

Cover: The medicine wheel - a spiritual symbol for many Aboriginal people in Canada - next to the machinery wheel symbolizing labour and the trade union movement. Design by Oksana Shewchenko.

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Further copies of this report are available on request. Copies of the CLC Discussion Paper on Aboriginal Rights and the Labour Movement, and of the CLC brief submitted to the Royal Commission on Aboriginal Peoples, are also available on request.

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Introduction

This report explores the practical implications of Aboriginal rights and of current developments related to Aboriginal people for working men and women and for the labour movement. It is based on a consultation project carried out by the Canadian Labour Congress beginning in March of 1993 and concluding with this report.

The project has three phases: preparation of a discussion paper; consultation with labour leaders and activists across Canada; and preparation of a final report. This report will be circulated through the labour movement and is being submitted to the Royal Commission on Aboriginal Peoples along with a brief from the Congress. The project was coordinated by Guy Adam, CLC National Representative for Women's and Human Rights, and carried out by Michael Cassidy of the Ginger Group Consultants on behalf of the Congress.

Initially, a 40-page discussion paper, *"Aboriginal Rights and the Labour Movement"*, was prepared in English and French. This paper is available on request from the CLC; portions of it were used in the preparation of this report. More than 3,000 copies of the discussion paper were distributed by mail and in consultation meetings, primarily to activists and leaders in the Canadian labour movement at the local, provincial and national level.

The discussion paper was also sent to networks of Aboriginal union members or Aboriginal employees within the Ontario Public Service Employees' Union (OPSEU), the Public Service Alliance of Canada (PSAC), the Ontario public service, and Ontario Hydro; to the national Aboriginal organizations and to some other Aboriginal groups. People receiving the discussion paper were asked to respond to the issues it raised on a special feedback sheet designed for that purpose.

With the assistance of provincial federations of labour and CLC regional staff, consultation meetings were held at the following locations: Vancouver, Prince George, Nanaimo, Victoria, Edmonton, Calgary, Regina, Saskatoon, Winnipeg, Toronto, Timmins, Ottawa, Bathurst, Newcastle, and Fredericton.

Participants in these meetings included ranking officers of provincial federations of labour and of CLC affiliates; members of local labour councils; local labour activists; and staff representatives from affiliates and federations. Labour leaders in the Yukon and Northwest Territories were consulted by phone and by mail and during visits to Ottawa. Consultation also took place with Aboriginal groups; officials from all three levels of government; employers; and people from social movements concerned with Aboriginal rights or the labour movement.

Efforts were made at all the consultation meetings to include Aboriginal people who are union members. This generally resulted in there being one or two Aboriginal participants at those meetings organized by local labour councils.

Although the discussion paper was distributed to labour councils and union leaders in Quebec, it was not possible to arrange for consultation meetings in that province. This report, therefore, focuses on the issues related to Aboriginal rights and the labour movement in the provinces and territories outside Quebec.

We wish to acknowledge the special assistance provided to this project by three elected union officials who are Aboriginal: Len Hupet and Ethel LaValley, vice-presidents of OPSEU, and Linda Camponi, who recently stepped down as an executive council member of the National Component, Public Service Alliance of Canada. We also acknowledge with thanks the special assistance provided by Susan Anderson, Director for Treaty Negotiations, Resource Management and Environment for the British Columbia Federation of Labour.

This project was made possible through a grant from the Intervenor Participation Program of the Royal Commission on Aboriginal Peoples. It has helped us in the Canadian Labour Congress to develop a better understanding of the relationship between Aboriginal peoples and the labour movement, and to develop an agenda for action which we are determined to pursue.

We thank the Royal Commission for its support and hope this report will help them in their task.

Nancy Riche,
Executive Vice-President,
Canadian Labour Congress

I: ABORIGINAL PEOPLE AND THE LABOUR MOVEMENT

Canada's labour movement has been an advocate for Aboriginal rights from the time Aboriginal issues first began to appear on the national agenda, barely 25 years ago. This support was reaffirmed by the Canadian Labour Congress, which represents the majority of organized workers in Canada, in a strong policy statement on Aboriginal rights at its June, 1992 Convention in Vancouver.

Hopes to change Canada's constitution to recognize the inherent Aboriginal right to self-government were set back in 1992 because of the failure of the Charlottetown Accord. Despite that setback the determination of Canada's Aboriginal peoples to take back control of their lives and their communities continues. A new relationship between Aboriginal peoples and other Canadians is starting to emerge. Like all change, this new relationship offers both opportunities and risks.

In the past, labour's support for Aboriginal rights has tended to focus on broad issues such as self-government and self-determination. It has devoted only limited attention to more practical issues such as the impact that advances in Aboriginal rights may have on working Canadians, and the specific role the labour movement should play to advance Aboriginal rights while respecting the legitimate concerns of its members.

***The CLC project
focused on practical
strategies and
approaches***

This report sets out to explore these issues based on consultation within the labour movement throughout most of Canada, as part of a CLC Aboriginal rights project. This project focused on practical strategies and approaches that can be taken at different levels of the labour movement to assist in the implementation of Aboriginal rights and in the creation of a just and productive new relationship. Its intention was to build on the CLC's Aboriginal Rights Policy Statement adopted in Vancouver, while trying to anticipate and avoid situations which could undermine the broad support expressed in that statement.

In addition to looking at what labour can do, this report also discusses steps that can be taken by employers, by governments, and by Aboriginal communities that relate directly to Aboriginal rights and labour. Many of these proposals relate to employment equity and to the need to fight racism in the work place. One of the strongest conclusions that flowed from this project was the dismal failure of employment equity initiatives almost everywhere in Canada to overcome the systemic bias experienced by Aboriginal people who are employed or are trying to get work.

The labour movement's general support for Aboriginal rights has been clearly expressed both by the CLC and by labour federations and CLC affiliates. What is at issue in this report is how change can be accommodated rather than what changes can

occur, and how labour can help Aboriginal people achieve their objectives while maintaining the support of its members and of non-Aboriginal people in general.

A. Current Situation: The Aboriginal Community

The first part of this paper deals with the changes now taking place in the Aboriginal community and their implications for working people and for unions. This part is drawn from the discussion paper that was published in April as a part of this project. The analysis in that paper was extensively tested in consultations that included Aboriginal trade union members and representatives of Aboriginal organizations, and was generally accepted. It provides a basis for strategic thinking about future issues related to Aboriginal rights and the labour movement. For the benefit of people in the labour movement, the discussion paper also provided a brief outline of the history of Aboriginal people, their situation today and the legal and political foundations of their rights.

1. Why discuss Aboriginal rights now?

The short answer is, there is no choice. Canada's First Peoples are looking to take back control of their lives and their communities, and to establish a new relationship with non-Aboriginal Canadians and with federal, provincial and territorial governments. The agenda for change is being driven by unrest in some native communities - as demonstrated by the Oka crisis three years ago; by the growing confidence and visibility of native organizations and leaders; by the increasing political commitment of governments such as those in Ontario, Saskatchewan and B.C.; and by court decisions affirming Aboriginal rights.

These court decisions are particularly important because of the uncertainty they have created over land use and resource development in large areas of Canada. Primary industries such as forestry, fishing and mining are all affected, and the uncertainty affects native and non-native communities alike. Even the companies involved in the resource industries are coming to understand that there is a common interest in reaching solutions. But to be acceptable to native people, these solutions must deal with past grievances and respond to the native agenda for self-government and for meaningful autonomy. They can only be reached through good-faith negotiation.

The treaty negotiations that are now beginning in British Columbia, after more than a century's delay, are the result of new political commitment and the cumulative effect of court decisions. The same factors underlie the increased activity on Aboriginal issues elsewhere in Canada. Native people have been pressing for action on Aboriginal rights for a long time. What the court decisions have done is to reinforce that pressure and force non-Aboriginal people, companies, and governments to take these issues more seriously.

2. What changes can we predict?

There are a number of key elements in the emerging pattern of Aboriginal rights. These include the gradual development of self-government as Aboriginal communities acquire more political and financial autonomy - whether or not there are changes to the Indian Act or the constitution - and the emergence of more stable, self-confident communities in which healing has begun to take place.

The kind of self-government that emerges will vary in different areas

The kind of self-government that emerges in different Aboriginal communities will vary because of the diversity of Canada's Aboriginal people, the differences in their legal status and the differing priorities of each community. Native-run services and organizations will grow both in rural and urban areas and there will be demands for greater

Aboriginal input into services provided by non-native organizations.

The settlement of land claims and treaty negotiations will put new territories under exclusive or partial Aboriginal control as well as giving a number of native communities cash settlements and other forms of compensation. Various forms of co-management in which Aboriginal people share authority over land management and resource development will become more common. Aboriginal rights to hunt and fish are being confirmed by the courts and there will likely be greater Aboriginal involvement in wildlife management.

There will continue to be conflicts over how the equality rights of women and other provisions in the Charter of Rights should apply in Aboriginal communities. Métis people, non-status Indians, and urban Aboriginal people will continue their efforts to win recognition of their rights and an equitable share of government programs directed to native people.

3. Implications for workers and unions

There are both positive and negative implications in the change in relationships that is starting to occur. Most notable are the prospects for Aboriginal communities which start to take their future in hand. Dynamic growth, healing and a new ethic of development are among the benefits to be expected.

The changes that lie ahead may also create uncertainty, fear and misunderstanding, however. Existing jobs may be threatened and there may be new requirements for government spending or taxes. Some Aboriginal governments may not want to maintain existing labour codes or employment standards in their present form.

Most people in the labour force will not be directly affected by developments in Aboriginal rights. The major effect will be felt by people living in resource areas, working in resource industries, or employed by non-Aboriginal organizations providing services to Aboriginal people.

Native people will benefit from more effective administration and more appropriate services because Aboriginal governments will be less confined by the Indian Act and government interference. They can also expect jobs and new economic opportunities to flow from self-government and greater Aboriginal control over territory and resource development. However, there may be disappointments: expectations are high and there will continue to be many obstacles in achieving Aboriginal rights.

***Changes ahead may
create uncertainty and
misunderstanding***

Non-Aboriginal workers who serve native people and communities will increasingly be replaced as more trained Aboriginal workers become available and as Aboriginal governments take over more services now provided from outside their communities. The areas particularly affected will be teaching, administration, health and social services. This shift has already taken place in many reserves and tribal councils and is beginning to extend to services for Aboriginal people provided off-reserve and in urban areas.

Native and non-native communities alike may feel a positive economic impact from self-government and treaty and claims settlements. The Aboriginal emphasis on sustainable development and multiple use of resources may reduce some kinds of employment initially, but provide a more stable future for resource communities over the long term. Public spending on native programs and services - now \$5 billion a year at the federal level - will likely continue to rise in the short run because of treaty and claims settlements and continuing pressure to improve conditions in native communities.

4. Key issue areas

The CLC Discussion Paper set out a number of key issue areas for discussion during the consultations, and defined important questions to be considered in each case. The paper also put questions about what the labour movement should do to further the cause of Aboriginal rights while continuing to represent the interests of its members. These issues are discussed through the remainder of this report.

A general concern was that the structural changes that go with the implementation of Aboriginal rights not be considered in isolation. Many non-Aboriginal workers and communities are already affected by the move to more sustainable use of natural resources, and by changing international market conditions.

The key issue may be how to share the costs related to Aboriginal rights

When new arrangements over resources and land are created to benefit Aboriginal people, the cumulative effects of these structural changes can have a devastating impact on smaller communities and their people. If public support for the realization of Aboriginal rights is to be sustained, action will be needed to spread this impact. The

key issue may, therefore, be how to share the costs related to the reassertion of Aboriginal rights and the transfer of rights, resources and responsibilities to native communities.

This is not intended to deny the injustices suffered by Aboriginal people nor the suffering they have experienced through unemployment and social disorder as a result of their treatment at the hands of non-Aboriginal Canadians and their governments. The issue put out for consultation was whether the costs of correcting these injustices should be borne by a small proportion of the non-Aboriginal population - those living in resource areas where most changes are likely to occur - or whether these costs should be shared on an equitable basis by all Canadians. Labour may have a special role to play in finding solutions because of its wide base of representation, its past involvement with issues of Aboriginal rights, and its experience with the negotiation process.

B. The Labour Movement: Signs of Change

It is fair to say that Aboriginal issues have not been a priority for most people in the labour movement in the past. Today that situation is beginning to change. As the overview which follows indicates, the level of labour involvement with Aboriginal people and issues is increasing. Many of these initiatives are recent, however, and still in the process of becoming established.

As the next sections indicate, unions have been expressing support for Aboriginal rights and joining in coalitions and common endeavours with Aboriginal organizations and groups for a long time. Some unions, like the United Fishermen and Allied Workers' Union and the Ironworkers, have had a strong component of Aboriginal members for many years.

Today the involvement with Aboriginal issues which tended to be intermittent or confined to a few unions is spreading to include many more sections of the labour movement. Aboriginal people are starting to move into leadership and staff positions within labour. Serious efforts have begun in a number of CLC affiliates and provincial labour federations to help Aboriginal union members gain more prominence and influence, for example through the creation of Aboriginal caucuses and networks. Union activity is increasing in the areas of human rights, employment equity and anti-racism and Aboriginal issues are being incorporated into this activity. There are

now a number of examples of unions providing cross-cultural training about Aboriginal issues for leaders, staff and members.

The total number of Aboriginal members of trade unions is not known. However, the proportion of Aboriginal people in the labour force (in 1986) was estimated at 2.1%, while the proportion of Aboriginal workers in companies required to report under federal employment equity legislation - many of them unionized - was

just under 1% in 1991. Aboriginal workers face barriers in the labour market, discussed in this report, which probably limit their access to unionized jobs. One can, therefore, estimate that between 1% and 1.5% of union members are Aboriginal, but that this proportion is starting to increase. There are about 4.1 million union members in Canada of whom 60% are affiliated to the CLC. In round figures, this would suggest there are at least 40,000 Aboriginal trade union members in Canada, of whom 25,000 belong to unions affiliated to the CLC.

***There are at least
40,000 Aboriginal
trade union members
in Canada***

1. The Canadian Labour Congress

Up until recently the CLC's support for Aboriginal rights has been primarily expressed in convention resolutions and in statements by officers and the CLC Executive Council. The Congress expressed its commitment to Aboriginal peoples in a policy statement in 1974; supported the entrenchment of Aboriginal and treaty rights in the Constitution in 1980; and reiterated its support in a lengthy policy statement at the 1992 Convention at Vancouver.

The 1974 convention statement endorsed the position on aboriginal rights and land title put forward by the National Indian Brotherhood, the predecessor to the Assembly of First Nations. The CLC called on the labour movement to lobby governments on behalf of the NIB's position and to work in alliance with native organizations at every level. It supported affirmative action to facilitate the entry of native people into the labour force, called on governments to assist Métis and non-status Aboriginal people as well as status Indians, and urged that the Indian Act be changed to remove its unequal treatment of Aboriginal women.

The CLC's 1992 policy statement spoke to the dire reality of Aboriginal peoples today in terms of inequality, unemployment, injustice, and cultural suppression. It criticized corporations and governments for using racism as a tool to keep Aboriginal peoples in conditions of abject poverty and deprivation. The Congress expressed its solidarity for the struggle of Aboriginal people to regain their inherent sovereign rights and to bring an end to the colonial oppression which they endure.

The CLC expressed its solidarity for the struggle of Aboriginal people for their rights

The Vancouver statement called on the federal government to recognize the rights of Aboriginal peoples to self-determination as guaranteed under international law; to respect treaties with Aboriginal nations on the same basis as Canada's other treaty obligations; and to recognize that the right to self-determination must include jurisdiction over lands and resources.

The statement set out a program for labour that included lobbying governments to recognize Aboriginal rights, raising awareness within the labour movement of the real problems of Aboriginal people, and promoting employment equity programs aimed at Aboriginal people. It also called for the labour movement and Aboriginal peoples to establish a mechanism for settling disputes that arise between them.

The statement concluded as follows:

"The CLC belief is, and always has been, that we do not speak on behalf of Aboriginal peoples. The CLC believes that every people, or nation, must speak for itself or in agreed conjunction with each other. We are, therefore, here to provide support and solidarity for Aboriginal peoples' struggle.

"As Canadian people, we cannot accept that our state continue its colonial domination of the Aboriginal Peoples.

"We must stop believing that our economic choices, our priorities for development, our interests, our institutions and our values are necessarily the best and that they must dominate when they come into conflict with the culture, way of life, values, institutions and development of Aboriginal nations.

Basic injustices still constitute the reality of Aboriginal peoples today

"Aboriginal peoples enter into negotiations acutely aware that the recent past has been desperate, the present seems hopeless, and the future looks bleak. The CLC has a particular obligation to help to redress basic injustices which still constitute the reality of Aboriginal Peoples."

Recently the Congress has begun taking practical steps to incorporate Aboriginal concerns in its activities and programs. It initiated the Aboriginal Rights project which led to this report. Beginning in 1988, the CLC has made it a practice to have an Aboriginal Chief or elder welcome delegates at its biennial conventions to the Aboriginal territory where the convention is taking place. For many years, it has been CLC practice to invite representatives of the national Aboriginal organizations to attend its biennial conventions.

Aboriginal issues have been incorporated in the anti-racism program now being finalized by the Congress for use within the labour movement across Canada, and an estimated 20 Aboriginal people were among 70 union members who took an extensive CLC course in 1993 to become anti-racism trainers. As trainers they will conduct anti-racism courses at union seminars and weekend schools as part of the ongoing education program of the CLC and its affiliates.

