



FASKEN'S PLAN TOWARDS
RECONCILIATION

Context

On December 15, 2015, after six years of hearings into Canada’s residential school system, the Truth and Reconciliation Commission of Canada (TRC) released its final report, *Honouring the Truth, Reconciling for the Future*. The TRC summarized its findings as follows:

For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and, through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as “cultural genocide”.¹

In order to redress the intergenerational impacts of colonialism, including the legacy of residential schools, and to advance the process of Canadian reconciliation, the TRC published 94 Calls to Action² to guide reconciliation with First Nations, Inuit and Métis peoples. This includes Calls to Action targeting the legal profession and the corporate sector.

As a Firm, Fasken acknowledges the role of the Canadian legal system in the inequalities experienced by Indigenous peoples. We recognize that we have a role to play in the ongoing process of reconciliation.

This Plan will be implemented starting September 30, 2021, the first National Day for Truth and Reconciliation.

As we move forward, Fasken is committed to advancing programs and policies that foster reconciliation, equity, diversity and inclusion through our people, our business relationships, our communities, and the implementation of this Plan³.

1. Accessible here: [Honouring the Truth Reconciling for the Future July 23 2015.pdf \(trc.ca\)](#)

2. Accessible here: [Calls_to_Action_English2.pdf \(trc.ca\)](#)

3. Accessible here: [Our Guiding Principles, p.14](#)

The Plan

The Fasken Reconciliation Plan (the Plan) is built around our Goals. The Goals succinctly describe our aspirations in eight different, but interrelated, subject areas that we hope will have a positive contribution to reconciliation.

In order to operationalize our Goals, we have set out broad Actions that we commit to undertake and against which we will report and hold ourselves accountable. We acknowledge that each of the Actions will need to have specific tasks undertaken to move us forward. The stewards of the Plan responsible for designing and implementing these tasks will be a standing Reconciliation Implementation Committee. Additionally, that committee will be responsible for reporting on our progress and periodically evaluating whether any aspect of the Plan needs to change to meet our overall purpose of contributing meaningfully to reconciliation.

This Plan was created through the work of a dedicated group drawn from a broad cross-section of the Fasken community concerned with reconciliation and drafted over a period of a year. In addition, this Plan was reviewed by an Indigenous consultant who has expertise in the meaningful implementation of such Plans.



Goals and Actions



TRAIN

Advance our individual and collective Indigenous cultural competency, including our knowledge and understanding of the histories, cultures, laws and practices of local Indigenous peoples, the legacy of residential schools, and the ongoing process of reconciliation in Canada.



RECRUIT & RETAIN

Attract, recruit, retain and advance Indigenous students, staff, and lawyers to and within the Firm, while fostering an inclusive, culturally welcoming workplace that supports growth, development, and advancement for all Indigenous members.



PRO BONO

Provide pro bono and alternate fee services to Indigenous peoples and organizations.



ADVOCACY

Declare our commitment, collectively and individually, to reconciliation and to advocacy for reconciliation in Canada generally, and in the legal community in particular.



PROCUREMENT

Support both local and national Indigenous businesses and artists through our procurement of goods (including art) and services.



ACKNOWLEDGEMENT

Ensure that local Indigenous territories are appropriately acknowledged at firm functions and that the Firm communicates positively, sensitively and supportively about Indigenous history and cultures.



PHILANTHROPIC INITIATIVES

Support Indigenous initiatives that advance reconciliation through our philanthropic efforts, including donations of time or money.



IMPLEMENT & REPORT

Transparently implement this Plan in a way that meets these Goals, and report on our progress in meeting these Goals. Seek out engagement opportunities with local Indigenous communities and organizations to advance our commitments under this Plan.

Goals and Actions



TRAIN

Advance our individual and collective Indigenous cultural competency, including our knowledge and understanding of the histories, cultures, laws and practices of local Indigenous peoples, the legacy of residential schools, and the ongoing process of reconciliation in Canada.

ACTIONS

- a. Identify and implement Indigenous cultural competency training for all lawyers and staff, and monitor participation.
- b. Identify and implement other skills-based training programs as appropriate based on role and practice area, including respecting Indigenous legal systems.

Goals and Actions



RECRUIT & RETAIN

Attract, recruit, retain and advance Indigenous students, staff and lawyers to and within the Firm, while fostering an inclusive, culturally welcoming workplace that supports growth, development, and advancement for all Indigenous Firm members.

ACTIONS

- a. Attract and recruit Indigenous students, staff and lawyers to the Firm, with the purpose of increasing Indigenous representation at all levels of the Firm.
- b. Develop recruitment, retention and advancement strategies for Indigenous employment.
- c. Collect statistics regarding Indigenous employment, retention and promotion.
- d. Support retention and advancement of Indigenous firm members, including by providing resources and fostering a culturally welcoming workplace.

Goals and Actions



PRO BONO

Provide pro bono and alternate fee services to Indigenous peoples and organizations.

ACTIONS

- a. Ensure Firm policies provide for and affirm the Firm's commitment to provide pro bono and reduced or alternate fee services to Indigenous peoples and organizations.
- b. Support the development of Indigenous businesses in our local Indigenous communities.

Goals and Actions



ADVOCACY

Declare our commitment, collectively and individually, to reconciliation and to advocacy for reconciliation in Canada generally, and in the legal community in particular.

