

# **Context guide for the Policy statement on Indigenous-specific hiring**

**Ontario Human Rights Commission**

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**Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne**

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## Summary

Under its 2008-2012 priorities, the Ontario Human Rights Commission (OHRC) “explor[ed] the ways that reconciliation and human rights intersect and how we can help eliminate barriers and discrimination that affects Aboriginal peoples.”<sup>1</sup> This prioritization was further solidified in the OHRC’s strategic plan for 2017-2022, which included Reconciliation as one of four strategic focus areas.<sup>2</sup> Today, the OHRC is continuing to centre the rights of Indigenous peoples and reconciliation in its work. The OHRC’s strategic plan for 2023-2025 identifies Indigenous reconciliation as one of its five priorities and commits to “[w]ork together with Indigenous communities to identify and advance human rights priorities and actions.”<sup>3</sup>

The *Policy statement on Indigenous-specific hiring* (Policy Statement) was developed in alignment with the above commitments and goals. It also responds to non-Indigenous employers’ need for guidance on how to appropriately hire for Indigenous-specific positions under Ontario’s *Human Rights Code* (Code) as well as widespread reports of alleged Indigenous identity fraud.

With consideration for the limited scope of the Policy Statement, this supplemental context guide was developed to provide a more thorough understanding of the complexities at hand when discussing Indigenous identity and the implementation of human rights practices that impact Indigenous people.

In this guide, the OHRC expands on the Policy Statement and:

- Gives details about the current landscape in which allegations of Indigenous identity misappropriation are proliferating.
- Discusses the complexities of Indigenous identity and the ways in which the historic and persisting impacts of colonialism led to these complexities.
- Discusses the collective nature of Indigenous peoples' right to self-determination.
- Presents required and recommended steps for the effective and appropriate implementation of special programs and/or special employment under the *Code*.
- Explores the special considerations involved in hiring for Indigenous-specific positions to ensure that processes are culturally safe and appropriate.
- Reiterates the position that employers have a responsibility to work with local Indigenous peoples and organizations to develop hiring policies and practices for Indigenous-specific positions.
- Introduces examples of wise practices currently being developed and implemented in consultation with Indigenous peoples and organizations to appropriately confirm Indigenous identity claims in the hiring context.
- Encourages all Ontarians, and especially employers, to embark on a lifelong journey of self-education to advance truth and reconciliation.

# 1. Introduction

Following decades of Indigenous resistance and advocacy<sup>4</sup> and the release of the report of the Royal Commission on Aboriginal Peoples (RCAP) in 1996,<sup>5</sup> modern Canada has worked to reckon with its colonial history and the surviving legacy of government policies implemented since the 18<sup>th</sup> century to erase and assimilate Indigenous peoples.

More recently, two significant final reports have been released which address critical issues faced by Indigenous communities: the Truth and Reconciliation Commission (TRC) report released in 2015 that includes 94 Calls to Action,<sup>6</sup> and the National Inquiry on Murdered and Missing Indigenous Women, Girls, and 2SLGBTQIA people (National Inquiry), released in 2019 outlining 231 Calls for Justice,<sup>7</sup> further underling the inequalities that First Nations, Inuit, and the Métis face in Canada. These reports also highlight the essential role of Indigenous representation in creating safe, decolonized, and culturally appropriate spaces throughout the country, especially in employment.<sup>8</sup>

In response, governments and organizations have developed and implemented new or revised policies, programs, legislation, requirements, and practices to provide improved opportunities for the equitable recruitment of Indigenous people. For example, according to Universities Canada, nearly 90% of postsecondary institutions surveyed in 2022 had “a strategic plan for advancing reconciliation or have a plan in development” and “[n]early every university is working to increase Indigenous representation within governance or leadership structures.”<sup>9</sup>

These efforts, on top of activities aiming to broadly advance reconciliation, have had a noticeable impact on who identifies as Indigenous. According to the two latest census cycles, the population of persons who self-identify as First Nations, Inuit, or Métis in Canada has increased significantly over the past decade (+18.9% from 2011 to 2016 and +9.4% from 2016 to 2021). Statistics Canada proposed two main reasons for this increase:

The first, often called "natural growth," relates to higher birth rates and increasing lifespans. The second has been termed "response mobility," which refers to people who once responded to the Indigenous identity questions one way on the census questionnaire, but now respond differently. **Over time, respondents who had previously not identified as Indigenous have become more likely to do so. This may be related to personal reflection, social factors, or external factors such as changes to legislation or court rulings.** [emphasis added].<sup>10</sup>

On one hand, this reflects that Indigenous individuals can more safely and openly self-identify as Indigenous, which gives them access to increased support and to unique and distinct rights. On the other hand, the growing number of alleged cases of misrepresentation of Indigenous identity,<sup>11</sup> highlights that there are new opportunities for unscrupulous or misinformed non-Indigenous individuals to exploit a system which sought to honour self-identification<sup>12</sup> as an element of Indigenous peoples' right to self-determination. This highlights a core misunderstanding of the right to self-determination (further discussed in section 3.1), despite well-intentioned actions to respect Indigenous people and their ways of knowing, doing, and being. Further, it

validates the need to create a policy to give guidance about hiring for Indigenous-specific positions.

Misappropriating Indigenous identity – whether through intentional deceit, exaggerating distant genetic ties to an Indigenous ancestor, or incorrectly interpreting family stories<sup>13</sup> – is a deeply harmful practice which can constitute a serious breach of trust. This is so even if the number of alleged and confirmed cases remains small compared to the many legitimate Indigenous individuals who hold positions specifically designated for Indigenous people.

This reality is best captured by the following excerpt from the summary report of the inaugural National Indigenous Identity Forum (NII Forum), co-hosted by First Nations University of Canada (FNU) and the National Indigenous University Senior Leaders' Association (NIUSLA) in 2022:

Indigenous participants shared stories of betrayal, pain, sadness, silencing, anger, frustration, resentment, and re-traumatization as a result of false claims of Indigeneity and the resourcing and recognition of these individuals. Many expressed that this issue was emotionally demanding, conjured suffering, was very harmful, violent, insulting, hurtful, unfair, and disempowering for Indigenous individuals and communities, and that university and community reputations, and relationships were jeopardized and damaged.<sup>14</sup>

Essentially, the “policing” of Indigenous identity, or attempts to define Indigenous identity in overly rigid terms, can be profoundly harmful.<sup>15</sup> This practice often places an unreasonable burden on Indigenous individuals to prove their Indigeneity according to standards they may not recognize or accept. Such demands can be particularly damaging

for those who have been forcibly separated from their communities because of colonial practices (see section 3.2), as that may retraumatized them if they are asked to prove their identity using colonial definitions.

