



IFECCC Quarterly Meeting, April 23, 2025

SERLO, bias and barriers, and Indigenous Inclusion

Andrew Pawluch, Analyst, Treasury Board of Canada Secretariat

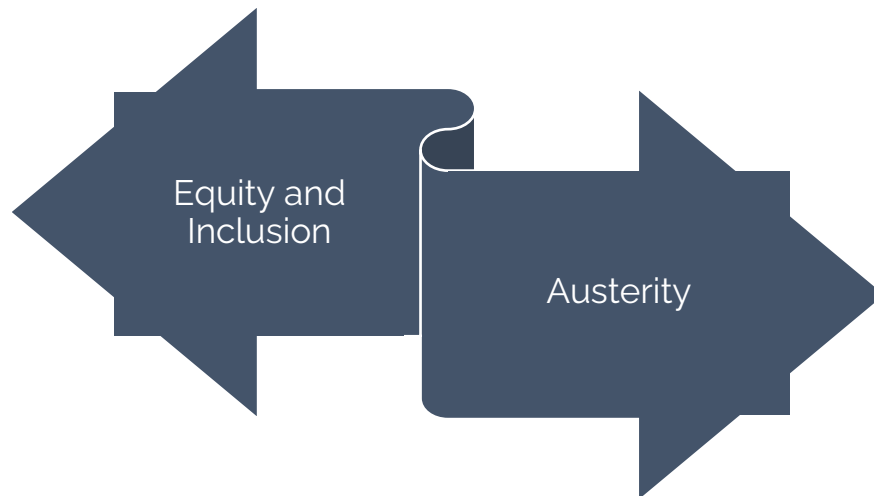
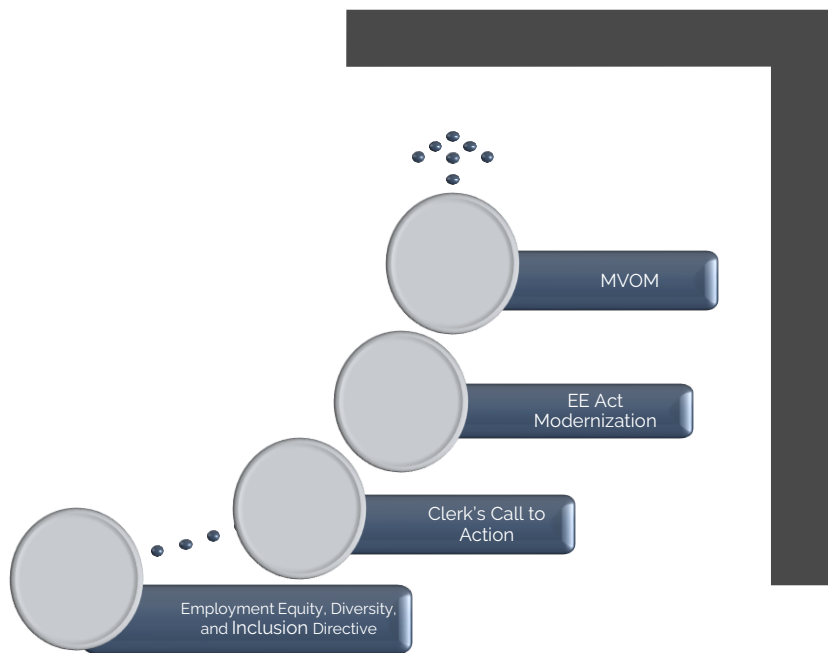
Carolyn Laude, Director of Strategic Policy and Research,
Knowledge Circle for Indigenous Inclusion



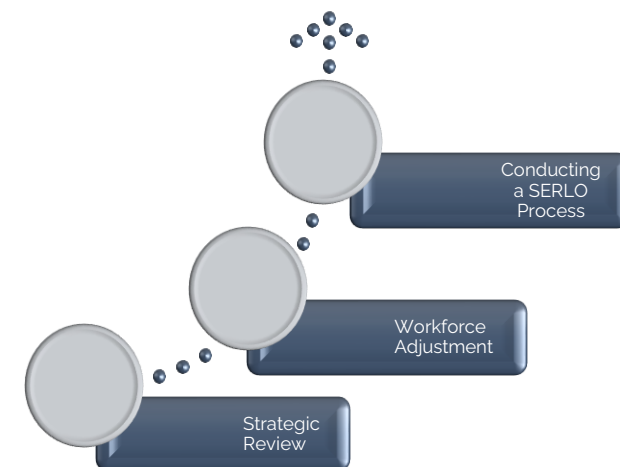
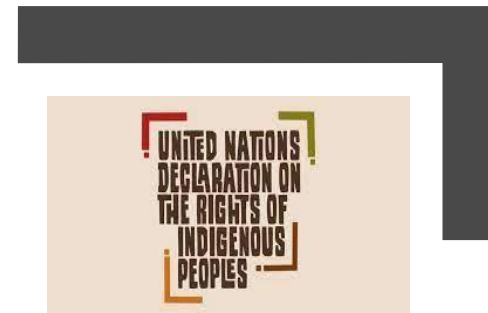
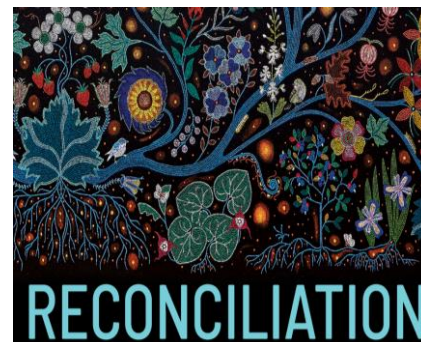
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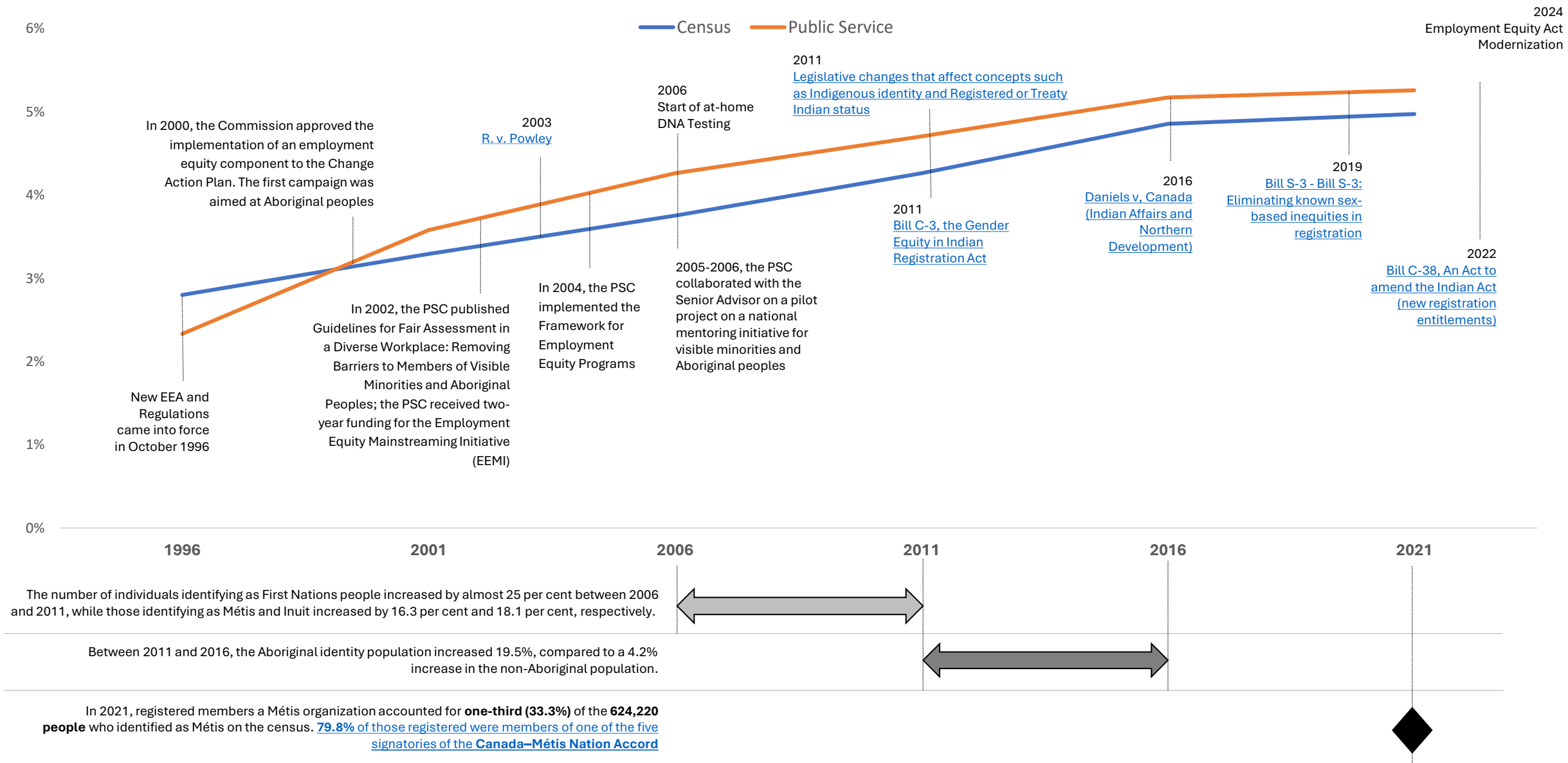
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Finding Balance: Current State of Play



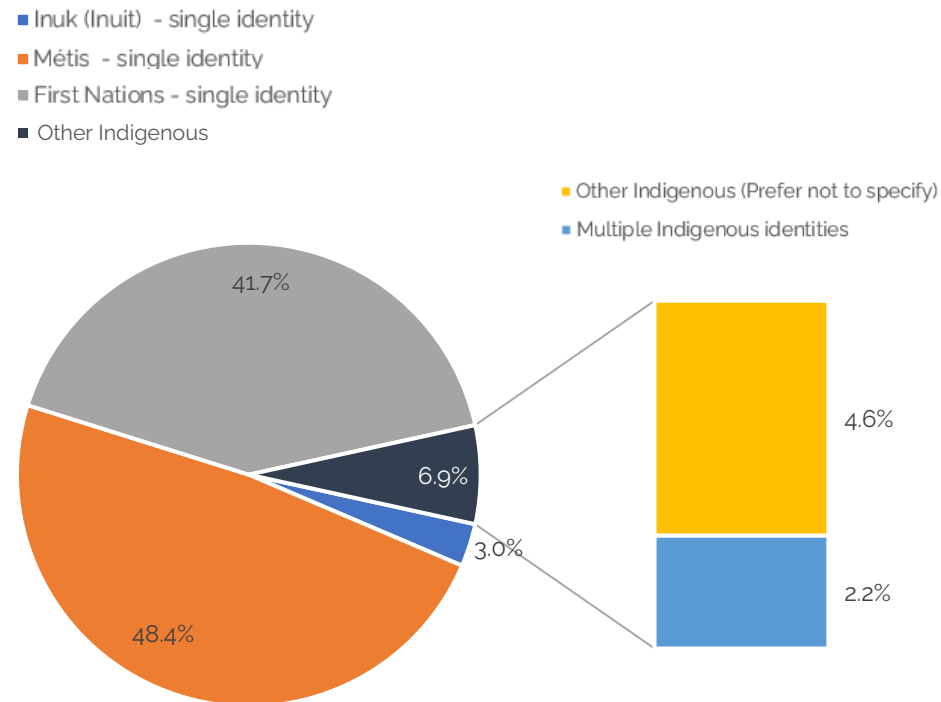
Indigenous Representation in the Public Service vs Census



