

D. Carriere & Associates

**Keyask Workplace Culture Assessment
Final Report**

**[A Review of Discrimination and
Harassment]**

Keeyask Workplace Culture Assessment Table of Contents

| | |
|---|----|
| Executive Summary | 5 |
| 1.1 Introduction | 9 |
| 1.2 Terminology | 10 |
| 2. Scope and Mandate | 11 |
| 2.1 KWCA Mandate | 12 |
| 2.2 The Approach | 12 |
| 2.3 Interviews | 13 |
| 2.4 Document Review | 16 |
| 2.5 Support Services Review | 16 |
| 2.6 Confidentiality in the Assessment Process | 17 |
| 2.7 Expectation of Participants | 17 |
| 3. Conclusions and Recommendations | 18 |
| 3.1 Primary, Transition and Specific Area Recommendations | 20 |
| 3.2 Burntwood Nelson Agreement (BNA) | 22 |
| 3.3 Job Referral System (JRS) | 24 |
| 3.4 Mentorship and Advancement for Employees | 26 |
| 3.5 Facilities | 27 |
| 3.6 Drugs and Alcohol | 29 |
| 3.7 Policies and Processes | 31 |
| 3.8 Review of Investigating Reports | 33 |
| 3.9 Programs and Support Resources | 34 |
| 3.10 On-Site Counselling | 37 |
| 3.11 Indigenous Awareness Training | 39 |
| 3.12 Ceremonies | 40 |
| 3.13 Hydro Projects Management Association (HPMA) | 41 |
| 3.14 Manitoba Hydro Site Liaisons | 42 |
| 3.15 Allied Hydro Council (AHC) | 43 |
| 3.16 Keeyask Cree Nation (KCN) Site Representatives | 44 |
| 3.17 Job Seeker Managers (JSM) | 45 |
| 3.18 Advisory Group on Employment (AGE) | 46 |
| 4. Quotes from Participants | 48 |
| 5. Bibliography | 53 |

APPENDIX A – Employee Survey Questionnaire
APPENDIX B – Manager Survey Questionnaire

Acronyms

| | |
|--------|---|
| AGE | Advisory Groups on Employment |
| AHC | Allied Hydro Council |
| AJI | Aboriginal Justice Inquiry |
| BBE | Bechtel Barnard Ellis-Don |
| BNA | Burntwood Nelson Agreement |
| CBNR | Churchill/Burntwood/Nelson River |
| CEC | Clean Environment Commission |
| DCA | D. Carriere & Associates |
| DNC | Direct Negotiated Contract |
| ERS | Employment Retention Services |
| FLCN | Fox Lake Cree Nation |
| HNTEI | Hydro Northern Training and Employment Initiative |
| HPMA | Hydro Projects Management Association |
| JKDA | Joint Keeyask Development Agreement |
| JRS | Job Referral System |
| JSM | Job Seeker Manager |
| KCN | Keeyask Cree Nation |
| KHPL | Keeyask Hydropower Limited Partnership |
| KIP | Keeyask Infrastructure Project |
| KWCA | Keeyask Workplace Cultural Assessment |
| LOA | Letters of Agreement |
| LRSRAF | Labour Relations Site Representative Aboriginal Focus |
| MAC | Monitoring Advisory Committee |
| MAET | Manitoba Advance Education and Training |
| MH | Manitoba Hydro |
| NOC | National Occupational Classification |
| PRA | Personal Risk Assessment |
| RCMP | Royal Canadian Mounted Police |
| TCN | Tataskweyak Cree Nation |
| YFFN | York Factory First Nation |
| WLFN | War Lake First Nation |

Executive Summary

The Keeyask Hydro Limited Partnership (“KHLP”) engaged the firm of D. Carriere & Associates to assess the current workplace culture at the Keeyask Generation Project site and provide recommendations to address the concerns brought forward by the employees and community members.

Hydro development has been a contentious issue between Indigenous peoples and the Province of Manitoba and Manitoba Hydro. The Keeyask Generation Project represents a unique opportunity for First Nations and Manitoba Hydro to be leaders in the process of reconciliation¹. One of many challenges to be faced by the partner First Nations and Manitoba Hydro is the issue of discrimination and harassment. While problems of discrimination and harassment are not unique to the Keeyask Project, they become unique when looking at finding solutions that respect and reflect two different worldviews.

The Owners of the Keeyask Generation Project, namely the four First Nation partners (Tataskweyak Cree Nation, War Lake First Nation, York Factory First Nation and Fox Lake Cree Nation) and Manitoba Hydro have recognized that the issue of discrimination and harassment is having a negative impact on the Keeyask Project construction site. The Keeyask Workplace Culture Assessment (“KWCA”) gathered information through in-person and telephone interviews, as well as through an on-line survey, over a four-week time frame. There were a total of 179 participants², which included 146 employees (see Appendix A) and 18 managers who were interviewed with a separate questionnaire (see Appendix B), as well as 11 phone interviews. Of the employees surveyed, 54 individuals were interviewed in-person and 92 participated using the on-line survey. Of the 146 employees who participated, 77 were of Indigenous descent.

The KWCA found a culture of discrimination and harassment does exist at the Keeyask site. The culture of discrimination and harassment³ has been allowed to continue largely as a result of little awareness of policies and inconsistency in these policies and their application. Discrimination and harassment exists for both Indigenous and non-Indigenous workers.

Indigenous workers are employed in various contracted services at the Keeyask site, with the highest concentration occurring in the hospitality sector. While there were concerns raised

¹ More recently the Truth and Reconciliation Commission has challenged governments and organizations to shift the way in which they deal with First Nations people. Calls to Action were issued that require various segments of society to re-examine the way they “do business”. This challenge has also been extended to the business community, including resource companies. Manitoba Hydro may do well to use this as a perfect opportunity to further address reconciliation process with the First Nations most affected by hydro- electric development and the KWCA suggest that the Principles found in the TRC be used as a foundation for the way in which they also move forward in their relations with Indigenous People.

² Note that 4 of the in-person interviews were incomplete.

³ While gender based discrimination and harassment appeared to be an issue it was not part of the mandate of the KWCA, this could be an issue that requires further investigation.

with regard to consistency in the application of policies and awareness of opportunities, most of the employees interviewed in the hospitality sector described experiencing discrimination and harassment from individuals employed by other contractors. Racial slurs and derogatory comments are common. Indigenous workers employed in the construction sector also experience discrimination and harassment. Their experiences include differential treatment in advancement, training and work hours.

Unlike workplaces where one policy applies to all workers, the Keeyask Generation Project has a number of contractors, each with their own form of a Respectful Workplace policy. While not all policies are comprehensive, they do have basic processes in place to address the issues of discrimination and harassment. However, if processes are too basic, this can lead to inconsistency in interpretation and application, which is the case at Keeyask. The KWCA found that the individuals interpreting and applying the policies often lack the proper training and understanding required to implement policies. Discrimination and harassment exists within each contract area but the frequency of occurrences between workers employed by different contractors demonstrates the need for a clearly defined process to address the cross-contract conduct. The Managers we spoke with indicated zero tolerance for discrimination and harassment, however despite these statements and the basic policies, the experiences shared by employees interviewed clearly indicate a disjunction between the standards and the reality being experienced by employees on a day-to-day basis. A single policy with one process applicable to all Keeyask contractors would address this concern.

The KWCA found a high level of fear of retaliation and retribution at the site among those interviewed. This fear was expressed both verbally by individuals as well as through their obvious physical discomfort. Many individuals demonstrated physical nervousness and also “broke down” emotionally during their interviews. This fear of retribution is a main factor preventing individuals from coming forward with their experiences with discrimination or harassment. The fear can be attributed to the inconsistent application and interpretation of the policies, including the use of threats of harsh penalties such as suspensions and termination. Employees stated that managers such as foreman and supervisors used verbal threats of suspension or termination on a regular basis. Inconsistent utilization of the policies also resulted in inconsistent action on any reported policy infractions. This contributes to a negative work environment as employees feel that there is no employee support. Managers often interpret the lack of reporting as the absence of discrimination and harassment and therefore the belief that all is well.

There exists a mistrust of Manitoba Hydro and this has filtered over to the contractors hired by Manitoba Hydro, particularly Bechtel Barnard Ellis-Don (“BBE”). Obviously, this becomes a serious issue when attempting to identify ways to move forward in addressing discrimination and harassment at the Keeyask site.

During the KWCA, participants expressed other areas of concern. These issues may not be directly related to discrimination and harassment in the workplace, but they contribute to a negative working environment. Participants expressed the feeling that the work culture was to

build the generating station at all costs and the fair treatment of employees was a secondary factor. This attitude resulted in the improper use of respectful workplace policies and diminished training, advancement and utilization of the skills of workers.

We were advised that individuals with trade tickets were not being utilized or encouraged to work in their respective area of expertise but were being placed in general labour positions. This leads to increased frustration of experienced workers. Participants also expressed their concern that foremen and supervisors hired through the “name-hire” process did not possess the necessary management skills to lead a construction workforce. This lack of experience was seen to be a contributing factor to the inconsistent application of policies and increases in safety issues, as well as improper instruction to workers.

Those interviewed stated that there is not enough mentoring and training of apprentices or those with less work experience. For example, the KWCA were informed that many of the non-managers with construction experience and trade tickets were not being utilized to assist in mentoring or being placed in supervisory positions. Participants recognized that a goal of the Keeyask Project was to provide and promote employment and career opportunities for the members of the partner First Nations. There was no objection to this goal, but there were concerns that those opportunities were not being provided for the Indigenous employees. Many concerns were raised with the Job Referral System (“JRS”). Workers felt that contractors were able to manipulate the JRS and screen in preferred workers while being able to screen out others such that in particular job areas there was a disproportionate number of workers from a particular company or in some instances close friends and relatives. We heard from Indigenous participants that they had never been contacted, or it was many months before they were ever contacted, for work at the Keeyask site.

Safety overall was viewed as a positive factor, however, a number of employees raised specific workplace incidents. Examples of the concerns raised include:

- The lack of following proper protocol when it came to blasting, including areas not being properly cleared or cleaned prior to non-blasting workers entering the zone.
- Spills being improperly cleaned up e.g. incidents were described where dirt was kicked over spills, or where reports of such matters to supervisors were dismissed and employees were told we “don’t have time to clean it up”.
- Safety harnesses and proper equipment not being utilized in proper form or not available for workers.
- Overhead loads being flown over workers and improper safety barriers being in place.

As in other situations, employees stated that the foreman or supervisor often ignored any expressions of concern regarding these types of situations. If safety infractions are dealt with, they are done so in an unfair manner and it was stated that this was another indication of the qualification level of foremen, general foremen or supervisors.

The issue of favoritism was raised in numerous areas. Many employees identified that employees are singled out for the “better” work while others are given the more menial and less liked tasks. This being so in the case where a less qualified employee is selected over others. Many of the interviewees are of the view that it is friends or relatives of the supervisors or management that are given favorable treatment.

Favoritism was also raised as it related to the Indigenous employees. For example, some of the non-Indigenous workers perceived that Indigenous peoples are allowed to “get away” with lot more than non-Indigenous workers. For example, lateness, absences and not performing required tasks were identified as examples for which a non-Indigenous worker would be immediately disciplined but not the Indigenous workers. There was a sense that the Indigenous workers were protected by their Chiefs and Councils, and in fact one employee was cited as making immediate phone calls to their home community when they did not want to perform tasks required of them. More Indigenous Awareness training would demonstrate that the practice of going to Chief and Council is a cultural response. The Chiefs and Councils of First Nation communities are usually the only forum for raising and resolving issues. It is a natural response to utilize those processes most familiar and in the case of Indigenous peoples, that process is the Chief and Council. The KWCA finds that more awareness of the cultural differences between Indigenous and non-Indigenous peoples will significantly reduce these types of beliefs.

The level of frustration amongst workers was so high in some cases that many stated they were prepared to walk off the job, and were looking daily for opportunities elsewhere. Numerous experienced employees stated that if opportunities in other major projects opened up, they would leave their employment at Keeyask. Among the Indigenous employees, many acknowledged that they remained because they had no other employment opportunities to earn an income for their families.

The interviews conducted as part of the assessment demonstrate the existence of discrimination and harassment as well as a number of other issues and concerns. Many of these issues will require long-term solutions, while others can be addressed in shorter time periods. The willingness of the partner First Nations and Manitoba Hydro to take a hard look at their own practices and procedures through an independent process is a measure of the seriousness the Owners have taken in addressing discrimination and harassment. There is also willingness by the contractors, unions and other support resources to take concrete steps to reduce incidents of discrimination, harassment and potentially other workplace issues at the Keeyask site. The old adage of “just get the job done” no longer applies. Change requires strong leadership and commitment that will be essential to improving the workplace culture and ensuring respect for human dignity and safety for all the workers.

In order to effectively address these issues, the Owners cannot simply revise policies but must acknowledge and take ownership of the fact that discrimination and harassment is a real concern for the Keeyask Project, and one that will require direct and sustained action and monitoring. It will require cooperation and commitment from the Owners, contractors, unions

and support services, and it will require transformative change in the current framework that shapes the policies and procedures at Keeyask.

The Owners must continue to be innovative and engaging in their efforts to make the workplace culture at Keeyask a positive and memorable one for all that work there.

The KWCA found a high level of skepticism that the required commitment for change existed; yet all participants expressed hope that the KWCA would result in changes at the site.

1.1 Introduction

The Keeyask Generation Project (“the Project”) is a 695-megawatt hydroelectric generating station located in the traditional territories of the four First Nation partners (Tataskweyak Cree Nation, War Lake First Nation, York Factory First Nation and Fox Lake Cree Nation), collectively known as the Keeyask Cree Nations (“KCNs”), and within the Split Lake Resource Management Area of the Tataskweyak Cree Nation. It possesses a number of unique features including a partnership between Manitoba Hydro (“MH”) and these four First Nations.

