



CONGRESS OF ABORIGINAL PEOPLES

Background Paper for the Life Long Learning-PSE & Skills Development Round Table November 18 &19, 2004

BACKGROUND ON POST SECONDARY EDUCATION FOR OFF-RESERVE ABORIGINAL PEOPLES

- While increasing numbers of Canada's non-reserve Aboriginal population are completing secondary school and moving on to finish post-secondary studies, they are still more likely than other Canadians to have lower levels of education.
- Fewer young off-reserve Aboriginal people are leaving secondary school prior to graduation. The '96 **Census** reported that 52% of the 20 to 24 age bracket had incomplete secondary school as their highest level of schooling – this declined to 48% in the 2001 Census.
- Completing elementary or secondary school remains a challenge for some. According to **APS** data, the most common reason for leaving school early among the 15 to 19 age bracket (20 per cent of the total), was boredom.
- The 1999 **Youth in Transition Survey** showed that boredom was also the top reason for not completing high school by all Canadians, aged 18 to 20.
- There is positive change at the post secondary level, according to the report. In 1996, five per cent of 25 to 34 year old off-reserve Aboriginal people had completed university. This rose to eight per cent in 2001.
 - the proportion of Metis (25 to 34) with completed post secondary education rose from 34% to 40%
 - the proportion of Indians (status and non-status) rose from 31% to 36%
 - the proportion of Inuit rose from 27% to 29%
- In other post secondary education (including college and trades) there was an increase from 27% to 30% over the five-year period.
- There will be many opportunities for well-educated Aboriginal off reserve people because of large numbers of people retiring from the work force.
- But **APS** reports that 34% of 25 to 44 year old women who had started post secondary schooling listed family responsibilities as a reason for not completing their education.

- Nearly one quarter (24%) of men in the same age bracket listed financial reasons as being the main problem.

BACKGROUND ON SKILLS DEVELOPMENT PROGRAMMING FOR OFF- RESERVE ABORIGINAL PEOPLES

- Human Resources Development Canada (HRDC) provides approx \$330 million each year in support of the Aboriginal Human Resources Development Strategy (AHRDS).
- The terms of reference for negotiating the current devolution of program delivery were established early in the process during a 2 year transition from the old “*Pathways to Success*” regime through the development of 3 National Framework Agreements (NFA) between HRDC and the 3 national Aboriginal representative organizations (AFN, MNC & ITK).
- These NFAs carried no resources with them but became the “enabling document” that guided the development of 68 Regional Bilateral Agreements (RBA) with the provincial affiliates of the 3 NFA holders.
- These original NFAs included the common terms of reference and conditions that would guide further bilateral negotiations between HRDC’s regional bodies and the provincial affiliates of the 3 NFA holders for the RBA negotiations
- Neither CAP, the National Association of Friendships Centres (NAFC), or the Native Womens Association of Canada (NWAC) were participants in the original NFA/RBA process.
- Shortly after the establishment of the 68 original RBAs were negotiated, HRDC appeared to realize that a large part of the non-status and off-reserve population were not going to be served and moved to establish 11 more agreements; 2 national agreements with CAP and NWAC and 4 more regional delivery agreements with CAP affiliates in Atlantic Canada and 5 “Urban” agreements in major centres across Canada.
- Although these additional agreements were not negotiated under a common terms of reference, HRDC now considers them all to be Aboriginal Human Resource Development Agreements “AHRDAs” for discussion purposes, even though they were developed on an essentially ad-hoc basis and often don’t reflect the flexibility, accountability measures, funding levels or recognition of political constituency enjoyed by those agencies associated with the NFAs.
- When all the different “access” and “special” agreements between HRDC and regional Aboriginal authorities are counted, there are a total of 80 Agreements currently in force that can be described generically as “AHRDAs”.
- Each of the AHRDA holders is responsible for designing, managing and funding labour market development initiatives for their constituent communities across the country.
- It is a highly decentralized program and although several of the AHRDA holders have been able to develop partnerships with industry for training Aboriginal people at a local or regional level, throughout the history of the AHRDS there has never been an Aboriginal training initiative implemented at the national level for the following reasons:
- The AHRDAs have been established along political divisions between First Nations, Inuit and Metis populations across Canada. Further division is made within communities by AHRDA holders with each being responsible for a specific provincial area of operational authority.
- With the October 11, 2002, decision by the Federal Court of Canada in *Misquidis v. Canada*, HRDC is faced with the challenge of adjusting the AHRDS to accommodate the court’s order to “*eliminate discrimination by providing community control over labour*

training programs” for those parts of the Aboriginal community that have not enjoyed access to labour market development (LMD) programming as originally envisioned in the National Framework Agreement (NFA) process.

