## INDIGENOUS COMMUNITIES SERVICES PLAN

Phase Two 2024/25 - 2026/27



Our office is located on the traditional lands of the Ləkwəŋən (Lekwungen) People and ancestors and our work extends across traditional territories of the First Nations Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.



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INDIGENOUS COMMUNITIES SERVICES PLAN | PHASE TWO

# FAIRNESS IN THE CONTEXT OF RECONCILIATION

Ləkwəŋən territory.

The BC Ombudsperson is committed to supporting and actively advancing reconciliation through our work with Indigenous Peoples. In our Indigenous Communities Services Plan (ICSP), we aim to strengthen our partnerships with Indigenous service providers, community leaders and individuals to ensure all Indigenous Peoples across British Columbia are treated fairly by provincial and local public bodies under our jurisdiction as set out in the *Ombudsperson Act*.

Phase one reinforced for us the complexity of issues faced by Indigenous Peoples across the province, and the need to take a sustainable and strategic approach to how we continue to support reconciliation. In phase two, we outline how our office plans to further our efforts and continue to work collaboratively with Indigenous Peoples. We aim to center relational practice and culturally-informed approaches in our outreach strategies to reach Indigenous communities and people.

### Fairness in the context of reconciliation

In the context of reconciliation with Indigenous Peoples in British Columbia, fairness means that we expect public bodies under our jurisdiction to be:

- applying and adhering to the protected rights, interests and self-determination of Indigenous Peoples
- ensuring equitable access to services and fair treatment by organizations
- addressing historical injustices, recognizing and affirming Indigenous rights

- working towards a more balanced and just relationship between Indigenous Peoples and public institutions
- acknowledging and redressing the impacts of colonization, such as the loss of land, culture, language and self-governance experienced by Indigenous communities
- engaging in meaningful consultation and collaboration with Indigenous Peoples to ensure their voices are heard and their perspectives are respected and included in decision-making processes
- providing equitable access to resources, opportunities and services for Indigenous communities, including healthcare, education, housing and economic development
- addressing socio-economic disparities and supporting the revitalization of Indigenous languages, cultures and traditions
- committing to shared understanding, mutual respect and the upholding of Indigenous rights as a foundation for a more just and inclusive society

#### The Ombudsperson's role in ensuring fairness for Indigenous Peoples

The work we do to promote fairness for Indigenous Peoples includes:

### Addressing complaints about public bodies under the Ombudsperson Act:

The office receives and may investigate complaints related to unfair administrative actions that affect Indigenous People. This includes providing access for Indigenous individuals and communities to voice their concerns and seek redress and resolution for alleged breaches of administrative fairness. By addressing complaints in a culturally sensitive way, we strive to contribute to the healing and reconciliation process.

- Conducting impartial assessments: The office assesses the administrative actions of public bodies for alignment with the principles of fairness, transparency and respect for Indigenous rights.
- Recommending improvements: Where, as a result of our reviews and investigations, we identify unfair treatment, we make recommendations to public bodies on how to enhance administrative fairness for Indigenous Peoples. These recommendations can focus on legislative or policy changes, individual or community redress, procedural improvements, capacitybuilding initiatives and other measures that promote reconciliation and respect for Indigenous rights.
- Monitoring and accountability: We monitor the implementation of administrative fairness principles and standards of public bodies. This includes evaluating compliance with policies, procedures and guidelines related to Indigenous engagement, consultation and decision-making. By holding institutions accountable, we strive to ensure reconciliation commitments related to our investigations are honoured.
- Collaboration and consultation: We engage in meaningful collaboration and consultation with Indigenous communities and organizations. By seeking input and feedback, we ensure that our work reflects the diverse perspectives and needs of Indigenous Peoples. This collaborative approach promotes trust-building and helps shape our initiatives in a way that aligns with reconciliation goals.
- Education and awareness: We raise awareness and understanding of administrative fairness among public bodies, Indigenous communities and the public. This includes providing educational resources, training programs and outreach initiatives to promote a shared understanding

of reconciliation and the importance of administrative fairness in achieving it.

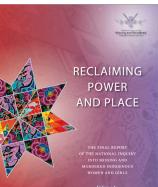
As we continue with our phased approach – recognizing there is much work to be done and that we must move at the speed of trust – it is important that we continue to look ahead to how phase two will inform future phases. Achieving our goals in phase two will provide us with the foundation and readiness for the future as we consider how to embed Indigenous legal traditions into our work and develop an Indigenous pathway to further support Indigenous self-determination, including how we hear and address complaints and how we approach our oversight responsibilities.