The partnership between MH and the KCNs represents the second time that MH has entered into a major hydroelectric development project with Indigenous peoples. Partnering with Indigenous peoples in resource development is a shift in the way Indigenous peoples were viewed in past resource development. For MH, it demonstrates a positive move in reconciling its relationship with Indigenous peoples. A second unique feature of the Project is the consideration of the Cree worldview in the environmental assessment that was conducted to meet regulatory requirements for the Project to be licensed. The Manitoba Clean Environment Commission (“CEC”) hearings recognized the partnership for having a two-track approach to its environmental assessment, one being based on western science and the other on the Cree worldview. While the Cree worldview was considered in the Wuskwatim Generation Project, the partnership chose a two-track versus a joint approach for the Keeyask Generation Project. The flexibility in both approaches demonstrates an understanding by MH of not only partnering with First Nations to access resources in their traditional territories, but also the need to consider and understand the Indigenous perspective. Similarly, during CEC process, the KCNs shared their perspectives that the Keeyask Project was part of a reconciliation process for them as they are now part of a hydro development process from which they were previously excluded.

The CEC acknowledged that the two-track approach to environmental assessment was innovative and recognized that it was a possible necessity for reconciling differences of opinion. The Keeyask Workplace Culture Assessment (“KWCA”) team believes that this innovative approach must not be limited to the environmental assessment process. The Indigenous perspective, or in this case, the Cree worldview, is one that is found in all aspects of life, including the social, economic and spiritual realms. The KWCA recommends the process of acknowledging and working towards finding solutions that recognize the Cree worldview be undertaken in all aspects of the Project.

1.2 Terminology

“Aboriginal” will be used within this report where it is currently used in positions, programs or reports. In other references to Indigenous peoples, the term “Aboriginal” will be replaced by “Indigenous”.

“First Nation” will refer to the political and governmental body recognized by Status Indians, and includes an “Indian Band” as defined under the Indian Act R.S.C.

“Indigenous” will be used in place of the term “Aboriginal” and will include Metis, Inuit and Status Indians (and non-Status), as defined by the Indian Act R.S.C.

“KCN member” will refer to individuals that belong to the communities of Fox Lake Cree Nation, Tataskweyak Cree Nation, York Factory First Nation and War Lake First Nation.

“Leadership” will refer to those in authority for the Keeyask Project and includes the Chiefs and Councils of the KCNs, the Board of Directors of the Keeyask Hydropower Limited Partnership (“KHLP”), the Project Managers and Executive Managers of the various contractors. Leadership will be distinguished from the Owners of the Project.

“Owners” will refer to the partnership of the four KCNs and MH.

“Racism” is a set of implicit or explicit beliefs, assumptions and actions based upon an ideology of inherent superiority of one racial or ethnic group over another. Racism can be evident within organizational or institutional structures and programs as well as within individual thought or behaviour patterns.

“Discrimination” is treating a person or group differently, to their disadvantage and without reasonable cause, on the basis of a group characteristic, such as ancestry, sex or disability. Discrimination can be direct, indirect or systemic.

“Harassment” is any behaviour that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling) or displays (e.g. posters, cartoons). The Manitoba Human Rights Code refers to harassment as a course of abusive and unwelcome conduct or comment made on the basis of any protected characteristic.⁴

“Systemic Discrimination” is found in section 9 (3) of the Manitoba Human Rights Code and refers to a mix of rules or practices that may not seem discriminatory when looked at individually, but together results in discrimination.⁵ Systemic Discrimination often refers to an

⁴ Manitoba Human Rights commission website – fact sheet: What is Harassment? Accessed: February 2017.

⁵ Manitoba Human Rights code.

indirect or unintended negative effect or impact of certain standards, policies or behaviour.⁶

2. Scope and Mandate

The Keeyask Hydropower Limited Partnership (“KHLP”) was established to carry on the business of the Owners. Decisions of the KHLP are decisions taken by the Board of Directors that consists of the following representatives: Tataskweyak Cree Nation, War Lake First Nation, York Factory First Nation, Fox Lake Cree Nation and Manitoba Hydro (“MH”). In a communication to employees at the Keeyask Project construction site, the Owners stated:

A Respectful Workplace Standard was implemented at Keeyask, however concerns that this goal was not being realized for everyone, the KHLP directed that a subcommittee (comprised of MH and the four KCNs) undertake a review of the workplace environment at the Keeyask construction site and focus specifically on concerns raised about racism, discrimination and harassment. The KHLP agreed to have a third party independently review the workplace culture at the Keeyask site to better understand the concerns, and to create a plan for a more positive work environment.⁷

A Respectful Workplace Standard has been implemented at Keeyask and it describes a strong vision for a workplace free from discrimination and harassment, and respectful of different cultures. Achieving this goal is the responsibility of everyone involved in the Keeyask Project. We know there are concerns that this goal is not being realized for everyone at the project site. To better understand the concerns and to create a better work environment going forward, D. Carriere & Associates has been contracted to independently assess current workplace culture at the Keeyask site.

The subcommittee developed a process for selecting a firm that had the following qualifications:

- Experience in Indigenous participation in the workforce, identifying sources of conflict in workplace relationships, undertaking workplace investigations, and providing resolutions that balance employee needs and welfare with organizational requirements.
- Well versed with cross cultural work environments, cultural awareness and employee retention strategies, as well as the concepts of conflict resolution, workplace investigation, group facilitation, individual coaching and mentoring, training and development, and workplace diversity.

⁶ Manitoba Human rights commission website – fact sheet: Systemic Discrimination. Accessed: February 2017.

⁷ Letter from Partners to Keeyask site, October 2016

- Indigenous participation and gender balance were seen as important elements on the KWCA team.

The subcommittee identified the months of October and November 2016 as peak times of employment at the Keeyask construction site and required that the consultants complete their Assessment during that time period. It was expected that the review and its recommendations would be completed in time for the KHLP to review and implement accepted recommendations prior to the projected increased employee population in the spring of 2017.

The KWCA recognized that the timeframe for conducting the assessment was ambitious, but worked to ensure that there was a level of trust, comfort and safety of individuals to participate in the process. Participation in the interview process was maximized through various options (on-site and off-site in-person interviews, and on-line and telephone interview surveys). The KWCA also reviewed relevant policies and procedures, including employee support services, to formulate its recommendations.

2.1 KWCA Mandate

On October 3, 2016, Manitoba Hydro (“MH”) on behalf of the Keeyask Hydropower Limited Partnership (“KHLP”) contracted with the consultant firm of D. Carriere & Associates (“DCA”) to undertake the KWCA at the Keeyask Generation Project construction site.

The mandate of the KWCA is to provide a report that includes the following:

1. Recommendations based on the outcomes from the interview process that address issues of discrimination, harassment and level of satisfaction with working and living at the Keeyask site and concerns with the workplace culture; and
2. Identification of any potential enhancements to existing processes, procedures and support services to address any notable gaps or inconsistencies in their implementation, and to create comfort among workers to use these systems.⁸

2.2 The Approach

The KWCA was asked to consider the perspectives of current and former employees, with a particular focus on Indigenous employees. A survey questionnaire was developed to conduct interviews with current and former employees on and off-site, through in-person, online and telephone. A survey questionnaire was also developed for managers, contractors and support service personnel both at the Keeyask site and the Manitoba Hydro office in Winnipeg.

From the beginning of the process, D. Carriere & Associates (also referred to as “KWCA”)

⁸ Contract No. 040240. October 3, 2016

identified that trust would be a critical component that would affect the success of the Assessment. A minimum level of trust with the target participants would need to be built at the outset. The KWCA worked with the subcommittee to develop a communication strategy that would incorporate methods to address the trust issue. The communication strategy focused on getting information to the employees as quickly as possible and included information about the Assessment, including time frames, approaches, locations and information about the Assessment team. In addition, a letter from the Owners was distributed as a demonstration of their support for the Assessment and to encourage employee participation. This information was circulated to websites and social media. Hard copy information was available at strategic locations at the Keeyask site. Toolbox and All-Hand meetings were used to further inform on-site employees. Information was also sent to the KCN communities for distribution to their members.

Although communication about the Assessment was forwarded prior to the arrival of the KWCA team at the Keeyask site, initial participation was low and further awareness was required. The KWCA attended Toolbox and All-Hand meetings and this provided a “face” to the process. In conjunction with this, large posters were placed outside of the dining hall. These efforts succeeded in attracting the attention of the employees, however engagement was low. Individuals wanting to participate in the process would be required to take information off the poster, resulting in them being seen. The KWCA viewed this as a possible deterrent affecting the level of participation by employees. While informing individuals, the distribution of information by way of poster only, did not provide a safe opportunity for them to access the contact information. This issue was raised with the subcommittee and a small pamphlet was developed, which was to be provided to each visitor upon arrival to the camp. Copies of the pamphlets were available at the check-in desk, security desk and dining hall. While not the perfect process, the contact information was more accessible to the individual employees.

Data collection consisted of in-person interviews, on-line surveys and document review.

The KWCA reviewed the Keeyask policies and processes, including investigation processes used for addressing discrimination and harassment in the workplace.

Communication between the KWCA team and the subcommittee was open and regular, with scheduled weekly conference calls for providing updates and identifying process issues. It should be noted, that when these issues were raised by the KWCA, the subcommittee worked quickly to find solutions.

2.3 Interviews

The Keeyask Workplace Culture Assessment (“KWCA”) gathered information through in-person and telephone interviews, as well as through an on-line survey, over a four-week time frame. A total of 179 participants were interviewed, representing a cross-section of employees and management. A total of 146 interviews, representing construction and hospitality, were conducted with employees (in-person and on-line), on a volunteer basis. In-person interviews

were walk-in or appointment. Eighteen (18) interviews were conducted with managers, contractors and support services personnel. In addition to interviews and surveys conducted with employees and management, semi-structured interviews were conducted with Keeyask Partner First Nation Chiefs and Councils and Manitoba Hydro.

The survey instrument was designed to get an understanding of the extent of discrimination and harassment in the Keeyask workplace, with particular focus on the extent faced by Indigenous workers. In addition, an understanding of the effectiveness of existing supports to address issues of discrimination and harassment was investigated. Questions were asked in the following areas:

- i. Site Orientation and Training
- ii. On-site Supports
- iii. Retaliation
- iv. Mentorship
- v. Overall Worker Experience
- vi. Overall Worker Treatment
- vii. Other Matters raised by Participants
- viii. Ideas for Improvement of life at Keeyask

A second questionnaire was designed to obtain the opinion of management using a similar structure and the same topics of concern. The focus was not so much on participants' individual experiences but on their particular job functions as they relate to discrimination and harassment in the workplace.

First Nation Chiefs and Councils: Prior to conducting interviews at the Keeyask site, the KWCA wanted to meet with the Chiefs and Council of each Keeyask Partner First Nation in order to understand any protocols or processes for meeting with members of their communities. The KWCA also wanted to provide each Chief and Council with the opportunity to share his or her opinions and concerns regarding the Assessment. The KWCA met with all Chiefs and Councils during the Assessment process.

Manitoba Hydro: As with the First Nation Chiefs and Councils, the KWCA wanted to provide Manitoba Hydro with the opportunity to share their opinions and concerns. Manitoba Hydro representatives included individuals from various levels and departments within the Project.

Contractors: Since most of the employees were employed through contractors, it was important to seek out and obtain their perspective on the Assessment. Contractors who participated in the Assessment included BBE, Earthworks, Northern Maintenance and Sodexo. As time was limited at the site to conduct all on-site interviews, including in-person interviews with employees, not all contractors were interviewed. However, those contractors interviewed collectively employ the majority of workers at the Keeyask site.

Support Services: The KWCA interviewed representatives of the following entities listed: Hydro

Projects Management Association, Allied Hydro Council, Manitoba Hydro Site Liaisons, Keeyask Cree Nation Site Representatives, Employee Retention Services and the Advisory Group on Employment (“AGE”). All play an important role in promoting a respectful workplace culture.

The above interviews differed from the employee surveys with employees, which focused on individual experience.

Employees: In addition to telephone interviews and on-line surveys, the KWCA conducted in-person interviews with current and former employees of the Keeyask Project. The interviews of employees focused on their experience with site orientation and training, overall employee treatment, on-site supports, experiences and fear of retaliation, mentorship, ideas for improvements and other issues they felt they wanted to share.

Off-site in-person interviews were conducted in the communities of Fox Lake Cree Nation, York Factory First Nation, and Tataskwayak Cree Nation.

Interviews were also held in Thompson to provide an opportunity for members of War Lake First Nation and others living in the Thompson to be interviewed. Lastly, Winnipeg was used to interview previous employees and management of Manitoba Hydro. Interviews were held at the Keeyask site on two separate occasions between the periods of October 20 to December 5, 2016. The KWCA provided services in Cree to enhance the comfort of the First Nation members that participated in the in-person interviews.

Opportunity was also provided for group interviews. Five (5) interview sessions were classified as group interviews. Individuals that utilized this option stated that they came forward as a group because they felt there was strength in numbers and were acting as support for each other. Each of these groups consisted of three (3) to seven (7) individuals for a total of 25 employees.

The KWCA felt that its physical presence at the Keeyask site had the most impact on individuals becoming aware of and deciding to participate in the Assessment. The ability of employees to “see” the team and “watch” our behaviour allowed for the building of trust. During both site visits, we found that we had the most interest and participation near the end of our stay. We attributed this type of late response as lack of trust, poor communication or both. On numerous occasions, while the KWCA team was in the dining hall, arctic corridor or check-in open area, individuals expressed a desire to speak with us. Unfortunately, the majority of these meetings did not materialize, and we were advised through third parties that reasons included: individuals could not find the time to meet with us, were not comfortable with the location of the interviews or felt too afraid. We also found the turn-around schedule to be a barrier in arranging interviews and best efforts were made to meet with individuals in Winnipeg or by phone.

