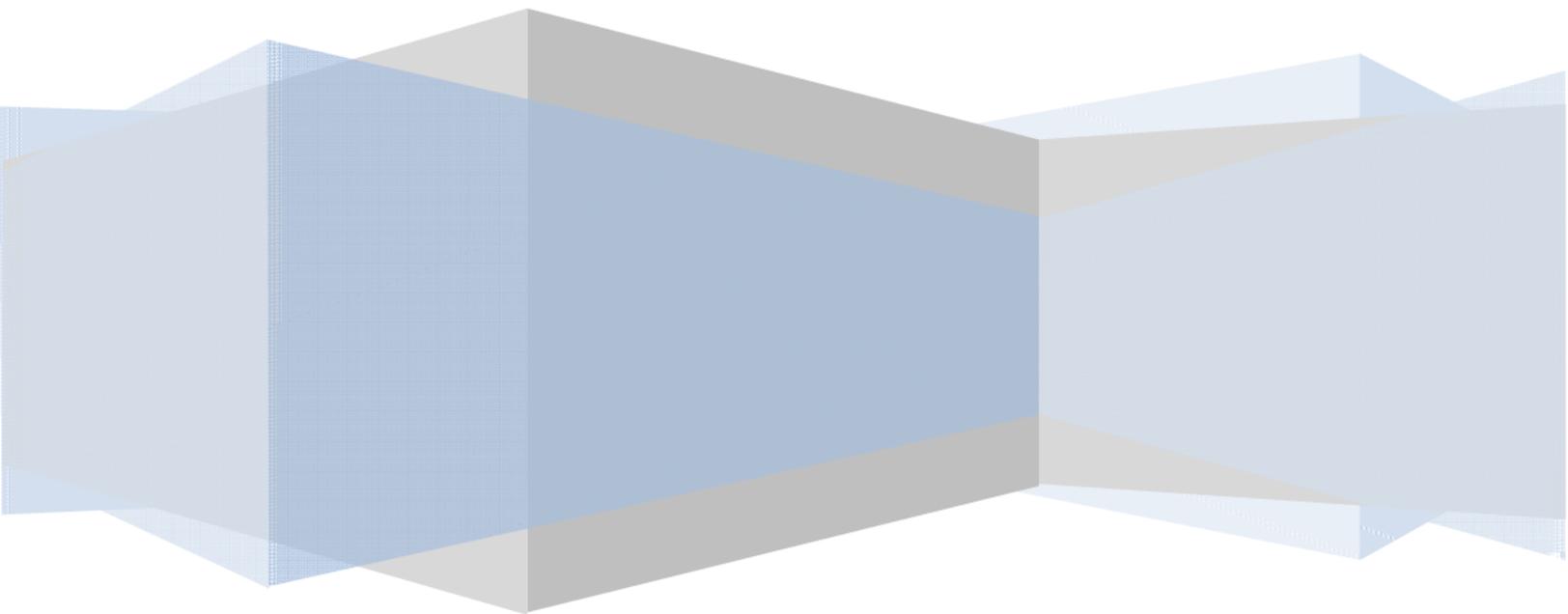


Final Agreement –
Representative Public
Service Plan
(5-year strategy)



This Final Agreement Representative Public Service Plan was developed by the Yukon Public Service Commission in collaboration with seven self-governing Yukon First Nations (Champagne and Aishihik First Nations, Trondëk Hwëch'in, Vuntut Gwitchin Government, Little Salmon/Carmacks First Nation, Teslin Tlingit Council, Carcross/Tagish First Nation, and the First Nation of Nacho Nyak Dun). All self-governing Yukon First Nations were invited to participate.

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Final Agreement Representative Public Service Plan

Part I: Strategic Plan

1. Introduction to this Plan

Yukon is home to a diverse population. The Aboriginal / non-Aboriginal composition of its population is the major feature of this diversity and the public service needs to reflect the diversity of its citizens. More importantly, in Yukon, the achievement of a representative public service is based upon legal agreements between the Yukon and First Nations in the territory.

