

**BETTER
EMPLOYMENT
NEGOTIATIONS
WITH BUSINESS
-
A TOOLKIT**



**CONGRESS OF
ABORIGINAL
PEOPLES**

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CHAPTER ONE: OVERVIEW AND HISTORY

1.1 WHO IS THIS FOR?

This toolkit is written primarily for Aboriginal Human Resource (HR) Professionals. It is understood that there are a wide range of positions within this group that may find this useful. We are also aware of the broad range of skill levels among this group, and we hope that a variety of audiences can benefit from these tools.

What does that mean?

"Toolkit" is used here to mean a paper form document that contains information and explains skills to be used.

If you fall into one of the following categories or if you perform the following tasks, you may find this useful:

- Negotiate with business for employment positions, either directly or on behalf of clients
- Work with Aboriginal people to help them get jobs
- Work with Communities to determine ways to increase employment
- Help Aboriginal people get or stay employed.
- Human Resource work of any kind in mainstream business or Aboriginal group, agency or assembly.

This document will not teach the HR Professional the detail of HR Management, but there are many resources available at the Congress of Aboriginal People (CAP) for this information.

1.2 WHAT IS THE PURPOSE OF THE TOOLKIT?

The purpose of this toolkit is to help in the following ways:

- Assist Aboriginal *Human Resource* (HR) Professionals prepare for negotiations with *mainstream business* regarding employment;
- Improve the relationship between Business and Aboriginal groups;
- Provide you with a background of Human Resource Audits and Succession Planning and explain how they can be useful tools during negotiations!

What does that mean?

"Human Resources" is a term used for all employees of a company.

"Succession Planning" is a term used by companies to describe the way they replace and promote people within their organization. This includes recruiting, promotions and hiring/firing.

"Human Resource Audits" include a detailed account of everything that a company does to, with, and for their employees.

This *toolkit* is the first step in a long chain of events leading to a better relationship between the Aboriginal community and mainstream business.

What does that mean?

"Mainstream Business" is used here to mean a non-Aboriginal business.

In the past, the mainstream business has "won" in their negotiations with Aboriginal groups more often than the Aboriginal groups have. This is not to take anything away from the many Aboriginal groups that have done very well during negotiations. In fact, the lessons learned through both the victories and defeats by Aboriginal groups have been used in this Toolkit. It is felt that better negotiations, where both parties win more equally, will improve the relationship overall. The most successful negotiation is one where both parties feel as though they have won.

1.3 WHY IS THIS NEEDED?

Mainstream business has been provided with many tools to help them negotiate with Aboriginal groups. The best of these tools have been based on introducing the mainstream business to the "Language" and "Culture" of Aboriginal people. That is because it is important to know how the other group thinks! The tools offered in this toolkit include clues and tips to explain how mainstream businesses approach negotiations.

Aboriginal groups have had very few tools available to help them negotiate with business. Aboriginal HR Professionals are generally less experienced at negotiating than the person representing the business. As a result, there have been very few victories for the Aboriginal HR Professionals.

Negotiations between Aboriginal representatives and business managers tend to fall back on arguments based on historical prejudice and/or equity, which generally have produced bitterness instead of cooperation.

Generally, the negotiations either break down or end unsuccessfully due to frustration.

1.4 WHAT IS THE BASIS OF THE TOOLKIT?

The concepts of Human Resource Audit and Succession Planning have been used as the basis of the toolkit. Sections 1.5 and 1.6 of this toolkit define what these concepts are in more detail.

Keep in mind that this toolkit is not designed to teach you how to do a Human Resource Audit or to determine the adequacy of the Succession Plan. Rather, the purpose is to illustrate the concepts behind these functions as a way to improve methods of negotiating with business.

The toolkit will use the concepts behind these two common Human Resource functions to explain a method of negotiating better for your Aboriginal employees.