The location of the interviews at the Keeyask site was a concern for the KWCA team. Office

space was provided in the Support Services Building, which houses the Allied Hydro Council, Hydro Projects Management Association, and Manitoba Hydro. Its physical location is separate from the Main Camp and it is located near a smoking area at the front of the Main Camp. The KWCA found that this location was prohibitive in many instances and this was supported by comments we received from participants. We were advised that participants were aware that people would know which employees were coming to “complain” and therefore the participants would be seen as “rats” and subject to possible retaliation. Many individuals refused to attend interviews on this basis. Nonetheless, there were others who indicated that they were prepared to face any consequence and felt it important to have their views heard. Efforts were made to hold the interviews in other more favourable locations for the comfort of participants, such as the Gathering Centre and the Employee Retention Offices. However, due to the limited office space, access to these alternative locations was not always possible. The ERS office was made available when office and training spaces were free. Overall, the KWCA found that the location did have an impact on the employee’s participation level in the interview process.

For interviews conducted in KCN communities, the KWCA worked with the Job Seeker Managers to encourage participation by former Keeyask employees. However, we found many former employees were either no longer in the community, had other employment or were not available during the time of our presence in the community.

2.4 Document Review

The Assessment Team reviewed the following support services materials, policies, and processes:

- Keeyask On-Boarding Handbook
- Project Site Rules and Information
- Manitoba Hydro Camp Infractions and Appeals Rules
- Power Point presentation on Supervisory Training
- BBE Respectful Workplace Policy
- Sodexo Respectful Workplace Policy
- Canmec Respectful Workplace Policy
- Drug and Alcohol Policy
- Manitoba Hydro Major Capital Projects Respectful Workplace Standard
- Manitoba Hydro Major Capital Projects Violence Free Workplace Standard
- Violence Free Workplace Site Standard
- Investigation process and complaint files summaries
- Formal and Informal complaint processes

2.5 Support Services Review

As noted earlier, the KWCA identified a number of supports for the employment and retention

of Indigenous workers, particularly members of the KCNs. Those supports include:

- On-Boarding Sessions
- Employee Retention Services
- Manitoba Hydro Site Labour Relations Representative
- Manitoba Hydro Site Liaisons
- Allied Hydro Council
- KCN Site Representatives
- Advisory Group on Employment

2.6 Confidentiality in the Assessment Process

All interviews and surveys were confidential and conducted on an anonymous basis. Interviewees, including management, were advised that all information was confidential. The confidentiality aspect was highlighted throughout the Assessment to provide a level of comfort and safety for individuals to come forward. All employee interviews were on a volunteer basis. Management and Support Service interviews were arranged with the assistance of Manitoba Hydro. The KWCA undertook to not use personal information in its reporting given that it could lead to the identification of interviewees, this despite a few individuals indicating that they wanted their names to be identified.

2.7 Expectation of Participants

Very early in the process, it became clear that the participants had their own expectations of the Assessment. The vast majority were concerned with confidentiality and visible participation in the process. Many also expressed skepticism over the outcomes of the Assessment and had little expectation that positive changes would occur. Many felt that because so little was being done to address issues that there was little expectation that the KWCA would bring about any positive change to the workplace. A comment we heard often was: “Try not to let it bother me, just ignore it because it isn’t going to change”.

Nonetheless, all participants expressed hope that change would occur. They were thankful for the opportunity to voice their concerns. Participants hoped that if change did occur as a result of the KWCA, that it would occur quickly.

Some management interviewees demonstrated surprise for the need for the Assessment and were a little hesitant to participate. However, once the interview was completed, all management interviewees expressed pleasure with having been a part of the interview process and offered assistance to the KWCA through provision of other information or further dialogue.

Throughout the entire Assessment, the KWCA team was treated with great respect and openness. Many felt comfortable with meeting with our team members and were also encouraged that the results of the Assessment would be shared with the entire KHLP Board and

with KCN Chiefs and Councils and not just Manitoba Hydro.

3. Conclusions and Recommendations

The Assessment was a difficult process as it involved the gathering and analysis of an enormous amount of information within a very short time frame. It was also difficult to witness the level of frustration, anger and fear of the individuals that took time to come to share their experiences. The amalgamation of interview findings cannot do justice to these individuals that were brave enough to tell their stories.

The focus of the report was to obtain the views and perspectives of Indigenous participants as to the existence of discrimination and harassment at the Keeyask site; however, we also obtained the views of non-Indigenous participants. Overall, the KWCA found that discrimination and harassment does exist at the Keeyask site. Both Indigenous and non-Indigenous workers share this experience. Awareness of what discrimination and harassment is and how to address it needs to be a priority. We found that many people bring their pre-conceived notions of race to the work force and when the work environment is difficult, these biases find expression through verbal abuse of construction co-workers and workers employed by other contractors.

Numerous studies conclude the Indigenous peoples' worldview is considerably different from the non-Indigenous. For example, the Manitoba Justice Inquiry stated:

“At a fundamental cultural level, the difference between Indigenous and Western traditions is a difference in the perception of one’s relationship with the universe and the Creator”⁹.

The Aboriginal Justice Inquiry went on to provide the example of how this difference applies in the Justice System and it is worth stating here:

“At the most basic level of understanding, justice is understood differently by Aboriginal people. The dominant society tries to control actions it considers potentially or actually harmful to society as a whole, to individuals or to the wrongdoers themselves by interdiction, enforcement or apprehension, in order to prevent or punish harmful or deviant behaviour. The emphasis is on the punishment of the deviant as a means of making that person conform, or as a means of protecting other members of society.

The purpose of a justice system in an Aboriginal society is to restore the peace and equilibrium within the community, and to reconcile the accused with his or her own conscience and with the individual or family who has been wronged.

⁹ Aboriginal Justice Inquiry. Online version. Aboriginal worldviews. Accessed: February 2017

This is a primary difference. It is a difference that significantly challenges the appropriateness of the present legal and justice system for Aboriginal people in the resolution of conflict, the reconciliation and the maintenance of community harmony and good order.”¹⁰

This understanding was clearly applied throughout the Keeyask Environmental Assessment process and stated in the Environmental Impact Statement, as recognized during the Clean Environment Commission hearings. These differences naturally result in different drive or motivating factors.

These differing worldviews become more evident when interview responses by the non-Indigenous workers (and some managers) that Indigenous workers are allowed to “get away” with lot more than non-Indigenous workers. Examples provided included no punishments for absences, tardiness, and “running to Chief and Council”. While these situations may occur, the perception that the Indigenous person is getting away with something not allowed for the non-Indigenous person has a negative impact on relationships. The KWCA feels that this perception of double standards in discipline can easily be addressed through raising awareness and understanding through the Indigenous Awareness Training.

For example, non-Indigenous workers and managers are often not aware of the fact that for First Nation people, the first method of reporting when things go wrong in their communities is to approach Chief and Council. Chief and Council serve as the first and often last place for addressing all issues. This process becomes even more significant to Indigenous workers when they lack knowledge of or trust in the processes in place at Keeyask. In order for Indigenous workers to begin utilizing these processes, they must be aware of their existence and understand the processes. They must also see consistent application of these processes. There is an assumption that Indigenous workers arrive at Keeyask with the basic understanding of the many policies and processes in place and that given some time they should become familiar enough to trust those policies and processes. This assumption misses the point of reconciliation and, in fact, perpetuates the belief that Indigenous peoples must give up their worldview in order to participate in the world outside of the reserve.

The processes must also be reflective of the Indigenous worldview.

The KWCA has raised concerns with the existing policies, including identifying inconsistencies or conflicts within existing policies. We recommend that the Owners, project management (i.e. Hydro), contractors and support services take a different approach in the way that they deal with discrimination and harassment. If the parties were to design one respectful workplace policy that is applicable to all parties, this would simplify the task of raising awareness and trust for standardized processes. This will require education for all, monitoring and follow-up evaluation to ensure the policy is being implemented properly and processes are effective in significantly reducing discrimination and harassment.

¹⁰ Ibid. February 2017

A policy is required to apply to all employees, regardless of their employer. In addition to the commitment of the Owners and the project management, consideration needs to be given to the commitment and cooperation of the contractors. The Owners and the project management need to hold contractors accountable and ensure the commitment and cooperation is continual and sincere. We heard from many that the contractors will do what is required of them from Manitoba Hydro and therefore, it is incumbent upon Manitoba Hydro to follow up to ensure the proper processes, implementation and monitoring efforts are in place.

There will be some time required for Indigenous employees to trust the policies and processes that are in place at Keeyask, and certainly there will continue to be a lack of trust for the existing policies and processes. To address that concern, the KWCA recommends that consideration be given to setting up an interim Independent Office to receive and respond to complaints and concerns.

Cultural change is not easy. However, the Owners have set a precedent by taking steps to face this difficult challenge. We recommend the Owners continue to utilize existing supports such as the AGE, Aboriginal Liaisons, and Employee Retention Support Services.

3.1 Primary, Transition and Specific Area Recommendations

Primary Recommendations:

The KWCA has made a series of recommendations organized by specific issues. However, the KWCA feels that the Keeyask Generation Project represents more than a construction site. It represents the larger relationship between Indigenous peoples in northern Manitoba and Manitoba Hydro. The historic relationship has been a difficult one and has resulted in severe negative impacts on the lives of affected Indigenous peoples. This fact cannot be ignored. Keeyask, as with other hydro projects, is an opportunity to begin the process of reconciliation. Manitoba Hydro and the four (4) Keeyask Cree Nations (“KCNs”) must play a pro-active role. At the Keeyask site, Manitoba Hydro is responsible as Project Manager, but this does not take away from the role and responsibility of the KCNs. The KCNs are viewed by many employees interviewed through the KWCA as having a role and responsibility for the construction of the Keeyask Generation Project, which includes ensuring that workers have a positive and safe work environment. Therefore, the following two (2) recommendations should be put in place before any real progress will be made in changing the workplace culture at the Keeyask site:

Recommendation No. 1:

There needs to be a strong acknowledgement that discrimination and harassment is a serious problem and that it exists at Keeyask. The Owners and Manitoba Hydro, as Project Manager, need to undertake further steps to have it addressed and done in a manner that considers the cultural background of the KCN partners.

Recommendation No. 2:

The Owners direct the Project Manager to establish a strategy to effect cultural change to eliminate or significantly reduce discrimination and harassment at Keeyask and implement a discrimination and harassment policy reflective of the Indigenous worldview.

Transition Recommendations:

Once the Owners commit to effecting cultural change at the Keeyask site, we recognize that a transition phase will occur. It is important that stability and credibility be restored to the process for addressing discrimination and harassment. In that regard, we recommend the creation of an Interim Independent Office.

Recommendation No. 1:

That until a revised respectful workplace policy is in place, that an interim Independent Office be set up to perform a number of functions:

- receive reports of inappropriate discrimination and harassment and conduct investigations;
- work with all employers to develop a unified policy approach to address discrimination and harassment;
- receive complaints or concerns by individuals without having to trigger formal investigation processes; and
- work with the ERS, On-Boarding and Contractor orientation sessions to make employees, managers and support services aware of the unified policy.

The Keeyask site would benefit from having a Human Resource (HR) Department or Hydro HR Consultants on site to assist in dealing with staffing issues. Several of the concerns that were identified by the KWCA are issues that could be dealt with HR professionals. Currently issues/concerns that are brought forth to Support Services appear to go to grievance immediately, resulting in the Allied Hydro Council staff to be “overworked” and “needing more staff”. Human Resource professionals can act as the “mediator” for employees that may be having issues with other employees or with their employer and are seek out less formal solutions that can resolve these issues.

As unions are new to Indigenous communities, it would be helpful for the employees to have the option of speaking to a Human Resource staff member or consultant without the fear of having their concern or issues going to a grievance process. Many Indigenous peoples tend to avoid confrontation and will avoid bringing forth their concerns/issues for fear that it will end up as a formal grievance. With the services of a Human Resource Department or HR Consultant, this will allow professionals to seek an alternative way of dealing with these concerns/issues without the fear of dealing with it in a confrontational manner.

The Human Resource Department or HR Consultant could work with the HPMA, AHC, project management and contractors in sharing information regarding employment practices.

Recommendation No. 2

A permanent alternative to the Independent Office would be the creation of a Human Resource Department or contracting of HR Consultants.

Specific Area Recommendations:

The recommendations that follow are organized by specific issues/concerns identified by the KWCA.

3.2 Burntwood Nelson Agreement (BNA)

Hiring at the Keeyask site is governed by the Burntwood-Nelson Agreement (“BNA”) and sets out a hiring protocol that is intended to support the increased employment of Northern Aboriginals. The BNA is a collective agreement negotiated between Hydro Projects Management Association (“HPMA”) and the Allied Hydro Council (“AHC”) of Manitoba. It is a collective agreement governing the work conditions at hydro development projects in northern Manitoba. Amendments have been made over the years including provisions to address a hiring preference intended to increase Indigenous employment. The BNA has been in existence since the late 1960s. At that time, there was no substantive involvement of Indigenous peoples in the negotiation of the BNA to ensure the work conditions also reflect indigenous perspectives. Consequently, it will inherently continue to discriminate against Indigenous peoples and will not truly address the obstacles to employment faced by indigenous peoples in northern Manitoba.

In order to address issues specific to employment at Keeyask, the parties to the BNA use “Letters of Agreement” to modify or add to the BNA. While this is a solution to amending the entire BNA, it contributes to an already overly cumbersome Agreement. The “tinkering” of the BNA through Letters of Agreement, only serves to try to fit Indigenous peoples into a system; it does not go to the extent of attempting to recognize and address issues from the Indigenous worldview.