PROPOSED SOLUTIONS

Post Secondary Education

- Post secondary education funding should be made available to all Aboriginal peoples regardless of Indian status or place of residence.
- The amount of post secondary education funding that is available annually should be sufficient to ensure that all students who apply can be funded for the duration of their post secondary education.
- In order to ensure that Aboriginal students have the full opportunity to pursue careers in medicines, sciences, academia and other careers that require many years of study, there should be no cap on the number of years during which an Aboriginal student can access funding to support their post secondary education (as long as they can demonstrate that they are taking their education seriously).
- Resources need to be allocated to national regional and local Aboriginal organizations to help them build their capacity in the area of education and enable them to participate effectively in processes related to promoting and supporting post-secondary education and research among Aboriginal peoples.

Skills Development

- A National Aboriginal Workplace Strategy (NAWS) needs to be developed and implemented in order to augment the work being done at the regional and local level of the AHRDS. This NAWS would be developed and managed on a status and residency blind basis and would incorporate cooperation among a large number of existing Aboriginal and private sector stakeholders. CAP has already developed and began implementation of its own NAWS.
- All AHRDAs should be allowed a fixed cost for administration that assumes a basic level of service that all organizations should have available to perform the minimum oversight and accountability work necessary. And a second level of administration costs based on a percentage of actual program funding.
- There must be a more equitable and effective AHRDS strategy for post-2004. Notably, with the recent Misquidis decision, an additional point could be added to the strategy – that of HRDC developing a 4th NFA focusing exclusively on non-status persons.
- In virtually all areas of the country, youth are considered to be the highest priority for targeting labour market development programming. In some areas, particularly parts of Atlantic Canada – single parent families are identified as the first priority cohort.
- Child Care is absolutely central to the development of effective labour market programming, therefore child care for all Aboriginal people should be included in any post-2004 funding structure.

ABORIGINAL PEOPLE WITH DISABILITIES

Disability is a major public policy issue since 30% of Aboriginal adults reported disability and this figure is almost twice the national rate. Among Aboriginal people in the 15-34 age group, the disability is three times the national average. The Aboriginal disabilities issue encompasses a complete spectrum of public policy issues including post secondary education and skills

development. The following are recommendations for employment and training of Aboriginal peoples with disabilities.

- Employment and training of APWD must be seen as a fundamental human right.
 - In regard to the responsibility for employment and training of APWD, jurisdictional disputes between federal, provincial, and territorial governments need to be resolved.
 - APWD need to be involved in all stages of strategic planning.
 - All employment and training initiatives should include the interests of APWD.
 - Interventions for employment and training of APWD should holistically incorporate community and cultural values into the design and delivery of programs.
 - Organizations involved in the formulation of policies and criteria for employment and training should include the interests of APWD.
 - Organizations involved in the formulation of policies and criteria for employment and training should have adequate representation of APWD on committees set up to achieve these objectives.
 - Organizations involved in the formulation of policies and criteria for employment and training should seek representation from a disability-related organization to sit on development committees.
 - All employment and training programming for APWD must be based on the principles of inclusion, equalization of opportunities and the implementation of human rights.
 - APWD need to be actively involved in finding the best practices for employment and training programming.
 - Employment opportunities demand increased mobility consequently APWD require human support systems to meet this need.
 - AHRDA holders should offer employment and training development reflecting the needs of all stakeholders.
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- AHRDA holders should have policies on equity in respect to allocation of time and resources directed towards APWD.

