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*The Voice of Canadian Business™*  
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# Coming Together, Making Progress:

## Business's Role in Reconciliation with Indigenous Peoples

May 2017





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# INTRODUCTION

Indigenous peoples in what is now Canada once enjoyed strong nation-to-nation social, military and commercial alliances with European colonists. Had it not been for the cooperation of Indigenous and non-Indigenous peoples during the War of 1812, Canada might not exist. That was before the Indian Act, residential schools and a spate of policies and programs aimed at assimilating Indigenous peoples.

Renewing a nation-to-nation relationship with Indigenous peoples is one of the most important issues on the federal government's agenda. It is also on the minds of Canada's businesses as the government's commitments present opportunities for—and questions from—them.

On December 15, 2016, Prime Minister Trudeau announced a framework for moving forward on the commitments he and his government have made on reconciliation with the Indigenous peoples of Canada. This framework includes three elements:

1. Creating “permanent bilateral mechanisms with the Assembly of First Nations (AFN) and First Nations, the Inuit Tapiriit Kanatami and the four Inuit Nunangat Regions, and the Métis National Council and its governing members. In this Kelowna-like process, every year, we will meet to develop policy on shared priorities and monitor our progress going forward. Similar meetings with key Cabinet ministers will take place at least twice each year.”

2. Establishing “an Interim board of directors to make recommendations on the creation of a National Council for Reconciliation. The Interim board will begin an engagement process to develop recommendations on the scope and mandate of the National Council.”
3. Providing “\$10 million to support the important work of the National Centre for Truth and Reconciliation, located at the University of Manitoba, as recommended in Call to Action 78 [of the Truth and Reconciliation Commission's Report]. This contribution will help to ensure that the history and legacy of Canada's residential school system is remembered.”<sup>1</sup>

On February 22, 2017, the Prime Minister followed up with the announcement of a six-minister working group that will review all federal laws and policies affecting Indigenous peoples. The ministers of Families, Fisheries and Oceans, Indigenous Affairs, Justice, Health and Natural Resources are those involved.

“We know where the federal government is going, but how do we participate and implement sound policies and procedures to meet the requirements of what's being proposed?”

- Thunder Bay business person

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<sup>1</sup> Statement by the Prime Minister of Canada on advancing reconciliation with Indigenous Peoples, December 15, 2016. The Prime Minister added that progress is being made on 41 of the calls to action of the Final Report of the Truth and Reconciliation Commission under federal or shared jurisdiction.

In emulating the Kelowna process's iterative model, Indigenous leaders and the Crown have the opportunities to identify which issues they will address and ways of doing so that are appropriate to their histories, cultures and current situations.

In September 2016, delegates from local chambers of commerce and boards of trade throughout Canada endorsed a policy resolution calling upon the federal government to establish the framework and timelines for a process for reconciliation with Indigenous peoples that seeks the perspectives of a broad range of stakeholders, including the business community.

The Canadian Chamber of Commerce began thinking about the role of business in reconciliation with Indigenous peoples as it was examining the challenges businesses

experience as a result of the lack of clarity in the duty to consult and accommodate process. While critically important to whether or not projects live or die, the duty to consult and accommodate process is but one element in the overall relationship between business and Indigenous peoples. This relationship is critical to the well-being of Indigenous peoples, Canada's businesses, our economic health, our international competitiveness and all Canadians.

The Canadian Chamber has been examining public policy tools—and business practices—to enhance Indigenous peoples' participation in our economy for several years. We began to look at business's role in reconciliation with Indigenous peoples after the 2015 federal election in light of the new government's significant commitments regarding reconciliation, which is mentioned in each Cabinet minister's mandate letter.<sup>2</sup>

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2 "It is time for a renewed, nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, cooperation and partnership." The mandate letter of the Minister of Indigenous and Northern Affairs includes more specific direction in her priorities, i.e., "to implement recommendations of the Truth and Reconciliation Commission, starting with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples" and to ... "undertake, with advice from the Minister of Justice, in full partnership and consultation with First Nations, Inuit, and the Métis Nation, a review of laws, policies, and operational practices to ensure that the Crown is fully executing its consultation and accommodation obligations, in accordance with its constitutional and international human rights obligations, including Aboriginal and Treaty rights."



## The Truth and Reconciliation Commission (TRC) Report and Canadian business

Indigenous peoples believe Canada's businesses have a role to play in reconciliation.