Referrals for employment are made in four stages:

Stage 1: Northern

- Level 1: Northern Aboriginal residing in Churchill, Burntwood and Nelson Rivers area
- Level 2: Northern Union
- Level 3: Other Northern Aboriginals
- Level 4: Northern Manitobans

- Stage 2: Union Hall - Manitoba
- Stage 3: Southern Manitoba
- Stage 4: Name Hire

Contractors must proceed through each stage and can only move to the next stage once each stage is exhausted. Once each stage is exhausted and no employee is hired, the contractor is allowed to hire whomever it wants at Stage 4. This process is referred to as “name hire”. Contractors also have the right to name hire all foremen and general foremen from the referral list prepared by Manitoba Advanced Education and Training (“MAET”) or the AHC’s Out-Of-Work lists, as applicable.

The participants identified name hire as an issue of concern. The name hire must possess the same qualifications that the contractor has identified in the initial job order. If those skills are not possessed by the name hire, the name hire must be rejected. A detailed review and monitoring process must be implemented to ensure that the name hire option is being utilized properly.

Regardless of the hiring preferences in place, all employment is conditional on each applicant having the required qualifications for the job.

“Job qualified” under the BNA “means that a candidate meets or exceeds the training, accreditation, skill, and experience stipulated in a Contractor’s job order”¹¹

There is concern that Indigenous employees are “disqualified” through a number of processes. The KWCA understands that the information relating to reasons for “disqualified” Indigenous employees is being reviewed and monitored by Manitoba Hydro through monthly audits. Unfortunately, time did not permit the KWCA to investigate the validity of the reasons provided in these monthly audits. A thorough review should be conducted of these reasons. The review should include the original job orders to ensure that proper qualifications are being identified. Priority should be given to fully examining this issue.

Recommendations:

1. That a process be put in place that provides for Indigenous involvement in the re-negotiation of the BNA. Until the BNA is re-negotiated, that the indigenous perspective be considered when making any revisions or amendments to the BNA.
2. That provisions be put in place to monitor the implementation of the hiring process set out in the BNA, particularly with regard to qualifications.
3. That information relating to reasons for disqualification continue to be reviewed and analyzed with appropriate plans of action developed to address any issues that are

¹¹ Article 12.1.1 of the Burntwood Nelson Agreement.

viewed as negatively affecting the employment of Indigenous peoples.

3.3 Job Referral System (JRS)

The Job Referral System (“JRS”) is a service provided through MAET that registers job seekers and processes job orders for employment at the Keeyask Project. All craft/trade applicants must register with the Keeyask JRS. For each of the four partner First Nations, they are also able to contact their Job Seeker Manager for assistance with recruitment and registrations through the JRS. Individuals interested in working at the Keeyask site must register with the JRS and use a drop-down menu to list their qualifications, experience and job that they are seeking. Potential employees also have the ability to upload their resumes with their registration.

Job seekers registered with the JRS are expected to update their registration every six (6) months to keep their information current. Failure to do so results in their registration becoming dormant and therefore ineligible for referrals.

KCN owned businesses that have direct negotiated contracts with Manitoba Hydro are able to recruit and hire directly rather than going through the JRS referral process. However, once hired, they are required to register with the JRS.

The focus of the BNA is on the requirements of the skills needed to do the work. Processes such as “job qualified” confirm this. The JRS was designed to simply match those requirements from a pool of workers.

The KWCA feels that an alternate or additional matching approach should be considered. This approach considers identifying the skills sets of employees and having those matched by jobs required by employers. Since the focus is to increase employment of Indigenous peoples, specifically those from northern Manitoba, the JRS workers would inventory the skills of the workers and send them to the contractor. For example, if Fox Lake Cree Nation had four (4) workers with carpentry skills, those employees would be sent to the contractor having jobs requiring carpentry skills. The contractor would then place those individuals in carpentry positions, either in journeyman or apprenticeship levels. This would be similar for other skills or qualifications.

The result of this process could result in an increase in employees at the trainee or apprenticeship level since many of the Indigenous employees may not possess the skills and qualifications that contractors are currently seeking. The Hydro Northern Training and Education Initiative process that was utilized in the north and by the KCNs would likely form the basis of many of these employees. While this may lead to an increased number of employees at the apprentice or training based level, it would certainly ensure that contractors are fulfilling any training and employment provisions of their contracts, and it would also ensure that Indigenous peoples are not only being employed but are achieving the required credit or experience they need to obtain their journeyman or red seal levels. This type of approach is

also consistent with the reconciliation approach that the KCNs desire.

The KWCA heard that this form of matching already exists at Keeyask, but there is no information demonstrating the consistency or frequency of its use. It is recommended that more effort be placed in supporting this process and monitoring its practice at Keeyask on a consistent or regular basis.

The communities of TCN, YFFN and FLCN have Job Seeker Managers (“JSM”) located within their communities. It is the responsibility of the JSM to assist individuals with registration and renewals of their applications, ensuring relevant supporting documentation is provided, and to act as an intermediary between the employer or contractor and the job seeker. For the Keeyask site, we were advised that there was also the expectation that the JSM would identify and contact potential job seekers when contractors were looking for employees.

The JRS process has been described to the KWCA as a means by which the registering agencies simply “fill in the blanks” and the system will randomly select registrants that match the skills identified by contractors. As a result, there would not be any biases in the way the system selects employees.

This belief in no biases is based on a number of assumptions, the first of which is that the data inputted is an accurate reflection of the skills of the registrants. The entire JRS system is based on the National Occupational Classification (“NOC”) system. This system provides a standardized language for describing the work performed by Canadians in the labour market. It gives statisticians, labour market analysts, career counselors, employers and individual job seekers a consistent way to collect or provide data and to describe or understand the nature of each occupation.

The NOC comprises of more than 30,000 occupational titles gathered into 500 Unit Groups, organized according to four (4) skill levels and ten (10) skill types. Unit Groups are based on similarity of skills, defined primarily by functions and employment requirements. Each Unit Group describes main duties and employment requirements as well as providing examples of occupational titles.¹² These measures and standards can be quite complex and unless individuals have some training in the NOC system, they are at a disadvantage when inputting the data. Without this experience or understanding, there is opportunity for information to be incorrectly entered, or for relevant information to be omitted, thereby potentially excluding a significant number of candidates. Registrants with experience working on other construction sites have an automatic advantage, as they possess some understanding of contractor requirements at construction sites. Indigenous registrants are more likely to not possess that understanding and will potentially miss including information that could result in being matched by the NOC system. Similarly, if a JSM is not adequately trained in understanding this system, there is likelihood for information to be omitted, resulting in potential lost opportunity for employment. This has the unintended effect of eliminating employees that do not know

¹²Ibid.

how to properly register, resulting in the exclusion of Indigenous employees.

A second consideration is the completion of job orders. When contractors complete job orders, there is an assumption that they are doing so in accordance with processes laid out in the BNA, including describing job requirements. This arises from comments that many participants expressed when they stated that contractors are manipulating the hiring system. The KWCA heard that some may be coaching registrants on how to enter data into the JRS, while others may be very specific in the requirement described with their job orders so as to exclude or include particular registrants. Lastly, comments were raised that individuals completing job orders on behalf of contractors are not fully qualified. Measures must be taken to ensure that job orders be prepared by individuals that possess the proper skills or training to ensure the proper qualifications are identified.

Manitoba Hydro has indicated that monthly audits are performed to ensure contractors are meeting the objectives and intended use of the JRS. However, these audits must be sufficiently detailed to allow examination of the above-identified issues. The KWCA had limited opportunity to fully examine these audits and note these audits are a fairly new process; it is the KWCA hope that this audit process continues and that the results continue to be shared through AGE.

During the Assessment, we asked several individuals about the practice of verification of qualifications and references. We received very little information that would indicate that this type of verification occurs or who was responsible for ensuring it occurs. Responsibility for this must be clearly identified.

Recommendations:

1. That effort be made to enhance the matching system by utilizing existing skills and qualifications of Indigenous peoples and using those as the basis for employment and training.
2. That JSMs receive the required training to properly understand the NOC system.
3. That monthly audits continue to be performed and results of those audits shared with AGE for further review and analysis.
4. That all employers ensure that employees making job orders are properly trained in submitting proper job orders.

3.4 Mentorship and Advancement for Employees

Contractors are required to have a training plan for workers. Based on the KWCA survey results, it appears that these plans are poorly communicated to the employees. Participants identified issues with awareness of training opportunities or how to apply for them. Many

expressed inconsistency in application and stated that favouritism was a factor when deciding who would advance or receive training opportunities. As with work hours, we received reports that Indigenous employees were perceived as not receiving advancement or training opportunities. We did receive examples from managers of various Indigenous employees working as managers or supervisors.

Based on KWCA findings, mentoring either does not exist or is done inconsistently, often with no plan or structure. The construction of a mega-watt generating station requires that mentoring be a significant part of the project and concerted effort must be made to ensure that consistent and proper mentoring is provided to the workers.

Mentoring assumes that those providing the mentoring are qualified. Qualified managers/supervisors and foremen are critical. Experienced workers stated that they were prepared to mentor but were not asked or encouraged by various supervisors.

Training opportunities and the required criteria needs to be better communicated to the employees. It was found that while some positions were posted, they were done so inconsistently. Many felt they were not always posted and were aware that promotions or advancements were being made but without the proper communication of these opportunities being provided beforehand. Some individuals also indicated that positions were posted and filled while employees were on their turnarounds thereby denying them opportunity to apply.

Recommendations:

1. That all opportunities for advancement, whether through promotion or training opportunities, be clearly posted and communicated to employees.
2. That all contractors put mentorship plans in place and that the mentors provided be fully qualified.
3. That consideration is made for the length of time for postings and a minimum of 14 days be provided to permit all employees equal opportunity to apply.
4. That the Project Manager in conjunction with AGE review mentorship plans annually.

3.5 Facilities

Employees at Keeyask reside at one of two camps, the Start-up and Main Camps. The Start-up Camp is a 125-person temporary camp used mostly for overflow of employees staying at the Main Camp or for those newly hired. It is located approximately ten (10) kilometers from the Main Camp. Transportation between camps is provided through a shuttle service. The Main Camp is a modern, clean facility that houses the dormitories, dining hall, and recreation facilities that include a full gymnasium with work out rooms and saunas and two (2) movie theatres. The Main Camp also houses a Wellness Centre, Emergency Measure Services,

Employee Retention Services, and Camp Administration offices. Adjacent to the Main Camp is a lounge that is accessible between the hours of 4:00 – 10:00 p.m. and offers food and alcohol, with a limit of three drinks per person.

The Main Camp was built to house a maximum of 2000 employees. Employees have their own dorm room, which includes a television, bed and bathroom. Access to other dorm rooms is prohibited. There are no co-ed dorms at the Camp that permit couples to stay together although they are allowed to reside in the same dormitory. Dorms are designated for craft employees and managers with the craft dorms further separated between male and female residents.

During the time of the Assessment, the population of the Main Camp was at its maximum capacity. This resulted in the utilization of both camps. Employees are required to “hotel” which means they must checkout of their rooms at each turn-around period. Employees are able to store their luggage at the camp while they leave for their turn-around. This creates a lot of frustration and unnecessary stress for participants, as it can be a long process to check luggage in and out of the storage area. Participants want to be able to maintain their dorm room while away on their turnarounds.

Participants indicated that the physical appearance and availability of amenities such as the gymnasium, saunas and movie theatres were positive aspects of the Main Camp. In fact, many of the employees that worked at other work sites noted that Keeyask was the best camp in this regard. Comments included: “facility is beautiful”; “great camp, great gym”. In fact, when participants were asked to describe the positive aspects of their work experience, respondents identified facilities as a positive aspect and noted the camp, location, wellness centre and food as specific examples.

Concerns identified in relation to the Start-up Camp included the extra time involved in having to shuttle between the two camps, not being able to eat at the Main Camp, and the limited hours available for accessing the recreation facilities. With employees from the Start-up Camp being restricted from eating at the Main Camp, they risked missing dinner at the Start-up Camp if they stayed to utilize the recreation facilities. This had the impact of longer days and added frustration and exclusion.

Many participants also expressed concern that the atmosphere of the Main Camp was like a prison. In fact, many of the participants referred to the camp as “Keeyask-atraz”. We found this concerning. Despite going through security, access keys are required to enter areas such as the recreation facilities, the dining hall and the Wellness Centre. In some areas, sign-in sheets are also required. Participants acknowledged that although there is an indoor track, there is no ability to take walks in the outdoors, nor is there ability to access co-workers’ dorms. Many indicated their desire to watch sports with a buddy, without having the necessity of going to the Entertainment Centre.

Couples are allowed to be in the same dorm, but cannot share a room, nor can they visit each

other's room. The inability to share a room with their spouse or partner was a major issue. There was no opportunity for couples to spend time together in their own space. There are a number of couples at the site that face the added stress of not only being away from children and extended family, but cannot share a room with their spouse while living at the Keeyask site.

The KWCA team was advised by participants that the management dorm is rarely at capacity and could be reconfigured to accommodate a couples' floor.

The KWCA found that the camp life has a major impact on the morale of the employees at the Keeyask site. The rules that are in place have safety as their intention. We heard how the 21/7 rotation schedule is difficult enough and that the rules and restrictions add additional stress. While we agree that the safety of employees is crucial, we feel that some of these rules can be revised.

Recommendations:

1. That the management dorms be reviewed to determine if one of the floors can be converted to accommodate couples' rooms.
2. That efforts be made to accommodate all workers at the Main Camp and to re-examine rules affecting the ability to eat at the Main Camp and more flexible hours to allow for maximum use of the recreation facilities offered at the Main Camp.
3. That the need to use access keys for all parts of the camp be reconsidered.

