


THE ROAD TO RECONCILIATION



**UBCIC DISCUSSION
PAPER ON DRIVERS
LICENSING**



Overview

The Union of BC Indian Chiefs (UBCIC) has for many years worked to advance and improve the lives of First Nations in British Columbia and across Canada.


This work has included but is not limited to the advancement of Indigenous Title and Rights, the improvement of educational outcomes, the relief of poverty, and improving the social conditions and life expectancy of First Nations. UBCIC has a vested interest in ensuring First Nations have the tools, knowledge, and skills needed to empower themselves and maximize their opportunities for self-determination; this includes the critical ability to access the training and licensing processes in B.C. that are needed to drive.

For many years, the leadership of Indigenous communities have identified a driver's license as a key barrier to meaningful employment and the inequity in access to a driver's license continues to impact the ongoing safety of Indigenous women and girls as well as access to traditional territories. In recent months the challenges around drivers licensing have been exacerbated further by the COVID-19 pandemic and require greater attention on behalf of the BC Government.

This discussion paper has been written to examine the past and why Indigenous peoples have been marginalized in the licensing process, the barriers that continue to restrict access to this process, and the impact these barriers have on continued inequalities in justice, safety, health, and prosperity for Indigenous people in the province.

This paper will further highlight the connection between drivers licensing and the Truth and Reconciliation Calls to Action as well as the opportunity to advance the United Nations Declaration on the Rights of Indigenous Peoples and the Missing and Murdered Indigenous Women and Girls' (MMIWG) Calls for Justice through strongly applied recommendations to ICBC, the Ministry of Public Safety and the Office of the Attorney General. These recommendations will also serve as a reminder to the commitments made in the First Nations Justice Strategy.

The narratives that have been included in the pages that follow have been pulled from the knowledge, experience and information provided by All Nations Driving Academy and the work delivered along Highway 16 in Northwest British Columbia.



All Nations Driving Academy was founded in 2017 as a response to the overwhelming request for driver training support to ensure Indigenous communities could fully participate in training and employment initiatives within the resource sector.

As a single mother, my children wholeheartedly supported the time and effort I committed to ensure the success of others in our community and in our province.

To date, as an organization we have had the privilege to assist the Haisla First Nation in starting the Haisla Driving School. This was the first Indigenous community owned and operated driving school that has administered the ICBC Graduated Licensing Program in the history of ICBC. With partnership and funding from Western Economic Diversification and the Ministry of Social Development, the 6 Nations Driving School operated by the Burns Lake Native Development Corporations was launched in 2019.

All Nations Driving Academy additionally had the privilege of working with the Ministry of Advanced Education & Skills Training in 2019-2020 prior to COVID. During our work along the Highway of Tears we were able to engage over 700 students in 21 communities and produce over 200 licensed drivers.

In the pages that follow in this discussion paper, it is my hope that we have captured the stories we've been entrusted to carry to the table with humility and the utmost of respect.

Standing witness along the highway to the inequities in access to drivers licensing services and legislative policies that are leading to overincarceration and vast disparities in health, I understand fully that our greatest challenges can also become our opportunity for change.

It has been my privilege to submit this discussion paper to the Union of BC Indian Chiefs for their support and endorsement to seek action from the Government leading to the health, safety and economic success of Indigenous Peoples in our province.

Lucy Sager
Founder, All Nations Driving Academy

GLOSSARY

BC – Province of British Columbia

ICBC – Insurance Corporation of British Columbia, the Crown Corporation that administers the driver's license and insurance of motor vehicles and off-road vehicles.

ID – Identification. Primary or Secondary as required by ICBC may be referred to as ID.

MCFD – The Ministry of Children and Family Development.

MMIWG – Murdered and Missing Indigenous Women and Girls. Notorious for the Highway of Tears, however this reality is known to be an ongoing reality across Canada.

MVA – The Motor Vehicle Act. This legislation is managed by Road Safety BC under the Ministry of Public Safety and the Solicitor General. The Motor Vehicle Act oversees the operation and use of motor vehicles, the issuance of a driver's license, driver training as well as enforcement of all rules and regulations.

ORV Act – The Off Road Vehicle Act legislation is managed by the Ministry of Forests Lands and Natural Resources. This Act controls the use of Off Road Vehicles on Crown land as well as rules and regulations as it relates to enforcement and access of permits for use to cross a highway or public road.

RCMP – Royal Canadian Mounted Police. The RCMP are used to enforce the Motor Vehicle Act and additionally have the authority to enforce the Off Road Vehicle Act.

RSBC – Road Safety BC. This organization is overseen by the Superintendent of Motor Vehicles and is a part of the Ministry of Public Safety. Road Safety BC is the entity that issues driving prohibitions and manages points and fines related to tickets issued from driving offences.

TRC – Truth and Reconciliation Commission of Canada. Throughout this document reference will be made to the Calls for Action and the Survivors Speak Report that was authored by the Truth and Reconciliation Commission.