#### Legal framework and commitments

We acknowledge the systemic unfairness experienced by Indigenous Peoples in relation to the delivery of public services due to historic and ongoing racism and colonialism, as described in many reports such as:



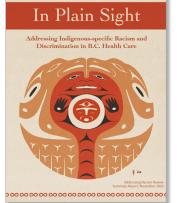
National Truth and Reconciliation Commission <u>reports</u>



Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls



3rd Annual BC First Nations Justice Forum: What We Heard Report



In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care

We aim to use our mandate to focus attention on, and influence governments to address, administrative gaps that are the result of colonial programs and policies.

First Nations, Inuit and Métis People have distinct and inherent protected rights, as affirmed in s.35(1) of the <u>Constitution Act</u>, 1982, that we must recognize in all aspects of our office's work. The principle of the honour of the Crown underlies the relationship between the province and Indigenous Peoples and this expectation of integrity, good faith and fairness extends to administrative decision making.

When assessing and investigating a complaint about a provincial or local public body from an Indigenous person or collective, we are attentive to these rights and obligations. We also assess a public body's fairness obligations to Indigenous Peoples with reference to the *Declaration on the Rights of Indigenous Peoples Act* and the requirement that all provincial laws must be interpreted as being consistent with s.35(1) and the <u>UN Declaration</u> on the Rights of Indigenous Peoples.<sup>1</sup>

Our expectations of fairness in administrative decision making are further informed by the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, which affirms a distinctions-based approach to reconciliation.

Our office has not historically considered Indigenous laws and legal traditions in defining fairness. However, our commitment to decolonizing our work requires understanding that Indigenous legal traditions can and should inform how we assess, investigate and resolve complaints brought to our office by Indigenous People. We are committed to incorporating Indigenous understandings of fairness into our investigative work and to doing so responsibly, effectively and meaningfully. This will be a central focus of the third phase of this plan, once we've set the foundation for this work in phase two.



Indigenous ceremony drums on Lakwaŋan territory.

<sup>&</sup>lt;sup>1</sup> Interpretation Act, s.8.1.

# LOOKING BACK: PHASEONE

Inukshuk at Harrison lake, traditional shared territories of the Sts' ailes, Seabird Island, Sq'ewá:lxw, Cheam, Xax'tsa, Leq'a:mel, Samahquam, Sq'ewlets, and Skatin First Nations.

## LOOKING BACK: PHASE ONE

#### Summary of activities

Our office identified the need to enhance our services to Indigenous Peoples and recognized the important entry points we have with public bodies in identifying issues of unfairness that are directly linked to reconciliation. In 2020/21, the Ombudsperson requested, and in 2022/23 received, funding from the Select Standing Committee on Finance and Government Services for the first phase of a multi-year initiative. In order to clarify the goals, objectives and activities that will enhance our services to Indigenous Peoples, we:

- Conducted regional outreach to Indigenous individuals, communities and organizations across the province; formal and informal consultations;<sup>2</sup> participation at events; and delivery of workshops and complaint clinics.
- Initiated an organization-wide review of policies and practices for opportunities to enhance our services within a reconciliation framework.
- Identified opportunities to collaborate with First Nations governments and Indigenous serving organizations to identify systemic trends of unfairness towards Indigenous Peoples and opportunities for co-learning around Indigenous rights, self-determination and complaints mechanisms.
- Developed a baseline understanding of our organizational readiness and staff cultural competencies to support culturally safe service delivery and an inclusive workplace culture.



What We Heard: Indigenous Communities Services Plan: Phase One

#### What we learned

Our experiences and learnings to date have been rich, complex and broad. It informed our path forward as we transition into the second phase of our journey:

- We learned that we must continue to work at the speed of trust. As Indigenous Peoples become aware of our office, they also need to see us as a trusted and culturally safe place to bring their complaints when they feel they have been treated unfairly by public organizations under our jurisdiction.
- We learned there is an ongoing need to build awareness. As we reach more Indigenous Peoples and organizations the number of complaints coming to our office is steadily increasing.
- We learned that Indigenous Peoples continue to face barriers when accessing fair public services and their complaints are often complex and multi-jurisdictional.

