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EMPLOYMENT INSURANCE FOR INDIGENOUS WOMEN, GIRLS, TWO-SPIRIT, TRANSGENDER, AND GENDER DIVERSE+ PEOPLE:

Informing Modernization of the Employment Insurance Program

Final Report

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NATIVE WOMEN'S ASSOCIATION OF CANADA



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INTRODUCTION

This report presents the findings of a survey conducted in December 2022 by the Native Women's Association of Canada (NWAC). The survey was funded by Employment and Social Development Canada. The objective of the survey was to engage with Indigenous Women, Girls, Two-Spirit, Transgender, and Gender-Diverse+ (WG2STGD+) People to gain perspectives on the current Employment Insurance Program (EI). Respondents were First Nations, Inuit, and Métis WG2STGD+ People.

To set a broader context for this report, we begin by examining current labour market situations of Indigenous WG2STGD+ People and comparing it to their non-Indigenous counterparts. Disparities between these two populations will underscore a need for a responsive EI Program. Ways to improve unemployment rates among Indigenous WG2STGD+ People are also identified.

This is followed by a summary of findings of the survey, and an analysis of its results. Respondents shared both their positive and negative experiences with various types of benefits offered by the EI program. They also gave their views concerning the needs of persons with disabilities (e.g., accessibility and services offered).

The report concludes with recommendations for improvements so EI can be transformed to better meet the needs of Indigenous WG2STGD+ People.





CURRENT LABOUR MARKET STATUS OF INDIGENOUS WG2STGD+ PEOPLE

Current literature clearly shows Indigenous Peoples remain at a persistent disadvantage in the labour market compared to non-Indigenous people. Among others, Robert J. Oppenheimer's report on unemployment and wage gaps for Indigenous Peoples, has demonstrated that rates of employment, unemployment, labour force participation, and wages continue to be, and have historically been, "more favourable" for non-Indigenous over Indigenous Peoples.¹ Indigenous Peoples are also more vulnerable to job loss during economic downturns.²

To make a comparison between the labour market status of Indigenous WG2STGD+ People and their non-Indigenous counterparts, this report will draw on secondary sources that use both Labour Force Survey and Aboriginal Peoples Survey data. The latter provides a rich source of labour market data for Indigenous People living off reserve, disaggregated by First Nations, Inuit, and Métis People, as well as by gender.

A review of the data will both highlight disparities between the two populations, and underscore significance of having an EI Program that responds adequately to the needs of Indigenous WG2STGD+ People.

UNEMPLOYMENT RATES:

Oppenheimer presents employment data for Indigenous Peoples living off-reserve between the years 2007 and 2019 (by gender and age), and compares it to data for the non-Indigenous population. Over this 14-year period, Indigenous women's unemployment rate (age 15 and over) has remained consistently higher than non-Indigenous women. In 2019, it stood at 8.4 percent, compared to non-Indigenous women at 5.2 percent.³

It is worth noting that over this 14-year period, the average gap between the unemployment rate of Indigenous and non-Indigenous women was 4.4 percent; however, the gap began to narrow in 2017 and remains at approximately 3.3 percent. This may be attributed, in part, to the general increase in educational attainment for Indigenous women.

1 Oppenheimer, Robert J. (2020). A Review of Unemployment, Employment, Participation, and Wage Rates for Aboriginals and Non-Aboriginals – 2007-2019. *The Journal of Aboriginal Economic Development*, 12(1) 164-174.

2 Lamb, Danielle. (2015). The Economic Impact of the Great Recession on Aboriginal People Living off Reserve in Canada. *Industrial Relations*, 70(3), 457-483.

3 Oppenheimer, p. 170.



EMPLOYMENT RATES:

Employment rates for Indigenous women has consistently been much lower than for non-Indigenous women. In 2019, the employment rate for Indigenous women in the core working age group (25 to 54) was 69.8 percent, and for non-Indigenous women it was 80.0 percent.⁴

FULL-TIME VS. PART-TIME EMPLOYMENT:

Indigenous women are more likely to be employed in part-time work than Indigenous men. As Thomas Anderson's report has shown, 19.6 percent of First Nations women worked part-time, compared to 6.7 percent of First Nations men⁵ While some people work part-time out of choice (due to childcare responsibilities or attending school), others are compelled to work part-time because full-time work is simply unavailable

In fact, 37 percent of First Nations People worked part-time because they could not find full-time work (this was roughly the same rate for men and women).⁶

It is also worth noting that another 15.2 percent of First Nations People worked part-time because they were caring for a family member, and 98 percent of this group were women.

