

NEWS RELEASE



For Immediate Release

Arbitrator Rules Government of Canada and Government of Nunavut are in Breach of the Nunavut Agreement regarding Inuit Employment

(May 10, 2023, Iqaluit, Nunavut) An Arbitrator in the dispute between Nunavut Tunngavik Inc. (NTI) and the Government of Canada (GoC) and Government of Nunavut (GN) concerning the implementation of commitments in the Nunavut Agreement towards fully Inuit representative work forces has ruled in favor of NTI.

The Arbitration is the final stage in a dispute initiated by NTI in 2018 under Article 38 of the Nunavut Agreement.

The Arbitrator ruled that current Inuit Employment Plans (IEPs) prepared by the GoC and the GN do not comply with the Nunavut Agreement:

1. by failing to set out how each department plans to increase and maintain Inuit employment at a representative level; in particular, the IEPs fail to set long-term goals and plans for achieving and maintaining full Inuit representation;
2. by failing to report goals and action plans for achieving fully representative Inuit employment at all levels and occupational grouping using accepted national occupational codes;
3. in the case of the GN, by failing to address regular part-time employment status; and,
4. by being structured in a way which makes it difficult to ascertain the extent to which, and where, there has been progress towards achieving a representative level.

In arriving at her decision, the Arbitrator determined that the two Governments adopted a narrow interpretive approach to the relevant language of the Nunavut Agreement that is not generous and does not take into consideration key overall objectives of the Nunavut Agreement, including Inuit financial compensation and means of participating in economic opportunities, as well as encouraging Inuit self-reliance and well-being.

"This decision marks a turning point in the lives of Nunavut Inuit and in advancing our social and economic position within the Nunavut Territory and in reminding the governments to comply with their legal obligations under the Nunavut Agreement," said Aluki Kotierk, President of NTI.

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Nunavut Tunngavik Inc.

The Arbitrator's decision ends the first phase of what is resolved through arbitration in relation to this dispute under Article 38 of the Nunavut Agreement. NTI and the two governments now have an opportunity to consider whether they can agree on a shared course of action informed by the Arbitrator's decision. If no agreement can be reached, then it is open for the Arbitrator to determine appropriate remedies in a second and final phase of arbitration.

In a second phase, the Arbitrator has the power to review a range of remedies, including monetary damages.

A full copy of the Arbitrator's decision can be found on the NTI website.

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Background

The objective of Article 23 of the Nunavut Agreement is to increase participation of Inuit in government employment to a level that is representative of the population of Nunavut Inuit in all government levels including municipalities.

Since 1993, the Government of Canada (GoC) and the Government of Nunavut (GN) have failed to live up to their obligations to implement Article 23. Subsequently NTI commenced legal action against both governments concerning implementation of the Nunavut Agreement.

In 2015, a Settlement Agreement was signed to settle the dispute between GoC, GN and NTI. This agreement resolved to take action on implementation of the Nunavut Agreement including acknowledging government obligations to complete and to implement detailed Inuit Employment Plans (IEPs).

The GoC and GN failed to meet its obligations under the Settlement Agreement related to Article 23 to develop and implement specific programs and processes concerning Inuit employment plans and training plans to bring employment to representative levels.

NTI commenced a dispute resolution process as provided by the amended Article 38 of the Nunavut Agreement.

The arbitration is a response to the Government of Canada's and the Government of Nunavut's breach of their Article 23 responsibilities for almost the entire period since 1993. At the beginning of the dispute resolution process, mediation was first used to attempt to resolve the issues. When this failed in 2020, NTI filed a notice of reference to arbitration. The arbitration panel was established in 2021 after several attempts to do so by NTI and working with the GoC.