Indigenous Identity

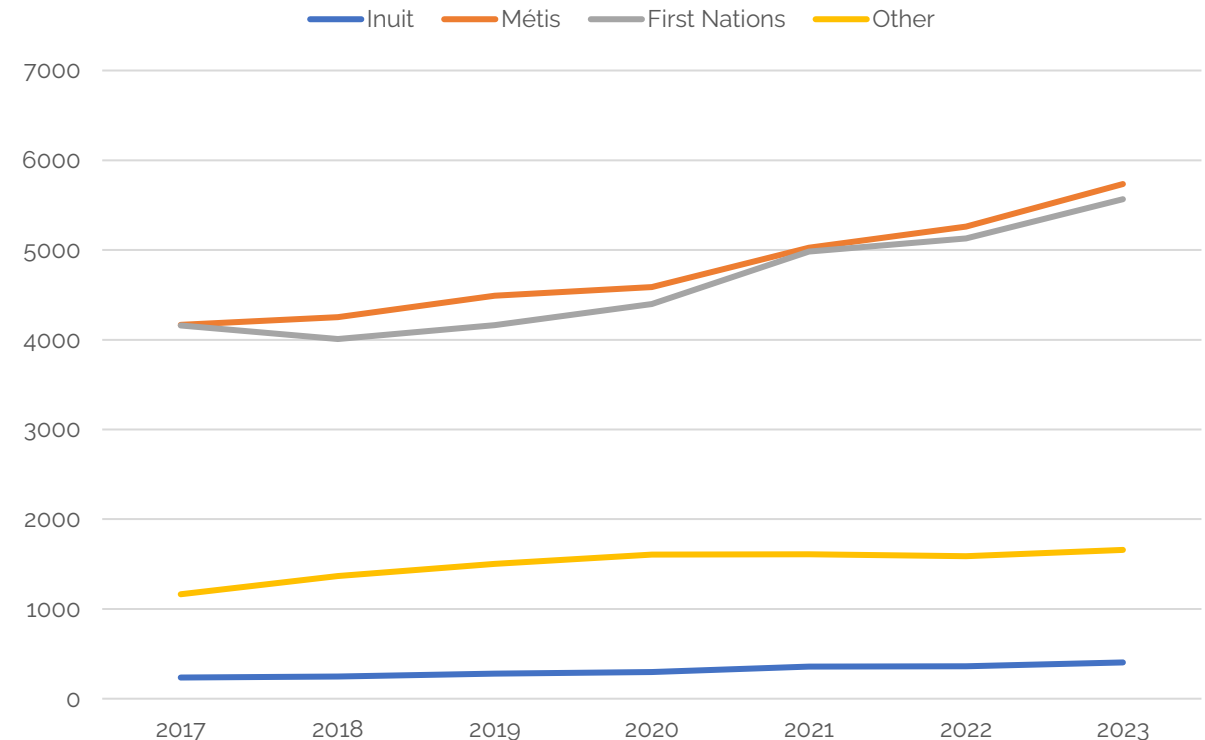
Key Message: Breakdown of 'Other' from 2022 PSES suggests the high proportion of 'Other' in EE ID data (12.4% across PS in 2023) is not fully explained by the inclusion of multiple identities, requiring further examination to avoid the risk of category error.

2022 Public Service Employee Survey



Source: Statistics Canada, PSES, 2022

Indigenous Representation in the FPS 2017-2023



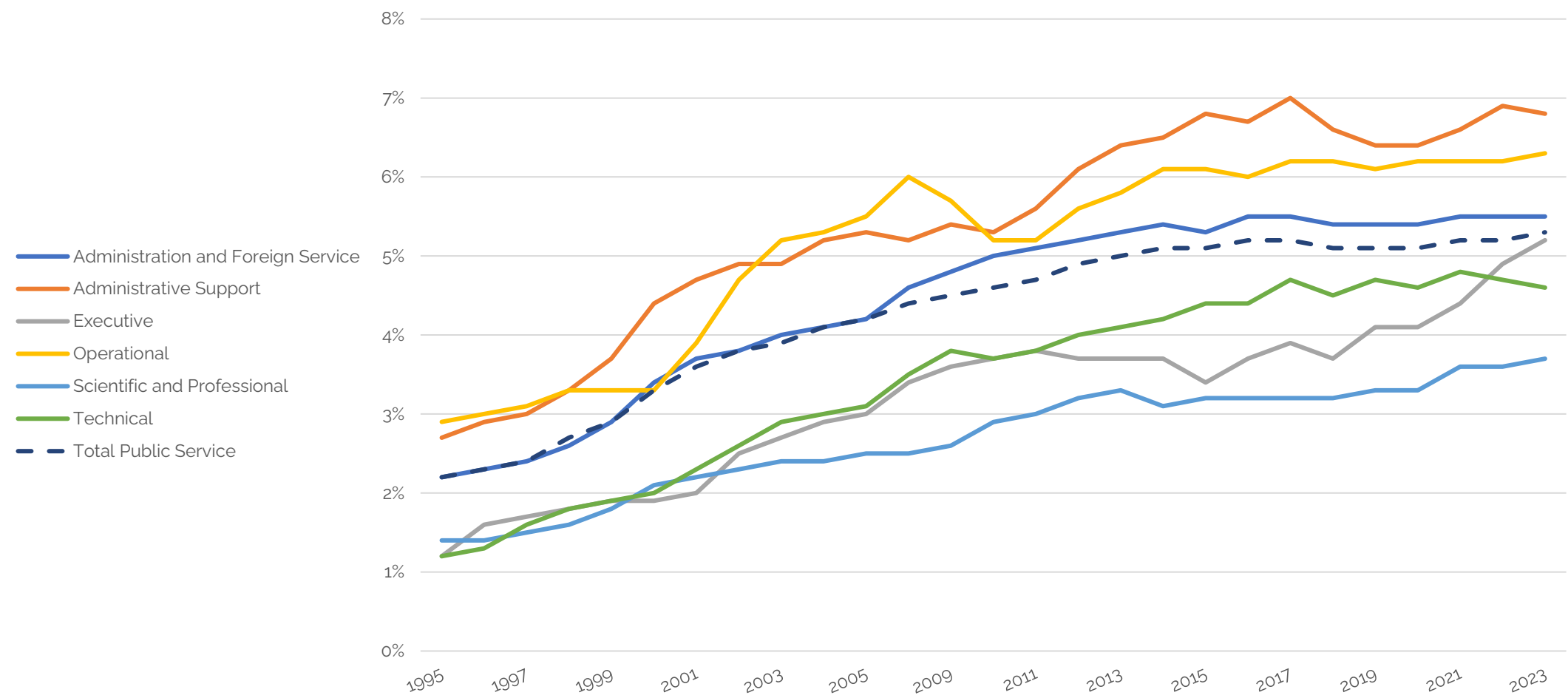
Source: [Diversity and inclusion statistics - Canada.ca](https://diversityandinclusionstatistics.ca)

Data Annex

[Differences across data sources](#)
[Indigenous Ancestry & Identity Comparison](#), [Estimating Indigenous Ancestry-Identity Gap in FPS](#)
[2022 PSES: Unpacking the 'Other' Category](#)
[2023 Indigenous Subgroup: By Department, By Occupation, By Region](#)

Indigenous Representation in Core Public Service

Distribution of Indigenous public service of Canada employees by occupational category



Source: [Employment equity in the public service, annual report](#)

Cultural Responsiveness Around Bias and Barriers

For the purposes of PSEA subsection 2(5):

- Bias is any belief or assumption that results in behaviour or decisions that exclude or hinder the full and equal participation, including the equitable treatment, of those persons.
- Barrier is anything that excludes or hinders the full and equal participation, including the equitable treatment, of those persons. "Anything" includes any physical, architectural, technological or attitudinal obstacles, policies, practices, systems or procedures.

Traditionally, SERLO assessments have followed a one-size-fits-all approach, treating all employees the same in the name of fairness.

Current assessment methods reflect mainstream cultural values, overlooking other cultural perspectives.

Important to recognize that HR policies and practices often lack a consistent focus that includes anti-Indigenous racism and the Declaration.

Standardized assessment methods can harm equity-deserving groups and reinforce systemic racism.

Assessment methods that ignore substantive equality and Indigenous inclusion can accidentally make existing structural barriers worse.

How evaluators assess for bias and barriers can vary depending on their own perspectives and lived experiences.

Even well-intentioned evaluations of bias and barriers can promote inequality if their design lacks culturally intelligent thinking.

**Allows us to see the possibilities
beyond one-right way**



The "social, economic, and political systems of Canada and other countries are rooted in dominant norms, values, and ideologies" (Hughes 2020, legal scholar).

This scenario sets the conditions for one lifeworld to dominate another.

Striking a Balance



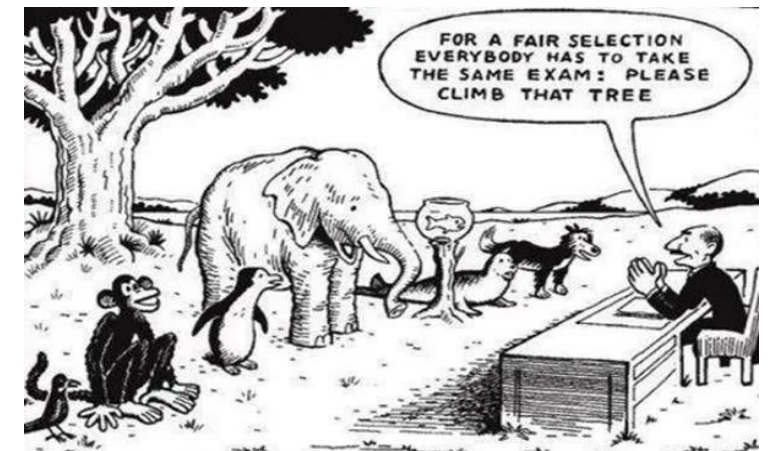
SERLO Requirements - PSER 22 (2)

- Employees must meet all core qualifications set by managers for the role, including language requirements, to keep their positions.
- Additional asset qualifications may include other qualifications, requirements, needs, and employment equity goals to improve representation, as well as current or future operational requirements.

Selection of Assessment Methods - PSER 22 (4 & 6)

- Some flexibility exists, and managers may use any assessment method that they consider appropriate.
- **Managers should be:**
- Culturally responsive in their approach to soft skill assessment, they should consider an employees' intersectionality, and cultural backgrounds, values, lived experiences, in addition to the factors that shape their behavior and communication styles.
- Aware of systemic barriers that Indigenous public servants' encounter/have encountered in the federal system - e.g., official languages, hiring processes (like interviews or written exams).
- Committed to carefully consider how they will measure success and failure when selecting assessment methods if fairness is the goal.

To serve Canadians well, the public service must be based on the values of merit and non-partisanship, be representative of Canada's diversity and consist of people "drawn from across the country, reflect[ing] a myriad of backgrounds, skills and professions" and "embod[y] linguistic duality and [...] fair, transparent employment practices."
– 2003 PSEA Preamble



Meritocracy versus Equity

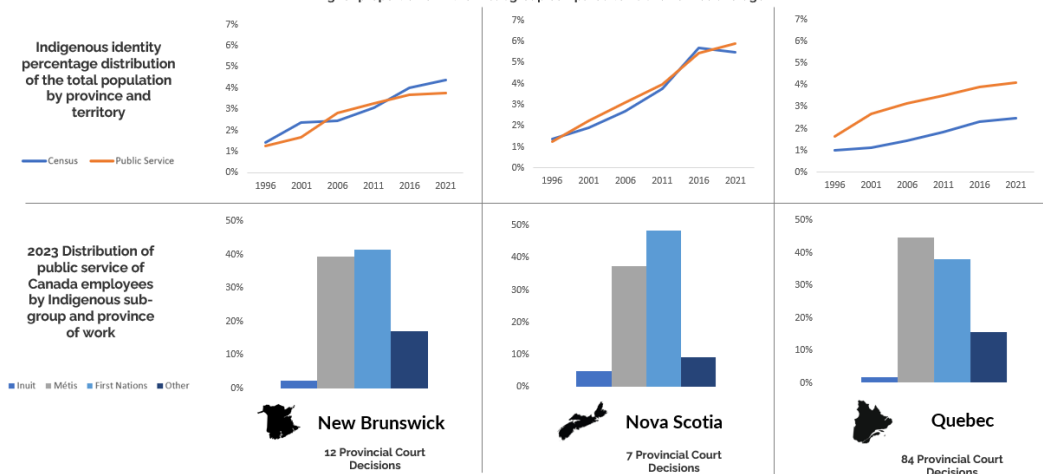
Scenario 1

No Recognition of Intersect Between OL and Self-ID and Indigenous Identity

Indigenous federal employees have diverse legal statuses and identities. Some are Treaty rights-holders, while others hold constitutional rights under section 35, but aren't treaty peoples. Their self-identification and identity status may stem from an individual's perception of their treaty rights or ancestry, or other forms of Indigenous rights-holding.