3.6 Drugs and Alcohol

During our stay at the Keeyask site, we witnessed the removal of the ATM machine as well as the presence of the RCMP and Canine Unit. This indicates a concern with the presence and use of drugs and alcohol at the site. All visitors or employees must undergo a search of their belongings. Refusal to a search of belongings results in immediate denial of access to the site. Concerns were raised that the security searches of baggage do little to deter the importing of drugs and alcohol at the site, as body searches are not allowed and it is through this method that many smuggle in drugs or alcohol. Others indicated that individuals find alternate means for smuggling such as drop zones.

The drug and alcohol policy states that if individuals are found intoxicated or in possession of drugs or alcohol, they will be immediately removed from site and subject to a one-year ban from all Manitoba Hydro sites. The rationale for this is the requirement for safety on the job.

The policy of the one-year ban is harsh and has dramatic effects on the employees. The KWCA found the negative impact of this policy is most felt by Indigenous participants, particularly those in the KCN area who were interviewed. With high unemployment rates, the ability of

these workers to find alternate forms of employment is extremely low, especially when the ban includes all Manitoba Hydro projects. This severely reduces employment opportunities and notably prohibits work at the Keewatinohk Project, which is also in the traditional territory of the KCNs.

Participants interviewed understand the need for the immediate dismissal if found under the influence, or in possession of drugs and alcohol, but many concerns were raised with the fairness and consistency in the application of the policy. Many expressed that managers appear to be exempt from the immediate removal provision of the policy. For example, we heard from various participants that despite evidence of empty liquor bottles in management rooms being given to security, no managers were removed from site. We were told: "Hydro employees say no drugs or alcohol, but are selling mickeys for \$40 or \$50".

The issue of minimizing the use and availability of drugs and alcohol at the site is a difficult one and one that may not have an easy solution. The one-year ban from Manitoba Hydro sites needs to be revisited with the possibility of a warning system. For many young Indigenous employees, this is their first work experience. To impose such an extreme punishment does not serve to advance employment for them. The ban has most impact on northern Indigenous peoples, particularly the youth, for the reasons cited above. Appeals are permitted, but the Indigenous participants we spoke with felt there was no point in appealing as they felt their perspectives would not be considered.

Recent changes to the BNA indicated that a Personal Risk Assessment ("PRA") would form part of the hiring process. One of the disqualifying criteria is if an individual has three (3) summary convictions in the last ten (10) years. This is an example of a policy with the potential to discriminate against a particular group of people i.e., Indigenous peoples. There is considerable potential for this provision to have adverse effect on Indigenous workers. Consideration should be given to the purpose of this Letter of Agreement and to consider alternate options for identifying individuals that truly pose a risk at the Keeyask site. While this change appears to be specific to foremen, it still has potential to impact Indigenous employees being promoted to foremen, or those that already have those positions.

Recommendations:

1. That a review be conducted to examine the reasonableness of the one-year ban and consideration be provided to finding alternate methods. Perhaps shorter time periods should be given with the warning process prior to the implementation of a one-year ban.
2. That efforts be made to ensure the policy is applied consistently to all employees and visitors to the camp.
3. That reconsideration be given to notifications of the recent Letter of Agreement respecting the requirement for Personal Risk Assessment.

3.7 Policies and Processes

The KWCA reviewed the harassment and discrimination workplace policies of contractors at the Keeyask Project, including a review of complaints that had been investigated. Additionally, the KWCA reviewed the complaint and investigation procedures, communications and messaging to employees, and the role of employees in maintaining a harassment and discrimination-free and respectful workplace.

Overall, the processes in place at Keeyask to identify, report, investigate and resolve incidents of discrimination and harassment, while described in the On-Boarding or individual employer sessions, are not well communicated; there is very little ongoing awareness of ways to address discrimination and harassment. There exist a number of policies, each with variations on reporting methods or applicability to different forms of conduct. This can lead to the lack of reporting.

The KWCA found that a number of factors contributed to confusion and frustration with the policies. With the exception of the Manitoba Hydro Respectful Workplace Standard, the contractor policies varied in their definitions, processes and consistency with the Manitoba Human Rights Code and Standard Human Resource Standards. For all processes, we found inconsistent application and varying degrees of awareness that these policies exist.

The policies reviewed identify processes that can be confusing. For example, there are a number of contractors' policies that deal with workplace violence, harassment and discrimination, either individually or collectively. The lack of clarity on the application of the relevant policy results in employees being left to decipher on their own what these policies mean with little to no guidance from management.

For Indigenous peoples, and certainly those with little to no work experience, these processes can be quite intimidating. Many interviewed were not aware of processes, or if they were aware, were not comfortable with reporting an incident, as most policies require formal written complaints. We also found that many individuals did not realize what types of actions or words were considered as discrimination or harassment. We heard from Indigenous workers, who brought up their own experiences with discrimination or harassment, that they thought derogatory remarks about Indigenous peoples was considered "normal". Although they were upset by these comments, they did not realize they could make complaints about that type of treatment.

One of the findings of the KWCA is that there are various understandings of discrimination and harassment. The terms as used in the Respectful Workplace Policies of Manitoba Hydro, BBE and Sodexo vary and therefore cause confusion as to the proper definition. For instance, there are varying definitions in the policies, where some offer no definition of discrimination or others combine harassment and discrimination as one definition. The latter dilutes the definitions of harassment and discrimination and creates confusion or misunderstanding, as an

employer may believe they have it covered off believing they are one and the same. Therefore they have no way of dealing with it when a complaint is made without clearly identified definitions for harassment and discrimination. Further, requesting employees to identify what the offensive behaviours are will confuse the employee, as they believe they are one and the same. Thereby not addressing the issues from employees as they come forth.

The KWCA finds that awareness of the definitions of discrimination and harassment, as well as inconsistency in the policies and application, has impacted the filing of discrimination and harassment complaints. One universal Keeyask Respectful Workplace Standard will address this issue of inconsistency of policy and process application.

As noted, the Respectful Workplace Standard used by Manitoba Hydro provides the relevant information for a respectful workplace policy. However, it does not recognize the Indigenous perspective. Confrontation and written complaints conflict with the Indigenous ways of resolving conflict. Third parties, often Chief and Council or Elders, are approached for conflict resolution. Furthermore, Indigenous peoples do not like to draw attention to themselves and existing policies require that they identify their concern, which often results in the offender knowing who is making the complaint. More exploration of balancing the two world perspectives in conflict resolution will be required.

Recommendations:

1. That the relationship between the policy and the program be clarified along with who is responsible for the overall program for maintaining a respectful workplace. Manitoba Hydro as the Project Manager of Keeyask shouldn't have the option to defer to contractors. There needs to be some accountability.
2. That one policy applies to all contractors. It is recommended that the Hydro Respectful Workplace Standard be used as a basis for developing this policy. We also recommend the strengthening of this policy by including enhanced definitions and specific examples of discrimination and harassment, as well as incorporating Indigenous methods for conflict resolution.
3. That an Investigation Procedures Manual be developed to ensure consistency (i.e. this is the Hydro Standard).
4. That the Documentation of Actions be improved for the standard policy, including follow up on actions taken.
5. That Formal Investigations of Harassment Complaints be conducted when deemed necessary or when complaint warrants; this process should not be limited to written complaints.
6. That the universal standard policy be communicated to the employees and that

specific training be provided for all supervisors and managers.

7. That consistent and regular monitoring occurs to ensure the proper implementation of the policy by all contractors.
8. That a third party complaints process and Investigation-Related Content be added to training materials.
9. That training be made mandatory for all employees; ensure that participation is recorded.
10. That Conflict Resolution Training is made mandatory for all managers.
11. That accountability at all levels be increased for upholding the standard policy.

3.8 Review of Investigating Reports

A review of the Hydro investigation reports was conducted by the KWCA. The files provided for the review were complaints investigated prior to the adoption of the current Hydro Respectful Workplace Standard. The contractors maintain their own files at site and there was not sufficient time available at site for review during the time this component of the Assessment took place. The files reviewed had varying degrees of information in each file, ranging from emails on the status of the investigation to copies of the investigation and the noted satisfaction of the contractor or notes that the issue had been resolved and did not require an investigation. The investigations are the responsibility of the contractor who can conduct the investigation as they see fit. Sufficient reporting and documentation needs to be included in the files to ensure proper monitoring of processes.

The KWCA were also provided with a Complaint Tracking Spreadsheet that provides an overview of each complaint and their status. The spreadsheet identified 75 complaints, and provided information as follows: First Nation complaint; Who and how the complaint was reported; Who is investigating; Respectful Workplace Standard Complaint; Violence Free Workplace Standard Complaint; Violation of Labour Code; and outcome of the complaint. This is helpful in monitoring complaints received and should be continuously updated and reviewed monthly to monitor the types of complaints coming forward.

The KWCA would like to raise a specific issue that we recommend be investigated. Individuals described how supervisors would read off the names of workers required for the day and all of the Indigenous workers were told to “leave the bus” as they would not be required to work that day. Both Indigenous and non-Indigenous individuals reported that this occurs. We were advised that “roll call” of workers not required occurs during the start of shifts when workers arrive to the bus that departs for the construction sites. This is concerning particularly if those workers that are required to leave the bus do not receive wages for those days.

Recommendations:

1. That the contractors use the Hydro Respectful Workplace Standard outline for the investigation of complaints as it is clear and provides responsibilities for all parties involved for conducting investigations; ensure consistency in reporting investigations.
2. That all parties consider one policy for application to all employees and that the policy reflects Indigenous perspectives and preferred process for dealing with conflicts and resolution.
3. That the parties investigate the issue of a “roll call” of individuals that are not required for work and the frequency with which this may occur.

3.9 Programs and Support Resources

In addition to specific Respectful Workplace policies, other support resources at the Keeyask site include:

- On-Boarding Training
- Employee Retention Services
- Hydro Projects Management Association
- Job Seeker Managers
- Allied Hydro Council
- KCN Site Representatives
- Advisory Group on Employment

On-Boarding Training. Every person that visits the Keeyask site is required to attend an On-Boarding session. The On-Boarding Training is provided to outline the rules of the camp, including the Respectful Workplace Standard. The On-Boarding session is mandatory for all employees and for visitors to the site. Each employer also provides information and expectations for their respective employees.

Recommendation:

1. That On-Boarding Training continue to be the primary form of educating employees and visitors about the Keeyask Respectful Workplace Standard.

Employee Retention Services. The Fox Lake Cree Nation and York Factory First Nation through a joint venture have entered into a contract with Manitoba Hydro to provide the following services to employees at the Keeyask Project¹³:

¹³ ERS contract between Manitoba Hydro and Fox Lake Cree Nation and York Factory Cree Nation. York Factory Cree Nation, June 6, 2012; Fox Lake Cree Nation June 12, 2012

- KCN Member Site Orientation
- On-site Counselling
- Indigenous Awareness Training
- Ceremonies

KCN Members Site Orientation. This service is to provide site orientation session to KCN members before they leave their respective KCN communities and upon their arrival to work at the Site (“community-site orientation”). The Community-Site sessions are to include, history of the Cree of the KCN including pre-contact, contact and the Treaties and the history since the signing of the Treaties; as well as a discussion of the experiences of KCN members had working on past construction projects away from their communities. The sessions held on-site at Keeyask are to focus on key factors that affected the KCN economy, culture and social conditions, including effects on hydro development and relationships with Manitoba Hydro. It was expected that these sessions would utilize KCN traditional advisors or religious advisors to lead the site-orientation sessions. The KWCA found that these sessions are not regularly occurring.

If the ERS are not able to hold community-site sessions specific for KCN employees prior to their departure from the community, then the KWCA recommends that the open house format present broader issues such as camp life, with specific focus on work schedules (hours of work and length of rotations), employee and employer expectations, camp rules, facilities, dormitories and on-site supports. The information should also discuss what employees can expect when away from their families as well as providing sufficient information to families of what their loved ones will be experiencing while away. The open house style format would also allow local Elders or leaders to share the history of the relationships of the community with Canada, Manitoba and Manitoba Hydro and would also provide an understanding of perspectives of the KCN for entering into the Partnership with Manitoba Hydro and their expected benefits from the Partnership. As noted earlier, the family and community are central to the Indigenous employee.

When the KWCA attended in the communities, engagement in casual conversation and discussions with members revealed that there were concerns with the negative effect of the Project on their communities. Some of these concerns included:

- Introduction of drugs or exposure to different drugs that ultimately end up being brought back to the community;
- Increased drug use by young people both Keeyask employees and others in the community;
- Family break-ups; We received comments that the amount of time employees spend at Keeyask is sometimes the cause of family breakups and this is in part due to the lack of Awareness or information that the family has about camp life and expectations of the employee.

- Increased availability of cash but with no tangible benefits; People have money that they wouldn't otherwise have but either don't save it or spend it on short-term enjoyments.
- Little understanding of money management

Keeyask On-site Sessions for KCN Members. The KWCA did not receive any information that any Keeyask on-site sessions specifically for KCN members occur. KCN members receive the same On-Boarding and Indigenous Awareness Training as all other employees.

Arrival at the site becomes the first opportunity for KCN members to appreciate the reality of being away from home and their new work and home environment. This can be an overwhelming and stressful experience. This is an opportune time for these employees to receive an on-site session that is designed for KCN members. They can be notified of other orientation sessions such as Indigenous Awareness Training, as well as any Contractor-specific orientations and the On-Boarding sessions. However, a session specific to the KCN can provide more detail to the presentation they may have heard in their community session. For example, focus should be on the details of camp life, diversity, discrimination and harassment and the ways to deal with not only complaints of discrimination and harassment formally and informally, in addition coping measures for if and when an employee may experience or witness racism, discrimination and harassment. Examples of racism, discrimination and harassment could be described.

