



AFN Resolution 13 Panel Final Report

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June 30, 2023

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Warning

Please note, the contents of this Report may be emotionally triggering or activating. If you could be harmed by reading about harassment, discrimination, lateral violence, abuse of power, sexualized harassment, bullying, misogyny, unwanted touching, and similar topics, you may want to stop reading now. If you feel activated by the contents of this Report, please ensure that you access emotional support.

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Preface

The AFN Resolution 13 Panel (the “Panel”) would like to thank everyone who came forward to share their lived experience with us. Your willingness to be vulnerable and your belief that the Assembly of First Nations (AFN) can and must do a better job providing safe spaces for staff and Chiefs is inspiring. It was our privilege to meet with you and be trusted by you.

The Panel and those who contacted us are concerned that this Report will be presented, accepted, and approved at the Annual General Assembly, and then it will be placed on a shelf to gather dust. We ask all who believe in the important work of the Panel to champion the changes that are recommended so they cannot be ignored. The recommendations and findings in this Report are based on what we heard at the time of writing. The AFN and its management, leaders, and staff must commit to a practice that is evergreen – that is, one that is consistently reviewed and renewed, as best practices continue to evolve over time. This will create an environment where those who work within the AFN are confident in committing to the “if you see something, say something” principle without fear of retaliation.

A. Introduction

1. Colonial Trauma, Intergenerational Violence, and Lateral Violence

Many of the behaviours described to the Panel stem from trauma. The trauma associated with residential school, the Sixties Scoop, forced assimilation, sexual abuse, and the cultural genocide perpetrated on Indigenous peoples for generations in Canada has resulted in a legacy of violent, abusive, discriminatory, bullying, and sexualized behaviours. As researchers have noted, “the colonial trauma endured by Indigenous peoples can be described as complex, continuous, collective, and cumulative with the resulting transmission of compounded trauma across generations.”¹

Colonial trauma has created a wound that will continue to bleed until it is healed, and it will do so intergenerationally.

When healing from colonial trauma has not taken place, when there has been little opportunity for adequate grieving, healing, and reconciliation the trauma may be passed on from generation to generation. This has in turn resulted in what has been termed intergenerational trauma; trauma that is experienced indirectly across multiple generations and between generations. Intergenerational trauma is compounded and extended by the direct transmission of further trauma, what has been termed lateral or horizontal violence, as the impact of cultural dislocation and internalized oppression is manifested in internal conflict.²

For the AFN to become a role model in ending gender- and sexual orientation-based discrimination, as is called for in Resolution 13, colonial and intergenerational trauma that exists in the AFN must be acknowledged and healed, or the wounds will continue to affect current and future generations. The behaviours resulting from these unhealed wounds cannot be dismissed or ignored. One of the more prevalent resulting behaviours is Indigenous lateral violence, which “has impacted indigenous peoples throughout the world to the point of where we harm each other in our communities and workplaces on a daily basis.”³

The AFN cannot end lateral violence, bullying, sexualized violence, and discrimination within the organization until the colonial and intergenerational trauma that underlies these behaviours is fully recognized and addressed. As the Elders and Knowledge Keepers said to

¹ Terry Mitchell, Courtney Arseneau, and Darren Thomas, “Colonial Trauma: Complex, Continuous, Collective, Cumulative and Compounding Effects on the Health of Indigenous Peoples in Canada and Beyond,” *International Journal of Indigenous Health* 14, 2 (2019): 83, <https://jps.library.utoronto.ca/index.php/ijih/article/view/32251>

² *Ibid.*, 84.

³ Rod Jeffries, quoted in “Aboriginal Lateral Violence,” Native Women’s Association of Canada, 1, <https://www.nwac.ca/assets-knowledge-centre/2011-Aboriginal-Lateral-Violence.pdf>

us, “we cannot change what we do not acknowledge.” Resolution 13 is the call for acknowledgment and change.

We note that, while trauma explains behaviour, it does not excuse it. What happened to cause the trauma is not the individual’s fault; however, acknowledgment and recovery are the individual’s – and the organization’s – responsibility.⁴ In this context, we wish to highlight the trauma-informed work of Métis Cree lawyer Myrna McCallum, who said this when she met with the Panel: “You have to account for the things that have happened, even if they weren’t you, but you’ve inherited that reputation as an organization [i.e., the AFN]. People will not trust you until you’ve accounted for it. In the truth, there is accountability.”

The AFN must empower individuals to feel safe and to be given a voice no matter where they work within the organization. Creating clear policies and procedures that are consistently implemented is necessary to create a safer workplace. “A large body of research shows that working in a toxic atmosphere is associated with elevated levels of stress, burnout, and mental health issues. Toxicity also translates into physical illness. When employees experience injustice in the workplace, their odds of suffering a major disease (including coronary disease, asthma, diabetes, and arthritis) increase by 35% to 55%.”⁵ Thus, creating a safe workplace is essential to the wellbeing and overall health of each person within the AFN, and to the organization as a whole.

Given the negative health outcomes that are known to exist for Indigenous peoples, the AFN as an Indigenous employer has an even greater responsibility to eliminate toxicity in the workplace and to create a safer, healthier work environment that does not inflict additional harm.

During our review, the Panel learned that toxic behaviours exist at all levels of the AFN, including the Secretariat, the Executive, Regional Offices, and the National Chief’s Office. The toxic behaviours described to us included disrespect, lack of inclusivity, lack of confidentiality, and the dismissal of abusive and discriminatory behaviours. In a 2022 article, MITSloan looked at toxic work cultures. It “grouped closely related elements into broader topics and identified what we call the Toxic Five attributes – disrespectful, noninclusive, unethical, cutthroat, and abusive – that poison corporate culture in the eyes of employees.... While organizational culture can disappoint employees in many ways, these five elements have by far the largest negative impact on how employees rate their corporate culture.”⁶

⁴ Gabor Maté, “How Childhood Trauma Leads to Addiction,” After Skool, <https://www.youtube.com/watch?v=BVg2bfqblGI>

⁵ Donald Sull, Charles Sull, William Cipolli, and Caio Brighenti, “Why Every Leader Needs to Worry About Toxic Culture,” MITSloan Management Review, March 16, 2022, <https://sloanreview.mit.edu/article/why-every-leader-needs-to-worry-about-toxic-culture/>

⁶ Ibid.

For the AFN to heal as an organization, the underlying causes that are contributing to the perpetuation of a toxic work culture must first be acknowledged and accepted. To affect meaningful change, the AFN must follow best practices, consult with Indigenous workplace experts, and follow the recommendations that were made to the Panel from within the organization. The recommendations outlined in this Report were entrusted to the Panel by those who have experienced bullying, violence, and discrimination first-hand.

2. Summary of What the Panel Heard

The contents of this Report are not a verbatim account of what the Panel heard. We respect the need for confidentiality and the request for anonymity expressed by the individuals who shared their stories with us. Instead of a complete recitation of those stories, we have used the spirit of the words and lived experience to highlight the changes that must be made within the AFN.

We wish to acknowledge each of the courageous individuals who relayed their experiences within the AFN and at AFN events. They told us stories that involved:

- lateral violence;
- abuse of power, position, and authority;
- abuse of technology, including cyber-bullying and sexting;
- verbal harassment;
- breach of confidentiality;
- sexualized harassment and bullying, including unwelcome comments and invitations;
- discrimination based on gender and sexual orientation;
- lack of respect for personal boundaries;
- passive-aggressive and nuanced behaviours;
- misogyny;
- microaggressions;
- gaslighting;
- unwelcome touching; and
- the use of overly familiar and suggestive language.

It is important to mention that, during and following the pandemic, working from home did not eliminate the incidents of sexualized and lateral violence, abuse, harassment, discrimination, and bullying within the AFN. The use of texting, email, social media, and apps such as Zoom and Teams enabled those who engage in inappropriate behaviours to invade the personal space and privacy of their colleagues during the workday, after hours, and on weekends. The abuse of technology is particularly invasive, because fewer people witness the behaviour, making it difficult to police, and the pandemic has only exacerbated the problem. According to a diversity, equity, and inclusion expert, “since the start of the pandemic,

employees have felt as if online environments are the Wild West, where traditional rules do not apply.”⁷

3. Outline of the Report

Before stating our findings and recommendations, we will:

- reference the Panel’s mandate;
- provide definitions of terms used in Resolution 13 and in this Report; and
- outline the Panel’s information-gathering campaign, methodology, and guiding principles.

In the Findings section, we will:

- relay people’s stories; and
- outline the results of the Panel’s confidential survey.

In the Recommendations section, we will call for:

- changes to internal documents;
- mandatory training;
- a zero-tolerance policy at AFN events;
- attention to recommendations made by interviewees;
- an Independent Office for Complaints and Investigations;
- decolonization of the AFN;
- a return to Indigenous culture and ceremony; and
- a trauma-informed approach.

Our Report will conclude with a general statement and recommendation regarding why decolonization of the AFN is essential to cultivate and preserve the Indigeneity of the organization. A list of the Panel’s Recommendations can be found in **Appendix A**. Specific recommendations for changes to internal documents can be found in **Appendix B**.

⁷ Jennifer Brown, quoted in Leah Fessler, “Workplace Harassment in the Age of Remote Work,” *New York Times*, June 8, 2021, <https://www.nytimes.com/2021/06/08/us/workplace-harassment-remote-work.html>

B. Background to the Report

Resolution 13/2020, “Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations (“Resolution 13”), was passed at the Assembly of First Nations Annual General Assembly on December 9, 2020.

The AFN Chiefs-in-Assembly ordered an independent, fair, and impartial investigative review of the AFN (the “Review”) to assist in gauging levels of systemic gender- and sexual orientation–based discrimination experienced by people involved with the AFN, with an aim to ending such discrimination and all other forms of violence, including sexualized violence, lateral violence, bullying, and cyber-bullying in the organization.

An independent three-member Panel was appointed to conduct the Review. The final Report was initially due in September 2021, nine months after Resolution 13 was passed. During 2021, two of the original Panel members stepped down, and these two vacancies caused delays in the Review. In February 2022, the final independent Panel was appointed, one member by each of the following Councils: Knowledge Keepers (appointee Dr. Gwendolyn Point), Women (appointee Debbie P. Hoffman), and Youth (appointee Amanda Barnaby Lehoux).

In the fall of 2022, Women and Gender Equality Canada (WAGE) approved the Panel’s funding proposal. After funding was secured, the Panel completed its work plan, set up a confidential email address and website, and started advertising, asking people to come forward to speak confidentially with the Panel about their experiences.

Resolution 13 directed the Panel to provide an interim report to the Chiefs-in-Assembly within six months. After the Panel was formed in February 2022, we provided an interim report at the Annual General Assembly on July 5, 2022, within that six-month timeframe.

C. The Panel's Mandate

The full text of Resolution 13, which outlines the Panel's mandate, is included in **Appendix C**. The Panel also created Terms of Reference, which are included in **Appendix D**.

We note that it was *not* part of the Panel's mandate to investigate and make legal findings about specific incidents relayed to us, or to outline consequences for those who have engaged in inappropriate behaviour.

The Panel was mandated to gather stories from as broad a group as possible to help identify systemic patterns of discrimination and harassment. A system-level analysis was required to identify recommendations for systemic responses such as policy, bylaw, and Charter reform, training, and other best practices that will help eliminate the culture of discrimination and harassment at the AFN.

D. Definitions

Before reviewing our findings and recommendations, we thought it was important to define certain terms. Language is empowering because it provides people with the words they need to talk about their experiences and to set personal boundaries. These definitions also provide additional context for our Report.

Abuse of power, authority, or leadership: The misuse of a position of power, authority, or leadership to take unjust advantage of individuals or members of a group. It can include:

- emotional, physical, financial, and sexual abuse;
- improper use of delegated or inherent authority, including employing such authority in an illegal manner;
- improper use of power and authority inherent in a position, by means of intimidation, threats, blackmail, or coercion;
- endangering an employee's job, undermining their ability to perform the job, or threatening their economic livelihood;
- bullying;
- nepotism or favoritism;
- being overly protective of those employees who follow authority blindly;
- expectations of unquestioning loyalty;
- micromanaging;
- gossiping; and
- deceiving employees and withholding information from them.

Accountability: Accepting responsibility for one's actions and not blaming another person (or their behaviour) for those actions. Owning up to a mistake and acknowledging how the mistake may have impacted other people.⁸

Aggression: Angry or rude behaviour; a desire to argue with or intimidate someone; the use of forceful methods showing a readiness and willingness to fight.

Assertiveness: Confident behaviour; the ability to express one's beliefs or preferences in a direct and professional way.

⁸ Adapted from "Power and Authority Sample Clauses," Law Insider, <https://www.lawinsider.com/clause/power-and-authority>

Breach of confidentiality: Making an unauthorized disclosure of information or deliberately looking at information without consent. To establish a breach of confidentiality, one must show that the information was not public property or knowledge. There may be circumstances when information is “known” by someone who tells it to another person with whom they have a relationship in which confidentiality is expected. In these circumstances, the person who is told the information should not speak about their knowledge, because it undermines the trust of the person who relied upon their confidence.

Bullying: The repetitive, intentional hurting of a person or group by another person or group, where the relationship involves an imbalance of power. Bullying can be physical, verbal, or psychological. It can happen face to face or online. Bullying can have lasting serious impacts on mental health.

Contractor: In the present context, an independent outside party hired to complete work for the AFN and interact with the Secretariat and/or the Executive.

Cultural humility: A lifelong process of self-reflection that involves examining one’s own culture and respectfully learning about the cultures of others; it involves self-critique and correction together with a commitment to understanding and respecting different points of view, while engaging with others humbly, authentically, and from a place of genuine learning.

Cyber-bullying: Online abuse including, but not limited to, harassment, doxing, reputation attacks, and revenge porn. In cyber-bullying, a person uses technology with access to the internet or social media to harass, stalk, or abuse another person by instigating or participating in online hate, humiliation, or intimidation campaigns.

Decolonization: Returning to traditional Indigenous ways of being and knowing that were part of Indigenous culture prior to colonization.