2015's TRC Report speaks to the role of business in reconciliation pertaining to "land, sustainability and economic development."<sup>3</sup> The TRC's call to action 92 is directed to Canada's businesses:

*92) We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples<sup>4</sup> as a reconciliation framework and to apply its principles, norms and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:*

*i. Commit to meaningful consultation, building respectful relationships and obtaining the free, prior and informed consent of Indigenous peoples before proceeding with economic development projects.*

*ii. Ensure that Aboriginal peoples have equitable access to jobs, training and education opportunities in the corporate sector and that Aboriginal communities gain long-term sustainable benefits from economic development projects.*

*iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism."<sup>5</sup>*

Canada's businesses want to do more in the interests of their projects moving forward, including sincere engagement of and consultation with Indigenous peoples in their workforces and as project partners. However, it is not always clear to businesses what reconciliation means, what is required of them to participate in it or what impacts and outcomes they can expect as a result.

During 2016, the Canadian Chamber sought the perspectives of nearly 60 of its members and other business people as well as Indigenous representatives, Aboriginal legal experts and other national leaders.

The questions explored included:

- What should a "renewed, nation-to-nation" relationship between the Crown and Indigenous peoples look like?
- What does the federal government's commitment to "implement" the United Nations Declaration on the Rights of Indigenous Peoples actually mean?

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3 Canada's Residential Schools: Reconciliation, The Final Report of the Truth and Reconciliation Commission, Vol. 6, Truth and Reconciliation Commission of Canada, 2015, pg. 202.

4 Article 19 of the Declaration states: "States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

5 Ibid., pp. 207-208.



Saint John, NB, October 6, 2016.

- What is the scope of the “full review of laws, policies and operational practices” in the Minister of Indigenous and Northern Affairs’s mandate letter?
- Should the federal government take the lead in bringing stakeholders together (including business and Indigenous peoples) to clarify the path forward?
- Should the federal government have a role in providing resources to businesses, Indigenous peoples and others to assist them in fulfilling any new obligations?
- Do businesses have a responsibility to respond to Recommendation 92 of the Truth and Reconciliation Commission? If so, is there anything in addition to what is recommended that businesses should be doing (keeping in mind their varying sizes and resources)?

- Should there be priorities set for areas on which to move forward? If so, how should they be determined and their success measured?
- What roles/obligations do Indigenous communities have in moving forward with reconciliation?

The answers we received helped form the basis of this report, which includes recommendations for the federal government on actions it should take to provide more clarity on its role—and those of businesses and Indigenous peoples—on a productive path forward in reconciliation. Business moves at a different pace than government, so we also offer recommendations to businesses—based on the perspectives of those we consulted—on measures they can take now to improve their relationships with Indigenous peoples.



## Reconciliation with Indigenous peoples is critical to our national competitiveness

All of the business people we spoke with believe their companies have a role in reconciliation with Indigenous peoples. There is greater appreciation in the business community of the difficult situations of many Indigenous communities—remote and urban—and of the fact that business can make a difference. As our relationships mature, they said, there needs to be more collaboration among government, businesses and Indigenous peoples to identify not just the risks associated with developments but also the opportunities for Indigenous peoples and their communities.

“We need to acknowledge that in the process of colonization, we failed to recognize the ‘other,’ the dignity of difference and that our first peoples had cultures, laws, languages and ways of life which we ignored and treated as if they were irrelevant and savage.”

- Hon. Bob Rae

The business people and Indigenous representatives we spoke with agreed the TRC's Report and recommendations have been a game-changer in confronting our past and creating a path for moving forward. They also said reconciliation needs to be undertaken in the context that Indigenous peoples are:

- Young
- Educated
- Ready to do business to create wealth for themselves and a brighter future for their children

Some we spoke with cautioned the business community that clarity on its role in reconciliation is going to be a process and journey rather than a “city on a hill.” However, this cannot be an excuse for not moving forward. The reality is that businesses need to demonstrate to international investors what the goal is/benefits are of reconciliation with Indigenous peoples. “We have to fight for capital. We don't have to have absolute clarity but we need to be able to demonstrate the direction our government is heading in,” said one business leader.

Canada's businesses are taking the government at its word that it wants to renew a nation-to-nation relationship with Indigenous peoples "... based on recognition of rights, respect, cooperation and partnership."<sup>6</sup> They hope the process's net will widen and they will soon be included as a partner in this journey.

Many businesses are discussing what reconciliation means to their companies as well as the challenges and opportunities it presents. Some smaller firms are also concerned about not having the resources to step up to new obligations, such as offering workplace education programs.

According to those with whom we spoke, moving forward with reconciliation depends upon:

1. The Crown taking the lead. This involves government getting its own house in order, including educating officials and politicians, ensuring reconciliation underpins operations in its departments and agencies and comprehensive economic development planning.
2. Setting priorities.
3. Improving Canadians' education on the histories of Indigenous peoples<sup>7</sup>.
4. More opportunities for Indigenous entrepreneurs.
5. Canada's businesses being Indigenous communities' champions.

This report will address each.

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<sup>6</sup> Mandate letter of Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs.