A small Aboriginal caucus of some 10 delegates met for the first time at the 1992 CLC Convention in Vancouver. The CLC has decided to seek substantial participation by Aboriginal union members at a major human rights conference it will hold at the end of February, 1994, and to encourage a larger number of Aboriginal delegates to attend the 1994 CLC Convention in Toronto. Aboriginal delegates will have the opportunity to caucus at that convention, and the Congress hopes that this will lead to the creation of an ongoing Aboriginal network within the CLC.

The CLC will encourage a larger number of Aboriginal delegates to its 1994 Convention

In 1982, the CLC took the first steps to ensuring greater representation of women in its executive council. In 1992, two positions for visible minority vice-presidents were added as part of a major restructuring of the executive council. The task force report which led to these changes said Aboriginal representation on the executive council should also be considered, but did not recommend immediate action. Out of a staff of about 150, the CLC currently has one Aboriginal staff member - a national CLC representative located in Winnipeg.

At the international level, the Congress took a leading role between 1986 and 1989 in the International Labour Organization's revision of its policy on indigenous peoples, now known as ILO Convention 169. This convention is the only international agreement that deals directly with Aboriginal rights, but the body that adopted it, the ILO, is only structured to include labour, employer and government representatives in its governing body. Through the CLC's intervention an Aboriginal Canadian was able to participate directly in the ILO's drafting of Convention 169 by taking one of the Canadian delegate seats allocated to labour.

2. Labour federations and councils

All of the federations of labour from Ontario to the west coast and the North have taken some initiatives involving Aboriginal issues or their Aboriginal members. These initiatives have involved support for Aboriginal rights and for First Peoples, coalition-building with Aboriginal organizations, education related to human rights, and activities relating to Aboriginal issues that may affect unions and their members. Some details are provided in Appendix A.

Conferences involving labour and Aboriginal representatives have been held in a number of provinces and territories, but not on a regular or continuing basis. Several provincial federations of labour have an Aboriginal person on their executive council because of their union affiliation or activity or have Aboriginal union activists chairing standing committees. The Ontario Federation of Labour's executive recently decided to create a designated Aboriginal position on its executive council. If this recommendation is approved by the OFL Convention it will be the first such designated position in the Canadian labour movement.

In British Columbia, Aboriginal issues are an important part of labour's agenda because of recent government decisions to begin negotiating Aboriginal treaty and land claims, which have been outstanding since the 19th century. Most of the province is not covered by treaty, so these negotiations have the potential for changing the allocation or control of resources in large areas of the province with consequent effects on resource-based industries and employment.

The B.C. government has come to accept labour as a stakeholder in the third party advisory process related to claims negotiations. This principle of labour involvement has also applied in the extensive consultation over a new provincial land use plan for British Columbia, now being established by the province's Commission on Resources and Environment.

Reflecting the importance of these areas, the B.C. Federation is the only labour organization in Canada to have a staff member working full-time on Aboriginal issues. Susan Anderson, who has been with the B.C. Federation in this role for almost three years, was recently named to a new position as Director for Treaty Negotiations, Resource Management and Environment. The federation has established a standing committee for this area and also deals with Aboriginal issues through its Human Rights and Community and Social Affairs committees.

During the consultations for this paper, members of the Winnipeg Labour Council estimated that 10 of the 80 delegates who attend their meetings representing local unions were Aboriginal, although there are no Aboriginal members on the executive. In general, labour councils that took part in the consultations do not appear to have paid special attention to Aboriginal union members.

3. CLC affiliates

Much of the labour movement's involvement with Aboriginal people and Aboriginal issues has taken place at the level of trade unions affiliated with the CLC. It is difficult to make a comprehensive survey because the labour movement is a federation of unions which operate independently, and because many issues affecting Aboriginal workers are handled by union locals at different work places which are also relatively independent. A good deal of information was available for this report,

however, as a result of consultation and interviews within the labour movement. This material appears in detail in Appendix A.

Both public and private sector unions have difficulty identifying their Aboriginal members, apart from those who have chosen to play an active role in their union. Some are considering asking members, or delegates to conventions, to voluntarily self-identify if they are Aboriginal or belong to another equity group (women, visible minorities, people with disabilities, and in some unions, gays and lesbians). Some unions are making special efforts to encourage Aboriginal members to take leadership training.

Unions have difficulty identifying their Aboriginal members

Workshops on Aboriginal issues are becoming more common at human rights conferences organized within the labour movement. A number of unions have incorporated Aboriginal issues in their human rights activities; some have created designated positions for Aboriginal representatives on their human rights committees.

The most extensive involvement of unions with Aboriginal members and issues has taken place within public sector unions representing workers with the different levels of government. There is a significant Aboriginal membership within these unions and Aboriginal members are beginning to be elected to executive positions.

Some of the noteworthy initiatives include the Public Service Alliance of Canada's success in negotiating contract provisions to meet the special needs of Aboriginal workers in the Northwest Territories; the organization by the Union of Northern Workers, a PSAC component in the Northwest Territories, of 43 bargaining units in small local governments with over 700 predominantly Aboriginal members; and the extensive series of weekend native issues seminars which the Ontario Public Service Employees' Union organized across Ontario in 1992-93 to raise the awareness of Aboriginal issues among its officers and leadership.

UNW has organized 43 bargaining units with 700 Aboriginal members

Union activity on Aboriginal issues has in some cases been assisted by government initiatives aimed at employment equity for Aboriginal people and at combatting racism. Special caucuses or committees of Aboriginal employees have been created with government support in Ontario (Ontario Native Employment Equity Circle); Manitoba (Aboriginal Advisory Committee to the Civil Service Commission); within the federal Department of Indian Affairs and Northern Development (Committee for the Advancement of Native Employment); and at the City of Toronto.

The involvement of private sector unions with Aboriginal issues depends a good deal on the industries and regions where they are most active. It tends to be greatest in those unions which are most active in the north and in the resource industries, and which, therefore, have a higher proportion of Aboriginal members and more likelihood of contact with Aboriginal communities. The limited number of Aboriginal workers in industrial employment in urban areas is reflected in the membership of industrial unions. Some 25% of the members of the British Columbia-based United Fishermen and Allied Workers' Union are Aboriginal, the highest proportion of any major industrial union within the CLC.

The Steelworkers have pioneered the development of negotiated contract provisions to meet the special needs of Aboriginal workers and to give native workers priority in hiring, promotion, and layoffs at two northern worksites, the Dona Lake Mine in northern Ontario and the Cameco uranium mine at Key Lake in Saskatchewan. These are the subject of a separate USWA report to the Royal Commission on Aboriginal Peoples under its Intervenor Participation Program.

In the building trades, there have been several substantial construction projects where Aboriginal employment was successfully encouraged. The key elements in each case were political commitment, union cooperation, government assistance, and a willingness to change the normal provisions for apprenticeship and pre-apprenticeship training for Aboriginal workers. One building trades union, the Ironworkers, has about 25% Aboriginal membership in Canada, mainly drawn from Mohawk and other Iroquois communities, and about 10% in the U.S.

Preferential hiring for Aboriginal workers has been a feature of the union recognition agreements for a number of large projects such as the Lloydminster Upgrader in Alberta and Saskatchewan, but has proved difficult to implement. However, a number of individual building trades unions have taken an innovative approach to trying to develop more qualified Aboriginal workers in northern areas or from reserves. These are described in more detail in Appendix A.

II. KEY ISSUES

The preparation of this report involved extensive consultation with elected union officials, labour activists, union staff and other people close to the labour movement in most parts of Canada except for Quebec. Close to 200 people took part in the various consultation meetings while written feedback was received from another 35 individuals and groups. A number of other labour leaders were contacted by telephone and there was also feedback from members of Aboriginal networks organized within Ontario Hydro and the Ontario government. About 15% of the people who responded or who took part in the consultations were Aboriginal. This is considerably above the overall representation of about 1% of Aboriginal workers in Canadian unions.

The consultation cannot be classed as a scientific survey of the labour movement because the participants were self-selected from among labour activists with an interest in Aboriginal issues. It was sufficiently broad, however, to provide an overview of labour involvement and to permit some conclusions.

The key issues raised during the consultations reflected those that were identified in the discussion paper. There was an overriding concern about how people in each group - labour and Aboriginal communities - view the other, and about the obstacles faced by Aboriginal people both in gaining employment and once they are in the work place.

***The main concern was
how labour and
Aboriginal people
viewed each other***

The subjects of most concern in the written responses, by priority, were land and resources; self-government; racism; employment equity; education; and labour rights. Racism and employment equity ranked much higher for Aboriginal than for non-Aboriginal participants. Labour rights in Aboriginal territories were a more important issue for non-Aboriginal than for Aboriginal participants. Strong concern was expressed but by smaller groups with respect to the rights of Aboriginal women and resource issues related to fishing.

1. General perceptions C labour

While Aboriginal issues may be important for unions and their members, these issues have not been a priority for most people in the labour movement. Contacts between trade unions and Aboriginal people have tended to focus on Aboriginal issues such as self-determination and land claims rather than on issues involving the relationship between labour and Aboriginal people. Aboriginal participation at union conventions - by Aboriginal delegates or by invited speakers and guests - takes place, but is not regular or universal. To date, there has been very little participation by labour at meetings of Aboriginal organizations.

There is generally strong support for Aboriginal rights and Aboriginal issues among senior union leadership, but less awareness and support among rank-and-file union members and local union officers. During the consultations in Alberta and Saskatchewan a number of union leaders expressed concern that there were racist attitudes towards Aboriginal people among some union members. This is not unique to non-Aboriginal trade unionists, of course, but would appear to reflect general attitudes to Aboriginal people held by a significant number of non-Aboriginal Canadians.

Concern was also expressed during the consultations that measures that were perceived to favour Aboriginal rights unduly could provoke backlash among union members. It was argued that union members' support for Aboriginal rights was broad, but not deep, and that it could, therefore, be easily eroded if an emotional issue arose. An example of such an issue was the campaign of the Ontario Federation of Anglers and Hunters against Aboriginal fishing and hunting rights in Ontario. Again, it was stressed that this was not a unique situation, but reflected a general problem in the non-Aboriginal population.

***A number of unions
are raising awareness
of Aboriginal issues***

As noted in the survey of CLC affiliates, there are signs of change in the labour movement with respect to Aboriginal members and Aboriginal issues. A number of unions are taking action to raise awareness of Aboriginal issues, are providing cross-cultural training for members, and are seeking to train Aboriginal members in union activity and to increase their participation. Some have designated positions for Aboriginal members, most notably on human rights committees.

During the consultations, a number of reasons were put forward for the labour movement's limited involvement with Aboriginal people. They include the small numbers of Aboriginal people who are members of unions - itself a symptom of systemic discrimination in many work places; the limited number of Aboriginal people in union leadership; and the pressure of other priorities affecting trade unions at a time of economic recession and government cutbacks. Of the major equality-seeking groups, women and visible minorities have generally received more attention within the labour movement than Aboriginal people, people with disabilities, or gays and lesbians.

2. General perceptions C Aboriginal people

Despite labour's statements of support and actions on behalf of Aboriginal rights, the consultations revealed that strong negative perceptions of unions are held by many people in Aboriginal communities, both leaders and among the population at large. These perceptions may at times be based on a lack of knowledge or direct contact or be the result of biases conveyed by the media. However, the perception that unions exclude Aboriginal people or are unsympathetic to them is often based on personal experience or the experience of friends or relatives.

A typical experience is seeing non-Aboriginal workers come from a distance to work on construction projects in northern areas where Aboriginal workers have difficulty being hired. Often, the hiring is handled through union hiring halls located in a southern community. Aboriginal workers who are employed may have difficulties keeping their job because of cultural differences or because of isolation and racism experienced in their contact with non-Aboriginal workers. Access to training and to promotions may be a problem. Union dues can be a burden for people in Aboriginal communities if the opportunities for unionized work are intermittent.

In urban areas, Aboriginal workers face many of the same problems as in rural areas and are also subject to a substantial amount of systemic discrimination. These problems are dealt with at greater length in Section III of this report, dealing with employment equity.

Unions may be blamed even if many of the problems faced by Aboriginal people are created by employers or are the result of training and certification systems which are mandated by government. For example, outside of the small portion of the labour market where the hiring hall system applies, unions normally have no role in employer hiring decisions. Because of their power of discipline, employers also have a great deal of control over whether a work place tolerates racism or harassment. Apart from the construction industry, employers, not unions, normally control access to training, to promotions, and to job categories and are, therefore, responsible if Aboriginal workers are kept in low-level jobs or in temporary or contract positions.

Many Aboriginal people have a negative perception of unions

Some Aboriginal workers question the adversarial approach taken by unions to their employers, suggesting that this runs against native traditions of seeking cooperation and consensus. This criticism is also directed against the way that unions conduct meetings and other internal business involving their members. There is also the perception that unions are just another white man's institution with little time for Aboriginal people. Big unions are put in the same class by some Aboriginal people as big companies and big government, and seen as primarily interested in protecting the

jobs of their members. There appears to be little awareness of the role of unions in fighting poverty and unemployment or in working for social justice.

Outside the far North, very few bargaining units have been successfully organized among Aboriginal workers in Aboriginal communities. When union organizing has taken place, it has been strongly resisted on a number of occasions by Aboriginal employers. A recent example is a dispute involving Khotuzen Pipeline Constructors Corp., whose work force was 85% Aboriginal. After the union applied for certification, the Cowichan Indian Band Council, which owned 49% of the company, called a band meeting and told band members that the council could take better care of them than their union could. The Pipefitters' Union maintained that this was an unfair labour practice, and the issue went to a hearing which lasted 40 days before the British Columbia Labour Relations Board.

3. Lands and resources

Across Canada the pace of negotiations over Aboriginal treaty and land claims is increasing, and governments are increasingly involved in arrangements to share the management of resources and territory with Aboriginal communities. Aboriginal communities which have been confined to small, poverty-stricken reserves look to these negotiations and agreements as yielding opportunities for job creation and economic development, and in some cases for the revival of traditional economies.

The pattern that has emerged in settlements to date is for First Nations to receive a core area for exclusive use, and a much larger area based on their traditional lands in which they enjoy special rights, including a share in resource management. The change to greater Aboriginal control over lands and resources is more likely to have a direct effect on trade unions and their members than any other single change involving Aboriginal people.

Up until recently, the federal government concentrated its efforts to negotiate treaty and land claims settlements with Aboriginal communities in areas of the Yukon and Northwest Territories, where there were very few competing interests occupying the lands under claim. That position is changing with the opening of a large number of treaty and land claims negotiations in British Columbia, many of which affect resource-rich areas where non-Aboriginal workers, companies and communities are already present. Claims negotiations are also moving forward in Labrador and in Quebec, but the current developments in B.C. are of particular significance for the Aboriginal/labour relationship in all parts of Canada.

Labour's claim to be a major stakeholder in treaty and land issues is accepted in B.C.

As already noted, labour's claim to be a stakeholder with a major interest in treaty and land claims negotiations has generally been accepted in B.C. As a consequence, there are six labour groups among the 32 interest groups represented on the Treaty Negotiations Advisory Committee established in that province. They are the B.C. Federation of Labour itself and five of its major affiliates - the B.C. Government Employees' Union,

the Steelworkers, IWA-Canada, the Communications, Energy and Paperworkers, and the United Fishermen and Allied Workers' Union.

Much of the advisory committee's work is done through five sectoral groups in the areas of lands and forests, fisheries, governance, energy and mining, and wildlife. The labour movement was successful in its insistence that a union representative sit in each of these committees, along with representatives of employers and of other non-Aboriginal interests. Among other advantages, this helps to ensure that employer concerns about maintaining profits and production are balanced by labour concerns about maintaining jobs when the subcommittees offer their advice.

The federal government has made a policy commitment that all affected and interested parties will fully participate in the negotiation process for Aboriginal treaty and land claims, although their role will be to advise the federal negotiators rather than sit at the negotiating table. While this consultation policy does not explicitly refer to labour, the federal government has accepted the provincial government's commitment to having extensive labour participation, at least in B.C. The B.C. labour movement, in turn, has assumed the task of speaking for all community members who are workers and not just for its own members.

At the 1992 BCFL Convention the executive council report reaffirmed the federation's support for negotiated settlements of First Nations treaty issues on an expedited basis, "but with a clear understanding that processes must be put in place which will protect workers, their families and communities during the transition. . . . As First Nations peoples begin to develop the natural resources under their jurisdiction, we want to continue to work with them to our mutual benefit."

Processes must be in place to protect workers and their communities

With the commencement of treaty negotiations, the province has moved ahead to discuss interim agreements over resources with Aboriginal communities which will take effect long before treaty agreements are concluded. Some 80 Aboriginal communities are in some form of negotiation with the Ministry of Forests for access to forest resources. The deals that result may displace existing contracts and employees, but no provisions are being made to compensate contractors or workers who are displaced.

There appears to have been no attempt to measure the cumulative impact of these negotiations. Forest industry workers at the Nanaimo consultation expressed the concern that workers in their industry were being asked to bear the brunt of adapting to the increased recognition of Aboriginal rights. They anticipated that Aboriginal communities would use the forest rights they acquire as a lever to negotiate jobs for their community members. For the Nanaimo group, this was acceptable with respect to future hiring, but they did not want to see workers who are currently employed displaced.

The desire was expressed, however, for this issue to be negotiated rather than turning into a confrontation. Several participants noted that the forest companies would be happy to divide and conquer and to see Aboriginal people and unions square off against each other.

The federal government's policy is to compensate third parties whose interests are affected by treaty and land settlements with Aboriginal communities. Compensation has generally related to property or to resource rights such as mining permits and forest limits, rather than to the problems faced by workers who are displaced.