Discrimination: According to the *Canadian Human Rights Act*, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Discrimination can occur in many forms. It does not matter whether the person engaging in the behaviour intended it to be discriminatory or not. What matters is the impact of the behaviour.

Discrimination occurs when:

- behaviour has a differential effect, based on one or more of the prohibited grounds of discrimination; and
- it has the effect of imposing burdens, obligations, or disadvantages on an individual or group not imposed on others, or withholds or limits access to opportunities, benefits, and advantages available to others.⁹

Diversity traits: Culture, ethnicity or race, colour, religion, nationality, gender identity or expression, sexual orientation, mental or physical status (including disabilities), age, genetic characteristics, diversity of thought, perspectives, and life experiences, which may include education, marital and family status, values and beliefs, working-style preferences, and socioeconomic status.

Elders/Knowledge Keepers: Respected individuals who play key roles in First Nation communities, Elders/Knowledge Keepers help ensure cultural continuity as living connections to the past and serve as teachers, healers, advisers, and counsellors.¹⁰

Emotional intelligence: The ability to be aware of and manage one's own emotions and to engage with others in a way that is thoughtful, compassionate, and empathetic.

Executive (AFN): In the present context, the National Chief, Regional Chiefs, and proxies, and the Knowledge Keepers, Women, Youth, Veteran, and 2SLGBTQIA+ Councils.

Gaslighting: The use of various tactics that cause the recipient to question their own perceptions of reality, their feelings or instincts, and even their sanity. The tactics used by those who gaslight include tone policing, refusing to listen, and questioning, trivializing, denying, or countering the person's memory or experience. The term refers to a specific type of manipulation, where the person who is gaslighted leaves interactions feeling confused, powerless, isolated, incompetent, unconfident, worthless, and/or uncertain of their own perceptions.

Gender: Includes male, female, non-binary, intersex, trans, and non-conforming as well as the social, psychological, cultural, and behavioural aspects of those genders. Gender also includes actual or perceived gender-related self-image, appearance, behaviour, expression, and additional gender-related characteristics regardless of the sex assigned to the person at birth.

⁹ Adapted from "What Is Discrimination?" Canadian Human Rights Commission, <https://www.chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination>

¹⁰ Adapted from Karl S. Hele, "Indigenous Elders in Canada," *Canadian Encyclopedia*, January 14, 2021, <https://www.thecanadianencyclopedia.ca/en/article/indigenous-elders-in-canada#:~:text=What%20is%20an%20Elder%3F,live%20by%20what%20they%20teach>

Gender-based discrimination: Occurs when someone is treated unequally or is disadvantaged based on their gender. It can include harassment and discrimination based on sex, gender identity, and/or gender expression. Gender-based discrimination is often rooted in societal and personal preconceptions about what gender is, how it “should” look, and/or how it “should” be expressed. For example, many people inaccurately believe that biological sex always determines an individual’s gender and, consequently, their attitudes and behaviours.¹¹

Harassment: A form of discrimination that includes unwanted physical and/or verbal behaviour that offends or humiliates. Harassment is typically a behaviour that persists over time, although one-time incidents may also constitute harassment. Like discrimination, it does not matter if the person engaging in harassing behaviour intended to harass or not. What matters is the impact of the behaviour. Examples of harassment include:

- making unwelcome remarks or jokes;
- threatening or intimidating someone; or
- engaging in unwelcome physical contact.¹²

Homophobia, biphobia, transphobia, queerphobia: Discomfort with or fear, hatred, and mistrust of individuals who are homosexual, lesbian, gay, bisexual, transgender, or gender queer, and those who do not follow traditional gender norms. Although transphobia, biphobia, and homophobia are similar, they are not the same thing. Both gay and straight people can be transphobic and biphobic. People can be transphobic without being homophobic or biphobic.¹³

Indigenization: Bringing Indigenous ways of being and knowing into spaces and into practices where they have not previously been accepted or included.

Intergenerational trauma: Collective trauma experienced by Indigenous people as a result of colonization, residential school, and forced assimilation, the effects of which are passed on from one generation to the next.

Intersectionality: The interconnection of multifaceted aspects that make up an individual’s identity, including ethnicity, cultural identity, sex, gender identity or gender expression, sexual orientation, ability, class, and geographical location.¹⁴

¹¹ Adapted from “What Is Gender Discrimination?” Stanford SHARE Title IX, <https://share.stanford.edu/get-informed/learn-topics/gender-discrimination>

¹² Adapted from “What Is Harassment?” Canadian Human Rights Commission, <https://www.chrc-ccdp.gc.ca/en/about-human-rights/what-harassment>

¹³ Adapted from “What Is Homophobia?” PlannedParenthood.org

¹⁴ Adapted from *Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan: Ending Violence against Indigenous Women, Girls, and 2SLGBTQQIA+ People* (June 3, 2021), link at <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>

Psychological safety: The belief that one will not be punished or humiliated for speaking up with ideas, questions, or concerns, or for making mistakes. A psychologically safe environment allows team members to believe that they can take risks without being shamed by other team members. When we talk about safety in this Report, we are talking about both physical and psychological safety.¹⁸

Resilience: The ability to withstand adversity and successfully respond to and recover from challenging situations with mental and emotional agility.

Secretariat (AFN): All AFN staff, including the CEO, Vice-presidents, Directors, legal advisers, managers, supervisors in the AFN, and political appointees in the National Chief's Office.

Sexual harassment: Unwelcome comments, invitations, and behaviour of a sexual nature, including violence or threats of violence, manipulation, and unwanted touching. Sexual harassment is a form of bullying.

Sexual orientation: An individual's "physical, romantic, and/or emotional attraction to, and/or intimate relations with, individuals of a different gender, the same gender, no gender, or more than one gender."¹⁹

Sexual orientation-based discrimination: Treating someone unfairly because of their sexual orientation – that is, because of who they are physically or romantically attracted to.

Systemic discrimination: Non-inclusive practices, policies, institutions, attitudes, and ways of doing things in an organization or in society that create and perpetuate barriers, disadvantages, or inequities for groups on prohibited grounds of discrimination. "Systemic discrimination refers to policies or practices that appear to be neutral on their surface but that may have discriminatory effects on individuals."²⁰

Trauma: "An inner injury, a lasting rupture or split within the self due to difficult or hurtful events.... [Trauma is] not what happens to you, but what happens inside you" as a result of the difficult or hurtful event.²¹ Trauma can also occur as the result of experiencing something that did not happen but should have happened, like workplace safety.

¹⁸ "What Is Psychological Safety at Work? How Leaders Can Build Psychologically Safe Workplaces," Center for Creative Leadership, <https://www.ccl.org/articles/leading-effectively-articles/what-is-psychological-safety-at-work/>

¹⁹ "Internationally Recognized Sexual Orientation or Gender Identity or Expression (SOGIE) Definitions," Government of Canada, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/resettlement/priority-special/sexual-orientation-gender-identity/definitions.html>

²⁰ "What Is 'Discrimination?'" Ontario Human Rights Commission, <https://www.ohrc.on.ca/en/iii-principles-and-concepts/2-what-discrimination>

²¹ Gabor Maté, *The Myth of Normal: Trauma, Illness, and Healing in a Toxic Culture* (Toronto: Knopf Canada, 2022), 20.

Trauma-informed practice: Practice that recognizes the link between traumatic experiences, the trauma that lives inside people, and traumatic responses that reveal themselves in behaviours, communications, cognitive functioning, and emotional processing. This practice reflects an understanding that trauma informs the relationships people create at home and in the workplace. A trauma-informed practice has safety and empowerment at its core, promotes personal agency and decision-making, and seeks to make people feel safe so they are not retraumatized by their interactions with others.²²

Traumatic response: An individual and emotional response to an event that overwhelms the central nervous system. Responses may include fight, flight, freeze, and fawn; unpredictable emotions; flashbacks; strained relationships; and physical symptoms like headaches or nausea.

²² Aspects of this definition paraphrase Myrna McCallum's statement to the Panel.

E. Information-Gathering Campaign

The Panel used various methods to reach as many people as possible during the interview stage of the Review. To increase visibility nationally, the Panel:

- created a confidential email address;
- created the AFN Resolution 13 website, at www.afnresolution13.com;
- commissioned long- and short-form posters in both English and French to be used in email and online advertising campaigns (the long-form poster is reproduced in **Appendix E**);
- advertised on the AFN website, Instagram, and Facebook, inviting people who have engaged with the AFN and have experienced harassment, discrimination, and/or bullying to share their experiences with the Panel confidentially;
- created and launched a Google ad campaign to create more visibility and traffic for our website with relevant keyword searches;
- created and launched an email campaign to over 300 recipients. We attached the long-form poster, asking those who had experienced harassment, discrimination, and/or bullying while working at the AFN and/or while in attendance at an AFN event to contact the Panel and confidentially tell their story. We also encouraged the email recipients (many of whom were band offices, communications directors, CEOs of Regional Offices, and executive assistants) to widely distribute and share the Panel's email to reach a larger audience;
- created and launched a second email campaign to the AFN Executive, senior management, and staff;
- created and distributed a survey to be completed by the AFN Executive, senior management, and staff;
- hosted five online information sessions, on November 18, 21, and 25, 2022, and January 16 and 18, 2023, to provide members of the public with an opportunity to meet the Panel and ask questions about our process, in order to boost visibility, and help create trust and transparency; and
- attended an interview with a reporter at windspeaker.com to talk about the Panel's work plan and process.

Once members of the public began contacting the Panel by email, the Panel responded to inquiries by advising respondents regarding the three ways to communicate and confidentially share stories with the Panel. These methods were:

- by written submission through the website and the confidential email address;
- by Zoom; and
- by telephone.

The Panel set up an anonymous online survey containing 15 questions aimed at gaining a better and broader understanding of the number of times AFN staff and Executive experienced harassment, discrimination, and/or bullying either in the workplace or at AFN events. The survey asked staff and Executive who experienced harassment, discrimination, and/or bullying whether they had reported the incident(s) and, if they did not report, their reason(s) for not doing so.

To help foster a safe space, all interviews were opened and closed with traditional prayer, offered by our Knowledge Keeper, Dr. Gwendolyn Point. Cultural and emotional supports were available and arranged by the Panel or by the interviewee to be present before, during, and after the interview.

F. Methodology and Expert Engagement

1. Methodology

The Panel reviewed inter-organizational documents using Gender-Based Analysis Plus (GBA Plus), a Government of Canada tool.

GBA Plus is an analytical process that provides a rigorous method for the assessment of systemic inequalities, as well as a means to assess how diverse groups of women, men, and gender diverse people may experience policies, programs and initiatives. The “plus” in GBA Plus acknowledges that GBA Plus is not just about differences between biological (sexes) and socio-cultural (genders). [Each person has] ... multiple characteristics that intersect and contribute to who they are. GBA Plus considers other identity factors such as race, ethnicity, religion, age, and mental or physical disability, and how the interaction between these factors influences the way [each person] ... may experience organizational policies and initiatives.²³

In keeping with GBA Plus, the Panel has taken an intersectional approach.

2. Expert Engagement and Review

The Panel hired three independent experts to review this Report; however, errors, omissions, and assumptions are the sole responsibility of the Panel. The experts the Panel retained are:

- **Myrna McCallum**, a Métis Cree lawyer and subject matter expert on trauma-informed policy, procedure, and process. Myrna offers training courses on trauma-informed engagement and conducts workplace assessments;
- **Bay Ryley**, a human rights and employment lawyer who owns and operates a digital eLearning company with a focus on corporate sexual harassment training; and
- **Fay Faraday**, a social justice lawyer, policy consultant, and academic whose work focuses on the human rights, labour, and employment law.

²³ “What Is Gender-Based Analysis Plus?” Government of Canada, Woman and Gender Equality Canada, <https://women-gender-equality.canada.ca/en/gender-based-analysis-plus/what-gender-based-analysis-plus.html>

G. Guiding Principles

As we conducted interviews and gathered information and advice, we were guided by the wisdom offered by both the Knowledge Keepers Council and the Seven Teachings, which helped the Panel do our work in a good way.

1. The Seven Teachings

We ask the Chiefs in Assembly and the AFN as a whole to receive the information in this Report with the love, respect, courage, and humility with which it is presented, in accordance with the Seven Teachings, which are summarized here:

- **Love:** Love is the gift from Eagle and is a force that is undeniable. With love, all things are possible. It is everyone's right to have and experience love. Love is at the centre of the Medicine Wheel and is symbolic of fire and the Creator.
- **Respect:** Respect is the gift from Buffalo. When we respect ourselves, respect will be bestowed upon us in return. When we treat our body with respect, it will look after itself; when we treat it with poison, it will destroy itself.
- **Courage:** Courage is the gift from Bear. Humans seek the strength and courage of the Bear to face our greatest enemy, which is often ourselves. The Bear will give us the understanding to seek resolution through spiritual intervention and, through healing, help us deal with anger and the pain we bring upon ourselves.
- **Honesty:** Honesty is the gift from Sabe (Sasquatch). Honesty comes from within and is not to be confused with truth (truth is law, and it comes from without and is created by humans).
- **Wisdom:** Wisdom is the gift from Beaver. Wisdom is not the same as knowledge. Wisdom arises out of personal knowledge and experience. It is based in good judgment and common sense that develop over time.
- **Humility:** Humility is the gift from Wolf. Wolf lives in the family pack. To ensure survival, the pack must be as one, yet with each member understanding their individual role. Humans need to understand humility, which allows us to ask for guidance humbly from those around us.
- **Truth:** Truth is the gift from Turtle. Truth is symbolic of law and principle. Since the beginning of time, the Turtle and the basic truth of law and nature have not changed. The Turtle has been chosen to be the bearer of truth. The Turtle adapts to change without changing, thus representing the intersection of time and truth.²⁴

²⁴ These descriptions have been adapted in part from "The Seven Teachings," Southern First Nations Network of Care, <https://www.southernnetwork.org/site/seven-teachings>

Most First Nations have traditional ways of resolving conflict that are based on Indigenous values, traditions, and ceremony. We recommend that the AFN use the Seven Teachings as the path back to the traditional ways of coming together in community with humility and respect. The Seven Teachings can also provide a way to resolve conflict and restore harmony within the AFN.

