

**Proceedings of the Standing Senate Committee on
Aboriginal Peoples**

Issue 14 - Evidence - Meeting of November 23, 2005

OTTAWA, Wednesday, November 23, 2005

The Standing Senate Committee on Aboriginal Peoples, to which was referred Bill C-54, to provide First Nations with the option of managing and regulating oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada, met this day at 6:23 p.m. to give consideration to the bill; and to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada.

The Chairman: I know there are also people, particularly children, who would like to know that Santa Claus and his wife are busy making toys for distribution — maybe through the co-op and other ways.

Thank you for your presentation and for coming from so far away.

Next we have representatives from the First Nations National Building Officers Association: Bud Jobin, Keith Maracle and John Kiedrowski. Welcome to our committee.

Keith Maracle, Co-president, First Nations National Building Officers Association: Thank you for allowing us to make a presentation before the Standing Senate Committee on Aboriginal Peoples.

We realize that we only have 10 minutes to make our presentation, and we have already provided a submission before the meeting. We will provide a brief overview on the focus and the key successes, our obstacles and recommendations. My colleague, Bud Jobin, will focus on the organization and our successes, and I will focus on the obstructions and the recommendations.

Bud Jobin, Co-president, First Nations National Building Officers Association: Since the beginning of our association, FNNBOA, or First Nations National Building Officers Association, we have accomplished many projects, all geared towards providing inspectors with greater business opportunities while addressing our housing conditions.

The important accomplishments include the establishment of a website that provides information on this sector, the development of a national occupational standard focusing on the required knowledge and competencies of an inspector and the establishment of an independent certification council that is responsible for certifying First Nations inspectors.

We have also established a standard of practice and code of ethics to illustrate how inspectors are to conduct themselves professionally. We have established a strong foundation that will help to promote the sector as a professional occupation.

As an association representing First Nations inspectors, we have identified several key successes that have helped to provide excellent business opportunities.

To outline our successes and key points, as an organization, FNNBOA is an excellent example of a capacity for development. Prior to the formation of FNNBOA, the First Nations building officers across the country had very little opportunity to communicate, network and consult with each other with respect to technical issues, housing development, business opportunities, skills development and training. This sector did not have a national voice on housing conditions and other grassroots-level issues.

Secondly, we have also focused on developing important partnerships that will help to advance business opportunities for our members. We have established partnerships with Canada Mortgage and Housing Corporation, Indian and Northern Affairs Canada, Natural Resources Canada, the National Research Council in charge of the National Building Code, and Health Canada, which primarily deals with mold and healthy housing issues.

Recently, the association formed a partnership with the Alberta Safety Codes Council and the Ontario Ministry of Municipal Affairs and Housing. The association works in partnership with other groups such as the Construction Sector Council, the alliance of municipal building officials and the Canadian Association of Home and Property Inspectors to ensure recognition of competencies and skills in order to provide additional business opportunities.

My partner, Keith Maracle, will discuss some of our challenges.

Mr. Maracle: I will take an opportunity now to focus on a few of the obstacles facing our group in terms of business opportunities.

One major obstacle facing our sector in providing more business opportunities is that we need official recognition and standardized skill levels through certification.

Currently, our certification is voluntary. However, to encourage First Nation building officers to become certified and for certified First Nations building officers to attain credibility, the certification needs to be officially recognized by government departments such as CMHC and Indian Affairs, who are responsible for First Nations housing, as well as by our own band and tribal councils.

CMHC and Indian and Northern Affairs require that all houses in First Nations communities be inspected by a certified building official.

Our band and tribal councils also need to pass bylaws requiring that houses be built to the National Building Code and inspected by certified individuals. This approach will not only provide more business opportunities but will address the Auditor General's report of 2003 on how to improve housing conditions in First Nation communities.

The second obstacle we need to address is that of our sector's access to training funds. Our inspectors require training and continuing education to ensure our professional skills are maintained. Especially with the new monies for First Nation housing and the

increased demand for houses built to the National Building Code, if our inspectors are not properly trained, who will ensure that the houses are built to any housing standards?