Interim agreements such as those now being negotiated in British Columbia may have as much impact on workers and companies now operating in a resource area as a final treaty settlement. However, provincial officials in Victoria suggested during the consultations that these measures fall under the existing powers of government. As a consequence, any right of compensation arising out of interim measures would be strictly limited.

***Forest companies
would be happy to
divide and conquer***

Several other instances of conflict over lands and resources were raised during the consultations. One concerned the Curragh Mine at Faro in the Yukon, organized by the United Steelworkers in the 1980s. When this mine was first established in the 1950s, there was an agreement between government authorities and the company that 25% of its employees would be Aboriginal. As happened at other locations, this agreement was not adhered to.

In 1993, the union learned by accident that the company and the Ross River (Kaska) band had reached an agreement to have band members take over maintenance of the road leading into the mine even though these jobs were included in the Steelworkers' bargaining unit. The company and band had discussed this arrangement for more than two years without informing the union.

The union was initially criticized for being opposed to Aboriginal employment when it questioned what was occurring. The band council subsequently took a calmer view when it learned that the company had not informed the union of its discussions,

and the union offered to negotiate a solution with the employer. According to the Steelworkers, this situation could have been worked out without difficulty if the union had been given advance notice.

At Saskatoon a similar instance was raised involving members of IWA-Canada (Woodworkers) and a co-management agreement covering a large area of forest in the Hudson Bay area of north-east Saskatchewan. In 1992, the province entered into this agreement with the Red Earth and Shoal Lake bands without allowing for consultation or notice to the public. The agreement was designed to promote employment and economic development for the two bands, but at the same time it put the jobs of IWA-Canada members working in the area at risk and made no provision for Métis people or non-status Indians living in the area. Some of the IWA-Canada workers whose jobs were affected were Aboriginal.

IWA-Canada was criticized for objecting to the agreement. An effort to allow some of its long-time members to continue cutting in a part of the area fell through. Some members were eventually offered the chance to return to work in the area for a period of two years. However, those who were owner-operators were asked to use tree-harvesting equipment acquired by the band rather than their own equipment. Some IWA members were asked to sell off their equipment to the band. Whether they left their equipment idle or sold it, this represented a financial loss.

The Saskatchewan government views the Sipanok agreement involving these two bands as a model for co-management agreements elsewhere in the province. The agreement established an Aboriginal-controlled development board to manage the resource area, under the supervision of an eight-member co-management council. Four of this council's members are to represent governments, three represent First Nations, and there is one citizen member appointed by the province. Other stakeholders such as labour, local businesses, farmers, women or the Métis community are not directly represented.

The Sipanok agreement is seen by Saskatchewan as an interim measure which does not pre-empt any future rights accorded to First Nations through treaty or land claims settlements. Its effect is to displace existing users of the territory, both workers and companies, without compensation.

Governments across Canada have taken an increasing interest in the concept of co-management and in sharing authority with Aboriginal communities. This is reflected in formal agreements covering salmon fisheries in New Brunswick and Quebec; fish and wildlife boards in the two northern territories; the James Bay agreements in Quebec; and resource management agreements between tribal and treaty groups and the Ontario provincial government. Recent court rulings are likely to encourage a greater degree of co-management because of the increased emphasis by the courts on

***Governments are
taking more and more
interest in
co-management***

the need for provincial governments as well as the federal government to exercise a fiduciary or trust-like responsibility for Aboriginal peoples.

The degree of co-management can range from information and informal consultation to the establishment of formal working groups or joint management boards. For the labour movement, the most vital issues are likely to be the amount of authority being shared in a co-management agreement, and the parties or interests among whom the sharing takes place.

One result of Aboriginal communities acquiring greater control over lands and resources may be some changes in the pattern and pace of development. Aboriginal people have used their traditional land for centuries as a source of food, income, and spiritual renewal. They are more in tune with the concepts of sustainable development than many large-scale modern industries. As suggested earlier, a changed approach to development under Aboriginal control could reduce employment in the short run, but provide for more sustained long term activity.

The Aboriginal right to hunt and fish is well established in Canadian law as having priority over provincial game and fish regulations, and has been reinforced by recent court decisions. However, non-Aboriginal hunters and anglers and their associations have questioned this right as constituting an unacceptable form of special privilege.

Even though jobs are not directly affected for the most part, this issue has a direct impact on union members because many engage in hunting and fishing. Some participants in the consultations were angry about the right of Aboriginal people to ignore provincial wildlife regulations, or because they felt this right was being abused. Others said union members should be educated on this issue and noted that their members became more sympathetic to the Aboriginal right to hunt and fish when this took place.

4. Fisheries

The union and companies in the commercial fishing industry are currently engaged in a tug of war with Aboriginal communities over the salmon fishery in British Columbia. This is a conflict with many implications for the sharing of other resources between Aboriginal and non-Aboriginal peoples.

The B.C. fishery is unique in a number of ways. Fish are the only major resource under federal jurisdiction in southern Canada, and the salmon fishery is closely regulated by the Department of Fisheries and Oceans (DFO) in order to make the best use of the resource while maintaining adequate stocks for spawning. Aboriginal participation in the commercial fishing industry has been substantial for many years. Fishers and fish plant workers are mainly represented by two organizations, the United Fishermen and Allied Workers' Union (UFAWU) and the Native

Brotherhood (NB) - a parallel and competing organization whose membership is exclusively Aboriginal.

The UFAWU estimates that some 25% of its membership of 6,000 is Aboriginal, rising as high as 80% in the Prince Rupert area. This gives it the highest proportion of Aboriginal members of any major industrial union within the CLC. Including the NB, close to 40% of workers in the industry are Aboriginal. Native people in the commercial fishery have benefitted from a number of affirmative action programs, including the purchase of vessels and fishing fleets for resale into native hands, and substantially reduced license fees compared to non-Aboriginal fishers.

Aboriginal peoples have traditionally exercised their rights to fish for food and for community purposes along the Fraser and other major salmon rivers. This right was confirmed in the Supreme Court's 1990 *R. vs. Sparrow* decision which gave Aboriginal peoples priority to fish for food, but did not rule on their right to fish commercially.

The federal government's reaction to the *Sparrow* decision was to establish a new Aboriginal Fisheries Strategy, aimed at giving native people more control over fisheries and more economic opportunities in the industry. This strategy, which was announced without consultation, gave Aboriginal communities special responsibility for fisheries management and also allowed them the right to sell some of their catch commercially. In the first year of this strategy, however, some 500,000 sockeye that went past the commercial fishery appear to have disappeared on their way to their spawning grounds - an indication, to the UFAWU, of federal mismanagement

***UFAWU has the
highest proportion of
Aboriginal members of
any industrial union***

The UFAWU has joined with commercial fishing interests in B.C. to form a Fisheries Survival Coalition, which has lobbied in favour of maintaining a single commercial fishing industry and against the addition of an Aboriginal commercial fishery. The union has a number of reasons for this position: the difficulty of having many independent authorities - i.e. First Nations governments - share in the regulation of a complex resource; the danger that there will be no ceiling set on the Aboriginal fishery and that allocations to the commercial fishery will, therefore, be cut sharply without compensation; and the prospect that well-paid union jobs in fish processing will be eliminated and replaced by low-paid non-union jobs in new Aboriginal fish plants. The union has, for many years, been an active supporter of Aboriginal rights and of Aboriginal land claims. It has not opposed continuation of the traditional Aboriginal food fishery.

The union's position is to advocate what it calls an "industrial alternative" that would increase the Aboriginal presence in a single commercial fishing industry rather than open a second, competing commercial fishery under Aboriginal control. The

UFAWU has called for a comprehensive settlement package for native people that avoids making fisheries workers pay the price of claims settlements that, the union believes, should be paid by all Canadians.

***Transfer fishing
privileges to Aboriginal
people in an orderly
way***

The union proposes that fishing privileges be transferred to Aboriginal peoples in an orderly way, using government programs that compensate existing fishing industry workers and licence holders wishing to leave the industry. It wants to see enhancement programs in spawning areas - carried out by First Nations - which would increase the salmon harvest substantially, provide jobs for upstream Aboriginal communities, and benefit both Aboriginal and non-Aboriginal fishers.

A series of recent court decisions before the B.C. Court of Appeal (*R. vs. Vander Pest* and others) concluded that there is no inherent right to a commercial Aboriginal fishery. These judgments also pointed to the need for consensus-building and for the rights of persons who are dislocated to be considered if governments act to expand Aboriginal rights in the fishery. Government decisions may still have the effect of expanding these rights, however, either through the AFS or the current treaty negotiations. In this case, the consultations pointed to a number of questions that will be at stake. They include:

- What should be the balance between the collective Aboriginal rights of First Nations communities along the Fraser and other salmon rivers, and the individual rights both of Aboriginal and non-Aboriginal fishers in the commercial industry?
- Can the enforcement of regulations in this very complex industry be successfully shared with a large number of First Nations without endangering salmon stocks? Are there alternative means of ensuring unified enforcement with Aboriginal participation?
- Should Aboriginal communities be entitled to take an increased catch of salmon on interior rivers if the effect is to reduce the overall quality and value of the salmon catch? How could these upstream communities share in the benefits if the union's proposals to expand salmon stocks were accepted?
- Can the fishing unions and the commercial fishing industry be more closely involved in managing the salmon resource along with the federal government? Should they have a right to participate in any form of co-management for the industry involving government and Aboriginal communities?

-
- Since the salmon resource is already regulated and subject to fishing quotas, should fish workers and boat owners be compensated if commercial fishing quotas are reduced in order to permit an expanded Aboriginal fishery?
 - Should the principle of compensation apply even if new federal policies designed to benefit the Aboriginal fishery are classed as interim measures?

Contrary to some perceptions, the B.C. fisheries dispute is not solely a confrontation between unionized non-Aboriginal workers and the rights of Aboriginal people; there are large numbers of Aboriginal peoples on both sides, and the interests of Aboriginal communities on the coast conflict with those of First Nations located on the Fraser and other salmon rivers.

The questions of rights, of resource management, of consultation and of compensation that have come up in this industry are likely to arise wherever steps are being taken to increase Aboriginal control of land and resources. The solutions that emerge in the B.C. fisheries industry may serve as precedents for many other resource sectors.

***Fishing industry
solutions may serve as
precedents for other
resource industries***

5. Self-government

The CLC and many provincial federations of labour and CLC affiliates have lent their support to the struggle of First Peoples in Canada for the recognition of self-government as an inherent right. The focus of the consultations was generally on what self-government would mean rather than on whether it should go forward.

Aboriginal participants were anxious to see progress and looked to forms of self-government which would contain very few constraints on the powers of Aboriginal governments. They stressed the need of Aboriginal communities to have an economic base in order to make self-government workable.

Among non-Aboriginal union participants there were some concerns about self-government and occasional outright opposition. These concerns were generally based on fears about the policies that Aboriginal governments might follow and about the effects of self-government on non-Aboriginal jobs and access to resources.

Some of those who took part expressed concern that Aboriginal governments would not be subject to federal or provincial environment regulations and might adopt low environmental standards in order to attract business and create jobs on their territory. The same fear was expressed with respect to labour and employment law: self-government might lead to the creation of Aboriginal "Maquiladoras" within

Canada, using low wages and reduced employment standards as a means of attracting industry.

6. Labour and employment rights

The question of how far existing labour and employment rights should apply on Aboriginal territory with the coming of self-government was discussed extensively during the course of this project. This is because the issue involves two rights which can potentially be in conflict: the right of Aboriginal communities to make their own decisions under self-government, and the right for which workers have struggled to associate and to bargain collectively.

This is not an issue in Aboriginal communities at present because existing Aboriginal governments do not have power under the Indian Act to legislate labour or employment rights. Until that situation changes, the courts have developed a functional test for determining how labour and employment law should be applied on Aboriginal territory. The primary jurisdiction is seen as provincial, but activities which relate directly to federal jurisdiction - such as the administrative activities of a band council - come under federal labour law. A number of cases have been reported where employees fired by a band council were successful in winning compensation for wrongful dismissal under the Canada Labour Code.

A system which blocked union organization would be hard for labour to accept

There is very little union activity in Aboriginal communities today except for the Northwest Territories. Nevertheless, the desire to form unions is likely to increase as these communities develop and as the size of Aboriginal enterprises and of Aboriginal government administrations increases. A system of self-government which put obstacles in the way of union organization would be very hard

for the labour movement to accept.

A number of possible future issues were raised during the consultations. Participants noted the problems that could be raised for non-Aboriginal workers employed by an Aboriginal enterprise on a reserve, or for people who work for a company which is located on reserve land, but has no other Aboriginal connection. If conventional labour rights or employment standards did not apply in these situations, these workers could find themselves unable to organize and without recourse if they were arbitrarily fired. Fear was expressed that workers could also lose the protection of Workers' Compensation or of the health and safety standards that would normally apply.

There could be even more difficulty, it was suggested in Winnipeg, if recent proposals for a separate labour code for Aboriginal workers in the city were

implemented. The Manitoba Federation of Labour has asked to discuss this issue with the province's Minister of Labour, who is also Minister of Native Affairs.

During the consultations, concern was expressed about labour practices said to have occurred in some Aboriginal communities. These included the dismissal of band council staff when there is a change in the elected chief and council, and the use of threats with respect to housing, access to funding for post-secondary education, and other services in an Aboriginal community which were said to have been directed against band members who joined a union.

Some participants suggested labour support for Aboriginal land claims and self-government be conditional on labour rights being allowed on native territory. Others, however, strongly suggested that labour's support for Aboriginal rights should be unconditional and have no strings attached. At the Nanaimo consultation, there was a consensus that existing collective agreements should continue to be honoured if a change in jurisdiction occurs as a result of self-government.

It was also suggested that labour's support for self-determination should be seen in the context of accepted human rights, such as those reflected in international conventions drawn up by the United Nations and the International Labour Organization. These rights include gender equality and the basic labour rights of free association and collective bargaining.

In Saskatchewan, there was particular concern at the devolution of provincial government services to mainly Aboriginal non-government organizations (NGOs), which are taking over services provided to Aboriginal communities. The largest of these initiatives is the province's transfer of social assistance administration for status Indians living off-reserve to the Federation of Saskatchewan Indian Nations. In some cases, this has led to a two-tier wage structure where transferred employees retain their pay level while new ones may be hired at a lower rate.

Similar concerns about devolution were expressed by territorial employees in the Northwest Territories and by federal employees working with Employment and Immigration Canada in northern British Columbia. They did not oppose the concept of devolution, but urged that there be successor rights so that if a government service was devolved, the union certification for that service would also be transferred.

The Saskatchewan Government Employees' Union has developed a policy to provide collective agreement protection where bargaining unit members are displaced through devolution, giving them the choice of transfer to another public service job, early retirement, or retraining and re-employment. Under this policy, the work of the bargaining unit moved to the new work place would continue to have the protection of the existing collective agreement.

7. Women's Rights

Concern about the rights of Aboriginal women was expressed at the consultation meetings, mainly with respect to their position in their own communities rather than in the work place. No conclusive findings emerged. Human rights activists within the labour movement also had difficulty with this issue because of the potential for conflict between equality rights for women, which are strongly supported by the labour movement and entrenched in Canada's Charter of Rights, and the right of Aboriginal communities to make their own decisions under self-government.

Setting conditions for the operation of Aboriginal self-government could be seen as patronizing. Not to insist on equality rights could put Aboriginal women at a disadvantage that could take decades to overcome in some communities.

This issue is already joined within the Aboriginal community, with the Native Women's Association of Canada (NWAC) making the case for equality rights for Aboriginal women while other Aboriginal groups with mainly male leadership resist. During the consultations, NWAC made the case that Aboriginal women's equality can be based on Aboriginal tradition and not just on the Charter, and that the inequality that now exists in Aboriginal communities resulted from changes that occurred in these communities as a result of many years of contact with the European settlers.

The protection of women's rights is also sought because of the high incidence of violence and sexual abuse directed against women and children in many Aboriginal communities. Another example cited by NWAC is the action by some Aboriginal communities to exclude women from sharing in treaty and land entitlement settlements even though they had regained their status under Bill C-31 and were counted in computing the band's entitlement.

Should a European-type Charter of Rights apply in Aboriginal communities?

Against this, it is argued that it would be inappropriate to make a Charter of Rights based on European forms of governance apply to Aboriginal communities, which have their own traditional ways of reaching consensus and of ensuring representation.

Concern was expressed during the consultations that Aboriginal women experience double discrimination in employment in many industries and occupations - once because they are female, and once because they are Aboriginal. Women living on reserves have the added disadvantage of poor access to education and training, lack of child care, and limited ability to move in search of employment.

III.EMPLOYMENT EQUITY, RACISM, EDUCATION

These three issues were frequently discussed during the consultations and were usually seen as being closely interrelated. Both Aboriginal and non-Aboriginal participants stressed that more adequate education and cross-cultural training should be made a priority, in the work place and in the community, in order to combat racism and give Aboriginal people more equitable access to jobs. The objective should be to help increase Aboriginal peoples' understanding of unions as well as increasing awareness and understanding of Aboriginal peoples among union members who are not Aboriginal.

Participants offered a large number of practical suggestions for overcoming the obstacles to Aboriginal employment, many of which are reflected in this report. Most participants wanted to see these practical improvements implemented along with initiatives to increase awareness and understanding of Aboriginal issues.

1. Aboriginal views

Aboriginal participants tended to view employment equity as a failure, and to link its shortcomings to their continuing experience of systemic discrimination and racism in the work place. The information that is available on Aboriginal employment in unionized work places and in "good" jobs, cited below, backs up their case.