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Licensing in British Columbia

Today throughout British Columbia, Indigenous Peoples are less likely than others to hold a valid driver's license, which has resulted in multi-generational negative consequences that have impacted the health, safety, and employment of First Nations, and have also led to child apprehension and increased incarceration.

In British Columbia, a driver's license is issued by ICBC as a primary piece of ID that allows the holder to operate a motor vehicle as stated in the Motor Vehicle Act. The process of attaining this license has changed over the years to include a Graduated License Program that has created further challenges for new drivers in accessing co-pilots for training as it was assumed that a new driver could learn from parents who already held a valid class 5 driver's license.

The Insurance Corporation of British Columbia offers several ways that you can access a driver's license. ICBC has offices dedicated to offering licensing services primarily in the lower mainland. In rural areas of BC, Service BC acts as an appointed agent to deliver services and in more remote locations ICBC offers services through an appointed agent that is represented by a private insurance office.

To obtain a license, you must first study the learn to drive smart book which is available online or you may pick up at your nearest ICBC office or appointed agent. You must be 16 years of age and have the consent of a parent or guardian or you may sign for your own drivers license once you are 19 years of age. You must also produce two pieces of identification, one primary and the other secondary¹.

Once you have successfully completed your class 7L written test which may be administered on a computer kiosk or by paper, you must hold this license for 12 months until you can take your class 7N road

test. While driving during this stage you must be accompanied by a co-pilot who is at least 25 years of age and holds a full valid class 5 license. It is also important to note that you may only practice driving with one other passenger in the car. The class 7N road test must be completed at an ICBC testing center by an ICBC driving examiner. This test may be scheduled online or by phone.

When you have successfully passed your class 7N test you must hold this class of license for a minimum of 24 months unless you have completed the Graduated License Program course with a certified driving school, which is worth two high school credits and reduces your time at this stage to 18 months. Although the co-pilot restriction has been lifted during this stage, the driver will only be allowed 1 passenger or unlimited immediate family members in the vehicle.

Once the 24-month time has passed, the driver may schedule their final road test for the class 5 license at an ICBC center. At this time, all restrictions related to passengers will be lifted and the driver may now move onto other classes of licenses.

For many people who have children, it is not feasible to obtain childcare for driving lessons, or they may not be able to access the qualified co-pilots who are over the age of 25 and hold a full class 5 driver's license.

If the student chooses to drive with a co-pilot who only holds a class 7N license, the driver would be in breach of insurance if the vehicle were in an accident.

It should also be noted in this section that some inequities come into play in how the class 7L test is administered in remote versus urban settings.

In an urban setting the test is administered on a computer and the student has the option of wearing headphones to have the test read to them. The test questions and signs also appear in color making the answers easier to recognize based on studying the learn to drive smart book.

In rural settings in the province, the test is administered on paper through a multiple-choice bubble test where you fill in the correct circle. These tests are printed in black and white and a color signs sheet may or may not be available. The quality of the printing may also impact the student's ability to determine the pictures.

If a student in a remote community would like the test read to them, this may have to be scheduled at the same time a driving examiner is in the community and

¹ <https://www.icbc.com/driver-licensing/visit-dl-office/Pages/Accepted-ID.aspx>

that may only happen twice a year.