<sup>&</sup>lt;sup>2</sup> For more about our formal engagements, see our <u>*What We Heard report*</u> (starting on page 11), which is embedded in our *Indigenous Communities Services Plan: Phase One*.

- We learned that Indigenous Peoples continue to face systemic racism in the services they are accessing, including those delivered by public bodies. We have a responsibility to address this issue through the work we do with public bodies and how we hold them accountable for implementing BC's new anti-racism legislation, among other commitments.
- We have learned that our commitment to supporting reconciliation needs to be longterm and sustainable, led by Indigenous staff and centering the voices of Indigenous Peoples.

#### **Outcomes**

While our journey has just begun and we have much work ahead, the following are highlights of the foundation we've laid.

#### Increased reach to Indigenous communities across BC through Ombudsperson Pathfinders

The Pathfinders Initiative began as a pilot in 2022 when five regionally-based Indigenous engagement specialists were contracted to raise awareness of the office and its services in Indigenous communities throughout the province.

Pathfinders provided outreach to more than 84 First Nations communities and Indigenous organizations in the form of group presentations and individual guidance to community members seeking to make a complaint about a public body under our jurisdiction.

Over 120 such complaints were received through the Pathfinders Initiative from Indigenous People across BC from April 2022 to June 2024.



Pathfinders attended the All Native Basketball Tournament to connect with Indigenous communities in northern BC.

Pathfinders, in coordination with our Intake and Investigations team, attended over 20 large Indigenous events across the province to build awareness about our services, and specifically how to make a complaint to us about a BC public body. Events included:

- Gathering Our Voices youth conference
- Annual Elders Gathering
- First Nations Public Service Secretariat Conference
- All Native Basketball Tournament
- Seabird Island Festival
- South Island Powwow
- Haida Gwaii annual general meeting

We were also invited to hold complaint clinics in Tla'amin and Lillooet territories. Complaints were also received in person by members of our Intake and Investigation team at the Seabird Island Festival and the South Island Powwow.

Through our outreach efforts in creating awareness about our office since 2022, over 500 Indigenous People have come to our office seeking administrative fairness from all regions of the province.



Indigenous dancers at the South Island Powwow in Victoria. Pathfinders attended this event to engage in outreach with Indigenous communities. (Robyn Bell. Capital Daily)



Pathfinders booth at the Seabird Island Festival.

#### Increased awareness and trust among Indigenous governing and serving organizations including an invitation to collaborate with Nisga'a Lisims Government

In 2023, we received an invitation from the Nisga'a Lisims Government to support a review of their *Administrative Decisions Review* 

Act in the context of our fairness work. We have worked closely to build relationships and learn about Nisga'a culture, history, traditions and laws (Ayuukl). At their request, the Ombudsperson, our Public Authority Consultation and Training (PACT) team and our Director of Indigenous Initiatives, delivered a tailored workshop to Nisga'a staff and representatives in May 2024. In June 2024, the Ombudsperson and some staff travelled to Terrace and Nisga'a villages to meet with and present to public and elected representatives of Gitmaxmak'ay Prince Rupert/Port Edward, Gitlaxdax Terrace Society, Nisga'a Ts'amiks Vancouver Society, and Gitlaxt'aamiks, Gitwinksihlkw, Laxgalts'ap and Gingolx Village Governments.

This support will continue through ongoing collaboration and learning together as we find ways to harmonize world views and perspectives through the lens of administrative fairness. These learnings will also support the integration of Indigenous legal traditions into phase three of our ICSP.

#### Progress towards culturally sensitive, trauma-informed internal policies and processes to better serve Indigenous complainants

By improving our data collection methods and further disaggregating the data we collect (e.g., on Indigenous identity), we have a better understanding of our service provision to Indigenous Peoples. We are also better able to identify which authorities Indigenous Peoples experience the most challenges with. This data has allowed us to clearly identify trends and barriers facing Indigenous Peoples, enabling enhanced strategic outreach efforts and public authority training content that integrates Indigenous experiences and highlights unfairness trends specific to Indigenous Peoples.

Our office is in the process of updating internal policies to provide better service to Indigenous People who trust us with their complaint.

