. Which of your concerns are not addressed by the proposed policy?

Questions about the Employment Equity Policy

7. The Employment Equity Policy will prioritize "Indigenous Canadians, racialized persons, persons living with disabilities, members of the 2SLGBTQIA+ community and long-term northerners."
 - a. Are we missing any other categories we should prioritize?

² GNWT. (March 2019). Public Engagement Employee Guide:

https://www.eia.gov.nt.ca/sites/eia/files/gnwt-public_engagement_guide.pdf

- b. Are there any categories that you would remove from this definition?
8. The term “long-term northerner” is currently defined as having lived half your life in the NWT.
- a. Do you agree with this definition?
 - b. If not, how should the definition be changed?

Questions about applying the Indigenous Employment Policy and Employment Equity Policy

9. The GNWT proposes that the Indigenous Employment Policy would be applied before the Employment Equity Policy (i.e. descendants of the Dene, Inuit, or Métis people, Indigenous to the present boundaries of the NWT would be prioritized over hiring individuals belonging to the categories identified in the Employee Equity Policy).
- a. What concerns, if any, do you have with the proposed approach?
 - b. How often would you expect to see reconsideration of the priority groups that are included in these policies?
 - c. Are there any other considerations we should keep in mind that are not addressed in the questions above?

Engagement Methods

The review utilized two primary methods of engagement: in-person and virtual.

In-person engagement sessions were held in nine communities (Inuvik, Tuktoyaktuk, Hay River, Fort Resolution, Fort Simpson, Délı̄ne, Behchokò, Yellowknife, and Fort Smith), touching each region of the territory. In total, there were fourteen in-person engagement sessions and 3 virtual sessions, and Indigenous leadership attended almost every community engagement session to share their perspectives and hear ours.

To ensure that engagement reflected as many perspectives as possible, engagement sessions were also held with the GNWT’s Indigenous Employee Advisory Committee and the GNWT Advisory Committee on Diversity and Inclusion.

Online engagement was also successful, with more than 550 fulsome responses to the online survey. A Minister’s Town Hall event for GNWT employees was held on April 24, 2023, where employees submitted comments, questions, and recommendations about the GNWT’s approach to hiring.

Several additional opportunities were provided for public input, and submissions to the review were received from individual members of the public and by groups. All submissions and comments received by the review team were considered and are reflected in the recommendations.

Engagement Efforts

To ensure that members of the public and representatives of community and Indigenous governments were provided with ample opportunity to engage and share their perspectives:

1. Members of the public were invited to participate in public engagement online through the online survey through notices released through Bearnnet, Facebook, NNSL, and several GNWT websites. These notices linked to the online survey and shared details about in-person engagement sessions that were upcoming.
2. In October 2022, letters were sent to Indigenous Government offering them a presentation by Finance on the policy review and the proposed policies to replace the Affirmative Action Policy, and the opportunity to offer their insight and perspectives on what was proposed.
3. On December 13, 2022, an overview of the Affirmative Action Review was provided to the NWT Council of Leader's Secretariat. Indigenous Governments were again invited to share their perspectives through a in person session or by providing written feedback.
4. Beginning in January 2023, additional letters were sent to Indigenous Governments outlining the in-person public engagement sessions being scheduled in their communities or regions. They were invited to join the upcoming sessions and/or that there was still an opportunity to schedule a session specifically for their organization.
5. Beginning in January 2023, letters were sent to the Mayor and Councillor members for the communities where engagement sessions would take place. They were invited to attend and/or that there is an opportunity to schedule a session specifically for their organization.

In-person Engagement

In-person engagement focused on providing an open opportunity for members of the public to share perspectives and give insight on the Affirmative Action Policy and the policies proposed to replace it. Given the history of the Affirmative Action Policy and the potential for negative or otherwise critical comments about it, the approach to engagement was meant to be welcoming of honest perspectives.

In-person engagement sessions also included presentations on the GNWT's hiring practices and equity initiatives, allowing the engagement team the opportunity to address concerns and questions about areas the GNWT has already begun to address. This included details about the IRRF Action Plan, developed to ensure that Indigenous peoples from this territory are rightly part of the public service at all government levels.