First, the concepts associated with the HR Audit will be used as a tool to do the following things:

- Determine the overall corporate culture. Corporate Culture is an overall feeling when you are in the place.
- Identify the barriers to Aboriginal people moving up the Corporate ladder.
- Determine how the employer deals with its employees. (is the employer fair, do they discipline fairly, etc)

Second, the concepts behind the Succession Planning exercise will be used to expose the following things:

- Is there a future in the company? Is it growing or sitting still?
- Is this the type of organization your people will work with?
- Will the company organization allow for the promotion of Aboriginal people?

1.5 WHAT IS A HUMAN RESOURCE AUDIT?

The Human Resource ("HR") Audit is a detailed examination of a company's Human Resource function. It investigates and uncovers all of the ways they handle their employees.

The HR Audit typically includes a review of three components. Each of these terms is explained below in more detail.

- Human Resource Information Systems
- Staffing & Development
- Organizational Control and Evaluation.

The **Human Resource Information Systems** part of the audit includes a review of the legal and administrative part of the human resource department. **Essentially, this is mostly a review of the paperwork a business uses to administer their employees.** Do they conform to Human Rights legislation? Is their employee handbook complete? Do they provide benefits? Do they have support services and counselling available?

The **Staffing and Development** portion of the Audit includes the company's approach to the following:

- recruiting
- training
- orientation
- career development
- the method of selecting new employees.
- commitment to long-term job opportunities in the workplace

The third part of the HR Audit deals with the **Organizational Control and Evaluation**. This part includes an examination of the company policy with respect to:

- performance appraisals
- human resource controls (hours of work, vacation, holidays)
- labour / management relations
- the dispute resolution process (firing, reprimands, etc.)

1.6 WHAT IS SUCCESSION PLANNING?

Succession Planning deals with how employers plan for the future. The company needs to make sure that they have a process in place to provide all of the labour and management required by the organization.

To do this, a company must project into the future and plan for anything that may come along. If they plan very well, they will be prepared for changes in their Industry.

A company must plan for the replacement of all of their people, especially their senior managers. The better a company plans for the replacement of each employee, the better managed the company.

1.7 WHY WE ARE USING THESE TOOLS?

By now, it should be fairly clear that there are major benefits associated with the use of concepts associated with the HR Audit and Succession Planning to show you how a company deals with its employees (*human assets*).

The way a company treats its existing employees will give you a good indication of how well they will be able to bring new Aboriginal employees into the company.

The knowledge and information gained from the HR Audit and Succession Planning functions will be important to make sure that all of the potential pitfalls are dealt with in a direct manner.

To summarize, the overall spirit of the business will be out in the open through using the tools used during an HR Audit. Talk is cheap, these tools can be used to get you right to the truth of the business!

CHAPTER TWO: COMMON CHALLENGES

This chapter will deal with sweeping statements to demonstrate some of the more common pitfalls encountered in negotiations between Aboriginal and mainstream business.

A clear understanding of both the challenges faced during negotiations and how the other party approaches employee relations and business dealings, will allow for a productive discussion.

An overriding theme in any negotiation plan must be a commitment to clear communication.

Remember that the most important part of communication is closing the gap between what you say and what the other person hears! Keep in mind that this works both ways and make sure that what you hear is what the other intended to say.

A good way to do this is to repeat what you thought you heard back to the speaker and make sure that it sounds right to both parties!

2.1 BE POSITIVE!

Maintain a positive attitude throughout the negotiations.

Remember that positive people keep working until all possible alternatives have been fully explored. Setbacks only encourage positive people to work harder.

Your target for the negotiations should be realistic and optimistic, but achievable! The best way to enter a negotiation in a positive way is to prepare as fully as possible.

Positive means having an upbeat attitude and not quitting easily. Be persistent and keep fighting until victory is achieved. Think about people that have overcome great problems (like illness) in their life - These people have all done it with a positive attitude - Try to act like them.

2.2 RACIAL BIAS

Stay away from generalizations and stereotypes associated with race. This is something that is all too familiar to most Aboriginal Human Resource Professionals. Keep in mind that most of the time the stereotypes are based on a lack of information. Make an effort to correct the stereotype with the presentation of the facts.