Unfortunately, our members will have a difficult time accessing training dollars from any First Nation organization that holds an Aboriginal human resource development agreement. It is our understanding that new monies will be made available to contractors to build houses, but we need access to those funds as well.

As our time is limited, and our submission includes eight recommendations, the items we need to emphasize are as follows: Firstly, government agencies must formally recognize the certification model developed by First Nations National Building Officers Association.

Any funding allocation to promote the construction trades in First Nations communities should also include First Nation building officers and the property maintenance workers. Though the property maintenance workers are not a part of our organization at this time, they will most likely become part of First Nations National Building Officers Association next year. Collectively, FNNBOA would represent around 2,000 people serving in the communities.

This concludes our brief presentation. We would be happy to answer any questions honourable senators may have, either on our presentation or on our written submission.

Senator Christensen: Do you have reciprocal agreements with provinces to do inspections off reserves? Does your training conform to the training for provincial building inspectors?

Mr. Maracle: Right now, we have an agreement with the Alberta Safety Codes Council and the Ontario municipal housing.

We are attempting to accomplish training that is transferable so we can do inspections both on and off reserve.

Mr. Maracle: We are working towards that. We are working on those agreements. As I say, we have two in place now and we are working on others as we go along so that we will be able to move back and forth.

Senator Christensen: Is there any involvement with Canada Mortgage and Housing Corporation on the training? Do they give you any help on that?

John Kiedrowski, Project Manager, First Nations National Building Officers Association: Absolutely. CMHC has been critical in helping us in terms of providing capacity development funds and the key directions for training. They actually were instrumental in getting the association up and running because it addresses their needs as well. They use the native inspection services initiative, NISI, to set up inspections of their own homes. They have been quite critical in providing capacity dollars. However, that has been limited to meeting CMHC's mandate. INAC also needs to provide more funding. There is a big need for training to encompass better opportunities for this group. It is limited, but CMHC has been doing a great job.

Senator Christensen: How many inspectors would you have across the country? Are they spread right across or is there a concentration in certain areas?

Mr. Kiedrowski: That is a good question. There are about 250 to 300, we believe, across the country. Right now our membership is about 120. We think there are about 180 to 200 serving full time in the 650 communities. Someone like Mr. Jobin will be serving several communities in Alberta and Saskatchewan, for example. There is a real shortage.

Senator Christensen: How does it work? Do you take a contract with a community or do you live in that community and that is where you do the work? Are you on call? What are the working conditions? Are you working full time or part time?

Mr. Jobin: The vast majority of NISI inspectors enter into delivery agency agreements for the Residential Rehabilitation Assistance Program, RRAP, through CMHC. These agency agreements with CMHC come in several forms. They can either be through a tribal council or as an independent agreement. For example, I work as an independent delivery agent for the RRAP program as well, and other people work on an ad hoc basis. That is, they work on a fee-per-use basis, so they may do some contracting. When the need arises to inspect houses, they are called upon by the delivery agency agreement holder.

Senator Christensen: If there is a building project, two or three new houses or whatever, you would be called in to inspect those houses. Would you be the sole inspector? Would there be any other inspectors involved?

Mr. Jobin: There would be several inspectors involved. It is something we have realized we have to address. Currently, the NISI inspectors only encompass those issues related to part 9 of the building code. I have had several dialogues with our counterparts in the fire inspection safety group, and it would be their mandate to do fire inspection safety, for example, in daycare units, public access buildings and those types of situations.

Senator Christensen: Is it ongoing?

Mr. Jobin: It is ongoing.

Senator Christensen: It is not just new construction; would you be going around and ensuring that different buildings were complying with regulations, codes and so on?

Mr. Jobin: Doing physical-condition reviews or inspecting existing houses is part of our contract. It is also part of the agreements that a First Nations community signs when they are involved in low-income housing projects, primarily the section 95 program through CMHC.

Senator Christensen: Would you be working on reserves if, for example, there were ventilation problems in buildings? Would you be doing those kinds of things?

Mr. Jobin: That is one of the reasons we want to encompass the maintenance workers within our sector. That would be a maintenance issue. Generally, the First Nation inspector would be speaking from an indoor air quality perspective. Therefore, we would not be developing any scope of work to repair an air conditioner, for example, but we would address the IAQ issues within that unit.