Simply put, Indigeneity in modern Canada is complicated but acknowledging this reality “is not a license to embrace an oversimplistic, blunt solution that will cause significant harm.”<sup>16</sup>

Employers can be better equipped to protect the integrity of *Code*-permitted special programs or special employment and prevent further harm from false claims of Indigenous identity by: learning about the complexities surrounding Indigenous identities, understanding the ongoing impacts of colonial practices on Indigenous people, and maintaining healthy relationships with local Indigenous peoples and organizations.

## **2. Indigenous identity**

### **2.1 Who is Indigenous?**

The *Code* does not define or describe “Indigeneity” or the complexities of Indigenous identity(ies). That includes questions about who is considered Indigenous, who can self-identify as Indigenous, or what authentic markers of Indigenous identity may be. Similarly, the *United Nations Declaration on the Rights of Indigenous Peoples*<sup>17</sup> (*UN Declaration*), which reflects the diversity of Indigenous peoples worldwide,<sup>18</sup> does not clarify these issues. The *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982*, offers some clarification by stating that, under the Act, “[the term] aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada.”<sup>19</sup>



This absence of rigid definitions domestically and internationally recognizes that Indigenous peoples are not a monolithic group that can fit under a single umbrella definition. It also respects that “the identification of an indigenous people is the right of the people itself.”<sup>20</sup> As Jean Teillet stated in a report for the University of Saskatchewan:

...the right and responsibility to identify its Indigenous members vests in the distinct Indigenous nations. Each Indigenous nation determines its members according to its own customs, traditions, and laws. While there are basic similarities in most Indigenous membership customs, traditions, and laws, they are not all the same.<sup>21</sup>

### 2.1.1 Understanding self-determination

Crucially, **self-determination is a collective right**. Self-determination is enshrined under international law in Article 1(2) of the *Charter of the United Nations*<sup>22</sup> and common article 1 of the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.<sup>23</sup> This right is reaffirmed for Indigenous peoples in Articles 1 and 3 of the *UN Declaration*,<sup>24</sup> recognizing that they are “equal to all other peoples” who hold self-determination rights.<sup>25</sup>

Under the *UN Declaration*, both Indigenous peoples *and* individuals hold the right to belong to an Indigenous community or nation.<sup>26</sup> However, it is Indigenous peoples as a *collective* that hold the right to determine their own identity or membership, and to determine the structures and select the membership of their institutions.<sup>27</sup>

Lastly, the *UN Declaration* affirms that “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.”<sup>28</sup> The freedom from discrimination applies to the right to self-determination.

### **2.1.2 Challenges to self-determination**

In theory, the right of Indigenous peoples to self-determine who they are implies that Indigenous identity ought to be straightforward because each individual Indigenous person should define it in their own terms. In Canada, section 25 of the *Charter* and section 35 of the *Canadian Constitution Act, 1982*,<sup>29</sup> provide the legal basis for First Nations, Inuit, and the Métis, to domestically exercise their right to self-determination.<sup>30</sup> Furthermore, the TRC’s second Principle for Reconciliation reiterates that “First Nations, Inuit, and Métis peoples, as the original peoples of Canada and as self-determining peoples, have Treaty, constitutional, and human rights that must be recognized and respected.”<sup>31</sup>

In practice, however, the history and ongoing reality of settler colonialism has meant that Indigenous peoples’ collective rights – particularly to self-determination and self-governance – often conflict with the individual-rights framework upon which the Canadian legal system is established. For centuries, this tension led to the denial of Indigenous peoples’ sovereignty and autonomy, ultimately undermining their agency, including their ability to define their own identities. These colonial patterns have contributed to the complex landscape of Indigenous identities that exists today.

## 2.2 The impact of settler colonialism on Indigenous identity in Canada

The executive summary of the TRC's final report states clearly that:

For over a century, the central goals of Canada's Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, **through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada** [emphasis added].<sup>32</sup>

The discriminatory practices implemented under this process of assimilation (e.g., the residential school system, the distinction between Status and non-Status under the *Indian Act*, forced relocation, enfranchisement, the Sixties Scoop, the Millennium Scoop.) caused Indigenous identity to become "layered with centuries of ongoing colonialism, which includes legal Indigenous definitions determined by colonial governments and the courts according to their colonial laws."<sup>33</sup> Indigenous women's identities, in particular, (and in turn the identities of their descendants) have been disproportionately impacted by colonial processes as a result of the gender-based discrimination entangled in patriarchal policies.

For instance, until 1985, "a non-Indigenous woman who married an Indian was registered as an Indian under the *Indian Act*, while an Indian woman who married a settler, Métis, or Inuit man was deregistered."<sup>34</sup> In response to this discrimination, changes in policies and legislation have sought to redress the effect of this discrimination by creating pathways for deregistered First Nations women or their descendants to

regain their Status. However, even after reclaiming their Status, they may still face rejection by the communities from which they were separated, often because of internalized racism. This can lead to deep rupture in their sense belonging and connection to their ancestry within those communities. This legacy of marginalization persists and significantly contributes to the increased levels of violence and disconnection from family and community that Indigenous women experience, which may directly hinder their ability to affirm their identity.

Notably, all the issues introduced above are not of the past. Jean Teillet notes: “Colonization is a many-headed beast that is alive and well and capable of continuous adaptation.”<sup>35</sup>

Processes such as urbanization<sup>36</sup> – which centralizes services and opportunities in urban centres, where colonial institutions settled – effectively force Indigenous people to leave their communities to participate in society. In addition, the child welfare system<sup>37</sup> continues to exert pressure on Indigenous individuals and their identities. Furthermore, the ongoing failure of settler governments to honour the terms of Treaties has compelled Indigenous peoples to assert their rights actively, for instance, often seeking recognition through modern agreements and claims.