2. Advice, Concerns, and Recommendations from the Knowledge Keepers Council

The Panel met with the AFN Knowledge Keepers Council (the “Knowledge Keepers”). The Knowledge Keepers provided thoughtful feedback about Resolution 13 and shared their wisdom and insight regarding the creation of safe spaces within the AFN for the Secretariat and the Executive. The Knowledge Keepers provided the Panel with the following messages and advice, which we have kept in mind when writing this Report:

- *“The younger ones are watching and learning and, if things don’t change, this kind of behaviour will keep happening; leadership needs to put a stop to it.”*
- *“There are a lot of youth, and we need to make a clear path for them.”*
- *“Many of us grew up with no respect for women.”*
- *“When people get into power, they abuse it.”*
- *“Women need to speak up louder and we men need to back them up – now is the time.”*
- *“The Chiefs are the role models, and they need to be gentle and kind.”*
- *“When we come together in a circle, everyone has something to say; talk about it and stop the violence.”*
- *“Go back to traditional ways.”*
- *“Be honest with each other.”*
- *“Listen to people.”*
- *“Treat people the way you want to be treated.”*

When writing this Report, we have also kept in mind the following concerns identified by the Knowledge Keepers:

- *“There is a lot of lateral violence within the AFN.”*
- *“The AFN is using white man’s laws instead of Indigenous ways to deal with conflict, violence, bullying, and harassment.”*
- *“Leaders cannot oversee the behaviour of other leaders.”*
- *“The AFN requires clear policies around all forms of harassment, including sexual harassment.”*
- *“Every person in the AFN needs to know there is a Code of Conduct, what it says, who it applies to, and where to report breaches.”*

- *“Someone needs to be designated to reprimand those who breach the Code of Conduct and AFN policies.”*
- *“Leadership needs to be a role model in stopping unacceptable behaviour.”*

When making our recommendations, the Panel kept in mind the following recommendations made by the Knowledge Keepers:

- *“Decisions about how to treat an incident should not be made by the political table.”*
- *“Have a group or a person, like an Ombud, oversee the process and make recommendations; keep the concerns and issues away from politics.”*
- *“There needs to be better and consistent orientation for staff and leaders.”*
- *“Rely upon Indigenous ways, knowledge, and spirituality to find a way forward.”*
- *“The AFN should consider having resident Elders or an in-house spiritual adviser (who changes from time to time) to provide a presence and guidance, and to share knowledge and wisdom.”*
- *“Incorporate traditional ways into the AFN’s office – songs, drums, and medicine.”*
- *“Use Indigenous ways to resolve conflict, including use of ceremony.”*
- *“Each region should have a man and a woman Knowledge Keeper.”*
- *“Gender balance and gender parity in the AFN are important.”*

H. Findings

This Report is not intended to provide an exhaustive recitation of all information received, but rather to identify recurring themes and make recommendations. In this section, we will outline the Panel's findings based on people's stories (provided in interviews and written submissions) and the confidential survey results.

1. Summary of Dominant Themes

Some clear themes emerged from the interviews, written submissions, and survey results. Each theme is contextualized below, in no specific order of priority.

- Sexual misconduct and predatory practices
 - normalizing bad behaviour
 - abuse of power, position, authority, and technology
 - use of suggestive body language, comments, and tone
 - invasion of personal space
 - unwelcome touching

- Harassment and discrimination
 - lateral violence, bullying, and verbal harassment
 - lack of personal boundaries
 - microaggressions
 - gaslighting
 - gender-based discrimination

- Demoralized work culture
 - fear of reprisal
 - feeling unsafe
 - lack of confidence in leadership
 - lack of effective training
 - lack of an independent reporting or complaint process
 - breach of confidentiality

Although these themes are distinct in many ways, they are not mutually exclusive, and we saw significant overlap between them as we listened to and read people's stories and as we viewed the survey results.

I. Individual Stories

Female interviewees told us that personal boundaries are routinely violated by male employees, Elders, Knowledge Keepers, and Chiefs. The Panel heard that a predatory culture has become so pervasive and threatening within the AFN that female employees and leaders share information with each other about men who are unsafe to be around.

Bad behaviour – whether sexual harassment, bullying, or lateral violence – was viewed by many within and outside the AFN as “normal” or “just how things are.” Those who experienced these bad behaviours were often gaslighted and told they were “overreacting,” or the severity of the behaviour was downplayed. Interviewees who set boundaries by saying “No, I’m good” when men in positions of power leaned in for a kiss were subsequently gaslighted and told that they were overreacting or, even more disturbing, that the behaviour never happened.

We heard about abuse of power and position by male AFN employees and Chiefs who have directed female employees to do things that are clearly not part of their job descriptions. The behaviours described to us are nuanced and include comments about it being “part of the job” to work one on one with a male employee after hours, to accompany a male employee to dinner, and to run non-work-related errands for male employees.

We heard that some male employees use suggestive words, body language, tone, and eye contact, and that women have been made to feel that their jobs depended on compliance, at the risk of being fired or bad-mouthed.

Some female employees were told by their male bosses how they should or shouldn’t dress. Comments were made about the female employee’s body, clothing, or sexiness; some have been told that specific clothing would look “really good” or “really sexy” on them; others have been told their bodies aren’t appealing, or not to dress a certain way again because it’s distracting for men. Some of these women said they did not tell anyone, because “*nothing will be done anyway.*” In other cases, when women did tell someone, the response minimized the unacceptable behaviour, with comments like “*boys will be boys*” or “*you know how they are.*”

Some employees have been subjected to explicit comments about sex and pornography or asked to watch pornography with men in leadership positions. In other cases, employees have been asked to send or have received explicit pictures. Still others have received sexual texts and have been invited to the rooms of men in positions of power when working at assemblies and other AFN events out of town. These comments and requests are completely inappropriate, regardless of the gender or sexual orientation of the person who is asking or the person who is being asked. There must be zero tolerance within the AFN for this type of behaviour.

Women have been warned by various individuals inside and outside the AFN to be careful of what they wear while attending events, and have been warned specifically about particular individuals whose inappropriate behaviour is well known. Women attending AFN events have had to maintain mental lists of problematic individuals whom they have been told are not safe to be around on a one-on-one basis.

The Panel heard stories of the invasion of personal space by Elders, leaders, and other employees, such as:

- shaking and holding hands too long and pulling a person into an unwanted hug and not letting go;
- touching someone's hair or the small of their back;
- putting a hand on someone's knee or leg and rubbing it;
- kissing someone on the lips or cheek without consent;
- making sexualized comments, including comments about Viagra, pornography, and tight-fitting clothing;
- aiming sexualized comments and wolf whistles at a person as they pass by; and
- issuing invitations to hotel rooms while at AFN meetings.

We heard about older men and women who have bullied less-experienced younger employees concerned about their job security. Some of these employees did not feel empowered and did not know how to set and enforce personal boundaries. As a result, they felt conflicted about their desire to do a good job while knowing they were being asked to perform tasks outside normal working hours and outside their job descriptions without additional remuneration. When they did not do what was asked, these employees were sometimes berated or maligned in front of other employees.

As outlined in the Guiding Principles section of this Report, when we met with the Knowledge Keepers, their wisdom helped to ground us. We specifically acknowledge that many who hold the position of Knowledge Keeper or Elder are worthy of that position. They have earned the title over the course of a lifetime, not because of age, but because of generosity, wisdom, ethics, patience, commitment, and dedication to serving their communities. As described by one youth, *"when you sit with an Elder, you should know that you are safe, that you can let everything go and just be yourself."* To be a Knowledge Keeper or Elder is to hold a position of the highest respect, one where safety and trust are assumed.

Elders/Knowledge Keepers are caretakers of the community's wisdom and spirit. They are revered and respected for their deep spirituality and teachings; they teach by example, living their lives in accordance with principles, values, and stories. They offer guidance and protection, relay our oral history through stories, and teach us to love, respect, and nurture our spirit.

Yet, too many individuals within our Indigenous community have experienced sexualized and suggestive comments, unwanted and unwelcome touching, or bullying at the hands of Elders/Knowledge Keepers, who are protected by their own position and by others who are in positions of power. These individuals are allowed to continue preying upon members of the Secretariat and the Executive without reprimand or repercussion. Each time a known predator or abuser is allowed to attend AFN assemblies and events, those who have experienced violence, bullying, or abuse at their hands are retraumatized by the predator's attendance. The message to those who have been harmed is they don't matter to an organization that refuses to keep them safe.

Many people provide Elders/Knowledge Keepers with automatic deference and respect, a reasonable response, given the sanctity of their position. Elders/Knowledge Keepers are responsible for the collective spiritual and cultural wellbeing of our Indigenous communities, and trust is both expected from them and given to them.

When an Elder/Knowledge Keeper acts in a way that is contrary to their highly respected position within the community, those actions often break the spirit in a way that is difficult to recover from because the action is a breach of an unspoken and inherent trust. The next time the person whose trust has been broken by an Elder/Knowledge Keeper needs guidance, they may not feel comfortable going to another Elder, and they will have little confidence in the people who are supposed to help and protect them. Such experiences are one way in which systemic abuse and injustice have become woven into the fabric of the AFN.

We heard stories of lateral violence – employees who are bullied by co-workers who are at the same job level or by supervisors. Too often, AFN employees who have been subjected to lateral violence have left the organization, even though they had aspired to work at the AFN and loved the job they felt forced to leave. Others facing lateral violence remained, but were forced to ask themselves repeatedly if their jobs were worth it. Employees who worked at AFN events often experienced lateral violence and abusive comments that spilled into their downtime after work. These comments were sometimes fuelled by the use alcohol or other substances.

The Panel heard comments such as *"some people have the power to make or break your career."* Due to understaffing at the AFN, pressure to perform is strong, and if someone is not working beyond their maximum capacity, they may be berated, talked down to, or overlooked for promotions. Employees who are not part of the "in group" sometimes do not receive responses to questions, or they receive passive-aggressive responses both in person and in written communications.

Interviewees told us that some of the people who hold higher positions within the organization have higher staff turnover because of the way they treat the employees they supervise and manage. Interviewees described dismissive or passive-aggressive body language such as eye-rolling when they asked questions and, in some cases, a refusal to answer questions both in person and by email.

Some employees who experienced lateral violence did not know where to go or who to talk to about what was happening. Due to a lack of training, some did not know that what they were experiencing was in fact lateral violence. The provision of training was inconsistent, and, when it was provided, it was described as superficial and unsophisticated. Respondents and interviewees spoke of a strong desire and repeated requests for training that is more nuanced and Indigenous specific.

The Panel heard many stories of lateral violence that people experienced while attending AFN events, both from employees at all levels and from leadership. Individuals shared that, on many occasions, they felt unsafe or frightened in the presence of upper management, Regional Chiefs, and even the National Chief. These individuals told us that policies were inadequate to help them feel safe and to remove individuals who have breached Codes of Conduct or behaved inappropriately. The Panel heard that it was left to individual staff, managers, supervisors, and leaders to enact ad hoc policies and attempt to address the situation themselves.

The Panel also heard from individuals who needed to step out of meetings because inappropriate conversations were happening, and no one, including the meeting chair, was shutting them down. Others had to seek support during meetings because they felt threatened and unsafe.

Individuals noted that when complaints were brought forward, they weren't always addressed or resolved. Some told us that, although the complaint process was started, it lapsed without any explanation or resolution. Others told us that favouritism and protection of the abuser sometimes appeared to play a role in which complaints were dealt with and which were not.

Some of these behaviours are long-standing within the AFN, and they continue today. There are people in the organization, both in the Executive and in the Secretariat, who continue to work in positions of power despite engaging in such behaviour, and some of these people have been promoted. The AFN cannot pretend that bad behaviours and the promotion of those who have engaged in them are all in the past. We were told about instances of recent and ongoing behaviours in which no one has taken the abusers to task for their abuse – rather, they are protected by those who have the power and the ability to offer protection. The Panel heard from individuals across the entire organization who felt that some of those in leadership positions behaved inappropriately with little, if any, accountability.

The Panel also heard about former Chiefs who had engaged in inappropriate, abusive, and sexualized behaviour and were later granted the honour of becoming a Knowledge Keeper. This is a further example of bad behaviour being rewarded within the AFN.

We heard that men are disproportionately represented at the leadership table. We note the huge disparity between the number of First Nations across Canada and the number of women and 2SLGBTQQIA+ leaders at the leadership table. Of the 634 First Nations in Canada, 126 are led by women Chiefs. The Panel heard that it is difficult to recruit women and members of the 2SLGBTQQIA+ community to run for leadership roles, due to the level of systemic discrimination and bullying that continues to occur on the Executive, within the Secretariat, and at AFN events.

The AFN must provide a safe space for everyone to have a voice. As one interviewee told the Panel, *"AFN is an unsafe environment for women, people of colour, and 2SLGBTQQIA+ people to work within."* Others told us that, even though there may be policies in place, the AFN is a male-dominated space, and those who are not men or who are not cisgender feel there is no place for their voices to be heard and understood.

Examples of women in leadership roles being treated disrespectfully by men in leadership roles include:

- men making sexualized comments about the female leader's physical appearance and clothing;
- comments by men that perpetuate traditional gender roles and stereotypes (e.g., the belief that female leaders are there to get coffee and take notes); and
- male leaders refusing to address women leaders and instead addressing those leaders' male staff.

We heard that some attendees at AFN events cross the line between being friendly in a way that is appropriate in a professional context and being friendly in a way that is unwelcome. Examples of behaviours that invade personal space and cause trauma are microaggressions (e.g., comments about an individual's age, body, sexual experience, or attractiveness); suggestive remarks sent by text or Facebook; unwanted touching, including hugs, kisses on the cheek, pats on the leg, or attempts to hold someone's hand; and requests to hug, kiss, or touch someone. A professional level of friendliness from an individual is not an invitation for a colleague or leader to cross personal boundaries.

When a person abuses their position of power to make an advance or an inappropriate request, the recipient may feel powerless to resist or to report the incident. Since the AFN is a political organization, Chiefs and Regional Chiefs look to each other for political support. Sometimes Chiefs excuse or turn a blind eye to inappropriate comments and behaviour by other Chiefs for fear of reprisal or a loss of political support. As one interviewee stated, *"AFN*

supports Regional Chiefs whose behaviour is wildly inappropriate.” Those who reported incidents said they were later maligned, marginalized, or accused of not working collaboratively.

