



Civil Resolution Tribunal

Reconcili(action) Plan

2021-2024



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"Salmon's Prayer" 2020



"Reconcili(action) is a meaningful action that moves reconciliation forward in an effort to bring Indigenous and non-Indigenous peoples together in the spirit of reconciliation to create awareness, share and learn. These actions act as a catalyst for important conversations and meaningful change, recognizing that change starts with each of us."

– Gord Downie & Chanie Wenjack Fund

"Reconciliation is not about being a spectator."

– Senator Murray Sinclair

"We go to the schools and they leach the dreams from where our ancestors hid them, in the honeycombs of slushy marrow buried in our bones. And us? Well, we join our ancestors, hoping we left enough dreams behind for the next generation to stumble across."

– Cherie Dimaline, *The Marrow Thieves*

Territorial Acknowledgement

The CRT gratefully and respectfully acknowledges that our work spans across the ancestral territories of 198 First Nations and 38 Métis chartered communities in British Columbia.

We recognize that the historic relationship between Indigenous peoples and the land continues today, and we are thankful our work can reach people across all these territories.

This document was inspired, created and published on the ancestral territory of the Coast Salish peoples including the territories of the Songhees, Esquimalt, W̱SÁNEĆ, xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔ (Tsleil-Waututh) Coast Salish peoples.



Accountability Statement

The Civil Resolution Tribunal is committed to reconciliation with Indigenous peoples. We acknowledge the historical and ongoing impacts of systemic racism, colonialism, and the residential school system on Indigenous peoples. We also recognize the resulting trauma, limited access to justice, and barriers to Indigenous representation, including among CRT staff and tribunal members. The CRT Reconcili(action) Plan 2021-2024 sets out the CRT's commitment to implement specific, measurable, and timely actions toward reconciliation.

As chair of the CRT, I am accountable for these actions.

Shannon Salter

CRT Chair



Our Commitment

The Civil Resolution Tribunal (CRT) is dedicated to promoting access to justice for Indigenous peoples in our province. The CRT is committed to acknowledging the truth of the historical and current treatment of Indigenous peoples, taking meaningful actions, and contributing to reconciliation in Canada.

In establishing these commitments, the CRT thoroughly considered the following leading documents:

- Truth and Reconciliation Commission of Canada: Calls to Action (2015) (“TRC Calls to Action”)
- United Nations Declaration on the Rights of Indigenous Peoples (2007) (“UNDRIP”)
- Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019)
- BC Human Rights Tribunal: Expanding Our Vision: Cultural Equality & Indigenous Peoples’ Human Rights (2020)
- Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples (2018)

The CRT’s commitments have also been informed by the following courses and resources:

- Indigenous Canada, online course offered by the Faculty of Native Studies at the University of Alberta
- Indigenous Cultural Perspectives training provided by the Indigenous Perspectives Society for tribunal members and staff in 2017 and 2019
- Strengthening Indigenous Relations Through Awareness and Actions training offered by the BC Public Service Agency
- “But I was wearing a suit”, mini-documentary film developed as a grassroots project by a group of Indigenous lawyers, with the support of the Continuing Legal Education Society of BC and the Law Society of BC
- “Unreserved”, CBC Podcast

Looking Forward

This Reconcili(action) Plan guides the CRT's work in advancing reconciliation and ensuring that the CRT is a safe and accessible place for Indigenous peoples to access justice.

The CRT believes there is no reconciliation without action, which is why our plan is titled "Reconcili(action)." We will create immediate change, follow through on our actions, and stay accountable.

Our actions are divided into four categories: Equity, Education, Community and Accountability.

Although this plan is intended to provide guidance to the CRT as an organization, we recognize that reconciliation must occur on all levels, including at the individual level. Each and every one of our staff and tribunal members plays an important role. Through continuous training and development, staff and tribunal members are encouraged to further their understanding of Indigenous history and culture and to implement practices of reconciliation. They are also encouraged to learn, and to proactively seek out opportunities to further their education about Indigenous peoples and the issues which face them.

