

ADDRESSING BARRIERS TO EMPLOYMENT OF ABORIGINALS

By Robin Brunet

In the next 5 years, over
14,000 JOBS
will be opening up in the forest sector



Despite shutdowns, slowdowns and the relentless advance of mechanized harvesting, the BC forestry sector needs more able-bodied workers than ever before, largely because so many traditionally employed in the sector are aging out and younger workers are migrating into other sectors, including oil, gas, mining, and construction. At the recent Truck Loggers Association's Convention the inability to recruit skilled labour, especially in remote locations, was a common topic of conversation. "I have 20-25 positions I need to fill immediately," lamented Adam Wunderlich of the KDL Group. The negative impacts of not having a sufficient number of adequately trained employees

include increased costs due to underutilization of equipment, increased difficulty in meeting contract obligations, higher repair and maintenance costs, and aggravated health and safety risks.

And yet, there also exists in British Columbia a largely underutilized pool of labour, much of which is spread out in remote locations throughout the province. According to a report published by the BC First Nations Forestry Council (BCNFC) in 2017, between 13,000 and 48,000 Aboriginal workers will be coming available to work over the 10-year period from 2014-2024. It looks like a perfect storm of opportunity, but despite the requirements of industry and

the desire of many Indigenous people to find work and establish careers, the uptake has been slow. According to Bob Joseph of Indigenous Corporate training, there are considerable numbers of barriers to employment of Aboriginals that are persistent and ongoing despite "massive studies done on this issue for years." His list includes: poor literacy and lower levels of education; cultural differences that can sometimes create an atmosphere of disrespect, resentment or distrust on worksites; racism, discrimination and the persistence of negative stereotypes; self-esteem issues; poverty and poor housing conditions that impact physical and mental well-being; lack of a

► Develop pathways for skills training through partnerships with ASETs

driver's licence or transportation options (see page 46); and lack of affordable and safe child care.

Although these are barriers that will require primary efforts in terms of both education and the provision of targeted government services, there is much that can be done by both industry and First Nations to bridge the gap. The good news is that efforts are currently underway on both sides to break down the barriers.

According to Lisa Luscombe, program manager for workforce and industry relations at the BCFNFC, many Indigenous people are not encouraged to enter forestry because they see it less as a career option than a collection of dangerous jobs. "They need to understand the positive side of the forest industry," she says. "There have been advancements in safety and technology, and there are a lot of fun and interesting jobs; it really can be a career."

To help promote the upside of forestry to the Indigenous community the BCFNFC is developing forestry career exploration programs designed to introduce First Nations' adults and youths to the industry and the many career opportunities that exist within it. There will be two separate initiatives, one aimed at adults aged 18-30, and one aimed at young people aged 15-18. The first program is set to go this summer, and partners include the Homalko First Nation and Interfor. The adult cohorts will visit Interfor forestry operations where they will enjoy trying out a virtual reality forest management interface, walking in the woods to discuss planning and wildlife management, visiting active logging operations, touring a dryland sort, and touring a tree seedling nursery. The younger cohorts will also visit remote logging sites operated by the Homalko to see how they operate.

"Interfor recognizes that a strong and sustainable forest economy includes Indigenous participation," says Trevor Joyce,

manager, economic partnerships and sustainability at Interfor. "We are committed to promoting careers in the industry and capacity building with our partner communities. We hope to help light a spark of interest and to encourage both youth and adults to pursue further training or schooling in forestry. Ultimately, we are looking to hire the next generation of Indigenous foresters and engineers."

Both programs include a cultural piece supplied in part by the presence of a First Nations' elder. "Interfor will be exposed to the cultural side of the Homalko, but it will go both ways, role models from industry will speak to the groups as well," says Luscombe.

This summer's inaugural programs will be treated as learning exercises that the BCFNFC will use to create a template other industry and First Nations' partners can use to increase employment in their area. Additional partners could include local Indigenous Skills and Employment Training (ISET) Program providers as well as non-Native political and social stakeholders. "Each area will self-design for their neighbourhood using the template," says Luscombe. At a different level of engagement, the BCFNFC is also offering scholarships to young people interested in pursuing forestry at the post-secondary level.

At the contractor level Luscombe says the training tax credit for contractors willing to hire unskilled labour currently being proposed by the TLA is a good step forward, but she'd also like to see regional players in the industry getting together with their local First Nations' community representatives to discuss what they need from each other and how they can move forward. "Maybe they could pool their money to provide training or transportation," says Luscombe.

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There are a number of strategies contractors hoping to employ First Nations can utilize when hiring and working with Indigenous people, and there is no cookie-cutter solution. According to Statistics Canada there are more than 270,000 First Nations, Inuit and Métis people in BC speaking 30 languages and as many as 60 dialects. Bob Joseph of Indigenous Corporate Training advises visiting communities nearest your project and learning about that community's culture, history, challenges and achievements. "Invite Elders to visit your worksite to talk about their culture and beliefs," he advises. "Ensure that every person in your organization, including those in head office, takes a cultural awareness course. Recognition and respect of cultural differences has to be systemic, and it has to be supported from on high to be sustainable and effective."

It's also a good idea to reject stereotypes and ensure that at the interview and job level applicants feel respected and valued, although Luscombe says she doesn't think racism is really the issue. "I think it's more a lack of awareness of each other, and that can lead to misunderstandings," she says. "If you share teachings and break down barriers that can create good relationships and better work environments."

Inadequate or non-existent transportation and access to safe and affordable child care are other significant barriers to employment. Obviously, these are to address for individual companies working with tight margins, but they need to be considered in the overall equation. Solutions include arranging shuttle service for employees to transport them to job sites in the morning and home again at the end of the day. Child care is a tougher nut to crack, but Bob Joseph would go so far as to say "if the community does not have a child care facility, build one and hire a qualified child care worker, or provide qualified child care on-site, or connect with a local, culturally aware child care provider to ensure there are spots available for the children of your employees."

If Indigenous people feel welcome and valued, and training and support can be provided, it could go a long way toward filling the labour shortage that currently exists, one that is only going to get bigger if bridges don't get built sooner rather than later.▲

(Continued from page 20)

does not contain any provisions dealing with a change of control in a company, it is common practice for the contract to include terms and conditions that provide that a change of control will be deemed an assignment. Accordingly, contractors should carefully review the terms of their contracts in order to understand whether there is a need to seek the consent of the licence holder prior to the sale, keeping in mind that the licence holder will still not be able to unreasonably withhold consent.

Finally, regardless of whether the replaceable contract expires and is not renewed, or is assigned or is sold outright in conjunction with the contractor's business, the retiring contractor must consider whether there are any subcontractors operating under replaceable subcontracts. If there are, the Regulation mandates that as a condition of a sale and assignment of the replaceable contract, the contractor must require the buyer of the contract to either assume those obligations or offer a new replaceable subcontract to the subcontractor on

substantially the same terms and conditions. As with seeking the consent of the licence holder, this may limit the pool of possible purchasers.

In sum, retiring requires careful planning and consideration of the contractual obligations under the applicable contracts, the suitability of potential purchasers, and the potential impacts on the licence holder. If in doubt, or if an issue arises, it is always worthwhile to speak with a lawyer. Terminating or assigning a contract, including a replaceable contract, may not always be a simple process, but with sufficient preparation and due diligence it is entirely feasible.▲

Charles Bois has a diverse practice that focuses on the oil and gas, energy, mining and natural resources, Aboriginal, environmental, commercial, and construction and infrastructure sectors. In addition to his legal experience, Charles has over 20 years of business experience in the natural gas industry, including senior management and consulting roles.



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