Don't retreat into historical prejudice and blame if frustrations run high. This only increases the frustration for all parties and puts the business on the defensive.

2.3 PERSONAL RELATIONSHIPS

Trust and Integrity are very important to Aboriginal groups when deciding on whom to work with. In general, mainstream businesses don't worry about forming a relationship as a basis of the business. They like to work in a friendly atmosphere, but they maintain an arms-length relationship.

Keep in mind the role that humour can play a role during a meeting situation to help maintain balance. This is a very strong asset that the Aboriginal community brings to the table.

2.4 COST OF NEW EMPLOYEES

A part of negotiations is likely to include discussions about covering the employer's cost of training new employees. All new employees cost the employer money no matter what employee they hire. Employers must pay for all training and teaching required for every new employee. Therefore, don't feel obligated to find ways to fully cover this cost for the employer.

However, employers don't want to absorb the full cost of starting from the ground up with a new training program. So, if the employees you are bringing to the company require any special training techniques or methods, come prepared with a method of paying for any extra training your people may need.

What does this mean?

"Training" doesn't mean just the skills necessary to do the job. Part of training is showing the employee the way the company does things.

Remember that the issue of turnover is not new to business. For business, minimizing turnover is a high priority and is usually one of the main things an employer looks at when selecting new employees.

What does this mean?

"Turnover" means when employees leave a business and the business has to hire someone new and train them.

The HR Audit will expose the normal turnover ratio at the company. This will allow the negotiations to move forward with the actual facts, not opinions. Employers usually try to play the odds in their favour by picking new employees from groups that typically have had the lowest turnover rate in the past.

"Turnover Rate" is a ratio of the number of people leaving a company to the number of people that work there. Eg. If a company replaces 2 people out of a staff of 10, the "Turnover ratio" is 2/10.

Your community has access to training and employment dollars through your local AHRDA agreement. Make sure to include your local AHRDA technician in your negotiating team.

2.5 TIME

The true concepts of time as seen by Aboriginal people will be a good tool that you can show to a business. Once you have a chance to explain the real meaning behind "Indian Time" to an employer, they will usually see the benefit of "letting things happen at the right time". Once they see the wisdom of this proven over time, they will come to appreciate it and your culture. Don't use "Indian Time" as an excuse or joke about it if you are late. Remember that being late happens to everyone from time to time.

Be sure to follow up with the employer with deadlines in a timely manner and make sure your colleagues follow up accurately and in a timely manner.

Keep in mind that you are representing all of the people that you are negotiating for and your way of doing business will be used as the example to the employer.

2.6 ORGANIZATIONAL STRUCTURES

Arrange your negotiations to accept the limits imposed by the organization of the company.

Take things slow at first, but make sure that arrangements are set up so that Aboriginal employees can be promoted within the company.

Make sure that there is a plan in place to negotiate promotions and review this plan over a period of time. Don't go for the easy solution where they offer short-term jobs with no after care plan.

If there is no after-care to the employees, the result is often a high turnover rate. A high turnover rate increases the cost to the business. A higher cost per employee to the business will reduce your ability to negotiate jobs in the future.

2.7 CULTURAL PRIDE

Understand that most of mainstream society has only (biased) media reports as a source of information. Also, keep in mind that most prejudice is based on a lack of good information. Limit your reaction to presenting facts to correct the stereotype.

Take a patient approach and explain some of the more common incorrect information regarding Aboriginal culture and the people. This patience on your part can often go a long way to clearing up differences before they occur.

2.8 PAPERWORK

Follow up with the paperwork in a timely manner. Understand and respect the fact that some of the employees you are bringing to the company may not be effective at completing paperwork (most people aren't good at paperwork).

This is not a new thing for the employer and it is likely that many of their existing employees have the same problem. Accept this fact and arrange for a special orientation process conducted by someone that the trainees will feel comfortable talking with and asking questions.

