

Indigenous Employment Preferences Policy

Little Fox Services Ltd. under the Canadian Human Rights Commission and Section 16(1) of the *Canadian Human Rights Act* CHRA has created an Indigenous Employment Preferences Policy. As an Indigenous company, Little Fox Services Ltd. understands the importance and its role in ensuring that all Indigenous peoples are hired, given employment opportunities and training, and that all local communities benefit when Little Fox Services Ltd. engages industry.

General Policy Statement

It is not discriminatory for an employer – Little Fox Services Ltd. to give preferential treatment to Indigenous persons in hiring, promotion or other aspects of employment, when the purpose of the employer is to serve the needs of all Indigenous peoples. This policy was developed with the full support of the Canadian Human Rights Commission.

Introduction

Little Fox Services supports the aspirations of all Indigenous peoples and their communities for the right to economic self-sufficiency and self-government. Little Fox Services Ltd. views the social and economic situation of all indigenous peoples as among the most pressing human rights issues facing Canada. The constitutionally recognized rights of all Indigenous peoples including the inherent right to self-government, and the conditions of disadvantage to which most Indigenous peoples are subject call for actions. The Indigenous Employment Preferences Policy is one such action. Little Fox Services Ltd. will be a voice for all Indigenous peoples and will work with all Indigenous communities to ensure access and opportunities for employment, training, skills and funding.

Objectives

The objectives of this policy are:

- To achieve equitable representation of all indigenous members throughout Little Fox Service's workforce.
- To identify and remove barriers to the employment and advancement of all Indigenous members.
- To implement special measures and support programs to remedy a previous disadvantage where necessary to achieve the policy goal.
- To contribute to fair and equitable access to employment opportunities and benefits of all Indigenous peoples.

The principles of this policy are:

1. The distribution of all Indigenous members at all levels in all occupations will be an essential feature of a representative to industry. This means that a representative, (Little Fox Services Ltd.) will be defined not only by the number of Indigenous members but also by their distribution at all levels of throughout the company hierarchy, all employment categories, and across occupational groups. Distribution will be achieved mainly through human resource planning and management.

2. Little Fox Services Ltd. Indigenous Employment Preferences Policy initiatives will focus on all Indigenous peoples and communities where industry is doing business. The aim of those initiatives would be to have all Indigenous peoples reflect the diversity of the workforce population within that region or community.
3. Women, all indigenous peoples, and people with disabilities are the target groups for Little Fox Services Ltd. Indigenous Employment Preferences Policy. This means that these three target groups will be considered for Little Fox Services Ltd. Indigenous Employment Preferences Policy planning and programming. Data may be collected on other potential target groups to provide information to Little Fox Services Ltd. and industry regarding possible inclusion of additional target groups under this policy.
4. Gender balance will be an objective of all Little Fox Services Ltd. Indigenous Employment Preferences Policy initiatives. Women are not a numerical minority group in Little Fox Services Ltd. workforce. However, they have the status of a minority group for the purposes of Little Fox Services Ltd. Indigenous Employment Preferences Policy because of women's historical employment disadvantages. The principle of gender balance recognizes that women make up half of any minority group and requires Little Fox Services Ltd. Indigenous Employment Preferences Policy planning to address the double discrimination faced by Indigenous women and women with disabilities. It also means action planning to address the problem of male-dominated and female-dominated occupations.
5. Personal information, such as race, gender and disability status collected for workforce analysis will be obtained solely through self-identification. It will be treated as confidential, managed separately, and used only for Little Fox Services Ltd. Indigenous Employment Preferences Policy purposes. This means that participation in Little Fox Services Ltd. Indigenous Employment Preferences Policy data collection will be voluntary. However, before an individual is given access to Little Fox Services Ltd. Indigenous Employment Preferences Policy programs, verification of personal data may be required.
6. Little Fox Services Ltd. Internal and external stakeholders including target group members – all Indigenous peoples will be consulted in the design and implementation of Little Fox Services Ltd. Indigenous Employment Preferences Policy programs. This means that an internal audit and KPI – Key Performance Index will be established to manage and guide the implementation of Little Fox Services Ltd. Indigenous Employment Preferences Policy. As well, an advisory group representing Little Fox Services Ltd. ownership, external stakeholders, and Indigenous employees, will be appointed to advise Little Fox Services Ltd. on the needs of target groups – Indigenous peoples related to Little Fox Services Ltd. Indigenous Employment Preferences Policy.

