

Should Indigenous Peoples Be Part of Your Equity, Diversity and Inclusion Strategy?

A guide to understanding the issues, evaluating your strategy and shaping your organizational approach

Brigitte Skeene

Founder, Talent IQ



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Introduction

Many Canadian organizations have integrated Indigenous Peoples into their Equity, Diversity and Inclusion strategy. This is often the result of a sincere desire to act in an inclusive and responsible manner.

However, it is time to pause and ask a fundamental question: is this the right approach?

This guide provides you with the information, perspectives and tools needed to evaluate your current approach, understand the issues in their full complexity, and shape your organization toward a strategy that truly reflects your intentions.

It covers the following:

- ◆ The fundamental distinction between Indigenous Peoples and other groups targeted by EDI
- ◆ The limits and unintended effects of an EDI approach applied to Indigenous Peoples
- ◆ What a distinct strategy concretely implies at the organizational level
- ◆ How HR practices can evolve to reflect this reality, while fitting within a broader strategy



Section 1

Understanding the Fundamental Distinction

The Legal Framework of EDI in Canada

Equity, Diversity and Inclusion strategies rely on two fundamental legal instruments: the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act.

These instruments recognize individual rights: the right of every person not to be discriminated against on the basis of gender, ethnic origin, sexual orientation, ability, or other personal characteristics.

It is within this framework that organizations define their target groups for EDI purposes.

The Legal Framework of Indigenous Peoples in Canada

Indigenous Peoples are recognized under an entirely distinct legal framework:

Section 35 of the Constitution Act, 1982

Recognizes and affirms the existing Aboriginal and treaty rights of Indigenous Peoples. These are collective rights, not individual rights, enshrined in the Canadian Constitution.

Treaties

There are hundreds of treaties in Canada concluded between Indigenous nations and the Crown. These treaties have the force of law and create mutually binding legal obligations between the parties.

The United Nations Declaration on the Rights of Indigenous Peoples Act (2021)

Adopted into Canadian law, this act establishes the obligation to obtain the free, prior and informed consent of Indigenous Peoples for any decision that affects them.

Supreme Court of Canada Jurisprudence

The Supreme Court has repeatedly confirmed the legal duty to consult Indigenous Peoples, an obligation that also applies to organizations operating on their territories.



Two Frameworks, Two Realities

	Groups Targeted by EDI	Indigenous Peoples
Legal Basis	Individual rights	Collective constitutional rights
Applicable Instruments	Charter, Human Rights Act	Constitution, treaties, UNDRIP
Nature of Obligations	Equal treatment	Consultation, consent, treaties
Relationship with the Organization	Individuals seeking inclusion	Sovereign peoples with distinct rights
Who Defines the Terms	The organization	Nations and Indigenous communities

Considerable Internal Diversity

It is important to note that there is no single Indigenous people in Canada. There are more than 630 First Nations, in addition to Metis and Inuit communities.

Each of these nations has its own languages, governance structures, territories, cultural protocols and histories. Their cultural, political and territorial realities are profoundly different from one another. An EDI strategy that groups them under a single “Indigenous” category does not reflect this diversity and risks erasing it.

Key Takeaway

Indigenous Peoples in Canada are recognized under a legal framework that is distinct from the one underpinning EDI strategies. Their rights are collective, constitutional and treaty-based, a reality that is fundamentally different from that of other groups targeted by EDI. It is this framework that defines the nature of the relationship your organization has with them, and that raises an important question we will explore throughout this guide.

Section 2

What EDI Does Well and Where It Reaches Its Limits

What EDI Accomplishes

Equity, Diversity and Inclusion strategies have significantly transformed Canadian workplaces. They have made it possible to name and address real systemic barriers that prevented individuals from accessing equal opportunities. They have contributed to creating more representative, inclusive and equitable environments for many groups.