Indigenous Representation by Select Regions*

*These are exceptional regions for two reasons: 1. The Courts have not recognized Historic Métis communities under the Powley test; and 2. Higher proportion of 'Other' subgroup compared to Public Service average



Sources: [Census of Population](#), [Previous censuses](#), [Employment equity in the public service, annual report](#)

2022 PS ES: Over one-third of the Other Indigenous group (37.1%) spoke French as their first official language – a higher percentage than all other groups

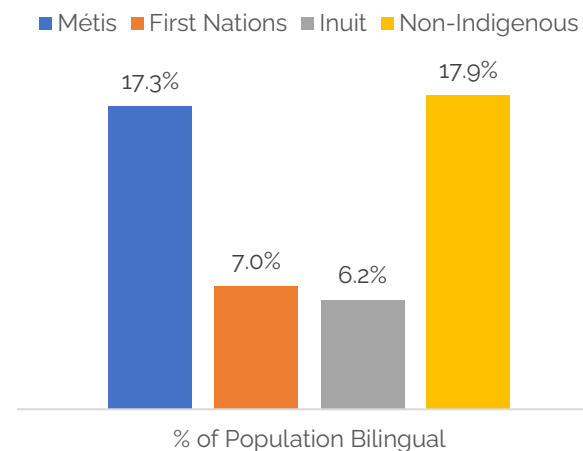
Current misrepresentation of Indigenous representation rates (thought to be partially those who falsely claim Indigenous identity or misinterpret the meaning of Métis with mixed-blood or conflate ancestry with Indigenous identity).

EE Act Modernization Recommendations

3.6: Issue of Indigenous self-identification should be the subject of an urgent process of consultation within the meaning of the Canadian constitution and the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

Consideration 1: SERLO assessments should incorporate relationality, intersectionality, and distinctions-based approaches to honor the unique histories, rights, and identities of Indigenous Peoples - including their constitutional and treaty rights.

Indigenous Employees Are Less Likely To Be Bilingual



Internal statistics indicate that the Indigenous public servants are at a disadvantage in terms of Official Languages policies, practices, and guidelines, as First Nations and Inuit but not Métis employees were much less likely to be bilingual.

Data Annex
[Indigenous Identity Definitions](#)
[Problem of Self-Identification](#)
[Adding Data to the Story](#)

Scenario 2

Is everyone starting from a level playing field?

Key Message: Evidence of inequity raises questions about meritocracy, objectivity, and bias in our ability to identify systemic barriers.

Commitment to equal opportunities and equitable participation

% Over/under representation of positions by language requirement and employment equity group¹²

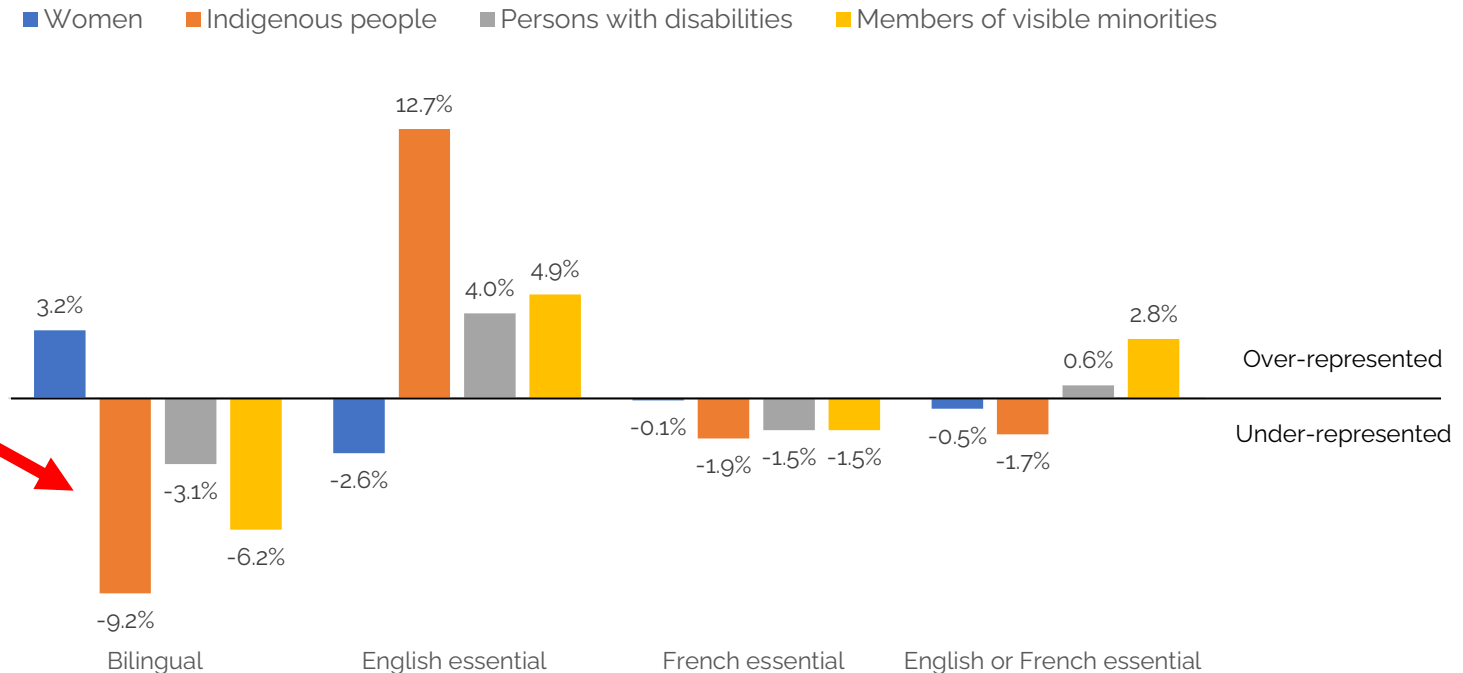
Public Service Commission

"Promoting and safeguarding a **merit-based, representative and non-partisan** public service that serves all Canadians, in collaboration with stakeholders."

Consideration 1:

How are we going to **identify equitable points of departure?**

Is PSEA section 31(3) enough or must we do more?



Data Annex

[Official-language Bilingualism](#)

[What's the emerging picture for Indigenous employees?](#)

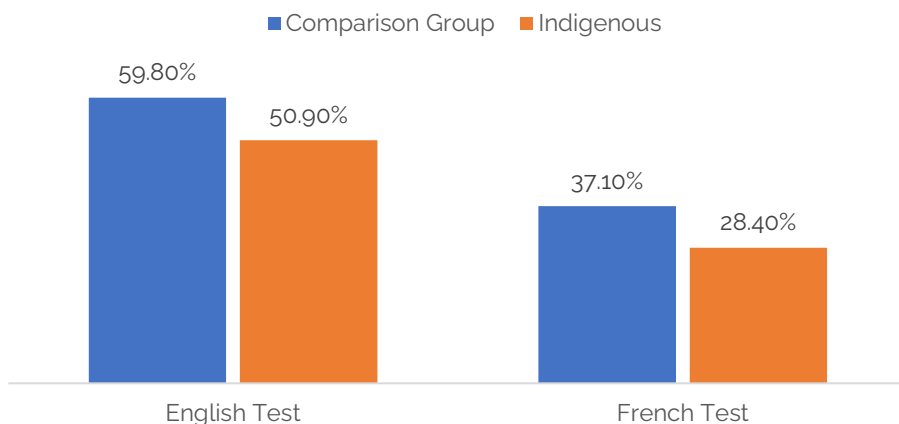
Scenario 3

When is standardized proficiency testing discriminatory?

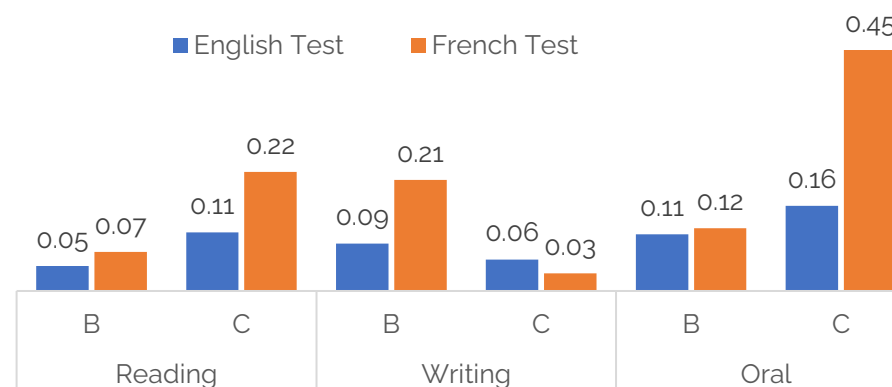
Key Message: SLE testing results raise questions about methodological bias

Substantive Inequality in SLE Testing

What do we do when passing Level C Oral tests is objectively more difficult for Indigenous employees?



How much more difficult is trying to pass proficiency tests for Indigenous employees?



**Anecdotal story of Indigenous employee failing Oral C 19 times before giving up*

Assessment of official languages:

SLE results are deemed to be valid for an indefinite period while the employee remains in their substantive position and the linguistic profile has not been raised above the employee's skill level.

If the employee's most recent SLE test results do not meet the official language proficiency requirements of their substantive position, **they must undertake another SLE test to demonstrate they meet the requirements** – HRC SERLO Presentation

Consideration 1: Are we asking the right policy questions to solve the known problems? Have we done the necessary due diligence to support OL policymaking efforts concerning Indigenous employees, anglophone and francophone, including understanding the data/evidence of the distinctions-based groupings?.

Technical Skills

Review past work and hiring processes—such as interviews and exams—for biases, then, take steps to remove or reduce them.

2023 Staffing and Non-Partisanship Survey Results

Table 4. Share of respondents reporting having faced biases or barriers in the staffing process, by employment equity group and comparator group

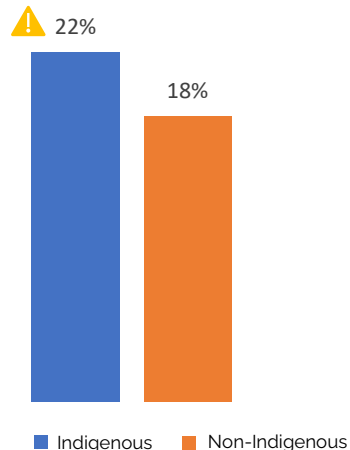
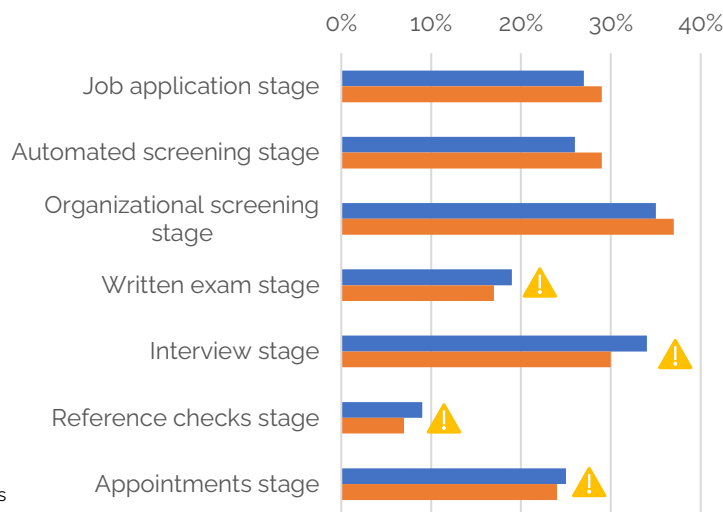


Table 5: Share of respondents who perceived biases and barriers at different stages of advertised hiring processes, by employment equity group



While Indigenous Peoples reported similar levels of bias throughout the staffing process as non-Indigenous Peoples, their experiences varied by stage. They encountered fewer barriers during initial steps like job applications and screenings but faced more challenges during interviews.

According to Indigenous Navigators, the biggest challenges facing Indigenous employees are career advancement (94%), followed by recruitment and retention (both at 75.8%). – 2023/24 ICNP Report

Out of 49 departments only 5% reviewed assessment processes to see if Indigenous candidates succeeded at the same rate as non-Indigenous candidates – 2020/21 MVOM Heatmap

Consideration 1: Indigenous candidates face unique challenges during interviews, partly due to evaluators' knowledge gaps about First Nations, Inuit, and Métis cultures. SERLO assessments must recognize the diverse worldviews, values, and experiences of Indigenous peoples to ensure fair evaluation and better outcomes.

Consideration 2: To fairly assess Indigenous candidates in SERLO evaluations:

- examine our own cultural assumptions
- understand how traditional interview processes may help or hinder Indigenous participants.
- assessors need cultural competency, empathy, and a deep understanding of Indigenous identities across social, legal, and regional contexts - including urban Indigenous experiences.