There is often an assumption that all individuals arrive at the Keeyask site with basic coping skills or awareness for addressing discrimination and harassment issues. However, many of the northern Indigenous employees, including KCN members, do not possess the same skills and awareness as other workers. Some of the reasons for this are that they may not have needed them while working in their communities, or they simply react differently than the way non-Indigenous individuals deal with conflict. An on-site orientation could be of assistance by providing individuals with the tools for dealing with employment and general camp life issues.

The KWCA believes that the Indigenous Awareness Training should be sufficient to complement the Community-Site presentations of the local Elders on community history and relationships. The KCN Member Site orientation should be an opportunity to focus on issues more commonly experienced by the KCN workers at the camp. Working hours, expectations of employees and employers, labour law and the role of unions should be re-emphasized as well as a description of the support services, location and contact information should be provided. An important cultural difference between Indigenous and non-Indigenous societies is the emphasis in Indigenous communities on family and community. By having this on-site orientation, it begins a process of networking and therefore finding supports either among their peers or with the formal processes in place. It begins to form the sense of "community" at the site, which can serve to address other issues such as loneliness and fear.

Recommendations:

1. That the community-site sessions be utilized and occur on a regular basis and be used as an opportunity to provide the potential employee, family and community, as a whole, with a better understanding of camp life and employer expectations. That local Elders or leaders be engaged to provide a basic understanding of the history of the community and the relationship of the community with Canada, Manitoba and Manitoba Hydro. That ERS staff support the local Elders and attend events more frequently in the communities. That presentations be made to complement the Elders' information by explaining camp life, with specific focus on work schedules (hours of work and length of rotations), employee and employer expectations, camp rules, dormitories, other facilities and on-site supports. The information should also discuss what employees can expect when away from their families as well as providing sufficient information to families of what their loved ones will be experiencing while away.
2. That for families of employees, the spouse/family should be provided written information about the Keeyask site. Information could include: camp life; working hours; turn-around times; accessibility to family (e.g. phone times); etc.
3. That on-site orientation occurs for KCN members. Issues to be presented would include a more in-depth presentation of the following: camp-life; camp rules and regulations; role of unions and ERS; time management; and expectations of employers. Keeyask on-site sessions could also alert employees about discrimination and harassment as well as typical work related issues (e.g. time-off, discipline process, etc). A Keeyask site-specific handbook should be prepared and shared with all KCN employees.

3.10 On-Site Counselling

Under the Employee Retention Services ("ERS") contract, on-site counselling service is available to all employees but is particularly designed to meet the needs of northern Indigenous peoples of Cree heritage by assisting them in dealing with problems directly affecting their employment. On-site counselling helps employees with the following: work adjustment problems; vocational and career issues; cross-cultural adjustments; racial tensions; alcohol, drug and gambling abuse; marital stress; family stress; depression and anxiety; money management; on-site training and development; and other personal health issues. On matters relating to issues covered by the BNA, referral is made to the appropriate on-site AHC Union Representative. Potential problems are addressed through pro-active measures that include: meeting each new Indigenous employee when they arrive to the Keeyask site and informing them of counselling services; checking with each Indigenous employee on a regular basis to find out if they have any problems at home or at work that they need help with; meeting the employee's family at home if required to assist the employee and his/her family deal with problems; bringing the employee's spouse to the Keeyask site; and arranging to give the employee time off to deal with problems. In

addition, the counsellor is available to provide counselling to any Project employee that approaches them and assist in dealing with their problems.

Provision is provided to have an Elder visit the Keeyask site once a week to talk to Indigenous employees and to support the efforts of the full-time counsellors. The KWCA did not receive any information to confirm that an Elder is attending the site once a week to talk to the Indigenous employees. The KWCA also did not receive any information indicating that counsellors provided the following: meet each new Indigenous employee when they arrive on site to inform them of counselling services; check with each Indigenous employee on a regular basis to find out if they have any problems at home or at work; or follow-up on the need for a visit to the employee's family in the community. During the time that we were at the Keeyask site, the KWCA were advised that the number of ERS employees available in relation to the number of employees at the site makes this task impossible. Proactive measures are limited due to the lack of human resources. The utilization of this service occurs only for those that choose to seek out those services.

The ERS counselling services also extend to providing workshops on various topics. These topics include:

- Money Management
- Life Skills
- Depression & Anxiety
- Addictions
- Domestic & Family Stress
- Anger Management
- Cree Class
- Grief & Loss
- Marital Stress
- AA Meetings

The KWCA was not provided with information on the utilization levels of the counselling workshops. We are aware that monthly data reports are submitted to Manitoba Hydro. However, we did not obtain information as to how these reports are used other than to satisfy the reporting requirements under the ERS contract. The KWCA finds that this data can be of great benefit in determining the appropriate services for employees and recommends the tracking of this data.

We did receive comments that many thought the ERS was only available to Indigenous employees. Awareness about the on-site counselling being available to all employees should be promoted.

Recommendations:

1. That monthly data reports be reviewed bi-annually or quarterly to determine the appropriateness of workshops being provided.
2. That effort be made to fulfill all aspects of the on-site counselling service. That the appropriate resources, both human and financial, be provided to allow for more employee follow up and monitoring.
3. That ongoing awareness of the ERS on-site counselling be shared through the various communication protocols at Keeyask.

3.11 Indigenous Awareness Training

Indigenous Awareness Training workshops, organized and delivered by the ERS team, are provided for all project employees at the Keeyask site, including Manitoba Hydro and contractor personnel. The purpose of this training is: to understand and appreciate the cultural difference, beliefs and values of individuals within the various parties/communities working at the site; to enhance comfort in living, working and/or doing business in a culturally diverse environment; to identify barriers and issues between the various parties working at the site; to develop strategies and an action plan for addressing issues/barriers, reaching common goals and developing and maintaining long-term harmonious relationships; to increase workshop participants' understanding of contemporary issues facing Indigenous peoples; to challenge participants to re-think their assumptions and personal biases about Indigenous peoples; and to provide participants with information that will promote understanding and respect of Indigenous cultures, enabling participants to work effectively with Indigenous peoples. The sessions are mandatory and are to occur soon after the employee arrives at the site.

During the time of the Assessment, not all participants had received Indigenous Awareness Training and, as a result, the focus of the ERS team was to concentrate on ensuring they were "caught up" with having employees receive this training. The KWCA were advised that one issue raised to the ERS team was the availability of Indigenous Awareness Training; employees interviewed indicated that it was only available for day shifts. During our time at Keeyask, efforts were made to adjust the availability of Indigenous Awareness Training and sessions were being provided to the employees on night shift so they could meet the mandatory requirement of attending Indigenous Awareness Training.

Since the ERS team was focused on ensuring that all employees receive this training, it was clear that they were unable to provide the refresher courses referenced in the ERS Agreement. Staffing should be at a level to ensure Indigenous Awareness Training and refresher courses occur in a timely fashion. The current backlog in delivering this service is a concern.

Although this Indigenous Awareness Training is mandatory, the requirement for when this training must be taken is less stringent. Participation in the training ranged from within one

week at the site to over three months. It is important that all employees receive Indigenous Awareness Training as soon as possible, and it is recommended that priority be placed on having this training within a week of employees arriving to the Keeyask site.

Recommendations:

1. That terminology be changed to reflect the recognition of preferred terms of Indigenous Peoples. That “Aboriginal” be replaced with “Indigenous”.
2. That efforts be made to prioritize the importance of Indigenous Awareness Training and to ensure all workers attend training within a week of being hired at Keeyask.
3. That necessary support be put in place to ensure that the refresher training sessions identified in the ERS Agreement are fulfilled. If necessary, additional staff should be hired to ensure that initial and refresher courses are conducted.
4. That Indigenous Awareness Training be reviewed and revised annually as needed.
5. That communication between contractors and the ERS office be strengthened to ensure the necessary awareness information is being provided to all employees and managers. Toolbox meetings and All-Hand meetings, intra- department bulletins, be used as a means of raising awareness regarding Indigenous peoples and their history in addition to providing information on discrimination and harassment.

3.12 Ceremonies

The ERS team is responsible for making all necessary arrangements for ceremonies at key milestones related to the construction of the Keeyask Project. It is worth noting that the milestone ceremonies are to assist KCN members in dealing with the physical, mental, emotional and spiritual changes associated with the Project and its impacts. In addition, the ceremonies are to acknowledge that things will be done differently with Keeyask as compared to previous Manitoba Hydro projects. They are to reflect the Owners’ respect for the land and all that is supported by the land. In addition to the milestone ceremonies, we are aware that a ceremony was held when blasting at the Project site revealed a face in the rock. This also signifies a positive aspect of the relationship amongst the Owners.

The KWCA is concerned that there are not enough individuals employed under the ERS contract to ensure the provision of all the services identified and being able to deliver them adequately.

In addition to ceremonies for various milestones or other matters that relate to the physical construction of the Keeyask Generation Project, it is also important to focus on ceremonies for those individuals working at the site. Although the ERS contract references sweat lodge ceremonies, the KWCA did not observe any sweat lodge in the Keeyask site area. Sweat lodges provide a powerful mechanism for spiritual healing in all matters, not only those related to

changes in the land. While we understand that the employees have long workdays, we are aware that the majority of employees have Sundays off. It would be beneficial if sweat lodge ceremonies could be available for the Indigenous employees.

Recommendation:

1. That ceremonies like the sweat lodge be made available to Indigenous employees to support their spiritual health.

3.13 Hydro Projects Management Association (HPMA)

The HPMA is the designated body to represent Manitoba Hydro, other employers and their subcontractors engaged in work on northern generating station projects. While they are representatives for the employers and contractors, it has the opportunity to provide information to employees at the Toolbox and All-Hand sessions. During our site visit, we observed a considerable number of employees meeting directly with HPMA representatives. While we were not privy to these meetings, we find that this puts the HPMA in a position to assist employees. They could be a source of information for both the employers and employees.

The KWCA was not in a position to conduct a thorough review of labour relations files, however, we did receive comments from interview participants regarding their concern with the length of time that grievances or issues were being dealt with by contractors. Data received from Manitoba Hydro indicates that the time that contractors receive complaints to the time of resolution can range from a couple of days to seven (7) months. Parties must ensure that files are given to appropriate decision makers to ensure the proper follow-up to investigations. We did receive numerous concerns that there was little follow-up or that nothing was done given that no information was being relayed back to employees who filed a complaint or grievance.

As with other areas of employment, the KWCA recommends that properly trained individuals have the authority to conduct and resolve complaints, grievances or other issues that are brought forward by the employees. Improper training, inadequate experience and lack of authority to deal with matters can be contributing factors for the varying times identified for resolving matters.

Recommendations:

1. That the HPMA be utilized to assist in making processes for addressing discrimination and harassment in the workplace more available and accessible to employees. That on-going attendance at Toolbox and All-Hand meetings be used as a means of communication.
2. That the HPMA work with contractors to ensure that individuals are receiving proper training and support when conducting investigations and resolving complaints.

3.14 Manitoba Hydro Site Liaisons

Manitoba Hydro has two (2) Site Liaisons working at the Keeyask site. These positions are a critical part of the Support network for employees. Specific responsibilities for these positions include:

- Providing guidance and leadership to the Site Liaison Team and the Keeyask Cree Nation Representatives.
- Leading informal mediation process for employees and contractors to resolve misunderstandings and disagreements.
- Connecting individuals with on-site services (e.g. counseling services, union representatives, supervisors)
- Participating in stakeholder groups/committees (CAC, AGE) to assist in identifying and addressing concerns related to employment, on-the-job training and socio-economic impacts resulting from the Project.
- Facilitating discussions between project participants to proactively manage project issues and seek out opportunities for efficiencies.
- Executing and implementing the Employee Retention Services (ERS) contract at site.

The KWCA was impressed with the Site Liaisons. However, it became quite evident that considerable responsibility and reliance is placed on the shoulders of a few individuals. Community relations, employee relations and partner relations are critical to the success of the Project. As noted a few times within the Report, trust plays a significant role at Keeyask.

Networking and relationship building are important aspects of these positions, however, the KWCA finds that this can lead to a reliance on just these individuals to assume all the responsibility for networking and relationship building between the site and each community. Project Management and others must share this responsibility. Liaisons can be responsible for taking the lead or primary role, but they should not be expected to be the only form of relationship building and sustenance. Constant communication between the Project and the partner First Nations must occur at varying levels. The Liaisons can provide support and guidance to the building of those additional connections.

Recommendations:

1. That supports be put in place for Site Liaisons in the form of additional Site Liaison positions within the various contractors. That all these Site Liaisons work together to ensure that proper communication and cooperation is provided, allowing all those entities within “Support Services” to do their jobs effectively. That regular meetings occur amongst Liaisons to share issues and concerns in order to find concerted efforts at finding solutions.
2. That the Project Manager, contractors and union representatives develop their own

relationships with communities.

3.15 Allied Hydro Council (AHC)

The Allied Hydro Council (“AHC”) is an umbrella organization representing 13 labour unions covered by the Burntwood Nelson Agreement (“BNA”).

The website of the AHC indicates that:

“Presently, the AHC is actively engaged in the latest iconic and historic Manitoba Hydro projects at Keeyask and Keewatinohk, both on First Nations lands. The AHC believes that a skilled northern Indigenous workforce must be an enduring legacy of these projects. To that end, they are an active partner in training residents of First Nations communities and generating sustained employment for Indigenous employees in the north”.