<sup>7</sup> Some business people have also suggested that it is just as important to improve Indigenous peoples' understanding of business. This is essential to building partnerships. If it's incredibly hard and complex to do business here, investors will go elsewhere and we'll all lose.

# THE CROWN TAKING THE LEAD

"Since Confederation, the Crown, through acts of Parliament, such as the Indian Act, and damaging policies, like the residential school system...created the circumstances... [we find ourselves in today]."

- National Indigenous leader

Everyone we spoke with supports an approach to moving forward that is led by the federal government and includes the provinces/territories, Indigenous peoples and the private sector and in which what is expected of each is clarified. They also agreed the terms of reference must be consistent and respect a nation-to-nation/government-to-government relationship between the Crown(s) and Indigenous peoples. That said, all recognized the process needs to have the flexibility to accommodate the reality that Indigenous peoples are many nations with different cultures, colonization experiences and current-day realities.

"The government's tone on this is right," said one Aboriginal legal expert. "However, implementing change won't be easy due to the complexity of the issues and the slow moving of the machinery of government."

"We need to rise to the occasion," said another. "Canada's legal framework for protecting Indigenous rights is second-to-none. Other countries don't come close. However, there's a lot more to do."

## Getting the Crown's house in order

"The Crown honours its duty by executing on what it's responsible for in an adequate way. Reconciliation needs to be built upon this foundation."

- Edmonton business person

Those we spoke with believe the Crown needs to lead by example by assuring the core human rights of Indigenous peoples—including clean water, education, health care and housing—are met.

"You can't build a relationship when there are all of these underlying issues that have been around for more than 100 years," said one business person.



Prime Minister Trudeau and Minister Bennett meet with the Congress of Aboriginal Peoples in Ottawa. January 10, 2017. Photo: Office of the Prime Minister.

## Addressing historic grievances and assessing cumulative impacts

Some of the business people we spoke with felt addressing—and correcting—the historic grievances held by Indigenous peoples regarding their treatment when developments occurred on or near their lands is the “elephant in the room” in the reconciliation discussion. Until relatively recently (i.e., the *Constitution Act* of 1982), the role of Indigenous peoples and their governments in development was limited or non-existent. “On reserve, issues were dealt with by the Indian Agent. The Crown didn’t ask for the Indigenous peoples’ views or their participation,” said one business person.

Given regulators’ (such as the National Energy Board) mandates are to assess project proposals—not unaddressed issues—some companies find themselves in the position of promising Indigenous communities they will take up their outstanding grievances with the Crown.

## Educating public servants

Call to Action 57 of the TRC’s report states:

*“We call upon federal, provincial, territorial and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history*

*and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.”*<sup>8</sup>

The business people we spoke with said that, while some officials are willing to learn more, others are very comfortable with very antiquated views. “It stretches beyond politicians. Several bureaucracies are responsible for implementing policies. If they do that without a sense of history, needs, challenges and rights, they’re ill-equipped,” said one business person. Another said most officials are extremely competent in the legal aspects of their responsibilities to Indigenous peoples. They do not, however, have any sense of the “on the ground” impacts on Indigenous communities and cultures of their failure to undertake these responsibilities with respect and sincerity.

A few of the business people suggested the types of workplace education programs some companies have developed<sup>9</sup> be mirrored in government as part of a renewed nation-to-nation relationship with metrics for success that would be tracked. This accountability needs to be accompanied with officials having the latitude to engage with Indigenous communities on a basis that is appropriate to each.

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8 Canada’s Residential Schools: Reconciliation, The Final Report of the Truth and Reconciliation Commission, Vol. 6, Truth and Reconciliation Commission of Canada, 2015, pg. 95 (When the Prime Minister announced his strategy for moving forward on reconciliation with Indigenous peoples in December, he said the government has made progress in addressing 41 of the TRC’s recommendations under its—or shared—jurisdiction.).

9 Hon. Murray Sinclair, Senator and Chief TRC Commissioner acknowledged corporate workplace education programs in his assessment of the Crown’s progress in meeting its reconciliation commitments. *Globe and Mail*, March 15, 2017.

## The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The federal government has committed to implementing the UNDRIP and instructed the ministers of Indigenous and Northern Affairs and Justice to work together to do so. Views regarding what “implement” means vary widely. NDP MP Romeo Saganesh’s Private Member’s Bill (C-262) calls for the harmonization of Canadian laws and the UNDRIP. Justice Minister Jody Wilson-Raybould has said the Declaration’s adoption into Canadian law is “unworkable” and what is needed is “an efficient process of transition that lights a fire under the process of decolonization but does so in a controlled manner that respects where Indigenous communities are in terms of rebuilding.”<sup>10</sup> The federal government has to clarify its intentions and the implications for all concerned.