2.9 COMPETITIVENESS

Understand that business is competitive and most employees are after promotions. Accept the fact that a real part of moving up in business is based on convincing managers that you are the best at your job and deserve the promotion. Managers rarely reach that conclusion unless you are good at convincing them that you deserve a promotion.

A quiet and shy person does not usually get promoted as often as someone who is good at talking to management. This can be frustrating to a quiet person who watches a less qualified person get the promotion instead of them. Even though this issue doesn't only relate to culture, it is a good idea to deal with this issue during negotiations. Try to determine what the company is prepared to do to address this matter.

2.10 UNION ISSUES

Using a length of time a person has been with a company to select who gets promoted is common in business. This is really true when there is a labour union at the company. Where there is a union, form a positive working relationship with them. This process will vary between unions and one standard rule cannot apply here. It is suggested that you retain a professional labour negotiators with an intimate knowledge of labour legislation and the union protocols to deal with any sticky situations with unions.

CHAPTER THREE: THE TOOLS

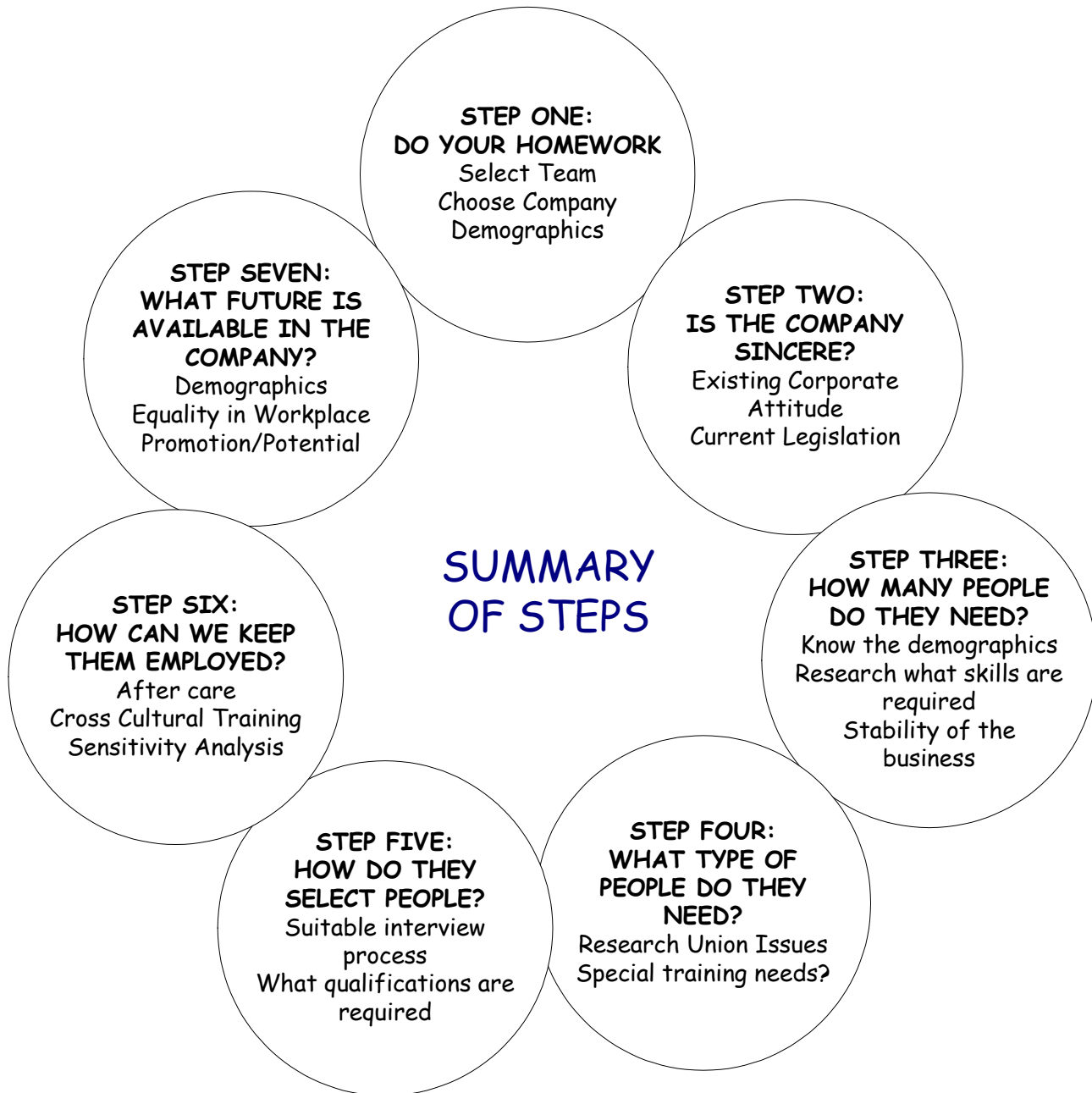
Using the techniques associated with an *HR Audit and Succession Planning*, the following process is suggested to create a meaningful employment relationship with mainstream business.