WAGE GAP:

Historically, wages for Indigenous Peoples have been lower than for non-Indigenous people. However, there has been modest improvement in the wage gap from an 11.7 percent gap in 2007, to a 7.2 percent gap in 2019.⁷

In addition to the racialized wage gap, there is a significant gendered wage gap among Indigenous Peoples, which results in Indigenous WG2STGD+ People facing "double discrimination".⁸ Regardless of level of education, Indigenous men's average earnings are higher than Indigenous women's earnings.⁹

4 Ibid.

5 Anderson, Thomas. (2019). Employment of First Nations Men and Women Living Off Reserve. Statistics Canada Catalogue No. 89-653-X2019004.

6 Government of Canada. Statistics Canada. (2019). Labour Market Experiences of First Nations People Living Off Reserve: Key Findings from the 2017 Aboriginal Peoples Survey. Catalogue No. 11-001-X.

7 Oppenheimer, p. 174.

8 Haan, M., Chuatico, G. & Cornetet, J. (2020). Aboriginal Earnings in Canada: The Importance of Gender, Education, and Industry. Canadian Ethnic Studies, 50(2), 1-21.

9 Recent data indicate that the rising rates of post-secondary educational attainment among Indigenous women is beginning to contribute to a narrowing of the gendered wage gap for those with post-secondary education. See Hahmann, T., Robertson, H. & Badets, N. (2019) Employment Characteristics of Metis Women and Men aged 25 to 54 in Canada, Statistics Canada Catalogue No. 89-653-X2019002.



In their work on earnings in Canada, Michael Haan et al found gender inequalities for Indigenous populations are prevalent across all occupational skill levels.¹⁰ While 35 percent of First Nations men work in one of three industries (construction, public administration, or manufacturing), 44 percent of First Nations women work health care/social assistance, retail trade, or educational services.¹¹ These female-dominated jobs are typically undervalued and paid less than male-dominated occupations.

EMPLOYMENT AND FOOD SECURITY:¹²

While being employed has a positive correlation with food security, this was not equally true for women and men. As Anderson points out, 75.8 percent of First Nations women reported their income was sufficient to meet basic household needs, compared to 85.0 percent of First Nations men. In addition, when asked if their household could cover an “unexpected expense of \$500,” only 49 percent of First Nations women said they would be able to, while 64 percent of First Nations men said they could, which is a significant difference.¹³

PEOPLE WITH DISABILITIES:

Research has shown a positive correlation between being in good health and employment. Using data from the Aboriginal Peoples Survey (2017), Anderson found First Nations women were more likely to have a disability than First Nations men (39 percent vs. 24 percent, respectively).¹⁴

First Nations People with disabilities were less likely to be employed (48 percent) compared to those without a disability (76 percent). Given that First Nations women were less likely than their male counterparts to report good physical or mental health, their ability to fully participate in the labour force is negatively affected.

To summarize, employment data clearly demonstrates the situation for Indigenous WG2STGD+ People. They experience higher unemployment rates, prevalence of involuntary part-time work, gendered and racialized wage gaps, greater responsibility for care of children and other family members, and a greater likelihood of having a disability, combined together greatly underscores an importance of having an EI program that adequately responds to the needs of Indigenous WG2STGD+ People.

