

POLICY AIMS OF THE MINISTÈRE DU TRAVAIL,
DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE WITH RESPECT
TO PUBLIC EMPLOYMENT SERVICES FOR THE FIRST
NATIONS AND INUIT

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Translated from the original French

List of abbreviations

AFNQL: Assembly of First Nations of Quebec and Labrador

CLE: Local employment centre

ETSC: Employment Training and Service Centre

ISET Program: Indigenous Skills and Employment Training Program

ASETS: Aboriginal Skills and Employment Training Strategy

Preamble

In 1997, when the federal government transferred responsibility for workforce training and development to Québec, dedicated funding for the development of Indigenous human resources was not included in the agreement, and remains under the responsibility of Service Canada (Employment and Social Development Canada).

The implementation of the federal government's Aboriginal Skills and Employment Training Strategy (ASETS) was placed under the responsibility of Indigenous organizations with which the government signed agreements that, in many respects, resembled the Canada-Québec Labour Market Agreement.

In April 2019, the strategy was renamed the Indigenous Skills and Employment Training Program (ISET Program).

In Québec, the agreements signed by the federal government with Indigenous organizations include over \$50 million in annual funding for the employment component. Agreements have been signed with

- the Assembly of First Nations of Quebec and Labrador (AFNQL)
- the Cree Nation Government
- the Kativik Regional Government
- Algonquin Nation-Human Resources and Sustainable Development
- the Conseil de la Nation Atikamekw

Despite the existence of these agreements, under which the urban service centres of the First Nations Human Resources Development Commission of Quebec and all Indigenous communities are given funding for workforce development, in particular via Employment Training and Service Centres (ETSCs), Indigenous communities and their members rely on the Ministère du Travail, de l'Emploi et de la Solidarité sociale to support interventions relating to workforce training and development.

This document specifies the policy aims of the Ministère with respect to public employment services for the First Nations and Inuit. It also sets out the conditions governing the eligibility of First Nations and Inuit people for those services.

1. Policy aims

Public employment services for the First Nations and Inuit are guided and governed by 4 policy aims.

1.1 Policy aim 1: The Ministère undertakes to support the First Nations and Inuit with respect to public employment services

The Ministère recognizes the difficulties and needs of Indigenous communities with respect to training and labour market integration, and also economic development and job creation, and intends to take action to improve the situation of communities and their members. For this reason, all employment services and measures will be made available to the First Nations and Inuit. The services provided will be governed by the guidelines defined in section 2 of this document.

In addition, the services provided will mirror the 3 directions set out in the Ministerial Strategy for Labour Market Integration of First Nations and Inuit People:

Direction 1: Increase the participation of members of the First Nations and Inuit in the labour market by facilitating their access to public employment services;

Direction 2: Value the contribution of the First Nations and Inuit workforce on the labour market;

Direction 3: Work together with the different partners of the regional and local environments to ensure coherent and promising interventions, and to encourage a diversified and solid partnership, the guarantor of success.

1.2 Policy aim 2: the federal government retains primary responsibility

The Ministère recognizes that primary responsibility for training and development of the Indigenous workforce remains with the federal government.

Dedicated funding for training and development for Indigenous was not included in the Canada-Québec Agreement that transferred responsibility for workforce arrangements.

The Gouvernement du Québec guidelines regarding Aboriginal affairs, published by the Secrétariat aux affaires autochtones in 1998 under the title *Partenariat, développement, actions [Partnership, Development, Achievement] Translation*, specify that the Gouvernement du Québec was ready to make a financial investment to promote the governmental autonomy of the Aboriginal nations. However, Chapter 1.6, “Le ménage à trois” [A three-way partnership] *Translation*, states that:

“Cependant, même s’il accroît son engagement financier au fil des ans, le Québec n’a pas l’intention de se substituer au gouvernement fédéral en matière de financement pas plus qu’il ne veut que son engagement se fasse à moindres coûts pour le gouvernement fédéral qui doit continuer à remplir ses obligations de fiduciaire.” [Québec, even though it has increased its financial contribution over the years, has no intention of taking over the federal government’s responsibility for funding, and does not want its contribution to reduce the cost for the federal government, which must continue to fulfill its fiduciary obligations] *Translation*

This is why the guidelines, integrated into policy direction 2.6 of the Government Action Plan for the Social and Cultural Development of the First Nations and Inuit 2017-2022 (released on June 27, 2017), confirm that the Gouvernement du Québec will intervene with Aboriginal people living in or outside their community in a way that ensures complementarity with federal government services:

“It [the Government of Québec] cannot act as a substitute for the federal government not only because of the limited scope of its own jurisdiction but also because it does not have sufficient resources to do so. For all that, the Government of Québec believes it is a priority to enhance the living conditions of the Aboriginal communities located in Québec’s territory. Bearing in mind the constitutional framework and the attendant federal-provincial situation, the Government of Québec intends to implement in a complementary manner to the Government of Canada’s initiatives the broadest possible efforts in order to participate concretely in the consolidation of the social safety net and conditions to ensure cultural self-fulfilment from which all of Québec’s Aboriginal citizens must benefit. What is more, it is in this perspective that it is already funding on the reserves the construction and operation of childcare centres or granting significant funding to Aboriginal law enforcement services that report to the band councils. This action plan seeks to pursue such efforts.

Compliance with the Canadian constitutional context must, moreover, go hand in hand with a renewed dialogue between the Québec and federal governments. The two levels of government must more effectively combine their efforts and, through enhanced consultation, establish better synergy in their initiatives.”

1.3 Policy aim 3: ensure complementarity and avoid funding overlaps

Given the federal government’s primary responsibility for training and Indigenous workforce development, any participation or collaboration by the Ministère must be complementary to other

sources of funding, in particular under federal government programs and measures specifically intended for First Nations and Inuit people. However, if an Indigenous organization notes that its budget for public employment services is exhausted, that an application for project funding¹ has been rejected, or that a service requested by a member of the community cannot be provided because it does not exist, the Ministère could intervene as the second partner after the federal government. This would be consistent with the focus on complementarity.

1.4 Policy aim 4: ensure that decisions are made at the local level

The Ministère directs public employment services within Québec using a decentralized, regionalized, results-based management method. Services and active measures are managed at the local level by staff in local employment centres or Services Québec offices. Before a decision is made to grant assistance to an individual, organization or enterprise, the file is analyzed and the situation is assessed by the staff members responsible at the regional or local level, in compliance with the local budgetary and operational plan, the regional action plan and the workforce and employment plan of action.

2 Guidelines governing the eligibility of First Nations and Inuit people² for employment services and measures

In addition to the policy aims set out above, more specific guidelines have been established to define the eligibility of Indigenous individuals and organizations for public employment measures and services. The guidelines constitute a point of reference for the decisions made at the regional and local level.

2.1 Universal services

First Nations and Inuit people are eligible for the universal employment services provided by Services Québec. The services, for both individuals and enterprises, include

- information about the labour market
- information about measures and services (individuals)
- information about services available to enterprises
- the multiservice room, including job banks
- placement, including online placement and the recording and posting of job offers

2.2 Specialized services and active measures

The eligibility of First Nations and Inuit people for specialized services and active employment measures, in addition to the method known as “Approche d’intervention”, is based on 2 elements: the status³ of each applicant, and whether or not the applicant lives in the community.⁴ These 2 elements were chosen because of their connection with the policy aims set out above.

To assist in the understanding of the rules defined below, it is important to remember that there is a federal income assistance program for First Nations members living on-reserve. It applies to 9 of the 11 nations in Québec.⁵ For the 2 other nations, the Crees and the Inuits, the relevant details are given in section 3.

¹. Specific measures apply to the nations that have signed an agreement.

². This section concerns all Indigenous communities except the Cree, Naskapi and Inuit nations, which are discussed in section 3.

³. Applicants must be receiving employment insurance benefits or last resort financial assistance benefits, or be without public income support.

⁴. For member of First Nations that have not signed an agreement, living in the community, priority is given to employment insurance recipients (see section 2.2.1).

⁵. The 9 nations that have not signed an agreement but that benefit under the federal on-reserve income assistance program are the Abenaki, Atikamekw, Algonquin, Huron-Wendat, Malecite, Micmac, Innu, Mohawk and Naskapi nations.

2.2.1 Individuals and organizations in the community⁶

2.2.1.1 Individuals

First Nations members living in a community may be eligible for specialized services and active employment measures.

Priority is given to people eligible for, or currently receiving, employment insurance.

However, since First Nations communities benefit, via their Employment Training and Service Centre (ETSC),⁷ from federal government funding to provide services to on-reserve clients, First Nations members must first have filed a request with their ETSC before staff at the local employment centre (CLE) or Services Québec office will consider the possibility of granting assistance.