Eleven of the 14 Yukon First Nations have negotiated their land claims agreements and for each of these First Nations, a Final Agreement and Self-Government Agreement are in effect. These modern day treaties place binding obligations on the Yukon and Canada governments and the First Nations.

Representative Public Service Plans¹ are a component of the treaties. They are referenced in Chapter 22 of the Final Agreements. The objectives of Chapter 22 are:

- to provide Yukon Indian people with opportunities to participate in the Yukon economy;
- to develop economic self-reliance for Yukon Indian people; and
- to ensure that Yukon Indian people obtain economic benefits that flow directly from the Settlement Agreements.

Chapter 22 of every Yukon First Nation Final Agreement contains a Schedule entitled “Government Employment”, which directs the parties to achieve a Representative Public Service in Yukon. To illustrate this requirement, the provisions of the Carcross/Tagish Final Agreement are set out here.

1.1 Government shall develop and implement a plan which will include measures designed to attain the goals of:

1.1.1 a representative public service located in the Yukon, taking into account the aboriginal/non-aboriginal and gender make-up of the population of the Yukon; and

1.1.2 to the degree practical, a representative public service located within the Traditional Territory of the Carcross/Tagish First Nation that reflects the aboriginal/non-aboriginal make-up of the population of the Traditional Territory of the Carcross/Tagish First Nation.²

¹ The Representative Public Service Plans identified in the treaties will be called Final Agreement Representative Public Service Plan in this Strategy and the accompanying Operational Plan to signify that the focus is on Aboriginal people, not all under-represented groups in Yukon government.

² *Specific wording on representation differs from final agreement to final agreement. Some final agreements reference representation relative to the Yukon population (final agreements of Champagne & Aishihik, Nacho Nyak Dun, Selkirk, Teslin Tlingit, Trondëk Hwëch'in and Vuntut Gwitchin) and others reference representation relative to a Traditional Territory (see Carcross/Tagish, Kluane, Kwanlin Dun, Little Salmon/Carmacks and Ta'an Kwäch'än).*

1.2 Government shall Consult with the Carcross/Tagish First Nation in developing the plan.

1.3 The plan shall be prepared within two years of the Effective Date of this Agreement.

1.4 Government may consolidate the plan, after Consultation with the Carcross/Tagish First Nation, with any other similar plan required by another Yukon First Nation Final Agreement, provided the consolidation does not adversely affect the benefits of Carcross/Tagish People set out in the plan.

1.5 The plan shall provide for periodic review.

1.6 In developing the plan Government shall consider and the plan may provide for:

1.6.1 training;

1.6.2 public information;

1.6.3 counselling;

1.6.4 work place support;

1.6.5 targeted recruiting;

1.6.6 the designation of positions to be held by aboriginal people;

1.6.7 preferences in hiring;

1.6.8 measures to manage the effect of the Government plan on the ability of the Carcross/Tagish First Nation to recruit and retain qualified employees;

1.6.9 an analysis, using available data, to determine the level of representation of aboriginal people in public service positions in the Traditional Territory of the Carcross/Tagish First Nation and to identify practical ways to achieve the goals referred to in 1.1; and

1.6.10 such other measures as may reasonably contribute to achieving the goal of a representative public service.

1.7 Government shall review job descriptions and other requirements for public service positions to ensure that:

1.7.1 implicit or explicit cultural bias is eliminated in the hiring and promotional process; and

1.7.2 employment requirements are reasonable relative to the work, and free of standards and requirements that unfairly reduce the opportunities for Carcross/Tagish People and other residents of the Traditional Territory of the Carcross/Tagish First Nation to obtain employment and to receive promotions.

The purpose of the Final Agreement Representative Public Service Plan is to transform the Yukon government's public service to reflect the Aboriginal / non-Aboriginal composition of the territory, as required by the final land claims agreements. This plan applies to all departments and to agencies³ of the Yukon government.