Senator Christensen: How long has the association been in existence?

Mr. Maracle: Since 2003.

Senator Christensen: You are relatively new; you are really just developing.

Mr. Maracle: We are a member of CHIBO, Canadian Home Inspection and Building Officials. When we sat down with them, we saw that the municipal inspector was responsible for seven or eight items, the home inspector did eight or nine items, and we looked at 15 or 20 items. When we did a matrix we realized that we did a lot more things. We are called in for a lot more. That is why we are after more training dollars, because we look at septic systems, and we look at water, plumbing, heating and ventilation systems. We need to make sure that our colleagues have the training in this area — good, certified training, not just "I read it in a book, so I think it will work here." That is what we are after. That is why we are trying to access more training dollars.

As you just stated, we are called in to look at a ventilation problem, and this and that. Just to go back to one of the questions that Mr. Jobin answered, some of us work for tribal councils and some work as independents. I work both ways. I do work for a tribal council and I do independent work, but all of our work is based on First Nations at this point.

Through the tribal council that I work for, we have an agency agreement off reserve in Southwestern Ontario to do RRAP work, but that is the only one of its kind in Canada.

Senator Christensen: If you were working with a tribal council, it would be similar to a municipality, where they have a building inspector. If a band is undertaking any construction, improvements or whatever, you would be the building inspector who makes sure they were complying with regulations and sign off on it when it was completed?

Mr. Maracle: Yes.

One of the other problems we run into in that area is that funding from INAC to the tribal councils is only for inspection of houses under their housing program. There is no money to do inspections on renovations. There is no money to do inspections on upgrades of any kind, a ventilation problem or anything like that. The tribal councils, in most cases, will have the individual doing six or seven different things. Therefore, he is spread too thinly in most areas.

Senator Christensen: Building inspector is just part of the job if you want full-time work then.

Mr. Maracle: Exactly.

Mr. Kiedrowski: There is also regional variation in INAC funds. For example, in the Atlantic region there are no funds provided by INAC to do inspections, but out West they do provide some funding. From a business opportunity perspective, if there are no funds to do the inspections, well, it just will not happen. We see that the growth in the number of inspectors in the Atlantic region has been very limited because the opportunities to be paid fees for service are non-existent.

Senator Peterson: You said that you have introduced an independent certification council within your group. Do you also have a certification manual?

Have you set a standard whereby, when a person completes it, it meets CMHC's requirements?

Mr. Maracle: We have set an occupational standard for our sector. We have a code of ethics for our sector. We set up a certification council, and when we send all of our information in to them, they check it to see how we fit into that occupational standard and where there are gaps. They let us know in what areas we need to take courses to upgrade ourselves to a level 1, 2 and 3, as we have set out in our certification.

Mr. Kiedrowski: The council is independent. There are a couple of engineers and certified engineering technologists. They are independent from the association and agreed to volunteer for a couple of years to help with the work. It is the first council of this type to be established in Canada. The municipal home inspectors do not have one, nor do the home inspectors. It is actually a cutting-edge council that we have established. We are quite proud of it, and it is supported by CMHC, INAC and others who understand the industry.

Senator Peterson: Approximately how long would it take for an individual to become certified?

Mr. Jobin: Many years. When we first started developing the occupational standards, it became very apparent that inspecting houses was only one small component of what we do. We also work as advisers in First Nations communities and are involved in a lot of training in order to increase the standards within those communities. Typically, the First Nation inspector will have already had 20 years of construction experience as background. Beyond that, he would need some additional education requirements, such as a firm and full understanding of part 9 of the National Building Code, of building sciences, and of the house as a system. That is, he would need knowledge of how an existing house works to be able to address issues and problems.

We are technologists, in that we have to know a little about electrical systems and heating and ventilation requirements. We have to know the legislative requirements, First Nation politics and how band council resolutions work, as well as the funding requirements for the different programs in a community, as a lot of us do help the First Nations in developing housing proposals.

Senator Peterson: What chance would there be for a young person to get into this program? Is it very difficult?