As an organization, and as individuals, we will not put the onus on Indigenous peoples to educate non-Indigenous people.



Our Overarching Goals

Through this Reconcili(action) Plan the CRT will:

- Create a dispute resolution process that is open and responsive to the historic and ongoing experience of Indigenous peoples by recognizing the historic relationship between colonial government structures and Indigenous peoples;
- Recognize Indigenous legal orders as legitimate ways of resolving legal issues;
- Further develop cultural competency and cultural safety practices among CRT staff and tribunal members, in order to increase awareness and understanding of Indigenous peoples, and to improve their experiences accessing the CRT;
- Collect feedback from Indigenous peoples using the CRT in order to improve the CRT's processes for Indigenous peoples and increase the number of Indigenous peoples who access the CRT over time;
- Aim to increase the number of Indigenous peoples working at all levels of the CRT, including staff and tribunal members;
- Be held accountable for reconciliation with Indigenous peoples.

Four Categories of Actions

We have divided our actions into four categories. These categories are reciprocal, circular, harmonized and interdependent; one category cannot be successful or meaningful unless the others are as well.

These four categories will guide the CRT through thoughtful and intentional changes to make the CRT more welcoming, culturally safe and accessible for Indigenous participants. The CRT is dedicated to playing a role in reconciliation and systemic change in order to give Indigenous peoples equitable and just opportunities in our colonial legal system.

Like everything at the CRT, our actions will be continuously assessed for opportunities for improvement. The CRT will report on the implementation of the actions on the CRT website, through blog posts and in our annual reports.



Equity

The CRT understands that Indigenous peoples continue to experience disadvantages and injustices as a result of the lasting effects of Canada's colonial legacy. In recognizing this, the CRT is committed to providing equitable opportunities for Indigenous participants who access the CRT. The CRT is working diligently to identify and eliminate systemic and procedural barriers that Indigenous participants may experience during the CRT process.

Action

- 1 The CRT will prioritize hiring Indigenous staff at all levels of the organization in order to increase Indigenous representation within the CRT.
- 2 The CRT will prioritize hiring Indigenous tribunal members. The CRT recognizes the importance of providing equitable opportunities for Indigenous peoples within the administrative justice sector, especially as decision makers.
- 3 The CRT will provide a summer position for an Indigenous law student to provide opportunities for Indigenous law students to gain valuable work experience.
- 4 The CRT will create a CRT Navigator position and will strive to hire an Indigenous person for this role. This staff member will work with and guide Indigenous participants through the CRT process. This position will provide equitable support for Indigenous participants. The CRT communications team will collaborate with the CRT Navigator regarding outreach to Indigenous organizations.
- 5 Job postings for CRT staff and tribunal member roles will be posted on the CRT's website, social media channels, and sent to Indigenous organizations. Job postings will include contact information for the Indigenous Applicant Advisor provided by the BC Public Service. Other resources will be included, if available, to assist Indigenous applicants with the CRT hiring process. The CRT chair will also contact Indigenous organizations and potential candidates to answer questions, build awareness of the application process, and encourage applications.
- 6 The CRT will ensure its hiring processes are culturally appropriate and that Indigenous applicants are provided with equitable opportunities to be successful in these processes. This includes creating space in the interview process for Indigenous worldviews to be recognized and honoured.

Action

7

The CRT will ensure Indigenous peoples are represented on the CRT's website and in other information materials. The CRT will seek permission to use photographs of local Indigenous peoples for this.

8

The CRT will include an option for participants to voluntarily self-identify to the CRT as Indigenous. By identifying Indigenous participants, the CRT can ensure Indigenous peoples are given equitable opportunities.

9

Through user feedback and continuous improvement, the CRT will identify and address procedural barriers that Indigenous peoples may face when accessing the CRT.

10

The CRT is committed to addressing barriers that Indigenous peoples may face when accessing the CRT process and forms. The CRT will ensure that its website and technology platforms are optimized for smartphones and other devices and provide a paper process as an alternative.

11

The CRT will seek to identify how many Indigenous participants use the CRT in order to evaluate and improve the process for Indigenous participants in the future.