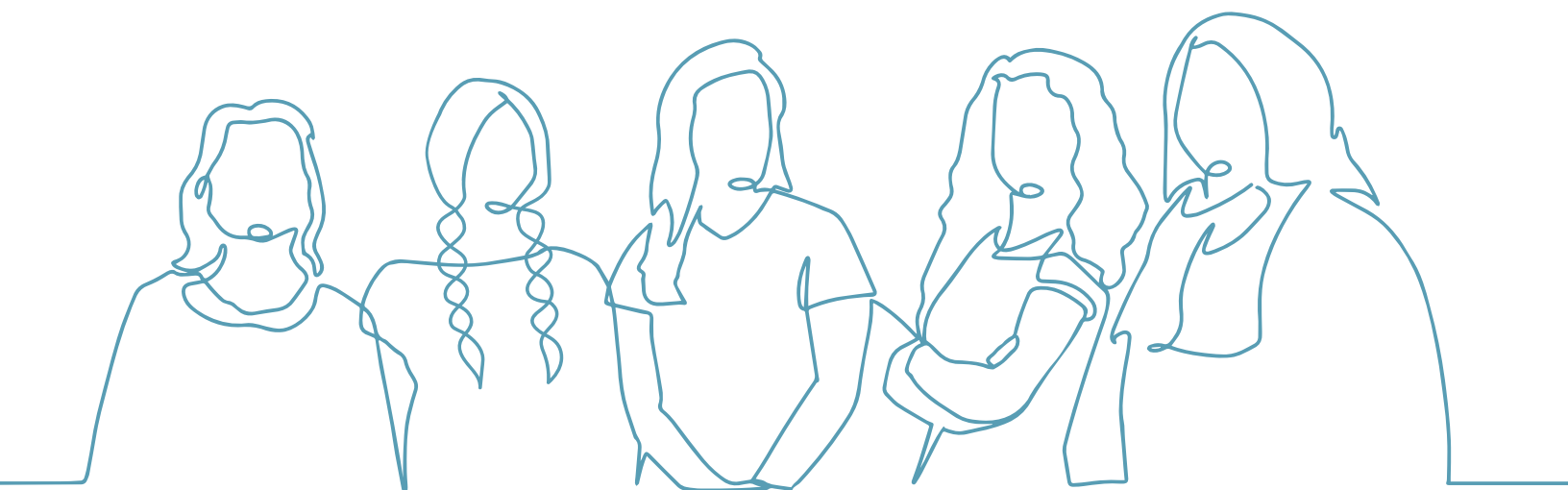
10 Ibid, p. 10.

11 Anderson, pp.7-8.

12 Statistics Canada defines food security as having “physical and economic access to sufficient, safe, and nutritious food to meet dietary needs and food preferences for an active and healthy life”, Anderson, p. 10.

13 Anderson, pp. 10-11.

14 Ibid, p. 13.



NWAC ENGAGEMENT TO INFORM THE DEVELOPMENT OF A MODERN EMPLOYMENT INSURANCE PROGRAM

In December 2022, NWAC conducted an online survey of Indigenous WG2STGD+ People to gather their perspectives of, and experiences with, the EI Program. An invitation to participate in the survey was posted on NWAC's social media channels. Aside from demographic questions, the survey was primarily comprised of open-ended questions to allow participants to share their unique experiences. A total of 146 individuals participated in the survey, which was available in both English and French.¹⁵ The following section will present the findings of the survey.

SURVEY FINDINGS

DEMOGRAPHICS:

Of the 146 respondents, 78 percent identified as First Nations, 15 percent as Métis, and seven percent as Inuit. A total of 90 percent self-identified as female, with the remaining

¹⁵ The initial objective was to aim for 300 participants and run the survey for a 10-week period (from November 25, 2022 to February 3, 2023). The final report would be submitted to ESDC on March 31, 2023. However, in early November, ESDC requested that the report be submitted by January 31, 2023. This meant shortening the duration of the survey to a 4-week period during the month of December which may have limited the number of respondents given the holiday season.



10 percent identified as Two-Spirit, Transgender, or Gender Diverse+ People.

Most respondents were of the core working age (25 to 64). Each province and territory was represented, except for Yukon Territory. The greatest number of respondents were from Ontario (34 percent). Most respondents lived in urban areas (61 percent), while 33 percent were in rural areas, and six percent were in remote areas.

EI REGULAR BENEFITS:

In terms of their perspectives on the EI regular benefit, many respondents emphasized it is a source of income, which is vitally important for those who become unemployed.

However, the vast majority of respondents also identified a series of problems they had experienced when making a claim for EI. There were four thematic findings that were most frequently cited as problems. These began with EI regular benefits, and ran throughout responses on other types of benefits. The four key findings were:

1. Eligibility requirements are too strict. Basing eligibility on number of hours worked severely impacts the likelihood of being eligible for benefits. In addition, reasons for unemployment should be amended to account for those who leave their jobs due to racism, bullying, and/or harassment in the workplace. Many respondents noted that it is unfair to make eligibility so difficult, particularly because all workers are required to pay into the EI program.

"... The hours part is unfair. If you work any amount of time and you lose your job through no fault of your own, you should be entitled to benefits ... I just had to leave my job suddenly and flee for my life with my young son due to domestic violence."

"The hours are too high, especially considering how difficult it is to even attain full-time employment. It's a lot of casual, part-time, and contract work. It's unrealistic to expect so many hours, especially when we're going into a recession."

"Indigenous WG2STGD+ People are discriminated against within the workplace, and they may be forced to leave their jobs because of that fact, ... being discriminated against should not be perpetuated by again being discriminated against because you were unable to tolerate violence in a workplace."