Several of those we spoke with advised businesses not to get bogged down in waiting for clarity on the government’s intentions regarding implementing the UNDRIP and—as recommended by the TRC—to focus on the Declaration as a framework for reconciliation and their relationships with Indigenous peoples.

Hon. Murray Sinclair, Senator and Chief Commissioner of the TRC, said the Commission’s Report does not recommend the UNDRIP be adopted by Canada, but that it be used as a framework for reconciliation.

Much of the focus on the UNDRIP is on the prospect of its principle of free, prior and informed consent (FPIC),<sup>11</sup> equating to the right to “veto” projects. The federal government’s approval of two major energy pipeline projects, Kinder Morgan’s Trans Mountain pipeline and Enbridge’s Line 3 Replacement Program (each of which is opposed by several Indigenous governments) demonstrates this is not the Crown’s interpretation.

Several Canadian Chamber members said they are comfortable with where the courts appear to have landed on the rights of Indigenous peoples to put a stop to projects, i.e., the greater degree to which Indigenous rights/interests are affected by a project, the greater their influence on the approval processes. While this does not mean “veto,” it can mean a significant influence over delaying or stopping projects.

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10 Ottawa won’t adopt UNDRIP directly into Canadian law: Wilson-Raybould, iPolitics, July 12, 2016.

11 Article 19 of the Declaration states: “States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adoption and implementing legislative or administrative measures that may affect them.”



## The UNDRIP is much more than FPIC

Many of those we spoke with suggested it is more productive—for the Crown, Indigenous peoples and business—to focus on the other relevant issues the UNDRIP addresses, including the role of Indigenous peoples in land and resource planning.

Article 32 of the UNDRIP states (in part), “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.”<sup>12</sup> This includes setting priorities around regional planning/cumulative effects, redress and revenue sharing. There are many gaps in regional planning in Canada. Addressing this would—in many business people’s minds—offset and often address issues related to obtaining consent.

The Lax Kw’alaams Band and the Metlakatla First Nation will sit on an environmental monitoring committee for the Pacific NorthWest LNG project, which was approved by the federal government (subject to 190 conditions) in September 2016 and would see the construction of a natural gas liquefaction facility at the mouth of the Skeena River. The First Nations’ representatives would work with federal and provincial officials on the committee, which would have the mandate to ensure the project develops in the most environmentally sustainable way possible.

During our discussions with business and Indigenous representatives, the issue of the number and scope of developments on or around Indigenous lands came up several times. There were two aspects of this issue that cause concern:

- The capacity of Indigenous communities to assess and respond to multiple development proposals simultaneously.
- The lack of a comprehensive assessment of the cumulative impacts of previous and current developments to use as a reference point for assessing new project proposals.

“Indigenous peoples are saying there has been so much development, their ability to use their land is being compromised,” said one business person. “Our projects are always getting hit with this issue. We do address cumulative effects in our applications, but at the end of the day, the Crown has to look at everything that’s going on. Some of these communities are being hit with many projects and nobody can look at the ‘big picture’ except for the Crown. Somebody needs to examine these issues.”

Regional development plans would assist Indigenous communities, businesses and the Crown to answer such questions as: What are the cumulative effects of developments to date? Do you need to stay out of this area? Is an infrastructure corridor the answer?

Some business people suggested the issues related to the need for regional development plans are much broader than any single regulatory agency as they affect all types of projects and need to be addressed through a separate Crown-led process.

<sup>12</sup> United Nations Declaration on the Rights of Indigenous Peoples, 2008.

This is the area of greatest opportunity in many business people's minds. We were told the input of Indigenous peoples into Crown consultations for regional development plans and their impact on them could form the basis for accommodation. Article 32 of the UNDRIP offers an opportunity to fulfill the obligations of consultation on—and accommodation for—cumulative effects of developments. It could also provide a way to create more certainty for businesses to continue with project consultations and benefit agreements.

The driver for including Indigenous communities in economic development planning—whatever their jurisdictional relationship with the Crown may be—goes beyond legal requirements and includes the value of having local knowledge at the table. “The people and cultures that are affected directly need to be involved. That doesn't change based on legal relationships,” said one business person. “If, ultimately, you're meeting the interests and rights of Indigenous peoples and creating more certainty for business, you have to have an overarching view of how to reconcile overall development plans. If you leave it to a project-by-project basis, you're left to getting what you can based on what you can negotiate and not necessarily the correct principles. This doesn't foster good relationships.”

## Using the federal government's procurement heft

Several business people suggested governments at all levels should be using their procurement heft more to not only improve the core infrastructure of Indigenous communities but also to employ Indigenous companies as suppliers in doing so. This would result in longer-term benefits, including training in transferable skills.