Scenario 5

Soft Skills (interpersonal skills)

Use structured reference checks and observed behaviors



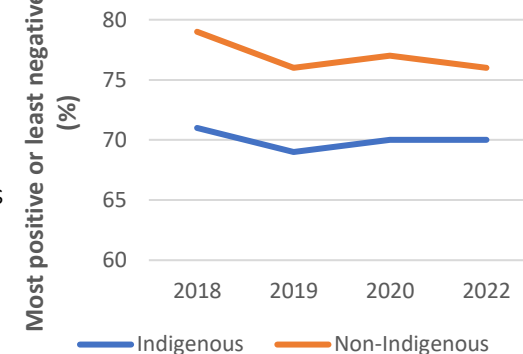
- Cultural differences between Indigenous and workplace practices can often lead to misunderstandings. For example:
 - What might appear as lack of engagement—such as a quiet employee asking few questions—may reflect Indigenous values of showing respect to authority figures.
 - Similarly, Indigenous approaches to time management and work pacing may differ from conventional workplace expectations.
 - Some Indigenous employees move easily between traditional and mainstream workplace cultures. Others might struggle when work rules don't match their cultural values.
- Instead of seeing these cultural approaches as problems, workplaces need to recognize them as equally valid ways of working.
- When evaluating employee performance, managers **often miss something important: workplace trauma can affect how people act and work.**
 - Someone dealing with harassment or discrimination might keep doing their job well but get labeled as "difficult" for reporting problems.
 - Or their trauma responses might be mistaken for poor performance.
 - Sometimes, ongoing workplace issues can make their work suffer. Instead of just looking at productivity metrics, managers need to understand these patterns and what's really causing them (McKay & Fratzl 2011; Rubin & Thomlinson 2006).

Consideration 1: Move beyond expecting Inuit and First Nation and Métis employees to conform to mainstream work cultures. Each group has unique contexts, histories, and experiences that shape their workplace needs.

Consideration 2: When evaluating Indigenous employees fairly, we need to consider both traditional values and city life experiences:

- Did the employee receive regular feedback on their work?
- Were they given help when needed? Were Indigenous supports available, like talking with Elders or other Indigenous coworkers?
- Did the workplace respect and make room for traditional knowledge?

Question 46. I think that my department or agency respects individual differences (e.g., culture, work styles, ideas, abilities).



Consideration 3: To ensure fairness, SERLO evaluations must consider the full range of employee experiences - especially those of Indigenous employees - rather than relying on a single, potentially biased perspective.

Data Justice: Disaggregated Analysis

A data justice perspective strengthens the SERLO approach by revealing hidden biases and barriers in evaluation processes

The 2023 Auditor General Report revealed significant gaps in addressing workplace inequities. Most departments failed to:

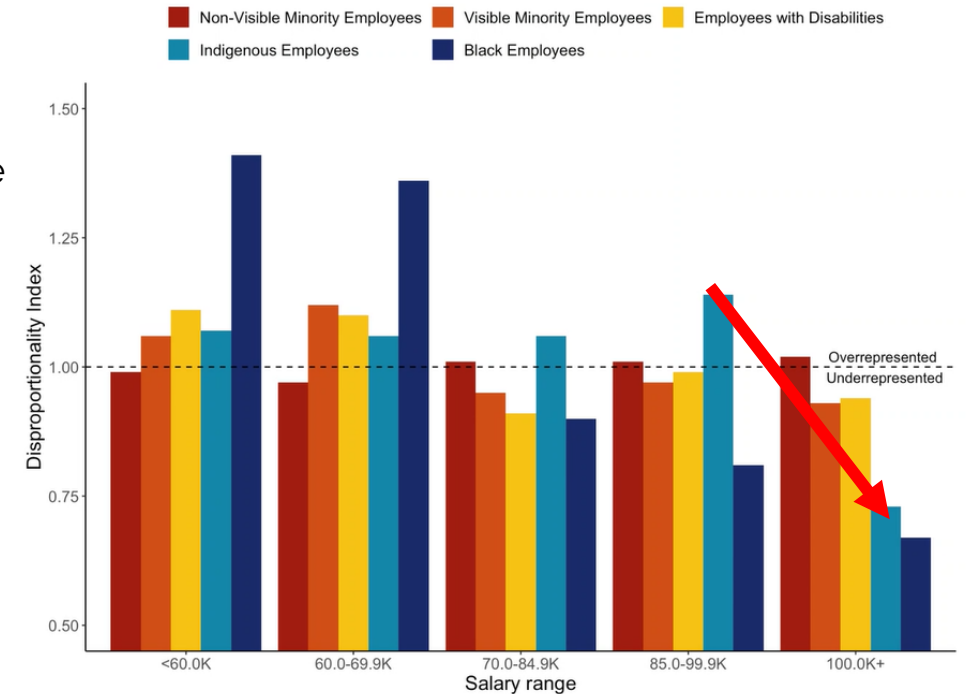
- Analyze performance ratings and tenure rates of racialized employees
- Review disaggregated data on representation, promotion, and retention
- Study complaint patterns about racist behavior and power imbalances
- Achieve meaningful progress in removing barriers

This lack of thorough data analysis has hindered improvements to complaint processes and workplace equity. Notably, racialized employees expressed doubt about their organizations' genuine commitment to equity, diversity, and inclusion, with many stating that meaningful change remained elusive (OAG 2023).

Consideration 1: Federal organizations often lack crucial insights into racialized employees' experiences due to insufficient data analysis and qualitative research. To effectively identify biases and barriers, the SERLO assessment must:

- Bridge existing data and analysis gaps
- Compare multiple data sources to reveal patterns
- Recognize Indigenous employees face systemic biases at all organizational levels

This comprehensive approach will help uncover previously overlooked barriers and enable more effective solutions.



Consideration 2: To conduct fair SERLO assessments, evaluators must:

- Study workplace health indicators in EE and PSES data, including productivity trends, morale levels, attendance patterns, and staff turnover
- Complete training on anti-Indigenous racism, trauma-informed approaches, and GBA+ analysis
- Consider both measurable performance metrics and systemic workplace barriers when making assessments

What more do we need to think about?



- No statutory obligation to ensure consistency with the Declaration for initiatives that are not legislative or regulatory; **however, Canada is committed to taking effective measures, including policy and administrative measures,**
- For example:
 - Consultation and cooperation with Indigenous peoples is recommended for policy, programmatic, administrative or other initiatives that intersect with the Declaration.
 - Undertake analysis to demonstrate consistency with the Declaration from strategic planning, to policy, program and legislative development, to implementation, evaluation and reporting,
 - Analyze, document and take into account any inconsistency that was identified, and what has been mitigated.
 - Apply an intersectional lens to support the consistency analysis.
 - Disaggregated data and information about the realities of the diverse Indigenous peoples of Canada is required.

Article 17

Indigenous individuals and peoples have the right to:

1. enjoy fully **all rights established under applicable international and domestic labour law**...
3. not to be subjected to any **discriminatory conditions of labour** and, inter alia, employment or salary.

Article 21

1. ...the **improvement of their economic and social conditions**, including, ...education, employment, vocational training and retraining...
2. States shall **take effective measures and...special measures to ensure continuing improvement of their economic and social conditions**. Particular attention shall be paid to the rights and special needs of ...women, youth... and persons with disabilities

Guide for Officials on How to Assess Consistency with the UN Declaration:

English: https://www.gcpcedia.gc.ca/gcwiki/images/8/8d/Guide_EN_internal.pdf

French: https://www.gcpcedia.gc.ca/gcwiki/images/8/81/Guide_FR_internal.pdf

Data Annex

[UN Declaration Act: Consultation and Cooperation Legal Decisions on the Declaration](#)

Data Annex

Navigating Intersectional Crossroads

Key Message: Going beyond GBA+, intersectional inquiry demands data discovery grounded in Indigenous lived experience and horizontal policy coverage

[Many Voices One Mind Action Plan \(MVOM Action Plan\)](#) seeks to **reduce and remove barriers to Indigenous federal employee employment**.

How? Through actions that:

- **Identify positions** where use is recognized as a second required language..
- Create opportunities to use and **be valued for using indigenous language**,
- Compensate Indigenous language users in positions where Indigenous language use is required or an asset .



ILA, TRC & UNDA/UNDRIP

Now and in the future, working with First Nations, Inuit, and Métis to implement the Act will:

- Ensure that **federal laws, policies, programs, and initiatives are aligned with the rights** set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

MVOM

Reconciliation

EEA Reforms

Clerk's Call to Action

We must take action to :

- Encourage and support the voices that have long been marginalized in our organizations.
- **Create opportunities** where they have long been absent.
- Take direct, practical **actions to invoke change**.

OLA Modernization

Canadians are also aware of the need to **support First Nations, Métis and Inuit** in their efforts to reclaim, revitalize, maintain and strengthen Indigenous languages

- Reform of official languages has been very clear on this point: **None of the measures taken to support our official languages are to interfere with these revitalization efforts.**

[Action Plan for Official Languages 2023-2028: Protection-Promotion-Collaboration - Canada.ca](#)

Recommendation 1.1: "The purpose of this Act is to achieve and sustain substantive equality in the workplace ... in the fulfilment of that goal, to:

- **Correct the conditions of disadvantage**...experienced by employment equity group members.
- Give effect to the principle that employment equity means more than treating persons in the same way but also **requires barrier removal including special measures**.
- Support the implementation of Canada's international human rights commitments to substantive equality and meaningful consultations in the world of work, **including in the United Nations Declaration on the Rights of Indigenous Peoples**, and
- Foster equitable inclusion and sustainable economic growth, full and productive employment and decent work for all"

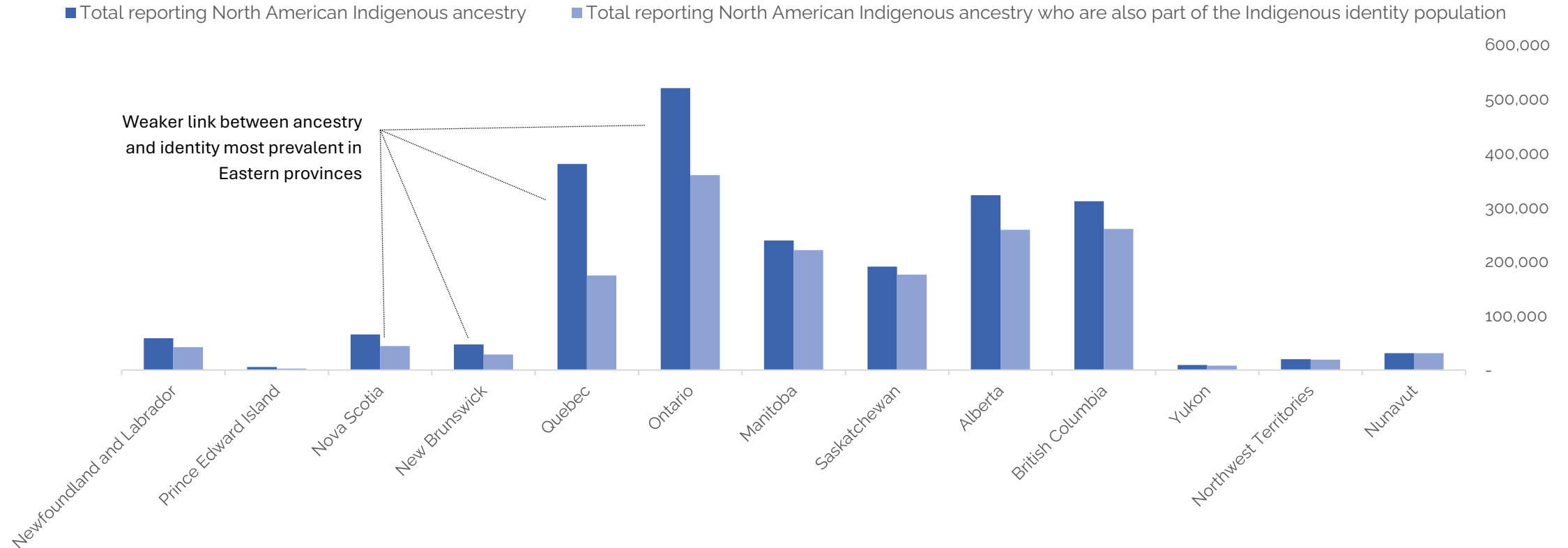
Indigenous Ancestry & Identity Comparison