Complaints about the Executive are made to the Executive. The Knowledge Keepers Council and others are concerned that leaders currently oversee their own behaviour. Accusations and responses to complaints may be politically motivated when the reporting structure for complaints is not independent from the Executive. Interviewees also made reference to the “political paralysis” that can occur when a person comes forward with a complaint about anyone on the Executive, including those on the Knowledge Keepers Council.

When a complaint is made by or about a member of the Executive, there is no requirement for confidentiality. Members of the Executive may be advised of the complaint, which deters other potential complainants from coming forward. It is a conflict of interest, real or perceived, for the Executive to oversee a complaint made about one of its members. The current practice is contrary to the request made by members of the Secretariat, the Executive, and the Knowledge Keepers Council for an independent process built on accountability and trust that the complaint will be addressed.

J. Survey Results

The Panel sent a confidential survey to all members of the Secretariat and the Executive. The survey results mirrored the information shared by interview participants, including with respect to the reasons individuals did not come forward. Data from the survey indicated the following:

- About 13% of respondents stated that they have disguised a key part of their identity while working for the AFN, attending an AFN event, or interacting with a member or employee of the AFN for fear of being harassed, discriminated against, or bullied.
- Nearly 35% of respondents felt unsafe while working at the AFN, attending an AFN event, or interacting with a member or an employee of the AFN.
- Nearly 60% of respondents have witnessed discrimination, violence, and bullying at the AFN or while attending in-person or online events.
 - Respondents also noted that this sort of behaviour happens openly at the AFN workplace and at events, both in-person and online.
 - More than half of those who witnessed discrimination, violence, and bullying did not report it. Respondents offered many reasons for deciding not to report, but they reflect a few main themes:
 - Witnesses feared reprisal or negative consequences resulting from the reporting, or feared not having anonymity.
 - Some individuals felt unsure about how to report behaviour when the person behaving badly was outside the Secretariat (i.e., a Chief or National Chief, a person in a position of power, a political appointee within the National Chief's Office (NCO), or an event attendee).
 - Even when the behaviour came from someone within the Secretariat, the reporting process wasn't clear, causing the person who witnessed or experienced the behaviour not to report.
 - Some respondents did not believe that the complaint would be addressed if it was reported, because the person involved was a Chief. Further, some noted that, when it comes from a Chief, many individuals within and outside the AFN deemed unacceptable and inappropriate behaviour to be "*normal and acceptable*."
- Of the respondents who decided to report incidents they experienced or witnessed, 70% felt that the incident was not resolved.
- Most respondents did not have a clear understanding of, or weren't familiar with, how to report bullying, harassment, or discrimination within the AFN.

K. Summary of Findings

Generally, interviewees and survey respondents presented with significant fear and frustration from working in an environment that felt unsafe, oppressive, and, at times, abusive. The lack of a clear and confidential reporting process was cited as the main reason why those who experienced inappropriate behaviour did not report the behaviour to anyone within the AFN. Most participants expressed a fear of reprisal by those in positions of power if they reported inappropriate behaviour. They also feared that their stories would be minimized or would be disclosed, given a perceived or real lack of confidentiality.

Many interviewees expressed relief that the Panel offered them a place to confidentially discuss their experiences without the fear of retribution or retaliation. The Panel also heard that being invited to talk about experiences in a confidential process not only lightened the burden but was the first step towards healing for many.

L. Recommendations

In the Findings section, we identified a broad range of problematic behaviours that were revealed in the interviews, written submissions, and confidential survey results.

In the Recommendations section, we make recommendations based on the information we gathered, best practices, and a review of the AFN's internal documents and policies. The recommendations we make fall into the following categories:

1. Documents
2. Training
3. AFN Events
 - a. Training and Oversight
 - b. Zero-Tolerance Policy
4. "What Would You Recommend?"
5. Independent Office for Complaints and Investigations
 - a. Transparency and Accountability
 - b. Non-Disclosure Agreements
6. Incorporating Indigenous Culture and the Use of Ceremony
7. Implementing a Trauma-Informed Approach
8. Decolonizing the AFN and Returning to the Seven Teachings

1. Documents

a. Internal AFN Documents Reviewed

The Panel reviewed the following documents, which are internal to the AFN:

- the AFN Reporting Relationships Organizational Chart (this applies to both the Secretariat and the Executive);
- the AFN Human Resources Policy Manual (April 27, 2022) (applies to the Secretariat); and
- the Regional Chief Orientation Package, which includes the Charter (amended December 7, 2021), National Indian Brotherhood Bylaws, Code of Conduct and Ethics for the AFN Executive Committee, and Rules of Procedure for the Executive Committee.

The AFN's internal documents contain basic definitions of "harassment," "discrimination," and "violence." The Panel's specific recommendations for changes to these definitions are in **Appendix B**. The definitions must be expanded to include microaggressions, cyber-bullying, lateral violence, misogyny, and discrimination based on gender expression and sexual orientation, including homophobia, biphobia, queerphobia, and transphobia.

The definition of “sexual harassment” in these documents is limited to actions and words that carry a connotation that is sexually suggestive. However, “sexual harassment” is much broader than comments that are sexually suggestive. It also includes comments about someone’s sexual orientation or gender expression, which must be included in a revised definition of “sexual harassment.”

i. Revisions to the Charter and Bylaws

Resolution 13 calls for “amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the AFN.” The Panel endorses this recommendation.

The NIB Bylaws must be renamed. “NIB” stands for “National Indian Brotherhood”: the name must be made inclusive and gender neutral.

ii. The Code of Conduct and Ethics

The AFN Code of Conduct and Ethics (the “Code”), which applies to the Executive, must be clear that leaders of all genders are to be treated by other leaders with dignity, decency, and respect.

The Code is provided to Chiefs as part of their Orientation Package. However, Chiefs are not currently required to sign the Code or acknowledge that they have read and understood it. Chiefs must be required to read, sign, and make a legal commitment to adhere to the spirit, intention, and principles of the Code when interacting with each other and with the AFN Secretariat.

iii. The ADH Policy

The AFN’s Workplace Anti-Discrimination and Harassment Policy (the “ADH Policy”), which can be found at page 91 of the Human Resources Policy Manual, applies to the Secretariat. This policy must be expanded so that it contains all grounds of discrimination and harassment within the workplace.

The contents of the ADH Policy must be reviewed and signed annually by the Director of Human Resources and whenever there is a change in anti-discrimination laws.

Each current member of the Secretariat and each new hire must be required to review and sign the ADH Policy to show they have each made a legal commitment to abide by and uphold its contents.

The ADH Policy must be discussed with each new hire (not passively provided to the person to read on their own, as is the current practice). To underscore the importance of the ADH Policy

and to ensure that the new hire has made a personal connection with those who receive complaints, the new hire must be introduced to the person(s) within the AFN who are responsible for enforcing the policy. This introduction will assist in eliminating the confusion expressed to us about the reporting process. Such an introduction may also help staff develop a sense of trust that raising concerns is possible and that, when concerns are raised, they will be taken seriously.

iv. Threat of Harm Plan

In addition to the ADH Policy, we recommend that the AFN have a threat of harm plan, both for those who work remotely and those who work in person. The purpose of the plan is to have a policy to be implemented when responding to workplace violence, bullying, and discrimination (in all forms), in the same way that an organization would have a policy to implement when responding to a bomb threat.

2. Training

a. Specific Training for the Secretariat and the Executive

Although the Panel investigated various types of training, the trainings we reviewed do not suit the structure and Indigeneity of the AFN or meet its specific training needs. We recommend that the AFN invest in AFN-specific training that is tailored to the training requirements of the organization, as outlined in this section.

The Panel recommends that the AFN invest in obtaining or creating Indigenous-specific and nuanced training modules that explain and provide guidance about how to identify and respond to all forms of harassment, discrimination, bullying, and violence (particularly Indigenous lateral violence) in the workplace and at AFN events. Training must be provided to each person in the Secretariat and Executive as part of their orientation.

b. Onboarding

There are currently five mandatory onboarding trainings for new hires to the Secretariat. We are not aware of any mandatory training for new members of the Executive. The Secretariat's mandatory trainings are:

- Workplace Violence and Harassment (comprising an hour-long video and a quiz that must be completed within the first two weeks after hiring);
- Respect in the Workplace Training;
- Occupational Health and Safety Awareness;
- Human Rights Canada Training; and
- COVID-19 Employee Health and Safety Training.

The Panel recommends that the mandatory onboarding and ongoing training be expanded to include the items in the Mandatory Training for All section below. These trainings must be outsourced, Indigenous specific, and mandatory for the current Secretariat and Executive and also for those who are newly hired, elected, or politically appointed (e.g., staff in the NCO).

We have added the Executive to mandatory onboarding training because, when a Chief is elected to and becomes part of the Executive – either as a Regional Chief or as the National Chief – the AFN has a responsibility to ensure that the Chief’s behaviour in the AFN workplace and at AFN events is respectful, abides by anti-discrimination laws, and aligns with best practices.

Chiefs are in a leadership role. They represent their community and the AFN on local, national, and international stages. The Knowledge Keepers Council told us that change must start with the leadership and that Chiefs must be good role models for our Indigenous youth. Resolution 13 calls for the AFN to become a role model in ending gender- and sexual orientation–based discrimination and other forms of violence and bullying. Being a true role model begins with the AFN Executive. New members of the Executive must be provided with the same mandatory onboarding training as new hires.

c. Mandatory Training for All

At a minimum, the following training must be mandatory for all members of the Secretariat and the Executive, including new hires:

- anti-discrimination and harassment
- equity, diversity, and inclusion
- cultural humility, emotional intelligence, and building resilience
- psychological safety
- trauma-informed leadership and governance
- healing complex PTSD, intergenerational trauma, and institutional trauma through ceremony

i. Anti-Discrimination and Anti-Harassment Training

This training is required to assist people in recognizing microaggressions, unconscious bias, bullying (including cyber-bullying), lateral violence, and gender- and sexual orientation–based discrimination and harassment.

Employees and leaders who have experienced trauma are likely to be retraumatized when they are subjected to the microaggressions, lateral violence, sexualized violence, bullying, and harassment that persist at the AFN. For this reason, anti-discrimination and harassment training needs to incorporate aspects of trauma research and trauma-informed training that

highlight the need to build resiliency and adaptive processes to decrease incidents of retraumatization.

According to Myrna McCallum, who offers a training course on trauma-informed engagement, the following are known to assist in building resilience and in creating adaptive processes that help survivors of trauma cope:

- emotional intelligence
- regulation, co-regulation, and increasing the window of tolerance
- changing the narrative
- facing fears
- practising self-compassion, mindfulness, and meditation
- cultivating forgiveness
- practising cultural humility
- building social connection²⁵

Trainings based on these best practices must be built into the anti-discrimination and harassment trainings provided at the AFN. People who are resilient are better able to adapt to change and are skilled at gaining perspective, which reduces the collective trauma experienced in the organization.²⁶

ii. Equity, Diversity, and Inclusion Training

The Executive and the Secretariat must participate in meaningful and consistently provided training in equity, diversity, and inclusion from an 2SLGBTQQIA+ and Indigenous perspective. Currently, this type of training is not mandatory.

Training is required to assist in removing the barriers and biases that prevent the AFN from fostering a safe and inclusive workspace. Such training should address, among other things, systemic barriers, which the government of Canada defines as

policies or practices that result in some individuals from underrepresented groups receiving unequal access to or being excluded from participation in employment, services or programs. These barriers are systemic in nature, meaning they result from institutional-level practices, policies, traditions and/or values that may be “unintended” or “unseen” to those who do not experience them, but that have serious and long-lasting impacts on the lives of

²⁵ Myrna McCallum, “An Introduction to Trauma-Informed Engagement” (training session), <https://www.myrnamccallum.co>

²⁶ Dr. Larry Richard, “Mental Health in the Professions, Accommodating ‘Post Pandemic’ Stress Disorder, Building Resilience,” Law Society of Ontario, 11th Human Rights Summit, 2022.

those affected (e.g., on their career trajectories and/or mental and physical health).²⁷

Research shows that “leading organisations who prioritise inclusion and diversity see less staff turnover and higher rates of employee satisfaction for Indigenous staff.”²⁸ To help foster such employee stability and satisfaction within the AFN, the Panel recommends a consistent schedule of equity, diversity, and inclusion trainings for new hires, political appointees (in the NCO), and new Chiefs, in addition to annual training for all current members of the Secretariat and the Executive.

iii. Pronoun Training and Inclusiveness

While pronoun training generally falls under equity, diversity, and inclusion training, this aspect is often overlooked, and so we want to highlight its importance. Pronoun training was recently offered by the AFN, but it was optional. “Optional” implies that proper use of pronouns is not essential. Cisgender members of the Secretariat and the Executive may dismiss the importance of using appropriate pronouns when referring to those who are not cisgender. 2SLGBTQQIA+ members of the Secretariat and the Executive may not feel supported as a result. Further, 2SLGBTQQIA+ members shoulder the burden of educating those who do not know or understand why the use of appropriate pronouns is an essential precondition for promoting inclusion in the AFN.

In its report on the Women and 2SLGBTQQIA+ People’s Dialogue Sessions in 2021, the British Columbia AFN (BCAFN) recommended “formal training at workplaces, as well as the creation of access to 2S and LGBTQQIA+ Elders and Knowledge Keepers who could provide guidance on culturally appropriate ways to work with 2S and LGBTQQIA+ people.”²⁹

When it specifically addressed accountability, the BCAFN noted, “We must ... each take responsibility for our learning when it comes to understanding 2S and LGBTQQIA+ people. It is important to be supportive, respectful, help educate others, and put words into action when it comes to inclusiveness in laws, policies, gatherings, and tables. We heard how this is starting to happen in different communities.”³⁰

The Panel agrees with, supports, and adopts the BCAFN’s findings and recommendations.