7. Little Fox Services Ltd. Indigenous Employment Preferences Policy planning will include both qualitative and numerical targets with time frames for achievement based on Little Fox Services Ltd. specific data analyzed. This means that success will be measured in two ways:
 - **qualitative results** will include the identification and removal of barriers to employment opportunities and the implementation of special measures;
 - **numerical results** will include improvements in the number of target group members (Indigenous peoples) employed in all occupations and at all levels throughout Little Fox Services Ltd. projects and representation to industry.
8. An annual report of the activities and results of Little Fox Services Ltd. Indigenous Employment Preferences Policy initiatives will be published. This means that the annual report will be an instrument to increase industry awareness and understanding of Little Fox Services Ltd. Indigenous Employment Preferences Policy.
9. Little Fox Services Ltd. Indigenous Employment Preferences Policy program will actively assist in the development of target group labour pools through consultation, information exchange and advocacy with industry and Little Fox Services joint ventures and partners. Little Fox Services Ltd. Indigenous Employment Preferences Policy recognizes the importance of providing Indigenous peoples with the knowledge and skills they require to have equitable access to all industry jobs. The Little Fox Services Ltd. Indigenous Employment Preferences Policy program can assist through consultation in the identification of target group career training needs and in program design to meet the specific needs of each target group.
10. Support for all Indigenous people's self-sufficiency through cooperative training, education and employment opportunities will be a component of Little Fox Services Ltd. Indigenous Employment Preferences Policy. This means that Little Fox Services Ltd. Indigenous Employment Preferences Policy planning will strive to include measures that are mutually beneficial to Little Fox Services Ltd. and to all Indigenous peoples. This acknowledges that cooperation with Industry and our partners to develop skills, knowledge and experience for Indigenous people will be used as a measure of success in evaluating Little Fox Services Ltd. Indigenous Employment Preferences Policy results.
11. Little Fox Services Ltd. Indigenous Employment Preferences Policy will be a vital component of human resource planning, development, and management of all Indigenous peoples. Corporate Human Resource Planning will include Little Fox Services Ltd. Indigenous Employment Preferences Policy concerns as a key component guiding changes to current employment systems. This is necessary to remove barriers and increase access by target groups – Indigenous peoples; to all employment opportunities and benefits.

Roles and Responsibilities

President/CEO

Little Fox Services Ltd. President/CEO is the lead person for coordinating, designing and guiding corporate implementation of Little Fox Services Ltd. Indigenous Employment Preferences Policy. The President/CEO in conjunction with senior management and stakeholders, will:

- Develop and update corporate policies, procedures and practices
- Develop appropriate recruitment, hiring and promotional practices to ensure fair access to employment opportunities for target group members - all Indigenous peoples;
- Review, identify and amend current systems, policies and practices that have an adverse effect on target group members – all Indigenous peoples;
- Establish special measures and support programs; and,
- integrate employment equity policy and practices with human resource management practices.

Define, develop, maintain and analyze data:

- collect information on the internal workforce to assess the distribution of target group member - all Indigenous peoples and to identify factors contributing to their current representation in the organization; collect information Little Fox Services Ltd. workforce about the availability of target group members - all Indigenous peoples, their employability and their location; analyze and provide relevant data reports to departments; and authorize necessary access to data.
- Provide planning, technical advice and support to departments for the development and implementation of Little Fox Services Ltd. Indigenous Employment Preferences Policy plans:
 - act as a "clearinghouse" for Little Fox Services Ltd. Indigenous Employment Preferences Policy ideas, strategies and solutions; assist all staff in problem identification and problem solving; train and provide expert advice for managers and supervisors in the concepts of Little Fox Services Ltd. Indigenous Employment Preferences Policy and in the approaches, procedures and analysis tools which are likely to succeed;
- coordinate industry initiatives with all management and staff on Little Fox Services Ltd. Indigenous Employment Preferences Policy initiatives;
- carry out statistical analysis and interpretation;
- support management and all staff in adapting to systems changes
- develop and modify standard computer programs which Little Fox Services Ltd. Indigenous Employment Preferences Policy coordinators can use to access and analyze workforce profile and other information;
- assist in systems analysis and recommendations; and, assist in analyzing results of management employment action plans, including determination of reasons for success/failure of certain initiatives, development of potential solutions, identification of measurement techniques on which the plans will be evaluated.