2. The waiting period to receive benefits is too long and makes it difficult to cover household expenses while waiting.

"Waiting period doesn't make sense to impose on the most marginalized group of people that experience the most barriers to survival. I've seen that waiting period result in Indigenous women losing everything, home, kids and end up under a bridge."

"I know many people who have lost their home waiting for EI to start, and they end up living in their car."

"I waited two months and got evicted."

"My bill collectors don't wait."

"It was incredibly stressful waiting for funds. The four to six week pay delay really put me behind on bills and I ended up struggling the entirety of my EI."

3. The benefit amount is not enough to cover household expenses, and the duration of many of the benefits is too short.

"It is horrible. Especially for women who often have to cover costs for caring for children, family members, elderly in community."

"I had to rely on it when my term ended and I had four children to care for. The amount was insufficient to cover our needs."

"A lot of people earn minimum wage or just barely above minimum wage, and the EI benefit is usually half or just over half of what their earnings were. That is impossible for a family to survive upon, while their provider searches for new work. The working poor are severely disenfranchised by the system in place currently."

"I feel many Indigenous women and gender-diverse people are underpaid and underemployed in the workforce. This means their EI earnings will likely be less and the waiting period will likely be more detrimental to them."



4. The application process is difficult, confusing, tough to navigate, and it is difficult to get help in filing a claim. It causes stress for many people, as they fear making a mistake in the process and worry about how they could be treated by government should they make an error.

"There needs to be a place where people can actually, physically, walk in and get assistance with applying for benefits and walk through the program."

"Navigating these systems with confidence is important when trying to access them because otherwise mistakes could have consequences that could later devastate our oppressed and impoverished family. We don't know where to go for help and prefer to get help from other Indigenous People because of the racism we experience in government systems, especially when it has to do with money or government transfers."

MATERNITY/PARENTAL LEAVE BENEFIT:

Most respondents (60 percent) had experience with maternity or parental leave benefits. The most common problem identified was that the amount of the benefit is too low, which makes it very difficult to survive. There were several examples of extreme financial difficulties for the family. Many respondents believed the duration of the benefit should also be longer.

"Benefit amounts need to be higher. Pregnancy, and having a baby, is very expensive. Women should not be punished for wanting to have families."

"The amount I was given to raise my child made it so that I had to stay with my child's abusive other parent because it wasn't enough for me to get my own place. I was trapped due to financial constraints of this program, and I didn't qualify for social assistance because I was on EI. This program could be better as to not make Indigenous women and gender diverse so vulnerable."





FAMILY CAREGIVING BENEFIT:

For the family caregiving benefit, only 50 percent of respondents were aware of this benefit. Of those who had received it, they felt that the duration was too short, and the amount of the benefit was too low. It was also pointed out that the definition of a “family member” was too limited and should be broadened to include caring for extended family members, such as nieces and cousins, which is common for Indigenous WG2STGD+ People.

This quote is from an individual who was ill, and their partner was applying for the caregiving benefit:

“I was critically ill last year and needed to have surgery to save my life. My partner didn’t understand the forms very well, nor did the doctor. It caused a lot of extra stress that made me a lot worse because my condition was impacted by my stress levels. The decrease in wages, when we already live in poverty with disabilities ourselves and our children in the poorest urban areas in the country, made it difficult to recover.”

COMPASSIONATE CARE BENEFIT:

For the compassionate care benefit, the majority (58 percent) of respondents had not heard of this benefit. Many expressed concerns about its lack of awareness and felt the government was withholding such information.



"I wasn't aware of this either I hope we can do something about this information it's withheld against us we should have our own people working there because we like to share and to be treated equally we should all benefit the same support no matter if you're Aboriginal or non-Aboriginal."

EI SICKNESS BENEFIT:

For the EI sickness benefit, 41 percent of respondents had received sick benefits. Many of them described the application process as "stressful" and even "traumatic." Many felt ESDC Call Centre workers lacked compassion and were not "trauma-informed." Others emphasized that the application process took far too long, and by the time they received payment they had recovered from their illness.

"It's not a good system in terms of short-term relief—too demanding and too slow."

Several respondents noted a lack of access to a doctor prevented them from applying for the benefit.

"Many of us can't get a doctor here in the city and many are racist and dismiss our symptoms that we are lazy or want drugs and are not really sick. ... Doctors charge so much money that we don't have because most of us in the city have the lowest paying jobs and are not paid what our white co-workers are being paid for doing the same work."