12

The CRT will educate staff and tribunal members on the importance of flexibility and cultural sensitivity and will create space within its processes for staff and tribunal members to accommodate Indigenous worldviews.

13

The CRT will provide different options in order to accommodate Indigenous approaches to resolving disputes and help participants resolve their disputes consensually if possible.

14

The CRT will integrate Indigenous legal principles, protocols and practices into the CRT's processes.

15

The CRT will review dispute outcomes and implement appropriate changes to ensure the CRT process is fair for Indigenous peoples.

Education

The CRT is committed to advancing reconciliation with Indigenous peoples through education. Education includes both internal training for CRT staff and members, as well as external steps we take to educate the public, stakeholders, and others in the legal and justice communities.

The Truth and Reconciliation Commission has emphasized the importance of learning and recognizing the unique history of Indigenous peoples in order to move forward with reconciliation. We are committed to this goal.

“Education is what got us here, and education is what will get us out.”

– Justice Murray Sinclair



Action

16

The CRT will create educational materials for Indigenous participants about the CRT process. These materials may include topics such as an overview of the CRT process, collecting evidence for a CRT dispute, and a list of the CRT services and supports available for Indigenous participants. This information will be posted on the CRT website. The CRT will make resources available in video as well as written format.

17

The CRT prioritizes continuous improvement and learning and is committed to providing internal and external training opportunities for CRT staff and tribunal members. Training for non-Indigenous CRT staff and tribunal members will be mandatory and ongoing. Training will be optional for Indigenous staff and tribunal members. The CRT will select courses and training materials that are recognized as accurately reflecting Indigenous history, culture and perspectives.

18

The CRT will train staff and members about the diverse nature of Indigenous cultures, the history of Indigenous peoples in Canada, the impacts of colonization, treaty rights, and Indigenous rights. A key goal of the training is to enable the CRT to better serve Indigenous participants.

19

All staff and tribunal members will complete Indigenous cultural competency and skills-based training. In addition, the CRT will require further in-depth Indigenous cultural competency training for staff who work directly with Indigenous participants.

20

Tribunal members will also complete trauma-informed practice training and professional development training on Indigenous law, legal principles, legal orders, and practices.

21

The CRT will train staff and members on how to recognize and address implicit bias and micro-discrimination, in order to stand up against racism, and act as strong allies.



Community

Community

Community plays an integral role in reconciliation. We must build relationships with our communities, recognizing systemic barriers to accessing justice and soliciting feedback for the CRT to use to continuously improve its processes. The CRT will collaborate with communities and create accessible and informative resources for everyone to use.

Action

22

The CRT will create an Indigenous Participants page on its website to provide information and resources for Indigenous participants, and to provide updates on the implementation of the Reconcili(action) Plan.

23

The CRT will decolonize the language on its website and forms to ensure that the language is inclusive and accessible for Indigenous participants.



Action

- 24** The CRT will work with law schools, advocacy groups, and local organizations to develop advocacy programs and resources for Indigenous participants at the CRT.
- 25** The CRT will support the recognition, development, and use of Indigenous laws, legal traditions and languages in the broader legal and justice systems.
- 26** The CRT chair, or other staff as appropriate, will attend events, ceremonies, and other activities when invited to do so by Indigenous communities.
- 27** The CRT will work with law schools, legal clinics and law student associations to provide workshops and materials to raise awareness about the CRT, its services, the CRT's Reconcili(action) Plan, and the actions the CRT has taken under this plan.
- 28** The CRT will include Indigenous voices, culture, perspectives and knowledge in the development of CRT policies, processes and services. This may be done through consultation with Indigenous and advocacy organizations.
- 29** The CRT will make materials about the CRT and its processes available for Indigenous peoples at Band offices, Friendship Centres, Métis Associations, universities, law schools, Indigenous advocacy agencies and community organizations.
- 30** The CRT's website and materials will include information for Indigenous participants on what to expect throughout the CRT process.
- 31** The CRT will ask for user feedback from Indigenous participants in order to evaluate its processes and supports. This feedback will be used to improve its services.