These participants felt that many of the obstacles to Aboriginal employment were based on systemic discrimination, and that unions had done very little to change the situation. They identified problems in employment equity at every stage: limited outreach and information, unreasonable obstacles to the hiring of Aboriginal workers, employment equity hiring limited to low-level jobs, lack of training or inappropriate training for Aboriginal workers once they are employed, and a lack of promotions that left Aboriginal workers stuck in job ghettos in the lowest job classifications. Low seniority was also cited as an issue, and as one factor in explaining the relatively high turnover rate of Aboriginal workers in many work places. One Aboriginal participant was sceptical about the labour movement's support for employment equity because, he said, rank-and-file union members were opposed to it.

***Many obstacles to
Aboriginal
employment were
based on systemic
discrimination***

Aboriginal workers were set up to fail in some employment equity programs because they were undertrained, it was suggested. One participant identified a situation in the federal government where Aboriginal employees are placed in a position for a lengthy period for training purposes and show they can do the job, but are never awarded the positions on a permanent basis. Another Aboriginal participant noted that Aboriginal workers in the Manitoba government pay about \$250,000 in

dues to the Manitoba Government Employees' Union, and questioned what return they were receiving.

Some Aboriginal participants spoke of harassment and racial comments they had experienced while on the job. At the New Brunswick consultation, a participant maintained that employers tolerated non-Aboriginal workers taking time off during the moose hunting season or a baseball playoff, but did not tolerate Aboriginal workers who wanted time off for reasons related to their culture. A problem that has recently emerged has been the conflict between no-smoking rules and the desire of some Aboriginal workers to burn sweetgrass at their work place for spiritual purposes.

2. Non-Aboriginal views

Non-Aboriginal participants from unions also saw racism as a problem and, for the most part, supported the need for anti-racism programs which the CLC and its affiliates have identified as a priority. A number supported making employment equity programs more effective through legislation or through joint company-union initiatives, but some union members expressed misgivings about the effect of employment equity initiatives on non-Aboriginal workers.

Many of the issues raised by Aboriginal workers are examined in material prepared for a new CLC anti-racism course, which was scheduled to go into use in the fall of 1993. This course looks at racism in the work place and focuses on strategies for change, including the need for local unions to broaden the participation of members from different racial and ethnic groups on union executives and bargaining committees and in union activities.

The course material identifies a number of union barriers that may contribute to racism. These include sanctioning management practices which are racist; failing to bargain for protection against discrimination or to enforce contract provisions dealing with racism; and failing to give priority to issues important to certain groups.

***Some union members
talked about racism in
their ranks***

The anti-racism material says unions may have practices or attitudes which discourage certain groups of members from active involvement. Officers and stewards may lack sympathy, they may fail to educate their membership, and there may be no channel within the union to deal with complaints of discrimination or racism.

During the consultations in western Canada, several non-Aboriginal union members talked about the existence of racism within their affiliates or among some fellow union members. Two major reasons were offered for this phenomenon: fear of the unknown, and the uncertainties created by the economic situation. One of the effects was to inhibit union activity on Aboriginal issues, it was suggested, because

union leaders who supported Aboriginal rights feared that they could provoke a backlash.

In most parts of Canada, there was general - although not complete - acceptance for employment equity programs aimed at increasing the numbers of Aboriginal workers hired by governments and by major private employers. Several examples exist where collective agreements have been negotiated to provide "super seniority" clauses to assist Aboriginal workers gain promotions and training and to protect them against early layoffs, but this type of preference was strongly resisted by a number of people who took part in the consultations.

At Nanaimo, participants suggested that existing jobs held by non-Aboriginal workers should be protected. They opposed the idea of transferring existing jobs to Aboriginal workers even if there was compensation for the workers who were displaced.

One caution expressed by participants was a fear that employers would engage in divide and conquer tactics by trying to set unions and Aboriginal people or communities against each other. Members of the United Steelworkers, which has had practical experience with the problem, and of other unions also pointed to the difficulty of enforcing employment equity requirements and agreements to hire Aboriginal workers if they are not contained in a union contract.

A legal agreement between an employee and a band council can only be enforced through the courts or, if the agreement provides for it, through commercial arbitration. Neither of these devices is easily accessible or affordable, particularly for an individual worker. If employment equity is provided for in a union contract, on the other hand, it can be enforced through the grievance and arbitration process, for individuals, and through the use of a policy grievance by the union local in the case of a general failure to comply. During the consultations, it was also suggested that governments tend to be ineffective in monitoring agreements where companies promise to hire Aboriginal workers, and that these agreements would be more effectively enforced if a union is involved.

3. Aboriginal employment: The current situation

The perception of Aboriginal people is that they are largely shut out from good, well-paying jobs almost everywhere. This perception was supported both by the consultations and by the information that is available on employment equity hiring.

Aboriginal workers are barely represented in unionized work places in Canada

Apart from the B.C. fisheries, some areas of public-sector employment, and one or two unions like the Ironworkers and IWA-Canada, Aboriginal workers are barely represented in unionized work places across the country. Even in cities where the Aboriginal population is 10 or 15% of the total population, the proportion of Aboriginal workers in organized bargaining units is only 1 to 2%. This

holds true not just for government employment at all levels and for construction, but also for manufacturing and service industries where the qualifications required for entry are limited. If efforts have been made towards employment equity for Aboriginal workers, they have been a dismal failure.

A number of studies have shown that Aboriginal workers face significantly more unemployment, are lower paid than non-Aboriginal workers, and have lower rates of participation in the work force. In 1986, for example, the unemployment rate among Aboriginal people in the labour force was estimated at 22% - double that of the labour force as a whole - and it was 31% for Aboriginal workers aged 15 to 24.

Although their information was anecdotal, participants in the consultations offered compelling evidence of the limited progress made by Aboriginal people to date in gaining access to jobs with decent pay and some security. Some of the examples:

- In Winnipeg, a city with an Aboriginal population of 60,000 people, home care services are heavily staffed with Chinese and Filipino Canadian workers, but have virtually no Aboriginal workers. Half the workers at a large garment factory in the city were from visible minorities, but almost none were Aboriginal.
- Only two out of 800 employees at a meat packing plant in Saskatoon were Aboriginal, and there are almost no Aboriginal workers in the province's Safeway stores, even though over 10% of the urban population of Saskatchewan is Aboriginal.
- At the Canada Post depot in Regina, only two out of 400 employees are Aboriginal.
- The Repap paper mill in Newcastle, N.B., which for generations has operated close to a large Indian reserve, had no Aboriginal employees a year ago and this spring had one. The Boise Cascade paper mill in downtown Kenora, located in the region with the highest proportion of Aboriginal people in Ontario, has almost no Aboriginal employees.

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- At Laloche in northern Saskatchewan, even the janitor was hired from outside the area when a new uranium mine was opened. Unemployment among Aboriginal people in the area is around 95%.
 - Summer jobs as guides and staff at some hunting and fishing lodges in northern Saskatchewan are given to students from southern universities with no effort made to recruit young native people from local reserves and communities.
 - The city of Timmins now requires that cashiers at City Hall have a two-year secretarial course after Grade 12 in order to be hired. Northern Telephone, in the same area, requires that applicants have a two-year community college course in electronics in order to qualify as linemen. These requirements make it more difficult for Aboriginal people to be hired.
 - A large co-operative food store at Buctouche, N.B., which does 30% of its business with Aboriginal customers, has almost no Aboriginal employees.
 - Aboriginal workers make up 2.3% of the municipal work force in Regina, a community that has an Aboriginal population of over 10%, and 1% in Edmonton, compared to about 6% of the population.
 - Aboriginal people are 5% of the Manitoba public service, compared to 12% of its population, a decade after the province initiated an employment equity program.
 - The proportion of Aboriginal workers in the Saskatchewan public service was 3.1% in 1978 and 3% in 1993.
 - Aboriginal employment was 19% of the work force in the federal Department of Indian Affairs in 1979 and has fallen to 16% today. Overall, the federal Treasury Board reported that Aboriginal employment was equal to 2.0% of the federal public service in 1991. This was just under the last available figure for the proportion of Aboriginal workers in the Canadian labour force, which was 2.1% in 1986, but many Aboriginal workers in government held term rather than permanent positions.

At Canada Post in Regina, two of 400 workers are Aboriginal

The federal government's employment equity legislation requires large employers under federal jurisdiction to file annual reports on their equity hiring. These companies employ over 600,000 people. Many of them are household words across Canada; many provide what have been known as "good" jobs, and many are unionized.

Reports filed under the federal law show that Aboriginal workers made up 2.1% of the labour force in 1986 but only 0.7% of the workers employed by companies which reported. In 1991 the proportion of Aboriginal workers in the labour force is believed to have risen, but the share of Aboriginal workers employed by this group of companies was still under 1%. The reports show with relentless uniformity that large, federally-regulated companies have 1% or less of their work force identified as Aboriginal, and that little change is occurring as a result of their hiring. The only notable exceptions were air carriers that are native-owned or that serve large northern areas, such as Bearskin Lake Air Services (13% Aboriginal employees), Air Creebec (16%) and Air Inuit (20%).

None of the 625 employees hired by CPR in 1991 was Aboriginal

Canadian Pacific Railways provides an example of the limited impact of the federal government's voluntary employment equity program so far as Aboriginal workers are concerned. In 1991, CPR, a company with half its work force in western Canada, had 144 Aboriginal employees (0.7%) out of a total of 21,000. None of the 625 employees the CPR hired in that year was Aboriginal. Bell Canada had a comparable proportion of Aboriginal employees and hired three Aboriginal people out of the 429 full-time employees it recruited in 1991.

At Air Canada, 0.3% of the work force of 20,300 were Aboriginal in 1991, and one new Aboriginal employee was hired. Just over 1% of the employees of the Canadian Broadcasting Corporation were Aboriginal; Canadian Press, the major news service for most Canadian newspapers and broadcasters, had one Aboriginal employee out of its staff of 470 and employed no Aboriginal journalist.

Less than 1% of Canada Post's work force across Canada in 1991 was Aboriginal, and no more than 1.1% of its employees were Aboriginal in any major Prairie city, even though the proportion of Aboriginal population was as high as 10%. For all the reporting companies, Aboriginal workers were 1.6% of the total number of people hired in Regina and in Winnipeg, and 1% of the total hired in Edmonton.

4. Obstacles to Aboriginal employment

It was assumed in this project that while a certain proportion of Aboriginal people want to remain in their traditional economy, a large majority want decent jobs if they can have access to them. This is particularly true for the large proportion, now almost 50%, of Aboriginal people living in urban areas.

There is a lengthy list of problems to be addressed before Aboriginal people in Canada gain equitable access to secure, well-paying jobs. Both hiring and retention of Aboriginal workers were identified as problem areas during the course of this project

by union members, members of Aboriginal networks, and officials responsible for affirmative action programs. The obstacles to Aboriginal employment which they outlined can be summarized as follows:

Attitudes and commitment

The basic problem that was underlined during the consultations, and in reports and conference proceedings that were reviewed, was a lack of commitment to employment equity for Aboriginal workers, starting with top management. Union participants stressed that with the exception of the skilled construction trades it is employers who take responsibility for hiring new workers, not unions. If top managers do not see that there is a problem in an employer's hiring and treatment of Aboriginal workers, they are unlikely to look for solutions. If there is no commitment by management to train and promote Aboriginal workers, these workers are less likely to advance from the lowest job ranks and will remain more vulnerable to layoffs than their fellow workers.

The question of attitudes also extends to middle managers and front-line supervisors. In the absence of direction from top management, their attitudes will determine the chances of Aboriginal people hearing about job openings and being considered favourably if they apply for a job or a promotion.

Several participants were critical of the administration of employment equity programs, saying that no training or follow-up was provided to assist Aboriginal workers, and that little was done to help Aboriginal workers settle into their new jobs.

Hiring process

Problems include access to the hiring process for Aboriginal people living in rural and northern areas and bias on the part of managers and selection boards doing the hiring. The use of hiring halls in distant locations, or company practices of hiring at a distance from where workers will be employed, may also discriminate against Aboriginal workers who live in the immediate area of a work site.

Many of the problems in this area relate to the common use of informal hiring procedures which may deprive Aboriginal workers of even the chance of being considered. One example, given in Saskatchewan, is the common practice for supermarket chains of hiring full-time employees from the pool of part-time workers already known to store managers. Canada Post hires full-time postal workers from a pool of part-time workers in much the same way. Decisions to hire part-time workers tend to be made locally with little regard for employment equity. The result is to exclude Aboriginal workers in a way that is unconscious but effective.

Qualifications

Increasingly demanding requirements for education exclude many Aboriginal people from even being considered for good jobs. Education levels among Aboriginal people are rising, but not fast enough to catch up with what some participants spoke of as "qualifications creep". At the same time, many jobs are becoming more demanding in terms of skills with the spread of computers and new technology. Grade 12 is now the requirement for apprenticeships in many building trades.

Some jobs have requirements that may not be essential for the position, but that tends to exclude Aboriginal people. An example is the practice in the federal government of requiring bilingualism in French and English, but not favouring bilingualism that includes a native language. Another example is the requirement in some construction projects that workers must have several years of construction camp or major project experience.

Work environment and culture

Work arrangements and treatment by fellow-workers may affect the ability of an Aboriginal worker both to settle into a job and to retain it. Many reasons are offered for the lower-than-average retention rates of Aboriginal workers. They are more likely to be laid off because a higher proportion have term positions, low-skill jobs or low seniority than their fellow-workers as a group. They may suffer from harassment or bias from a supervisor, or from being excluded from the group by fellow-workers.

Work arrangements may also affect Aboriginal workers. With the exception of negotiated provisions in a few collective agreements, there is very little accommodation in the work place for the particular cultural needs of Aboriginal people. Fly-in arrangements at northern mining camps and construction projects may be suited to the needs of non-Aboriginal workers, but do not allow native workers access to their homes in the surrounding area. Very few work places make provision for Aboriginal workers to be absent for hunting, trapping, or community feasts and funerals that occur outside of statutory holidays.

Special problems in construction

An Ontario Hydro report in 1992 outlined a number of barriers to Aboriginal employment in the construction trades. These include union initiation fees and the need to pay membership dues when unemployed; hiring hall procedures; the lack of lead time when projects are contracted; collective agreement restrictions; and the lack of coordination between different training programs.

The report says Aboriginal and northern firms that win contracts may be barred from using their usual work force, including Aboriginal workers, by a requirement that they use union labour. It notes that unions may have prior commitments to

out-of-work members which make it difficult to make provision for Aboriginal workers. It also notes that the need to work for long periods at distant job sites in many construction trades can cause a problem of cultural adjustment for Aboriginal workers.

Some building trade union representatives are reluctant to accept that their work practices may be an obstacle or may contribute to a negative perception of unions in Aboriginal communities. However, they also point to a number of factors in the nature of skilled construction work which make it difficult to accommodate local workers on large construction projects if they are not already trained.

The core of the problem is the high skill requirement for the trades, which is reflected in apprenticeship periods of three to five years and the continued program of upgrading and safety training found in most trades. Most apprenticeships now require that applicants have Grade 12 for entry, and involve several months of training per year plus on-the-job training.

***Most apprenticeships
now require Grade 12
for entry***

Contracting practices for large projects in which skilled union labour is involved also help to account for the extensive use of workers from outside the immediate area. Typically, there is a good deal of pressure on contractors to meet deadlines from the moment a contract is awarded. Several hundred skilled tradespeople may be needed for a job. To find these workers at short notice, it is inevitable that many will be recruited at a distance. The timing of the project will usually be too short to permit local people to acquire the necessary skills and experience to fill these positions. These factors affect people in other equity groups as well as Aboriginal workers.

The nature of construction work requires people in the skilled trades to be available for lengthy periods at remote projects living in camps or in motels, away from the support of the community. For Aboriginal and other young people living in the north or away from urban areas, taking an apprenticeship also involves extended periods of work away from their home community, because this is the only way to acquire the necessary work experience under the supervision of a fully qualified member of the trade.

Representatives of the building trades maintain that the skilled trades are non-discriminatory and do not have any specific obstacles to women, Aboriginal workers, or other groups either in their apprenticeship system or hiring procedures. As evidence, they cite the high participation of Aboriginal people in the Ironworkers' Union and of different ethnic groups in other skilled trades.

Economic situation

Adding to the general problems of Aboriginal people in the work place are the particular difficulties created by the current economic situation. Members of the Ontario Public Service Employees' Union pointed to the provincial government's current hiring freeze, its downsizing, and its increasing resort to privatization and contracting out as examples. They spoke of the potential for backlash among OPSEU members if the government were to hire new Aboriginal workers at a time when many existing employees are being laid off.

In the private sector the use of new technology is reducing labour requirements and many large firms are downsizing to cut their costs. Even if the commitment was strong, this would make it more difficult to increase the equity hiring of Aboriginal workers. In both sectors, there is intense competition for the limited number of new jobs that come open. Because of the high rate of unemployment, large numbers of applications are submitted, many from candidates who would have been considered as over-qualified in the past. This makes it more difficult for Aboriginal workers to be hired.

Factors in the Aboriginal community

A 1992 conference involving members of the Ontario Native Employment Equity Circle and managers in the Ontario public service discussed a number of conflicts between the native approach to organization and the provincial government's organizational culture. In general, what they saw was a distinction between a holistic, consensual, bottom-up and empowering approach of Aboriginal people and a fragmented, top-down and authoritarian approach in most government departments.