SELF-EMPLOYED BENEFIT:

An overwhelming majority of respondents (75 percent) were unaware of EI benefits for self-employed, and many said they wish there had been more information given to them about this benefit.

SEASONAL WORKERS BENEFIT:

As for the benefit for seasonal workers, 44 percent were not aware of the benefit. Of those who were aware, or had received it, many said it is an important benefit—especially given that it is hard to find stable employment, and seasonal work is becoming more of the norm.



SELF-EMPLOYED FISHERS BENEFIT:

An overwhelming majority (79 percent) were not aware of a benefit for self-employed fishers. Others did not comment.

EI TRAINING SUPPORTS:

With respect to EI training supports, to support re-entry to the labour force, a total of 41 percent of respondents were unaware of any such training supports. Several of these individuals expressed concern over a lack of awareness.

RECORD OF EMPLOYMENT (ROE) PROCESS AND EMPLOYERS:

A total of 58 percent of respondents gave accounts of negative experiences with employers who were responsible for submitting their ROE. Some said employers should be fined if they do not submit the ROE in a prompt fashion. While some appreciated having online access to the documents, others did not have internet access and were unable to know whether the employer had submitted the ROE.

QUALITY OF SERVICES PROVIDED BY ESDC:

In terms of service, 63 percent of respondents were unsatisfied with the level of service received. The first main issue was an extreme difficulty to reach someone (a “real person”) to get assistance. Many had frustrating experiences going online and found the website very difficult to navigate. Inquiries took a long time for a response. Wait times on phone calls to the call centre were also excessively long.—one person said they waited five hours.

A second main issue was the poor attitude of the staff. Many respondents said staff were rude, “huffy,” and made them feel like they were being judged. Many respondents said they were not satisfied with the answers they were given. Some were sometimes given different answers to the same question, and generally got confusing information.

When asked about being discriminated against when they make inquiries or need assistance from staff, 58 percent of respondents said they had experienced racism and discrimination.

“There’s always discrimination. Applying for EI or welfare. You’re frowned upon. Looked at as lazy or a drug addict or alcoholic.”

“...They make you feel helpless and they like to overpower you and make you feel small.”



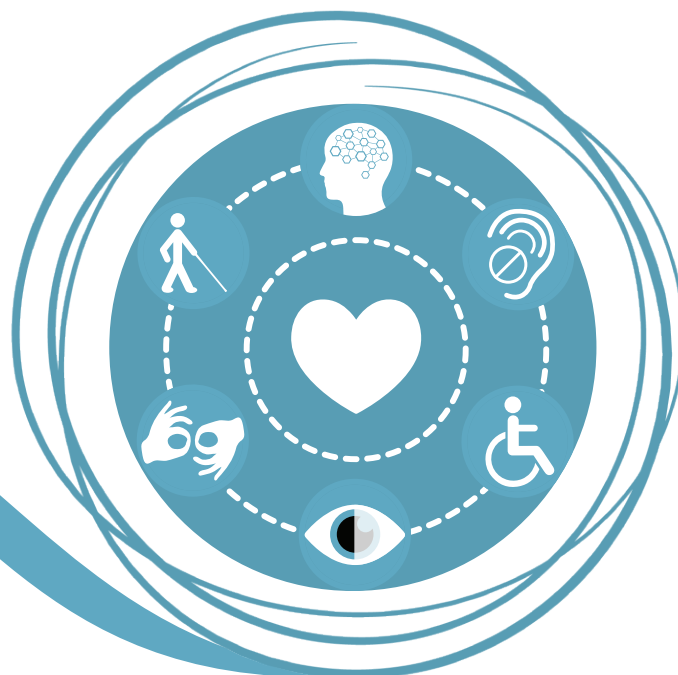
"The service changes when, or if it becomes known, that I am Indigenous. My last name is not a common Indigenous name, and I can sometimes pass for white sounding on the phone. It changes when looking at my employment history because it's Indigenous organizations, and then people change the way they treat me or if they will help me."

"People that work in those systems, at least in our experience, are so unkind. Apathetic, mean, anti-Indigenous racism and stereotypes are imposed on us constantly, despite not fitting those stereotypes. We are treated like cattle through these systems, and it makes us anxious, depressed, and disempowered. It is the opposite of our culture that is based on reciprocal relationships that use gift giving, kindness, and compassion to build trust that is returned in kind."