For the Keeyask Project, the AHC agreed to a dedicated position for assisting Indigenous employees. This position was identified during the negotiation of the JKDA, and was identified by the Keeyask partner First Nations as a way to assist indigenous employees in navigating the union environment. The Labour Relations Site Representative (Aboriginal Focus) (“LRSRAF”) is a full-time position with a primary focus on acting as the labour relations liaison for the affiliated unions and a resource to Indigenous employees working at the Keeyask site. Some of the core responsibilities include to:

- Maintain regular and ongoing contact with employees, contractors and other parties connected to or covered by the BNA, with particular emphasis on the needs of Indigenous employees.
- Work with contractors to provide relevant and bona fide information respecting barriers faced by Indigenous employees to ensure the workplace remains barrier free.
- Identify and develop training plans to improve workforce entry and retention of Indigenous employees.
- Liaise with leadership in regional Indigenous communities to identify opportunities to improve workforce participation of Indigenous peoples.
- Liaise with other Site Representatives to coordinate and effectively serve the project workforce.
- Provide information and advice to employees covered by the BNA respecting terms of employment and working conditions.
- Address workplace issues on behalf of employees including contractual matters, working conditions, health and safety matters, and complaints and grievances pursuant to the BNA.
- Maintain contact and communication with contractors for timely resolution of workplace issues and concerns.

While we commend the existence of this position, the KWCA was concerned with the reliance on one individual to deal with the number of issues that we observed during our time at the site. We observed that there was a continuous stream of individuals waiting to meet with members of AHC, including the LRSRAF. This position is also expected to meet with all union members.

Labour relations require a certain level of training and experience. The proper training in labour relations issues should be provided and available for this position. Our observations found that the LRSRAF spent the majority of time on responding to individual complaints or grievances. We did not receive information that would indicate sufficient time to meet with contractors to address bona fide information respecting barriers faced by Indigenous employees. This is an area that requires proper attention.

While our observations indicated that the unions' services were being utilized, we also heard that some Indigenous employees were not aware and therefore not utilizing the services of the unions. Unions are a foreign concept in the Indigenous community as there is often little need for them, this maybe a contributing reason for the lower utilization rates by Indigenous employees.

Recommendations:

1. That a second position be identified within the AHC with an Indigenous focus to raise awareness amongst Indigenous peoples, assist in building relationships with the KCNs, and work with contractors on addressing barriers to employment.
2. That representatives of the Allied Hydro Council ("AHC") be available to attend On-Boarding sessions as well as KCN on-site sessions to provide Indigenous employees with information about workplace issues as well as information on complaints and grievance processes.
3. That appropriate training be provided to the LRSRAFs to better enable them to deal with the labour relations aspect of their positions.
4. That appropriate training be provided to all positions within the AHC to improve their awareness of the perspectives or understandings of the Indigenous employee.
5. That ongoing relationships between unions and contractors occur to address barriers faced by Indigenous employees.

3.16 Keeyask Cree Nation (KCN) Site Representatives

The Joint Keeyask Development Agreement ("JKDA") and the Letter of Agreement No. 23 of the BNA, provides for two representatives from each KCN partner to be advisors to the resident site Manager/Engineer. The site representatives are employees of the KCNs they represent, however, for the time that they are at the Keeyask site, they report to the resident Site

Manager/Engineer. They are to attend pre-job meetings and meetings of any committee constituted under the BNA for the purposes of the Project. However, they are advisory only and non-voting participants of these pre-job and committee meetings. The KCN Representatives are to assist with communication between the project management and their respective communities. During their time at the Project site, the KCN Representatives are expected to gain familiarity with all aspects of the Keeyask Project and are to attend construction related meetings.

At the time of the Assessment, these positions were at the early stages of implementation and therefore there was no data available, with the exception of the provisions of the JKDA and job descriptions, to determine the efficacy of these positions.

Recommendations:

1. That these positions be provided with sufficient information and communication through weekly meetings, newsletters or one on one mentoring, to allow follow up and action on issues. That a strong relationship be developed between these positions and the Project Manager/Engineer to allow for open dialogue. Regular meetings on weekly or bi-weekly basis should occur to allow for the frequent flow of information.
2. That monthly data be maintained by the KCN representatives on the types of issues, resolution of issues, and timeliness of resolution. Data to be shared with the respective KCN communities and Project Managers/Engineers in tracking and monitoring the resolution of issues.

3.17 Job Seeker Managers (JSM)

Job Seeker Managers (“JSM”) are hired by the First Nation partners to act as a Registration Agency for their community and, in doing so, will provide documents for verification purposes relating to identity, ancestry, residency, occupation credentials, etc. and advise the Job Referral System (“JRS”) of updates to recorded information. They will also assist members to complete JRS registration/renewal, act as a conduit, when required, between the employer and the member should the employer want to interview the individual, and provide reports on Registration Agency activity as required.

Many community people view the role of JSM as more than a Registration Agency. Many view the position as an avenue for also discussing issues that they are facing or have faced at the Keeyask site. While there is opportunity for the contractors to contact the JRS directly to assist in contacting “local” employees, the level of communication between the contractor and JSM could be strengthened.

JSM are provided with initial training as well as refresher training; however, there continue to be further training requirements to better assist JSM in performing their jobs. Since JSM provide a

crucial role in the registration process and are often key persons in affecting whether an individual gets hired, training must ensure that JSM understand subtle distinctions on the application form. For example, what is the implication or difference between checking off “willing to train” and not checking it off? Another example is recognizing the difference between “residential” “commercial”, “Industrial” or “heavy” construction. JSM need to be in a position to better explain these differences to individuals when completing their applications.

The JRS uses the National Occupational Certification (“NOC”), which is a standardized system widely used for the development of job descriptions and qualifications. If JSM are not aware, or have never used the NOC system, it will be difficult for them to review posted jobs and make referrals of community members to those jobs. It would be beneficial for JSM to be provided training on the NOC system to clearly understand the JRS and the reasonable qualifications requested for job postings.

The JRS can also play a key role in implementing the alternate approach of matching jobs to the skills of the employee that was discussed in the section on the BNA.

Recommendations:

1. That proper training be provided to JSM regarding the NOC system.
2. That JSM positions be utilized for identifying the individuals with the required employment skills and informing contractors of those skills so they can consider those employees in their job planning.

3.18 Advisory Group on Employment (AGE)

According to the JKDA, the Advisory Group on Employment (“AGE”) was created to provide a forum for addressing employment related issues, in particular Indigenous employment in accordance with its terms of reference. ¹⁴ Examples include the referral and hiring process including job order review. The AGE receives, reviews and finds solutions to concerns and issues as well as monitoring, reporting and making recommendations to the Project Manager (Manitoba Hydro) as required. ¹⁵ The AGE is an advisory body only and has no decision-making authority. AGE has representation from the KCNs, Manitoba Hydro, Province of Manitoba, Hydro Project Management Association (“HPMA”) and Allied Hydro Council (“AHC”), which are voting members of the committee. Non-voting representatives on the AGE include representation from each contractor and the AHC’s Aboriginal Union Representative. Manitoba Hydro chairs the meetings, which are held quarterly.

The Terms of Reference of the AGE Committee is fairly broad and include the provision of advice and recommendations to the Project Manager/Engineer on the following:

¹⁴ Article 12.5 of JKDA p. 107

¹⁵ AGE Terms of Reference

- Job referral process.
- Communications between Indigenous placement agencies and Keeyask Project contractors.
- Communications to Keeyask Project contractors and subcontractors regarding the AGE.
- Concerns or issues raised by individuals.
- Appropriateness of job order qualifications.
- Monitoring and provision of recommendations regarding Aboriginal employment associated with the Keeyask Project, including under the BNA job referral process and under Direct Negotiation Contracts.
- Monitoring of employment of KCN members as well as employment of Indigenous peoples from other communities.
- Monitoring of the results and effectiveness of the BNA job order, Direct Negotiation Contract hiring, employee orientation and job retention processes, as well as provision of advice to the Project Manager with respect to these issues.

The AGE committee is immensely valuable in dealing with discrimination and harassment at Keeyask. The Committee members represent the key players needed to ensure identification, implementation and monitoring. The KWCA were provided with minutes of the AGE committee meetings for the period of March 2016 to September 2016. While efforts are made on a significant number of issues, the KWCA notes that it has taken several months for follow-up on some issues.

Recommendations:

1. That the AGE be given the proper human resources to allow timely follow up on issues and concerns identified as impacting the employment and retention of KCN employees.
2. That the Report Tracking processes established through the AGE continue as a normal course of business and that quarterly reviews of the tracking data be conducted with the necessary follow up support to address any further issues that may be identified.

4. Quotes from Participants

Participants were asked to provide information as it related to their experience with working at Keyask site. Below are some quotes that highlight the participating individuals' opinions for different topics covered in the interview guide and on-line/telephone survey.

Fear of Retaliation:

- Absolutely it happened. I was afraid because of how I was being treated. The anxiety was so bad I would be shaking and sweating because what they were doing and trying to push me out, as well as sexual harassing me... [They] tried to corner me and would say things.
- Absolutely, I can lose my job.
- Being a rat – would be afraid the other person would want to retaliate.
- I have made a complaint and it got back to my supervisor. I was shunned and not talked to for over a week, making me very uncomfortable and wanting to quit. There is no safe place to take concerns here.
- I need the job and know if I “stir the pot” any more I may lose it. I already have been made a target.
- I would be very worried that bringing up issues, or making enough noise about a problem to get something done, would result in an excuse being found to terminate my employment. The perceived culture among employees here is that we can't change anything and trying will just end poorly for us.
- Used to be afraid – getting to the point where no longer am – more angered about the abuse of the spirit of the agreement. Some fear, but not enough to stop the pursuit of what's right. Walked in on a conversation: "Don't worry, I will look after you!" the General Superintendent said to his friend. Do not mind speaking to project managers and expressing the frustration of what's happening.

On-Boarding Sessions and Coverage of Respectful Workplace Policy:

- Absolute waste of time – 28 workers waited 1.5 hours in a wrong room due to miscommunication. Racism absolutely being broken by foreman who was stoned on the job. No drug test for foreman. [Foreman] goes to the woman's dorm. Rules not being followed.
- Can't recall [policy] – believe it was mentioned briefly.
- [Policy] was summarized. Not enough... should be mandatory, in-depth, [passed] on to coworkers – part of orientation. Orientation [session] needs a serious redesign [to] meet

needs of site.

- Management – preach one thing... don't follow it. Zero tolerance [is] crap – experiencing harassment.
- Hydro did not have/keep a record of me taking the session!
- ...this is not a respectful workplace – complaints made fall on deaf ears.
- Sodexo [policy]; Hydro [policy] not as in-depth.
- Not enough detail covered [during session].
- [Need] more detail on drug/alcohol policy.
- Policy needs updating or redesign.
- [Need] attendance tracking.
- Content of the policy modeled by supervisors/managers.

Indigenous Awareness Training:

- [Need] more cultural teachings/philosophy.
- [Need] information on why processes are different for Aboriginal and non-Aboriginals.
- Content should have more depth.
- More information on the communities.
- Need better training/more knowledgeable trainers.

Quality of Support Services:

- I like support that they offer, counseling [and] meetings. I believe more people need to use them. [Need] more info around camp regarding the services or maybe a phone number in which people can call if they're too scared to go in person to receive supports.
- Never anyone in ERS [office]. Our union is useless – don't even know who [reps] are.
- Not sure if they are helpful. I feel alone and segregated, and too scared to ask for help.
- They are a façade. Again, part of the whole “show” being put up by Manitoba Hydro and the local peoples who they feed money to as an organized welfare that will be in place till the dam is built.
- I find them very helpful – they helped my transition from nights to days. People are afraid to utilize the supports because they don't want to seem like a complainer.
- To be honest, I have not made use of supports. However, I appreciate that they are

available.

Positive Comments on Overall Treatment:

- Able to work with my best friend. Reconnected with old friends and made new friends. Enjoy [my] job for the most part
- Dissatisfaction [with] human relations; wasn't part of it. Use a lot of employment assistance, [like] on-site counselling. [The] younger managers they have [are] slowly changing... cultural pieces now understood.
- Enjoy the work and the people I work with.
- Generally respectful. Conditions generally good. People from Manitoba (local), enjoy working with [them].
- Good hard working people. Very interesting project.
- [Like] the friendly nature of the majority of the people. Most people I encounter, [people] that I say hi or good morning or good evening, respond in kind. Engaging with people from all over the country and from all walks of life is very interesting. It helps me see that everyone is different and there is something to learn from every person here. The community spirit.

Negative Comments on Overall Treatment:

- Feeling of 'jail'. Lots of rules. Too much discrimination towards Indigenous workers. Some 'old school' mentality. Contractors need to find a way to escalate Indigenous status workers in the workplace. Local [Indigenous] Foremen, Supervisors, Managers are needed.
- When I first came, I wanted to learn, gain experience. Rides were never provided at first. I'm not being utilized for skill set. American's started treating me as trouble-maker. [Called] "Seal eater", "Squaw", [and] "Pocahontas". Teamsters, and other people coming in and bringing... in Americans. The native people are being overlooked, pushed out and replaced by friends, people that they know.
- Bad management, politics in the department, poor coordination, [and] lack of experience and good leadership by most of the foremen in the department. Work rotation IS TOO LONG, 21 days is TOO LONG TO BE AWAY FROM HOME. Family and romantic life have suffered greatly and [this] is making me strongly consider leaving this job very soon despite the money and the future career opportunities. Poor travel conditions (road extremely unsafe, bus breaking down frequently, and regular flight delays out of Gillam airport).
- The way [bosses] talk to you makes it like you are stupid – they talk down to you. The

ones that are [from] out of province do this. Seems like they don't want Manitobans to work here – get most of the heat. Superintendents bring their friends here [and] Manitobans are overlooked.