²⁷ “Best Practices in Equity, Diversity, and Inclusion Research,” Government of Canada, <https://www.sshrc-crsh.gc.ca/funding-financement/nrf-fnfr/edi-eng.aspx>

²⁸ “Australian-First Research on Indigenous Women’s Working Lives Reveals Aboriginal and Torres Strait Islander Mums and Carers Most at Risk at Work,” Australian Government, Workplace, Gender, Equality Agency, October 26, 2021, <https://www.wgea.gov.au/newsroom/gari-yala-research-released>

²⁹ British Columbia, Assembly of First Nations, *Nourishing Hope and Belonging: Report on the BC Assembly of First Nations. 2021 Women and 2SLGBTQQIA+ People’s Dialogue Sessions* (British Columbia Assembly of First Nations, n.d.), 8.

³⁰ *Ibid.*, 20.

In addition to training, normalizing the identification of pronouns helps create a culture of inclusion that remains actively aware of identities beyond cisgender and outside the gender binary. The Panel encourages people to adopt the practice of identifying their pronouns and particularly encourages cisgender leaders and people with influence within the AFN to do so consistently to create space for everyone to follow their lead.

iv. Cultural Humility, Emotional Intelligence, and Building Resilience

Cultural humility, emotional intelligence, and resilience are useful tools that can help individuals heal from trauma. Cultural humility entails a reflective examination of one's own culture and a respectful learning about the cultures of others. Emotional intelligence refers to the ability of be aware of and manage one's own emotions and to wisely regulate one's relationships with others. Resilience enables individuals to respond to and recover from challenging situations. These tools can be taught as part of anti-discrimination and anti-harassment training, as outlined above.

v. Psychological Safety

Providing training to individuals on how to effectively communicate, set boundaries, be assertive, engage in difficult conversations, and recognize and increase their window of tolerance (e.g., be aware of triggers (activators) and dysregulation, and develop self-regulation) helps create a workplace environment that encourages psychological safety. Individuals will communicate more openly when they do not fear shame, punishment, or humiliation for expressing ideas and making mistakes.

vi. Trauma-Informed Leadership and Governance

Employees and leaders must be trained to recognize power imbalances between those who are in positions of power and those who are not, how those power imbalances create inequities, and how inequities may lead to the abuse of power and authority, which can be associated with trauma. In addition, trauma-informed governance recognizes the impact that colonial, institutional, and intergenerational trauma have had on the leadership of the organization.

Managers and supervisors must be able to access training about Indigenous awareness, cultural competence, and unconscious bias in order to avoid the influence of negative stereotypes on selection and assessment decisions affecting employees.

vii. Healing Complex PTSD, Intergenerational Trauma, and Institutional Trauma

Individuals in the AFN must be educated in the ways in which ceremony can be used to protect and heal. Later in this Report, we recommend incorporating Indigenous culture and the use of ceremony into the AFN on a daily basis as one way to help heal trauma.

d. Support for the Director of Human Resources

To do their job effectively, the Director of Human Resources (HR) must be supported by the AFN. The Director of HR requires initial and ongoing training in Canadian and provincial anti-discrimination laws, including the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 and the *Canada Labour Code*, R.S.C. 1985, c. L-2, so they can update the ADH Policy as needed.

e. Refresher Training

In addition to the onboarding training outlined above for new hires and new Executive members, ongoing standardized annual refresher trainings must be offered to every member of the Secretariat and the Executive as well as to contractors who are hired by and interact with the AFN. Ongoing training provides consistent reminders about behaviours that are not acceptable and will not be tolerated.

Incidents of lateral violence reported to the Panel underscore the need for ongoing and refresher education and leadership training for Chiefs, supervisors, managers, and directors to learn effective relationship-building skills, including those related to:

- leading and motivating a team;
- communicating and interacting with staff and colleagues;
- delegating work;
- providing structured and thoughtful feedback; and
- interacting with staff following internal promotion.

3. AFN Events

a. Training and Oversight at AFN Events

Abusive language and behaviour have been directed at staff and other attendees at AFN events. Those who work at AFN events, including at the registration table, require:

- training to identify and best respond to inappropriate and unacceptable behaviours;
- a designated person whom they can access when an incident occurs; and
- a clearly designated safe space with emotional support (such as a mental health worker) and cultural support (such as a trusted Elder/Knowledge Keeper).

Staff must be empowered with language to name experiences they witness that do not feel right. This is another reason why the mandatory trainings we have outlined are important. Some interviewees had a difficult time naming lateral violence until they educated themselves about what they had experienced. We recommend education and training as a way to make this language accessible to everyone.

b. Zero-Tolerance Policy at AFN Events

For transparency, from the moment the AFN advertises an event through to the event's completion, the AFN must disclose and enforce its zero-tolerance policy. The AFN must:

- have attendees sign an acknowledgment of this policy at registration;
- announce the policy at the commencement of the event;
- post signage at the venue; and
- post reminders on the website.

The acknowledgment must be clear about the repercussions of breaching the zero-tolerance policy, including immediate removal from the event. Anything less than immediate removal renders the space unsafe for other attendees and staff, and calls into question the AFN's commitment to ending discrimination, violence, and bullying within the organization and at AFN events. When drafting its zero-tolerance policy, the AFN will need to consider appropriate accommodation for those with medically diagnosed mental health disabilities who may unintentionally act out in ways that are inappropriate.

4. "What Would You Recommend?"

When we conducted interviews and sent out the survey, we asked people to share what would make them feel more comfortable when reporting incidents. They offered the following suggestions and recommendations:

- Provide an independent and confidential forum for all individuals where there is no fear of reprisal or retaliation.
- Put employee safety and anonymity at the forefront.
- Implement a clear reporting process that is transparent, fosters trust, and results in consistent outcomes.
- Provide assurance that the person responsible for the unacceptable behaviour(s) will be held accountable for their actions, regardless of political affiliation or rank within the AFN.
- Create a safe and inclusive environment where individuals are empowered to express their authentic selves and are heard.
- Provide adequate support and updates to the person reporting an incident so they are not left in the dark.

These recommendations highlight the need for safety, confidentiality, trust, and independence when it comes to the making of complaints and their follow-up.

5. Independent Office for Complaints and Investigations

The Panel heard repeatedly about the need for an independent, safe, and confidential place to report complaints. Most interviewees requested the creation of an office that is independent from the AFN to deal with complaints made about members of both the Secretariat and the Executive.

It is a clear conflict of interest for the Executive to receive and respond to complaints about its own members. This conflict of interest was specifically raised by the Knowledge Keepers Council. Resolution 13 itself calls for the creation of “a fair, ethical and independent system to address complaints and violations ... a fair, ethical and independent appeal and dispute resolution process ... [and] annual reporting to Chiefs-in-Assembly on ethics complaints violations.” The Panel adopts this recommendation.

Until a formal Independent Complaints and Investigations Office can be established, these responsibilities will need to be outsourced to an independent, impartial office in the short term. We recommend that this office also oversee all internal training, provide a hotline for reporting and counselling, establish metrics and other accountability measures, including standardized progress assessments, and follow up to ensure that accountability within the organization is ongoing.

a. Transparency and Accountability

The creation of a diverse and inclusive workplace that is a safer space for the Secretariat and the Executive requires employee buy-in, implementation, and measurement. Recognizing diversity and working towards true inclusion are proactive ways to guard against discrimination that go beyond the prohibited grounds set out in the *Canadian Human Rights Act*.

For the AFN to create a more inclusive and safe work environment, it must use transparent and leveraged metrics to track and measure diversity and inclusion efforts and success rates. As noted above, an Independent Complaints Office should establish the metrics and accountability measures that are put into place. Doing so includes the consistent implementation of meaningful exit interviews; two-way employee performance reviews; and the tracking of turnover rates (voluntary and involuntary), representation at key levels, time in position, and recruiting yield rates. Diversity and inclusion metrics should be part of this process, as “research shows including diversity and inclusion metrics as part of an employee’s performance review is a critical component to the success and longevity of diversity and inclusion initiatives in an organization.”³¹

³¹ Stacia Sherman Garr, Karen Shellenback, and Jackie Scales, *Diversity and Inclusion in Canada: The Current State* (Bersin by Deloitte, 2014), 29 and 35, <https://www2.deloitte.com/content/dam/Deloitte/ca/Documents/human-capital/ca-en-human-capital-diversity-and-inclusion-in-canada.pdf>

Succession planning that focuses on promotion from within the AFN and seeks to employ people from underrepresented groups, like women and two-spirited and LGBTQQIA+ individuals, at all levels of the organization, including leadership, will increase diversity and inclusion.

Metrics that are collected and measured must be reviewed and applied to ensure that the AFN is consistently working to implement and integrate workplace improvements. Tracking helps build transparency, accountability, and trust. But action must also move beyond metrics: “The old adage ‘what gets measured, gets done’ is a saying that encourages business leaders to implement tracing and measurement of key business and talent initiatives year over year. Unfortunately, for diversity and inclusion efforts, there is a disconnect between measuring and doing at many organizations.”³²

The identification of barriers and obstacles to advancement that exist within the AFN for Indigenous people, women, members of underrepresented groups, non-binary, and 2SLGBTQQIA+ community members must be collected anonymously so that staff will feel comfortable identifying the obstacles and barriers they face.

The AFN should use GBA Plus when revising job qualifications so that, whenever possible, a combination of education and lived experience is considered. Doing so will support the creation of a more inclusive work environment. The AFN might also develop and promote a policy on flexible work arrangements. These considerations are in line with intersectionally aware recruitment and retention policies.³³

b. Non-Disclosure Agreements

Non-disclosure agreements (NDAs) have historically been used to silence those who come forward to report how they have been harmed. NDAs are rooted in power imbalance, and their use by the AFN must be eliminated. The elimination of NDAs is in line with current best practices and legal trends.

6. Incorporating Indigenous Culture and the Use of Ceremony

The Knowledge Keepers Council recommended that ceremony become an integral part of the AFN, not only during Assembly, but as part of everyday life. Ceremony, traditional wisdom, and the Seven Teachings will assist in the revitalization of the AFN’s Indigenous culture.

In part, due to colonial trauma and loss of traditional territory, some individuals have lost their connection to traditional knowledge and ways. This loss is not surprising when we look at the

³² *Ibid.*, 35.

³³ Canadian Human Rights Commission, *Horizontal Audit on Indigenous Employment in the Banking and Financial Sector*, catalogue HR4-50/2019E-PDF, <https://www.chrc-ccdp.gc.ca/en/resources/publications/horizontal-audit-indigenous-employment-the-banking-and-financial-sector#:~:text=The%20ultimate%20goal%20of%20the,in%20the%20federally%2Dregulated%20workforces>

AFN as a corporate structure. It is an Indigenous organization that operates in a very colonial way. The AFN needs to reclaim its Indigeneity and incorporate traditional wisdom and ceremony by:

- encouraging people to come together in circle;
- using talking feathers and talking sticks;
- using sage, sweetgrass, brushing, and water to cleanse;
- using drumming, prayer, and song to connect with traditional ways; and
- designating a resident Elder or in-house spiritual adviser to provide a presence and guidance, and to share knowledge and wisdom.

The inherent wisdom of Indigenous culture and tradition can be taught to individuals so they can access personal ceremony to heal and keep themselves safe. Practices like carrying a stone or eagle feather to ground oneself, cleansing in water, brushing, and smudging are tools that can and should be taught at the AFN to provide all individuals with ceremonies they can incorporate into their daily lives at home and at work.

We recommend that Indigenous culture and ceremony be incorporated into the Independent Complaints Office as well. It is important for this office not to be another colonial construct, but rather a reflection of the people it serves.

7. Implementing a Trauma-Informed Approach

The AFN is an Indigenous organization that employs and interacts with Indigenous peoples who have experienced personal and intergenerational trauma. As Elder Roseann Martin has written, “Within Indigenous organizations, it is imperative employers and employees are fully informed and recognize the present-day effects of the traumas Indigenous people face. They must use a trauma informed and culturally appropriate approach to their human resources within the workplace.”³⁴

The Panel recommends that the AFN adopt a trauma-informed approach based on the following principles:

- **Safety:** ensuring physical, emotional, psychological, and cultural safety
- **Trustworthiness:** demonstrating trauma sensitivity at all levels of contact; respecting personal boundaries
- **Choice:** providing clear and appropriate messages about rights and responsibilities within the workplace, ensuring that individuals have control and can make choices

³⁴ Elder Roseann Martin, *Trauma-Informed and Culturally Appropriate Approaches in the Workplace* (Native Women’s Association of Canada, n.d.), 2, <https://www.nwac.ca/assets-knowledge-centre/Final-Trauma-Informed-Culturally-Appropriate-Approaches-in-the-Workplace-Final.pdf>

- **Collaboration:** sharing power; providing individuals with a significant role in planning, implementing, and evaluating
- **Empowerment:** building skills and empowering individuals in an atmosphere where everyone feel validated and affirmed
- **Respect for diversity:** respecting individual diversity in all forms³⁵

In a training session on trauma-informed engagement, Métis Cree lawyer Myrna McCallum outlines the following essential components of a trauma-informed practice:

- understanding trauma, triggers, boundaries, how the brain reacts to trauma, responses versus reactions, engagement style
- releasing trauma, including vicarious, cultural, and institutional trauma
- developing vicarious, organizational, and individual resilience
- prioritizing empathy, connection, changing ways, co-regulation, partnerships
- recognizing cultural humility, lived experience, implicit bias
- practising self-awareness, self-reflection, self-regulation, self-critique³⁶

The AFN Secretariat and Executive require ongoing training from an Indigenous perspective in all of these areas.

In addition, McCallum outlines the following essential components that must be present when creating a trauma-informed workplace:

- prioritizing psychological and physical safety
- prioritizing access to supports
- promoting institutional trust, transparency, and respect
- minimizing the risk of retraumatization
- committing to engaging with empathy
- offering workplace accommodations
- engaging subject matter experts to support trauma-informed processes
- teaching individuals how to set personal boundaries³⁷

8. Decolonizing the AFN and Returning to the Seven Teachings

When we noted the importance of incorporating Indigenous wisdom and ceremony into the AFN, we described the AFN as an Indigenous organization that is structured in a very colonial way. Misogyny, homophobia, transphobia, biphobia, disrespect, dishonesty, discrimination,

³⁵ Much of this list is adapted from "What Is Trauma-Informed Care?" University at Buffalo, Buffalo Center for Social Research, <https://socialwork.buffalo.edu/social-research/institutes-centers/institute-on-trauma-and-trauma-informed-care/what-is-trauma-informed-care.html#:~:text=The%20Five%20Guiding%20Principles%20are,that%20the%20provider%20is%20trustworthy>

³⁶ McCallum, "An Introduction to Trauma-Informed Engagement."