Accountability

Accountability

Reconciliation requires accountability. The CRT chair is accountable for the implementation of, and continued commitment to, this Reconcili(action) Plan. The CRT chair will complete ongoing and annual reviews to ensure the CRT meets its goals and will report on developments in the CRT's annual reports.

Action

32

The CRT will publicly acknowledge the historic and present-day racism that exists in our legal system, the impacts of colonization, and the historic relationship between government and Indigenous peoples.

33

The CRT's reconciliation efforts will be informed by important documents such as the TRC Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples and the BC Human Rights Tribunal Report "Expanding Our Vision".

34

Recognizing that the CRT is part of the colonial legal system, the CRT chair is committed to partnering with Indigenous governments to ensure the CRT is relevant for Indigenous peoples and is a safe space to access justice.

35

CRT staff and tribunal members will include a territorial acknowledgement in oral hearings, during presentations, and in email signature blocks. The CRT will also include a territorial acknowledgement on its website and in other publications, such as in its annual reports.

36

Each year in the CRT annual report, the CRT chair will provide an update on the Reconcili(action) Plan actions that were implemented over the previous twelve months.

37

The CRT chair will establish measurements of success with respect to reconciliation with Indigenous peoples. These metrics will be measured and included in the CRT's annual report.

38

The CRT chair will review the Reconcili(action) Plan after six months, and then annually, to ensure the CRT is meeting its commitments under the plan.

Accountability

Action

39 The CRT will post periodic updates on implemented actions under the Reconcili(action) Plan, in addition to the annual report.

40 The CRT will provide information in the annual report about the number of CRT staff and tribunal members who identify as Indigenous, who have worked with Indigenous communities and who speak Indigenous languages. This will only be done with the consent of those staff and tribunal members.

41 The CRT will record and review statistics on participants who choose to self-identify as Indigenous in order to better assess the needs and supports provided to Indigenous participants. These statistics will be included in the CRT's annual report without personal identifiers but may include a breakdown of geographic areas.

42 The CRT will record and review statistics on disputes involving Indigenous parties, including dispute outcomes, to assess procedural barriers that may affect Indigenous participants. User feedback from Indigenous participants will also be reviewed, consistent with the CRT's mandate of continuous improvement.



Measurements of success

The CRT believes that there is no reconciliation without meaningful action. To stay accountable, the CRT will report on how we are taking action. The CRT chair will complete ongoing and annual reviews to ensure the CRT meets its goals. The CRT will report on the implementation of the actions on the CRT website, through blog posts and in our annual reports.

Actions	What/How	Timeline
Equity		
1-6: Jobs and Hiring <ul style="list-style-type: none"> • Prioritize hiring Indigenous tribunal members and staff at all levels • Hire an Indigenous law student, summer position • Create a CRT Navigator position • Include information in job postings to assist Indigenous applicants • Chair presentations and outreach to encourage recruitment • Review hiring processes to ensure they are culturally appropriate and that they provide equitable opportunities to be successful 	Report on: <ul style="list-style-type: none"> • Number and/or percentage of Indigenous staff and tribunal members • Their job titles • Where jobs are posted • Presentations done • Changes to hiring processes 	Immediately 4 months 10 months Ongoing
7: Photos <ul style="list-style-type: none"> • Include photos of local Indigenous peoples on the CRT's website and in other information materials 	<ul style="list-style-type: none"> • Source photos • Add to website • Other materials 	3 months
8-15: CRT Processes <ul style="list-style-type: none"> • Identify and address procedural barriers • Provide a paper process for disputes • Optimize website and technology platforms for smartphones • Include an option for participants to self-identify as Indigenous • Identify how many Indigenous participants use the CRT • Evaluate and improve processes • Create flexibility in processes to accommodate Indigenous worldviews • Accommodate Indigenous approaches to resolving disputes • Integrate Indigenous legal principles, protocols and practices into the CRT's processes • Review dispute outcomes and implement appropriate changes to ensure fairness 	<ul style="list-style-type: none"> • Review procedures and forms • Participant survey • Collect data • Review dispute outcomes 	Immediately 4 months 10 months Ongoing