The engagement presentation also detailed some of the GNWT's efforts to make its workplaces fair and just, and its efforts to provide all applicants and employees with equitable opportunities to succeed. To ensure that members of the public, including GNWT employees, were better aware of the programming introduced and the commitments made by the GNWT in these areas, the presentation included information about the D&I Framework as well as the GNWT's 2SLGBTQIA+ 101: Inclusive Workplace Awareness training.

Online Survey

A public engagement survey was launched on February 20, 2023 and closed on April 30, 2023. A total of 562 individual submissions were made to the survey. The survey was available on the Department of Finance's website and the location of that survey was included in all the communications.

What We Heard

Respondents provided their perspectives of the Affirmative Action Policy, the proposed Indigenous Employment Policy and the Employment Equity Policy. More than 550 written submissions to the online survey were made and are reflected in this report. Comments from in-person engagement sessions are also included, as are written submissions from members of the public, and submissions made during the Minister’s Employee Town Hall Forum.

As detailed above, engagement in this review was intended to provide respondents with an open opportunity to provide their insights and perspectives. To reflect the openness of engagement, this report summarizes and groups what we heard according to the subject area. The perspectives are then broken down according to the perspectives expressed using a strengths, weaknesses, opportunities, and threats assessment.

In this breakdown:

Strengths are comments shared by respondents that express positive feedback about the respective policies or elements of them;

Weaknesses are comments that express concern about the respective policies or elements of them; ³

Opportunities are suggestions and recommendations made by respondents about the policies; and,

Threats reflect the concerns and criticisms expressed about the policies.

Affirmative Action Policy

Summary of Input

Participants in engagement were asked whether in their view the Affirmative Action Policy was “working” and what they would like to see changed about it, if anything. While there were some positive comments, they made up a very small minority, with most commentators expressing concerns about the policy or suggesting it needed to be changed.

The mainly negative view respondents took of the Affirmative Action Policy is the reason that there are a limited number of strengths listed below for the policy.

Strengths and Positives About Affirmative Action Policy

- Respondents who viewed the Affirmative Action Policy positively suggested that the policy was not at fault and that the reason representation goals have not been met has been:
 - o Departments are not implementing the policy properly.
 - o Larger social issues make policy unable to achieve success.

Weaknesses of Affirmative Action Policy and GNWT's Hiring Strategies

Overinflation of job qualifications

- Respondents shared concerns about the GNWT overemphasizing educational credentials and overinflating job descriptions as barriers to employment that the Affirmative Action Policy does not address.
- Respondents expressed that more training post-hiring and better support are needed to help fill gaps between qualifications and the credentials for Indigenous applicants/employees.
- Respondents expressed concern that the qualifications required to attain a position with the GNWT are not consistent or well-aligned with the NWT's education system.
- Respondents noted that the GNWT needs to work on increasing NWT graduation rates from high school and post-secondary if they hope to hire from the territory.

Northern Focused

- Respondents expressed that the birth and residency elements of the policy make some people reluctant to commit to the Northwest Territories or feel as though they don't belong here.

Discriminatory

- Many respondents indicated that the Affirmative Action Policy is discriminatory and believe hiring should be based on merit, not ethnicity or residency.
- Respondents expressed policies should be complemented with relevant articles on UNDRIP, and include the different Indigenous groups and their relationship with the GNWT should be considered in policy creation.

Implementation

- Respondents expressed dissatisfaction with the implementation of the Affirmative Action Policy and the view that there are inconsistencies in the hiring process and interpretation of the Affirmative Action Policy. Specifically, comments raised concerns about the use of "workarounds" to the Affirmative Action Policy by the GNWT, such as:
 - o inconsistencies in the screening process,
 - o use of internal transfer assignments; and

- canceled competitions.
- Respondents expressed concerns about bias and favoritism in hiring throughout the GNWT, with many respondents mentioning nepotism and sharing anecdotes about their experience with these issues.

Advancement

- Respondents expressed concerns that the Affirmative Action Policy only seems to apply to hiring rather than advancement within the organization, such as through succession planning.
- Several respondents expressed concerns and shared experiences wherein non-Indigenous employees or applicants were hired for positions or succession planned into higher positions as opposed to their Indigenous counterparts who felt passed over.