³⁷ Ibid.

lateral and sexualized violence, bullying, and harassment do not form any part of who we are as a people. Many Nations were matrilineal, and some are returning to their traditional ways. The AFN has an obligation to uphold women instead of facilitating their internalized oppression by systematically undermining and belittling them.

Some of the behaviours that have been described to the Panel are manifestations of the intergenerational trauma and abuse inflicted upon Indigenous people. However, as we said at the beginning of this Report, that trauma may not be the individual's fault, but healing is the individual's responsibility.

The Panel specifically acknowledges the unique and historical relationship between the two-spirited and LGBTQQIA+ community and Indigenous peoples. Two-spirited individuals were traditionally honoured and held in high regard by their Indigenous communities as healers, visionaries, and leaders. Colonization and attendance at residential school led to the forced imposition of heteronormative roles onto Indigenous children, resulting in a loss of two-spirited people and their honoured status within the community.

Lateral violence was identified by interviewees and by the Knowledge Keepers Council as being widespread in the AFN. As noted earlier, lateral violence is horizontal fighting and aggression that occurs within historically oppressed groups and "is widely recognized as a product of internalized historical and contemporary oppression."³⁸ Such violence affects Indigenous peoples on multiple levels:

At the macro-level, perceptions of toxicity within [Indigenous] communities have been reported as a barrier to the continuity of Indigenous cultures and as a factor influencing acculturation.... At the meso-level, lateral violence occurring in Indigenous workplaces has resulted in community members feeling unsupported and distressed.... Additionally, lower self-esteem and wellbeing resulting from experiences of lateral violence at the micro-level have been analyzed.³⁹

For the AFN to become a role model in bringing about meaningful systemic change, it must start asking, "How do our policies and procedures distance us from our traditional knowledge and perpetuate colonial ideals?"

To work towards repairing the damage and trauma that has occurred, the AFN must implement a restorative process that will address the harm, betrayal, and pain experienced by members of the Secretariat and the Executive. Repair requires accountability by the organization and an acceptance of responsibility for the trauma that has taken place within the

³⁸ Jaber et al., "Indigenous Women's Experience of Lateral Violence."

³⁹ Ibid.

AFN. The Panel recommends that the AFN retain a Restorative Justice Facilitator who is, ideally, Indigenous. When we say “Restorative Justice Facilitator,” we do not mean someone who is a mediator or a conflict-resolution specialist. This person must be trauma informed and have the skills required to assist the AFN in designing a restorative process to repair harm, address the causes of inappropriate behaviour, restore relationships, and hold space. There must be accountability to those who have experienced harm at the AFN, as relayed to the Panel and outlined in this Report.

The Panel also recommends that the AFN retain a person or organization with an Indigenous background to assist the AFN in designing a decolonized internal structure that is based on a foundation of Indigenous values, and an independent, decolonized process for reporting and dealing with the types of complaints we have outlined in this Report. Decolonizing the AFN will involve team-building exercises and dispute-resolution processes that are rooted in Indigenous culture and tradition.

Decolonization means that Indigenous peoples must challenge colonial influences in a way that is culturally informed, culturally safe, and trauma informed. Decolonization and Indigenization require Indigenous knowledge, teachings, and approaches to be integrated within the AFN. When Indigenous teachings are placed at the heart of the AFN, those teachings will inform every practice within the organization.

Appendices

Appendix A: Recommendations of the Resolution 13 Panel

The Panel was asked to make recommendations following our Review to assist the AFN in renewing itself as a role model and in ending gender- and sexual orientation–based discrimination, including harassment, microaggressions, sexism, homophobia, transphobia, and misogyny, within the organization. The recommendations must be made in consultation and collaboration with members of the AFN Secretariat to secure employee buy-in. To ensure the wellbeing of all members of the Secretariat and Executive, the AFN must adopt a trauma-informed approach in responding to these recommendations. Finally, the organization must put processes in place to ensure transparency and accountability in implementing and reviewing these recommendations and tracking their impact.

The Panel's recommendations are as follows:

Changes to AFN Documents

1. **Amend Internal AFN Documents:** Please see Appendix B.
2. **Amend the AFN Charter:** As set out in Resolution 13 (section 6 (vii) (f)), make “amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the organization.”

Training, Policies, and Procedures

3. **Indigenous-Specific Training:** Ensure that all training is nuanced as well as AFN and Indigenous specific.
4. **Onboarding Training:** Standardize mandatory onboarding training for all new hires, the Executive (including newly elected Chiefs and newly appointed Council Members), political appointees, and contractors.
5. **Mandatory Training for Everyone at the AFN (Including New Hires and Newly Elected Chiefs):**
Outsource mandatory training that is Indigenous and AFN specific in the following areas:
 - a. microaggressions, bullying (including cyber-bullying), violence (including lateral violence), discrimination (including gender- and sexual orientation–based discrimination), and harassment
 - b. basic assertiveness
 - c. unconscious bias

- d. equity, diversity, and inclusion
 - i. gender pronouns
 - ii. culturally appropriate ways to work with and support 2SLGBTQQIA+ individuals
 - e. cultural humility, emotional intelligence, and building resilience
 - f. preparation for the potential psychological hazards associated with the job
 - g. how to set personal boundaries in the workplace
 - h. communications and having difficult conversations
 - i. triggers (activators), dysregulation, self-regulation, and the window of tolerance
 - j. a trauma-informed workplace and a trauma-informed approach
 - k. power imbalances and abuse of power
 - l. colonial trauma
 - m. healing through ceremony
6. **Mandatory Ongoing Training:** Provide annual mandatory refresher trainings for the Secretariat and the Executive.
7. **Training and Oversight at AFN Events:** Support all staff by providing training to identify and respond to inappropriate and unacceptable behaviours at AFN events.
8. **Training for Those in Supervisory Positions:**
Provide onboarding and refresher training in the following areas for all those in supervisory positions:
- a. leading and motivating a team
 - b. communicating and interacting with staff and colleagues
 - c. delegating work
 - d. providing structured and thoughtful feedback
 - e. interacting with staff following an internal promotion
9. **Training in Human Resources:** Support the Director(s) of Human Resources (HR) in their position by providing them with initial training in Canadian and provincial anti-discrimination laws and consistently providing ongoing training in response to changes in the law and best practices in HR.
10. **The Anti-Discrimination and Harassment Policy (ADH Policy):** Ensure that the following individuals review and sign off on the ADH Policy annually and whenever there is a change in anti-discrimination laws:
- a. the Director of HR
 - b. each member of the Secretariat
 - c. each member of the Executive

11. **Annual Reporting:** Implement annual reporting to Chiefs-in-Assembly regarding all incidents of complaints and violations; the status of each incident, the steps taken to address the incident, and the outcome of that action; and an analysis and revision (if necessary) of policies to help prevent similar incidents from occurring in the future.
12. **AFN Policies and Procedures (Including the ADH Policy):** Implement a scheduled review to ensure policies and procedures are up to date with relevant current legislation and are in line with best practices.
13. **Equitable Practice:** Ensure the policies and procedures that apply to staff apply to the Executive and Chiefs.
14. **Implementation and Enforcement of a Zero-Tolerance Policy:**
 - a. Post prominent signage at AFN events and in the workplace, stating that there is a zero-tolerance policy for all types of harassment, bullying, violence, and discrimination, and that those who offend the policy will be removed (the “zero-tolerance policy”).
 - b. Post a clear statement of the zero-tolerance policy on the AFN website.
 - c. Obtain signed acknowledgments from the Secretariat and Executive, new hires, newly elected Chiefs, political appointees in the National Chief’s Office (NCO), and contractors that they understand and will abide by the zero-tolerance policy.
 - d. Obtain a signed acknowledgment from each registrant when registering for Assemblies and other AFN events that they understand and will abide by the zero-tolerance policy.
 - e. Announce the zero-tolerance policy at the commencement of AFN Assemblies and events, and announce reminders at the beginning of each day and after lunch.
 - f. Designate trained staff to remove anyone from an AFN Assembly or event if they offend the zero-tolerance policy.
 - g. Designate a safe space at AFN Assemblies and events that includes emotional support (such as a mental health worker) and cultural support (such as a trusted Elder/Knowledge Keeper).

Handling Complaints

The Panel notes that Resolution 13 calls for the Panel to outline a process for complaints; however, we recommend that an independent office be created to establish a confidential, accessible process.

15. Create an office that is independent from the AFN to confidentially handle all complaints and conduct investigations (“Independent Office”) with personnel who are trauma informed; committed to equity, diversity, and inclusion; and specifically trained to engage with Indigenous individuals and organizations.
16. Create a confidential hotline (accessible by voice or email) so those who need to can speak with someone in the Independent Office.
17. Create a well-articulated, accessible threat of harm plan to respond to workplace violence, bullying, and discrimination in all forms.

Incorporating Indigenous Culture and the Use of Ceremony

18. Incorporate Indigenous culture and ceremony as part of daily life at the AFN. The proper use of culture and ceremony must be taught and guided by an Elder or Knowledge Keeper or similarly knowledgeable and culturally appropriate individual. The AFN can incorporate Indigenous culture and ceremony by:
 - a. encouraging people to come together in circle;
 - b. using talking feathers and talking sticks;
 - c. using sage, sweetgrass, brushing, and water to cleanse;
 - d. using drumming, prayer, and song to connect with traditional ways; and
 - e. designating a resident Elder or in-house spiritual adviser to provide a presence and guidance, and to share knowledge and wisdom.
19. Establish workshops and teachings at the AFN to allow individuals to access personal ceremony for healing and keeping themselves safe. Practices like carrying a stone or eagle feather to ground oneself, cleansing in water, brushing, and smudging are tools that can and should be taught at the AFN to provide all individuals with ceremonies they can incorporate into their daily lives at home and at work.

Accountability, Transparency, and Trust

20. Collect and analyse metrics to ensure that the AFN is consistently working to implement and integrate improvements that will make it a safer, more inclusive workplace.
21. Use transparent and leveraged metrics to track and measure diversity and inclusion efforts and success rates.
22. Hold an exit interview with each employee, political appointee, and member of the Executive who leaves the AFN.
23. Measure and track reported incidents and levels of inter-organizational microaggression, lateral violence, bullying, and discrimination in all forms.
24. Implement succession planning to focus on promotion from within the AFN and seek to employ underrepresented people at all levels of the organization.
25. Establish a permanent and appropriately funded committee or working group to oversee the implementation of an accountability plan and to hold the AFN accountable for implementing the recommendations in this Report and for developing appropriate metrics and reporting requirements.

Implementing a Trauma-Informed Approach

26. Implement a trauma-informed approach that is based on the following principles:
 - **Safety:** ensuring physical, emotional, psychological, and cultural safety
 - **Trustworthiness:** demonstrating trauma sensitivity at all levels of contact; respecting personal boundaries
 - **Choice:** providing clear and appropriate messages about rights and responsibilities within the workplace, ensuring that individuals have control and can make choices
 - **Collaboration:** sharing power; providing individuals with a significant role in planning, implementing, and evaluating
 - **Empowerment:** building skills and empowering individuals in an atmosphere where everyone feel validated and affirmed
 - **Respect for diversity:** respecting individual diversity in all forms

27. Implement mandatory trauma-informed onboarding and refresher training from an Indigenous perspective (as outlined in the Training section of the Report), ensuring that it includes the following components, which are integral to a trauma-informed approach:
- a. understanding trauma, triggers, boundaries, how the brain responds to trauma, responses versus reactions, engagement style
 - b. releasing trauma, including vicarious, cultural, and institutional trauma
 - c. developing vicarious, organizational, and individual resilience
 - d. prioritizing empathy, connection, changing ways, co-regulation, partnerships
 - e. recognizing cultural humility, lived experience, implicit bias
 - f. practising self-awareness, self-reflection, self-regulation, self-critique
 - g. prioritizing psychological and physical safety
 - h. prioritizing access to supports
 - i. promoting institutional trust, transparency, and respect
 - j. minimizing the risk of retraumatization
 - k. committing to engage with empathy
 - l. offering workplace accommodations
 - m. engaging subject matter experts to support trauma-informed processes
 - n. teaching individuals how to set personal boundaries

Decolonizing the AFN

28. Incorporate the Seven Teachings into the structure of the AFN so they apply to everyone within the organization, including the Executive.
29. Incorporate Indigenous ways, knowledge, medicine, and spirituality into the AFN as an organization.
30. Consider having a resident or in-house spiritual adviser who is an Elder/Knowledge Keeper and who provides staff with the opportunity to learn the use of personal ceremony to heal and keep themselves safe. The Panel suggests that the individual in this role be changed from time to time.
31. Retain an expert person or organization with an Indigenous background to assist the AFN in designing a decolonized internal structure that includes a foundation in Indigenous values, and an independent, decolonized process for reporting and dealing with the types of complaints outlined in this Report.

Application to Regions

32. The Panel recommends that all Regional Offices adopt these recommendations.

Timelines for Implementation

Within six months (by January 31, 2024):

1. Establish an appropriately funded committee or working group to oversee the implementation of an accountability plan. The committee will hold the AFN accountable for implementing the recommendations in this Report and for developing appropriate metrics and reporting requirements.
2. Make pronoun training mandatory and ensure that all members of the Secretariat and Executive take the training.
3. Normalize the identification of pronouns to help create a culture of inclusion that is actively aware of identities beyond cisgender and outside the gender binary. The Panel encourages people to adopt the practice of identifying their pronouns and particularly encourages cisgender leaders and people with influence within the AFN to do so consistently to create space for everyone else to follow their lead.
4. Implement the zero-tolerance policy at AFN events.
5. Announce the zero-tolerance policy at the commencement of each day of AFN events.
6. Post the zero-tolerance policy at visible and strategic areas at the event venue and on the AFN website.
7. Add a zero-tolerance policy acknowledgment to the AFN Events Registration Package to be reviewed and signed by all attendees.
8. Review the zero-tolerance policy with the current Secretariat and political appointees in the NCO.
9. Ensure that new hires sign off on and commit to abiding by the zero-tolerance policy upon accepting their position with the AFN.
10. Review the zero-tolerance policy with the current Executive, proxies, and contractors, and ensure that they sign off on and commit to abiding by the zero-tolerance policy.
11. Ensure that newly elected leaders, new proxies, and new contractors sign off on and commit to abiding by the zero-tolerance policy upon election, appointment, or hiring.