One business person suggested the percentage of federal government procurement from Indigenous companies should equal their proportion of Canadian businesses.<sup>13</sup>

In 2014, Aboriginal Affairs and Northern Development Canada reported that more than 100,000 federal government contracts (totaling more than \$3.3 billion) had been awarded to Aboriginal businesses since its Procurement Strategy for Aboriginal Business (PSAB) was launched in 1996. While it is not clear what this represents of all federal procurement, the Canadian Council for Aboriginal Business reports in its 2016 business survey, *Promise and Prosperity*, that the percentage of entrepreneurs who have submitted bids for federal government contracts increased by nearly 50%

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<sup>13</sup> According to Statistics Canada's Business Register 2015, there were 1,167,978 businesses in Canada. According to Aboriginal and Northern Affairs Canada's Procurement Strategy for Aboriginal Business booklet, in 2014 there were approximately 37,000 Aboriginal businesses in Canada. This data indicates that approximately 3% of Canadian businesses are Indigenous.

since its 2010 survey and that most are satisfied with the PSAB set-aside program's criteria.<sup>14</sup>

At present, there appears to be no all-of-government data regarding federal procurement by business size, sector, Canadian content, use of innovation/R&D, etc. This makes it impossible to measure whether or not the federal government is achieving its objectives of using its procurement heft to support Canadian businesses no matter what their sector or size. (Limited procurement information is available in the annual Main Estimates on a department-by-department basis.)

Federal government procurement policy is overseen by the Treasury Board Secretariat, and the Canadian Chamber has advocated this department take the lead in collecting and aggregating procurement data on an all-of-government basis so that the effectiveness of purchasing policies can be tracked against their objectives.

## Recommendations

- The federal government needs to establish the framework and timelines for a process for reconciliation with Indigenous peoples that seeks the perspectives of a broad range of stakeholders. Businesses (those with experience in working with Indigenous peoples and/or those that represent them) must be included in reconciliation discussions so they can contribute to the process through their experiences,

understand what is expected of them and implement the operational changes required to meet those expectations.

- The federal government—working with the provinces and territories—should conduct a review of where gaps in regional economic development plans exist. Once this review is completed, each level of government should work with the appropriate Indigenous communities and peoples to develop regional economic development plans that address historic and current developments, prospective developments and their impacts.
- The federal government should provide data (percentage and absolute numbers) that are easily-accessible on the Treasury Board Secretariat's website, encompassing the following information on an all-of-government basis as well as by department/agency:
  - Suppliers by sector and size.
  - Canadian vs. foreign suppliers.
  - Procurements supporting R&D, innovation and commercialization (through research contracts, adoption of innovative technologies, etc.)

The government should use this data to establish metrics to track the effectiveness of federal procurement policies in supporting Canadian businesses of all sizes in all sectors.

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14 Promise and Prosperity: 2016 Aboriginal Business Survey, Canadian Council for Aboriginal Business. The Procurement Strategy for Aboriginal Business Set Aside states, "All procurements over \$5,000 for which Aboriginal populations are the primary recipients are to be restricted exclusively to qualified Aboriginal suppliers where operational requirements, best value, prudence, probity and sound contracting management can be assured. There is no upper limit. Procurements under \$5,000 may be set aside but it is not mandatory. Procurements over \$2 million will continue to be subject to the procurement review process." Source: Indigenous and Northern Affairs Canada, <http://www.aadnc-aandc.gc.ca/eng/1100100032824/1100100032825>, Accessed January 26, 2017.

# SETTING PRIORITIES

Short-term “wins” to demonstrate something has been accomplished are great, especially for politicians, said some business people. However, without setting priorities and determining how to measure success, we risk finding ourselves in a decade from now without having made substantial progress. That is unacceptable.

