

ASSEMBLY OF FIRST NATIONS
FIRST NATIONS LABOUR MARKET STRATEGY
DRAFT FOR DISCUSISON – NOT FOR DISTRIBUTION
ISSUE PAPER 5 – First Nations Jurisdictional Authority – Statutory Approach

DESCRIPTION: To set out how a First Nation Labour Market Commission would work; consider the program architecture.

OPTIONS:

1. To develop authorities to represent First Nation ownership over FNLMS reflecting First Nations autonomy of decision-making over areas that concern First Nations labour development matters.
2. Authorities would need to consider the role a Commission would have for reporting, based on a First Nations models that respect First Nations accountability processes while also respecting the responsibility to account for federal funding, as such this would include reporting to First Nations leaders and as required the Minister.
3. Authorities would need to enable the capacity of the Commission to provide leadership to the Strategy through a Secretariat.
4. Authorities would need to consider the Commission as an advisory body to First Nations and to the Minister in providing advice on labour market issues and the FNLMS.
5. Develop a structure that includes First Nations leadership and technical processes appropriately.
6. Authorities would need to be arms-length from the Minister responsible for the FNLMS and who continue to be responsible for funding decisions

RATIONALE:

The Commission must represent First Nations autonomous decision-making over the strategy and ability to set priorities, establish policies and programs, operate independently and based on First Nations mandates and structures, while respecting accountability to the Government and Parliament for the spending of funds.

A secretariat could support the Commission in providing technical support, coordination, and leadership to address First Nations labour market issues. The secretariat would add value to FNLMA as laid out in the Forum report and by acting as a credible interlocutor facilitating First Nations policy improvement needs and ESDC objectives to resolve program administration, policy and design issues.

CONSIDERATIONS:

The desired outcome is a structure that provides leadership on labour market issues and is not just an instrument or for the Minister.

The role of a Commission (board) differs from that of a secretariat (operational and technical support). The secretariat would provide advice, guidance, provision of information and tools, sharing of best practice and exchange but not decisional in terms

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of funding, allocations or agreement renewals. The decisional and instructive roles would be for a Commission to maintain.

RECOMMENDED OPTION:

Explore the development of a Commission providing leadership relative to First Nations labour market issues and supporting delivery of the FNLMS

DECISION:

DATE AND VERSION:

Draft 2, November 23, 2016

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ANNEX: STATUTE OUTLINE

To create the First Nations Labour Market Commission and the funding and regulations governing First Nations Labour Market Strategy, labour market programs and services:

The concept for a Commission to be established through statute to assist First Nations and Minister in creating and implementing a labour market strategy for First Nations that reflects and is based on the relationship between the Crown and First Nations;

To establish guidelines for funding for the Strategy in order to ensure stability, predictability and professional, appropriate levels of services that reflect the costs of doing business and First Nations working age population growth, the Minister to recommend annually to TBS a ten year rolling budget;

Through the Secretariat to the Commission, to provide an effective interlocutor for First Nations, on behalf of ESDC, to manage the FNLMS and a value-added resource for First Nation employment agencies (FNLMA).

FIRST NATIONS LABOUR MARKET COMMISSION

Mandate example:

COMMISSION

To embody the relationship between the Government of Canada and First Nations based on government-to-government, nation-to-nation relations.

To provide leadership in setting objectives and bringing together labour market stakeholders to improve the labour market outcomes of First Nations people

To provide accountability to First Nations and Government of Canada for labour market issues, - to analyse and report on societal issues providing leadership to all labour market stakeholders relative to labour market issues

To analyse and report on institutional performance and program delivery, - i.e. FNLMA performance at the program level, - and work to improve performance and build First Nations labour market program and service providers institutions

Through its Secretariat: assist in the development and improvement of First Nations employment programs and services

Make recommendations to the Minister on the funding of FNLMA or Sign off on Ministerial recommendations for the funding of FNLMA

Make recommendations to the Minister on policy and design issues of concern to First Nations

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To be consulted by the Minister prior to substantive changes to the FNLMS

To appoint the Executive Director of the Secretariat with assistance of AFN CCHRD Members: five (5) to be recommended to the Minister by the AFN representing Canada's regions and based on expertise, knowledge and credibility with First Nations. [establish a joint process for nomination]

SECRETARIAT

- Establish common policies for the use of FNLMA's
- Establish common tools for the use of FNLMA's
- Research and distribute information on best practices, provide model program design for use by FNLMA's
- Facilitation and coordination of Human Resources services for FNLMA's: recruitment, selection, policies, work descriptions
- Clearinghouse of key documents and First Nations statistics for FNLMA's
- Point of contact with Canada to vet potential changes before such changes are authorized.
- Advocacy for FNLMA's having issues with Canada.
- Source of expertise on provincial agreements and facilitator of better relations with provinces.
- Support for FNLMA's requiring capacity development
- Advocacy for developmental changes to the overall agreement
- Organization of regular regional meetings to discuss developments and obtain regional perspectives.
- Development and dissemination of key training curricula for front-line and financial staff in the face of turnover and operational changes.
- Preparation of briefing packages for the Commission and First Nations political leadership
- Development of a strategy for cultural competency among government staff working with FNLMA's.
- Outreach to national interests in industry and labour.

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- Undertake key research projects.
- Profiling of best practice among FNLMAAs.
- Possible lead role in development of a database solution for the First Nations agreement
- Liaison with other development sectors (post-secondary, social, etc.)

FIRST NATIONS LABOUR MARKET PROGRAM AND SERVICE CORPORATIONS (FNLMAAs)

Incorporated First Nations service delivery organizations, independent and at arms-length from Government of Canada, able to engage in partnerships in pursuit of the mandate, under the political direction of First Nation Governments

Serving a First Nation and a defined service delivery territory

With an approved Governance and Corporate structure to ensure accountability to First Nation political authorities and independence and excellence in pursuing the mandate Signatories to fiscal agreements with Canada for the implementation of Canada's First Nations Labour Market Strategy