These cyclical processes perpetuate the need for Indigenous peoples and individuals to conform to colonial definitions (it must be acknowledged that this impacts all First Nations, Inuit, Métis and urban Indigenous cultures and peoples in different ways). As a result, there are opportunities for non-Indigenous people to exploit those definitions for their own benefit, often inappropriately.

In summary, historical and contemporary challenges have undermined the agency of Indigenous peoples over their identities. This has worsened the alienation of Indigenous individuals who were forcibly disconnected from their communities, creating exploitable gaps for the misappropriation of Indigenous identity.

### **3. Key considerations to effectively implement the Policy Statement**

The Policy Statement confirms employers can hire Indigenous candidates for Indigenous-specific positions under sections 14 and 24 of the *Code* (see sections 3.1.2 and 3.1.3 of the Policy Statement). Further, the Policy Statement confirms that employers should implement processes to confirm the legitimacy of Indigenous identity claims.

Such processes require a high level of care and sensitivity to appropriately navigate the complexities outlined above. Recommended courses of action are therefore presented below, with contextual explanations where needed.

#### **3.1 Applying the *Code*: Special program requirements**

The Policy Statement outlines the ways in which special programs can be used to establish hiring processes for Indigenous-specific positions and notes that special programs require **a clear and specific rationale**, as well as **adequate eligibility criteria**.

### 3.1.1 Rationale

A clear and specific rationale is essential for section 14 of the *Code's* special programs.<sup>38</sup> This helps individuals and organizations – who may see special programs as discriminatory – understand their purpose, how the program is meant to be used, and how success will be evaluated. A rationale should:

- Specify who will benefit from the program (e.g., candidates with specific cultural knowledge or Indigenous people more broadly).
- Provide reasons and evidence for why the targeted group is experiencing hardship, economic disadvantage, inequality, or discrimination.
- Explain how and why the program should help relieve those challenges, including benefits, goals, timelines and expected results (e.g., contributing to self-determination or nation building and language revitalization).
- Outline the expected duration of the program.<sup>39</sup>

Organizations do not need permission from the OHRC to develop a special program and do not need to prove Indigenous peoples are disadvantaged as it is widely accepted that they face ongoing systemic discrimination in all social areas under the *Code*.

Employers should meaningfully engage with local Indigenous peoples and organizations<sup>40</sup> to discuss the need for the special programs and how best to structure them, including when determining the rationale, eligibility criteria, and hiring processes. It is important to address how

to appropriately confirm claims of Indigenous identity, when necessary, during the hiring process.

An organization can develop a special program rationale to specifically hire Indigenous candidates for many reasons, including, but not limited to the following:

- Provide culturally appropriate services to Indigenous people.
- Promote revitalization of Indigenous languages.
- Strengthen or revitalize the knowledge and practice of Indigenous cultures.
- Support the use of Indigenous knowledge (e.g., traditional and scientific knowledge).
- Increase representation of Indigenous people in employment.
- Remedy historical injustices as well as social or systemic discrimination.
- Support Indigenous self-determination and self-government.
- Support the economic vitality of Indigenous people(s).
- Promote nation building.

### **3.1.2 Eligibility criteria**

It is important to ensure that the eligibility criteria for a special program are appropriately balanced. The criteria should not be so broad that they could include individuals who are not intended to benefit from the

program, nor so narrow that those who are meant to benefit from it are excluded from qualifying.

**Example:** A library is looking to host a series of public education events and specifically hire Indigenous educators to discuss Indigenous history. Eligibility will be dependent on the specific purpose and content of the events. Thus:

- If hiring someone to discuss the history of a specific Treaty territory, it could be reasonable to limit candidates to Indigenous individuals who belong to a signatory Indigenous nation to that Treaty (e.g., members of Indigenous peoples who are part of the Williams Treaty may be prioritized for discussion about their land claim settlement).
- If hiring someone to discuss the broader topic of the history of the colonization of Canada, it would be reasonable to consider candidates from any Indigenous people across Canada.

It is also important to avoid “over-credentialing” for employment opportunities. While it may be necessary to confirm a person’s Indigenous identity and cultural knowledge for certain positions, one should be mindful that often cultural knowledge is not obtained through mainstream education, so requiring accreditation can lead to over-credentialing in some cases. First Peoples Group states, “There must be balance applied when assessing the qualifications of a candidate, to ensure there is not an over-emphasis placed on Western-influenced merit. We must prioritize Indigenous knowledge as a credential.”<sup>41</sup>



**Example:** If a Haudenosaunee person is going to teach their Iroquoian language (e.g., Mohawk, Oneida) to elementary school students, it may be sufficient to verify their knowledge of and fluency with the language rather than require a university degree in an Iroquoian language program.

**Example:** If a Knowledge Keeper or Elder is being considered to teach about their culture, language, histories, political, and legal systems, or to guide the incorporation of Indigenous ways of knowing, doing, and being into an employer's business activities, recognition of their leadership, expertise, and wisdom by the Indigenous community to which they belong may be sufficient rather than require formal educational certification.

As well, if qualified candidates are limited, organizations may offer opportunities to build capacity to meet requirements (e.g., on the job training, connection with Indigenous training centres, employment programs, online courses).

**Example:** If an Indigenous candidate to a reception position at an Indigenous women's shelter has the knowledge to work with clients in a culturally safe way but does not have sufficient administrative experience (or some other specific qualification), the organization could provide job shadowing or program enrolment to allow the employee to obtain additional knowledge required to carry out the role.

Eligibility requirements should flow naturally from the rationale based on supporting evidence. Criteria that are not clearly related to the purpose of the program will likely infringe the *Code*.<sup>42</sup> See the OHRC's guide to special programs<sup>43</sup> for more information on how to develop a

special program for Indigenous-specific positions that promotes substantive equality without infringing on others' human rights.

Lastly, eligibility requirements along with the purpose and goals of the special program should be clearly communicated to candidates, everyone within the organization, and affected communities to encourage support for the program.

### **3.2 Representation beyond a checkbox**

When designating and hiring for an Indigenous-specific position, it is important to consider factors beyond *Code* requirements. These key elements help ensure that recruitment processes for special programs and special employment are conducted appropriately and with long-term benefits in mind.