Concretely, an effective EDI strategy allows an organization to:

- ◆ Identify and eliminate bias in recruitment and selection processes
- ◆ Create policies that ensure fair treatment for all employees
- ◆ Build an organizational culture that values diverse perspectives
- ◆ Measure and report on progress in representation
- ◆ Train managers and employees to recognize and address unconscious bias

These are real and important accomplishments, and they must continue.

The Foundation of EDI

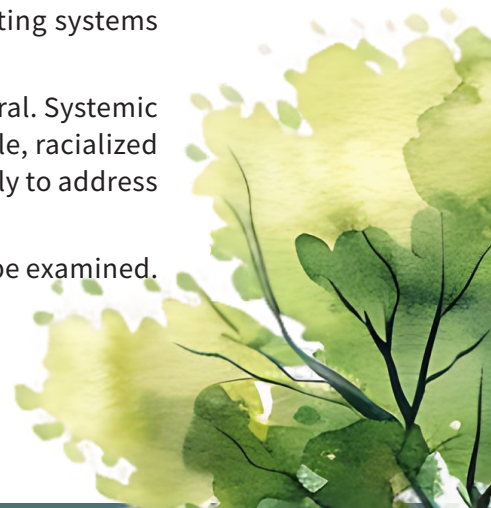
To understand where EDI reaches its limits, it is useful to understand the foundation on which it rests.

EDI starts from the premise that certain individuals face barriers, whether structural, systemic or cultural, that prevent them from accessing the same opportunities as others. The goal is to identify these barriers and eliminate them so that every individual can fully participate in organizational life.

It is a framework centered on the individual, designed to open access to existing systems and structures.

It is important to recognize here that these systems and structures are not neutral. Systemic racism is a documented reality that affects many groups, including Black people, racialized persons, women, and people with disabilities, among others. EDI exists precisely to address these deeply rooted inequalities.

It is in this context that its limits, in the case of Indigenous Peoples, deserve to be examined.



Where This Framework Reaches Its Limits

EDI works well when the central question is: how do we ensure equal access to opportunities for every individual?

But it reaches its limits when the question is of a different nature, as is the case with Indigenous Peoples. The relationship between an organization and Indigenous Peoples is not primarily about individual access to opportunities. It is about collective rights, treaty obligations, distinct governance structures and territories. These are realities that the EDI framework was not designed to address.

Consultation

EDI contains no mechanism to honour the legal obligation to consult Indigenous Peoples on decisions that affect them. That is not part of its mandate, and it should not be.

Collective Rights

EDI is designed to protect individual rights. The rights of Indigenous Peoples are collective: they belong to nations, not to individuals. These two realities cannot be managed within the same framework.

Relationships with Communities

An EDI strategy is an internal strategy. It applies within the organization. The relationship with Indigenous Peoples extends well beyond the organization's walls. It involves communities, governments and territories.

The Diversity of Nations

As we saw in Section 1, there are more than 630 First Nations in Canada, each with its own realities. An EDI strategy is not equipped to recognize and navigate this complexity.

Key Takeaway

EDI is a powerful tool for what it was designed to do. Its limits are not flaws. They simply reflect its original mandate: to ensure equity and inclusion for individuals within an organization. The question this guide invites you to consider is this: is this framework, as solid as it is, the right tool for managing your organization's relationship with Indigenous Peoples?

Section 3

When Good Intentions Produce the Opposite Effect

Intention Is Not Enough

The vast majority of organizations that have integrated Indigenous Peoples into their EDI strategy have done so with good intentions. That is important to acknowledge.

However, when it comes to relationships with Indigenous Peoples, intention alone is not enough. What matters is the real impact of our actions, and that impact is not always what we anticipate.

This section examines what happens concretely when Indigenous Peoples are integrated into an EDI strategy, and why some of these effects run counter to the original intentions.

The Homogenization of What Is Distinct

When Indigenous Peoples are integrated into an EDI strategy, they are inevitably grouped under a single category, often called “underrepresented groups” or “visible minorities.”

As we saw in Section 1, there are more than 630 First Nations in Canada, in addition to Metis and Inuit communities, each with its own distinct realities. Grouping all these nations under a single EDI category erases this diversity and reduces sovereign peoples, with their own governance structures and histories, to a single segment on a diversity dashboard.