ACTIONS

- a. Share our experience in the development of this Plan with other law firms and encourage the creation and development of reconciliation plans within the broader legal community.
- b. In a manner consistent with our duties as lawyers, identify opportunities for our clients to pursue courses of action that align with the goals of reconciliation, including through creating opportunities for our clients to have access to Indigenous cultural competency training.
- c. Support the legal community initiatives aimed at advancing reconciliation and engaging with Indigenous communities and encourage our people to participate in such initiatives.

Goals and Actions



PROCUREMENT

Support both local and national Indigenous businesses and artists through our procurement of goods (including art) and services.

ACTIONS

- a. Use local and national Indigenous business registries to facilitate a review and revision of our procurement processes to ensure that Indigenous businesses are included in our procurement processes, and receive a preference when appropriate.
- b. Collect, analyze and report relevant data regarding our procurement from Indigenous businesses, with the aspiration to use the data to help us measure and increase our procurement from Indigenous businesses.
- c. Align our artwork acquisition strategy with this goal by developing a plan to regularly purchase or rent the works of local Indigenous artists.
- d. Create a strategy to promote Indigenous arts and culture which addresses how we intend to foster relationships with members of authentic local Indigenous arts communities and make use of our digital platforms, physical office spaces and other resources to showcase Indigenous artists and their works.

Goals and Actions



ACKNOWLEDGEMENT

Ensure that local Indigenous territories are appropriately acknowledged at Firm functions and that the Firm communicates positively, sensitively and supportively about Indigenous history and cultures.

ACTIONS

- a. Develop territorial acknowledgements that are tailored to fit the regional circumstances of each Canadian office, considering form (words sincere and accurate) and forum (protocol for where and when words used – both online and in-person, internal and external), while respecting regional circumstances.
- b. Communicate positively, sensitively and supportively about Indigenous history, cultures and events of significance relevant to reconciliation in our communities on an ongoing basis, such as about Orange Shirt Day, National Indigenous Peoples Day, National Day for Truth and Reconciliation, and other Indigenous initiatives or events.

Goals and Actions



PHILANTHROPIC INITIATIVES

Support Indigenous initiatives that advance reconciliation through our philanthropic efforts, including donations of time or money.

ACTIONS

- a. Target allocation of our regional and national philanthropic budget to initiatives in support of Indigenous communities or reconciliation, taking into account regional circumstances.
- b. Develop, identify or participate in programs supporting preservation of Indigenous languages by providing financial or other support.
- c. Support a program for identification and recognition of residential school burial sites.

Goals and Actions



IMPLEMENT & REPORT

Transparently implement this Plan in a way that meets these Goals, and report on our progress in meeting these Goals. Seek out engagement opportunities with local Indigenous communities and organizations to advance our commitments under this Plan.

ACTIONS

- a.** Establish a Reconciliation Implementation Committee (RIC) with a broad and diverse membership of lawyers and staff from all Canadian offices. The RIC will include members from areas of the Firm who will be responsible for implementing aspects of the Plan, and will also include the Chief Equity, Diversity and Inclusion Officer and representation of the Indigenous Law Practice Group.
- b.** Provide the RIC with a mandate to create an Implementation Plan that will outline the tasks needed to advance the Actions and achieve the Goals. The Implementation Plan will identify the short, medium and long term priorities for implementation of the Actions and will include timelines for the implementation of the short term priorities.
- c.** Ensure the RIC produces a Report annually for the Board on the success of the Implementation Plan in advancing the Actions to meet the Goals of the Plan, with recommendations to adjust the Plan if necessary. Ensure the RIC also produces a Summary Report for all firm members summarizing the Report.
- d.** Seek out engagement opportunities with local Indigenous communities and organizations about the Plan and methods to most effectively implement the Actions in a way that achieves our Goals, while having the greatest chance of positively impacting Indigenous people and communities.

Our Guiding Principles

- A.** Fasken acknowledges the importance of understanding the impact of colonialism, including the legacy of the residential school system, and the resulting intergenerational impacts, as well as the persistence of racism against Indigenous peoples and cultures;
- B.** As a leading international law firm with offices across Canada, Fasken is committed to advancing reconciliation with Indigenous peoples in the communities in which we and our clients operate;
- C.** Fasken values equity, diversity and inclusion, giving back to our communities, and we care about and respect one another;
- D.** In our professional capacity, it is our role to serve the cause of justice, and we acknowledge the need to address the historic contributions of the legal system to barriers to reconciliation that exist today;
- E.** Fasken acknowledges that while we have a number of Indigenous clients, we act for clients who have divergent interests from Indigenous communities, and that we will always represent all our clients with professionalism and respect;
- F.** Fasken strives to create a safe space for the expression of a variety of views and perspectives, understanding that these important conversations regarding Canada's colonial past and the legacy of residential schools will not always be comfortable conversations, but are an important part of moving reconciliation forward;
- G.** Fasken recognizes that the United Nations Declaration on the Rights of Indigenous Peoples is referenced in the TRC Calls to Action (in particular 27 and 92) as a useful framework for considering actions in pursuit of reconciliation and that Canada has enacted the United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14 to provide a framework for the Government of Canada's implementation of the Declaration;
- H.** In response to the Truth and Reconciliation Commission Calls to Action (in particular 27 and 92), Fasken has developed this Plan in consultation with our lawyers and staff as well as an Indigenous consultant who has expertise in such plans;
- I.** Fasken commits to implementing this Plan.

FASKEN

See the actions we have undertaken to advance diversity and inclusion.

[Learn more](#)