Mr. Kiedrowski: We do have an apprenticeship level. We call it "in training" because we do not want to confuse "apprenticeship" with the real meaning. We also have a mentorship program. For a new fellow going through the training and doing inspections, it would take probably a couple of years. It involves a combination of competencies and experience. It will depend on whether or not he is in one of the remote communities. The ability to do a number of inspections will not be the same there as for someone in the southern parts of Canada, for example. That is one of the issues we are trying to address, namely, the remote access communities versus the more popular First Nations communities.

Senator Watt: Welcome. You began to explain your involvement and your focus on what you would like to do and how it can be beneficial to communities on reserves. We have been hearing all kinds of horror stories about what is happening on the reserves, from drinking water to housing and sanitation, and everything else that goes with it. We have some knowledge of the conditions in some of those communities. It varies across the country, but they are not in good shape. I think you agree with me on that.

Taking what you were talking about a little further, you must know something about regional politics, what triggers issues and whatnot. Can you be considered a national organization, the first one of its kind that is moving in that direction?

Mr. Maracle: Yes.

Mr. Kiedrowski: Absolutely.

Senator Watt: The Department of Indian Affairs, for example, has responsibility for the regions. Why do you not use your instruments to do a complete evaluation, to do the investigations in all the communities and make a report to the Department of Indian Affairs under a contractual arrangement? Can you move in that direction and flesh out the information that the politicians need today?

Mr. Jobin: We have certainly put that proposal forward. In fact, some of our Atlantic Canada partners have seen the need to go out into the community and put together a snapshot of the conditions. Obviously, mould is one of the big issues on both of the coasts, where it seems to be more prevalent than in the Prairie regions, for example. They have put a proposal forward to take a snapshot of where these houses stand right now. Certainly in Saskatchewan, they developed a database that was completed in 1996. They are probably a good example for the rest of the communities across Canada to use. They have been able to successfully use the data from their inspections in accessing additional funds to address their needs. For example, they received some additional funds to take out the open discharge sewage systems and bring those communities into the 20th century. We are certainly an advocate of that. We feel that the First Nations inspector has the qualifications to do those inspections and speak with some technical expertise on the matter.

Mr. Maracle: If I could add to that, with the help of CMHC, we have just developed three new training packages and we have done some pilot projects. As we all know, there is quite a difference between building a new house and inspecting an existing one. We are going through some rehab skills training right now. We have done some pilots in Val Dor, Quebec, in Edmonton and in Saskatchewan. There is a portion for RRAP and another portion for EnerGuide. We are trying to get the people trained to a level where they can go out and bring back that information that you are talking about, and not just an educated guess. We will use blower doors and do the inspection of the house from top to bottom. This is what this training course does, and it is working out very well.

Mr. Kiedrowski: There is a larger issue that touches upon your question and Mr. Jobin's comments. That is, CMHC and INAC provide funding for a First Nation housing program, but the responsibilities are up to the communities through bylaws, which do not exist. We have been encouraging bands to adopt bylaws to put some structure on the housing conditions and to adapt the National Building Code. There are approximately 650 communities and probably three or four have adopted National Building Code standards for any home being built. We have been a strong advocate in trying to work with those communities this way. That is an uphill battle for us and for the communities as well.

Senator Watt: Have you also considered building an expertise that would enable you to go into the communities and understand and evaluate the actual dollar requirement to fix the problems? Are you moving in that direction?

Mr. Jobin: That is an existing component of what we do. When we inspect existing dwellings, we provide a prescriptive remedy to bring that house up to a minimum set of health and safety standards. We also cost out the remedial repairs for the benefit of the chief and council to prepare budgetary items for the upcoming fiscal years.

Mr. Maracle: At the same time, we recommend energy-efficient measures. In Ontario, Akwesasne, to the south, builds with R-20 walls and 2 X 6 sheathing on it. They do the same in Sudbury, Sault Ste. Marie, Thunder Bay and Fort Severn. They go from 4,200 degree days to 7,900 degree days, and they are all building the same house. It just does not work. We are trying to do that education, to get them to understand the thermal values of the different materials, instead of using the same old thing all the time.