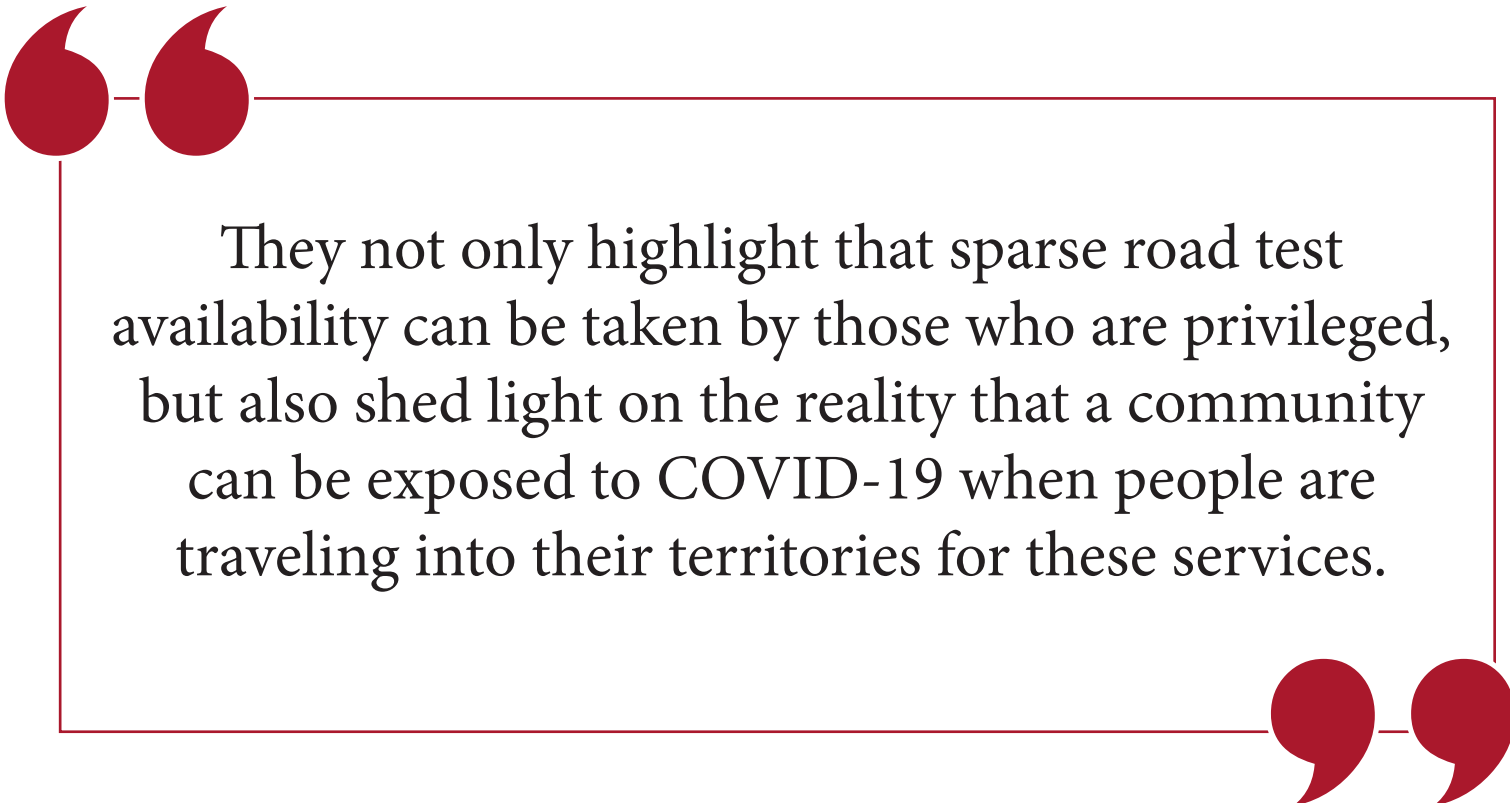
It has also been experienced that this service has been denied to community members and suggested that until they attempt to take the test up to 6 times they would not have access to support, creating more shame and embarrassment for the community member as well as a greater cost incurred. Students have also been publicly shamed for failing the test and have been mocked for not knowing how to read by the staff of the ICBC appointed agent. There is no known history of this happening at an ICBC corporate office.

During 2020, COVID greatly impacted the access of road tests throughout the province as testing was cancelled for over 5 months. During this time, over 55,000 tests were cancelled and new drivers were backlogged², resulting in lost jobs and increased unlicensed driving. Once testing came back online, over 80 new driving examiners were hired predominantly in the Lower Mainland to ease the pressure of missed or delayed road tests. In many cases, those drivers who could afford to travel for their road test or had co-pilots to escort them could go outside of their health authority

into smaller communities and take the road test. This practice is also common for drivers hoping to take a test in a region with less traffic as it is perceived the test is easier to pass.

It has become apparent in recent months that if you have resources like transportation, accommodation, a credit card, a rental car, Wi-Fi and a computer or cell phone, you may be first in line for a road test. Meanwhile if you do not have these resources, you may never even know the driving examiner was in your community let alone have the means to access a driver's license.

These examples and stories have come out of Bella Coola and Terrace although other examples may exist. They not only highlight that sparse road test availability can be taken by those who are privileged, but also shed light on the reality that a community can be exposed to COVID-19 when people are traveling into their territories for these services.



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² <https://www.cbc.ca/news/canada/british-columbia/icbc-road-tests-restart-covid19-1.5639879>

Barriers to Entry

Working with communities throughout the province, several barriers to obtaining a driver's license have been identified. The primary barriers are identification, vision care, outstanding fines, and lack of co-pilots.

Identification

To obtain a driver's license, you must present a piece of primary ID and secondary ID. Primary ID that is accepted include the following,

BC Drivers License, BC Identification card, Certificate of Canadian Citizenship, BC Record of Landing, Secure Certificate of Indian Status, BC Services Card with photo, Canadian Birth Certificate, Canadian Passport, Permanent Resident Card, Student Work, Visitor or Temporary-resident Permit.

Secondary ID that would be considered to apply for your driver's license would include,

Bank Card (Name must be imprinted and signature must be on card), 404 Drivers License, Employee ID card with photo, Legal Name Change Certificate, Student ID (current year) BC Services Card (non-photo) Canadian Forced Identification, Credit Card, Health Card Issued by Province, Native Status Card.

When living in a remote community without access to transportation, obtaining primary ID may not be possible in some cases. If a Service BC office does not exist to apply for your birth certificate, you may alternately apply for your certificate online.