Reflective of larger social issues

- Respondents expressed concerns that the Affirmative Action Policy is a band-aid solution to much deeper systemic problems that Indigenous people face and that the GNWT is failing to address.
- Respondents also stressed that the GNWT needs to make continued investments into addressing education, infrastructure, and socio-economic needs to make any policy effective.

Risks with Keeping the Affirmative Action Policy as it is

- Criticisms of the Affirmative Action Policy in large part focused on its failure to accomplish the goal of representation, however public sentiment was nearly as concerned about the seeming lack of accountability attached to that failure.
- Respondents expressed that without accountability, transparency, review and monitoring, as well as implementing prioritized training and development opportunities for Indigenous people, the GNWT risks maintaining the status quo.
- Respondents expressed concern that if the GNWT does not take action in light of input from engagement and this review, there is a real risk that relationships with Indigenous governments could be negatively impacted.
- Many respondents expressed the perspective that the policy is not compliant with the Charter of Rights and Freedoms, and that the GNWT choosing to keep such a policy in place is distasteful.

Employment Equity Policy

Strengths and positives of the Employment Equity Policy as proposed.

- Respondents expressed support for the GNWT to introduce programming and initiatives supporting equity, diversity, and inclusion in the GNWT's hiring practices.
- There was support from respondents for the groups listed in the Employment Equity Policy.
- Respondents supported inclusion of Indigenous Canadians from outside the Northwest Territories in a priority hiring policy to increase representation in the territorial public service.

Weaknesses of the Employment Equity Policy as proposed.

Long Term Northerner

- Respondents expressed concerns about how the Employment Equity Policy grouped all members of the target groups into a single priority hiring group, rather than addressing the needs of the groups more specifically.
- Some respondents were concerned that the proposed policy would not preserve the priority status of groups protected under the Affirmative Action Policy.
- Some respondents expressed that the policy should be tiered, with long-term northerners holding priority after Indigenous applicants, but ahead of applicants from outside the Northwest Territories because of their commitment to the north and the expectation that long term residents will have increased knowledge and experiences of the North.
- A large section of respondents expressed the feeling that the current definition of long-term northerner (Priority 2 under the Affirmative Action Policy) is ageist.
- Many respondents expressed unhappiness that becoming a Priority 2 is not attached to a specific length of time and that there should be consistency.
- Some respondents expressed doubt that residency in the territory for any period of time would provide certainty that an applicant would be culturally competent, or that living in Yellowknife was equivalent to living in another community of the territory.

- Respondents suggested removing long-term northerners because no evidence was provided to support their inclusion as a target group from an employment equity standpoint.

2SLGBTQIA+

- There were many concerns around including 2SLGBTQIA+ as an equity group, such as how verification of affiliation to the 2SLGBTQIA+ community might be accomplished.
- Respondents expressed concern about the personal and sensitive information that the policy would require applicants to disclose and the risk that the process could cause emotional harm. Additionally, there were concerns about properly maintaining information to maintain client safety.
- Respondents were also concerned about the public perception of implementing a policy such as this, and the potential for ignorance and hatred to be expressed against 2SLGBTQIA+ applicants and employees as a result of the policy.
- Respondents expressed that there are better ways to reduce barriers to equity and to make systemic change.
- Concerns were also expressed about statistical analysis and the lack of data presently collected for the 2SLGBTQIA+ community in the Northwest Territories, and that setting goals for representation for this group would be challenging.

Racialized persons

- Racialized persons were identified as a term to be removed from the definition. Reasoning for this was because there is not a clear path on how to ethically substantiate their affiliation with a racialized group.
- Respondents expressed that while racialized persons have been identified under other legislation, such as the Employment Equity Act, there is no data suggesting that racialized persons are underrepresented in the GNWT compared to the NWT's population.

Persons with disabilities

- Persons with disabilities are a category that respondents indicated they would like removed, largely due to concerns about how the group would be defined and what disabilities might allow a person to receive preferred hiring under the policy.

- Respondents argued that the GNWT does not know if all disabled persons experience barriers to employment and how the GNWT will address this group under one blanket approach.
- Respondents also expressed concern about whether the Duty to Accommodate Policy was being incorrectly applied if there was still need for a “persons with disabilities” section in the Employment Equity Policy.