If no request has been filed at the ETSC, it is recommended that clients be referred to the ETSC in their community. If this approach is unsuccessful (because the service does not exist or because the budget is insufficient) or infeasible, participation in an employment measure or the offer of a special service by staff at the CLE or Services Québec office must be considered.

A letter from the ETSC confirming that the client cannot have access to services for one of the reasons mentioned above must⁸ be presented by the client to the staff member at the CLE or Services Québec office.

The concept of **complementarity between Gouvernement du Québec and federal government services** is of primary importance in this kind of situation, in compliance with the policy aims of the Government Action Plan for the Social and Cultural Development of the First Nations and Inuit 2017-2022 and with the 1998 government guidelines regarding Aboriginal affairs.

2.2.1.2 Band councils and Indigenous organizations

Band councils and organizations in the community are eligible for employment measures. However, there is one exception to this rule: band councils are not eligible for the Intervention en entreprises component of the Concertation pour l'emploi measure, except for part of the Interventions en partenariat component (Table ad hoc and Support à l'exécution des mesures actives).

If the organization has not already filed a request with the ETSC in its community, it will be asked to do so.

2.2.2 Individuals or organizations outside the community

In theory, the funding available to each Indigenous community via its ETSC should, based on the agreement signed by the federal government with the AFNQL, also be made available to members of the community living off-reserve.

The federal government has also signed a second agreement with the AFNQL, covering the establishment and management of the urban component of the ASETS (known as the ISET Program since April 1, 2019). So far the agreement has led to the opening of 4 Employment Training and Service Centres in urban centres, covering all of Québec, in the cities of

- Montréal
- Québec
- Val-d'Or
- Sept-Îles

⁶. These are general guidelines that will be applied to communities that have not signed an agreement or, in some cases, have signed an agreement (see section 3).

⁷. The name may be different in some communities.

⁸. Any other equivalent attempt to obtain information from the Employment Training and Service Centre may be assessed by staff at the local employment centre or Services Québec office.

2.2.2.1 First Nations and Inuit people

First Nations and Inuit people living outside the community who receive or are eligible for social assistance or employment insurance benefits, or who are without public income support, have access to all public employment measures and services.

However, since they remain eligible for the services provided by their home community or, where applicable, provided by an urban service centre, they should be asked to start the process for participating in a measure or receiving a service provided by their community⁹ or the ETSC in an urban centre. If this process is unsuccessful or cannot be achieved, their participation in an employment measure or the provision of a specialized service by staff at the CLE or Services Québec office must be considered.

A letter from the ETSC (in their community or in an urban environment), confirming that the person does not have access to certain services for one of the reasons mentioned above, must¹⁰ be presented by the person to the staff at the CLE or Services Québec office.

2.2.2.2 Indigenous organizations

Organizations outside the community are eligible for employment measures.

The funding conditions are set out in an agreement between the Ministère and the organization concerned. If the organization has not already applied to the ETSC in its community or the relevant ETSC in an urban environment, it will be asked to do so.

2.3 Major projects and economically-important projects

Indigenous organizations, like any other organizations, are eligible for economically-important projects and major projects.

Economically-important projects are implemented using investment from private entities. Major projects are intended to improve the labour market and are funded by various associations and organizations.

Both types of project are presented as part of active measures as part of public employment services and are subject to certain rules.

The Ministère does not require nations covered by an agreement (Cree, Inuit and Naskapi) to apply for federal government funding before presenting these 2 types of project. However, for the nations not covered by an agreement, the concept of complementarity with federal government services applies, and they must submit to the Ministère a letter confirming the steps they have taken with the federal government and the outcome achieved. In addition, the contribution by the Ministère should not exceed the contribution by the federal government.

2.4 Projects affecting several regions

A project presented by an Indigenous organization, in or outside a community, that involves activities in several regions, or a project for which the activities require the involvement of employees or participants from several regions of Québec, may require funding that the Services Québec regional office, the CLE or the Services Québec office may decide to share with other Services Québec regional offices.

An office that gives such a project a positive evaluation must forward it to the regional director of the region for approval. If the regional director approves the project but is unable to fund it via the regional budget, the project is forwarded for approval to the Secteur des opérations, along with a proposal for a funding package.

⁹. Inuits living in Montréal are generally referred to the Kativik Regional Government (KRG) or directly to Services Québec at the request of the KRG.

¹⁰. See note 8.

3 The Ministère and services to the Inuit, Cree and Naskapi nations

3.1 The Inuit nation¹¹

Under the James Bay and Northern Quebec Agreement, both levels of government, in other words the Gouvernement du Québec and federal government, have responsibility for training and manpower development. The James Bay and Northern Quebec Agreement includes commitments in this area in article 29.0.24.