The choice of who to negotiate with is a major step by itself. Choose a business with a good track record of success in dealing with Aboriginal peoples and visible minorities. Preferably stop by the business and see who works at the business, determine the 'atmosphere' of the company and determine their needs. If they seem to be overstaffed and the people miserable, you probably don't want to pursue negotiations! Similarly, if they are chronically understaffed, that may say something bad about the performance of management at the company.

The selection of a negotiating team is an important step. Remember that mainstream business prefers to deal with people who can make a decision on behalf of the organization. Who is on their negotiating team will vary drastically between businesses, but as a rule of thumb if you are dealing with a large business, you will likely not be dealing with a senior person who can make a decision. However, if you are dealing with a small business, you likely will be dealing with the ultimate authority. Plan your team accordingly to match your 'opponent'.

Define a Terms of Reference for the Negotiating Team.

The steps outlined below will help to guide you as you prepare for and work through negotiations with a company. The goal is to take everything that we have described in the first two sections and organize it into a work-able plan. The drawing on the next page outlines the steps, in a circular format. Each step is described in more detail after the drawing.



**STEP ONE:
DO YOUR HOMEWORK!!**

- What employees do you have available - what skills do they possess?
- What business should you approach? What business is most likely to have a favourable result? Do some homework on potential businesses that suit the type of employees you have available. For example, if all you have available is widget makers, then you should only talk to widget companies!

- Are there partnership opportunities in the region? Is your group set up to engage this type of partnership?

What does this mean?
Partnership opportunities require experience. Consult a trusted legal and business advisor to see if your group is set up to enter into a partnership.

- Why should this employer hire more Aboriginal employees? This will be on their mind! (market advantage, special skills unique to this job, geography, consistency with regional *demographic*, long term pool of people available, etc. etc.)

What does this mean?
Demographics mean the number of people in the region. In this case, we mean find out how many Aboriginal people there are, how old they are, and whether they are male or female.

- Who is on your negotiating team and why? As a general rule, keep your negotiating team as small as possible.
- Who makes the decision - what is the extent of your mandate within your organization? Do you need to bring someone else to the meeting so a decision can be made? Or, is it better that a decision cannot be made at the meeting? This will depend on the group you are dealing with.

- Set up a strategy for the negotiations. Know what you want to achieve, both in the best-case scenario and worst-case scenario.

What does this mean?
Strategy means that you plan your route through the negotiations. For example,

- who does the talking?
- What is your ultimate goal? What is your fallback position?
- When do you call it quits?

- Know your regional demographic. (what percentage of population is Aboriginal, what is the age breakdown, what is the employment rate)
- Do your people have the necessary training? Be sure to complete an inventory of your workforce complete with notation of who has the required minimum training: Grade 12, OAC, WHIMIS, etc.
- Research the company and stay current with news affecting their industry. This will show them you are interested in their business and encourage them to show an interest in your affairs.
- Maintain a United Front during negotiations. Do not argue with the other members of your negotiating team at the meeting. If you are in conflict with the team, call for a brief break and deal in private with any disagreements the team members may have. Even the slightest hint that your team is not all on the same page will be a huge advantage to the other side.
- Practice Patience and Tolerance - take ten deep breaths, you may walk into a meeting with a reluctant participant and it could get frustrating - don't let it degenerate!!