Consult with internal and external stakeholders.

This will include regular consultation and information sharing with:

- internal and external groups representing target group members – all Indigenous peoples to determine employment concerns and needs; department managers, and other personnel responsible for department action plans;
- Little Fox Services Ltd. advisory committees established to review and recommend proposed Little Fox Services Ltd. Indigenous Employment Preferences Policy and programs; all employees to discuss and review proposed Little Fox Services Ltd. Indigenous Employment Preferences Policy and programs; and, other personnel from industry and our clients to support the development of target group – all Indigenous peoples - labour pools.
- Address corporate resource requirements including those that are common to two or more departments.
- Develop and manage communications related to Little Fox Services Ltd. Indigenous Employment Preferences Policy, initiatives and reports.
- Prepare a Corporate Little Fox Services Ltd. Indigenous Employment Preferences Policy Plan and review and analyze all management and staff action plans.
- Audit management and all staffs use of delegated authority related to Little Fox Services Ltd. Indigenous Employment Preferences Policies and objectives.
- Prepare an annual report on progress towards a representative workforce.

Senior Management – Vice President / Director

Little Fox Services Ltd. Senior Management are responsible for developing and implementing multi-year action plans for their own work forces with specific numerical and qualitative targets and timeframes. It will be the responsibility of management to:

- Provide full input as equal partners with Little Fox Services Ltd management, in relation to Little Fox Services Ltd. Indigenous Employment Preferences Policy, development, design and implementation, including Little Fox Services Ltd. programs, procedures and practices.
- Review and assess all internal data and develop and Little Fox Services Ltd. Indigenous Employment Preferences Policy plan.
- Develop and analyze any additional department specific data required for Little Fox Services Ltd. Indigenous Employment Preferences Policy planning.
- Review, identify and amend any department systems, policies and practices that have an adverse affect on target group members – all Indigenous peoples.

Implement Little Fox Services Ltd. Indigenous Employment Preferences Policy plan.

Prepare an annual report on the results of the managements action plan and forward the report to the President/CEO and all stakeholders for inclusion in the Little Fox Services Ltd. annual report on Little Fox Services Ltd. Indigenous Employment Preferences Policy.

Key Performance Index

Little Fox Services Ltd. Senior Management will oversee and develop a Key Performance Index to track and analyze the following:

- Number of Indigenous Peoples hired vs non-indigenous
- Age
- Sex
- Peoples with Disabilities
- Minority groups
- Level of Education
- Age Group
- Workforce Experience
- Certifications
- Employment Income
- PPE/Equipment for project

The Key Performance Index will track the number of days per each project/site all Indigenous peoples work, identify skills, and education/training opportunities, green hand. /mentorship program with industry, funding needs, challenges representing Indigenous peoples, barriers to employment, percentage of Indigenous workforce – both at Little Fox Services Ltd. and with Joint Venture & Partnerships, language and cultural barriers, retention, employer commitments, and peer reviews.

Little Fox Services Ltd. Senior management in collaboration with President/CEO and other staff will develop a second Key Performance Index to track employment strategies. Little Fox Services Ltd. will reach out to local communities where industry is working, to better understand local Indigenous communities workforce and participation, work with local Indigenous training programs, ASETS, ISET, Industry Training Authority, to access funding and training, pre-employment programs, resume database, skilled worker programs, educational gaps, certification and expiry dates, up-to-date resume and experience, and participate in hiring initiatives. Little Fox Services will focus on:

- Communities impacted
- Number of Indigenous peoples hired
- What regions employees were hired from
- Indigenous Skills and Employment Training (ISET) – Resumes, Certs, and Funding \$\$
- Aboriginal Skills & Employment Training Strategy (ASETS) - Resumes, Certs, and Funding \$\$
- Meetings with all Indigenous groups – Metis Regions, band offices, training offices
- Industry Training Authority
- Métis and Non-Status Indian Bursary Program
- Indigenous funding grants and programs



Additionally, Little Fox Services Ltd. will provide all Indigenous and non-Indigenous peoples with internal programs and access to direct support including:

- Savings Allocation Program
- Certification renewals such as (WHMIS, TDG, First Aid/CPR, H2S, CSO, Fall Protection etc.)
- PPE – Coveralls, hardhats, boots, gloves, winter jackets
- Project specific equipment and clothing
- Annual renewals, union dues, membership fees and licensing
- Grief Counselling
- Employee Assistance Program