#### Initial identification of opportunities for integration of Indigenous experiences into systemic investigations and reporting

We engaged with some First Nations and Indigenous organizations and individuals impacted by the 2021 fires and floods in our *Fairness in a Changing Climate* investigation. We heard stories of the challenges people faced in accessing necessary supports when they were evacuated from their homes. And these first-hand experiences informed our recommendations to government. Through this experience, we identified areas for improvement in how we engage with Indigenous Peoples and organizations when conducting systemic investigations. We are applying these learnings to our current and future investigations to ensure our approach is culturally relevant, distinctions-based and supportive of our reconciliation goals.

We also consulted with the BC First Nations Justice Council during our assessment of the Ministry of Children and Family Development's implementation of recommendations from our 2021 report *Alone: The Prolonged and Repeated Isolation of Youth in Custody.* 

#### First steps in building staff Indigenous cultural competencies through an internal learning and development program

Internal learning and staff development was a priority throughout phase one. We recognized the importance of establishing cultural safety in the services we provide and worked to increase Indigenous competency through an anti-racist, trauma-informed lens using a distinctions-based approach.

Indigenous days of significance were highlighted throughout the year. Staff participated in workshops and experiential opportunities to learn more about Indigenous Peoples and history. Staff participated in several events and activities including the Moose Hide Campaign, National Indigenous Peoples Day, Red Dress Day, National Day For Truth and Reconciliation and Louis Riel Day.

We have made great strides in Indigenous competency development through training including:

- San'yas Indigenous Cultural Safety Training (mandatory for all staff)
- anti-racism training
- Kairos' Blanket Exercise
- Building Capacity in Indigenous Relations Indigenous and Canadian Histories 101
- Indigenous Canada Online Course (University of Alberta)

- MMIWG2S awareness training
- experiential learning opportunities through invitations to community events, participating in protocol and witnessing ceremony in community

Several staff participated in witnessing a totem raising at the Vancouver Island Correctional Centre in Victoria, a Welcome Pole raising at the Victoria International Marina, as well as the unveiling of a totem pole, called Sustenance, carved by Master Carver, Tom Lafortune, on the second floor of our office in Victoria.

Learning will continue in phase two as we establish an ongoing learning framework and additional opportunities for learning and growth.

#### Planning for long-term sustainability through a permanent Indigenous Initiatives structure

In the fall of 2023, we presented our phase one outcomes to the Select Standing Committee on Finance and Government Services, with a plan for a sustainable, permanent model.



Totem raising ceremony at the Vancouver Island Correctional Centre in Victoria.

The budget for this model was approved based on our successes. With that, we were able to appoint a permanent Director of Indigenous Initiatives and regionally-based staff positions to fulfil the next phase of the ICSP. In the spirit of reconciliation, all positions on the Indigenous Initiatives team will be filled by Indigenous staff.



Sustenance, a totem carved by Master Carver, Tom Lafortune.

# LOOKING AHEAD: PHASE TWO

## LOOKING AHEAD: PHASE TWO

#### **Guiding principles**

In keeping with our previous approach in honouring diverse Indigenous perspectives, we will continue to be guided by the "7R's":

- **relationship** (to be in connection with)
- recognition (awareness and acceptance)
- reconciliation (reestablishing, balancing, cooperating)
- responsiveness (answering, influencing, being involved)
- respect (feeling and showing regard, honouring)
- redress (remedying)
- representation (having voice)

We will continue to centre the voices and perspectives of Indigenous Peoples, keeping in mind and heart what we heard during our roundtables and focus groups. We respect that Indigenous communities need to heal and be heard and we must identify barriers and underlying conditions that continue to perpetuate harm to Indigenous Peoples. We will make recommendations to public bodies that incorporate this historical and societal context.

Additionally, we will apply various lenses in service of this work:

Distinctions-based and rights-based: We recognize the distinct and unique rights, cultures and traditions of the diverse groups of Indigenous Peoples in BC, including First Nations, Métis, Inuit, status, non-status, urban and rural people. Within the context of our mandate, this means that our process in receiving complaints about administrative

fairness from Indigenous People and our role in holding bodies accountable as an oversight body are in alignment with the BC Declaration on the Rights of Indigenous Peoples Act.