Whether the rationale for a special program or a special employment recruitment process focuses on improving equitable access to employment for Indigenous people or on honoring and integrating Indigenous ways of knowing, doing, and being in occupational practices, employers need to understand that the hiring of one or more Indigenous persons is not enough to meet either of those objectives. In fact, attaining substantive equality in employment requires equitable opportunities for recruitment, fair treatment once hired, and access to a healthy work environment which reflects one's identity.

Unfortunately, this is not always the reality for Indigenous people:

As employees, they are often performing three simultaneous roles: the one they were hired to do, plus as an on-demand educational resource for non-Indigenous employees, and also as

a public attestation of their employer's inclusivity. It's what is known as the "cultural load."<sup>44</sup>

Culturally appropriate hiring practices must move beyond inclusion and representation; they must also focus on decolonization, which involves unsettling or dismantling colonial beliefs and foundational practices.<sup>45</sup> This will help foster safe, welcoming spaces where Indigenous people can authentically participate and receive equal treatment with respect to employment.<sup>46</sup>

Confirming Indigenous identity claims is a critical aspect of this process because that helps protect Indigenous knowledge from being appropriated. It also ensures that spaces designated for Indigenous people are occupied by them. Elder at the NII forum concluded that "[m]isappropriation of identity is an attempt to take away knowledge that has been passed down through the generations; it is disrespectful of the ancestors."<sup>47</sup>

### **3.3 Need for appropriate confirmation**

The Policy Statement acknowledges that confirming a candidate's claim to belong to an Indigenous people in Canada may require distinct steps from verifying a claim to belong to an Indigenous people outside Canada (see section 4 of the Policy Statement). This difference is clarified below.

#### **3.3.1 Confirming a claim of belonging to an Indigenous people in Canada**

As stated earlier, in Canada, the term "Indigenous" collectively refer to the distinct and unique nations and cultures of First Nations, Inuit, and

the Métis, who are the original inhabitants of the land known as Canada.

Building relationships with local Indigenous peoples and organizations is the vital first step in the process of hiring for Indigenous-specific positions and of confirming claims of Indigenous identity. The term “local” can have various interpretations, but the OHRC encourages employers to start by identifying whose land is being used to carry out their business activities. If the business is in an urban area, it is advisable to engage with organizations that serve Indigenous people in the area, such as Friendship Centres, Indigenous women’s organizations, and health or support centres.

Establishing meaningful relationships and engaging with local Indigenous peoples and organizations can help employers to:

- Understand how concepts such as “nationhood,” “citizenship,” or “membership” are defined and applied in the local context.
- Develop hiring policies and practices for Indigenous-specific positions that appropriately confirm Indigenous identity claims.
- Prevent any inaccurate or deceitful claims from non-Indigenous candidates.
- Exercise caution when confirming claims from candidates who may face internalized discrimination or lateral violence because they are still in the process of reconnecting with their ancestral community(ies) or are ostracized from them.

Some employers in Ontario and throughout Canada have started to create and implement confirmation policies in consultation with local Indigenous peoples and organizations. The OHRC cannot provide a

comprehensive or official list of documentation or practices that all employers may rely upon to confirm Indigenous identity claims. That responsibility lies with the Indigenous peoples and organizations with whom employers build relationships. However, common trends among wise practices have emerged and are shared for informational purposes only in section 3.5 of this guide, along with a non-exhaustive list of resources and recent policies.

### **3.3.2 Confirming a claim of belonging to an Indigenous people outside Canada**

There are an estimated 5,000 distinct Indigenous peoples around the world, with the vast majority residing outside of Canada.<sup>48</sup> Jean Teillet states that when confirming a claim of belonging to an Indigenous people whose lands and territories are outside Canada's borders, a guiding principle is to seek assistance from the Indigenous people themselves.<sup>49</sup>

The borders separating neighbouring countries, such as Canada and the United States, were drawn by colonial powers and have seriously affected Indigenous peoples whose lands span both sides of these borders.<sup>50</sup> Employers should be aware of this fact and take it into account when hiring and confirming the information provided by a candidate who claim to belong to an Indigenous people divided by a colonial border, as additional care may be required in confirming their information.

The *Code* permits special program requirements to limit eligibility to First Nations, Inuit, and Métis candidates, if this aligns with the rationale

for the special program or with *bona fide* occupational requirements of a special employment position.

**Example:** If a hospital in Northern Ontario is setting up a special program to hire Indigenous staff to work as translators for patients, it is reasonable to require that candidates identify as belonging to an Indigenous people in the region and speak one of the local languages, such as Ojibway and Cree.

If an employer creates an Indigenous-specific position for the purposes of diversity and employment equity, but the role does not require knowledge that is uniquely held by First Nations, Inuit, and the Métis, then the eligibility criteria or requirements may extend to Indigenous candidates from a broader range of backgrounds. In situations where lived experience as an Indigenous person is a sufficient requirement for the effective provision of services under a special program or special employment, it may be discriminatory to exclude individuals who identify belonging to an Indigenous people located outside of Canada.<sup>51</sup>

**Example:** If a municipality aims to hire Indigenous staff to enhance diversity and employment equity by considering individuals who have lived experiences with the impact of colonization and anti-Indigenous discrimination, potential candidates may be drawn from Indigenous peoples outside of Ontario or Canada.

### **3.4 Transparency and respect for Indigenous data sovereignty**

In Canada, there is a concerning history of misusing data collected from Indigenous peoples and disrespect toward Indigenous data sovereignty. This has resulted in a general distrust of processes designed to gather information about Indigenous communities.<sup>52</sup> Such distrust is particularly relevant in the context of employment, where there are concerns about “the storage of data and identifying documents, especially highly sensitive documents[,]”<sup>53</sup> as well as a necessity for “individuals [to be] aware of the requirements and consequences of misrepresentation.”<sup>54</sup>

When employers create processes to confirm Indigenous identity, there has been a call for:

a transparent, clear and secure approach to the collection and storage of [information intended to confirm Indigenous identity claims] including a clear articulation of the purpose of its collection and storage, as well as the importance of limiting access to personal information to those strictly requiring it as part of the intake process.<sup>55, 56</sup>