A DISCUSSION OF THE ROUNDTABLE ISSUES:

1. ISSUES OF JURISDICTION AND CONTROL

1.a. Post Secondary Education

- The Congress has never been afforded the opportunity to engage in any substantive way in significantly advancing participation by off reserve Aboriginal people in educational pursuits, from K to 12, and beyond.
- It is commonly known that education (like eggs) is a provincial responsibility, except when it comes to registered Indians living on reserve.
- As well, neither federal nor provincial governments want to accept any responsibility for funding, or otherwise dealing with the academic pursuits of off-reserve Aboriginal people.
- As a consequence, the majority of Canada's constitutionally recognized Aboriginal peoples for the most part are being denied opportunities to better themselves through education.
- As the federal government has traditionally considered status Indians to be their responsibility, funding to support post secondary education is available only to status Indians.

- The provincial governments see all Aboriginal peoples as a federal responsibility, therefore they do not make funds specifically available to Aboriginal peoples to support their post secondary education.

1.b. Skills Development

- There is a desire among AHRDA holders to deliver a wider and more comprehensive labour market strategy by expanding their work into program areas, highschoools, the trades and post secondary, however two barriers are often identified as follows:
 - First, provincial jurisdictions and sensitivities would mean that agreements to work in these areas would have to be developed on a case-by-case basis and would take significant time and energy to accomplish.
 - Second, funding levels from HRDC would have to be adjusted to accommodate increased client participation costs as well as incremental management and overhead costs for the associated design, management and negotiation work involved in such an expansion.
- Jurisdictional issues are also not just limited to federal and provincial jurisdictions, but include Aboriginal jurisdictions.
- Funding is broken down based on First Nation, Metis and Inuit and programs are controlled by Aboriginal political organizations that often refuse service to some Aboriginal peoples because they don't fall within the membership, mandate, or jurisdiction of that organization.
- This current structure of the AHRDS results in people being divided at the community level and is not a good programming model.
- While the AHRDS structure includes the capacity for funding national organizations, such funding represents a small fraction of that provided overall and severely limits the development of national training partnerships. This The lack of a funding vehicle for national Aboriginal training programs has been a significant barrier to realizing the objective of increasing Aboriginal participation in the workforce to the extent that they occupy Canadian workplaces in numbers that truly reflect their representation in the Canadian population as a whole.
- The AHRDCC sector council has achieved a great deal in terms of increasing awareness of Aboriginal labour market issues with Canada's large employers and CAP supports the work of the sector council directly and in-directly. The challenge we face is that the AHRDCC does not have the mandate to become involved in the direct funding of national level labour market interventions.
- Under the current AHRDA funding regime, the proponent of any training project intended for national application is faced with the daunting task of marketing their project to as many as 79 individual AHRDA holders in order to secure funding– many more than 79 if one considers that the vast majority of existing AHRDA holders are not in the business of direct delivery of training but sub-contract that delivery to potentially hundreds of sub-contractors. This factor alone has caused the demise of many excellent training programs before they ever got started.

2. IMPROVING ACCESS AND INTEGRATION

2.a. Post Secondary Education

- Post secondary education support is provided by INAC to status Indians and Inuit only, therefore non-status Indians, Metis (and many status Indians living off-reserve have no access to funding to support their post secondary education

- Responsibility for determining which students will be granted post secondary education funding has been devolved to the band council level and there is a cap on the dollars available each year.
- Off reserve status Indians must apply to their bands for funding, usually with the result that they may only receive funding if no or few on reserve band members apply for such funding.
- There have been situations in the past few years where summer students entering 3rd or 4th year of university have been refused funding in favor of new applicants, because there has simply been not enough money to go around and the rationale used by the bands is that others should at least have the opportunity to start university or college. This means degrees may not be completed due to lack of resources.
- CAP believes that all registered Indians who qualify for post secondary education should have funding made available to them.
- Moreover, there should not be annual funding caps imposed on the bands, forcing them to decide between on and off reserve band members, or to find it necessary to limit support to only two or three years.
- The current limitation of capping funding for post secondary education to a maximum of five years per student makes it difficult for students to pursue degrees in medicine, or other fields that require many years of study.