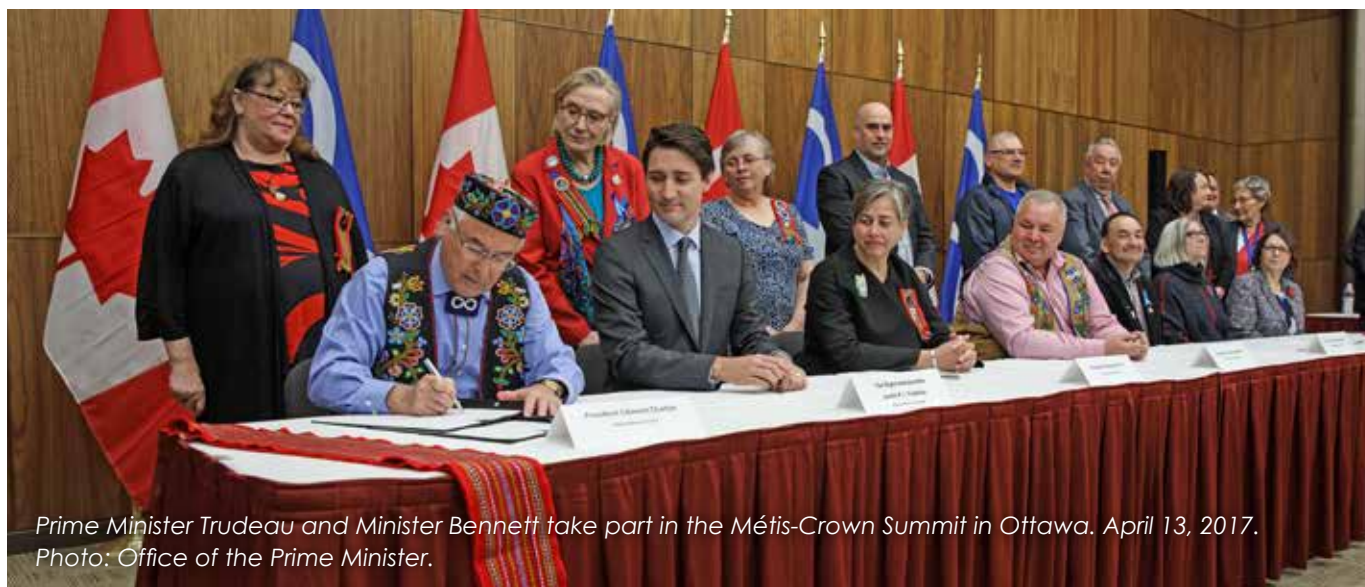
Business people also know they cannot wait for the federal government and companies need to establish their own priorities and action plans for moving forward on reconciliation.

The Crown needs to implement a process where there is a commitment to look at broader issues and rights, set priorities and timelines and measure their success and/or failure. This process will take time and needs to be one that Indigenous peoples will have faith in and the federal government will “tend and resource.”

“Nation-to-nation”<sup>15</sup> means different things to different people. The process the Prime Minister announced is a start to bringing the federal government and Indigenous representatives/governments together to determine what each wants to see accomplished and when. In addition to discussing the roles of government and Indigenous communities in getting us to where we need to be, Canada's businesses need to be included in light of their roles in the relationships they live with today and as the drivers of sustainable economic development and the social benefits that come with it.

“I can't change the world, but I can change my piece of it. We need to define where we can get in and make a difference.”

- Saint John business person



Prime Minister Trudeau and Minister Bennett take part in the Métis-Crown Summit in Ottawa. April 13, 2017.  
Photo: Office of the Prime Minister.

<sup>15</sup> Some business people said they feel the term “nation-to-nation” is a misnomer because it leaves the impression that Indigenous peoples are one “nation” which they aren't. They said a more accurate characterization of the relationship between the Crown and Indigenous peoples is “nation-to-nations”.

Those we consulted suggested priorities be set within economic, rights and quality of life areas. What also needs to be agreed upon, they said, is what success will look like as well as when and how it will be measured.

One business person suggested a week-long session involving business associations, Indigenous representatives and the Crown to lay out what we need to work on and what needs to come first. "Agreeing on the issues that need to be addressed is the first step in reconciliation. There also needs to be consensus on a reasonable time to address them. These aren't one-to-two-year issues. The sooner everyone's expectations are managed, the better," she said.

Issues on the table could include:

- Inclusion of Indigenous peoples in planning and decision making—at the federal, provincial and territorial levels—called for in Article 32 of the UNDRIP.
- Partnership in cumulative effects management from social and environmental perspectives. Data provided by companies is often not believed by Indigenous peoples.
- Economic reconciliation through capacity building—be it education and training, prosperity sharing, etc. Some aspects can be undertaken by government, others by business.
- Broad cultural awareness, which is wanting at the political and bureaucratic levels. There is an opportunity for businesses and Indigenous communities to share their knowledge and experience with governments.

Again, business cannot wait for the government. While the federal government should lead on establishing priorities, business needs to look to the TRC's recommendations for guidance. In addition to Call-to-Action 92, which is targeted to Canadian businesses, Rt. Hon. Paul Martin, former Prime Minister and Founder of the Martin Aboriginal Education Foundation, suggested companies also look at where the need is most profound and long-term benefits the greatest. "The highest investment any government can make is education, followed by child welfare and healthcare. These are the priorities of the Truth and Reconciliation Commission and should be the priorities of business," he said.

## **Recommendation**

The federal government needs to work with Indigenous representatives/governments on defining economic, rights and quality of life priorities, the strategy for achieving them and the timelines for doing so.



# IMPROVING CANADIANS' EDUCATION

"Reconciliation is really about individuals coming to terms with their reality. What is really sad is most Canadians don't know the history of their own country, and a lot of our potential has been lost as a result."