The Burden Placed on Indigenous Employees

Within an EDI framework, Indigenous employees often find themselves in a delicate and unsolicited position: that of representatives, educators and validators of all Indigenous questions within the organization.

This role is neither formalized, nor compensated, nor recognized. It is added to their regular responsibilities and creates a considerable burden: that of having to represent millions of people from hundreds of different nations while carrying out their day-to-day work.

This is one of the documented reasons why Indigenous employees leave organizations, not out of lack of interest, but out of exhaustion from a role that does not belong to them.



The Depoliticization of Rights Issues

When Indigenous issues are addressed within an EDI framework, they are inevitably transformed into matters of corporate culture or representation.

Yet Indigenous issues are fundamentally political and legal in nature. They concern constitutional rights, treaties, territories and sovereignty. Integrating them into an EDI framework depoliticizes them, which may seem neutral but has the effect of sidestepping the real questions your organization must ask itself.

A False Impression of Compliance

An organization can display excellent EDI results, including Indigenous representation in its diversity statistics, cultural training included in its EDI program, and a mention of Indigenous Peoples in its annual report, while not honouring its real obligations toward Indigenous Peoples.

It may neglect its consultation obligations on the territories where it operates. It may maintain procurement practices that exclude Indigenous businesses. It may never have established a direct relationship with the nations concerned.

In this case, the EDI framework inadvertently becomes a screen: an appearance of progress that masks the absence of authentic engagement.

The Dilution of Resources

EDI budgets are shared among many groups and priorities. When Indigenous issues are integrated into this framework, they end up competing for limited resources with other organizational priorities.

Yet building an authentic relationship with Indigenous Peoples requires dedicated resources: time, specific budgets, and people mandated to develop and maintain these relationships. This level of commitment cannot emerge from a shared EDI budget.



Key Takeaway

The effects described in this section are not the result of bad faith. They are the natural result of applying a framework to a reality for which it was not designed. Recognizing these effects is an essential step: it allows your organization to make informed decisions about how it genuinely wishes to engage its relationship with Indigenous Peoples.

Section 4

The HR Function Facing a Different Reality

The Mandate of the HR Function

The Human Resources function plays a central role in implementing EDI strategies within organizations. It is often HR that bears the responsibility of defining policies, designing programs and measuring results in equity, diversity and inclusion.

This mandate rests on a clear objective: to identify and eliminate barriers that prevent individuals from accessing equal opportunities within the organization, whether at the hiring stage, in their development, or in their career progression.

This is an important mandate. But it is worth examining more closely to understand what it can and cannot accomplish in the context of Indigenous Peoples.

What HR Tools Accomplish Well

Modern HR practices have a set of effective tools for addressing systemic barriers:

- ◆ Recruitment processes designed to reduce selection bias
- ◆ Pay equity and fair treatment policies
- ◆ Development and mentoring programs for underrepresented groups
- ◆ Training on unconscious bias and cultural sensitivity
- ◆ Complaint mechanisms and conflict resolution processes
- ◆ Engagement surveys to measure employee well-being

These tools are relevant and necessary for groups targeted by EDI. But let us examine how they apply, or do not apply, to the reality of Indigenous employees.



Where HR Practices Reach Their Limits

Recruitment

Standard HR practices approach Indigenous recruitment as a candidate pipeline problem: how to attract more Indigenous candidates, how to reduce selection bias, how to make job postings more accessible.

What these practices do not capture is that effective Indigenous recruitment does not start with a job posting. It starts with a real, sustained community presence over time. Indigenous communities have a long institutional memory. They know which organizations have acted with integrity and which have used their image for cosmetic recruitment.

An Indigenous candidate is not just asking whether the position interests them. They are evaluating whether the organization respects their people, whether their identity will be recognized, and whether their obligations to their community will be understood. These questions are not resolved with an improved recruitment process. They are resolved through years of authentic relationships.