In 2013, the federal government (Employment and Social Development Canada), under the ASETS, signed a funding agreement with the Inuit nation that gave the Kativik Regional Government (KRG) responsibility for budget management and, as a result, responsibility for access to services and employment measures for a renewable 5-year period. The agreement has been extended 4 times, until March 2019. Since the ASETS has now been replaced by the ISET Program, a new 10-year agreement will have to be signed with the KRG for the period 2019 to 2029.

In March 2004, the Gouvernement du Québec signed an agreement with the Inuit nation, the Sivunirmut Agreement, which delegated to the Kativik Regional Government a mandate to administer and deliver employment measures and services to the Kativik Region, including regulated apprenticeship and trades qualification programs. Under the agreement, the Kativik Regional Government is responsible for manpower training and development for the whole area under its administration.

However, the Ministère can give Inuit clients (individuals and enterprises) access to its services, measures and programs as a complement to the services and measures provided for in the Sivunirmut Agreement.

3.2 The Cree nation¹²

In 2007, the Cree nations signed an agreement with the federal government on manpower training and development under the Aboriginal human resources development strategy (AHRDS). The agreement gives the Cree Nation Government responsibility for managing a budget for a renewable 5-year period and, as a result, responsibility for managing employment measures and public services. Since the AHRDS has been replaced by the ISET Program, a new 10-year agreement will have to be signed for the period 2019 to 2029.

In addition, the agreement signed in February 2002 by the Gouvernement du Québec and the Crees of Québec, generally known as the *Peace of the Brave* agreement, transferred to the Crees, for a 50-year period, certain responsibilities for economic and community development previously assigned to the Gouvernement du Québec by the James Bay and Northern Quebec Agreement.

During this period, the Ministère will no longer have responsibility for providing the Cree nation with training programs and job recruitment and placement services in accordance with the provisions of the James Bay and Northern Quebec Agreement (article 28.9.1).

For other services and employment measures, the policy aims and points of reference set out in sections 1 and 2 of this document apply to Cree communities. The services, measures and programs concerned are the Job Readiness measure, the Wage Subsidy program, the Support for Self-Employment program, the Contrat d'intégration en emploi, the Concertation pour l'emploi, and

¹¹. For financial assistance, the members of all Inuit communities are eligible for the social assistance programs of the Ministère du Travail, de l'Emploi et de la Solidarité sociale. An agreement between the Ministère and the Kativik Regional Government gives the latter responsibility for administering social assistance programs in the Kativik territory.

¹². The members of all Cree communities, except Waswanipi and Mistissini, are eligible for the social assistance programs of the Ministère du Travail, de l'Emploi et de la Solidarité sociale.

the Manpower Training measure (as it applies to businesses under major projects or economically-important projects).

3.3 The Naskapi nation

Members of the Naskapi nation are eligible for all Emploi-Québec measures and services under the Partnership agreement on economic and community development between Naskapis and Québec, signed in 2009.

Like clients from the other nations, Naskapi clients should be referred to the ETSC in their community or the ETSC in an urban environment, as the case may be, since this is the level that receives funding from the First Nations Human Resources Development Commission of Quebec under the federal government's ISET Program (since April 2019).

4 Overview table showing the eligibility of First Nations members¹³ (individuals and organizations) for employment services and measures

	<u>In the community</u>		<u>Outside the community</u>	
	Basic universal services	Specialized services and active measures	Basic universal services	Specialized services and active measures
Individuals eligible for or receiving employment insurance benefits	Yes	Yes	Yes	Yes
Individuals receiving benefits under the federal income security program	Yes	Yes, on certain conditions	Not applicable	Not applicable
Individuals receiving last-resort financial assistance (social assistance)	Not applicable	Not applicable	Yes	Yes
Unemployed individuals not receiving income support	Yes	Yes, on certain conditions	Yes	Yes
Band councils	Yes	Yes ¹⁴	Not applicable	Not applicable
Other Indigenous organizations	Yes	Yes	Yes	Yes

¹³. The information in this table concerns all communities except the Cree, Inuit and Naskapi communities, for which the specific provisions set out in section 3 apply.

¹⁴. There is one exception: band councils are not eligible for the Intervention en entreprises component of the Concertation pour l'emploi measure, except for part of the Interventions en partenariat component (Table ad hoc and Support à l'exécution des mesures actives).