Employers should be mindful that the “more sensitive the personal information collected, the more stringent the security measures adopted must be to mitigate the risk of a privacy breach.”<sup>57</sup> In addition to access and privacy rights afforded by Canadian and Ontarian legislation,<sup>58</sup> the *UN Declaration* states that one of the core rights of Indigenous peoples is the right to free, prior, and informed consent.<sup>59</sup> The United Nations Permanent Forum on Indigenous Issues has confirmed that this right applies to data collection.<sup>60</sup>

The OHRC encourages employers to respect the collective and individual rights of Indigenous peoples to free, prior, and informed consent. Further, the OHRC emphasizes the importance of exercising a high level of care when collecting, reviewing, storing, giving access to, and destroying data obtained in the context of processes aiming to confirm Indigenous identity claims.<sup>61</sup>

### **3.5 Resources on Indigenous identity and appropriate hiring practices for Indigenous-specific positions**

The following steps have been recommended by experts as typical examples of wise practices to appropriately confirm Indigenous identity claims:

- Establish hiring committees that include Indigenous people.
- Build capacity within organizations to ensure that there are sufficient resources available to undertake confirmation processes.
- Request a signed declaration from candidates, with details about the candidate's belonging to, as well as ongoing relationship with, one or more Indigenous peoples.
- Adapt interview practices to give space for dialogues on candidates' lived experiences.
- Conduct oral or written reference checks with community members or leaders of the Indigenous People(s) identified by a candidate.



- Request documentation provided by federal or Indigenous governments, such as Status card under the *Indian Act*, Inuit Enrollment cards, citizenship cards conferred by a Métis government, Band membership card, and Haudenosaunee passport.

The elements mentioned above do not constitute a comprehensive list. By sharing them, the OHRC is not affirming or endorsing their usefulness or relevance. Rather, the OHRC seeks to provide a starting point of reference from which employers can begin to reflect on their own unique contexts.

As previously stated in this guide and in the Policy Statement, **employers should build sustainable, ongoing relationships with local Indigenous peoples and organizations and engage with these partners to determine their unique views and recommendations on appropriate ways to substantiate a claim of Indigenous identity.**

It is noteworthy that research, analysis, and perspectives continue to evolve, particularly regarding Indigenous identity and the prevention of misappropriation. Employers are encouraged to remain current on effective ways to support genuine claims of Indigenous identity.

The resources below on Indigenous identity supplement this guide and the Policy Statement:

- Summaries and Work of the [Indigenous Citizenship Verification in Employment-Related Opportunities \(ICVERO\) Working Group](#) at McGill University.

- [\*Understanding Our Roots - Nestimuk tan wtapeksikw\*](#): Summary of discussions and consultations held by Dalhousie University's Task Force on Settler Misappropriation of Indigenous Identity, which notably highlights recommendations to the university to create a confirmation process for Indigenous identity claims.
- [\*Building Trust and Accountability: Report on Eligibility in the Indigenous Screen Sector\*](#): Report developed by Archipel Research and Consulting Inc., in collaboration with the Indigenous Screen Office (ISO) and Aboriginal Peoples Television Network (APTN), to summarize the findings from a national consultation process about Indigenous eligibility requirements for funding.

Furthermore, a growing number of organizations, particularly academic institutions, have begun implementing new policies and procedures to confirm Indigenous identity claims:

- Wilfrid Laurier University: [Indigenous Identity Verification Process](#)
- Queen's University: [Hiring of Indigenous Specific Positions - Interim Policy](#)
- University of Guelph: [Indigenous Identity Confirmation For Students](#)
- University of Waterloo: [Indigenous Citizenship/Membership Verification Guidelines](#)
- McMaster University: [Indigenous Ancestry Verification Guidelines](#)
- Loyalist College: [Hiring for Indigenous Designated Positions](#)
- Carleton University: [Hiring Policy for Positions Limited to Indigenous Candidates](#)

- University of Saskatchewan: [deybwewin | taapwaywin | tapwewin: Indigenous Truth](#)
- McGill University: [Policy on Indigenous Membership/Citizenship Validation](#)
- Saskatchewan Polytechnic: [Indigenous Citizenship/Membership Verification](#)
- Indigenous Screen Office: [ISO Policies and Processes for Eligibility in Relation to Indigenous Identity](#)
- Midwives Association of British Columbia: [Indigenous Citizenship Verification Process](#)
- Institute for Research on Public Policy, Centre of Excellence on the Canadian Federation: [Citizenship or Kinship Declaration](#)
- Government of Canada: [Tri-Agency Policy on Indigenous Citizenship and Membership Affirmation](#)

## 4. Fostering systemic transformations

In her report, Jean Teillet states a simple yet powerful fact: “If this story has some good news, and it does, it is that this is not a problem in search of an unknowable solution. **The solution is readily apparent – education about Indigenous peoples** [emphasis added].”<sup>62</sup> This aligns with the perspective of the late Honourable Murray Sinclair, who stated, “Education is the key to reconciliation.”<sup>63</sup>

This guide has outlined key contextual information to ground the analyses and conclusions provided in the Policy Statement. However,

by issuing this document, the OHRC does not aim to provide an exhaustive education on Indigenous peoples, their identities, modern realities, or the ongoing impacts of colonialism on Ontarian society.

Similar to the views of the late Honourable Murray Sinclair and Jean Teillet, the OHRC advocates for promoting human rights and preventing discrimination through education. Addressing Indigenous identity misappropriation is not a task that Indigenous peoples and the OHRC alone can undertake. **It is the responsibility of everyone in Ontario, including visitors, to educate themselves about Indigenous peoples and organizations in the province, as well as the history and the ongoing reality of settler colonialism in Canada. Individuals need to also understand their responsibilities regarding truth and reconciliation.** In employment, this has become increasingly more important for decision-makers, such as those involved in recruitment policies and practices and all other stages of the employment relationship.