- Edmonton business person

The third recommendation in the TRC's Call-to-Action for business asks them to:

"Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the *United Nations Declaration on the Rights of Indigenous Peoples*, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism."<sup>16</sup>

Business people agree education is the foundation of reconciliation. "I bet if your company was doing business in China, you would ensure your people were educated in Chinese culture and language. There is a huge imbalance today and a huge opportunity to address that," said a Saskatoon business person.

The question is, "How?"

Several business people said there is a business case for adopting Call-to-Action 92 of the TRC Report, seeing it as an investment in their success and the workforce of tomorrow.

Some provincial and territorial governments are starting to improve the quality of the Indigenous curricula offered at the elementary, secondary and post-secondary levels. However, there are still two generations of people in the labour force who need to be educated. While some companies have excellent Indigenous education programs, not all (particularly smaller firms) have the capacity to develop and implement them.

While the government should not be paying for Indigenous education curriculum development for companies, several business people suggested there is a role for it to provide some core tools for smaller firms. Several business people mentioned business associations (such as the Canadian Chamber of Commerce) could be of assistance in making these materials available to their members. In the example of the Canadian Chamber, local chambers could adapt/ augment core materials with the histories of Indigenous peoples in their regions. These materials could then be tailored by individual companies based on their relationships with Indigenous peoples as investors, partners, employers, landlords, lessees, employees, suppliers, etc.

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<sup>16</sup> Ibid., pp. 207-208.

While the histories of Canada's Indigenous peoples are varied, there are some core realities that could form the basis of a national curriculum could be adapted regionally. Some business people suggested the development and implementation of this curriculum would move forward more quickly if the federal government worked with national Indigenous organizations and governments to develop its core elements than would be the case if federal government plus the 13 provinces and territories go it alone.

### **Recommendation**

The federal government—working with national Indigenous organizations and governments—should develop core educational materials in various media on the histories of Indigenous peoples as outlined in the Truth and Reconciliation Commission's Call-to-Action 92. Once developed, this material should be made available publicly to all Canadians in formats that can be adapted for different applications and regions.



Ottawa, October 26, 2016.

# MORE OPPORTUNITIES FOR INDIGENOUS ENTREPRENEURS

Although public attention often focuses on the opposition of Indigenous peoples to economic projects proposed by others, most Indigenous communities want self-determination and long-term economic prosperity that improves quality of life.

Building the capacity for Indigenous communities to benefit from economic development may involve many factors, among them transportation and communications infrastructure, clean water, safe and comfortable housing, access to education and training, health care and law enforcement. Often, it will also require access to capital.

Whether as proponents themselves, or as partners and service providers to proponents, Indigenous entrepreneurs need capital to invest in equipment, training and other tools that can translate the advantages of short-to-medium-term projects into the long-term benefits of jobs and wealth for their communities. In some regions of Canada, particularly where Indigenous peoples have negotiated modern land claims, their economic development corporations are seen as sources of capital by the broader business community and economic engines for regional growth and employment.

Canadian Chamber members have identified providing Indigenous entrepreneurs with more tools to access capital as one of 2017's 10 ways to build a Canada that wins. Our efforts will include pressing the federal government to assist Indigenous entrepreneurs by offering guarantees for business loans or insurance that can help them access capital at terms

that align with their needs. We will advocate for Indigenous entrepreneurs to have the tools necessary to establish credit ratings so they can explore various sources of financing, including private sector banks, credit unions and other financial institutions.

We were also told that some Indigenous entrepreneurs could benefit from mentorship partnerships with non-Indigenous business people and that the Canadian Chamber of Commerce—with its breadth of members across all sizes and sectors of business throughout Canada—could assist. As a start, we will approach our members and national Indigenous organizations/governments to see if there is interest such a program.

## Recommendations

The federal government should:

- Assist (through Indigenous and Northern Affairs Canada) Indigenous communities and entrepreneurs to establish credit ratings so they can access affordable capital more readily.
- Help Indigenous communities document their resources (natural, human, financial, etc.)
- Review its financing programs/products targeted to Indigenous entrepreneurs to ensure they are effectively communicated, that applying for them is reasonably easy and that the terms and conditions do not prevent some, e.g., those located in remote areas, from qualifying for them.

# CANADA'S BUSINESSES MUST BE INDIGENOUS COMMUNITIES' CHAMPIONS

"An opportunity for remedy lies in the distinct possibilities for Indigenous peoples and Canadian business to come together under progressive reconciliation."

- National Indigenous leader

Business people, Indigenous representatives, Aboriginal legal experts and national leaders agreed the federal government needs to take the lead on reconciliation. They also recognized business has contributed to the situation Canada finds itself in today. Business moves at a much faster pace than government, and there is an opportunity for companies to take these suggestions to heart and jump-start reconciliation.