Integration and Onboarding

A standard onboarding process presents the organization's culture, values and policies. It implicitly invites the new employee to integrate into an existing environment.

For an Indigenous employee, this process can inadvertently send a familiar and uncomfortable message: that of joining an institution by setting aside one's identity, values and ways of being. An onboarding that does not explicitly recognize the value of Indigenous identity, cultural obligations and distinct ways of knowing creates, from day one, an environment where the employee must navigate between two worlds.



Retention

HR retention tools, including engagement surveys, recognition programs and benefits, are designed to measure and improve individual job satisfaction.

Yet the reasons Indigenous employees leave organizations are rarely related to individual satisfaction in the traditional sense. They are often linked to:

- ◆ Cultural isolation in a workplace where they are few in number
- ◆ The unrecognized burden of representing their people to their colleagues
- ◆ Conflicts between their community obligations and organizational expectations
- ◆ An environment that does not recognize the value of their identity and perspectives

A standard engagement survey does not capture these realities because it was not designed to look for them.

Performance Evaluation

Performance evaluation criteria often reflect very specific cultural values: direct and assertive communication, individual competition, speed of decision-making, and organizational hierarchy.

In many Indigenous cultures, these same behaviours may be expressed differently. Consensus decision-making, respect for elders, contextual communication and prioritizing the collective good are real and sophisticated competencies, but they are not always recognized by traditional evaluation grids.

Mental Health Support

Employee assistance programs and well-being resources are generally designed for individual challenges, drawing on therapeutic approaches rooted in Western psychology.

For many Indigenous employees, well-being is inseparable from community, culture and connection to the land. The trauma experienced by many Indigenous people is not solely individual. It is intergenerational trauma, a legacy of residential schools and colonialism, that manifests in ways that standard HR resources are not equipped to understand or support.



What the HR Function Cannot Do Alone

Beyond internal practices, there are dimensions of the relationship with Indigenous Peoples that entirely exceed the mandate of the HR function:

- ◆ Honouring the legal duty to consult with Indigenous nations
- ◆ Establishing nation-to-nation relationships with Indigenous governments
- ◆ Developing procurement strategies with Indigenous businesses
- ◆ Addressing the organization's impacts on Indigenous territories
- ◆ Engaging in long-term community partnerships

These responsibilities require governance at the level of senior management and the board of directors, not solely the HR function. This does not diminish the role of HR. On the contrary, it clarifies it.

Key Takeaway

The HR function has powerful tools to create more equitable and inclusive workplaces. These tools are essential and must continue to be applied rigorously for all groups targeted by EDI. However, the relationship with Indigenous Peoples raises issues that go beyond the mandate and tools of the HR function. Recognizing this reality is what allows your organization to develop an approach in which HR plays its own role, in complementarity with a broader organizational strategy.

Section 5

A Distinct Strategy: What It Means at the Organizational Level

A Responsibility That Belongs to Leadership

The first and perhaps most important distinction between an EDI strategy and a distinct Indigenous strategy is that of governance.

An EDI strategy is generally carried by the HR function. That is appropriate for its mandate. A distinct Indigenous strategy must be carried at the level of senior management and the board of directors, not because HR is not competent, but because the nature of this relationship demands it.

It engages the organization's legal responsibility toward constitutional obligations and treaties. It involves relationships with Indigenous governments and nations. It touches on dimensions that go beyond the workplace, including territories, procurement, consultation and community partnerships. And it requires dedicated resources and long-term commitments that must be sanctioned at the highest level.

Co-constructed, Not Imposed

An EDI strategy is generally defined by the organization: its priorities, its metrics, its objectives.

A distinct Indigenous strategy cannot be defined unilaterally. It must be co-constructed with the Indigenous nations and communities concerned, those whose territories are affected by your activities and those with whom you have or wish to develop relationships.