Senator Watt: If you were asked by the Department of Indian Affairs and Northern Development to collect that information by visiting all the reserves across the country, how long would that take? How many years would it take for you to flesh out this information? What would the Canadian government have to spend after they got your report?

Mr. Maracle: I have talked with a chief from Akwesasne in Ontario about doing just that. We sat on a committee that estimated it would take two years to do Akwesasne; every house, every element, cost estimations and total preparation would take upwards of two years for that community alone.

Senator Watt: How many communities do you have?

Mr. Kiedrowski: We have 651, I believe.

Mr. Maracle: That is one of the larger First Nations in Ontario, with 7,000 or 8,000 people. For those that are 400 or 500 people, you are looking at probably a month's work.

Senator Christensen: You were saying that some of the reserves do not have building codes, but anything built by INAC or CMHC must meet building codes even if they are on a reserve; correct?

Mr. Maracle: Yes, that is correct.

Senator Christensen: I presume you are working in the North as well, in Nunavut and Northwest Territories?

Mr. Maracle: We have a representative in the area.

Senator Christensen: Communities and municipalities usually have different inspectors: heating, ventilation, wiring, framing, foundations and plumbing. Rather than using these tradesmen, are you looking at training your people so that one person will be able to do all of that?

Mr. Maracle: Yes, we are. At the present, Health Canada looks after the septic systems on the outside, and in Ontario, Ontario Hydro looks after the electrical systems. Those are the only things we do not touch. We have to train our people to do the plumbing, heating and ventilation inspections.

Senator Christensen: What about other than Ontario?

Mr. Jobin: The same barriers would apply pretty much across Canada. In Alberta, for example, utilities are connected in First Nation houses through a permit process. They would apply to a governing regulatory body, a gas utilities company, and then they would issue a permit to install gas in a community. We felt that was a role we could handle within First Nations communities, particularly in view of the speed with which these permits come into place. I know of one community where they had their houses ready for people to move in, but they sat vacant for three months waiting for the utility company to issue the permit to install the electricity. That was something we felt we could look at down the road.

Senator Christensen: Would the utility company also inspect the house? Who would do the wiring inspection?

Mr. Jobin: That is lacking right now, which is why we want our members educated to do it. I can only speak of our situation in Alberta. The utility connector's responsibilities end at the panel box and do not extend into the house. When the First Nations inspectors arrive, they are aware of this. They ensure there is a light switch at the end of hallways, a connecting light switch at the top and bottom of stairs and the light switches in bathrooms and laundry areas are ground fault circuit interrupted plugs. We also look for adequate lighting in hallways and stairwells.

Mr. Kiedrowski: The key objective is an inspector who is multifaceted, trained in a number of areas, but we have now hit a major stumbling block. The First Nations inspector is a municipal building official. When it is a new home, he is doing electrical, plumbing and sewage systems. When you send him into a remote community you want him to be properly trained. How do we get errors and omissions insurance to make sure we are protected? Our problem now is to get that insurance for our inspectors from a business point of view, and we have been rejected by a number of insurance companies. They are telling us we cannot do certain things, and now we are in a bit of quandary as delivery agents working in remote communities and trying to obtain errors and omissions insurance to carry out that multi-tasking.

It raises big issues now of who is responsible. Nothing has happened, but we are just trying to figure out the "what if." We worked with that assumption and we have been talking with insurance companies. It is just not possible for any of our members, or anyone working in the inspector or compliance capacity, to obtain errors and omissions insurance, unlike home inspectors and municipal officers, who can get their own insurance. It is a big issue for us.

Senator Christensen: Is your association more like a company?

Mr. Kiedrowski: No, it is a non-profit, registered with the federal government and representing inspectors who work independently or with tribal councils — anyone who carries out inspection activities related to houses. We wish we were a company.

The Chairman: If there are no further questions, I want to thank you for appearing before us and providing us the information that you have. So far, our study has focused on Aboriginal involvement in businesses, but your association and the work you do is certainly interesting and shows the progress that Aboriginal people are making in the building industry. Thank you very much for your presentation and I wish you well.

Mr. Maracle: I would like to thank you, Mr. Chairman, and senators, for giving us the opportunity to make this presentation.

The committee adjourned.