## Business must speak out for public investments in Indigenous peoples

Businesses know their contribution to economic reconciliation includes:

- Employing Indigenous peoples.
- Purchasing from Indigenous businesses.
- Doing business with Indigenous partners.
- Conducting meaningful engagement, consultation accommodation and/or mitigation

What may not be as obvious to businesses is the contribution they can make to reconciliation—and their prospective projects—by being champions for Indigenous peoples in addressing not only economic but also critical quality of life issues and the public funds invested in them. Companies that “get to know” an Indigenous community in advance of putting forward a proposal have the right to “get down to business” when it is ready to propose a project, said one person with whom we spoke. However, these companies are often oblivious to the many issues Indigenous leaders are juggling, in addition to their proposals. These issues can include the state of health and child care in their communities as well as how to cope when young people are taking their own lives.

What many Indigenous leaders are thinking as they sit across from business people was summed up by Rt. Hon. Paul Martin. “They ask themselves, ‘Where were the business people who have been sitting across from us while we’ve been asking for adequate funding over the last decade?’ And the answer is, ‘They certainly weren’t standing with us. And, if they were, they were awfully quiet,’” he said. “If business wants to change the relationship, when government invests money in Indigenous peoples, it must express its support. And then maybe Indigenous Canada will speak out for business.”

Mr. Martin also suggested that, while additional federal funding for Indigenous communities and programs is good news,

the amounts are not nearly what is required. Business needs to invest in areas and amounts beyond their particular projects. Money directed toward Indigenous peoples for their health and education is an investment in Canada's future. "If we don't understand this, we're fighting yesterday's battle," he added.

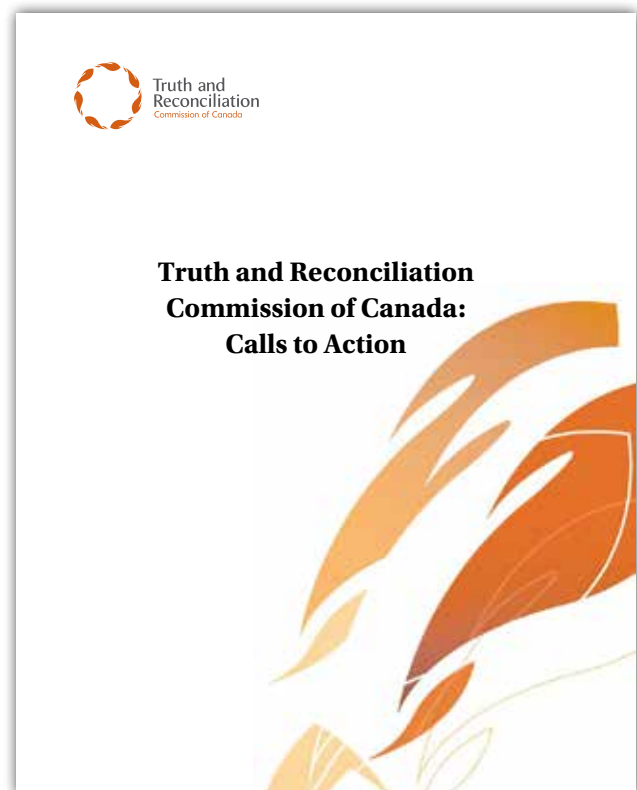
### **Embracing the UNDRIP and (at least one of) the TRC's recommendations**

Hon. Murray Sinclair suggested that Canadian businesses can make real progress by "taking one of the TRC Report's recommendations and making it work."

### **Recommendations**

Canadian businesses should:

- Publicly support government-funded projects and programs to improve Indigenous peoples' quality of life.
- Examine Call to Action 92 of the Truth and Reconciliation Commission's Report to determine how they can integrate all or some of it into their operations.





# CONCLUSION

Canadian businesses see opportunities in the government's commitment to a renewed relationship with Indigenous peoples and know their participation is fundamental to its accomplishment. Canadian Chamber members hope the way forward announced by the federal government will soon involve them and provide more clarity on the roles and responsibilities of all involved.

As global competition continues to become more intense, Canada needs "all hands on deck" and can no longer afford for governments, businesses and Indigenous peoples to work at cross-purposes. Canada needs genuine reconciliation with Indigenous peoples and it needs to start seeing real progress soon.

Canada's businesses want to be a partner with the Crown and Indigenous peoples in reconciliation. The business case is clear (for Indigenous and non-Indigenous firms), and the earlier businesses are invited to the table the better. The domestic and international pressures of commerce are unrelenting. The sooner the Crown, Indigenous peoples and businesses can indicate to the world—including international investors—that a sincere, well-planned effort is underway to generate solutions, the better. The sooner it is clearer what the government's commitments mean for Canada's businesses, the better positioned they will be to deliver on sustainable economic reconciliation and the social and other benefits that often accompany it.

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