³ Includes Yukon Housing Corporation, Yukon Liquor Corporations and Yukon Lotteries Commission

To date there has been insufficient progress in achieving a representative public service in the Yukon government workforce. Both the Government of Yukon and the governments of Yukon First Nations want to remedy this situation. Therefore Yukon and Yukon First Nations are renewing their commitment to achieve a Representative Public Service through the development of a new Final Agreement Representative Public Service Plan.

There are two components to this new Final Agreement Representative Public Service Plan (FA-RPSP):

1. a five year Strategic Plan which sets the framework for accomplishing this purpose, including Goals, Objectives and Strategies; and
2. an Operational Plan which outlines how the Strategic Plan will be accomplished and how tracking of progress toward meeting the Goals and Objectives will occur.

2. Strategic Context

2.1 Yukon Government Employment

- The Yukon government is the largest single employer in the territory. Employment in this sector provides high wages, good benefits and greater job security than other sectors of the economy.
- For over a decade, governments in Canada have been transforming the way in which they deliver services. They are investing heavily in technology and becoming more citizen and client centric in the way they deliver services. The Yukon government faces some unique challenges in responding to this pressure.
- The transformational change in government will require different skill sets from employees.
- Aboriginal employees are under-represented in the Yukon government and the percentage of the workforce that is Aboriginal has remained constant over the last decade.
- In the Yukon government, Aboriginal employees typically are employed in jobs with lower classification levels and are more likely to be seasonal workers and less likely to be permanent employees than non-Aboriginal people. Consequently Aboriginal people's salaries are lower, although the salary gap has been closing in the last decade.
- Aboriginal employees are more likely to be women, are slightly younger and have close to the same number of years of service in government than their non-Aboriginal counterparts.
- The retention and retirement exit rates for Aboriginal employees do not differ significantly from their non-Aboriginal counterparts.
- Most Yukon government jobs are in Whitehorse, but a disproportionately low number of these jobs are held by Aboriginal people. Dawson City and Watson Lake areas display a disproportionately low number of Aboriginal employees as well.

- About 40% of the Yukon government workforce is made up of employees aged 50 or older. With an average retirement age of 59 years old, many will be retiring in the near future.
- The Yukon government will require a considerable influx of new workers within the next 10 years and this provides an excellent opportunity to achieve a Representative Public Service.
- About 30 percent of Yukon government's staffing activity is through competitions, compared to just over 55% of staffing activity through direct hire of casuals and auxiliaries or extensions of casual and term positions.
- Yukon government data on its workforce needs improvement. The data is based on an employee survey response rate of about 60 percent.

2.2 Social Environment

- The aging population and low birth rates in Yukon and in Canada will translate into increasing labour shortages in the future.
- Yukon First Nations and Aboriginal people have a younger population distribution and are experiencing higher population growth rates than the Yukon population as a whole.
- The Aboriginal population is less likely to migrate from Yukon, making it a stable population. Yukon First Nation people born in Yukon are more likely to spend their lives in Yukon than other Yukon people.
- Labour shortages in Yukon and Canada will be filled by increasing participation rates of marginalized people or through increased in-migration.
- Unemployment rates in Yukon are highest among Aboriginal people and in rural communities.
- Of those Aboriginal students who graduate from high school, about the same proportion goes on to some form of post-secondary education as do high school graduates in the population as a whole. Many Yukon First Nations are investing heavily in education of their citizens.
- In general, Aboriginal students make the transition from high school to post-secondary education later than other students. This implies that Aboriginal people with these qualifications may enter the workforce at a somewhat older age than other people.
- In Canada, the percentage of Aboriginal families living at or below the low income cut-off is 27%.
- Many other Canadian jurisdictions have been very successful in hiring Aboriginal people and their proportion of Aboriginal employees meets or exceeds the proportion of Aboriginal people in their population.

2.3 Dispelling Myths

There are a number of misconceptions about Yukon First Nations that need to be identified and then discarded. These misconceptions do not represent the views of the First Nations.