Indigenous Canadians

- Some respondents suggested that Indigenous Canadians be removed from the Employment Equity Policy in favour of being moved to the Indigenous Employment Policy.
- Some respondents did not feel hiring Indigenous people from outside of the Northwest Territories would make things better for Indigenous people from the territory as much as hiring someone with a connection to the NWT.
- Respondents expressed concern that Indigenous Canadians are no more likely to remain in the NWT long term than any other group of hires from outside the territory, resulting in a similar pattern of hiring and replacing employees, disrupting services, and affecting continuity of care.

Perceived Opportunities of proceeding with Employment Equity Policy

Northern Focus

- Hiring local northerners is a desire for some respondents:
 - o Respondents cited a cultural and experiential knowledge that allows them to provide northern-centered services to residents
 - o Reward residents' commitment to reside and contribute to the territory in the long term.
- Some respondents expressed that long-term northerners should be considered a higher priority than Southerners, regardless of ethnicity or other factors.

Safe and Inclusive

- The desire to promote unbiased, safe, and inclusive hiring practices was argued for.
- Following the Employment Equity Act was suggested as a supportive measure.

- Increase the hiring of underrepresented groups by removing racial disadvantages within the hiring and promotion processes.

Perceived threats of proceeding with Employment Equity Policy

- At risk of not supporting persons with disabilities to the same extent they were supported before, same with resident women and long-term northerners.
- At risk of not having an employment equity policy that is up to par with other jurisdictions in Canada

Indigenous Employment Policy

Strengths of introducing an Indigenous Employment Policy as Proposed

- Respondents considered hiring NWT Indigenous people at all levels of the public service to be the highest priority, with Indigenous groups having a meaningful advantage in employment opportunities over other Indigenous applicants from outside the NWT.
- Respondents stated that hiring Indigenous people with traditional connection to the Northwest Territories is their highest priority and best supports the shift of corporate values to include Indigenous values.
- Respondents would like to see the breakdown of priority groups be more detailed such as:
 2. Indigenous persons connected to the Northwest Territories
 3. Indigenous Canadian

Weaknesses of introducing an Indigenous Employment Policy as Proposed

Verification of Indigenous status

- Verifying Indigenous status through the policy and the potential of people lying about Indigenous status to get priority hiring.
- Challenges related to proving Indigenous status and the challenges related to verification or falsified documents.

Definition of Indigenous and relationship to territory

- Respondents expressed that definition of Indigenous is needed as, in the current policy, it is used to define place, not a group of people.
 - o For example, the boundary piece "Indigenous living in the present boundaries of the NWT" needs further clarification of which Indigenous people. Many Indigenous people from southern Indigenous groups live in the NWT with the same priority status as NWT Indigenous groups.
- Respondents indicated their concern about the use of descendants in the proposed definition and suggested that the use of descendants should be clarified, as well as clarity about proof descendants might be required to provide to ensure they fit into the category of descendants.
- Some respondents believed that southern Indigenous people should be included, and that the proposed definition would exclude Indigenous people who are not descendants from the NWT but are living here.

Qualifications

- Respondents reiterated the need for academic qualifications, work experience, and work performance to be considered when hiring under the Indigenous Employment Policy.
- There is the belief that an updated Indigenous Employment Policy will not make much of a change unless the GNWT tackles more prominent barriers to entry, such as education, training, and systemic racism.

Accountability

- Respondents are concerned that the policy will be ineffective without accountability for people in hiring positions.

Northern Focus

- Hiring local northern people is a priority for respondents; however, there was a concern that the Indigenous Employment Policy would deter long-time northerners from staying in the North.

Leadership

- There is the concern that the Indigenous Employment Policy will not support Indigenous people getting into management and senior leadership positions, maintaining the current status quo.

Opportunities of introducing an Indigenous Employment Policy

Transparency

- To have specific goal of the increasing Indigenous representation at all levels of the territorial public service.
- Respondents want to see transparency within GNWT hiring policies.
- Potential for involvement with Indigenous Governments.
- Respondents expressed hope that moving to another policy would result in specific goal being set and the opportunity to produce and utilize better data to measure successes.
- Respondents expressed that there is more value in providing information on the hiring policy and its status by region, as opposed to the whole territory.