Ethnic Or Cultural Origin

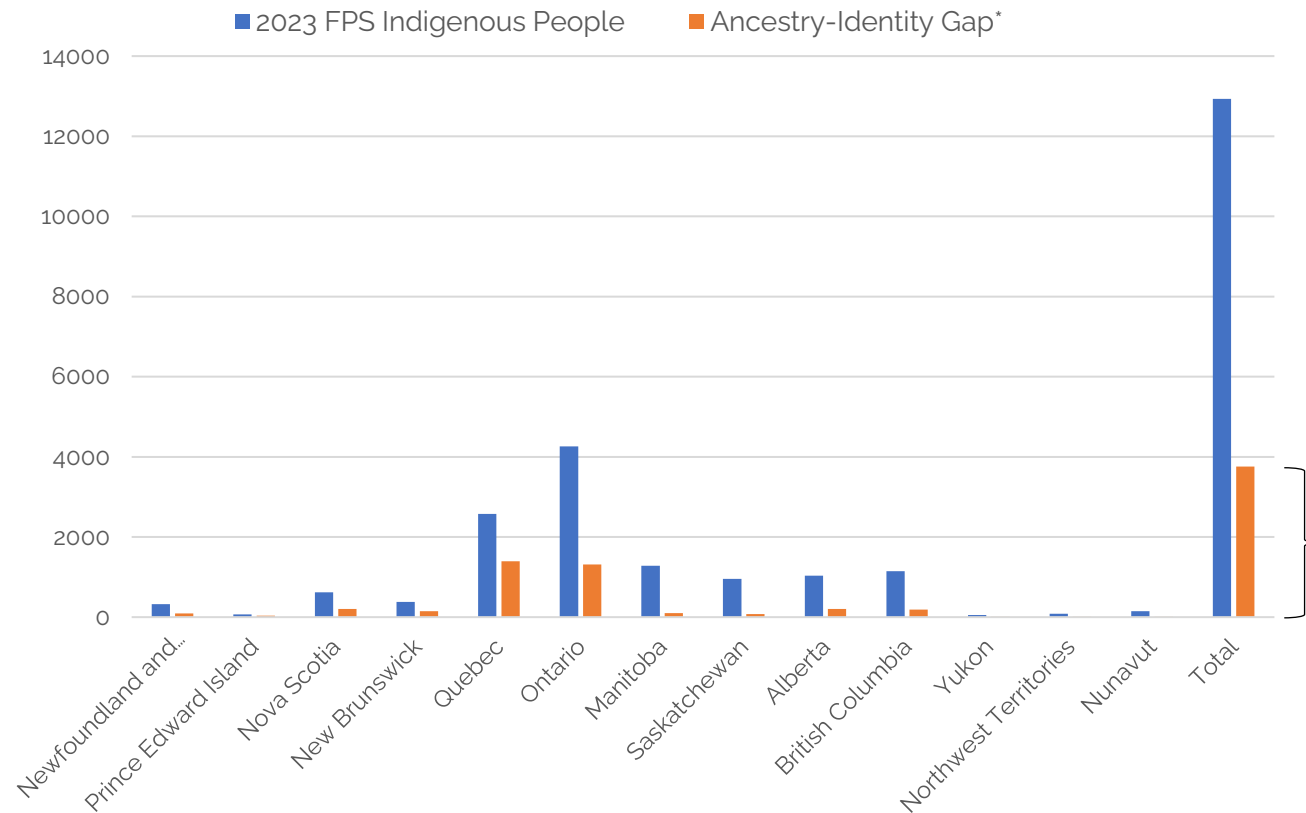
Refers to the ethnic or cultural origins of a person's ancestors. Ancestry should not be confused with citizenship, nationality or language. Persons with North American **Indigenous** or **Aboriginal** ancestry report a specific origin or origins.

Indigenous identity

Person who identified with the Indigenous peoples of Canada, including: **First Nations, Métis** and/or **Inuk** (Inuit), and/or those who report being **Registered or Treaty Indians** (that is, registered under the *Indian Act* of Canada), and/or those who have **membership in a First Nation or Indian band**.



Estimating Indigenous Ancestry-Identity Gap in FPS



Unlike the Census, FPS workforce Self-ID does not differentiate between Indigenous ancestry and Indigenous identity, which may lead to some public servants conflating ancestry with identity, resulting in the risk of over-reporting representation

If we assume the proportion of the population claiming Indigenous ancestry but not Indigenous identity from the Census applies to the FPS, and this entire proportion erroneously claims Indigenous identity in lieu of ancestry, we can estimate a maximum bound on potential category error

Up to 30% of Indigenous identity claims in FPS may be conflating ancestry with identity

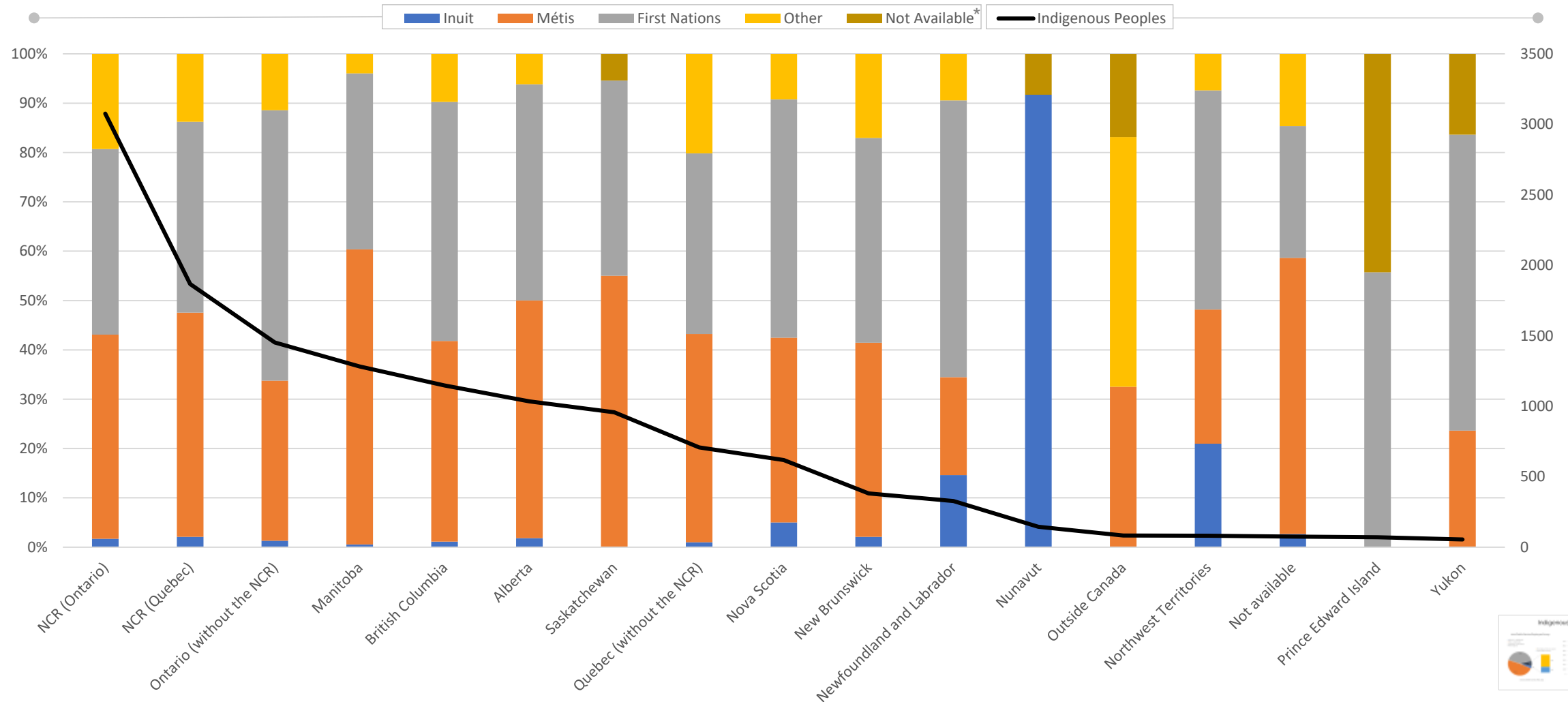
Adjusted Indigenous Peoples FPS Workforce Proportion 5.3% ➡ 3.8%

*Based on 2021 Census % Indigenous Ancestry Only - % Both Indigenous Ancestry and Indigenous Identity

2023 Indigenous Subgroup By Region

Key Message: Proportion of 'Other' varies by Region, with the highest concentrations being Outside Canada, in the NCR, Quebec and New Brunswick.

[Distribution of public service of Canada employees by designated sub-group and province / territory of work - Indigenous peoples](#)

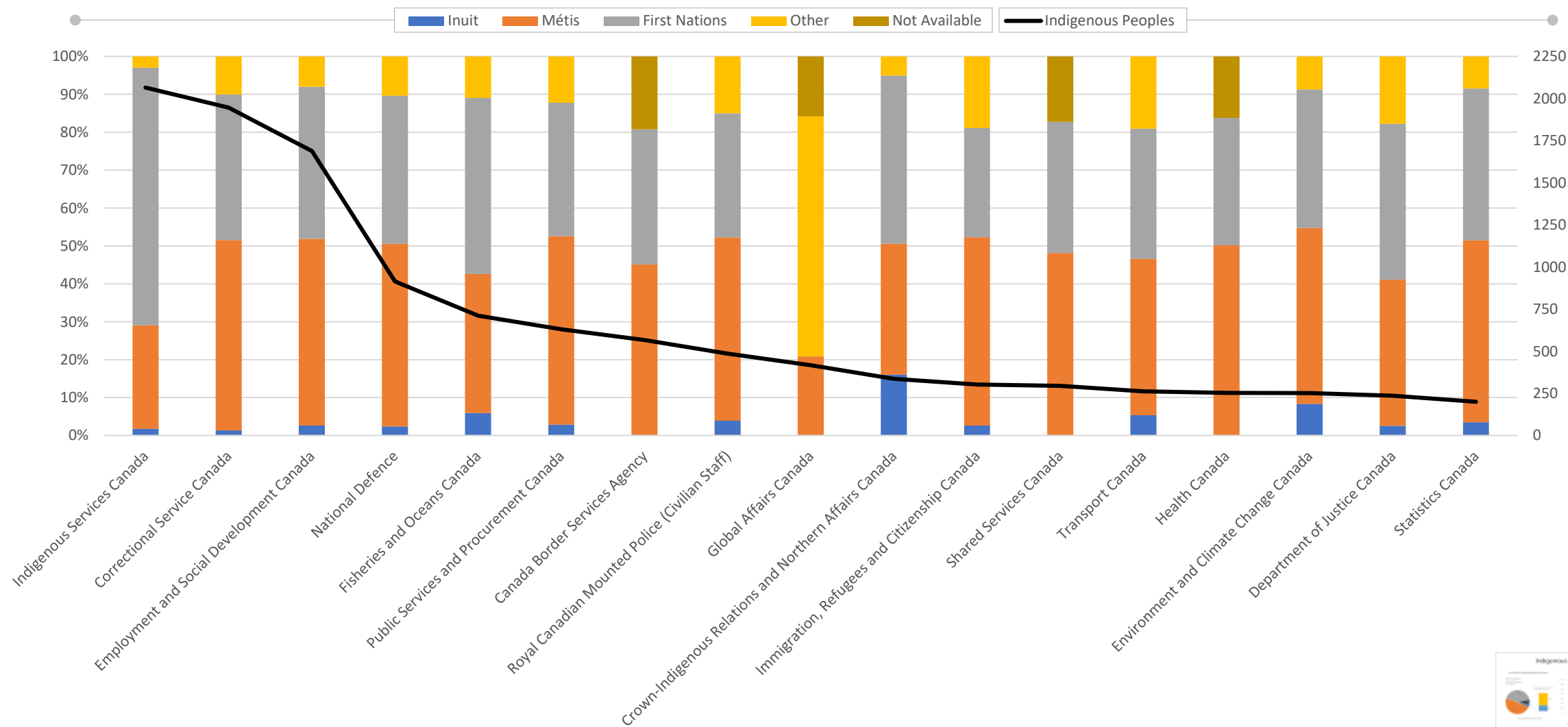


*Information for small numbers has been suppressed (counts of 1 to 5). Additionally, to avoid residual disclosure, other data points, may also be suppressed.

2023 Indigenous Subgroup By Department

Key Message: Proportion of 'Other' varies by Department, with the highest concentration at GAC. In contrast, proportions at ISC more closely match Census data.