- *Myth: The Yukon government should not hire Yukon First Nation (YFN) people because First Nation governments do not want the Yukon government to siphon off their most talented people.*

The reality is that First Nation governments want their members to get rewarding, well-paying jobs wherever those jobs may be available. Employment decisions on where individuals will work should be made by that person. First Nation governments have a limited number of job opportunities and a growing population, and cannot provide jobs for all of their members. Moreover, when members work for other governments, it builds capacity in the community. It can, in particular, develop the skill sets of their younger people.

- *Myth: YFN governments cannot offer competitive wages or working conditions.*

The reality is that the wage and benefit gap between the First Nations government and Yukon government exists but is closing. For many people, job satisfaction and making a contribution are as important as wages and benefits. Job satisfaction and making a contribution can be found working for First Nation governments as well as the Yukon government.

- *Myth: YFN members want to be hired by the Yukon government but cannot compete on merit.*

Yukon First Nations members certainly have the basic competencies, abilities and personal suitability for Yukon government employment. Acquiring qualifications for a job can be done through a number of ways: education, training and experience. Once skills are developed in one area, including through experience, many of these skills are transferable. And, the rising numbers of young Aboriginal people with post secondary education need an opportunity to develop their capacity.

- *Myth: Yukon First Nation members want to work for their own governments, not for the Yukon government.*

Like others, many Aboriginal people want a variety of work experiences to use and build their skills. Some work experiences can only be obtained through a larger government system such as the Yukon government. Working in any small, tightly knit environment such as a First Nation community has its own stresses and the 'anonymity' of working in a larger place such as Whitehorse or a larger government organization can be a relief. Some Aboriginal people also wish to contribute directly to the broader society by working in the Yukon public service.

- *Myth: The Collective Bargaining Agreement with the Yukon Employees' Union is an impediment to achieving a Representative Public Service.*

The Yukon Employees' Union (YEU) / Public Service Alliance of Canada (PSAC) supports a representative public service within the Yukon government. The YEU / PSAC has two strong and active committees that promote Aboriginal employment. Further, the collective agreement provides that positions targeted under an employment equity program are exempt from the appeal process applicable to all employees competing for indeterminate or term employment.

2.4 Summary

In summary, the strategic context provides a number of solid reasons for moving to a representative public service, beyond the legal obligations. Aboriginal people in the Yukon government can:

- fill a critical labour shortage in the future;
- provide greater stability in the workforce in times of economic booms or downturns;
- provide a source of labour for the new transformational skills required, due in part to the familiarity of youth with technological transformation;
- close the socio-economic gap between Aboriginal and non-Aboriginal residents;
- provide for a more equitable population dynamic within government by addressing different cultural sensitivities;
- develop capacity that can be transferred to YFN governments as people move to different jobs in their careers; and
- strengthen the Yukon government by increasing the diversity of the workforce.

3. Goals

The goals identified in Chapter 22, Schedule A of Yukon First Nation Final Agreements are also the goals of this Final Agreement Representative Public Service Plan. They are:

- a representative public service located in the Yukon, taking into account the Aboriginal / non-Aboriginal and gender make-up of the population of the Yukon; and
- a representative public service located in the Traditional Territory of the First Nation that reflects the Aboriginal / non-Aboriginal make-up of the population of the Traditional Territory of the First Nation.

4. Objectives, Strategies and Performance Measures

Objectives:

Objectives identify *what* the Yukon government and Yukon First Nations are committing to achieve together. They identify the purposes of the strategy and what the governments are seeking to accomplish.

Strategies:

Strategies identify the most effective ways to make progress toward achieving the Objectives. They identify *how* Yukon government and YFN governments will meet the Objective.

Performance Measures:

Performance measures are indicators of progress. They must be meaningful, connected to the Objective, easily *measurable* with available information or data and reasonably within the control of the parties.

In the first year many of the performance measures will be setting baselines, or starting points, for measuring performance. In following years, targets for improvements will be set.

Performance measures will be reviewed jointly by First Nations and Yukon governments as part of the annual review of the Operations Plan. The Strategic Plan will be jointly reviewed every five years.