Little Fox Services Ltd. management will allocate funds from Industry projects to provide funding to community initiatives, and assist Indigenous Peoples with events such as:

- Reconciliation Initiative and Reconciliation economy
- Grief and bereavement counselling
- Indigenous sport camps
- Indigenous Youth cultural camps
- Alberta Aboriginal Youth Entrepreneur Camp
- NE Aboriginal Business Centre Entrepreneur Youth Camp
- Indigenous community Pocar Rally & Bake sales
- Library and after school programs
- Access to other specialized Indigenous programs and courses

Definitions

Preferential Treatment - of Indigenous persons means giving them priority in decisions on employment matters such as hiring, promotion, training and lay-off. It can include measures such as opening competitions only to Aboriginal persons.

Access - refers to obtaining opportunities for recruitment, selection development, training, advancement, compensation and any other benefits or opportunities provided to Little Fox Services Ltd. employees.

Little Fox Services Indigenous Employment Preferences Policy - refers to an action plan with targets (Indigenous peoples) and timeframes developed by Little Fox Services Ltd. to contribute to the goal and objectives of the Little Fox Services Ltd. Indigenous Employment Preferences Policy. is a comprehensive management strategy adopted by an employer (Little Fox Services Ltd.) to identify and eliminate discrimination in the organization's employment process and policies, to remedy the effects of past discrimination, and to ensure appropriate representation of target groups – Indigenous peoples throughout the organization.

Disability - refers to physical or mental conditions or impairments as described in the Human Rights Act as follows:

physical disability means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, congenital disorder or illness and includes epilepsy, and degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, lack of oral communication or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device; mental disability means any mental or psychological disorder such as a mental handicap, organic brain syndrome, emotional or mental illness or learning disability.

Employee - is a person hired by the employer Little Fox Services Ltd.

Gender Balance - refers to the equitable representation of women and men in any occupational category, group or level at Little Fox Services Ltd. In addition, it refers to the impact on male-female distribution resulting from Little Fox Services Ltd. Indigenous Employment Preferences Policy planning for Indigenous people and people with disabilities.

Numerical Targets - refer to the number or percentage of individuals in a target group – Indigenous Peoples intended to be selected, trained, or promoted as a result of implementing Little Fox Services Ltd. Indigenous Employment Preferences Policy action plan.

Population Profile - refers to a statistical description of Little Fox Services Ltd. workforce based on the labour force and demographic characteristic for use in Little Fox Services Ltd. Indigenous Employment Preferences Policy planning.

Qualitative targets - refer to measures such as system changes, support services or workplace accommodations that will eliminate barriers to employment opportunities and will ensure the ongoing appropriate representation of target groups – Indigenous peoples.

Special Measures - are any programs or practices which are designed to increase the representation of target group members – Indigenous peoples. They include both remedial and support measures and may include such things as training programs, specialized services, reasonable workplace accommodations and preferential hire practices.

Reasonable Workplace Accommodation - refers to adjustments or provisions made to the work situation to accommodate special needs arising from a disability. These accommodations are limited where making the adjustment would result in undue hardship to the employer.

Remedial Measures - are actions taken for a limited time to redress disadvantage caused by discrimination; they apply only to target groups – Indigenous peoples.

Support Measures - are permanent changes in the workplace and may apply to all employees.

Systems analysis - is the quantitative and qualitative analysis of an organization's policies, procedures and practices, both formal and informal, to identify those that have an adverse effect on target group members.

Target group refers to the groups – all Indigenous people who have experienced employment disadvantage in the past and to whom Little Fox Services Ltd. Indigenous Employment Preferences Policy plan is directed.

Timeframes - are the predetermined time periods within which Little Fox Services Ltd. Indigenous Employment Preferences Policy plan objectives are to be met and progress is to be evaluated.

Workforce analysis - is the statistical study undertaken by the employer to determine such things as under-representation, under utilization and occupational concentration; it provides a profile of the workforce to identify critical areas for action and is the reference point for setting department action plans, targets and timeframes. This allows Little Fox Services Ltd. to better understand it's workforce, challenges, and goal settings.

Legal

The Constitution:

Section 35 of the [Constitution Act](#), 1982 recognizes and affirms "*the existing Aboriginal and treaty rights*" of the Aboriginal Peoples of Canada. This unique constitutional status includes the right to self-government and economic autonomy. This status merits special consideration for measures aimed at enhancing the cultural, economic and political autonomy of the Aboriginal peoples.