2.b. Skills Development

- The AHRDS is the largest source of funding for education and training of Aboriginal peoples living in cities yet the urban component of the strategy was included only as an afterthought and is grossly under funded.
- Due to the structure of the program the majority of the AHRDS education and training funds for urban residents is managed by political authorities that are non-urban and whose rural constituencies have very different priorities.
- In the aftermath of the Misquidis decision HRDC is faced with the challenge of adjusting the AHRDS to end discrimination and accommodate those in the Aboriginal community who have not enjoyed access to labour market development (LMD) programming, such as urban peoples and non-status Indians.
- While a number of short term solutions have been explored there is a need for a long-term solution that addresses the fact of under representation in LMD funding for non-status persons. This solution must support the six pillars of the existing AHRDS without the risk of additional court challenges or incremental increases in program costs and would most effectively be achieved by adding 1 new NFA to the 3 existing NFAs between HRDC and the AFN, MNC and ITK.
- Since the advent of the AHRDS all funds earmarked for labour market development of non-status persons has been allocated to Metis and First Nations authorities throughout western Canada, with the understanding that these agencies would undertake to include non-status persons within the wider mandate for service to their respective Metis and First Nations communities.
- There is no evidence to suggest that this has occurred and as HRDC has no mechanism to confirm compliance or identify disparities in the implementation of the AHRDS.
- A similar situation is faced by off-reserve Indians across Canada, whereby First Nations authorities are receiving funds based on total band membership but regularly exclude non-resident band members from employment programming. Targets for delivering labour market programming for off-reserve and/or non-status persons in numbers appropriate for their region, and;

- There are a number of additional reasons that off-reserve status Indians may be denied access to employment and training resources. The include:
 - In many cases the dollars are spent early in the fiscal year (within four to six months) and there is nothing left for the remainder of the fiscal year.
 - Often the local AHRDA holder's own program criteria is not flexible enough, requiring clients to make applications at least two months in advance of their training.
 - In addition, AHRDA holders at the First Nation community level often assume incorrectly, that off-reserve clients have alternate opportunities. With resources being limited they may therefore deny them employment and training support.

3. BUILDING CAPACITY AND SUSTAINABILITY

Skills Development

- The development of community based decision making and representative bodies is a major part of the AHRDS but one in which off-reserve persons have enjoyed little influence and in the case of non-status persons – none at all.
- Over the course of the AHRDS, First Nations and Metis authorities have further developed their capacity to engage various levels of government and the private sector in a number of productive areas, including but not limited to labour market programming. The result has been a strengthening of these communities and a fuller realization of federal Aboriginal policy as prescribed in the RCAP and later articulated in *Gathering Strength*.
- Off-reserve and non-status communities, particularly in urban areas, have been left almost completely out of this important aspect of the developmental process. HRDC's *ad hoc* urban strategy may have ensured that a disproportionately small part of AHRDS resources were allocated to off-reserve Aboriginal persons (11% of funds for over 70% of the pop.) for the narrow purpose of job training but it has failed to support the wider objective of developing accountable leadership within urban communities or allowed access to urban Aboriginal voices at the national policy level.
- Another missing element in the structure of the current AHRDS is the lack of capacity within the strategy to support national level employment programs, particularly among large scale employers with national scope.
- Truly effective development does not occur when only one side of an equation is addressed. The reality is that successful labour market development is a result of a carefully negotiated transfer of skills, labour and opportunities between suppliers with a surplus and consumers with a need. As long as any agreement among parties is managed with equal respect for the needs of each of those parties, it is possible for sustainable development to occur.
- The supply side approaches to Aboriginal labour market development, manifested by a continued emphasis on client-based programming, will continue to represent the backbone of federal labour market strategies now and in the future.
- With few exceptions, the groups that provide this client support do not have the time, capacity or resources to forge detailed long-term agreements with large employers.
- This is a role that can be facilitated by national Aboriginal organizations such as CAP. We want to help add this important function to existing service delivery agents – to help build a sustainable link between labour market supply and demand.
- On the demand side of the equation, potential employers need little additional coaxing to encourage incorporating Aboriginal workers into their long-term plans – they do need specific tools to prepare their workplace for Aboriginal workers and assistance in bringing the relevant players to the table to construct effective plans for action.

- Again, national Aboriginal organizations such as CAP can be the catalyst that allows these necessary agreements to come into being.
- The current practice of allowing a fixed percentage of CRF expenses to be allocated to “Administration” is not considered to be effective or fair. Nor does it enable organizations to build their internal capacity by providing training for their own staff. All AHRDAs should therefore be allowed a fixed cost for administration that assumes a basic level of service that all organizations should have available to perform the minimum oversight and accountability work necessary and supports some internal capacity development.
- AHRDA holder’s are running out of funding earlier and earlier in each successive year of the current agreement. There is wide scale agreement among these organizations that current-funding levels for the AHRDS do not accurately reflect actual need. It would be more effective to establish a needs-based approach to annual budgeting.