STEP TWO: IS THE COMPANY SINCERE?

- Investigate their company policy and procedures manual to determine the following key elements:
 - ◆ Do they comply with current laws? Check with your local employment resources for a list of some of the more common and relevant human rights legislation. Re-write this to a new list and have it handy during the negotiations. Feel free to ask the employer frankly if they comply with current legislation. Call the Better Business Bureau or similar agencies.

- ◆ Have they created policy to embrace human rights legislation, including safety and accessibility issues? Review a copy of the human rights legislation applicable to your region. Once again, having copies available for reference at the negotiations is often valuable.

What does this mean?

Your local Ministry of Labour can help you by providing a list of the current legislation. Also, check with any Human Rights groups in your Region.

- ◆ Does their workforce match the community demographics? Arrive armed with a population demographic and be prepared to analyze their employee population .
- ◆ How seriously do they regard employee safety? Make sure that they have a Health and Safety Committee in accordance with current legislative requirements. Preferably, they should have more than the minimum requirements!

- ◆ How do they deal with employee reprimands? This information is generally in the company policy and procedure manual. Hold interviews with staff and management. This will allow you to determine if the policy is put into practice as it is written.

What does this mean?

Reprimands mean the way they deal with employees that do something wrong. Do they give them a chance?

- ◆ Find out when they last updated their policy and procedure manual. It should be updated every year.

- Is there a one-way commercial advantage to them if they hire Aboriginal employees and/or do they really want to form a meaningful partnership? Be wary of companies that see Aboriginal participation as a "get-rich-quick" scheme, and as a result, offer only token gestures of employment.
- Will they form a partnership to encourage a long-term relationship toward employment? Have they sought out these types of relationships in the past?
- Do they contract to Aboriginal organizations for their sub-contract and supplier needs?

What does this mean?

Use this as a gauge to see if the company is sincere.

- What is the general approach to dealing with visible minorities - are there any employed there already. If not, determine if visible minorities had high turnover or were they never hired in the first place.
- What is the turnover rate of the company and how does it compare to the Industry average?

STEP THREE: HOW MANY PEOPLE DO THEY NEED?

- How is the company doing financially? Check this out on your own and follow the news (i.e. Dot-Com meltdown that has been in the news or the recent rules that has left softwood lumber as a poor growth industry)
- Does the company have a business plan? Will they share the vision of the plan and how they respond to market trends and legislative changes?
- What is the market sensitivity analysis - Is the company linked to global or national market trends or are they isolated in a stable market?
- What are the historical trends for numbers and types of employees at the company?
- How stable is the demand for labour? Does the number change a lot from one season to the next.
- How do they deal with overtime? Is regular overtime a common occurrence or are they staffed appropriately?
- How do they deal with flextime and are they open to this type of thing? This can be a large issue in single parent homes.
- Will they consider time off for cultural activities (hunting, fishing, sweats, others?)

What does this mean?

Market Sensitivity Analysis This is a measure of how the company is affected by the world around them. For example, a mining company is affected by the worldwide supply of diamonds/gold

STEP FOUR: WHAT TYPE OF PEOPLE DO THEY NEED?

- Do they require a highly trained workforce? What is the type of training, and how long does it take? The longer the learning curve, the more important low turnover and the more reluctant a business will be to take a chance on a new source of employees. Be aware of this information and help to offset this risk for the employer, or at least be aware of the risk and understand where the employer is at with this problem
- Is the labour union involved? What are the requirements?
- Does the skill set of the business match the skill set of your workforce?
- What are the REAL job requirements, and what are negotiable? Be current on legislation and licensing associated with the type of work.
- Will there be a training program available to reduce the cost of the learning curve? (check with your local training organizations for a list of regional training initiatives)
- What special training will your employees need to introduce them to the workforce, so that they can compete on an even keel with other applicants? Preferably, get them trained and "up to speed" ahead of time.