Measurements of success

Actions	What/How	Timeline
Education		
16: Information for Indigenous participants <ul style="list-style-type: none"> • Create educational materials about the CRT process • In video and written format • Post on website 	<ul style="list-style-type: none"> • Create materials • Create videos • Post on website 	Immediately 3 months 6 months
12, 17-21: Training for staff and tribunal members <ul style="list-style-type: none"> • The importance of flexibility and cultural sensitivity • The diverse nature of Indigenous cultures, the history of Indigenous peoples in Canada, the impacts of colonization, treaty rights, and Indigenous rights • Indigenous cultural competency and skills-based training • In-depth Indigenous cultural competence training for those who work directly with Indigenous participants • Trauma-informed practice training for tribunal members • Professional development training for tribunal members on Indigenous law, legal principles, legal orders, and practices • How to recognize and address implicit bias and micro-discrimination 	Report: <ul style="list-style-type: none"> • Course name(s) • # and % of staff and tribunal members trained 	Immediately Ongoing

Measurements of success

Actions	What/How	Timeline
Community		
22-23, 30, 35: CRT website <ul style="list-style-type: none"> • Create an Indigenous Participants page on the CRT's website • Decolonize the language on the CRT's website and forms • Include information on website for Indigenous participants on what to expect throughout the CRT process • Include a territorial acknowledgement 	<ul style="list-style-type: none"> • Update website 	Immediately Ongoing
24-25: Advocacy for Indigenous peoples <ul style="list-style-type: none"> • Work with law schools, advocacy groups, and local organizations to develop advocacy programs and resources for Indigenous participants at the CRT • Support the recognition, development and use of Indigenous laws, legal traditions and languages in the broader legal and justice systems 	<ul style="list-style-type: none"> • Compile list of schools, groups and organizations • Contact • Meetings 	12 months Annually
26: Events and ceremonies <ul style="list-style-type: none"> • The CRT chair, or other staff as appropriate, will attend events, ceremonies, and other activities when invited to do so by Indigenous communities 	<ul style="list-style-type: none"> • List events 	Immediately Ongoing
27, 29: Raise awareness about the CRT, its services and the Reconcili(action) Plan <ul style="list-style-type: none"> • Provide workshops and materials to law schools, legal clinics and law student associations • Provide materials to Band offices, Friendship Centres, Métis Associations, universities, law schools, Indigenous advocacy agencies and community organizations 	<ul style="list-style-type: none"> • Compile list of schools, clinics and associations • Make contact • Provide materials 	3 months 9 months
28, 31: Consultation and feedback <ul style="list-style-type: none"> • Include Indigenous voices, culture and knowledge in the development of CRT policies, processes and services • Collect user feedback from Indigenous participants to improve the CRT's services 	<ul style="list-style-type: none"> • Stakeholder engagement • Public survey • Participant survey 	Immediately 4 months 10 months Ongoing

Measurements of success

Actions	What/How	Timeline
<h2>Accountability</h2>		
32-34: Reconcili(action) Plans will <ul style="list-style-type: none"> • Acknowledge the historic and present-day racism that exists in our legal system • Acknowledge the impacts of colonization and the historic relationship between government and Indigenous peoples • Be informed by important documents such as the TRC Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples and the BC Human Rights Tribunal Report “Expanding Our Vision” • Partner with Indigenous governments to ensure the CRT is relevant for Indigenous peoples and is a safe space to access justice 	<ul style="list-style-type: none"> • Include acknowledgements • Review important documents • Connect with Indigenous governments 	Immediately
35: Include territorial acknowledgement in <ul style="list-style-type: none"> • oral hearings • during presentations • in email signature blocks • on website • in publications 	<ul style="list-style-type: none"> • Write acknowledgment • Update website • Confirm email signatures • Ensure consistency • Measure use 	Immediately Ongoing
36-42: Reports <ul style="list-style-type: none"> • Establish measurements of success with respect to reconciliation with Indigenous peoples • Include metrics in the annual report • Review the Reconcili(action) Plan after six months, and then annually, to ensure the CRT is meeting its commitments • Provide an update on the actions that were implemented over the previous twelve months • Post periodic updates on implemented actions • Provide information about the number of CRT staff and tribunal members who identify as Indigenous, who have worked with Indigenous communities and who speak Indigenous languages • Record and review statistics on participants who choose to self-identify as Indigenous • Record and review statistics on disputes involving Indigenous parties to assess procedural barriers that may affect Indigenous participants 	<ul style="list-style-type: none"> • Establish measurements • Collect data • Review • Annual Report • Update on Website/blog • Update via social media 	Immediately 6 months Annually