4. CURRICULUM AND RESEARCH DEVELOPMENT

Post Secondary Education

- Aboriginal organizations, particularly at the national level are sought after to provide their knowledge and expertise to a variety of government and academic processes related to post secondary education and research as it pertains to aboriginal peoples.
- CAP, for example, currently sits on the Advisory Board of the Ottawa based ACADRE, Anisnawbe Kekendazone, the Regional Advisory Council of the *Canadian Society for Circumpolar Health* (CSCH) and two of its working sub-committees, as well as the *Inter-Agency Advisory Panel on Aboriginal Research Ethics*@ CAP has also provided guidance on the design of several academic research studies. At this point in time however, our organization has received no funding to support these activities.

BACKGROUND ON THE CONGRESS OF ABORIGINAL PEOPLES AND ITS CONSTITUENCY

The Congress of Aboriginal Peoples (CAP) was founded in 1971 as the Native Council of Canada (NCC). It was originally established to nationally represent the political interests of Metis and non-status Indians, a population that out-numbered all other native people combined. In essence, the principle of the NCC's organization at that time was to address the lack of recognition of Metis and non-status Indians as Aboriginal peoples and to challenge the exclusion of our constituency from federal responsibility.

In keeping with the significant Aboriginal political changes that have occurred over the years, such as the constitutional recognition of Aboriginal peoples, the passing and implementation of Bill C-31, the negotiation of land claims and self-government agreements, and the separation of Prairie Metis from affiliation with non-status Indians and other Metis in 1983, the NCC’s name was changed to the Congress of Aboriginal Peoples (CAP) and its mandate has evolved to the representation nationally of the political interests of off-reserve Indian and Metis peoples regardless of status under the Indian Act and residency (for more information on CAP’s historical background please visit the following page of the CAP website: www.abo-peoples.org/background/background.html).

CAP's constituency not only stretches across Canada from sea to sea to sea, but consists of a wide variety of Aboriginal peoples with very different historical backgrounds, and current

environments. Most of these peoples share common problems in terms of exclusion from policies and programs for other Aboriginal peoples. As a result of their varying histories and circumstances, several of these peoples have different priorities in terms of achieving a solution to those common problems. These priorities provide one useful way by which CAP's constituency can be identified. They can be described in terms of:

- the Indian Act system and its consequences; particularly for those who are excluded from registration, band membership, residency on reserve, or related programs and benefits and want to address those concerns.
- the constituency's Aboriginal and/or treaty rights; particularly for those who live in comprehensive claims areas, those who have been excluded from treaty benefits, or who are pursuing modern treaty as a vehicle for addressing their rights.
- the population's socio-demographics; particularly for those who are seeking economic parity or equity of access to policies, programs and services designed to serve the Aboriginal population; and,
- the simplicity or complexity of the Tribal/Nationality identities within regional organizations; particularly for those organizations whose membership maintains tribal affiliations, or who includes different groups who are associated with different tribal groupings.

Each approach carries with it implications for the relations between CAP and the federal government, and each is valid in its own context.

**Aboriginal Ancestry Population*

Total Aboriginal Population

- 1.3 million (4.4% of Canadian population)
- 79% - **4 out of 5 live off reserve**

Registered (Status) Indian Population (a.k.a. “First Nations citizens”)

- 558,175
- **51% live off reserve**

Off Reserve Aboriginal Population

- 283,960 Off reserve Registered (Status) Indian
- 399,470 Non Status Indian
- 266,020 Metis
- **Total 949,450** (excluding Inuit)

(*Statistics Canada – 2001 Census)

***Aboriginal Ancestry Population Size
Canada, Province and Territory
2001 Census***

	Population Size	Percent OFF Reserve
Canada	1,319,890	78%
Nfld/Lab	28,065	98%
PEI	2,720	86%
NS	33,415	78%
NB	28,465	79%
Que	159,905	80%
Ont	308,105	87%
Man	160,250	68%
Sask	135,035	65%
Alta	199,015	81%
BC	216,110	80%
YK	6,990	72%
NWT	18,955	30%
NU	22,665	100%

Source: Statistics Canada 2001 Census

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