

Schedule B

Annex to Ruling 2018 CHRT 4

The Tribunal received submissions from the parties in regard to a number of suggested changes to its **2018 CHRT 4** orders (see Schedule A).

This **Schedule B** is the Panel's choice to respond to amendment requests in a clear and expeditious manner (see also Schedule A). The Panel intends to use this format in the future should there be additional amendment requests.

Upon consideration, the suggested changes below do not aim to modify the spirit or the substance of the Tribunal's orders. Therefore, the Panel agrees with the suggested changes and amends its orders as indicated underneath.

Original orders in paras.408 and 409:

[408] The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts; and to do a cost-analysis of the real needs of First Nations agencies including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face.

[409] Canada is ordered to complete this analysis and report to the Tribunal by **May 3, 2018**.

Amended orders in paras. 408 and 409:

[408] The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada to analyze the needs assessments completed by First Nations agencies in consultation with the Parties, interested parties (see protocol order below), and other experts; and to do a cost-analysis of the real needs of First Nations agencies including prevention/least disruptive measures, intake and investigation, building repairs and legal fees related to child welfare taking into account travel distances, case load ratios, remoteness, the gaps and/or lack of surrounding services and all particular circumstances they may face.

[409] Canada is ordered to analyze the needs assessments completed by the First Nations agencies, identify gaps in data and report to Tribunal by **May 3, 2018**, and to complete this analysis by **November 15, 2018**.

Original order in para.411:

[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of prevention/least disruptive measures, building repairs, intake and investigations and legal fees. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

Amended order in para. 411:

[411] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of prevention/least disruptive measures, building repairs, intake and investigations and legal fees. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada, to provide funding on actual costs for least disruptive measures/prevention, building repairs, intake and investigations and legal fees in child welfare to be reimbursed retroactive to January 26, 2016 within 15 business days after receipt of documentation of expenses. FNCFS agencies must submit documentation of expenses for retroactive payments to Canada no later than **March 31, 2019**. This order complements the order above.

Original order in para.417:

[417] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of child service purchase amount. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada to provide funding on actual costs for child service purchase amount in child welfare, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

Amended order in para.417:

[417] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the costs of child service purchase amount. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada to provide funding on actual costs for child service purchase amount in child welfare, to be reimbursed retroactive to January 26, 2016 within 15 business days after receipt of documentation of expenses. FNCFS agencies must submit documentation of expenses for retroactive payments to Canada no later than **March 31, 2019**. This order complements the order above.

Original order in para.419:

[419] Canada is ordered to complete this analysis and report to the Tribunal by **May 3, 2018**.

Amended order in para. 419:

[419] Canada is ordered to analyze the needs assessments completed by First Nations agencies, identify gaps in data and report to the Tribunal by **May 3, 2018**, and to complete this analysis by **November 15, 2018**.

Original order in para.421:

[421] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the small first nations agencies' costs. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada to provide funding on actual costs small first nations agencies, to be reimbursed retroactive to January 26, 2016 by **April 2, 2018**. This order complements the order above.

The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada, to provide by **March 5, 2018** a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property for approval by the Panel upon further submissions by the parties, to be applied to said research, guide the data collection process launched following its October 28, 2016 letter to FNCFS Agencies, and to guide the data collection process resulting from all the orders for actual costs in this ruling.

Amended order in para.421:

[421] The Panel, pursuant to Section 53 (2) (a) of the CHRA, orders Canada to cease its discriminatory funding practice of not fully funding the small first nations agencies' costs. In order to ensure proper data collection and to be responsive to the real needs of first nations children, the Panel orders Canada to provide funding on actual costs small first nations agencies, to be reimbursed retroactive to January 26, 2016 within 15 business days after receipt of documentation of expenses. FNCFS agencies must submit documentation of expenses for retroactive payments to Canada no later than **March 31, 2019**. This order complements the order above.

The Panel, pursuant to section 53 (2) (a) and (b) of the CHRA, orders Canada, to provide by **March 5, 2018** a reliable data collection, analysis and reporting methodology, as well as ethical research guidelines respecting Indigenous peoples that include protection of Indigenous intellectual property, to be supplemented by Canada's April 9, 2018 submission, for approval by the Panel upon further submissions by the parties, to be applied to said research, guide the data collection process launched following its October 28, 2016 letter to FNCFS Agencies, and to guide the data collection process resulting from all the orders for actual costs in this ruling.

Original order in para. 444:

[444] The Panel retains jurisdiction over the above orders to ensure that they are effectively and meaningfully implemented, and to further refine or clarify its orders if necessary. The Panel will continue to retain jurisdiction over these orders until **December 10, 2018** when it will revisit the need to retain jurisdiction beyond that date. Given the

ongoing nature of the Panel's orders, and given that the Panel still needs to rule upon other outstanding remedial requests such as mid-to long term and compensation, the Panel will continue to maintain jurisdiction over this matter. Any further retention of jurisdiction will be re-evaluated following further reporting by Canada.

Amended order in para. 444:

[444] The Panel retains jurisdiction over the above orders to ensure that they are effectively and meaningfully implemented, and to further refine or clarify its orders if necessary. The Panel will continue to retain jurisdiction over these orders until **March 31, 2019** when it will revisit the need to retain jurisdiction beyond that date. Given the ongoing nature of the Panel's orders, and given that the Panel still needs to rule upon other outstanding remedial requests such as mid-to long term and compensation, the Panel will continue to maintain jurisdiction over this matter. Any further retention of jurisdiction will be re-evaluated following further reporting by Canada.