These differences were discussed during the consultations, with some Aboriginal participants suggesting that the culture of trade unions was more like that of employers than that of native people. It was suggested that Aboriginal workers may hesitate to join a union because it contravenes their concepts of working cooperatively.

Some union participants spoke of the small number of Aboriginal people applying for jobs with non-Aboriginal employers and suggested that some Aboriginal people do not wish to leave their reserve environment to find jobs. Some also spoke of meeting resistance or lack of interest when they made efforts to reach out to Aboriginal organizations to discuss common problems.

Another factor that was raised was the difficulty of reaching Aboriginal people to inform them of job opportunities. Only 20% of the Aboriginal labour force is located on reserves, it was suggested, so job information distributed through band council offices does not reach a large number of Aboriginal people.

5. Ideas and Proposals

During the consultations, a number of ideas were put forward for opening up the work place to Aboriginal workers, many flowing directly from the analysis of problems cited above. A common theme was the need for special, focused efforts directed to Aboriginal workers and communities and involving employers, unions, and Aboriginal organizations. Several participants saw a need for unions to take a lead both in outreach to Aboriginal communities and in pressing employers to make their employment equity programs more effective. They also wanted unions to work for employment equity legislation that could be enforced - "with teeth".

The need for commitment from top managers has already been mentioned. The need for union leadership to make a similar commitment was also suggested, although union participants stressed that the current practice is that employers, not unions, do the hiring in most work places.

***Commitment to equity
needed from top
management, and from
the union***

There was widespread acceptance by participants from labour of special measures to increase the hiring and retention of Aboriginal workers. As noted earlier, the idea of using special measures to accelerate the promotion of Aboriginal workers or protect them against layoffs, such as "super seniority" clauses, was strongly resisted during the consultations.

Such special measures are beginning to be negotiated in collective agreements, however. Some agreements with non-government organizations providing social services to Aboriginal people in Saskatchewan give preference in hiring and layoffs to Aboriginal workers, and such provisions are likely to become more common as more collective agreements are reached with Aboriginal employers.

A recent agreement at the Cameco uranium mine in northern Saskatchewan, negotiated by the Steelworkers, gives Aboriginal workers preference over non-Aboriginal workers hired after the date of the agreement, but protects the seniority of non-Aboriginal workers hired before that date. The red circling of existing workers is seen by the Steelworkers as an innovative compromise that recognizes the value of acquired seniority respecting layoffs and recall from layoff, while accepting that future acquired seniority for new employees can be dealt with differently. A key element is that everyone knows the rules from the beginning of their employment.

The Ontario Hydro report made a series of recommendations aimed at enhancing Aboriginal job opportunities in northern projects. These included negotiating site-specific quotas for Aboriginal workers or seeking amendments to the normal hiring hall process to permit Aboriginal entry. It also said projects should be

scheduled in advance and employment needs determined with sufficient lead time to allow for training of Aboriginal workers.

The Hydro report suggested that bridging programs or pre-employment training may be required to enable native workers who do not meet the normal educational requirements to enter apprenticeships. Skills that are provided should be related to potential needs in the native community as well as those required for a large project. More training should be provided on site in northern areas, and training should be modular to make it more accessible. Many of these approaches were used with success to open up opportunities for Aboriginal workers in Manitoba Hydro's Limestone power project.

The report suggested that Aboriginal workers have the flexibility to take time off for hunting or for traditional activities, provided that they do this by prearrangement. Subsequent to this report, Hydro began to examine its contracting practices in order to identify projects which could be broken into smaller components in order to encourage bidding by local contractors and band-operated Aboriginal enterprises too small to handle the whole project.

***Education and
cross-cultural training
were stressed***

During the consultations the need for education and cross-cultural training was stressed for managers, fellow-workers and for union officers and staff representatives or business agents. Favourable mention was made of joint union-management employment equity committees that have been established, among others, with

Employment and Immigration Canada and between CUPE Local 1000 and Ontario Hydro.

A number of participants discussed the need for union outreach to Aboriginal communities, to Aboriginal students in colleges and high schools, and to Aboriginal people within their own membership. This included the need for Aboriginal networks or support groups within the union and the proposal that unions give recognition and greater profile to Aboriginal people and issues within the union. There was substantial support for anti-racism training and activity by unions along with some suggestions that unions, as well as employers, should take responsibility for acting against racist activity and harassment by fellow workers on the job.

IV. RECOMMENDATIONS

The recommendations and suggested approaches that follow are drawn from the consultations that took place during this project and from subsequent discussion of issues that has taken place in the CLC's Human Rights Committee, among its officers and executive council, and with Aboriginal union activists.

1. A strategic issue

The first conclusion is that Aboriginal rights and the relationship between Aboriginal people and labour should be seen as a strategic issue by the Canadian Labour Congress and its affiliates, and by all of the labour movement in Canada. There are both principled and practical reasons for this approach.

On the level of principle, it would be unthinkable to exclude Aboriginal rights from labour's fight for social justice in Canada. In their organizational structure and in their approach to the dominant society, labour and Aboriginal people have many elements in common.

Working people will be affected by how Canada resolves the many outstanding issues affecting Aboriginal peoples. All of us - Aboriginal and non-Aboriginal alike - will be better off if a new partnership between Aboriginal and non-Aboriginal Canadians can be created based on the recognition of Aboriginal autonomy. Working people and all other Canadians will be losers if the social fabric of Canada is torn by a renewal or expansion of the kind of conflict that occurred in 1990 at Oka.

The labour movement comes closer to representing the general interests of most Canadians than any other non-political organization and is, therefore, in a unique position to help contribute to the reconciliation that is needed between Aboriginal and non-Aboriginal Canadians.

***Labour is uniquely
placed to help in
reconciliation***

Though it may be imperfect, the labour movement is a democratic, decentralized organization in which a great deal of power continues to reside at the level of individual members and their local unions. Aboriginal organizations are also decentralized and organized from the bottom up. Both the labour movement and Aboriginal people have had to struggle against oppression and against having their concerns ignored by governments and large corporations. They have more chance of achieving social justice for all Canadians if they work together than if they work at a distance.

Finally, trade unions are an active force representing workers in almost every major country around the world. The right of workers to protect their interests by

forming unions is endorsed by the United Nations and its agencies, just as they endorse the rights of Indigenous peoples.

If the labour movement can reach out to Aboriginal people now, it will enhance the chances that workers' rights will be acknowledged under Aboriginal governments on a basis that is comparable with the rest of Canada. This would be a service to the working people who, in time, may want to form unions in Aboriginal territories. It would also address the fear of Aboriginal communities trying to attract jobs from other areas of Canada through a competitive downgrading of employment standards.

The practical argument for labour to reach out to the Aboriginal community is that Aboriginal people are already a significant population group and are becoming more important both in numbers and influence. They are also becoming more important as new entrants to the labour force, whom unions will want to organize.

As Aboriginal peoples gain increasing control over resources and territory through their negotiations with governments, their decisions will have increasing influence over the future of workers already employed in resource industries or engaged in providing government services. Many of these workers are union members and non-Aboriginal.

The 1991 census counted over a million Canadians who were wholly or partly Aboriginal in origin - almost 4% of the population. The number who identified themselves as being Aboriginal was 626,000, about 2.3% of the population. Within a few years Aboriginal people are expected to be as much as 25% of the new entrants to the labour force in provinces like Saskatchewan and Manitoba.

***Aboriginal
communities are
acquiring control over
resources and capital***

Treaties, land claim settlements and co-management agreements are beginning to give many Aboriginal communities and their governments autonomous powers, capital, and control over resources for the first time. Aboriginal-controlled companies are likely to emerge as significant employers. Aboriginal governments will soon start to acquire the power to establish their own employment standards and labour codes on Aboriginal territory.

These are all practical reasons for the labour movement to reach out to Aboriginal people and organizations and to start trying to improve, or to establish, relations now.

2. A dual approach

Some people who reviewed the discussion paper prepared as part of this project felt that it put too much emphasis on protecting the rights of existing trade union members, who are overwhelmingly non-Aboriginal, and too little on advancing the rights of Aboriginal people and increasing their participation in the work place.

In general, however, participants felt it was better to recognize a potential difference of interests than to ignore it. On one hand, the labour movement gives strong support to Aboriginal rights and social justice, as expressed in the CLC's 1992 Vancouver policy statement. On the other hand, one of the primary objectives of unions is to protect and advance the interests of working people in general and of their own members in particular. If unions did not act on behalf of members whose livelihood was affected by the implementation of Aboriginal rights, their general support both for their union and for Aboriginal rights would surely be imperilled.

These two lines of thinking point to the need for a dual approach by the labour movement with two strategic priorities:

- The labour movement should work for social justice and for the collective and individual rights of Aboriginal people;
- Labour should work to minimize the adverse effects of changes in Aboriginal rights and Aboriginal communities on union members and other working people.

These two priorities correspond in rough terms to the distinction made above between the practical and principled reasons for labour to pay greater attention to Aboriginal issues. However, the priorities are also interrelated. If labour's support helps Aboriginal people gain recognition for their rights, its case that labour rights should be sustained in Aboriginal territories will be strengthened. If the labour movement can help to overcome the barriers to Aboriginal people's employment, this will help to reduce their distrust of unions and make it easier to resolve potential conflicts involving union members and Aboriginal rights.

As noted below, the CLC and other labour organizations need to create mechanisms which will allow them to take direction from their own Aboriginal membership in dealing with Aboriginal issues. This is particularly true with issues that relate to social justice and Aboriginal rights. However, the two groups of issues are both sufficiently important that they should receive strategic attention from the senior leadership of the labour movement on a regular basis. They should not be delegated and forgotten.

***Senior leadership
should give attention to
Aboriginal issues***

3. Social justice and human rights

The labour movement's primary concerns in this area should be to maintain and communicate its long-time support for Aboriginal rights, to increase awareness and understanding of Aboriginal issues within its own ranks, and to take the initiative in making employment equity for Aboriginal people a reality both through legislative action and in the work place. The list that follows begins with recommendations that relate to the labour movement, but the need to address employment equity issues is at least of equal importance.

Support for Aboriginal rights

The CLC's support for Aboriginal rights, including the right of Aboriginal peoples to self-determination and to jurisdiction over land and resources, was clearly expressed in its 1992 statement at Vancouver. A number of federations and CLC affiliates have made similar policy statements.

Labour organizations at all levels should take practical steps to demonstrate their solidarity with the struggle of Aboriginal peoples for an end to the colonial oppression which they have had to endure. This can include education programs to raise public awareness and understanding of Aboriginal rights, labour participation at Aboriginal demonstrations and events, lobbying of governments and elected representatives, and support on issues involving specific Aboriginal communities.

Labour organizations should be prepared to consult Aboriginal organizations for advice on how they can help, and to provide direct assistance where it is requested. This should include consultation with Aboriginal women's organizations on how women's rights should be recognized in the creation of Aboriginal self-government.

Aboriginal involvement

There is a need to identify Aboriginal members in the labour movement and to assist in leadership development and in the development of Aboriginal networks, circles or caucuses at all levels of the labour movement from the CLC down to large union locals. Some of this effort is beginning to take place within a few locals and affiliates. Some is also taking place at the instigation of Aboriginal employees themselves, sometimes with the support of employers. This has occurred within the federal government, the province of Ontario, Ontario Hydro, and Toronto City Hall.

The process of seeking out Aboriginal members should begin with self-identification in union locals, labour councils, CLC conventions, etc., but could also involve cooperation with Aboriginal groups or gaining access to Aboriginal employees with the assistance of employers, as has occurred with the Manitoba government.

Where Aboriginal union members decide to form a network or caucus, the CLC and other labour bodies should provide assistance and resources and should be prepared to consult regularly about activities that relate to Aboriginal peoples or to Aboriginal members. This should include seeking advice about implementing other recommendations in this report.

With the support of Aboriginal members, unions should identify issues of particular concern to their Aboriginal members and make these issues a priority for contract negotiations in bargaining units where they are relevant.

Ongoing awareness

There is a need to develop an ongoing awareness of Aboriginal issues and of Aboriginal people at all levels of the labour movement. This should include training in cross-cultural awareness at every level of the labour movement, from the CLC Executive Council down to district labour councils, local unions and rank-and-file members. Cross-cultural training courses and training material need to be widely available. Union newspapers, videos and other material should all be used to raise the understanding of Aboriginal issues if labour's general support for Aboriginal rights is to continue. A simple step which would increase awareness and assist Aboriginal economic development is for unions to hold schools, staff meetings and conferences in Aboriginal facilities and friendship centres.

Aboriginal issues and racism

The CLC has incorporated Aboriginal issues as an integral part of the anti-racism program it is currently developing. A substantial number of the participants in the CLC's anti-racism training program in 1992-93 were Aboriginal. Aboriginal issues should regularly be a regular component of anti-racism training both in course material and in workshops, information material, participation, etc. This should apply not just to the CLC and its affiliates, but also to anti-racism activities by governments, police forces, and private employers.

Reaching out

The labour movement should make a point of reaching out on a consistent and continuing basis to Aboriginal people and organizations at the local, regional and provincial as well as national levels. This should include regular contacts between union and Aboriginal leaders, labour representation at Aboriginal events, and the inclusion of Aboriginal representatives at union conventions and other labour events.

In making these contacts, the labour movement should seek discussion and advance planning around issues involving both groups, and should look for coalition strategies through which unions and Aboriginal people or groups can work together.

Bearing in mind the perceived conflicts between union culture and Aboriginal ways of doing things, unions should review internal practices which may be difficult for Aboriginal members to accept. They should also communicate why unions need to be adversarial at certain times, particularly when defending the rights of workers against an unsympathetic employer. Labour's experience is that such employers are to be found in many parts of Canada, including Aboriginal territory.

Aboriginal awareness of labour

If the labour movement needs to extend its awareness of Aboriginal people and issues, the labour-Aboriginal relationship could also benefit if Aboriginal people were more aware of the objectives of the labour movement and of how unions work. The CLC and its affiliates should be prepared to assist Aboriginal groups and organizations that wish to increase their members' knowledge and awareness of the labour movement and its activities.

Labour as an employer

Unions should make a conscious attempt to demonstrate their commitment to Aboriginal rights through their own employment practices. Very few Aboriginal people are currently employed within the labour movement; there is a need for internal affirmative action, even if the current economic pressures on unions make this difficult.

Employment equity

Labour should address the dismal failure of employment equity for Aboriginal workers

The dismal failure of employment equity for Aboriginal workers is an issue which labour should address directly. It cannot afford to ignore this reality on the grounds that hiring is the responsibility of the employer. Strategies are needed to ensure that more Aboriginal workers are hired and that once hired, Aboriginal workers are more likely to stay and to be trained and promoted.

The labour movement should pursue these strategies at the local as well as provincial and national levels at the same time that it continues to pursue legislation for mandatory affirmative action for Aboriginal workers, as it pledged in the CLC's Vancouver policy statement. This is a primary area for coalition-building between the labour movement and Aboriginal people.

Labour should work with Aboriginal organizations in seeking to improve Aboriginal employment opportunities and should also seek the involvement of local and other governments, of economic development agencies, of employers and of employer groups. Unions and union locals should consider making direct approaches to employers aimed at opening up job opportunities for Aboriginal workers, and seek

to make this an issue in their contacts with chambers of commerce and industry associations.

Union initiatives should focus on removing obstacles to hiring of Aboriginal workers and on the creation of pre- and post-employment programs to improve their retention once hired. These obstacles will vary depending on the industry, and the steps needed to overcome them will also vary. To retain the cooperation of existing workers, seniority provisions where they exist should not be altered to provide special rights for Aboriginal workers except by mutual agreement. Unions should be prepared to accept affirmative action measures being applied to hiring to benefit Aboriginal workers.

***Remove the obstacles
that block hiring of
Aboriginal workers***

Many ideas for improving Aboriginal access to employment were put forward during the course of the consultations and are referred to in this report. For the labour movement, the priority should be to find ways to increase the commitment of employers and governments to turn these ideas into action on behalf of Aboriginal people, and to educate union members on the need for this approach.

Hiring procedures

Where unions are involved in hiring through hiring halls or other procedures, urgent action is needed to ensure that Aboriginal workers have a more equitable chance of qualifying for the hiring procedure, of being hired and of keeping their jobs once hired.

This includes initiatives such as preferential hiring for projects in Aboriginal areas; the creation of satellite hiring halls in northern regions; providing special access to training programs for Aboriginal workers; on-reserve training projects sponsored or assisted by craft unions; and a review of certification requirements to eliminate systemic discrimination against Aboriginal workers who have difficulty complying with rules designed for urbanized southern areas.

As noted earlier, however, the time required to train a skilled building trades worker and the current organization of the construction industry both make it difficult to open up skilled positions on a new project to Aboriginal people unless there is advance planning. A program of education should be directed to Aboriginal communities to explain these problems.

At the same time, the CLC and other labour organizations representing construction workers should work with Aboriginal organizations, with employers and with governments to find ways by which Aboriginal people can have greater access to the skilled trades, and greater participation in construction projects. A number of

innovative models already exist, such as the Carpenters' on-reserve apprenticeship program in British Columbia. These initiatives should be multiplied.

4. Minimizing the effects of change

A number of participants in this project proposed that the labour movement should work to minimize the adverse effects of changes in Aboriginal rights and communities on union members and other working people. This is identified in this report as a strategic direction that should be followed by labour. As noted earlier, the reason for this approach is straightforward. Unions have a responsibility to seek to protect the interests of their members. A union that does not appear to be concerning itself with its members' interests will quickly lose credibility if it is trying to persuade members to accommodate changes that involve Aboriginal communities.