To do so you must know the full legal name and birthplace of your father and mother and these names are referenced as surname and maiden name. You must also have access to a computer, Wi-Fi, and a credit card as other forms of online payment are not accepted.

Equivalent challenges may exist if you are working to apply for a Secure Certificate of Indian Status online.

It has also been known that challenges may exist in working to get secondary ID. Indigenous communities have a membership clerk on staff who would be assigned to manage the issuing of Native Status cards. If this membership clerk is out of town for any reason, this card can not be issued by someone else. Communities have also been known to run out of cards and must wait on Indigenous Services Canada to send more cards.

Some communities have also been known to request a birth certificate as primary ID in order to produce a laminated status card even if the community member produces alternate forms of primary identification and has been personally known to the membership clerk throughout their life.

Challenges in accessing ID for minors can be equally as frustrating, especially in the case of a student having missed school picture day as student ID cards cannot be issued throughout the year. In remote communities where the only bank may be a credit union, bank cards are not issued with an imprinted name also eliminating this option as is the case on Haida Gwaii.

It has further come to our attention that ICBC does not accept the citizenship cards of treaty Nations as primary ID. In the case of drivers licensing programs with the Nisga'a Nation, the Nisga'a citizenship cards were only acknowledged as secondary ID.

Coastal communities in our province are further challenged in their access to Service BC offices due to ferry and float plane schedules that do not align with hours of operation. To access ID or licensing services, multiple days out of the community may be required, increasing the cost of accommodation, and missed days of work. The cost of acquiring the class 7L license for the average British Columbian is \$25. The cost for a community member from the Gitxaala Nation in travel and lost wages may result in costs of up to \$800.00 for the same driver's license.

COVID has further complicated the hours of operation as some Service BC offices are now closed for lunch due to additional cleaning. Offices often will also not let a student start to write their class 7L test after 3:00pm as they close at 4:30pm, reducing the access of the service to those who may already be holding a job or are in high school requiring further time off and additional costs incurred to take their written test.

Vision Care

Indigenous communities throughout history have been known to pass on knowledge orally. Many times, although communication is strong, literacy may be lacking among membership and new ways of teaching must be embraced within communities.

Due to the nature of driving and the recognition of shapes and colors, courses can be modified to best support all ages of learners. Although course material can be taught in a unique way, those who wish to obtain their drivers license must pass a basic eye exam. This eye exam checks for both depth perception and peripheral vision.

It has come to our attention through many of the driving courses recently taught in Northern BC along Highway 16, community members were failing the eye exam and sometimes while wearing new glasses.

Schools in British Columbia today provide a basic eye exam to young children to support literacy. If the child is flagged that they need a visit to the optometrist, a notice goes with the child. If the parent of the child cannot read or see, then they do not know what the notice says. If the parent of the child cannot drive, then they are not able to drive the child into town, which may be hundreds of kilometers away, to see the closest optometrist. Not only is the distance and lack of transportation prohibitive, but the potential lost hours of work and the costs of hotels and meals may not be covered by the First Nations Health Authority.

During driving courses, elders who were participating

were also failing the eye exam. In many cases, they were coming to terms for the first time that they in fact were not struggling with literacy, but poor eyesight. If elders were raised with the belief that they could not read, they may not have challenged the idea or had the opportunity to understand that their eye health struggled.

Some elders who had glasses chose to not wear them and claimed that they were 'Indian Glasses,' that the visiting optometrist provided the cheapest option to fit into the First Nation Health Authority pricing model, and that their eyes were worse off then before.

This experience highlighted the need to review how vision screening is performed for those who may have literacy challenges. Letters used in the eye exam can be changed to shapes, reducing the shame, and guessing of the letters on the chart by the patient and improving the quality of the prescription.

In March of 2020, during a driving program in Old Masset, several young women failed the eye exam and were not permitted to write their class 7L exam until they had their eyes checked and were issued glasses. This led to people in their 20's writing tests in outdated glasses they were issued when they were 11 years old and community members scrambling to borrow glasses in order to have the opportunity to earn their drivers license.

More work needs to be done between the Ministry of Health and the First Nations Health Authority to offer equitable and timely access to vision care for Indigenous people of all ages. If glasses are the barrier to supporting remote communities to achieve safer outcomes on the road and reducing unlicensed driving and motor vehicle accidents, then it is of great urgency that this issue is addressed.

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Outstanding Fines

Outstanding fines from provincial ministries outside of ICBC related to issues such as court and child support can cause a driver's license to be withheld before a community member can write their class 7L test. Often there is little communication on how to avoid these fines or the consequences of making decisions that may impact you into the future such as choosing to ride the sky train without a ticket.

Section 26 of the Motor Vehicle Act states, ICBC can refuse to issue a license where an applicant has not satisfied certain debts.