This concretely means:

- ◆ Identifying the nations whose territories are concerned by your activities
- ◆ Establishing direct channels of dialogue with their governments and representatives
- ◆ Defining together the priorities, commitments and indicators of success
- ◆ Respecting the principle of free, prior and informed consent in all decisions that affect them

This process takes time. It requires a willingness to be guided by perspectives different from those that typically predominate in organizations.



Commitments That Go Beyond the Workplace

Consultation and Consent

Establishing formal processes to consult the Indigenous nations concerned before making decisions that affect their territories, communities or rights. This is not a courtesy; it is a legal obligation.

Indigenous Procurement

Developing procurement policies that favour Indigenous businesses. This is one of the most concrete and measurable levers for generating direct economic benefits for communities.

Community Partnerships

Establishing long-term partnerships with Indigenous organizations and communities, not within the framework of one-time programs, but with a view to a lasting and mutually beneficial relationship.

Territorial Acknowledgement with Substance

Going beyond symbolic land acknowledgement. Developing a real understanding of the nations whose territories are affected by your activities, including their history, priorities and governance structures, and allowing this understanding to concretely influence your organizational decisions.



Success Indicators Defined in Partnership

In an EDI strategy, success is generally measured by internal metrics such as representation rates, engagement scores and training results.

In a distinct Indigenous strategy, success indicators are defined in partnership with Indigenous communities. They may include:

- ◆ The quality and depth of relationships established with the nations concerned
- ◆ Respect for consultation and consent commitments
- ◆ Economic benefits generated for Indigenous communities
- ◆ The communities' own assessment of the quality of the relationship

A Long-term Commitment

An EDI strategy generally evolves according to annual planning and review cycles. A distinct Indigenous strategy is built on a long-term perspective. Building authentic relationships with Indigenous nations and communities does not happen in a year. It requires consistency and a commitment that outlasts leadership changes, economic cycles and shifting organizational priorities.

It is an institutional commitment, not a program.

Key Takeaway

A distinct Indigenous strategy is not an improved version of your EDI. It is a different organizational response, to a different relationship, with different partners, carried at a different level of governance. It asks more, in time, resources and commitment. But it produces something an EDI strategy cannot produce: an authentic, lasting relationship that is proportionate to the obligations your organization has toward Indigenous Peoples.

Section 6

HR Practices That Reflect a Distinct Reality

The Role of the HR Function in a Distinct Indigenous Strategy

As established in previous sections, a distinct Indigenous strategy goes beyond the mandate of the HR function. It belongs to senior management and the board of directors.

However, this does not mean that HR has no role to play. On the contrary, HR is an essential partner in implementing this strategy. Its role is precise: to develop and put in place internal practices and processes that recognize the distinct historical, legal and cultural reality of Indigenous Peoples, while fitting within the broader organizational strategy.

What the HR function must fundamentally understand is that these practices are not accommodations. They are not exceptions granted to one group among others. They are concrete responses to a distinct reality, anchored in the recognition of who Indigenous Peoples are, their history, and the obligations that history creates for Canadian organizations.

The Distinction That Changes Everything: Accommodation vs. Recognition

In an EDI framework, adjustments made for certain groups are generally perceived as accommodations: modifications to standard rules to meet particular individual needs.

Distinct HR practices for Indigenous Peoples are not accommodations. They are the reflection of a recognition: the recognition that certain standard rules were created without taking into account the historical and legal reality of Indigenous Peoples, and that it is the organization's responsibility to address this.

This distinction matters, particularly when colleagues or managers question why certain practices apply differently to Indigenous employees.

The answer is not:

“Because they need help.”

The answer is:

“Because our organization recognizes who they are, their history, and what that means for us as an employer.”

Concrete Practices and Why They Are Different

Language Requirements

Many Canadian organizations require French-English bilingualism for certain positions. This is a legitimate requirement in a Canadian organizational context.

However, for Indigenous Peoples, French and English are two colonial languages. Requiring proficiency in both as a condition of employment, without acknowledging this historical context, places Indigenous candidates before a barrier that is not neutral. It directly reflects the colonial history of Canada.