Labour as a stakeholder

The practice of third-party involvement or consultation by governments on issues relating to the implementation or expansion of Aboriginal rights is becoming more and more common. Third parties include owners of property, companies holding forestry or mineral rights, environmental groups and groups such as anglers and hunters who use territory or resources being claimed by Aboriginal people.

In British Columbia, the labour movement and major unions are now treated as important stakeholders with the same rights of consultation on Aboriginal negotiations as employers, industry associations, and other non-Aboriginal organizations. This is an important precedent in view of the potential impact on workers of many decisions related to Aboriginal rights in that province.

The labour movement should ask and expect to be treated as an important stakeholder in third-party consultations anywhere in Canada. The CLC should seek an assurance that this will be reflected in federal policy for forthcoming treaty and land settlements. Provincial federations of labour should seek a similar policy commitment from provincial governments. Labour organizations should seek support for this position in their discussions with Aboriginal organizations. The Congress should consider bringing provincial federations together to learn from the B.C. labour movement's experience.

In recent years, there have been an increasing number of agreements between governments and Aboriginal communities or organizations for various forms of co-management over territory, resources, or wildlife. Some provide for shared management and some for various forms of consultation. The parties involved are often restricted to government and Aboriginal

***Treat labour as an
important stakeholder
anywhere in Canada***

representatives, with little or no involvement from non-Aboriginal communities within the affected area, from employers and industry groups or from labour.

Co-management agreements are likely to have increasing effect on the allocation of resources and, therefore, in time, the allocation of jobs. In many cases, Aboriginal communities will want to use these agreements as a lever to encourage economic development or to provide training and employment for Aboriginal workers. The labour movement should be prepared to support these objectives, but it should resist the creation of co-management structures which exclude input or consultation with working people or with non-Aboriginal third parties in a co-management area. Where unions have a legitimate interest on behalf of their members, they should ask to be considered as a stakeholder with respect to co-management for the same reasons that apply to interim agreements and to treaty and land claims negotiations.

Impact on workers

Governments have taken the position that third-party rights in property affected by land or treaty settlements with Aboriginal people should be protected, or that third parties should be compensated if their rights are diminished or taken away. This concept of providing for third party interests should also apply if workers in existing positions are substantially affected by land or treaty settlements, or by other decisions that provide greater powers or authority to Aboriginal groups.

If property is affected by an Aboriginal agreement, the best form of compensation may be financial. For workers threatened with being displaced, this is often not the case: no cash payment can offset the human and social costs of a worker and his or her family having to move from a community where they may have lived for decades. Transitional measures, retraining, or adjustment programs will often be preferable to cash compensation. The important principle, however, is that the rights of workers affected by Aboriginal settlements should be protected or compensated, i.e. treated at least on the same basis as the rights accorded to owners of property.

The cost of compensation or adjustment measures for workers should be a charge on Canadian society at large, rather than being a deduction from settlements made with Aboriginal peoples as redress for past injustices. The reason for this position is that small groups of workers should not be required to absorb major costs of adjustment related to the recognition of Aboriginal rights, when it is Canadian society as a whole - not those particular workers - which was responsible for denying these rights to Aboriginal people in the past. Nor should these costs of adjustments be a charge on Aboriginal people, who had no part in the decisions that allowed their territory and resources to be alienated.

***Adjustment measures
for workers should not
be a charge on
Aboriginal people***

In making this recommendation, the incalculable losses suffered by Aboriginal people since the coming of European settlement should not be forgotten. The labour movement's support for Aboriginal rights and land claims is a recognition of the need for redress. But as already noted, it is not necessary to treat small groups of workers unfairly in an effort to deal justly with

Aboriginal peoples, and it would be wrong to do so.

Labour should pay special attention to the increasing practice by governments of agreeing to interim measures involving Aboriginal communities well in advance of final treaty or land settlements. These interim measures may often affect existing industries and their employees, but until now have generally not incorporated compensation or adjustment measures for displaced workers. The labour movement should seek to have third-party status in order to be consulted over interim measures, and it should seek to minimize the adverse effects of changes that arise from interim measures on its members. Where appropriate, this should include adjustment measures or other forms of compensation.

Minimize adverse effects

Individual unions and the labour movement should try to minimize the adverse effects on existing employment arising from the implementation of Aboriginal rights, but in a way that is also beneficial to Aboriginal people. This means looking for creative solutions such as the expansion of an industry, the development of opportunities for training for Aboriginal workers, and the creation of new kinds of partnerships as an alternative to win-lose scenarios, which are more likely to provoke resentment among non-Aboriginal workers.

The UFAWU proposals provide an example of this approach. The union estimates that the salmon catch in B.C., already very valuable, could be increased by a third through the enhancement of natural spawning. Most of this activity would be needed in the Interior of British Columbia and could be carried out by native communities which have very little access to commercially valuable salmon. An enhancement program would be a major stimulus for these communities and would increase the commercial salmon catch both for Aboriginal and non-Aboriginal fishers.

Advance planning

Labour organizations should become involved in trying to identify problems relating to Aboriginal employment, training, access to resources, etc. and to find solutions before these issues become critical or polarized. This will require a commitment of time and resources by labour organizations and regular communication with Aboriginal organizations. Governments, employers and

Aboriginal communities should also try to identify problems in advance in order to work out acceptable solutions that can minimize any potential for confrontation.

This is why there is a need for the labour movement, and individual unions, to anticipate issues involving Aboriginal rights and union members before they become polarized. Sudden reactions from within labour on issues which involve Aboriginal rights could harm the relationship between the two communities, whereas with advance planning and discussion, many of these issues can be resolved in ways that both sides can accept.

Labour rights on Aboriginal territories

There is little doubt that recognition of the Aboriginal right of self government, which labour supports, means that Aboriginal people should also have the right to draw up their own labour codes and employment standards. At the same time, the labour movement remains committed to upholding the basic rights of workers both internationally and within Canada. There is a conflict between these positions which is not easy to resolve.

Accept the Aboriginal right to have their own labour codes and employment standards

At the close of its consultations, the CLC has concluded that it should not oppose the right of Aboriginal people under self-government to have their own laws on workers' rights, or indeed on any other area of importance for their community, because to do so would be to deny the autonomy that self-government is meant to provide.

The labour movement must recognize that this principle carries the risk that basic labour rights could be denied in Aboriginal territories, however. It should seek to minimize that risk by initiating discussions with Aboriginal leaders on the need to maintain employment rights on Aboriginal territory, and on what those rights should consist of.

Labour should make its case strongly, based on the general acceptance of labour rights both in international conventions and within Canada. It should not make its support for Aboriginal rights conditional, but it can point to the need for mutual support between labour and Aboriginal peoples to struggle against the agenda of governments and of the private sector.

It would be unjust to recognize rights of business and deny rights to workers

In order to do business on any scale, Aboriginal communities will be compelled to accept the basic structure of Canadian commercial law on their territory. The labour movement should point to the injustice that would occur if Aboriginal communities were to recognize the rights of business in this way, while denying basic rights to workers.

A number of participants in the consultations expressed fears that Aboriginal territories would be turned into low-wage industrial zones, like the Maquiladora zones in Mexico, by legislating a reduction in employment standards on their territory. Such initiatives could have a negative effect on wages and working conditions for all Canadian workers, including Aboriginal workers living in urban areas, and would be strongly opposed by the labour movement.

Labour would also question the idea of creating a separate Aboriginal labour code in urban areas, as was mentioned in Winnipeg. Such a dual code would create confusion, particularly in work places where Aboriginal and non-Aboriginal people were working together. Its most likely effect would be to benefit employers and to hamper the efforts of workers to organize. The preferred way of meeting special needs of Aboriginal workers in urban areas would be through negotiated collective agreements which can be enforced by them through their union, or by legislation enacted after thorough consultation.

There are some specific approaches which it is reasonable to ask of any new Aboriginal government. As a general principle, federal and provincial labour codes and employment standards should continue to apply on Aboriginal territory, unless the Aboriginal government decides they should be changed. Transfers of groups of employees to Aboriginal self-government should not be allowed to overturn existing collective agreements before they come up for renewal.

Organized groups of workers transferred from non-Aboriginal jurisdiction to an Aboriginal organization or company should be provided with successor rights, so that they can maintain their certification rather than having to organize a new bargaining unit. This has not occurred in the past, for example with the transfer of teachers from the federal Department of Indian Affairs to band-controlled education authorities.

These approaches would help to ensure continuity and a smoother transition of services that are transferred to Aboriginal control, as well as providing some assurance against transfers or devolution being used as a device for union-busting. They would not interfere with the right of an Aboriginal government to make changes in labour or employment law if that was its considered decision.

The CLC or provincial federations should explore with First Nations how particular Aboriginal requirements in the area of labour standards can be met without abandoning the general principles of Canada's labour codes. They should seek agreement on whether provincial and federal labour laws should continue to apply to non-Aboriginal employers operating on Aboriginal territory.

***Meet Aboriginal needs
without abandoning
Canada's labour codes***

They should also review whether labour relations boards, or some other body, should adjudicate questions of labour law in Aboriginal territories. Aboriginal institutions could possibly work together with existing practices, at the choice of an individual local or union member: a grievance, for example, which would normally go for arbitration if unresolved or be sent to a labour board, could instead be referred to a council of Elders.

One issue that was discussed, but not resolved during the consultations, was whether matters involving labour or other rights within a self-governing Aboriginal community should be subject to some form of appeal to a tribunal outside the community. The argument in favour is that such an appeal process is needed to ensure fairness and the protection of individual rights, which are important both to Aboriginal and to non-Aboriginal peoples in Canada. The argument against is that Aboriginal communities, exercising their right of self-government, should decide themselves whether or not to have some form of outside appeal process.

Aboriginal women's rights

Many of the issues that were discussed, with respect to labour rights in Aboriginal territories, also apply with respect to Aboriginal women's rights. The labour movement supports Aboriginal self-government, but is also a strong supporter of equality rights for women in Canada and around the world, including Aboriginal women. It has not clearly determined whether because of its support for equality rights, it believes that Aboriginal women living in Aboriginal communities under self-government should be guaranteed the protection of the Charter of Rights.

At the CLC Human Rights Committee, the consensus was that it would be wrong for a non-Aboriginal body to set conditions on the operation of self-government by Aboriginal people, i.e. require that action on abuse, family violence, or gender equality be made a precondition for the recognition of Aboriginal self-government. This does not mean, of course, that the labour movement must be silent. This is an area, however, which requires further reflection and consultation.

***Labour should express
its support for
Aboriginal women's
equality rights***

The labour movement can and should express its concern about these issues, and its support for women's equality rights within Aboriginal territory as well as elsewhere in Canada and in other countries. If asked, the CLC and affiliates should be prepared to assist women's organizations, like the Native Women's Association of Canada, in their struggle for Aboriginal women's rights in Aboriginal

communities.

Many Aboriginal women now live in urban areas where poverty, inadequate child care, poor housing and unemployment are common experiences. The labour movement should incorporate the needs of these women in its support of women's equality.

Mechanism for disputes

The Vancouver policy statement called for the creation of a mechanism for settling disputes between Aboriginal peoples and labour, but did not suggest what that mechanism should be. At this time, the creation of one or more such mechanisms would be premature. No basis for such a mechanism exists until there is a working relationship in place on which to base it. And if there is a working relationship in place, then the formal and informal contacts between labour and Aboriginal groups that would be a part of that relationship would be sufficient for now as a means of addressing any disputes that might arise.

The priority for the labour movement should, therefore, be to strengthen, or to establish, relationships with First Nations and Aboriginal organizations which are close enough to allow, among other things, for discussion of any mutual problems that may arise.

5. Action by governments

This report has put forward a model for collaboration in which the labour movement continues to support Aboriginal people and communities in gaining recognition of their rights, while seeking to minimize adverse impacts on working people and on unions. This approach should have the support of governments.

Labour's support on Aboriginal issues is important because of the large number of Canadians whom the labour movement directly represents, and because there is no other body in Canada that can speak on behalf of working people as a group. That, in turn, means that governments should be prepared to listen, and to provide assistance if necessary, in cases where there are labour concerns related to Aboriginal rights.

As this report has focused on the practical implications of Aboriginal rights for workers and unions, its recommendations for labour and government are also focused in that area. Many of these recommendations are a direct reflection of proposals already put forward for action by the CLC, its affiliates and other unions.

The CLC is on record as supporting the implementation of Aboriginal rights, and it goes without saying that it believes that the recognition of Aboriginal self-government and the settling of Aboriginal treaty and land claims should go forward with all possible speed. The CLC's position is outlined in greater detail in its 1992 convention resolution, which is reproduced in Appendix B.

***Aboriginal
self-government
should go forward with
all possible speed***

The specific recommendations which government should consider are as follows:

Make employment equity work

Many initiatives are still needed from governments to even begin to make employment equity effective for Aboriginal people and for people in the other equity groups. These include:

- In view of the widespread failure of voluntary programs, both provincial and federal governments should enact mandatory legislation to require large employers to implement employment equity programs that will benefit Aboriginal workers and other equity groups;
- Governments should take vigorous action to gain the cooperation of industry associations, chambers of commerce, community groups and voluntary associations, and individual employers to increase the access to employment and career opportunities for Aboriginal people and people in other equity groups;
- Government should also provide support and encouragement for collaborative employment equity programs, involving joint action by unions and employers, or by industry associations together with their unions and government.
- Governments should ensure that their own programs for employment equity are effective and fair for all the equity groups, including Aboriginal people, and that Aboriginal workers are not ghettoized into low-paying jobs or blocked from opportunities for training and promotion;
- Aboriginal networks or advisory committees made up primarily of Aboriginal employees have been established in a number of work places in the public

sector. These initiatives should be continued, and governments should provide active support for the creation of similar bodies within the private sector and within unions. It should be clearly understood that these networks are intended to provide a focus for the needs of Aboriginal workers, not to compete with the union where one exists.

- Unions require assistance in reaching out to their Aboriginal members if they are to form Aboriginal networks and caucuses among public sector employees. Governments should provide their unions with a means of access to these workers, as has been done by the province of Manitoba.
- Governments should work with employers, unions, educational institutions and Aboriginal organizations to identify obstacles to Aboriginal employment, and to put programs and strategies in place to overcome those obstacles.
- Special training and certification programs should be developed, possibly involving several skills rather than one, to improve the access to apprenticeships and to the skilled trades for Aboriginal people, particularly those living on reserves or in remote communities.

Increase awareness and fight racism

Governments have the resources to assist unions and other organizations that want to provide cross-cultural training or use other means to increase understanding of Aboriginal people and of Aboriginal rights. This assistance can be of particular value in the development of new programs, such as the Native Issues Seminars organized by OPSEU with Ontario's assistance in 1992-93. It should be made a priority.

The CLC is currently initiating a national program of anti-racism training through the labour movement's educational programs. This initiative had support from the federal Ministry of Labour and focuses on racism directed against Aboriginal people as well as other groups.

Governments should seek to make anti-racism training an integral part of the work place, and should encourage - if not require - employers to become involved in providing this training during normal work hours.

Recognize labour as a stakeholder

British Columbia's acceptance of the B.C. Federation of Labour, and of several of its affiliates, as stakeholders in that province's third party consultation process over Aboriginal treaty and land claims is a precedent which should be followed in every province and territory and by the federal government. Working people should have as much opportunity to be consulted about important changes affecting their future and their communities as any other non-Aboriginal group. The only effective way for this to take place is through the involvement of the labour movement, because labour representatives can be held accountable for their participation whereas citizens appointed by a government are not directly responsible to any constituency.

Governments should commit themselves to using a third party advisory process wherever important decisions are being made with respect to Aboriginal rights, including interim measures and the creation of co-management agreements. This right of consultation should be continuing, and should not be terminated when such agreements come into force.

Minimize adverse effects

One of the priorities for the labour movement is to try to work out means of implementing Aboriginal rights which minimize the adverse effects on existing workers, and to ensure that where there are such effects, the burden is shared equitably and is not all borne by one small group. This priority should also be accepted by governments.

If workers are to be displaced or adversely affected as a result of new arrangements with Aboriginal communities, for example the transfer of cutting rights or of fish quotas, they should be entitled to receive compensation for the same reasons that governments accept compensating third party property interests which are affected by Aboriginal claims settlements. This compensation could include one or several of adjustment assistance, cash payments, retraining, or measures to provide alternative jobs. The principle of compensation should apply to interim measures as well as treaty and land claims settlements, since one of the major reasons for interim measures is to allow Aboriginal communities to begin to benefit from agreements that would otherwise be delayed until an overall settlement was concluded.

Governments should make it clear that steps to minimize the adverse affects on workers, including compensation, are a part of the price to be paid by Canadian society in repairing past violations or neglect of Aboriginal rights, not a charge on Aboriginal communities.

Address successor rights

Currently, the transfer of government employees to a non-government organization or even to another level of government has the effect of breaking the continuity of their union rights. As already noted, governments should seek to ensure the continuity of collective agreements in negotiations with Aboriginal communities. They should develop legislated successor rights arrangements allowing for union certifications to be maintained in the event of employees providing a service to Aboriginal people being transferred from government employment to a non-government or Aboriginal organization.

6. Actions by employers

Employers have an important contribution to make in opening their work place to Aboriginal workers and in combatting racism and discrimination on the job. Working with unions and Aboriginal communities, they can also assist to minimize the adverse consequences on employees related to the implementation of Aboriginal rights.