- Anti-racist: We engage in active processes to eliminate beliefs and practices that maintain and perpetuate the power imbalances and systemic barriers that result in inequitable outcomes in social, economic, cultural, civil and political areas of life for Indigenous People, while supporting self-determination. In practice, this means we validate and include Indigenous knowledge, voices and guidance in the work we do in all areas, while continuing to provide meaningful transformative Indigenous competency development and cultural safety training to our staff.
- Trauma-informed: We acknowledge and take into consideration the intergenerational impacts of colonization (residential schools, Sixties Scoop, displacement) experienced by Indigenous Peoples and how it continues to impact their ability to access services, paying special attention to not exploit, appropriate, victimize or pathologize Indigenous Peoples.

Our efforts are focused on four key areas as laid out in the goals and objectives below: the relationships we hold, the services we deliver, the knowledge we share and the workplace we operate within.

## Weaving connections between our strategic commitments and actions

We are operationalizing our <u>2021-2026 Strategic</u> <u>Plan</u>. The ICSP's goals and objectives are woven together with this plan, as well as other key plans we've developed including: our Accessibility Plan 2023-2026 (in alignment with the Accessible BC Act), our Outreach and Engagement plan, 2024/25 Human Resources Workforce Plan and our Diversity, Equity and Inclusion framework. The interplay between each of these adds a layer of context and specificity to our work and relationships with Indigenous Peoples, each reinforcing the other to ensure that reconciliation figures prominently across our work.

#### Goals, objectives and anticipated outcomes

#### **GOAL 1:** Deepen our connections with First Nations, Métis and Inuit People, leaders and organizations.

#### **Objectives:**

**TO OUR GOALS** 

- **1.1** Develop new and strengthen existing relationships with Indigenous governing bodies and hereditary and elected leaders across the province.
- **1.2** Conduct consistent and meaningful outreach to a broad range of Indigenous

individuals, Indigenous-serving organizations, and First Nations, Métis and Inuit communities.

**1.3** Develop accessible, culturally appropriate resources to address Indigenous Peoples' specific questions and issues.

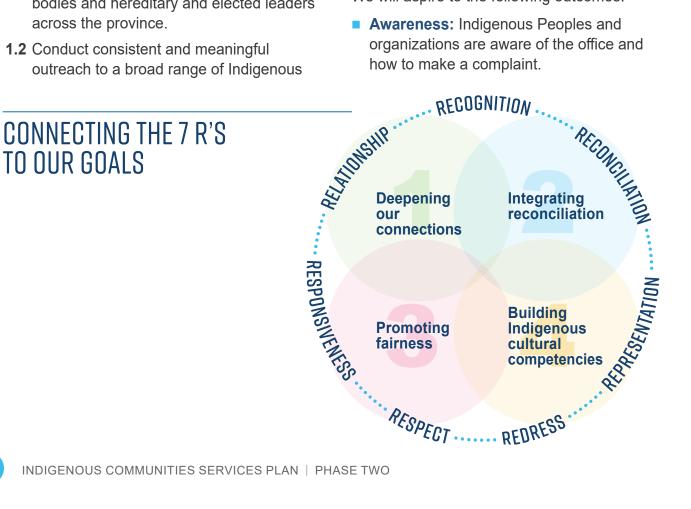
#### Sample activities:

Includes the development and implementation of a strategic outreach plan focused on building trusted and collaborative relationships with key Indigenous-serving organizations including Friendship Centres, Indigenous Justice Centres and First Nations Health Authorities. This will require building a permanent team with regional presence and increasing our focus to urban Indigenous populations. We will also be reviewing and updating all communications materials and Indigenous-specific website content.

#### Evaluating Impacts:

We will aspire to the following outcomes:

Awareness: Indigenous Peoples and organizations are aware of the office and how to make a complaint.



- Trust, relevance and accessibility: The office is considered a trusted (culturally safe, trauma-informed), relevant (useful) and accessible resource for Indigenous People seeking administrative fairness in their dealings with public bodies.
- Respectful, reciprocal relationships: The office maintains respectful, reciprocal relationships with Indigenous leaders and organizations.

## **GOAL 2:** Adapt and enhance our services by integrating reconciliation and Indigenous-specific considerations into law, policy and practice.

#### **Objectives:**

- 2.1 Propose amendments to the *Ombudsperson Act* to make the statutory framework governing our services more accessible, welcoming and trustworthy for Indigenous People.
- 2.2 Review and enhance intake and investigation policies and practices for alignment with Indigenous rights using a distinction-based, intersectional approach.
- 2.3 Review and enhance complaint clinic, presentation and workshop design and delivery in collaboration with Indigenous subject matter experts. This will include a welcoming, accessible and informed method of complaining about public bodies under our jurisdiction and an emphasis on prevention strategies to support selfdetermination.