Nenachalhuya



The CRT would like to thank Clayton Gauthier for the gift of using his artwork in relation to the Reconcili(action Plan). After the CRT contacted Clayton to discuss licencing his work, Clayton wrote to us saying, "I'd like to honour you all and give you the art from my heart. In this journey we are on we must honour the gifts we are given from the Creator. An Elder shared with me 'A gift is not a gift until you give it away'. I feel this is one way to reconciliation with our nations. Enjoy the gifts we share".

Clayton personally selected four pieces of artwork for the CRT's Reconcili(action) Plan. "Salmon's Prayer", "Eagle Chief", "Salmon's Feathers", and "Butterflies" honour the connection that Indigenous peoples have with the land and water and share with all peoples.

Nenachalhuya is a Dakelh word meaning "you have done us great honour" or "we are thankful for what you have done". CRT staff and tribunal members are deeply honoured to accept this beautiful gift, on behalf of the tribunal.

Musi (Thank you)



© Clayton Gauthier: "Salmon's Prayer" "2020"



© Clayton Gauthier: "Eagle Chief" "2020"



© Clayton Gauthier "Salmon's Feathers" "2020"



© Clayton Gauthier 2020

Clayton Gauthier

Clayton Gauthier, from the Nak'azdli First Nation and of Northern Cree descent, has been making art since he was a child. He is a graduate from the En'owkin Centre's National Aboriginal Professional Artist Training Program (NAPAT).

"Walking this journey as an artist, I have learned a lot about myself and the arts. My bloodline is Cree and Dakelh. The art I produce is revolved around our traditional teachings that we have learned from our Elders, the Spirit within and our Mother Earth. Throughout this art journey I have completed many logos, murals, drums, rattles, carvings, tattoos, and digital art. Artwork in my life gives me a feeling of serenity that nothing can replace. I love to share my gifts to the ones who want to learn. We are as beautiful as our art."

Clayton is also an author and illustrator of two children's books that incorporate his artistry, his nation's language and traditional knowledge. In 2020, Clayton was awarded a *Periodical Marketers of Canada Literature Award* for his book, *"The Bear's Medicine"*. He hopes to help awaken his nation's language by presenting it though this story which is written in English and translated into Dakelh.

One of his current projects is *"Nenachalhuya - The Cedar Plank Project"* at the University of Northern British Columbia. Clayton is carving cedar planks that represent all of the various and diverse northern B.C. First Nations. Once completed, the 32 panels will surround the walls of *Lhuhuhwhezdel: The Gathering Place* at UNBC. The artwork on each panel was chosen by northern B.C. First Nation communities to reflect their community and their students.

See Clayton Gauthier's carvings and artwork on Twitter @CGauthierArtist or by searching Clayton Gauthier on Facebook.

Photos:

Page 3: photo by Lennart Heim on Unsplash; page 5 photo by Joel Cross on Unsplash; page 8 clockwise from Equity: photos by Tomoko Uji, Laura Lefurgey-Smith, Andy Holmes, and James Wheeler on Unsplash; page 13 photo by Vince Lee on Unsplash.



Civil Resolution Tribunal

The CRT is an independent administrative tribunal that adjudicates certain small claims, motor vehicle injury claims, strata, societies and cooperative association disputes in British Columbia. The CRT is also Canada's first online tribunal. It resolves disputes by agreement where possible and makes binding decisions when the parties can't agree.

info@crtbc.ca | civilresolutionbc.ca