Racism and bias can affect employee morale, productivity, and profits

Employers may feel an obligation of principle to contribute to a just and equitable society. But there are also practical reasons to consider action in these areas. Racism or bias against certain groups of workers can affect employee morale, productivity and profits. This can also occur if a plant or business is affected by interim measures or some other agreement with an Aboriginal community and

the existing workers, uneasy about their future, feel that their employer has little interest in their concerns. Employment equity programs can assist employers to tap new sources of capable workers, and to make better use of people already employed.

For the most part, the specific steps to be taken by employers involve cooperation and support for initiatives already suggested with respect to unions and governments. These include the provision of cross-cultural training and support for programs of Aboriginal awareness directed to employees and management and carried out during working hours; support and provision for on-the-job anti-racism training; and commitment from top management down to support employment equity programs, and not to tolerate racism or bias among supervisors, managers or employees.

Employers should be prepared to assist Aboriginal workers in forming an Aboriginal network or circle, and to assist unions in gaining access to their Aboriginal members for the same purpose. They should be open to flexible work arrangements

and to other innovative provisions in collective agreements to meet the special needs of Aboriginal workers, both in northern communities and in urban areas.

This report has identified a need for labour to take the initiative in pressing employers for effective action to increase their hiring of Aboriginal workers. Employers should be prepared to co-operate with such initiatives rather than fighting them off as an intrusion by their union into the hiring process. One mechanism, already used in some government departments, is the creation of joint employment equity committees involving labour and management.

Company executives should be prepared to meet with the leaders of Aboriginal communities to discuss issues of employment and economic development. Labour should be involved in these meetings and in any initiatives that flow from them. As a matter of principle, employers should avoid making agreements with Aboriginal communities that may affect employment without prior notice and consultation with their union where members of a bargaining unit are involved.

This report has identified the desire of labour to minimize the adverse effects on the existing work force of Aboriginal claims settlements and interim measures and the transfer of administrative programs to Aboriginal control. These are most likely to affect resource industries such as forestry, fishing and mining and government services primarily directed to Aboriginal people. Employers, both public and private, should also seek to minimize the effects on their existing work force when making arrangements that involve the transfer of jobs or resources to Aboriginal control. All parties - Aboriginal communities, employers, employees, and governments - will benefit if the transition to Aboriginal control takes place in a way that is seen by all to be fair.

***Everyone benefits if
transition to
Aboriginal control is
seen to be fair***

7. Actions by Aboriginal communities

The CLC policy in 1992 clearly records the Congress' acceptance of Aboriginal autonomy and the consequent right of Aboriginal communities to make their own decisions in all areas where they are self-determining. This is why the CLC does not feel that labour should insist that the recognition of labour and employment rights be made a precondition for Aboriginal self-government.

As this report has argued, however, labour believes that the rights of working people should be respected under Aboriginal governments, just as it believes they should be respected within Canada or in other countries. It believes that the labour movement should work together with Aboriginal organizations and communities to try and maintain this objective while supporting the realization of Aboriginal rights.

A major conclusion, from this report, is the need for greater cooperation and dialogue between the labour movement and the Aboriginal community, at all levels. Labour needs to reach out, but it would also hope for a positive response to initiatives directed to the Aboriginal community. This could include a willingness to consider cross-cultural training on the part of Aboriginal communities and organizations about unions and the labour movement, and providing assistance to unions to help them identify their Aboriginal members and to raise awareness about Aboriginal issues.

This report has identified a number of initiatives that unions should take to help open up employment opportunities for Aboriginal workers. These offer many opportunities for cooperation and the building of coalitions. The report also identifies areas where there are concerns among union members because of new arrangements providing greater Aboriginal control over resources and territory.

***Labour initiatives
should be accepted as
being made in good
faith***

Aboriginal communities should be prepared to accept initiatives coming from the labour movement, in such areas as employment equity for Aboriginal workers and raising Aboriginal awareness within the unions, as being made in good faith. They should also accept that the concerns of the labour movement for its existing members are

legitimate and be prepared to work with labour, with employers and with governments, to search for positive solutions for these concerns. This is not a matter of maintaining the status quo, but of trying to reduce and spread any disruption flowing from the transfer of resources or employment to Aboriginal control.

V. CONCLUSION

Poverty, injustice and inequality remain the daily reality of the First Peoples of Canada, 500 years after the first Europeans came to North America. Over that entire period, Aboriginal cultures have been under attack, Aboriginal social and political institutions have been suppressed, and Aboriginal peoples have been dispossessed from the lands and resources which they had used and occupied since time immemorial.

The CLC believes this must change. There must be a new relationship based on mutual respect and good faith, and founded on the recognition by all Canadians of the inherent rights of Aboriginal peoples, including the right to self-determination and self-government.

This report has dealt with the practical implications that may arise as this new relationship between Aboriginal and non-Aboriginal peoples comes into being. It

attempts to reconcile the labour movement's support for Aboriginal rights with a realistic understanding of labour's responsibility for its existing membership. It looks to a future in which there is greater dialogue and collaboration between the labour movement and Aboriginal peoples, and in which the role of Aboriginal people within their unions is enhanced. It also looks to a future in which Aboriginal people who live in urban areas or who wish to take part in the industrial economy no longer face the obstacles to their participation that exist today.

As the initial discussion paper noted, there are costs involved in achieving a just and equitable new relationship between Aboriginal and non-Aboriginal Canadians. Ways must be found to ensure that these costs are shared fairly by all Canadians so that no group or community has to carry an undue burden. Labour may have a special role to play in finding solutions because of its wide base of representation, its tradition of support for Aboriginal rights, and its experience with the negotiation process.

It will be a challenge for all Canadians to maintain public support for a new relationship while the transition to Aboriginal self-determination and self-government is taking place. Meeting that challenge will demand patience, realism, and commitment. Within the labour movement, it will require the involvement and active support of men and women at every level of the CLC and its affiliates.

Appendix A

UNIONS AND ABORIGINAL PEOPLE

Following are some examples of the involvement of labour federations and of individual unions with Aboriginal members and issues. As noted in the report, this overview provides a good sampling of labour activity but does not pretend to be comprehensive.

In addition to the activities described, a number of unions and locals have passed resolutions of support for Aboriginal rights or for Aboriginal communities facing particular injustices, such as the Lubicon Cree. At the time of the Oka crisis there was significant union support from outside Quebec for Mohawk rights and for people in the Mohawk communities. This included the sending of cash donations and food to the Mohawks involved in the confrontation with the Canadian armed forces at Oka.

I: Labour Federations

The British Columbia Federation of Labour has made extensive efforts to bring Aboriginal and labour concerns together and has made it a practice to invite Aboriginal representatives as keynote speakers and as observers at its biennial conventions. One member of its executive council, representing IWA-Canada, is Aboriginal, but there are no designated Aboriginal positions on the Federation executive or on its committees. In 1986, the B.C. Federation took the initiative in organizing a conference that brought together some 200 labour and Aboriginal leaders over a three-day period.

As noted in the main report, the BCFL and its affiliates have become accepted as stakeholders in the processes of consultation carried on by governments around treaty and land settlements, resource and environment issues, and individual treaty negotiations such as the Nisga'a claim. The Federation is also the only labour body in Canada to have a full-time staff person whose primary duty is to deal with Aboriginal issues.

The Alberta Federation of Labour has played a significant role in supporting the battle of the Lubicon Cree with the federal and provincial governments to become recognized as having Indian status, and to have a reserve on their traditional land. The AFL's efforts have included rallies, fundraising, appeals to members, letter writing, conferences, and invitations to Lubicon speakers at its conventions. The AFL's past president, Don Aitken, was a member of the non-partisan Lubicon Inquiry Commission set up at the instigation of the provincial NDP leader, Ray Martin.

Contacts between the AFL and Aboriginal groups in Alberta have otherwise been limited. In 1991, the Federation sponsored a conference at Fort McMurray at which

representatives of the AFL, the provincial NDP, and the NDP caucus met with First Nations representatives.

The Saskatchewan Federation of Labour also organized a conference on Aboriginal people and unions, in June of 1989. It has had some success working together with Aboriginal women's organizations, but less with the main status Indian group, the Federation of Saskatchewan Indian Nations. The SFL now has two Aboriginal people chairing standing committees which report to its convention, and intends to have voluntary self-identification of delegates at its next convention.

The Manitoba Federation of Labour's contacts with Aboriginal organizations go back to the 1970s, when the MFL co-operated with the Manitoba Assembly of Chiefs and the Manitoba Métis Federation through what was known as the 3M Committee. This committee fell into disuse, but cooperation was renewed in the spring of 1993 when the MFL worked together with Aboriginal groups to protest a provincial government decision to withdraw all funding for native friendship centres. The MFL were co-sponsors, along with the Manitoba Chiefs and the Canadian Council for Aboriginal Business, of a major conference on Aboriginal work force participation in Winnipeg, in the spring of 1993.

In March 1993, the Northwest Territories Federation of Labour sponsored a major conference on racism in Yellowknife, entitled "Working Together". One third of the 100 participants were Aboriginal and half were union members. The conference included cross-cultural workshops and training, and workshops explaining land claims which were particularly popular. In its resolutions, the conference cited the need for education about racism in the NWT and for educational material and videos to be available. It concluded that the NWT, now the only jurisdiction in Canada that lacks human rights legislation, should legislate in this field.

About 30% of the NWTFL's membership is Aboriginal. There are no designated Aboriginal seats on its executive council, but its membership of eight includes one Inuit and one Métis elected member. The NWTFL has recently decided to put together a simple pamphlet providing information sources and outlining the employment rights of workers, as a promotion and public service package for distribution in band offices and in Aboriginal settlement offices.

At the Ontario Federation of Labour, Aboriginal issues have generally been treated as part of the union's concerns with human rights and its fight against racism. The OFL has had intermittent contact with the Chiefs of Ontario and other Aboriginal organizations. This is beginning to change, however. The OFL now has an executive council member, Ethel LaValley of OPSEU, who is Aboriginal. At its June, 1993 meeting, the executive council of the OFL agreed to add an Aboriginal representative to the OFL Executive Council. This proposal is to be considered at the next OFL Convention in the fall of 1993.

II: Public Sector Unions

1. Public Service Alliance of Canada (PSAC)

The Public Service Alliance of Canada estimates that at least 6,000 of its 170,000 members are Aboriginal. About half of these work for the federal, territorial and local governments in the Northwest Territories and the Yukon. PSAC's activity with respect to Aboriginal members has taken place at the level of the Alliance itself and within several of its component unions, notably the Union of Northern Workers (UNW) in Yellowknife and the Canada Employment and Immigration Union (CEIU).

In the last three years, the Alliance itself has begun to devote increased attention to Aboriginal issues involving the union and its members. The 1991 PSAC Convention adopted a resolution extending official recognition to the Committee for the Advancement of Native Employment (CANE), a group in the Department of Indian Affairs that involves Aboriginal employees from a number of unions as well as some non-unionized workers. CANE has now expanded to include employees of other federal departments. The Alliance undertook to assist CANE in its efforts to improve the recruitment, retention and advancement of Aboriginal employees.

Early in 1992, two Aboriginal members were appointed to the PSAC Equal Opportunities Committee. Their initial task was to begin the process of developing a network of Aboriginal members in the union, and to consult within the union in developing a policy statement on Aboriginal workers.

This policy statement was adopted in principle by the PSAC National Board of Directors in 1993, and will be forwarded to the PSAC Triennial Convention in 1994 for final adoption. In it, the Alliance supports the right of Aboriginal peoples to self-determination and to a just settlement of treaty and land claims; endorses the concept of employment equity aimed at Aboriginal workers; and pledges to ensure that the union itself is fully accessible to all Aboriginal members and fully represents their interests.

The statement reiterates the Alliance commitment to the development of a strong network of Aboriginal members to advise the union. It undertakes that the Alliance will identify and then negotiate special contract provisions in consultation with its Aboriginal members, and promises that the Alliance will develop educational materials regarding race relations, cultural diversity and Aboriginal issues as part of its commitment to actively oppose racism in the work place and in the union.

2. Union of Northern Workers (UNW)

The UNW, a component union of PSAC with headquarters in Yellowknife, has negotiated a number of contract provisions designed to benefit Aboriginal workers. These include a more flexible deferred salary plan which, for example, would allow an Aboriginal worker to work for nine months at 75% of salary and take three months away from work, at the same rate of pay, to engage in activities that are important to their culture or tradition. Some UNW collective agreements are now being translated into Aboriginal languages.

The UNW has negotiated cash compensation for workers who take their holidays in the NWT, equivalent to the vacation travel assistance given to northern workers wishing to fly to southern Canada. This allows the worker to stay in their home community and pursue traditional activities. It has also won agreement in some contracts to allow workers to select designated paid holidays as an option to taking the standard statutory holidays. This is intended to allow workers to take time off for community events or for hunting.

In the past decade, the PSAC and the UNW have successfully organized more than 40 bargaining units in hamlets and housing associations across the NWT. These units were organized in response to the disparities in pay and working conditions between these work units and persons working for the territorial or federal governments. The communities involved are primarily Inuit or Dene and the 700 members in these bargaining units are predominantly Aboriginal. At present, the UNW has one table officer in its eight-member executive committee who is Inuit. One fifth of the delegates to its last convention were Aboriginal.

Union education courses are now being offered to UNW members in their first language where necessary. At its most recent convention, the UNW decided to survey its translation needs to determine the feasibility of a full translation program by 1996 in the seven official languages of the Northwest Territories, in addition to English and French. UNW has members in all of the NWT's language groups.

3. Canada Employment and Immigration Union (CEIU)

CEIU began to focus on its Aboriginal members in the mid-1980s, first with an Aboriginal members' conference for the Ontario region and then with a similar meeting nationally in 1987. Another Aboriginal members' conference was held in 1991.

In future, the union has decided that these conferences will take place every three years. Their activities will include the selection of two Aboriginal delegates to attend the union's convention. Similar provision has been made for other equity groups.

CEIU has also established a Human Rights Committee which includes one Aboriginal representative and which reports to the union's Executive Council.

Some 16 Aboriginal delegates and observers took part in the 1993 CEIU Convention in Winnipeg, out of 300 who attended. The conference included two Métis speakers. An Aboriginal caucus meeting took place at the last CEIU Convention and is expected to be a regular feature in the future.

The union is beginning to develop networks of Aboriginal members on a regional basis. This initiative is furthest advanced in British Columbia, where a regional network of Aboriginal CEIU members has made contacts across the province and has formed subcommittees to deal with union issues, work place issues, and the community political environment.

A particular concern for this group is the devolution of jobs related to the Pathways program from the Canada Employment and Immigration Commission (CEIC) to Aboriginal communities. Aboriginal people working as coordinators for this program within CEIC are torn between a desire to continue with this work by transferring from the federal government, and a concern about lower wages and working conditions if they work for an Aboriginal government. This problem is compounded by the limited resources being transferred to Aboriginal communities to pay for the task of coordination.

CEIU has taken part in joint employment equity consultations with the employer on a number of occasions, notably in Ontario, British Columbia and Saskatchewan. Some changes have resulted, such as the recognition of Aboriginal sacred days - without pay - and agreement to publicize contract provisions that may benefit Aboriginal workers. Efforts to have a bilingual bonus paid for CEIC employees speaking an Aboriginal language have been denied, even when that language is needed to serve Aboriginal clients.

4. Ontario Public Service Employees' Union (OPSEU)

During 1992-93, OPSEU organized the most extensive program of training in Aboriginal awareness ever held by a union in Canada, a series of eight Native Issues Seminars in which a total of some 350 union officers, local leaders and staff took part. The two-day seminars, which resulted from a convention decision in 1991, were held on First Nations reserves or in Aboriginal settings. Funding was provided by OPSEU and a grant from the Ontario government. Most of the participants from OPSEU were non-Aboriginal.

The aim of the seminars was to educate public employees about self-government negotiations and about Aboriginal issues, and to improve relations between OPSEU and Aboriginal peoples. Aboriginal leaders and experts, ministers and government officials took part in leading the seminars, which also included exposure to native

foods, ceremonies and culture, and participation by all those present in a talking circle to discuss what they had learned.

The response to the seminars was positive, both for its effect in increasing union members' understanding of Aboriginal issues, and in raising Aboriginal peoples' awareness of the union. The seminars also produced a number of recommendations, including the need for OPSEU to maintain links with native communities and to work with them in lobbying governments. Participants called on the union to make native issues a regular part of its educational program, and urged that OPSEU develop a native women's committee and a native network.

To date, the union has not decided what steps to take next. Two of the elected members of its executive council, Ethel LaValley and Len Hupet, are Aboriginal. OPSEU has more than 1,000 Aboriginal members, many located in northern Ontario, but is unable to identify these members because their status is kept confidential by the provincial government.

Considerable overlap exists between OPSEU membership and that of the Ontario Native Employment Equity Circle, a network set up in 1991 by Aboriginal employees within the provincial government, but the two organizations have tended to operate independently even though they deal with such common concerns as employment equity.

5. Manitoba Government Employees' Union (MGEU)

In Manitoba the MGEU recently embarked on a series of eight Aboriginal Round Tables in different parts of the province. These round tables are being conducted jointly by the MGEU president and the Aboriginal coordinator for the Manitoba Civil Service Commission (CSC). The Commission is assisting with funding and has arranged to mail invitations jointly with the MGEU to Aboriginal employees of the Manitoba government, who are identified from their personnel files. The meetings focus on problems Aboriginal employees experience in the work place, and on providing an overview of the union.

MGEU hopes to establish Aboriginal circles from among its membership in each region, drawing from the people who attend the round tables, to maintain a continuing Aboriginal presence within the union. Its activity in this area has been closely linked with initiatives by the Civil Service Commission. Besides participating in the round table, the Commission has assisted in providing cross-cultural training for MGEU staff representatives, elected directors, and members of committees.