STEP FIVE: HOW DO THEY SELECT THE PEOPLE?

- Is the interview process culturally appropriate, or does it favour a specific personality type? Is it intimidating or user friendly, and will they change it to accommodate the Aboriginal culture?
- Are the qualifications appropriate, are they fixed or can they be negotiated?
- Do they hire people from a Labour Union?
- Is promotion typically from within or do they retain senior people from outside the company?

What does this mean?

Labour Unions retain from a "Hall". This means that there is a list of people and they are called in order as jobs become available. Some unions do this differently, so check this out!

STEP SIX: HOW CAN WE KEEP THEM EMPLOYED?

- Will the company introduce an appropriate cross-cultural training program? The best methods often use sensitive persons of the same race to meet with a group first, so the group will speak freely and air some of their real issues. Once this initial process has been undertaken, specialists can then present cross-cultural training in more detail.
- How committed is the company to ensuring a safe and appropriate workforce? Use their existing policies surrounding discrimination and tolerance as a benchmark. If they don't have a policy regarding this area, that is often a bad sign.
- A cross-cultural training team should be set up to monitor this group on an on-going basis and report directly to management.
- Does the company encourage in house professional development.

**STEP SEVEN:
WHAT FUTURE IS AVAILABLE IN THE
COMPANY?**

- Does the management demographic reflect the demographic of the staff and the community in general?
- Do they actively promote equality in the workplace? This issue should be discussed during a strategic interview process.

CHAPTER FOUR: HINTS AND TIPS

This section presents a series of bullet point style hints and tips that the Aboriginal HR Professional should take with them to a negotiation.

This list has been based on best practices and previously completed activities:

- Do your homework - Know at least the following key points inside-out:
 - Regional Demographics (*remember that this means the Aboriginal population and other statistics like that!*)
 - Inventory of resources available (don't negotiate for more than you can supply)
 - Get a complete background of the company from as many sources as possible.
 - Find out about all the training programs available in the area.
- Write down all your notes and thoughts that you want to present. Organize your notes with headings and tabs to make sure you keep everything handy.
- Don't feel as though you are forced to make decisions or forced to make commitments. This will often be a tactic used by mainstream business to pressure you, but don't fall for it. For example, salespeople often use this - we've all heard them say - "this deal is only good until the end of the day". Don't fall for this, if they want to sell you something, more often than not, the deal will still be around tomorrow!
- Encourage the business to form a committee (depending on size) to address long-term relationships and minimize turnover. A high turnover rate is very costly to the employer and will be a death blow to future negotiations.

- Ensure that your people have had exposure to all of the pre-employment training they can get! The tricky part is usually keeping people employed, not getting them employed! A top priority should be to minimize employee turnover by making sure a proper after care system is in place! Ensuring a low turnover will greatly assist the future negotiations.
- New employees are a cost to a business because it needs to train all new employees. Even if the employee has the skills the business needs, they still need to be trained in the way the business works. Therefore, all new employees cost money to a business, so you don't need to negotiate this point.
- Negotiate the extra costs that the business will be faced with relating specifically to the Aboriginal employees.
- If people quit and a business has to replace them, it increases the costs to a business. The less a business spends on training, the better it is for the business.
- Remember to represent yourself professionally in a business-like manner. Although it is expected that the business may be required to change to accept Aboriginal culture, you must also accept that some change may be required for you and the potential employees to accept the mainstream business culture.
- Set up your team to suit the type of negotiations. Get your best people involved and make sure all the right people are there. Make sure you have decision makers meeting with decision makers and bureaucrats meeting with bureaucrats.
- Encourage the business to research the culture on the basis that it will help define the Aboriginal point of reference.
- Enter all negotiations confident, assertive and positively!