12. Start setting up the Independent Office where complaints can be made and processed, as outlined in the Report.

Within one year (by July 30, 2024):

13. Review all documents and policies within the AFN and implement a regular review schedule.
14. Amend AFN documents in accordance with the Panel's recommendations (see Appendix B).
15. Revise the Code of Conduct and Ethics for the AFN Executive Committee and ensure that it is reviewed and signed by each existing member of the Executive and all newly elected leaders, both at the initial revision and annually, including the members of all Councils who form part of the Executive.
16. Expand the definitions of "harassment" and "discrimination," and rewrite internal documents, as outlined in the Report and Appendix B.
17. Create an orientation package for new hires that outlines the resources that are available, including benefits for therapy and counselling.
18. Implement a regular review and reporting process. Ideally, the process should take place every quarter, reviewing incidents and complaints that have occurred in the past three months; alternatively, an annual review would review incidents and complaints from the past twelve months.
19. Start implementing the trainings outlined in the Report and paragraphs 3–9 under Training, Policies, and Procedures above.

Within eighteen months to two years (by July 31, 2025):

20. Complete implementing the trainings outlined in the Report and in paragraphs 3–9 under Training, Policies, and Procedures above, ensuring that the trainings are Indigenous and AFN specific, as outlined in the Training section of the Report. These should include training on:
 - a. basic assertiveness;
 - b. how to set personal boundaries;
 - c. triggers, dysregulation, and the window of tolerance;
 - d. the trauma-informed workplace; and

- e. healing through ceremony (carrying a stone; using water or brushing to cleanse, etc.)
21. Complete the process of setting up the Independent Office where complaints are made and processed, as outlined in the Report.
 22. Decolonize the AFN and integrate Indigenous values, including the Seven Teachings, into the workplace.
 23. Establish the AFN as a trauma-informed workplace for all in the Secretariat and the Executive.

Appendix B: Recommended Changes to the Human Resources Policy Manual and Other Internal Documents

In this appendix, the Panel outlines some specific revisions to be made to AFN documents. These changes are not exhaustive: the items listed here are a starting point; they are intended to be representative of the types of changes that are required in all AFN documents. The AFN must complete an internal review of all documents according to best practices to ensure that its documents are inclusive and gender neutral.

Resolution 13 calls for “the AFN to include harassment, microaggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation and gender-based discrimination.” In addition, definitions in internal documents must be expanded to include the terms *microaggressions*, *cyber-bullying*, *lateral violence*, *misogyny*, *gender-based discrimination*, *sexual orientation–based discrimination*, *homophobia*, *biphobia*, *queerphobia*, and *transphobia*.

In the documents reviewed by the Panel, the definition of *sexual harassment* is limited to actions and words that carry a connotation that is sexually suggestive. However, the term is much broader than this. It also includes comments about someone’s sexual orientation or gender expression, and these aspects must be included in a revised definition of the term.

The Human Resources Policy Manual (Revised April 27, 2022)

1. Update terms with gender-neutral language:
 - a. page 5: change conjugal to spousal or partnered
 - b. page 6:
 - i. change *mother* and *father* to *parent*
 - ii. change *step-mother* and *step-father* to *step-parent*
 - iii. change *brother* and *sister* to *sibling*
 - iv. change *daughter* and *son* to *child* or *children*
 - v. change *aunt* and *uncle* to *pibling* or *parent’s sibling*
 - c. page 21, second bullet: change *spouse* to *spouse or partner*
 - d. page 46, first line: change *he/she* to *they*
 - e. page 53: clarify the phrase “termination of the pregnancy” (three times) to make intention of section clearer
 - f. page 58, first line, last paragraph: change *he or she* to *they*
 - g. page 74, second-last line: change *his/her* to *their*

2. Page 28, (c) Necessary/Required Training:
 - a. add “Gender-Based Assumptions and/or Equity, Diversity, and Inclusion (EDI) training”
 - b. “required human rights training” is not clear: it needs to be worded unambiguously and requires a timeframe for initial training and refreshers
3. Page 77, paragraph 4: add *partner* after *spouse*
4. Page 89, point 8: add *harassing* and *bullying*
5. Page 91, under “Objectives”: change definition as follows: “... that is free from harassment and violence, including lateral violence, sexualized violence, bullying, and cyber-bullying, as well as from discrimination, including discrimination based on sexual orientation, gender, or gender expression. The AFN is dedicated to promoting a workplace that embraces equity, inclusion, and respect.”
6. Page 91: add the term *cyberbullying*, with the following definition:
“Cyberbullying is a criminal offence covered by the [Protecting Canadians from Online Crime Act](#), which took effect on March 10, 2015. Cyberbullying may include:
 - posting embarrassing or intimate photos of someone online;
 - sending threatening or cruel text/instant messages or emails;
 - creating a website to mock or embarrass someone;
 - pretending to be another person by using their name or other personal information; and
 - tricking a person into divulging personal or embarrassing information and forwarding it to other people.”
7. Page 91: add the term *sexual orientation– and gender-based discrimination*, with the following definition:
“Sexual orientation– and gender-based discrimination may include:
 - treating someone unfavourably or disadvantageously because of their gender or sexual orientation, in a way that is not necessarily sexual in nature;
 - harassment and discrimination based on sex, gender identity, or gender expression, including transgender status; and
 - disadvantageous treatment when hiring or firing, and/or in job assignments, remuneration, promotions, layoffs, training, fringe benefits, and any other term or condition of employment.”

8. Page 91: add the term *lateral violence*, with the following definition: “Lateral violence is a deliberate and harmful behaviour demonstrated in the workplace by one employee to another. Lateral violence happens when individuals who have endured oppression suppress feelings such as anger, shame, and rage. Eventually these feelings manifest in behaviours that reflect jealousy, resentment, blame, and bitterness and that are directed towards others.”
9. Page 91: add the term *sexualized violence*, with the following definition: “Sexualized violence is a non-consensual, unwanted, actual, attempted, or threatened act or behaviour that is carried out through sexual means or by targeting a person’s gender, sexual identity, gender identity, or gender expression. This act or behaviour may or may not involve physical contact.”
10. Page 91, fourth definition from bottom of page: change *domestic violence* to *intimate partner and family violence*
11. Pages 91–2: under definition of *occurrence*, after “an incident that includes a claim of harassment and/or violence,” add “including lateral violence, sexualized violence, bullying, and cyber-bullying, as well as discrimination, including discrimination based on sexual orientation, gender, or gender expression.” Within the existing definition, replace *domestic* with *intimate partner*.
12. Page 92: consider changing *victim/survivor* to *a person who has experienced violence*
13. Page 92: under definition of *workplace harassment and violence*, after “includes all types of harassment and violence such as sexual harassment and assault,” change *domestic violence* to *intimate partner violence* and add “lateral violence, sexualized violence, bullying, and cyber-bullying, as well as discrimination, including discrimination based on sexual orientation and gender”
14. Page 92, “Policy”:
 - a. change *equality* to *equity*
 - b. add the following to the terms *harassment and violence* (in three places in the paragraph) “harassment, and violence including lateral violence, sexualized violence, bullying and cyber-bullying, as well as discrimination, including discrimination based on sexual orientation and gender”
 - c. change *domestic* to *intimate partner*

15. Page 93: move up section “What Is Harassment and Violence” closer to the top of the section, and make the following changes:
 - a. heading: revise heading to “Understanding Harassment, Violence, Bullying, and Discrimination”
 - b. second-last bullet: change to “isolating, making fun of, or discriminating against an individual based on gender identity or gender expression”
 - c. last bullet: expand definition of *lateral violence*, as follows: “deliberate and harmful behaviour demonstrated in the workplace by one employee to another. Lateral violence happens when individuals who have endured oppression suppress feelings such as anger, shame, and rage. Eventually these feelings manifest in behaviours that reflect jealousy, resentment, blame, and bitterness. Lateral violence can include bullying, threats, harassment, and physical violence.”
 - d. Under “Roles and Responsibilities,” third bullet: expand the definition of *harassment and violence* to include “bullying, discrimination, isolating, making fun of, or discriminating against an individual based on gender identity or gender expression”
 - e. Under “Director,” fourth bullet: add “gender-based discrimination, bullying, and lateral violence” to the necessary trainings
16. Page 94, first bullet: expand the description of the term *harassment or violence* at the end of the sentence to include “bullying, discrimination, isolating, making fun of, or discriminating against an individual based on gender identity or gender expression”
17. Page 94, second bullet under “Employees and Immediate Supervisors/Managers”: expand the description of *harassment and violence* to include the elements in (16) above
18. Page 94, fourth bullet: expand training to include “bullying, lateral violence, and gender-based discrimination”
19. Page 94, fifth bullet: expand the description of *harassment and violence* to include the elements in (16) above
20. Page 94, first bullet under “Joint Health and Safety Committee”: expand the definition of *harassment and violence* to include the elements in (16) above
21. Page 95, first paragraph: expand the description of *harassment and/or violence* in the second-last line and in (a) and (b) in the next paragraphs to include the elements in (16) above
22. Page 98, under “Occurrence Reports” and “Privacy”: expand the description of *harassment and violence* to include the elements in (16) above

23. Page 98: consider changing heading “Domestic Violence” to “Intimate Partner Violence”
24. Page 99, under “Workplace Assessment”: expand the description of *harassment and violence* to include the elements in (16) above
25. Page 99, under “Training”: expand to include “training for bullying, lateral violence, gender-based discrimination, and fostering a workplace where these behaviours are not tolerated”
26. Page 99, under “Other Measures”: expand the description of *harassment and violence* to include the elements in (16) above
27. Page 111, under (a) “No Discrimination or Harassment” and (b) “Abide by Workplace Policies,” and page 112, under (d) “Serve Clients/the Public”: expand the definitions of *harassment and discrimination* to include “bullying, lateral violence, or gender-based discrimination” throughout each section

Additional Considerations

The AFN should also consider the following when revising the Policy Manual:

- the need for a graduated timeframe for dealing with complaints on a step-by-step basis
- the need for timeframes for initial trainings and refreshers
- a greater need for training following internal promotions, as these promotions may create increased tensions and challenges due to the individual being in a new position of authority over others
- the importance, when considering promotions, of reviewing documented instances of negative behaviours that are on file
- the use of Gender-Based Analysis Plus (GBA Plus) when drafting new policies that will affect employees within the AFN

Other Documents

Please note that the principles underpinning the preceding recommendations also apply to the AFN Charter, the AFN Code of Conduct and Ethics, and all other internal documents.

The AFN Charter

The language of the AFN Charter is not inclusive. For example, the second sentence of Article 20(1) uses *he (or she)*, while Article 20(3) uses *his (or her)*, and Article 22(3) repeatedly refers to

his. These pronouns need to be changed to gender-neutral language, in keeping with the examples in (1) above.

Resolution 13 calls for the AFN Charter to meet the highest standards with respect to eliminating gender- and sexual orientation–based discrimination in the organization. The Panel agrees. When the AFN conducts its internal review of documents in accordance with best practices, the organization must give special attention to the AFN Charter.

The Code of Conduct and Ethics for the AFN Executive Committee

1. The Code of Conduct and Ethics, which applies to AFN leadership, must be clear that leaders of all genders are to be treated by other leaders with dignity, decency, and respect.
2. Updates are required to the definitions section for the following terms: *discrimination, harassment, sexual harassment, and violence*.
3. Section 6(m) provides a list of behaviours that the Executive is expected to “refrain from.” This list should be expanded to include “lateral violence, cyber-bullying, and bullying,” and those terms should be added to the definitions section.
4. The reference in section 7(b) to “personal interests” could be used against someone trying to bring forward change (e.g., a woman advocating reforms for women, an 2SLGBTQQIA+ person advocating reforms for their community). The language that is used in 7(b) must clearly reflect the intention of the section. The Panel recommends removing “subordinates their personal interests” so that the section reads “upholds the best interest of their region and the AFN.”
5. Expand section 7(l) so that the phrase “lateral violence and bullying and cyber-bullying” is included in the list of proscribed behaviours, following “violence, discrimination and harassment.”
6. Under “General Principles,” on page 1, change to “ethical, accountable representation by the Executive that is free from harassment and violence, including lateral violence, sexualized violence, bullying, and cyber-bullying, as well as discrimination, including discrimination based on sexual orientation, gender, or gender expression.”
7. Under “Harassment,” on page 1, after each mention of sex, add “sexual orientation, sexual expression, and gender-identity.”
8. Under “Sexual Harassment,” on page 1, expand the definition to include “inappropriate jokes, questions, unwelcome comments, staring, and invasion of personal space,” and to

include the phrase “harassment on the basis of sexual orientation, gender-based discrimination, and gender expression.” Note that an individual’s comments do not have to imply the desire to have a sexual relationship or encounter with someone to qualify as “sexual harassment,” as the current definition implies.

9. Under “Violence,” on page 1, expand the definition to state that it “includes sexualized and lateral violence and bullying, including cyber-bullying.”
10. Include a call for the AFN to include harassment, microaggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation– and gender-based discrimination (taken from Resolution 13).
11. “Oath of Office,” on page 8:
 - a. Add a specific statement to the oath that “AFN Staff” will be treated with respect.
 - b. Add an acknowledgment to the oath that harassment, bullying, violence, and discrimination (as defined earlier in the Code) will not be tolerated. (As noted above, the definitions in the Code need to be broadened to include cyber-bullying, lateral violence, and gender- and sexual orientation–based discrimination.)
 - c. Consider adding the following or a similarly worded acknowledgment to the oath:

Workplace Conduct

Members of the Executive, AFN Members, AFN Staff, and members of the public are to be treated with respect and dignity. I will not engage in discriminatory conduct prohibited by the *Canadian Human Rights Act*. The prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, family status, marital status, genetic characteristics, disability, and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

I further acknowledge that my conduct in the workplace must meet accepted social standards and must contribute to a positive work environment. Bullying, threats, harassment, violence (including lateral or sexualized violence), or any other inappropriate conduct compromising the integrity of the AFN will not be tolerated.