The CSC has set up an Aboriginal Advisory Council, in which 9 of 10 members are Aboriginal, to act as an internal advocate on Aboriginal issues. This group prepared an extensive survey of problems relating to hiring, recruitment, and retention of Aboriginal employees in the civil service which is being used in the

MGEU round table discussions. Several members of this council have attended MGEU conventions, addressed delegates, and published articles in the union magazine.

MGEU is estimated to have about 900 Aboriginal members. Aboriginal people make up 5% of the Manitoba civil service compared to about 12% of the province's population.

6. Saskatchewan Government Employees' Union (SGEU)

SGEU has established a standing committee within the union known as the "Friends Against Indigenous Racism" or FAIR committee. It is made up of Indian and Métis members, and its purpose is to combat racism and harassment directed against Aboriginal people working in the public service, and in other workplaces that have SGEU members.

The union has taken a strong stand against racial and ethnic discrimination and sexual harassment. This has led to an agreement with the Saskatchewan government for mandatory education about discrimination, directed to all public service employees.

Concern has been rising within SGEU with respect to the devolution of provincial government services to non-government agencies or to Aboriginal governments. A recent example was an agreement between the province's Community and Social Services department and the Federation of Saskatchewan Indian Nations to transfer the administration of social services directed to Indians living off reserves. SGEU supports the Aboriginal community's right to self-government, and does not see this as being contradictory to its ability to ensure that workers' rights in this area are not eroded.

Two members of SGEU's executive council are Aboriginal.

7. British Columbia Government Employees' Union (BCGEU)

BCGEU has been actively involved in Aboriginal rights issues since 1985, when it took part in a major conference of union and Aboriginal leaders at Nanaimo organized by the B.C. Federation of Labour. Since then, BCGEU has developed working relations with the B.C. First Nations Summit, the United Native Nations and a number of tribal councils. It also participates in the B.C. treaty advisory process and in the B.C. Federation of Labour committee on treaty negotiations.

As in other provincial governments, Aboriginal union members and other Aboriginal employees have formed an Aboriginal Employees' Association within the British Columbia government, to further understanding of Aboriginal issues and to

encourage the employment of First Nations people in government. Both BCGEU and the provincial government have supported this initiative.

The union first became involved in organizing among Aboriginal employee groups in the early 1980s, when it was certified to represent employees of the Native Courtworkers' Association. Recently BCGEU assisted with the organizing of the Nisga'a Employees' Union, an autonomous local union which seeks to represent all Nisga'a workers in traditional Nisga'a territory. This union has been certified for Nisga'a Economic Enterprises, a tribally controlled corporation, and hopes to represent other employees working within the Nisga'a area.

8. Canadian Union of Public Employees (CUPE)

CUPE is Canada's largest union and represents a wide range of workers in local government, social services, health care, airlines and broadcast communications. Its activity with respect to Aboriginal people and the union is carried out at the national level as part of CUPE's human rights program.

Two Aboriginal union members sit on the union's Rainbow Committee, which has a total membership of 14. This committee's focus is on racism, discrimination and employment equity, but the Aboriginal members are also active in outreach to First Nations people and in establishing networks with Aboriginal communities.

As part of its anti-racism activity, CUPE is engaged in training union members who in turn will provide cross-cultural training within the union. In the summer of 1993, it took 18 people through this training including four Aboriginal members. The union recently included five workers of colour as part of a group of 14 members taking training to become CUPE staff representatives. In future, it intends to ensure that Aboriginal workers are also included in this program.

CUPE has offered a number of educational programs, mainly in western Canada, aimed at fighting racism and discrimination affecting Aboriginal people. It has recently commissioned native organizations to prepare cross-cultural training courses to be taught by Aboriginal people within the union.

CUPE has established human rights committees at the division level in most areas of Canada and has encouraged Aboriginal members to take part. The union's regional director in Saskatchewan is Aboriginal, and it has a number of other Aboriginal people on staff.

III: Private sector unions

1. United Steelworkers of America (USWA)

The Steelworkers have pioneered the development of contract provisions to meet the special needs of Aboriginal workers at two northern work sites, the Dona Lake Mine in Ontario and the Cameco uranium mine at Key Lake in Saskatchewan.

In the case of Dona Lake, the union was certified in 1989, two years after Placer Dome Inc. signed an agreement involving the Osnaburgh Band and the Windigo Tribal Council, to provide native workers with employment opportunities. Following certification, an arbitrator was required to settle the terms of the first contract.

The contract contained a number of provisions to provide preferential treatment to native workers in promotion, transfer, and special leave. It permitted native employees to take unpaid leave of up to three months a year to engage in traditional economic activities such as hunting and trapping, while continuing to accumulate seniority. These provisions followed proposals which were made by the USWA in negotiations and subsequently advanced before the arbitrator.

No special treatment was provided for Aboriginal workers in the contract with respect to layoffs, recall or hiring. An obligation to hire Aboriginal workers was included in the agreement involving the company, the band and the tribal council.

At Cameco, contract provisions have recently been agreed that provide new Aboriginal employees with priority over more senior non-Aboriginal workers in the event that layoffs take place. This priority only applies with respect to non-Aboriginal employees hired since the effective date of the new contract. It does not affect the seniority of employees who were hired before the new contract came into force.

The Steelworkers carried out an extensive review of the relationship between Aboriginal workers, the union and the employers at the two mines in an IPP project for the Royal Commission on Aboriginal Peoples. Since that study began, the Dona Lake mine was shut down.

2. Canadian Automobile Workers (CAW)

The CAW has established a close relationship with the Saugeen Ojibway Band, whose reserve adjoins the CAW Union Education Centre at Port Elgin, Ont. Although Aboriginal membership in the union is relatively small, the CAW has emphasized Aboriginal issues as part of its commitment to social justice. Among other initiatives, the union was directly involved in the dispute over the commercial fishing rights of the Saugeen Ojibway Band and was charged with violating a provincial government ban on purchasing fish from the band.

Aboriginal leaders and spokespersons are regularly invited to speak at CAW union conferences and educational seminars, including the union's Paid Educational Leave program. The union has offered support for the Saugeen band's land claim negotiations with the province, and has offered to assist in another land claim dispute, involving the Stony Point First Nation.

The CAW's 1993 Human Rights Conference at Port Elgin was entitled "Aboriginal Struggle and Union Solidarity" and focused almost entirely on Aboriginal issues, including Aboriginal women, self-government, social conditions and the Saugeen fishing dispute. There is no Aboriginal caucus within the CAW, but there are Aboriginal members in the CAW Council, which is the governing body of the union and meets three times a year.

3. United Fishermen and Allied Workers' Union (UFAWU)

UFAWU estimates that about 40% of the shoreworkers in its membership are Aboriginal along with about 10% of those working in fishing vessels. Aboriginal involvement in the union has been substantial throughout its history at all levels of leadership, including staff positions. Currently 6 of the 20 members of the union's General Executive Board are Aboriginal.

Since the 1950s, UFAWU has played an active role in supporting native land claims, and in initiating actions of support for Aboriginal rights within the CLC and the labour movement. Before the development of Aboriginal organizations and band councils in recent years, the union had an Indian Rights Committee, which lobbied for the settlement of native land claims and tried to resolve other problems relating to services for native communities.

4. IWA-Canada

IWA-Canada estimates that between 5 and 10% of its 43,000 members are Aboriginal. Three of the 30 members on its National Executive Board are Aboriginal. The union is heavily involved in British Columbia in consultations that involve future uses of the forest resource and Aboriginal treaty and land claims. It is represented in advisory bodies relating to the land-use strategy being developed by the B.C. Commission on Resources and Environment, and in the Treaty Negotiations Advisory Committee providing third-party input for treaty and land claims negotiations now underway in B.C. IWA-Canada is also a member of a Forest Sector Strategy Committee in B.C. which involves companies, unions, communities, environmental groups, and Aboriginal people.

Across British Columbia, where most of IWA-Canada's members are located, about 30% of the union's membership is now East Indian or Asian in origin. During the 1980s, the union became concerned about racism and launched an active

anti-racism program. This was primarily targeted at racism directed against Asian community members of the union.

A number of forest companies have entered into joint ventures or other agreements with Aboriginal communities in B.C., providing preferential treatment in hiring for Aboriginal workers. These arrangements have generally been made outside of IWA-Canada collective agreements.

5. Building trades

In the building trades, there have been two significant construction projects outside Quebec where Aboriginal employment was successfully encouraged in the early 1980s: the Limestone power development by Manitoba Hydro, and the Norman Wells pipeline in the Northwest Territories. The key elements in each case were political commitment, union cooperation, and - in the case of Limestone - special provisions for apprenticeship and pre-apprenticeship training for Aboriginal workers. A similar approach was taken by the AFL-CIO Building Trades Division in Alaska, with success, to ensure native participation in the building of the Alyesha Pipeline in the early 1980s.

One building trades union, the Ironworkers, has traditionally had a substantial Aboriginal membership - drawn in Canada mainly from Mohawk and other Iroquois communities. The union estimates that about 25% of its membership in Canada is Aboriginal. In the United States, about 10% of the Ironworkers' membership is native, and the union operates a year-round Native Training Centre in Chicago that prepares up to 100 native workers a year to take apprenticeships.

Preferential hiring clauses for Aboriginal workers or workers living in the immediate area of a project have been included in the umbrella union agreement for large projects, such as the Lloydminster Upgrader in Alberta and Saskatchewan, but have proved difficult to implement. On the other hand, some construction unions have taken an innovative approach to trying to develop more qualified Aboriginal workers. It is hard to generalize because these innovations tend to apply in a specific region, rather than throughout the union.

In British Columbia, the Carpenters' Union has made a practice of extending apprenticeships to Aboriginal workers employed by reserve-based construction companies owned by Indian bands, even though the companies are non-union. In north-eastern Ontario, the Labourers have developed an agreement with Ontario Hydro whereby 20% of the workers hired through the union for future Hydro projects in the region will be Aboriginal. Workers who join the union through this arrangement will have full union rights for future employment.

Appendix B

ABORIGINAL RIGHTS POLICY STATEMENT

In June of 1992, the Canadian Labour Congress unanimously adopted the following Aboriginal Rights Policy Statement at its 19th Constitutional Convention in Vancouver:

WE CAN DO IT: SUPPORT ABORIGINAL RIGHTS

- 1) On the eve of Canada's 125th anniversary and 500 years since Aboriginal Peoples discovered Columbus C poverty, inequality, environmental degradation and injustice remain the daily reality of the First Peoples of this land, and Canada has caused it to a large extent. In the midst of these acute national tensions, the Canadian Labour Congress reiterates its support for Aboriginal Peoples' rights.
- 2) Ever since the first Europeans set foot in the so-called "New World," Aboriginal cultures have been under attack. The Aboriginal Peoples were systematically taught to believe that their religions, their languages, their ways of raising children, their whole way of life should be discarded. Although the Aboriginal Peoples' enforced retreat has resulted in shocking casualties, they have refused to assimilate.
- 3) Clearly, the contemporary reality of Aboriginal Peoples is dire and can be understood in terms of the consequences of a process that has involved dispossession from, and physical colonization of Aboriginal lands and exploitation of their natural resources. Aboriginal social and political institutions have been suppressed and supplanted in varying degrees by legal and administrative systems imposed by the dominant state. Although these practices began in the age of European colonialism, they have been continued through the actions of successor states structurally indistinguishable from those of the colonial era.
- 4) As workers, we know that racism is a tool used by corporations and their governments to keep us divided so we cannot unite to fight for our right to a job with decent wages and conditions. Likewise, we know that racism is used to keep Aboriginal Peoples in conditions of abject poverty and deprivation as confirmed by the following census facts:
 - i) There are 164,000 Indigenous people on reserves (62%) who live on social assistance and 120,000 off-reserve (52%) who are estimated to receive social assistance.
 - ii) Census data shows Indigenous income to average little more than half (54%) of non-Indigenous income.

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- iii) Indigenous joblessness rates average nearly 70%.
 - iv) Federal expenditures on Indigenous Peoples' programs have declined in real dollars by 11% over the last five years while the Indigenous population has increased by 33%.
 - v) Indigenous infant mortality rates are more than double the Canadian rate (17.2 compared to 7.9 per 100 babies).
 - vi) Indigenous people make up 3% of the population and 10% of the jailed population.
 - vii) Functional illiteracy (those people with less than a grade nine education) for First Nations is 45%, or two-and-a-half times the Canadian rate of 17%.
 - viii) The Indigenous suicide rate is three times the national rate. For young people aged 17 to 24, the rate is seven times higher.
- 5) It was not always this way. In spite of the fact that Aboriginal resistance has existed since first colonization, general concern about Aboriginal issues in Canada is a relatively recent national phenomenon.
 - 6) The concept of power-sharing is an important one and critical to a just resolution of the grave problems confronting Aboriginal Peoples. It is clear, however, that the starting point for discussions about power-sharing arrangements must be mutual respect and good faith. We have witnessed all too clearly that this has not been the case in Canada.
 - 7) Like their sisters and brothers around the world, the Aboriginal Peoples living in Canada have suffered centuries of ethnocide and dispossession. The Canadian government, in common with others, may have changed the terminology from "assimilation and integration" to "consultation and participation," but the process remains unaltered. Governments continue to violate their legal and moral obligations to the Aboriginal Peoples.
 - 8) The Aboriginal Peoples of this land are engaged in a struggle for restoration of their sovereign rights and an end to the colonial oppression which they endure. The Canadian Labour Congress expresses its solidarity in their struggle.
 - 9) In 1980, the Canadian Labour Congress refrained from taking a formal position on the Constitutional issue, however, because of the unique and special position which Aboriginal Peoples must have in this country, our position was as follows:

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- i) Though the solemn treaties, guarantees and promises left much to be desired in being honoured, they at least provided hope as well as a basis for advancing just claims for fulfilment.
 - ii) Now that Canada's constitutional arrangements are about to be substantially altered, Aboriginal Peoples are understandably alarmed at the prospect that they might lose even the limited rights they were promised by the Crown and by the governments composed of other Canadians admitted into their homeland.
 - iii) The CLC shares the sense of alarm of Aboriginal Peoples at this very real prospect. We believe that Canadians and their various governments have a special obligation at this time to ensure that the Aboriginal and treaty rights are reaffirmed, secured and honoured in full.
 - iv) The CLC, therefore, calls upon the Governor-General, the Prime Minister and his government, as well as the Joint House-Senate Committee on the Constitution, to act promptly and effectively to ensure the entrenchment of Aboriginal and treaty rights in the revised Constitution, and also on the right of Aboriginal Peoples to be fully and meaningfully involved in the process of constitutional change.
 - v) We also call upon provincial governments to promptly affirm their full support for these just claims of Aboriginal Peoples; and, within the limits of their powers, to put these rights into practice.

10) Today our position has not changed; we still maintain our support of the Aboriginal Peoples on constitutional matters.

11. The Canadian Labour Congress, therefore, calls on the Government of Canada:

- a) to recognize the rights of the Aboriginal Peoples to self-determination as guaranteed under international law.
- b) to ensure that these rights are recognized for all Aboriginal Peoples whether they have chosen to participate in the constitutional process or not.
- c) to acknowledge that negotiations regarding land claims or self-government cannot be considered to be "in good faith" or as just, until the inherent sovereign rights of the Aboriginal Peoples are first recognized and respected.
- d) to respect treaties with Aboriginal Nations on the same basis as Canada's other International Treaty Obligation.

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- e) to recognize that the right to self-determination must include jurisdiction over lands and resources.
 - f) to have a provision in the Constitutional Act which assures the Aboriginal Peoples that no amendments affecting their rights can be made without their consent.
12. Furthermore, the CLC has to look at other kinds of support we can give in the future to Aboriginal sisters and brothers. Historically, the CLC has always been in the forefront in supporting the Aboriginal Peoples of Canada. Our resolutions and our 1974 policy statement show our commitment to the Aboriginal Peoples. Recent events have resulted in a new political consciousness, in political and moral terms. To fulfill this, we have to be willing to expand our means of support.
13. To progress toward this goal, the labour movement, CLC affiliates, unions, locals, federations of labour and labour councils should be involved around the following points:
- i) To press governments to recognize the rights of the Aboriginal Peoples;
 - ii) Where they agree, to organize meetings between Officers, Executive Committees and Councils, representatives, members and different Aboriginal communities, to be held on their lands, in order that we would have a better understanding of the real issues in the daily life of the people;
 - iii) The labour movement and the Aboriginal Peoples must have a mechanism in place for settling disputes that arise between them;
 - iv) To promote Employment Equity programs to facilitate the entry of Aboriginal people into the workforce.
14. The CLC belief is, and always has been, that we do not speak on behalf of Aboriginal Peoples. The CLC believes that every people, or nation, must speak for itself or in agreed conjunction with each other. We are, therefore, here to provide support and solidarity for Aboriginal Peoples' struggle.
15. As Canadian people, we cannot accept that our state continue its colonial domination of the Aboriginal Peoples.

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16. We must stop believing that our economic choices, our priorities for development, our interests, our institutions and our values are necessarily the best and that they must dominate when they come into conflict with the culture, way of life, values, institutions and development of Aboriginal Nations.
 17. Aboriginal Peoples enter into negotiations acutely aware that the recent past has been desperate, the present seems hopeless, and the future looks bleak. The CLC has a particular obligation to help to redress basic injustices which still constitute the reality of the Aboriginal Peoples.

WE CAN DO IT C provide support and solidarity to Aboriginal Peoples.