Training and Development

- Support Indigenous employees in reaching their goals and aspirations that aren't tied to GNWT statistics as the measurement of success.

- Prioritized capacity development to support Indigenous employees to gain career development opportunities.
- Training and development programs to prepare non-Indigenous northerners for GNWT work as an alternative to a priority hiring policy.

Accountability

- Respondents expressed that there is a need for the GNWT to hold departmental hiring decisions accountable to the policy.
- Respondents expressed a need for ongoing monitoring and evaluation of the recruitment and hiring processes.
- Respondents expressed the need for monitoring and oversight of the GNWT's human resources processes and for there to be repercussions for non-compliance with hiring policies.

Address Misconceptions of priority hiring

- Even though candidates must meet the qualifications such as screening, screening assignments, and the interview process, there is an opportunity to address misconceptions that the Affirmative Action Policy is used to hire Indigenous people without the qualifications to do the job.

More Indigenous centered recruitment tactics

- Suggested to have Indigenous representation on hiring committees to review the recruitment and hiring processes in real-time to ensure fairness towards Indigenous candidates.
- Respondents want to see more GNWT positions established in the outlying communities.
- Respondents recommended the GNWT should create more positions for summer students in remote communities.
- Respondents expressed that more support is necessary for Indigenous people moving into management and senior leadership positions.

Risks with not going ahead with an Indigenous Employment Policy

Respondents shared the following concerns if the GNWT were to not proceed with an Indigenous Employment Policy:

- A public service will continue to not be representative of the population it serves by continuing with a policy that isn't working.
- Broken relationships with Indigenous Governments and their members.
- GNWT becomes an organization where Indigenous people do not feel respected or supported.
- Doing community engagement without implementing any change may lead to distrust of the public service.
- Absence of implementing priority hiring for Indigenous people may cause negative impacts on IRRF, and programs and initiatives that were developed to increase Indigenous representation within the territorial public service.
- Loss of Indigenous candidates with strong organizational knowledge away from the GNWT by not implementing change.

Conclusion

This *What We Heard Report* provides a high-level summary of the input received throughout the public engagement period. It has been compiled to provide an understanding of the areas of support, concern, and other perspectives raised by NWT residents and stakeholders respecting the Affirmative Action Policy and the two policies proposed to replace it.

Recommendation

Generally, public perception of the Affirmative Action Policy is that the policy is outdated and that implementation problems made it inadequate to achieve its goal of a representative public service. Despite its inadequacies, however, there was support for the policy's ambitions of hiring Indigenous persons connected to the Northwest Territories. There was also support for the GNWT to increase the representation of Indigenous Canadians in the public service generally.

Therefore, it is recommended that the GNWT implement an Indigenous Employment Policy which offers priority hiring first for applicants who are Indigenous persons connected to the Northwest Territories, and second for Indigenous Canadians generally. This approach would ensure that all Indigenous persons will have priority hiring status over non-Indigenous people. Further, it would ensure that the GNWT's hiring policies are not at risk of infringing the Charter rights of applicants or employees, a positive step forward from the present situation.

Introduction of an Indigenous Employment Policy would also more closely align with the Census data collected by Statistics Canada, making assessment of the policy's success easier and more accurate than the categories listed in the Affirmative Action Policy. As more information is collected about the make-up of the public service, that information can be overlaid with Statistics Canada data to give a better understanding of the workforce, gaps, barriers, and opportunities for change.

Next Steps

Employment Equity Policy

The Employment Equity Policy has not been recommended, due to the multi-faceted challenges and concerns raised during engagement, however engagement on the policy has been fruitful in emphasizing the public support for the GNWT's equity, diversity and inclusion efforts to continue.

While many of the concerns brought forward will be addressed through the Diversity and Inclusion Framework, Finance will continue to assess and address gaps, including how to limit impact on the people afforded hiring priority under the Affirmative Action Policy who will no longer have those benefits.

Indigenous Employment Policy

If the recommendation to implement an Indigenous Employment Policy is approved, results of this public and stakeholder engagement, together with the results of the Department's preliminary scoping exercises, cross-jurisdictional reviews, and additional policy research will inform the development of an Indigenous Employment Policy reflecting the accountability, transparency, and review elements recommended by participants.