Distribution of public service of Canada employees by designated sub-group and department / agency - Indigenous peoples



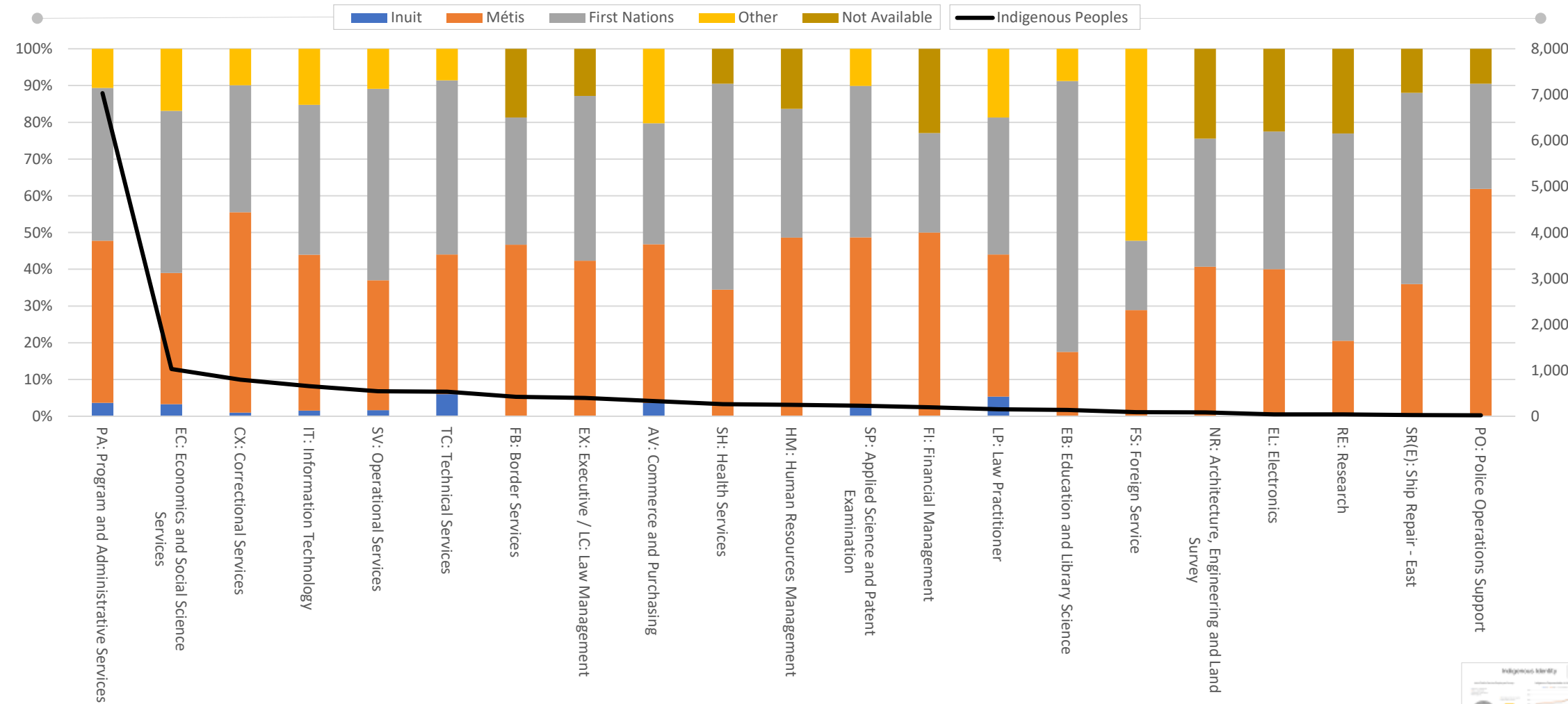
*Information for small numbers has been suppressed (counts of 1 to 5). Additionally, to avoid residual disclosure, other data points, may also be suppressed.



2023 Indigenous Subgroup By Occupation

Distribution of public service of Canada employees by designated sub-group and occupational group - Indigenous peoples

Key Message: Proportion of 'Other' varies by occupation, with the highest being Foreign Service at nearly 5 times more than Program and Administrative Services (where most Indigenous employees are concentrated).



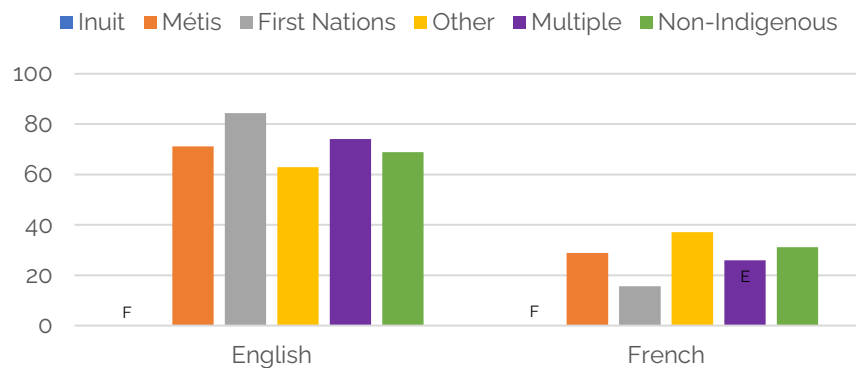
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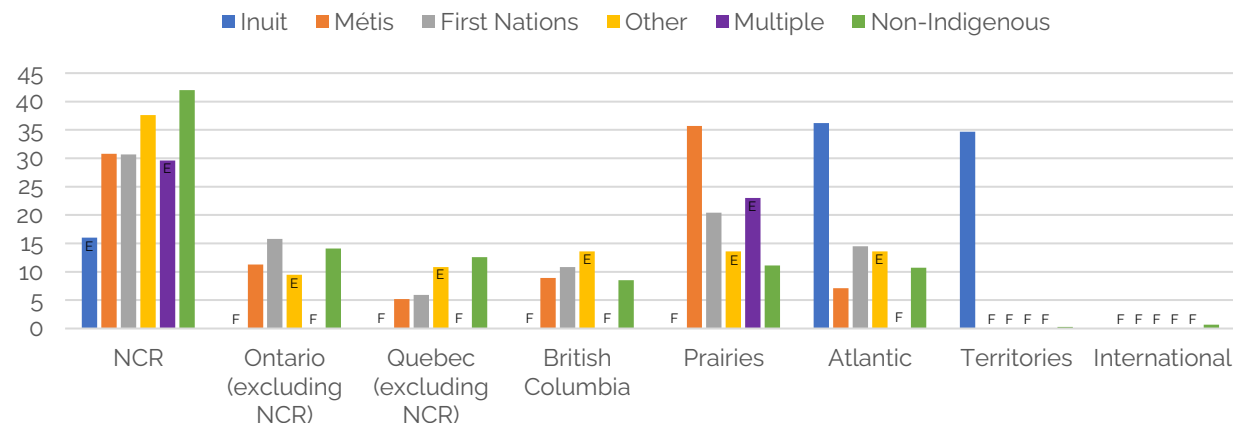
2022 PSES: Unpacking the 'Other' Category



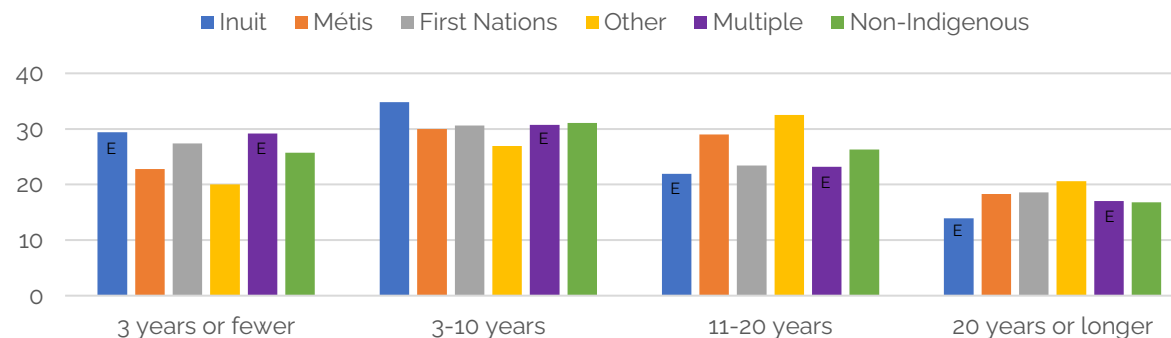
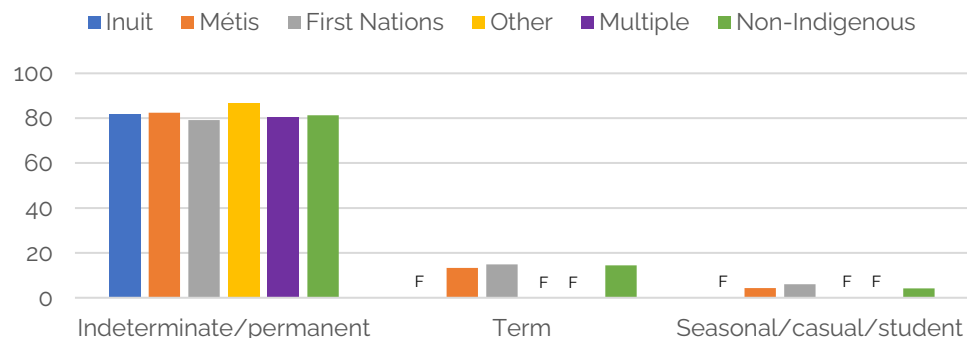
Over one-third of the Other Indigenous group (37.1%) spoke French as their first official language – a higher percentage than all other groups



Geographically, a higher proportion of Other Indigenous identity employees worked in BC and in the Atlantic provinces, compared to non-Indigenous employees



In terms of work-related characteristics, a higher proportion of the Other Indigenous Identity group had an indeterminate position in the FPS, and had been working for 10 years or longer in the FPS, compared to all other Indigenous and non-Indigenous identity groups

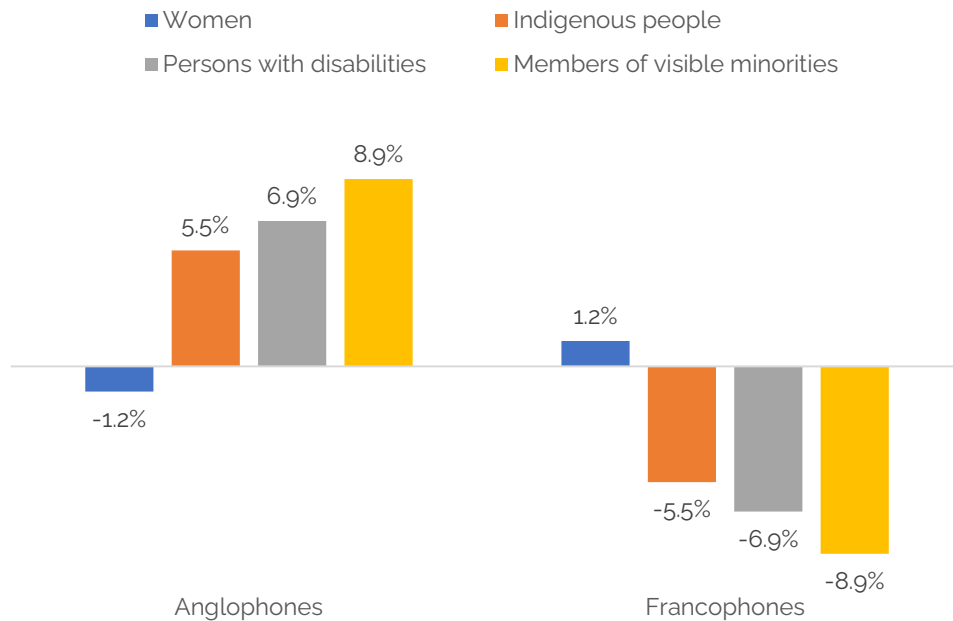


E Use with caution
F too unreliable to be published

Official-language Bilingualism

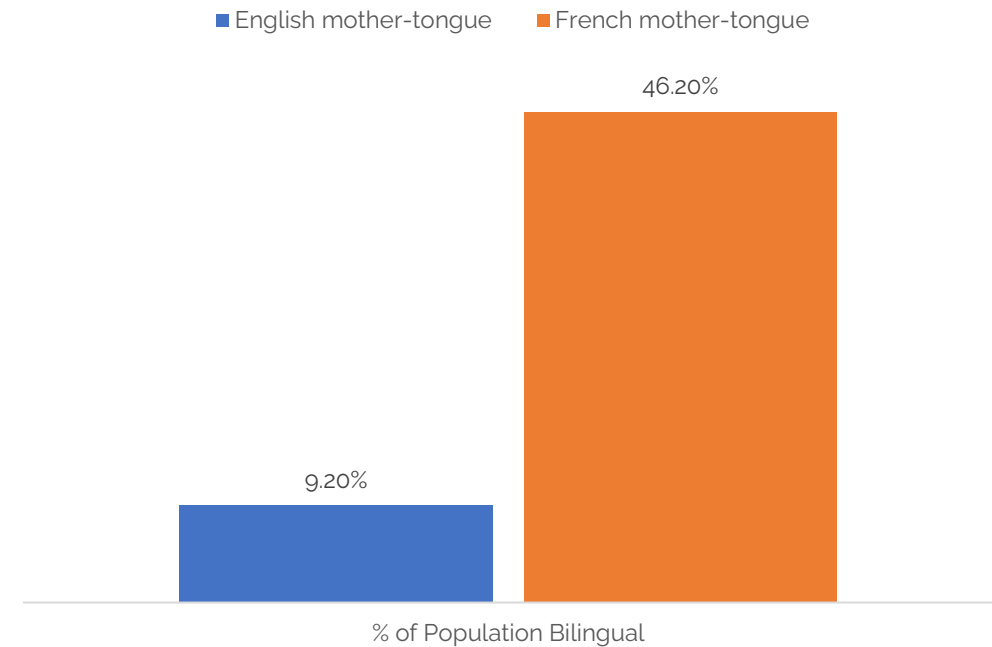
Positions in the Core Public Service

What is the first language of equity groups compared to the public service?