These include but are not limited to:

- **Outstanding motor vehicle related fines or debts owed to the province.**
- **Outstanding debts owed to ICBC.**
- **Outstanding liquor control and licensing act fines owed to the province.**
- **Unsatisfied judgements rendered by a court in Canada or the USA which have resulted in a prohibition from driving being imposed.**
- **Translink debt.**
- **Immediate roadside prohibition (IRP) penalty fee (30 or 90 days).**
- **Outstanding 3- or 7-day IRP fee.**
- **Under section 29.1(3) of the family maintenance Enforcement Act, the Ministry of the Attorney General has directed ICBC to refuse to issue (RTI) a driver's license for debts owed under the Family Maintenance Enforcement Act.**

These fines or debts and judgements must be satisfied, according to account services requirements, prior to accepting any license application or issuance including an original renewal, upgrade, or re-examination³.

For many individuals living in remote communities without a driver's license or access to public transit, it may not be possible to get a ride into town when it costs hundreds of dollars. Also, community members may often have a difficult time paying online if they do not have access to a visa card.

Often fines can accumulate interest and become unmanageable for the community member to pay. Many jobs in remote communities require a driver's license, however if you are unable to get a job because you do not have a license, it becomes impossible to pay your fine.

Off Road Vehicle Act

In addition to the fines noted above, we have also become aware that fines and charges issued under the Off-Road Vehicle Act will be held against the issuance of a driver's license.

The Off-Road Vehicle Act governs the use of Off-Road Vehicles used on Crown land and forest service roads. This act came into legislation in March of 2014 and sits within the Ministry of Forests, Lands and Natural Resources⁴.

This legislation was originally intended to support improved safety of recreational users on Crown land. However, it has resulted in further restricting the access and use of traditional territories for hunting, gathering and ceremonial use by Indigenous People. The restriction to accessing the territory for land-based activities through legislation where consultation and communication does not exist, goes against the recommendations of the MMIWG Calls for Justice as well as the recommendations made in the Truth and Reconciliation Calls to Action Report.

It is important to note for the purpose of this discussion paper that classes of off-road vehicles under the Off-Road Vehicle Act regulations are identified as the following:

- **All Terrain Vehicles**
- **Motorcycles**
- **Off-Road Side by Side Vehicles**
- **Snowmobiles**
- **On-Highway Motor Vehicles**

In part 5 of the regulations, 25(1) states a person other than a child under the age of 12 years, must not operate an off-road vehicle on crown land or prescribed land unless the person carries photo identification. Section 25(2) goes on to state that the photo ID must state the birthday of the person carrying it, and must be issued by one of the following: ⁵

The government, the government of Canada, ICBC, the government of a province or territory, or an agent of a province or territory, a foreign jurisdiction.

Any person who is operating an off-road vehicle who is required to carry photo ID must produce it to an officer. It is important to note that it is unclear whether the officer will accept a laminated status card as ID.

³ Motor Vehicle Act, Section 26 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96318_01#section26

⁴ Off Road Vehicle Act, https://www.bclaws.gov.bc.ca/civix/document/id/complete_statreg/14005

The challenge with the regulations for ID requirements is that the government of British Columbia does not issue a photo identification card to youth under the age of 16. Student ID cards often do not include the student's birthdate.⁶

Community members who do not hold a valid driver's licence and do not have access to public transit may not be able to access a Service BC office to get government issued photo ID to operate their off-road vehicle. The result of not being able to access their territory can negatively impact their ability to not only provide food for themselves but also for the Elders they are providing for, as well as deprive of them of important cultural and spiritual connections to the land. Access to the territory may also be necessary for land based-based educational programs that could assist in cultural learning and awareness.

To further complicate this act of legislation, the off-road vehicle that is self propelled can also be defined as a vehicle under the Motor Vehicle Act and the rider can be held to the same standards when operating this vehicle on forest service roads.

This legislation raises the question of driving while prohibited or without a driver's license and the consequences of charges leading to a mandatory

minimum sentence of 14 days in jail⁷. Not only are Indigenous people being fined and charged criminally for not holding a valid driver's license when accessing their territory, they were not consulted or made aware of this change in legislation.

Throughout British Columbia, limited access to licensing services exists with ICBC and in some cases such as Haida Gwaii, Dease Lake and Bella Coola, services do not exist at all except for certain dates throughout the calendar year that are weather dependent.

To better understand the consultation and engagement with Indigenous communities over the Off-Road Vehicle Act, conversations were had with members of the Kitselas First Nation, the Nisga'a Nation, and Old Massett Village Council and not a single member had heard of this act or understood how to find out more information about the requirements to use these vehicles in their territory.

For the purpose of this paper, outreach was made by phone and email to Vera Vukelich, government holder of the Off-Road Vehicle Act at the Ministry of Forests Lands and Natural Resources. All efforts to contact her to discuss the consultation process of Indigenous communities were not acknowledged or returned.