In support of this initiative and to foster belonging in Ontario, the OHRC renewed its commitment for 2023-25 to “strengthening a human rights culture in Ontario through education”<sup>64</sup> and advancing reconciliation. A key objective of this commitment is for the OHRC to become a “trusted ally to Indigenous communities in the work of reconciliation.”<sup>65</sup>

The OHRC’s is mindful that it is a creature of legislation within the colonial system and so is its mandate, which includes public education. The OHRC thus acknowledges that Indigenous peoples are the best educators about their cultures, languages, histories, modern realities, or political and legal systems, and respects Indigenous peoples’ right to educate others on their worldviews. It endorses amplifying Indigenous

voices as recommended in the 2018 dialogue on Indigenous peoples and human rights.<sup>66</sup>

The OHRC encourages all Ontarians to proactively identify the traditional and treaty territories where they live and work, using online searches or visiting community services, like public libraries or friendship centers.<sup>67</sup> This can be a helpful first step to connect to educational resources developed and shared by local Indigenous peoples and organizations.

## Endnotes

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<sup>1</sup> Ontario Human Rights Commission [OHRC], *The OHRC's 2008-2012 priorities, initiatives and impacts*, webpage. Retrieved on October 7, 2024, from: <https://www3.ohrc.on.ca/en/ontario-human-rights-commission-submission-regarding-section-57-three-year-statutory-review-2>.

<sup>2</sup> OHRC, *Putting People and Their Rights at the Centre: Building Human Rights Accountability*, (2017) at 13; available online: [https://www.ohrc.on.ca/sites/default/files/Strategic%20Plan\\_2017-2022\\_accessible\\_EN.pdf](https://www.ohrc.on.ca/sites/default/files/Strategic%20Plan_2017-2022_accessible_EN.pdf)

<sup>3</sup> OHRC, *Human Rights First: A Plan for Belonging in Ontario*, (2023) at 9; available online: <https://www3.ohrc.on.ca/sites/default/files/Strategic Plan Human Rights First ENGLISH - OHRC 2023-25.pdf>

<sup>4</sup> Glen Coulthard, “#IdleNoMore in Historical Context,” (2012) *Decolonization: Indigeneity, Education & Society*; available online: <https://decolonization.wordpress.com/2012/12/24/idlenomore-in-historical-context/>

<sup>5</sup> See the multi-volume report: [\*Report of the Royal Commission on Aboriginal Peoples\*](#).

<sup>6</sup> See the multi-volume report: [\*Truth and Reconciliation Commission Report\*](#)

<sup>7</sup> See the multi-volume report: [\*Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls\*](#).

<sup>8</sup> RCAP Recommendations: 1.12.3, 2.3.49, 2.5.34, 3.5.9 (b), (c) and (d), and 5.4.5. Calls to Action: 7, 84.ii, 92. Calls for Justice: 5.10, 7.8, 9.3, 12.12, 16.8, 16.32, 16.33, and 16.34. Further, the following Calls for Justice more broadly underline the importance of Indigenous representation, particularly in leadership circles, a concept directly relevant to this guide: 1.4, 2.7, 5.7, 5.12, 6.1.i, 9.2.iii, 9.3.i, 16.35, 16.41, 17.3, and 17.14.

<sup>9</sup> Universities Canada, *Advancing Reconciliation and Indigenization at Canadian Universities: Universities Canada's 2022 Survey on Indigenous Education*, (2023) at 2-3;

available online: <https://www.univcan.ca/wp-content/uploads/2023/07/UC-2023-Survey-Indigenous-Education-Reconciliation-EN.pdf>

<sup>10</sup> Statistics Canada, "Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed," (2022) *The Daily*; available online: <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm?indid=32990-1&indgeo=0>

<sup>11</sup> The following are some examples of media coverage of allegations of fraudulent Indigenous identity claims by high-profile individuals:

1. Geoff Leo, "Disputed History," *CBC News*, October 12, 2022; available online: <https://www.cbc.ca/newsinteractives/features/mary-ellen-turpel-lafond-indigenous-cree-claims>
2. Geoff Leo, "Indigenous or pretender?," *CBC News*, October 27, 2021; available online: <https://www.cbc.ca/newsinteractives/features/carrie-bourassa-indigenous>
3. Ka'nhehsí:io Deer and Jorge Barrera, "Award-winning filmmaker Michelle Latimer's Indigenous identity under scrutiny," *CBC News*, December 17, 2020: <https://www.cbc.ca/news/indigenous/michelle-latimer-kitigan-zibi-indigenous-identity-1.5845310>
4. Jorge Barrera, "Author Joseph Boyden and his shape-shifting Indigenous identity," *APTN News*, December 23, 2016; available online: <https://www.aptnnews.ca/national-news/author-joseph-boydens-shape-shifting-indigenous-identity/>

Additionally, in 2024, Indigenous identity fraud faced criminal consequences for the first time when a woman was sentenced for falsely claiming that her daughters were Inuit: Canadian Press, "Egregious exploitation': Toronto woman sentenced to 3 years for Inuit identity fraud," *CTV News*, June 27, 2024; available online: <https://toronto.ctvnews.ca/egregious-exploitation-toronto-woman-sentenced-to-3-years-for-inuit-identity-fraud-1.6943280>

<sup>12</sup> Self-identification without confirmation is problematic for several reasons, including but not limited to:

- Non-Indigenous people are being hired for positions that are specifically meant for Indigenous people, thereby undermining ameliorative approaches to hiring
- Non-Indigenous people are collecting funding, awards, etc. specifically intended for Indigenous people
- The perpetuation of cultural appropriation and colonial practices which violate or undermine the human rights of Indigenous people(s), including the right to cultural identity and self-determination
- Employers are potentially missing out on legitimate Indigenous knowledge and expertise, thereby undermining their objectives, some of which are of critical public interest (Indigenous environmental expertise, cultural and historical knowledge, and linguistic expertise, to name a few)
- In the case of universities, students are being defrauded of legitimate Indigenous knowledge and expertise, with potential long-term impacts on education and employment outcomes, and personal well-being.

<sup>13</sup> Jean Teillet, *Indigenous Identity Fraud: A Report for the University of Saskatchewan*, (2022) at 12-36; available online: <https://indigenous.usask.ca/documents/deybwewin--taapwaywin--tapwewin-verification/jean-teillet-report.pdf>. Teillet examines in greater details the many ways in which Indigenous identity misappropriation can be committed in section B of her report.