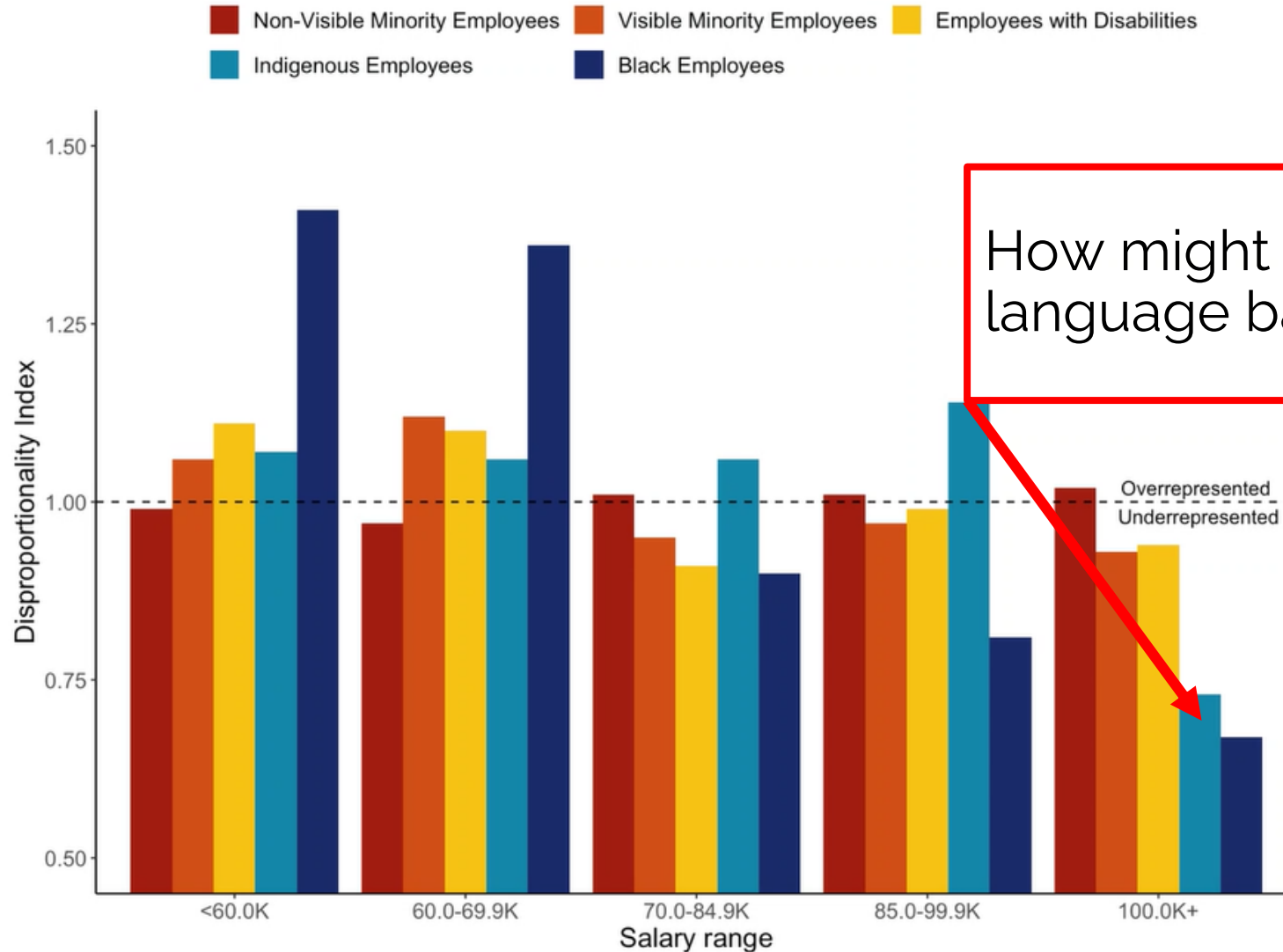


Official Bilingualism in Canada

Which speakers are more likely to be bilingual?



Deepening the Discussion of Disproportionality



Public Service Employment Act

20 (1) Where the Commission decides that it is neither practicable nor in the best interests of the public service to apply this Act or any of its provisions to any position or person or class of positions or persons, the Commission may, with the approval of the Governor in Council, exclude that position, person or class from the application of this Act or those provisions.

Indigenous Identity Definitions



In the Census

Indigenous identity population includes:

- those who identify as First Nations (North American Indian), Métis and/or Inuk (Inuit).
- **and/or** those who report being Registered or Treaty Indians (that is, registered under the *Indian Act* of Canada).
- **and/or** those who have membership in a First Nation or Indian band.

Other Indigenous category consists of 'Indigenous responses not included elsewhere'

- Refers to respondents who did **not** identify as First Nations, Métis, or Inuk (Inuit), but who reported they have **Registered Indian Status and/or they are a Band member**. –e.g., non-Indigenous people who became Status Indians through marriage.



In the Employment Equity Data

Indigenous identity population includes:

- First Nations (North American Indian), Métis, Inuit and/or Other Indigenous .
- **Other category consists of:**
 - Those who self-identify as Indigenous but did not self-declare in one of the three designated subgroups
 - Those reporting multiple Indigenous identities (such as both First Nations and Inuk). are also included in this category

Contributing factors to number of "Other Indigenous" responses:

- Offering this response option may lead those who are Indigenous from other parts of the world wrongly self-identifying as Indigenous (to North America)
- Responses to self-ID questions must be voluntary. The "prefer not to say" and the "prefer not to specify" response options respect this requirement and allow employees to move to the next question
- No separate category for those reporting Multiple Indigenous identities because EEDB does not permit it. It would be preferable to keep those with Multiple Indigenous identities as their own distinct identity group
- The Privacy Impact Assessment for the Self-ID Modernization Project states:
 - "Personal data collected in the Self-ID Application and questionnaire is limited to an employee's self-declared identity....Employees may choose what (if any identity) they wish to share. Self-ID is strictly voluntary; employees may select 'prefer not to say' or 'prefer not to specify' as and where needed."

Problem of Self-Identification



Voluntary self-id exposes a tension between the meaning of Indigenous identity and the validity of “self-perception identity” formation over ‘being Indigenous’.

The first is based on an individual's understanding of themselves, their surroundings, and all other aspects of their lives in relation to Canadian society.

Indigenous identity is not considered in relation to connection to community, culture, kinship, and citizenship..

Some Indigenous federal employees are citizens of Indigenous Nations and communities (treaty and s. 35 rights-holders) while others may only have ancestry.

Concerns about discriminatory practice of providing material benefits (e.g., Indigenous targeted hiring, Indigenous pools, learning and training, career advancement and other opportunities) to those not having a legitimate claim to an Indigenous identity (legal recognition or rights-holder based or entitled to a rights-holder claim) .

Indigenous Data Sovereignty is still visibly absent in the EE data realm.

DSOV refers to the right of Indigenous Peoples to govern the collection, ownership, and use of data related to their lands, communities, and cultures.

It also requires redefining the relationship with data, going beyond research to include data held by governments for governance, operational and financial purposes.

To avoid falling back on colonial data collection standards, it matters how, and by whom, Indigenous identity is defined. Why?

Upholding dominant understandings of Indigenous identity categories (e.g., Self-ID questionnaire) highlights a knowledge gap in how to interpret diverse understandings of Indigenous identity in socio-cultural, politico-legal, and regional contexts.

Self-ID approaches also organize Indigenous public servants according to government views of Indigenous identity, which fail to align with UNDRIP Articles 3 (right to self-determination), 9 (right to belong to a community or nation), and 33 (right to decide their identities & procedures of belonging).



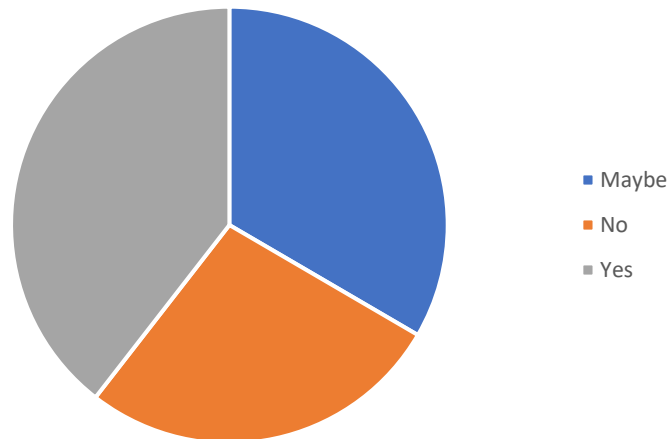
These issues are of interest to government because of the *UN Declaration Act*, the MVOM action plan, the EE Act Task Force Report recommends resolving Indigenous data sovereignty issues with Indigenous partners, the Self-ID TAB Modernization Project, the new AIIF Review, and the EE Act requirement to report on the number of self-identified Indigenous employees.

Adding Data to the Story

Emerging Results from the FlexGC Pulse Check

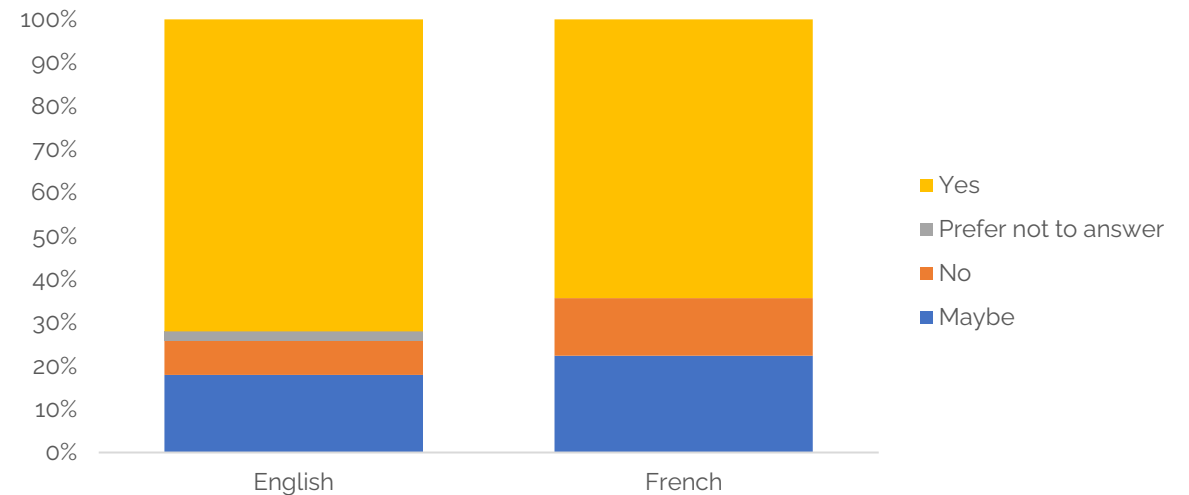
Would you appreciate the opportunity to learn Indigenous languages or to expand your knowledge about them?

Overall Results



Insight: The survey demonstrated strong interest for indigenous language learning in the Public Service

Employees identifying as Indigenous by First Official Language



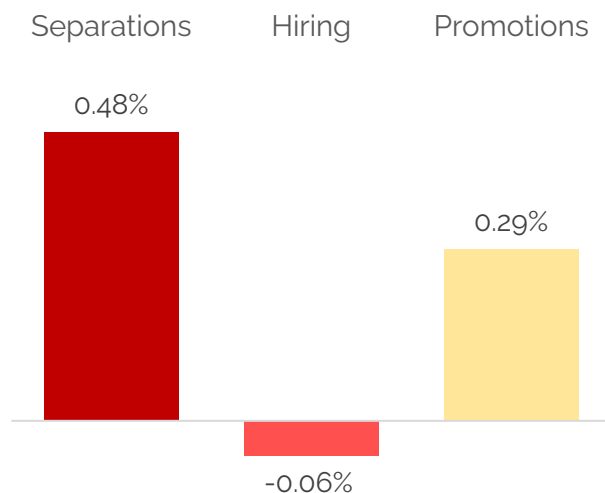
Insight: Francophone Indigenous employees are proportionally less interested in learning their indigenous language

What's the emerging picture for Indigenous employees?