5 Off Road Vehicle Regulations, Section 25 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/193_2015

6 FLNRO ORV ACT Government ID requirements, <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/off-road-vehicles>

7 Road Safety BC, Criminal Code Offenses <https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/prohibitions/if-convicted>

Trigger Warning



This paper discusses topics that may trigger memories of trauma and unsafe experiences for Indigenous Peoples. The content of the paper is intended to connect the history of our shared past with the intergenerational challenges facing us today.

These stories have been brought forward with great humility and an understanding that we have much to do to deliver equity in our province and that reconciliation is the responsibility of each of us.

Following the discussion in these pages, recommendations have been made because of the challenges experienced by the students we have had a privilege to serve in British Columbia.

Driving Experience for Indigenous Peoples

When looking to understand the inequities and barriers within the drivers licensing process for Indigenous peoples, it is important to understand the history linked to the automobile and what transportation in a vehicle represented. The experience of driving has been filled with trauma and abuse and is associated with a colonial regime of displacement and violence.

In *The Survivors Speak, A Report of the Truth and Reconciliation of Canada Commission*, many of the Elders who were interviewed made the reference to the vehicle in facilitating their removal from their families⁸. The car may have been the primary mode of transportation to residential schools or it may have facilitated the journey between a boat and float plane rides. In many cases for survivors, this car ride may have been their first introduction to an automobile, and it may be associated with the last time they had contact with their family.

Throughout the report many of the Survivors gave details about the linkage to their trauma and the car. In some cases, the vehicle was used on field trips to facilitate sexual abuse away from the school, and in other instances religious officials such as Catholic priests would exchange sexual favours for rides and driving lessons.

These stories have also been captured on the road in driver training along Highway 16. Many of the students who have participated in driving programs have specifically asked for a female driving instructor as they felt safer driving with a woman.

Other students also linked the trauma of child apprehension with a social worker to time in the vehicle, and it was noted that visual triggers of color or location could cause a driving student some distress and revealed the importance of trauma informed teaching practices in the car.

This truth also brought to light the challenges around getting into a vehicle with a strange man for a road test and the trauma that can be triggered as a result. More work needs to be done to educate the licensing team of ICBC and ensure that road test routes are appropriate, with driving examiners understanding how to best support students in the car who may be dealing with heightened anxiety.

Residential School Impacts

To better understand the impacts of residential school trauma, Elders have come forward and shared how so many Indigenous People came to be without a driver's license.

Throughout British Columbia, up to 75% of Indigenous People living on reserve do not hold a valid drivers license. In many coastal communities, this number is higher.

Traditionally for many people, transportation was along the water or by trails, and in many cases roads did not exist. In fact, the road today known as Highway 113 between Terrace and Gitlaxt'aamiks only became a public road in 1979.

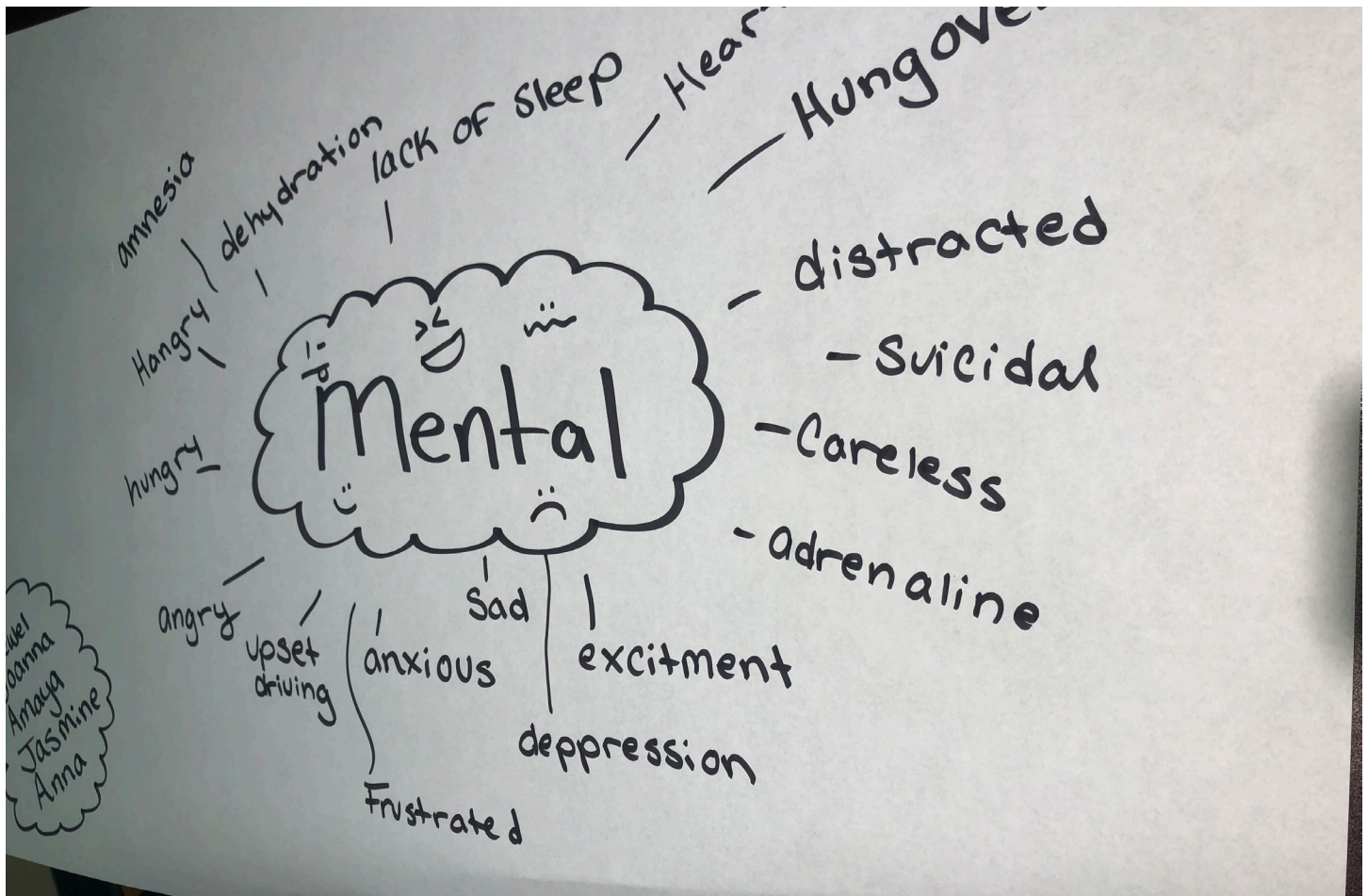
When children aged out of residential schools, the 60's scoop apprehensive care, or government care today, driver training in many of the communities did not exist. To this day driver training does not exist on Haida Gwaii, west of Port Alberni or North of Campbell River, among