The Bylaws of the NIB

1. Change the name of the National Indian Brotherhood to a name that is inclusive and gender neutral.
2. The reference to *headmen* in the “Assembly of First Nations” definition requires updating to a gender-neutral term.
3. Discipline of members (section 16) must include a reference to a revised Code of Conduct and Ethics.

Appendix C: Resolution 13

Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

**ANNUAL GENERAL ASSEMBLY
DECEMBER 8 & 9, 2020, OTTAWA, ON**

Resolution no. 13/2020

TITLE: **Becoming A Role Model in Ending Sexual Orientation and Gender-Based Discrimination Within the Assembly of First Nations**

SUBJECT: Gender equity, sexual orientation and gender-based discrimination

MOVED BY: Khelsilem, Squamish Nation, BC

SECONDED BY: Chief Doris Bill, Kwanlin Dün First Nation, YK

DECISION: Carried; 12 objections; 4 abstentions

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Annex: Reaffirming that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind;
- ii. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity;
- iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;
- iv. Article 15: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;
- v. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

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PERRY BELLEGARDE, NATIONAL CHIEF

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**ANNUAL GENERAL ASSEMBLY
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- vi. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary;
 - vii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;
 - viii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B.** The Assembly of First Nations (AFN) is an organization established to advocate and support its First Nation members' interests.
- C.** The AFN seeks to be a proactive, progressive and responsive organization that upholds its First Nation members' values and interests at all levels of leadership and within and throughout every branch of the organization and administration.
- D.** AFN members look to the AFN to set minimum standards for organizational conduct and accountability.
- E.** The AFN can and should be a role model in best practices for ethical conduct and accountability on ending sexual orientation and gender-based discrimination in the organization.
- F.** First Nations Women, Elders, Youth and the 2SLGBTQIA represent vulnerable sectors within society.
- G.** AFN leadership has a responsibility to ensure that the governance of the organization does no harm, and that the AFN organization and administration:
- i. supports the most vulnerable members within our societies;
 - ii. takes action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the AFN organization or administration; and
 - iii. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment and violence and achieve gender equity.
- H.** Discrimination happens when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression.
- I.** AFN activities requires participation by different groups of individuals, both internal and external to the AFN, as follows:

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- i. Political - elected officials: the National Chief, Regional Chiefs, the Knowledge Keepers Council, Women's Council and Youth Council;
 - ii. Secretariat AFN employees;
 - iii. Chiefs' Committees (elected First Nation leadership); and
 - iv. First Nations-In-Assembly: First Nation leaders, technicians, advisors, guests.
- J. At the AFN Special Chiefs' Assembly on May 23, 2007, the Chiefs-in-Assembly passed Resolution 02/2007 endorsing the AFN Women's Council Gender Balanced Analysis Framework to be used as a policy teaching tool to restore traditional egalitarian partnerships and relationships among men and women.
- K. In October 2014, the AFN Executive Committee received the AFN Women Council's Strategy titled "Promoting Empowerment, Equity and Leadership" which endorsed a Gender-Based Analysis of the AFN leadership and committees, overall organization and administration with the intent to provide recommendations to Chiefs-in-Assembly at the AFN Annual Assembly (2021).

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Order an independent, fair, and impartial investigative review of the Assembly of First Nations (AFN) ("investigative review") to end sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the organization, to be called "*The 2020-2021 AFN Investigative Review to End Sexual Orientation and Gender-Based Discrimination*".
2. Establish that the objective of the investigative review is to examine specific incidents to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN.
3. Order an independent three-member panel of external experts to oversee the Investigative Review with:
 - i. an independent appointee chosen by the Women's Council;
 - ii. an independent appointee chosen by the Knowledge Keepers Council; and,
 - iii. an independent appointee chosen by the Youth Council.
4. Direct the Women's Council, the Knowledge Keepers Council and the Youth Council to meet within 30 days of the passing of this resolution to appoint the independent three-member panel of external experts.
5. Direct the AFN to ensure the independent investigative review is financially resourced and supported by, and given unfettered access to the AFN Executive Committee and AFN administration to carry out the review's objective.

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- 6.** Direct that this investigative review includes, at a minimum:
- i.** codes of conduct for all aspects of the AFN organization;
 - ii.** investigators with experience and knowledge of First Nations organizations and expertise in conducting complex investigations;
 - iii.** provide an outline regarding processes for those involved with the AFN to report allegations and how these incidents are addressed;
 - iv.** a staged review beginning with specific allegations and then moving to a broader look at of systemic sexual orientation and gender-based discrimination in the organization and a plan moving forward to address these matters;
 - v.** conforms to employment law legislation in effect;
 - vi.** provide various means for current or past First Nations leaders, AFN members, and others to confidentially share experiences of sexual orientation and gender-based discrimination in the AFN; and,
 - vii.** presentation of the findings of this review and investigation in a report with recommendations to the Chiefs-in-Assembly that includes:
 - a.** reviewing and recommending changes to the codes of conduct, policies, bylaws and practices with the aim of eliminating sexual orientation and gender-based discrimination in the AFN, improving gender parity on all committees, and improving the ethics, conduct, and accountability systems in the AFN;
 - b.** recommendations regarding the advisability of an independent ethics officer in the AFN to receive, review, and address complaints, including what new roles and resources are needed to support this office;
 - c.** recommendations for a fair, ethical and independent system to address complaints and violations;
 - d.** recommendations for fair ethical and independent appeal and dispute resolution processes;
 - e.** recommendations for annual reporting to Chiefs-in-Assembly on ethics complaints and violations;
 - f.** recommendations for amendments to the AFN Charter to meet the highest standards for eliminating sexual orientation and gender-based discrimination in the organization;

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- g.** recommendations for mandatory training to be attended by the AFN Executive Council, senior management and staff at the AFN; and,
 - h.** any additional recommendations needed to address sexual orientation and gender-based discrimination within the AFN.
- 7.** Direct the three-member panel to report to the Chiefs-in-Assembly within six months, with an interim report followed by a final report within nine months of this resolution's passing.
- 8.** Call for the AFN to renew itself as a role model organization to end sexual orientation and gender-based discrimination including harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny within the organization.
- 9.** Call for the AFN to include harassment, micro-aggressions, sexism, homophobia, transphobia, and misogyny in its definition of sexual orientation and gender-based discrimination.

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Appendix D: Resolution 13 Panel Terms of Reference

Panelist Terms of Reference **Resolution 13: Becoming a Role Model in Ending** **Sexual Orientation and Gender-Based Discrimination**

As Canada makes its own efforts to eliminate discrimination against women and members of the 2SLGBTQIA+ community, organizations such as the Assembly of First Nations (AFN) are called upon to provide leadership and become role models toward ending sexual orientation and gender-based discrimination.

Purpose

The purpose of the Terms of Reference is to set out the overarching principles, vision, mandate, and procedures of the Resolution 2020-13 Panel (the “Panel”).

Overarching Principles

The safety and well-being of women and members of the 2SLGBTQIA+ community will be at the centre of the Panel’s work. The overarching principles for the Panel in conducting its work are:

- to improve the experiences and outcomes for women and members of the 2SLGBTQIA+ community when interacting with and working within AFN; and
- to provide a report of recommendations and required actions for AFN to act upon to become role models in working to end sexual orientation and gender-based discrimination.

Vision

The Panel will be guided by the following vision:

- to provide an independent, fair, impartial and objective review of the AFN to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN; and
- to assist in ending sexual orientation and gender-based discrimination and all other forms of violence, including sexualized violence, lateral-violence, bullying and cyber-bullying in the AFN.

Mandate

The mandate of the Panel is to provide information and recommendations that will enable the AFN to identify and remedy gender-based discrimination and discrimination based on sexual orientation. Recommendations will be made to assist the AFN in creating a more respectful atmosphere for all AFN member First Nations, staff, and partners. This important work by the Panel and the follow up work by the AFN, will assist the Government of Canada in its parallel

efforts to end gender and sexual orientation-based discrimination and to model to individuals and organizations what can be achieved.


Procedures

In conducting its work, the Panel will:

- Review the applicable laws, AFN policy, code of conduct, literature, and scholarly articles pertaining to these important issues
- Provide opportunity and create confidential processes for hearing and being provided with written information about gender and sexual orientation-based allegations and complaints
- Include an open process for past and present leaders, members, and staff to contribute their perspectives and experiences
- Develop a report that includes recommendations and required actions

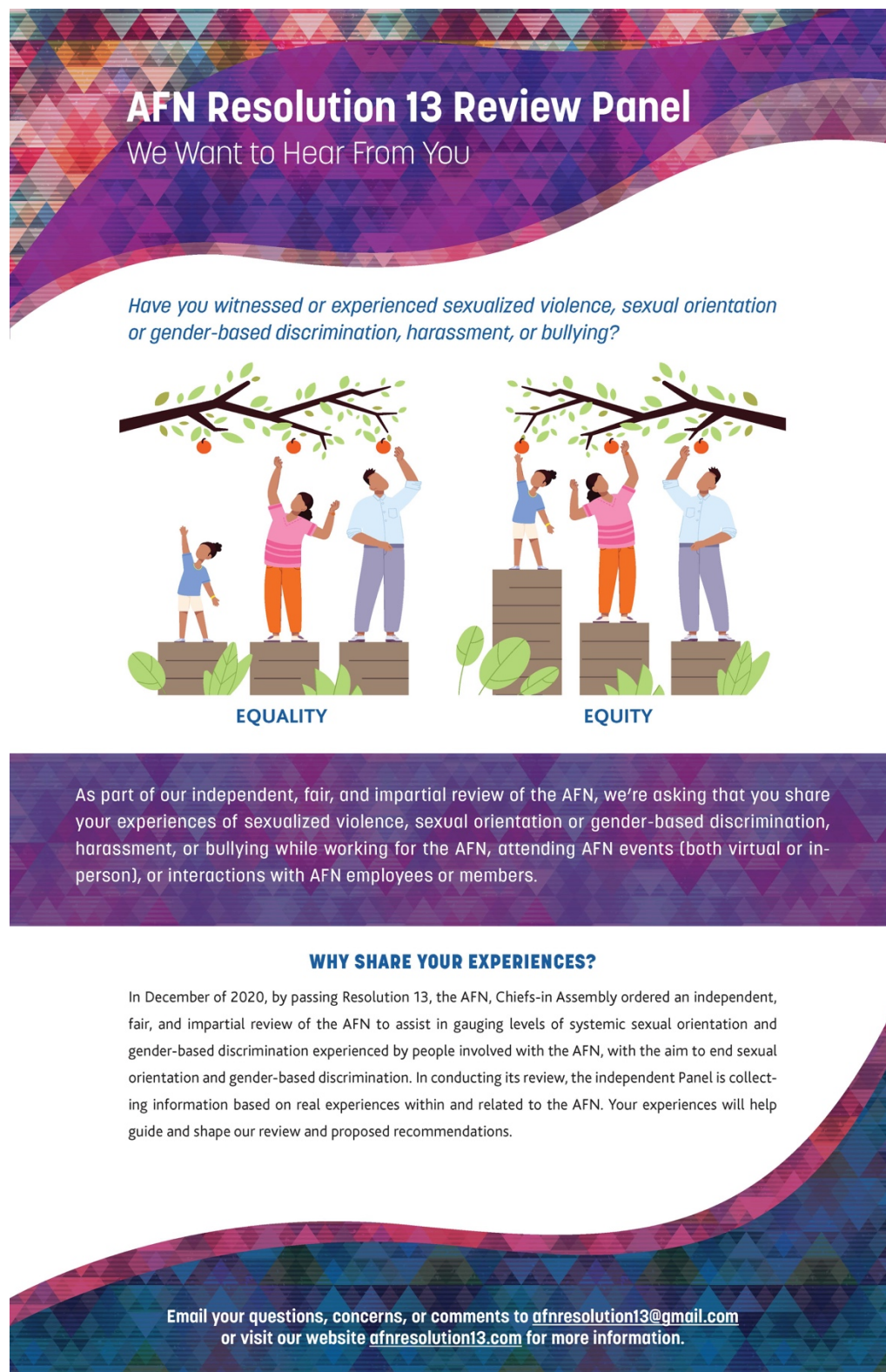
The following signatures represent acceptance to these Terms of Reference:


[amanda barnaby](#) (Sep 29, 2022 09:50 EDT)
Amanda Barnaby


Deborah Hoffman

Gwendolyn Point
Dr. Gwendolyn Point


Appendix E: Long-Form Poster



AFN Resolution 13 Review Panel

We Want to Hear From You

Have you witnessed or experienced sexualized violence, sexual orientation or gender-based discrimination, harassment, or bullying?



EQUALITY **EQUITY**

As part of our independent, fair, and impartial review of the AFN, we're asking that you share your experiences of sexualized violence, sexual orientation or gender-based discrimination, harassment, or bullying while working for the AFN, attending AFN events (both virtual or in-person), or interactions with AFN employees or members.

WHY SHARE YOUR EXPERIENCES?

In December of 2020, by passing Resolution 13, the AFN, Chiefs-in-Assembly ordered an independent, fair, and impartial review of the AFN to assist in gauging levels of systemic sexual orientation and gender-based discrimination experienced by people involved with the AFN, with the aim to end sexual orientation and gender-based discrimination. In conducting its review, the independent Panel is collecting information based on real experiences within and related to the AFN. Your experiences will help guide and shape our review and proposed recommendations.

Email your questions, concerns, or comments to afnresolution13@gmail.com or visit our website afnresolution13.com for more information.

**AFN Resolution 13 Panel
Final Report**

June 30, 2023