Section 15 (1) of the [Canadian Charter of Rights and Freedoms](#) provides that "Every individual is equal before and under the law..." However, section 15(2) provides an exception for "*any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups...*";

Federal Law: Canadian law recognizes that in some circumstances programs that give preference to historically disadvantaged groups, such as the Aboriginal peoples, are necessary in order to prevent, eliminate or reduce disadvantage.

Section 16(1) of the Canadian Human Rights Act CHRA states that: "It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be based on or related to the prohibited grounds of discrimination ..."²

The [Employment Equity Act](#) (EEA) requires employers to institute "positive policies and practices" (section 5(b)) and include these in its employment equity plan (section 10(a)).

The EEA also contains special provisions with regard to Aboriginal employers.

Section 7 provides:

that where a private sector employer is engaged primarily in promoting or serving the interests of Aboriginal peoples, the employer may give preference in employment to Aboriginal peoples or employ only Aboriginal peoples, unless that preference or employment would constitute a discriminatory practice under the [Canadian Human Rights Act](#)."

Provincial Law: Provincial legislation throughout Canada allows, in certain circumstances, for organizations devoted to the well-being of ethnic groups, as, well as certain types of non-profit organizations, to give preferential treatment to members of their group.

On the relevant provision in the Québec Charter of Rights, the Supreme Court of Canada ruled in *Brossard v. Québec Human Rights Commission* (1988) that the "effect is to establish the primacy of the rights of the group over the rights of the individual in specified circumstances" [per Beetz, J.].

International Standards: Recognition of the need for preferential programs to redress Aboriginal disadvantage is also recognized in evolving international standards.

Article 22 of the Declaration on the Rights of Indigenous Peoples⁴ provides: "Indigenous peoples have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security."

ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries⁵ obligates governments to adopt measures:

"to eliminate socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life". Article 4 provides that "special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned"

Distinction from Special Programs Policy

Under section 16 of the *Canadian Human Rights Act* exceptions are envisaged for the promotion of equality through preferential employment practices that would ordinarily be prohibited. For example, under section 16 Little Fox Services Ltd. has established special programs to promote the hiring of women, persons with disabilities, visible minorities or Aboriginal people in preference to other candidates.

The situation of Aboriginal employers differs from that contemplated in the Special Programs Policy. It is the Canadian Human Rights Commission's view that it would be inappropriate to apply that Policy with regard to such employers. The main difference between the situation of Aboriginal employers and that of other employers, arises from the fact that these special programs are intended to deal with immediate problems of under-representation or disadvantage that are usually temporary in nature, and this is generally not the situation faced by Aboriginal employers - especially Aboriginal governments and quasi-governmental agencies. Such organizations generally have a much higher representation of Aboriginal employees than would be expected under the federal employment equity regime, which bases representation on the number of qualified Aboriginal candidates in the general workforce.

Nevertheless, the ability of employers to institute preferential hiring of Aboriginal people is still desirable and necessary for reasons of self-government, cultural autonomy, and economic development. For example, in order to advance autonomy, a First Nation Government may want to give preference to hiring Aboriginal people for government administrative positions. Likewise, school boards and health authorities

have reason to promote the hiring of persons who are culturally attuned to the needs of their students and patients.

In addition, the disadvantage of Aboriginal communities in general, where unemployment rates are usually very high, justifies special consideration to the employment of Aboriginal people.

Application of the policy

This policy applies to the investigation, analysis and disposition of complaints received by the Little Fox Services Ltd. alleging discrimination in employment by an employer. Its primary purpose is to serve the needs of Aboriginal people when preference has been given to an Aboriginal person or persons. Subject to jurisdictional limits, the policy applies to any employer under federal jurisdiction when the primary purpose of such an employer is to serve the needs of Aboriginal people. This includes but is not restricted to Aboriginal owned or operated entities, such as First Nations government, tribal councils, school boards and health authorities.

Evaluation

The Little Fox Services Ltd. Indigenous Employment Preferences Policy, programs and results of implementation will be evaluated after two years to determine their effectiveness, appropriateness and efficiency. Evaluations will occur every three years thereafter. The evaluation will be coordinated by all Little Fox Services Ltd. Management.



June 30, 2020

Melynda Gullion / President – CEO

Date