other large regions of the province. Aside from the fact that access to training was difficult, people did not have family to teach them how to drive and so the mode of transportation became walking, hitchhiking, cab, bus, or boat.

As people begin families of their own, many lack the resources, and skills to teach their kids how to drive.


Without access to a driver's license, many people were not able to take advantage of higher paying employment opportunities. The lack of transportation also led to increased hitch hiking and risk along the Highway of Tears resulting in greater numbers of women going missing or being murdered.

Today tough realities around lack of transportation and drivers licensing and the impacts of multi-generational trauma still play out in through the costs of obtaining a ride into town for necessities. In rural communities where public transit into town does not exist, community members may charge each other for rides and the driver may or may not hold a valid class of driver's license. On average, the cost of a ride is .50 – .75 cents per kilometer. Depending on the distance from the nearest center, this ride may be hundreds of dollars, which is not feasible





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based on the average amount paid out if the community member is on social assistance.

If a ride cannot be paid for in cash, it has been disclosed that people have been forced to traffic their bodies or facilitate in the trafficking of someone else. This atrocity is the reality for both women and children.

It has been revealed through community conversations and in speaking with the Prince George Sexual Assault center that the cost of a ride for an Elder can be equivalent to their prescription medications. Their prescription drugs may be handed over to a dealer who then pays the driver so the Elder can get into town and get more prescriptions, or the driver may also be a drug dealer. In some cases, the Elder may be assaulted to be pressured into giving up their medications. Those drugs are then resold in community and are contributing to the on-reserve opioid crisis.

The lack of safe transportation, the risk of physical violence, and the dangers of losing medication is leading to an increase in unlicensed driving. Community members are having to weigh the risks knowing that any of the options presented are dangerous, unethical, and illegal, yet they are desperate to get transportation and reluctant to report any incidents to the RCMP knowing there will not be consequences.

In almost every corner of the province, communities are

turning to online social media ride share pages. The challenge with these pages is that there are no safety mechanisms to know that predators are not using them to take advantage of users. In many cases, women are putting themselves at increased risk of harm by using social media ride shares. There are pages today such as Ride Share BC North where you will find thousands of members who represent the new era of virtual hitch hiking.⁹

With the lack of reliable safe transportation and the lack of licensing services, community members shared through a mental health workshop that the emotions that are navigated while driving ranged from anxious to suicidal. When the community members were asked how they may be coping with heightened anxiety, answers ranged from prescriptions medication to increased use of marijuana.

This observation led to the conversation of fentanyl and drug overdoses as well as the need for training of naloxone. Many of the community members had never heard of fentanyl or naloxone and so All Nations Driving Academy has introduced mental health conversations and naloxone training into all driver training programs. It does raise the concerning question however as to why this training is not happening and once again demonstrates that without a driver's license the access to life saving tools like naloxone become impossible to acquire.

⁹ Ride Share BC North, <https://www.facebook.com/groups/160510581308516>

Health and Safety

What is at risk?

Social Determinants of Health

The idea of road safety and the cost of inequalities in access for Indigenous People is not new to British Columbia. The BC Injury Research and Prevention Unit has for many years worked together with the office of the Provincial Health Officer to track Motor Vehicle Accidents and Fatalities and to look at contributing factors.