<sup>14</sup> First Nations University of Canada [FNU] and the National Indigenous University Senior Leaders' Association [NIUSLA], *Indigenous Voices on Indigenous Identity: What Was Heard*, (2022) at 23; available online: [https://fnuniv.ca/wp-content/uploads/Indigenous-Voices-on-Indigenous-Identity\\_National-Indigenous-Identity-Forum\\_Report\\_March-22\\_June-22-FINAL.pdf](https://fnuniv.ca/wp-content/uploads/Indigenous-Voices-on-Indigenous-Identity_National-Indigenous-Identity-Forum_Report_March-22_June-22-FINAL.pdf)



<sup>15</sup> University of Manitoba, *Listening to First Nations, Métis and Inuit Communities: Engagement on Recognizing and Supporting Indigenous Identity and Kinship*, (2023) at 15; available online: <https://umanitoba.ca/indigenous/sites/indigenous/files/2023-05/IndigenousIdentityReport2023-FNL-Web.pdf>

<sup>16</sup> Naomi Metallic and Cheryl Simon, “A Human Rights and Legal Analysis of the *Understanding Our Roots Report*,” (2023), at 63; available online: <https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1085&context=reports>

<sup>17</sup> Note that the *UN Declaration* was affirmed “as a universal international human rights instrument with application in Canadian law” through the *United Nations Declaration on the Rights of Indigenous Peoples Act, 2021*; available online: <https://laws-lois.justice.gc.ca/eng/acts/u-2.2/page-1.html>

<sup>18</sup> United Nations Permanent Forum on Indigenous Issues [UNPFII], *Who are indigenous peoples?*, (2015); available online: [https://www.un.org/esa/socdev/unpfii/documents/5session\\_factsheet1.pdf](https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf)

<sup>19</sup> *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, [Charter] at section 35 (2); available online: <https://laws.justice.gc.ca/eng/const/page-12.html>

<sup>20</sup> United Nations Office of the High Commissioner for Human Rights [OHCHR], *About Indigenous Peoples and human rights*, webpage. Retrieved on September 4, 2024, from: <https://www.ohchr.org/en/indigenous-peoples/about-indigenous-peoples-and-human-rights>

<sup>21</sup> Teillet, *supra* note 13, at 6.

<sup>22</sup> United Nations, *Charter of the United Nations*, 1945, 1 UNTS XVI; available online: <https://www.un.org/en/about-us/un-charter/chapter-1>. At Article 1(2): “The Purposes of the United Nations are:...To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

<sup>23</sup> United Nations, *International Covenant on Economic Social and Cultural Rights*, (1966), 16 December 1966, 993 UNTS 3, (entered into force 3 January 1976,

accession by Canada 19 May 1976) [*ICESCR*]; available online: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>; and United Nations, *International Covenant on Civil and Political Rights*, (1966), 19 December 1966, 999 UNTS 171, (entered into force 23 March 1976, accession by Canada 19 May 1976) [*ICCPR*]; available online: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>. The *ICESCR* and *ICCPR* share a common article 1, which states: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

<sup>24</sup> United Nations, *Declaration on the Rights of Indigenous Peoples*, (2007), 13 September 2007, A/61/53 [*UN Declaration*]; available online: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf). At Article 1: “Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.” At Article 3: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

<sup>25</sup> *Ibid.*, at Preamble.

<sup>26</sup> *Ibid.* at 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.”

<sup>27</sup> *Ibid.* at Article 33 “1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. 2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.”

<sup>28</sup> *Ibid.* at Article 2.

<sup>29</sup> *Charter*, at sections 25 and 35; available online: <https://laws.justice.gc.ca/eng/const/page-12.html>

<sup>30</sup> *Dickson v. Vuntut Gwitchin First Nation*, 2024 SCC 10; available online: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/20353/index.do>

<sup>31</sup> Truth and Reconciliation Commission [TRC], *What We Have Learned: Principles of Truth and Reconciliation*, (2015) at 3; available online: [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Principles\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Principles_English_Web.pdf)

<sup>32</sup> Truth and Reconciliation Commission [TRC], *Honouring the Truth, Reconciling for the Future Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, (2015) at 1; available online: [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive\\_Summary\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf)

<sup>33</sup> Teillet, *supra* note 13, at 6.

<sup>34</sup> *Ibid.* at 50.

<sup>35</sup> *Ibid.* at 40.

<sup>36</sup> José Francisco Calí Tzay, *Report of the Special Rapporteur on the rights of indigenous peoples*, José Francisco Calí Tzay, UN Doc A/76/202 (21 July 2021); available online: <https://documents.un.org/doc/undoc/gen/n21/199/65/pdf/n2119965.pdf>. In this report, focused on the enjoyment of human rights by Indigenous peoples living in urban areas, at 4, the Special Rapporteur underlined that “Indigenous peoples living in urban areas continue to experience the legacy of colonization and intergenerational trauma and face a unique set of challenges to their sense of identity.”

<sup>37</sup> OHCHR, Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Canada*, UN Doc CRC/C/CAN/CO/5-6 (23 June 2022); available online: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F5-6&Lang=en). At para. 24(a), the Committee for

the Rights of the Child urged Canada to “ensure that [I]ndigenous children in the child welfare system are able to preserve their identity.”

<sup>38</sup> Ontario *Human Rights Code*, R.S.O.1990, c. H.19 [Code], at section 14; available online: <https://www.ontario.ca/laws/statute/90h19>

<sup>39</sup> OHRC, *Your guide to special programs and the Human Rights Code*, (2013) at 8; available online: <https://www.ohrc.on.ca/en/your-guide-special-programs-and-human-rights-code>

<sup>40</sup> Employers should also be considerate and accommodating of the demands that Indigenous peoples and organizations have for consultation. In many cases, Indigenous peoples and organizations do not have sufficient time or resources to be meaningfully engaged and consulted, may have competing priorities, or may be suffering from consultation fatigue.

<sup>41</sup> First Peoples Group, *Queen’s University Indigenous Identity Project Final Report: ‘Gii-Ikidonaaniwan’ • ‘It has been said’*, (2022) at 11; available online: [https://www.queensu.ca/indigenous/sites/oiiwww/files/uploaded\\_files/FPG%20Queens%20Report%20Final%20July%207.pdf](https://www.queensu.ca/indigenous/sites/oiiwww/files/uploaded_files/FPG%20Queens%20Report%20Final%20July%207.pdf)

<sup>42</sup> *XY v. Ontario (Government and Consumer Services)* (2012), HRTO 726 (CanLII), at paras. 264-268; available online: <https://www.canlii.org/en/on/onhrt/doc/2012/2012hrto726/2012hrto726.html>

<sup>43</sup> OHRC, *supra* note 39.