#### Sample activities:

Focuses on enhancing select intake and investigation policies and procedures specific to serving Indigenous complainants through the *Ombudsperson Act* and the *Public Interest Disclosure Act*. Additionally, we will identify opportunities to improve our complaint clinic and community outreach presentations, resources and materials to integrate Indigenous-specific content.

#### **Evaluating Impacts:**

We will aspire to the following outcomes:

- Alignment: Policies and procedures under the Ombudsperson Act and the Public Interest Disclosure Act align with key agreements pertaining to Indigenous rights and recognition and broader objectives of reconciliation, and integrate Indigenous world views and approaches.
- Integration: Clinic, presentation and workshop content, facilitation approaches and materials integrate Indigenous knowledge, approaches and issues.

## **GOAL 3:** Promote fairness in the context of reconciliation with Indigenous Peoples with public bodies within our jurisdiction.

#### **Objectives:**

- 3.1 Apply a rights-based reconciliation framework in our analysis of the actions of public bodies including under section 23 of the *Ombudsperson Act* as it pertains to Indigenous Peoples.
- 3.2 Issue public reports that highlight fairness issues for Indigenous Peoples using research and data collection approaches guided by <u>OCAP principles</u> and the *Grandmother's Perspective*.
- 3.3 Integrate reconciliation into training and consultations with public bodies highlighting the intersection of fairness with their responsibilities to Indigenous Peoples.

#### Sample activities:

Includes integrating Indigenous histories, cultures and knowledge into our understandings of fairness and how we consult with and train public bodies. We will also refine our system for identifying and reporting on existing and emerging systemic issues facing Indigenous Peoples.

#### **Evaluating Impacts:**

We will aspire to the following outcomes:

- Fairness: Expanded definitions of fairness incorporate Indigenous perspectives and rights.
- Alignment: Settlements and recommendations recognize public body legal obligations and commitments to Indigenous Peoples (*Declaration on the Rights of Indigenous Peoples Act*, *Truth and Reconciliation Commission of Canada: Calls to Action*, *Calls for Justice*, etc.) and reflect a distinctions-based approach grounded in First Nations, Métis and Inuit rights.
- Integration: Indigenous world views, traditions and protocols are integrated into settlements.
- Accountability: We will consider and evaluate commitments made to Indigenous Peoples by public bodies when assessing fairness

## **GOAL 4:** Build and sustain the Indigenous cultural competencies of all staff to ensure the provision of culturally safe services and an inclusive workplace culture.

#### **Objectives:**

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4.1 Integrate reconciliation and Indigenous specific equity and inclusion considerations into recruitment, onboarding, retention and development.

- 4.2 Include Indigenous perspectives and representation in strategic workplace planning and culture decisions.
- 4.3 Equip staff with the tools, knowledge and skills to work with Indigenous colleagues and serve Indigenous Peoples in a culturally safe manner.

#### Sample activities:

Includes establishing a permanent Indigenous Initiatives team, reviewing the employee life cycle to identify opportunities to attract, retain and empower Indigenous candidates and employees, and integrating Indigenous competencies into the development of the office's learning framework.

#### **Evaluating Impacts:**

We will aspire to the following outcomes:

#### Representation:

- The Indigenous Initiatives team is staffed with a skilled group of Indigenous professionals who are thriving in the workplace.
- Indigenous representation exists across work units and levels in the organization.

#### Cultural safety and inclusion:

- Indigenous candidates feel safe and supported through their recruitment experiences and Indigenous staff feel safe and included in the workplace.
- Staff demonstrate a commitment to ongoing learning and incorporation of Indigenous knowledge and perspectives, and feel confident in their abilities to conduct their work in a culturally safe and inclusive manner.
- Indigenous People feel they have been served in a culturally safe, skilled and competent manner by our staff.

Want to learn more about our ICSP or to connect with our Indigenous Initiatives team? Email us at indigenousinfo@bcombudsperson.ca.

Kisakihitin on the beach of the traditional territory of the Tla-o-qui-aht First Nation of the Nuu-chah-nulth peoples.



### **OMBUDSPERSON** BRITISH COLUMBIA

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