An organization that recognizes this reality may choose to require proficiency in only one of the two official languages for Indigenous candidates, without compromising its operational requirements.

This decision is not a favour. It is not an unfair exception toward other groups. It is the recognition that official bilingualism is itself the product of a history that excluded Indigenous languages and peoples, and that organizations, particularly governments and Crown corporations, have a responsibility to take this into account.

Leave and Cultural Obligations

Standard leave policies are built around a calendar that primarily reflects Christian and Western traditions.

For Indigenous employees, cultural obligations such as ceremonies, community gatherings, collective mourning and obligations to their nation do not always fit within this calendar. And unlike personal preferences, these obligations are often collective and non-negotiable within their cultural context.

A leave policy that recognizes this reality does not create a two-tiered system. It acknowledges that the standard calendar is not universal, and that organizations have a responsibility to create an environment where Indigenous employees can honour their cultural obligations without having to choose between their identity and their employment.



Recruitment and Selection Criteria

Standard selection criteria, including degrees, experience and references, often reflect an academic and professional trajectory that has not always been accessible to Indigenous Peoples, due to decades of policies that limited their access to education and economic opportunities.

An organization that recognizes this reality broadens its definition of relevant competencies and experience. It acknowledges that community leadership, traditional governance, navigating between two cultural worlds and managing intergenerational relationships are real and sophisticated competencies, even if they do not appear on a standard resume.

This is not lowering the bar. It is broadening the definition of what constitutes a competency.

Onboarding and Integration

An onboarding process that recognizes the distinct reality of Indigenous employees does more than present the organization's policies. It explicitly acknowledges:

- ◆ The nation or community the employee comes from
- ◆ That their cultural protocols, community obligations and ways of knowing have value within the organization
- ◆ That the organization itself is part of a reconciliation process, and what that means concretely for the employee

This type of onboarding sends a clear message from day one: your identity is not something you need to set aside to work here.



Performance Evaluation

Performance evaluation grids that recognize Indigenous reality broaden their definition of leadership, communication and collaboration to include forms of expression that do not always match dominant Western models. This may mean explicitly recognizing:

- ◆ Consensus decision-making as a form of leadership
- ◆ Contextual and indirect communication as a communication competency
- ◆ Prioritizing the collective good as a collaboration indicator
- ◆ The role of community mentor as a form of leadership development

Mental Health Support and Well-being

Culturally safe mental health support resources for Indigenous employees recognize that Indigenous well-being is inseparable from community, culture and connection to the land. This can take several forms:

- ◆ Partnerships with Indigenous mental health support organizations
- ◆ Access to Elders or cultural advisors
- ◆ Collective support spaces rather than only individual ones
- ◆ Specific training for managers on intergenerational trauma and its manifestations in the workplace



Responding to the Question: Why Not Other Groups?

It is inevitable that some colleagues or managers will ask: if we do this for Indigenous employees, why do we not do the same for newcomers, or for other marginalized groups?

That is a legitimate question, and it deserves a clear answer.

The practices described in this section are not granted to Indigenous Peoples because they are more important than other groups. They are put in place because they respond to a distinct historical and legal reality: that of sovereign peoples whose languages, cultures and structures were actively dismantled by colonial policies in which the Canadian state and its institutions participated.

This reality creates a specific responsibility for Canadian organizations, particularly governments and Crown corporations, that does not apply in the same way to other groups.

This does not mean that the needs of other groups do not deserve to be addressed. It means that every group deserves a response that corresponds to its own reality, and that the reality of Indigenous Peoples in Canada is distinct from any other.

Key Takeaway

The HR practices described in this section are not exceptions or privileges. They reflect an organization that has taken the time to understand who Indigenous Peoples are, what their history implies, and what that means concretely for its internal practices. They fit within a broader organizational strategy, carried by leadership, co-constructed with Indigenous communities, and anchored in a long-term vision. This is the difference between an organization that includes Indigenous Peoples in its EDI and an organization that has truly understood why a distinct approach is not only necessary, but essential.

Brigitte Skeene — Founder, Talent IQ