<sup>44</sup> Michelle Cyca, “How Workplace Diversity Fails Indigenous Employees,” *The Walrus*, April 30, 2024; available online: <https://thewalrus.ca/how-workplace-diversity-fails-indigenous-employees/>

<sup>45</sup> Eve Tuck and K. Wayne Yang, “Decolonization is not a metaphor,” (2012) *Decolonization: Indigeneity, Education & Society*, 1 (1): at 1-40; available online: <https://clas.osu.edu/sites/clas.osu.edu/files/Tuck%20and%20Yang%202012%20Decolonization%20is%20not%20a%20metaphor.pdf>

<sup>46</sup> Adam Gaudry and Danielle Lorenz, “Indigenization as inclusion, reconciliation, and decolonization: navigating the different visions for indigenizing the Canadian

Academy", (2018) *AlterNative: An International Journal of Indigenous Peoples*, 14(3); available online: <https://journals.sagepub.com/doi/10.1177/1177180118785382>

<sup>47</sup> FNU and NIUSLA, *supra* note 14, at 9.

<sup>48</sup> United Nations, *Indigenous Peoples: Respect NOT Dehumanization*, webpage. Retrieved on September 3, 2024, from: <https://www.un.org/en/fight-racism/vulnerable-groups/indigenous-peoples>

<sup>49</sup> Teillet, *supra* note 13, at 47.

<sup>50</sup> Government of Canada, Immigration, Refugees and Citizenship Canada, *Indigenous Mobility and Canada's International Borders: Reflecting back and looking forward*, (2024); available online : <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/indigenous-mobility.html>

<sup>51</sup> *Valle Torres v Vancouver Native Health Society*, 2021 BCHRT 55; available online: <https://www.canlii.org/en/bc/bchrt/doc/2021/2021bchrt55/2021bchrt55.html?autocompleteStr=valle%20to&autocompletePos=1&resultId=681ca8749c0d4e459ad5e20d7d14a483&searchId=2024-08-26T14:46:55:871/94ed1ff607b045db962a04b2aa4d31eb>

<sup>52</sup> Marissa Hill and Sara Wolfe, "Cultural safety: the criticality of Indigenous Knowledges and data governance," *Canadian Science Policy Magazine*, (2020); available online: <https://sciencepolicy.ca/posts/cultural-safety-the-criticality-of-indigenous-knowledges-and-data-governance/>

<sup>53</sup> First Peoples Group, *Who Are You Responsible To? What We Heard: Consultation on Indigenous Verification at Memorial University*, (2023) at 64; available online: <https://www.mun.ca/indigenous/media/production/memorial/administrative/indigenous/media-library/indigenous-affairs/reports/FPG%20April%202024%20Who%20Are%20You%20Responsible%20To%20Final%20Report%20to%20Memorial%20University.pdf>

<sup>54</sup> *Ibid.* at 94.

<sup>55</sup> Government of Canada, Canada Research Coordinating Committee, *What We Heard: A Report from the Three Federal Research Funding Agencies' Ad Hoc Working*

*Group on Indigenous Citizenship and Membership*, (2023) at 19; available at <https://www.canada.ca/en/research-coordinating-committee/priorities/indigenous-research/2023/report-what-we-heard.html>.

<sup>56</sup> This was echoed by participants in the engagement process carried out by First Peoples group on behalf of Memorial University in 2023. First Peoples Group, *supra* note 53, at 64 and 94.

<sup>57</sup> See common section 8 in OHRC policies to safeguard the protection of personal information and privacy in the context of inquiries (e.g., OHRC, *Protection of personal information and privacy safeguards policy: The Toronto Police Service racial profiling and racial discrimination inquiry*, (2017); available online: <https://www.ohrc.on.ca/en/protection-personal-information-and-privacy-safeguards-policy-tps>; or OHRC, *Protection of personal information and privacy safeguards policy: Reading Disabilities Inquiry*, (2019); available online: [https://www.ohrc.on.ca/en/protection-personal-information-and-privacy-safeguards-policy-reading-disabilities-inquiry#\\_ftnref3](https://www.ohrc.on.ca/en/protection-personal-information-and-privacy-safeguards-policy-reading-disabilities-inquiry#_ftnref3)).

<sup>58</sup> See resources for both individuals and organizations provided by the Information and Privacy Commissioner of Ontario for more information; available online: <https://www.ipc.on.ca/en/resources>

<sup>59</sup> *UN Declaration*, *supra* note 24, at Article 19: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

<sup>60</sup> UNPFII, *Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples*, UN Doc E/C.19/2004/2 (10 February 2004) at 10; available online: <https://digitallibrary.un.org/record/517063?ln=en&v=pdf>

<sup>61</sup> For further exploration of this question, see: Ron Kruzeniski, “Employers Hiring Persons of Indigenous Ancestry,” blogpost for the Office of the Saskatchewan Information and Privacy Commissioner, April 25, 2023; available online: <https://oipc.sk.ca/employers-hiring-persons-of-indigenous-ancestry/>

<sup>62</sup> Teillet, *supra* note 13, at 7.

<sup>63</sup> Haydn Watters, "Truth and Reconciliation chair urges Canada to adopt UN declaration on Indigenous Peoples," *CBC News*, June 1, 2015; available online: <https://www.cbc.ca/news/politics/truth-and-reconciliation-chair-urges-canada-to-adopt-un-declaration-on-indigenous-peoples-1.3096225>

<sup>64</sup> OHRC, *supra* note 3, at 14.

<sup>65</sup> OHRC, *supra* note 3, at 9.

<sup>66</sup> OHRC, *To dream together: Indigenous peoples and human rights dialogue*, (2018) at 55; available online: <https://www.ohrc.on.ca/en/dream-together-indigenous-peoples-and-human-rights-dialogue-report>

<sup>67</sup> Find Ontario Friendship Centres on this interactive map by the Ontario Federation of Indigenous Friendships Centres: <https://ofifc.org/friendship-centres/find/>