4.1. Objective:

Proportional representation of Aboriginal people in the Yukon government workforce in different occupations and classification levels

Strategy 4.1.1

Use the tools provided in the YFN Final Agreements

Chapter 22 of many of the Final Agreements contains powerful tools for developing a representative public service. These include targeted recruiting, the designation of positions to be held by aboriginal people and preferences in hiring. These tools can be used to greater effect. The *Public Service Act*, the Employment Equity Policy and Staffing Guidelines, and the First Nations Temporary Assignment Protocol all provide authorities to facilitate the use of these methods.

Strategy 4.1.2

Target educated Aboriginal youth in particular, and new entrants to the workforce in general, for hiring into the Yukon public service

The aging public sector workforce, the young age distribution of the Aboriginal population and the relatively limited opportunities in YFN governments provide a strong rationale to target the hiring of youth. Aboriginal people entering new careers and returning to the workforce, especially those who have recently completed post-secondary education, should be a focus for Yukon government recruitment efforts.

Strategy 4.1.3

Use additional methods that have proven effective in increasing representation of equity target groups in Canadian governments

Yukon has a larger proportion of Aboriginal people than southern jurisdictions. Other Canadian jurisdictions have been successful in increasing the representation of Aboriginal people in their governments and while it might be argued that with a lower proportion of Aboriginal people in their population, it is easier for these governments, Yukon can learn from their best practices. Just as increasing the representation of women in management level of the Yukon public service required dedicated attention in the past, so will increasing the representation of Aboriginal people.

4.2 Objective:

Contribute to well functioning government to government relationships that strengthen both Yukon government and YFN governments

Strategy 4.2.1

Create greater understanding between Yukon government and Yukon First Nations through training

There is still a need to build better understanding within parts of the Yukon government of Aboriginal culture, the YFN Final Agreements and Self-government Agreements, and the legal obligations associated with the treaties. In addition, as staff exit or retire from the government, the knowledge base and understanding of these areas decreases and the challenge of meeting the spirit and intent of the Agreements increases.

Aboriginal people, on the other hand, want to understand government systems and processes, including the recruitment process. It is important that they feel welcome in the Yukon government.

Strategy 4.2.2

Demonstrate accountability and transparency in the government to government relationships associated with this FARPSP

All governments across Canada are being held to higher standards of transparency and accountability. Follow-up, monitoring, assessment and the ability to be flexible and change are also required in the implementation of the FARPSP.

The intergovernmental meetings between Yukon First Nations and the Yukon governments can provide an avenue for this, along with more typical avenues such as the posting of information on the Public Service Commission (PSC) website and reporting out in a PSC Annual Report.

Strategy 4.2.3

Promote regular exchanges of employees between Yukon and First Nations governments

Employee exchanges can build greater rapport between Yukon and Yukon First Nation governments' staff and citizens. These exchanges can build professional

capacity, provide an understanding of the satisfactions and challenges faced in the different governments, and increase acceptance and appreciation of cultural differences.

4.3. Objective:

Make YG a desirable place for YFN citizens to work

Strategy 4.3.1

Increase pride in being Aboriginal for those in the Yukon government workforce

There is reluctance among some Aboriginal people who work for the Yukon government to self identify as Aboriginal. Their concern is that others will assume they did not get their job through merit.

The Human Rights system demonstrates that some Aboriginal people experience racism and discrimination in the dominant non-Aboriginal society. Cultural differences and lack of understanding between Aboriginal and non-Aboriginal employees can also make it difficult to be an Aboriginal employee in the Yukon government. By recognizing the pride in being Aboriginal, and celebrating the cultural differences, the Yukon government can become a more welcoming place for Aboriginal employees.

Strategy 4.3.2

Support Aboriginal employees in succeeding in the Yukon government work environment

Coaching, mentoring and Aboriginal employee networks can provide support, nurture talent and increase Aboriginal representation into more senior positions over time. To develop a representative public service, capacity development of Aboriginal people is essential. Experience in other jurisdictions that have not paid sufficient attention to capacity development demonstrates that without this there will be limited success in achieving the goals set out in this plan.