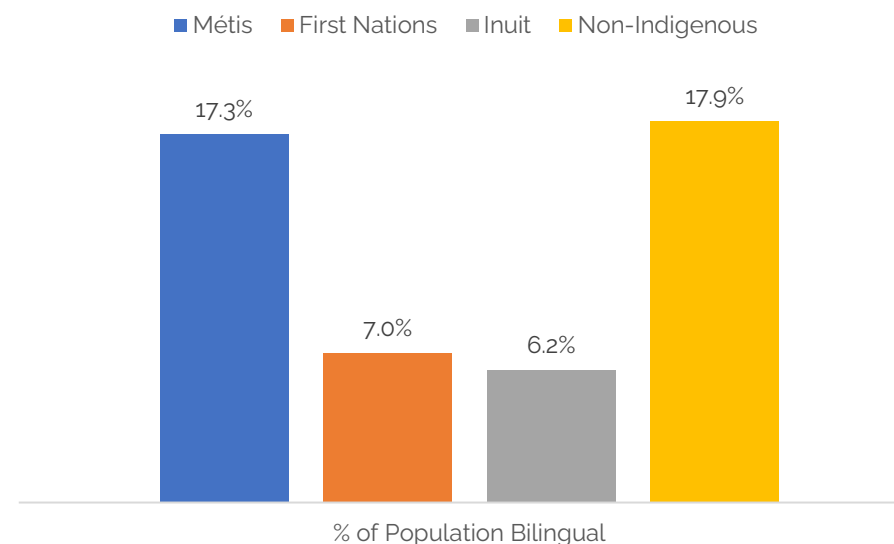
Key Message: Among the compounding challenges Indigenous employees face, there are knowledge gaps about the impact of OL

Disadvantage is multi-faceted

Why are Indigenous employees leaving the federal public service as fast as we recruit them?



What does participation in the public service mean when Indigenous Peoples are less likely to be bilingual?



There is a small window of opportunity in which to act, if we are to make a difference. The time is now.
Status quo will simply not suffice.

OL Substantive Equality Impacts on Indigenous Inclusion

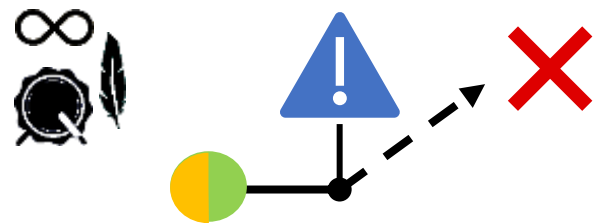
Key Message: What else do we need to think about when operationalizing OL policy and related instruments?

We want to make sure that for public servants who would work on Indigenous issues, **we recognize the importance of the fact that they can be bilingual but sometimes it's not necessarily French-English. It can be bilingual with an official language and an Indigenous language.**

- Honourable Minister Mélanie Joly, [The Standing Senate Committee On Official Languages, 2021](#)

Failure to Launch

How do we integrate complementarily?

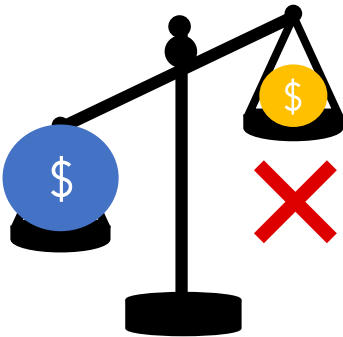


Culture of fear and reprisals surrounding application of OLA

Example Scenario : Indigenous Employee strategic staffing initiatives become stymied by Official Language complaints before they are even able to launch.*

Real Disparity

How do we balance priorities equitably?



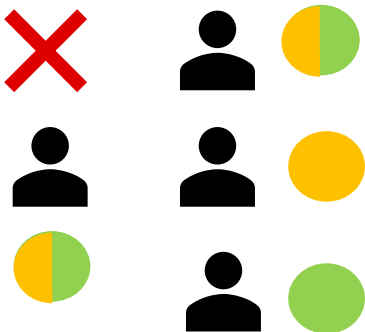
Competing investment that reinforces disparity

Example Scenario: In Nunavut, the Department of Canadian Heritage has provided \$1.45 million annually for French language services, and just \$1.1 million a year for Inuktitut.

[GN prepares to fight for federal Inuktitut funding](#)

General Roadblocks

How do we take difference into account?



Impact of CBC requirement for Manager/Supervisory positions

Example Scenario: Language requirements for supervisor positions were a known barrier for Indigenous employees, so the move to increase requirements exacerbates existing problems.*

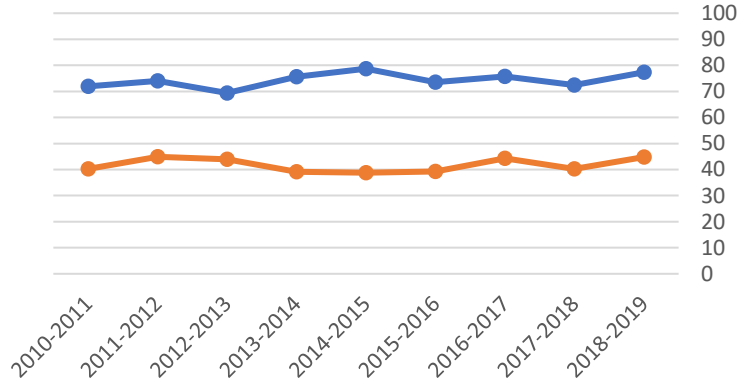
*What we've heard from engagement sessions– refer to **Impacts of Official Language Modernization on Indigenous Inclusion in the Federal Public Service Workplace** paper

Second Language Evaluation Pass Rates

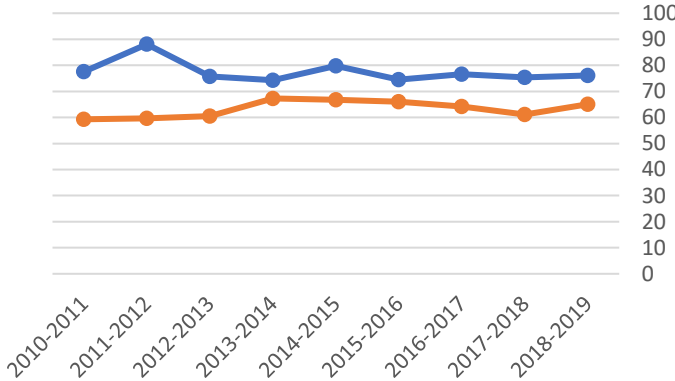
Level C Required

English Test
French Test

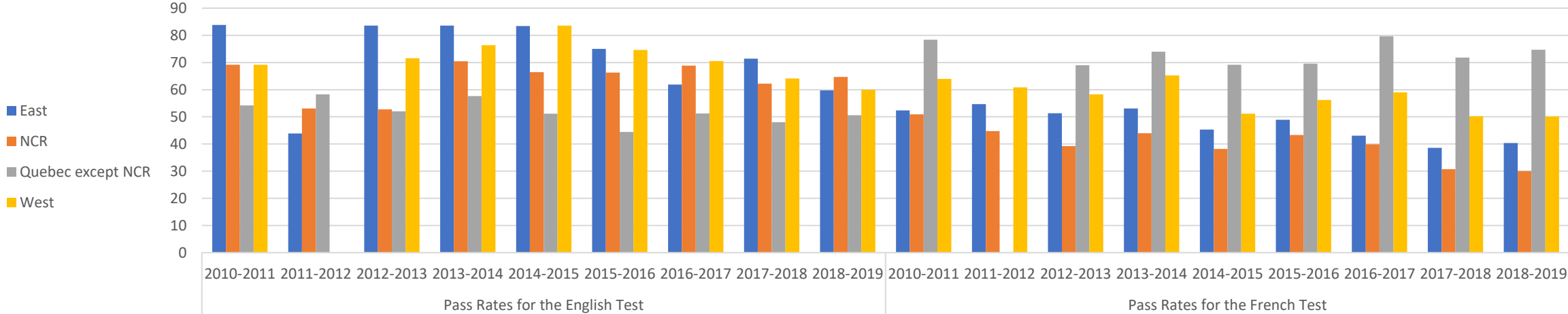
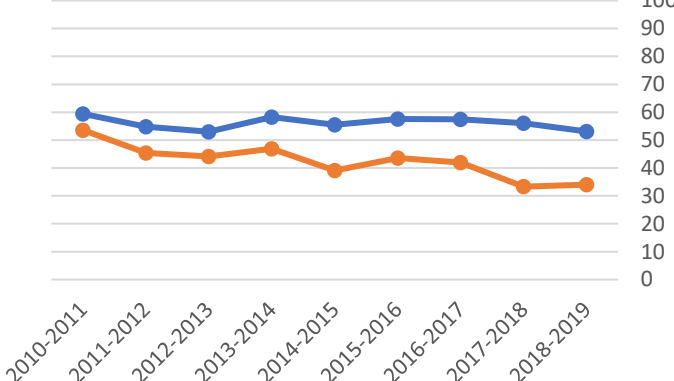
Test of Written Expression



Test of Reading Comprehension



Test of Oral Proficiency



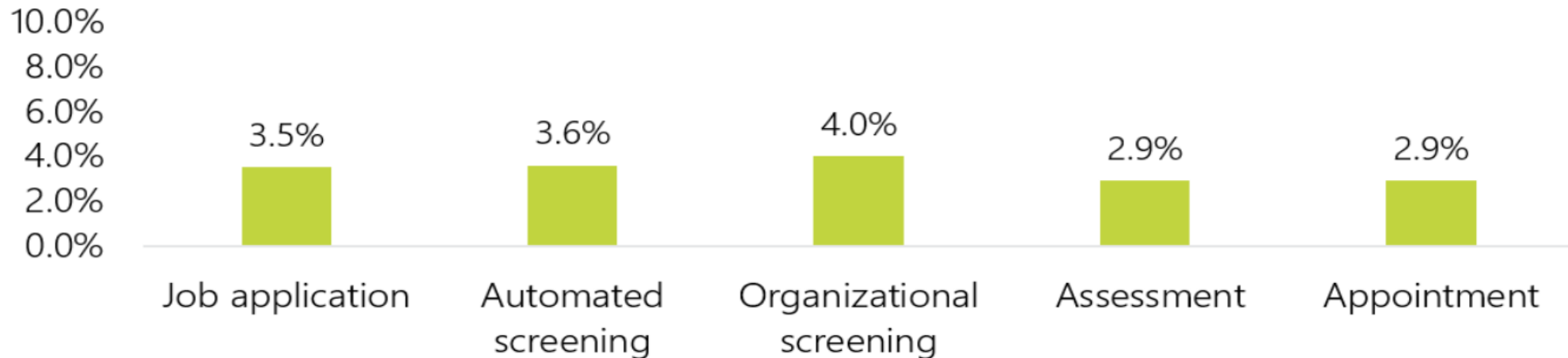
PSC 2021 Audit of EE Representation and Recruitment



Indigenous peoples

21. Indigenous peoples made up 528 of the job applications in our sample, and 13 candidates were appointed. Indigenous candidates experienced their only decrease in representation at the assessment stage (dropping from 4.0% to 2.9%) and, as will be discussed below, this decrease in representation at the assessment stage was associated with interviews. Their representation rate remained stable between assessment and appointment.

Figure 5 - Representation rates of Indigenous peoples following each stage of the recruitment process



UN Declaration Act: Consultation and Cooperation

Consultation and Cooperation, required by the Declaration and by s.5, 6 and 7 of the UN Declaration Act, falls along a continuum.



Legal Decisions on the Declaration



Alignment of Workforce Adjustment activities with the Declaration should be considered:

UN Declaration Act requires Canada to take “effective measures” in consultation with Indigenous peoples to achieve the objectives of the Declaration.

Think about the impacts of recent Supreme Court of Canada and Federal Court decisions, For example:

- [Reference re An Act respecting First Nations, Inuit and Metis children, youth and families](#) recently brought the UNDRIP into “Canada’s domestic positive law” (at para 4 & 15). It is now part of Canadian law.
- [Dickson v. Vuntut Gwitchin First Nation](#) 2024 describes UNDRIP as binding on Canada.
- [Kebaowek First Nation v. Canadian Nuclear Laboratories](#) states that UNDRIP should have been considered and CNL will now need to consult with Kebaowek to receive their free, prior, and informed consent (FPIC), incorporating Indigenous laws, knowledge, and processes into the consultation.