ACCESSIBILITY FOR INDIGENOUS WG2STGD+ PEOPLE WITH DISABILITIES:

Transportation difficulties were the most common concern. Many said it was difficult to get out and look for jobs when they could not drive, and if other forms of transportation were not available to them. Many added they were not computer literate, which made it difficult for them to apply online.

"Lack of computer skills to access online resources. Lack of internet or computer. Lack of cell services in Indigenous communities. Sometimes no access to phone services. Lack of personnel who understand our needs."





RECOMMENDATIONS:

The survey included a question on how the EI program could be improved to better meet the needs of Indigenous WG2STGD+ People. The most frequently reported recommendations were:

EASE THE ELIGIBILITY REQUIREMENTS:

Many respondents said there are too many hours of work required to qualify for benefits, particularly for Indigenous WG2STGD+ People who are often concentrated in part-time work.

In addition, the reason for termination often impacts eligibility. Several respondents said they had left their jobs due to workplace bullying, harassment, and racism. These reasons for leaving their jobs should be recognized as valid when applying for EI. Many respondents also noted that although they live in remote or rural areas with high unemployment, their region is grouped into a larger area, which also limits their duration of EI benefits, etc.

Thus, the following was suggested:

- Eliminate or lessen the number of hours worked as an eligibility requirement.
- Expand reasons for termination to acknowledge the realities of workplace bullying, harassment, and racism.
- Consider higher unemployment rates in remote and rural areas, which are often grouped together in larger regions.



SIMPLIFY OVERLY COMPLICATED APPLICATION PROCESSES AND PROVIDE GREATER SUPPORT:

The application process is confusing and lengthy, and should be easier for people to navigate. In addition, more assistance and support should be provided. Suggestions were to:

- Provide more support to navigate through the application process.
- Hold accessible information sessions in the local community.
- Provide more in-person support, to avoid having long waits on hold at call centres.
- Assign a caseworker to an individual's file so people don't have to talk to a different person every time they call.

IMPROVE THE LEVEL OF SERVICE:

The quality of services provided by Service Canada should be improved on a few fronts. Suggestions included:

- Improve service by being more responsive and accessible to Indigenous WG2STGD+ People.
- Increase awareness of available benefits. Information on available benefits should be readily accessible within Indigenous communities.
- Shorten wait times for assistance.
- Provide cultural sensitivity training for staff.
- Hire more Indigenous staff members. Implement EI offices in local communities to provide greater supports.

SHORTEN THE WAITING PERIOD FOR BENEFITS TO START:

The overwhelming majority (90 percent) of respondents strongly believed they waited far too long for their benefits to begin. It was suggested to:

- Eliminate the waiting period.
- Ensure that first payments are made quickly and efficiently.



BENEFIT AMOUNTS AND DURATION OF BENEFIT PERIOD SHOULD BE INCREASED:

Most respondents reported benefit amounts are too low. This was particularly reported for Indigenous WG2STGD+ People, who are more likely to be employed in minimum wage jobs in the service sector. As a result, their EI benefits are not enough to cover household expenses. The financial situation is even worse for those who are single parents and have children to support. It was suggested to:

- In general, increase the percentage of income to be paid out.
- Make further increases in the percentage of income for low-income earners.
- Lengthen the benefit period and extend it further on a case-by-case basis (for example, for those with a mental illness or those who need time to find childcare).

PROVIDE GREATER SUPPORT THROUGH THE PROCESS FOR INDIGENOUS WG2STGD+ PEOPLE WITH DISABILITIES:

Most recommendations were primarily centred on a need for an easier application process, along with readily available assistance from staff. It was suggested to:

- Simplify the application process.
- Train current staff to better understand the needs of those with disabilities.
- Hire caseworkers to work with individual files.



REMOVE BARRIERS TO RE-ENTERING THE LABOUR FORCE:

The survey also posed questions to identify the main obstacles faced by Indigenous WG2STGD+ People, when trying to re-enter the labour force. It recommended actions to be taken to support a successful re-entry.

The top five obstacles were: Lack of childcare available, lack of skills training (e.g., computer, language, writing, resume writing, skilled trades), discriminatory prejudices, lack of mental health supports, and lack of education required for employment. It was suggested to:

- Make childcare available and affordable.
- Increase access to skills training and higher education.
- Consider implementing a mentorship program for Indigenous WG2STGD+ People re-entering the labour force.
- Implement cultural sensitivity training for employers to help eliminate discriminatory prejudices in hiring.



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