- Less salary as compared to Alberta. Everybody trying to find job at Site C even those who don't live in Alberta/BC. BBE management has ruined my experience at this project – being a BBE employee. This is due to a lot of politics between Bernard and Bechtel. At first, project was run by Bechtel – then Bernard [ran it], and now [it's] Bechtel. Instead of trying to work as a team, they just care about their own agendas. And worst part is [that] Bechtel now cares about only their employees, and Bernard and Ellis-Don theirs. This left BBE employees with no respect or care at all. It is also [causing] suffering of project execution. Rotation has to be 14/14 or the travel on day 1st/21st because it almost takes one whole day to travel to site. Fruit quality and lunch take away needs to improve; there should be more selection for lunch.
- Coming back to camp, it feels like a jail with the set up and looks. Heard it was [modelled] after a woman's jail. Don't do much entertainment.
- Company is arm's length, don't keep you I the loop. Everything is like secret. Company does not believe complaints of bullying, harassment [or] racism in workplace. If you complain, you are the problem.
- Demotions, no raises, termination, no fairness to Aboriginals, treat Aboriginals with disdain. White guys get warned and they return to work. Have seen true colors of supervisor, labor relations... here nothing is confidential. When someone is terminated/fired, [they] talk about the guy they fired – they talk/ laugh. It's a shit show.
- Different rules for different people, not keeping the same room, noisy hallways, room not cleaned regularly or properly, no mixing of men and women or women and women in dorms – even when they are a couple or family.

Being Treated Differently:

- Let the natives work – that's what there here for... Caucasians would be standing around.
- [I] Don't want to tell hydro I'm Metis. [I] don't want to be a quota, I'm not ashamed [I] just want to be assessed on my qualifications
- Would be stared at by white man
- Yes think so, maybe... [When] I say I'm from... follow my culture, language, religion – [get] more respect.

Witnessing Others being Treated Differently:

- One day when it was raining, on a bus filled with employees both Caucasian and Aboriginal, ...read out a list of employees that would be working that day and did not call upon Aboriginals.
- One guy says: “Fucking Indians always whining.”
- Earthworks doesn’t like Indians.
- Many of our staff speak and look down on a certain few. Behind their backs, mainly. Lots of negative [workplace environment] issues happen – yet we are the ones [made] to enforce or support the Respectful Workplace Policy!
- Mostly natives. Only if they think you look native. If you don't look native, you're ok.

Enjoyment of Work Experience at Keeyask:

- Absolutely not!!!!
- I enjoy working here but do not enjoy the seclusion and harassment from the hired security when we arrive back at camp.
- In terms of work experience, yes [treated differently]. In terms of working environment related to management, no.
- It has been okay at best! I was warned by my buddy I had up here [and] that had been here at Keeyask for over a year that it was a total “Gong Show”– this would be something I would have to just be ok with and deal with.
- Loved working there except for how I was treated.
- Most times [I enjoy the work experience], but not recently. There are issues surfacing, [but] no one is really dealing with [these issues] now. It’s coming to a head.

Referring a Family Member or Friend for Keeyask Work:

- Depends where [and] who it is, and what they would do.
- I advise people to not even bother coming here until their attitude towards the workforce changes.
- I think the project is a great opportunity for someone to become part of a legacy and grow both professionally and personally. However, I also recognize that working on heavy construction in a remote site is not for everyone
- I would refer someone here if they had no other viable options, otherwise, I feel the stress of working here is excessive and would caution them about it.

5. Bibliography

1. More recently the Truth and Reconciliation Commission has challenge governments and organizations to shift the way in which they deal with First Nations people. Calls to Action were issued that require various segments of society to re-examine the way they “do business”. This challenge has also been extended to the business community, including resource companies. Manitoba Hydro may do well to use this as a perfect opportunity to further address reconciliation process with the First Nations most affected by hydro- electric development and the KWCA suggest that the Principles found in the TRC be used as a foundation for the way in which they also move forward in their relations with Indigenous Peoples.
2. MHRC – Human Rights in the School information sheet (citing dictionary definition)
3. Manitoba Human Rights commission website – fact sheet: Discrimination is prohibited by the Human rights code
4. Manitoba Human Rights commission website – fact sheet: What is Harassment?
5. Manitoba Human Rights code.
6. Manitoba Human rights commission website – fact sheet: Systemic Discrimination
7. Letter from Partners to Keeyask.
8. Contract No. 040240
9. Keeyask project timeline – Keeyask website at Keeyask.com
10. KPMU Fall 2016 Newsletter.
11. Keeyask Turnover Rates
12. Article 12.1.1 of the Burntwood Nelson Agreement.
13. ERS contract between Manitoba Hydro and Fox Lake Cree Nation and York Factory Cree Nation.
14. ERS Contract
15. ERS Contract
16. FN Site Representative job description
17. National Occupational Classification 2016 about NCO
18. Article 12.5 of JKDA p. 107
19. AGE Terms of Reference
20. RPT – Keeyask Turnover Rates,10/5/2016.
21. Aboriginal Justice Inquiry. Online version. Aboriginal worldviews
22. Ibid.

APPENDIX A: Survey – Employee

Questionnaire for Keeyask Workplace Culture Assessment

All the information you provided is strictly confidential and for the use of the independent consultants only.

Background Questions:

Aboriginal:

Status _____ non-Status ____ Metis _____ Inuit _____

Non-Aboriginal: _____

Province: _____

Home community: _____

Jobs at Keeyask & Length of Service:

| Jobs Eg. Carpenter; labourer; cook; ?? | Area of Work (optional): Eg. Spillway, Batch Plant, Housekeeping, etc. | Length of Service |
|---|--|-------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

As you answer each question, if your experiences are specific to a certain job you held at Keeyask, please identify this in your response.

1. How were you hired to Keeyask (i.e. directly by the contractor, through the job referral process or other)?
2. During the hiring process, were you given clear instruction on what position you were being hired for, and the job expectations?
 - Yes
 - No

3. Did you attend the on boarding sessions?
 - Yes
 - No
4. If yes, how long after your start date?
5. If yes, did your session cover the Respectful Workplace Policy?
 - Yes
 - No
6. Was the information provided to you on the Respectful Workplace Policy helpful to you?
 - Yes
 - No
7. If not, what information or materials would have been more helpful to you?
8. Are you aware of the steps to follow to file a complaint if you have been harassed?
 - Yes
 - No
9. Did you attend the Aboriginal Awareness Training?
 - Yes
 - No
10. If yes, how long after your start date?
11. Was the information provided during the Aboriginal Awareness Training helpful to you?
 - Yes
 - No
12. If not, what information or materials would have been more helpful to you?
13. Have you enjoyed your work experience at Keeyask?
 - Yes
 - No
14. Please describe any positive aspects of your work experience.

15. Please describe any negative aspects of your work experience.

16. Are you aware there are supports in place to help employees that may be having problems at work?

- Yes
- No

17. Are the supports helpful? What do you like or dislike about these supports?

18. Do you, or would you, feel comfortable bringing concerns forward to your employer or through the available processes and supports at site?

19. Do you have any fear of retaliation or retribution overtly, covertly or physically at site? If yes, please explain.

20. Do you think you have been treated differently because of your:

Ancestry or Race: _____

Age: _____

Gender: _____

Other (please describe): _____

21. Please describe how you feel you have been treated differently (e.g., describe your experience) and by whom.

22. How often have you felt you were treated differently because of your ancestry or race, age, gender or other?

- Once
- More than once but not on a regular basis
- On a regular basis

23. Were you able to inform the person who made you feel this way and discuss the impact of their actions or behavior?

24. If yes, what was the outcome?

25. Did you tell someone else about this experience? If yes, who?
26. If you told someone else at Keeyask about this experience, what were your expectations about how the concern would be addressed?
27. Were any additional steps taken to address your concern? If no, why not?
28. If yes, what were these steps? Did you:
- Discuss this further with your supervisor?
 - File a formal complaint through the union process?
 - File a formal respectful workplace complaint?
 - Pursue resolution with counsellors on the ERS contract?
 - Take other steps?
29. What was the outcome of these steps? Did anything happen? Was your concern resolved?
30. If something was done, were you satisfied with the result?
- Yes
 - No
 - If not, can you explain why you were not satisfied?
31. Was your concern addressed in a timely way?
32. Could something have been handled differently? If so, what?
33. If you didn't pursue a resolution of your concern at Keeyask, did you talk to someone else? If so, who?
- Spouse/family friend
 - Co-worker
 - Community leadership (e.g., Chief and Council)
 - Supervisor
 - Union rep
 - Employment retention services worker
 - Elder
 - Other
34. If yes, were any further steps taken following these discussions? If not, why not?

35. Have you ever witnessed another co-worker being treated differently because of their ancestry or race, age or gender? If so, please describe the incident.
36. In your opinion, are you being adequately mentored and instructed when you are at the job site? Please explain?
37. In your opinion, are all the employees you work with pulling their fair share of the workload? Please explain.
38. Do you feel you have been given an equal opportunity for promotions and advancement on site? If not, can you describe why you feel that way?
39. Do you see or feel any favouritism at the site? If yes, please explain.
40. Would you refer a family member or friend to work at Keeyask? If yes/no why?
41. Do you feel safe and respected at Keeyask? Please describe why you feel that way.
42. Do you think the policies and processes at Keeyask are applied fairly to everyone? If no, please explain why not.
43. Do you have any ideas on how to improve the workplace environment at Keeyask?
44. Is there anything else you would like to share about your experience at Keeyask?
45. Can we contact you if we have further questions for clarification? If yes, please include your telephone number or email address. This will be kept strictly confidential.

APPENDIX B: Management Questionnaire

Management Questionnaire for Keeyask Workplace Culture Assessment

All the information you provided is strictly confidential and for the use of the independent consultants only.

Background Questions:

Aboriginal:

Status _____ non-Status ___ Metis _____ Inuit _____

Non-Aboriginal: _____

Province: _____

Home community: _____

Jobs at Keeyask & Length of Service:

| Jobs Eg. Foreman, Supervisor, manager | Area of Work (optional): Eg. Spillway, Batch Plant, Housekeeping, etc. | Length of Service |
|---|--|-------------------|
| | | |
| | | |
| | | |
| | | |
| | | |

As you answer each question, if your experiences are specific to a certain job you held at Keeyask, please identify this in your response.

1. How were you hired to Keeyask (i.e. directly by the contractor, through the job referral process or other)?
2. During the hiring process, were you given clear instruction on what position you were being hired for, and the job expectations?
 - Yes
 - No
3. Did you attend the on boarding sessions?
 - Yes

- No
4. If yes, how long after your start date?
 5. If yes, did your session cover the Respectful Workplace Policy?
 - Yes
 - No
 6. Was the information provided to you on the Respectful Workplace Policy helpful to you?
 - Yes
 - No
 7. If not, what information or materials would have been more helpful to you?
 8. Are you aware of the steps to follow if a complaint is being made by one of your employees that he or she has been harassed?
 - Yes
 - No
 9. Can you describe the process?
 10. Have you had any complaints of employees being harassed? If so, how many? What was done and what was the outcome?
 11. Did you attend the Aboriginal Awareness Training?
 - Yes
 - No
 12. If yes, how long after your start date?
 13. Was the information provided during the Aboriginal Awareness Training helpful to you?
 - Yes
 - No
 14. If not, what information or materials would have been more helpful to you?
 15. Have you enjoyed your work experience at Keeyask?
 - Yes
 - No

16. Please describe any positive aspects of your work experience.

17. Please describe any negative aspects of your work experience.

18. Are you aware of the supports in place to help employees that may be having problems at work?

- Yes
- No

19. What are the supports that you would refer employees to?

20. Do you know if the supports are helpful? What do you like or dislike about these supports? Have you referred any of your staff to utilize these supports?

21. Do you, or would you, feel comfortable having your employees bring concerns forward to you or through the available processes and supports at site?

22. Have you had employees bring concerns forward to you? If so, how many? Can you give examples of these complaints and how you handled them.

23. Do you think there is fear of retaliation or retribution overtly, covertly or physically at site? If yes, please explain.

24. Do you think employees have been treated differently because of their:

Ancestry or Race: _____

Age: _____

Gender: _____

Other (please describe): _____

25. Have you and if so, how often have you had to deal with an employee that felt they were treated differently because of their ancestry or race, age, gender or other or have witnessed this?

- Once
- More than once but not on a regular basis
- On a regular basis

26. If an employee informed you of mistreatment they have experienced how would you assist them?
27. If yes, what was the outcome? Were you satisfied with the outcome?
28. Have you and if so, how often have you witnessed an employee that was treated differently because of their ancestry or race, age, gender or other?
- Once
 - More than once but not on a regular basis
 - On a regular basis
29. Did you intervene or provide assistance in this instance? If so, how. If not, why not?
30. Have you ever felt you have been treated differently ? If so, please describe your experience and frequency of experience.
- Did you tell anyone about your experience. If so, who and what was the outcome? Were you happy with the outcome? If not, what could have been done differently?
31. Was the concern addressed in a timely way?
32. In your opinion, do you feel you are adequately mentoring and instructing your employees when you are at the job site? Please explain?
33. In your opinion, are you providing your employees with training opportunities, please explain.
34. Do you feel your employees and you have been given an equal opportunity for promotions and advancement on site? If not, can you describe why you feel that way? If yes, please describe.
35. Do you see or feel any favouritism at the site? If yes, please explain.
36. Would you refer a family member or friend to work at Keeyask? If yes/no why?
37. Do you feel safe and respected at Keeyask? Please describe why you feel that way.

38. Do you think the policies and processes at Keeyask are applied fairly to everyone? If no, please explain why not.

39. Do you have any ideas on how to improve the workplace environment at Keeyask?

40. Is there anything else you would like to share about your experience at Keeyask?

41. Can we contact you if we have further questions for clarification? If yes, please include your telephone number or email address. This will be kept strictly confidential.