Within the Truth and Reconciliation Calls to Action report, call to action #19. speaks to Indigenous health and the establishment of measurable goals to close the gaps in health outcomes between Aboriginal and non-Aboriginal communities. Indicators that would be tracked include, but are not limited to, mental health, suicide, addictions, life expectancy, infant and child health issues, as well as illness and injury.¹⁰

In the report produced by the Provincial Health Officer in 2016 called, 'Where the rubber meets the road: reducing the impact of motor vehicle crashes on the health and well being in BC', several concerning statistics were brought forward. According to the report, 'lower socioeconomic status, limited health resources, intergenerational trauma, and the remoteness of many Aboriginal communities in BC, can all play a role in the higher rate of MVC fatalities.'¹¹

Captured in this report, the data between the years 1992 – 2002 indicated that Motor Vehicle Crashes were responsible for the largest number of deaths due to external causes among Aboriginal People.

Within the report reference is made to 'increased risky driving behaviour, lack of car seat use, and an increased use of alcohol while driving'. Nowhere in the report does it refer to the lack of ICBC services or the fact that you cannot purchase car seats in remote communities.

Many Indigenous communities are located remotely hundreds of kilometers from the nearest town or in some cases on an island only accessible by boat or float plane. These island communities may still have roads and vehicles would have to be barged in by boat.

Although cars may be available for use, most rural communities do not have mechanic services, and vehicle maintenance may be non-existent. Communities also have a limited number of licensed drivers and many new class 7L drivers do not have a co-pilot. Without a driver's license it has become common practice for a community member to let their drivers license be attached to several vehicles so that a plate can be issued from ICBC, increasing the rate of unlicensed driving.

Remote communities also lack access to car seats and many children may be in car seats that are the wrong size, expired, or children are held on laps. When a child is born in British Columbia, they are not allowed to leave the hospital without first having a car seat inspected by a nurse. Without somewhere local to purchase a car seat, or a credit card and access to the internet to order one online, communities cannot access the critical and lifesaving car seats for their children.

Within the Motor Vehicle Act, it is not required that you need to have your child in a car seat while riding in a taxi. For many community members who may come by boat from remote island communities into a larger center, it becomes common place to not have your child properly restrained. This experience becomes common when driving with other vehicle owners and not knowing what the rules are. Failing to have access to the proper car seat can also lead to increased negative experiences with the RCMP and MCFD, including legal repercussion and charges.

Social determinants of health as captured by the Truth and Reconciliation report are not only limited to personal injuries and infant mortality; a lack of access to personal, safe transportation can also impact mental health, maternal health, and chronic disease.

Many remote communities who do not have access to medical care would need to travel sometimes a great distance to their doctor's appointment. Although the First Nations Health Authority may cover mileage for

the driver to take the patient, there are no safeguards in place to ensure that the driver has a valid class of driver's license. Without access to groceries, medical appointments or cancer treatments as an example, Indigenous People are seeing higher rates of diabetes, lack of treatment, poor vision care, lack of dental and non-existent or poor prenatal care.

With the lack of a drivers license and potentially poor driving skills, the driver is in breach of insurance and at a greater risk of accident.

A remarkably similar concern is the use of Elder's shuttles by unlicensed or unqualified drivers. If an accident were to occur there would be no insurance if the wrong class of license were held. The language of the community may also be at risk if all language holders are riding in the same shuttle. ICBC drivers licensing services and road safety community relations team have the opportunity to increase communication on the regulations of driving a shuttle bus and the consequences of not having the correct license when operating.

More work needs to be to educate community members on the rules and regulations as it relates to car seat use and to ensure that all children have equitable access to safe car seats. The First Nations Health Authority can also take a leadership role in ensuring that those seeking transportation for medical care are accompanied by a licensed driver.

Today in British Columbia, Road Safety BC through the Ministry of Public Safety has made a commitment to reducing motor vehicle fatalities to zero through the Vision Zero Strategy.¹² The road safety steering committee is made up of representatives from RSBC, RCMP, ICBC, Ministry of Transportation, the Deputy Provincial Health Officer, and the BC Injury Research and Prevention Unit.

Although Indigenous People are more likely to be killed or injured in a motor vehicle accident and are more likely to be involved in the justice system due to driving without a license, there is currently no Indigenous representation on the road safety committee and there is currently no preventative programming or funding to support equitable access to drivers licensing or driver training.



¹² Road Safety BC, Vision Zero <https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/strategy>

Justice Implications

MMIWG Calls to Action

Working to deliver driver training along the Highway of Tears, the reality of the many women and girls who have gone missing or been murdered is ever present.

On March 21, 2020, 5 days after the conclusion of the driver training project on Haida Gwaii in partnership

with the Ministry of Advanced Education & Skills Training, Shaylanna Lewis disappeared walking down the highway at mile 0. This profound loss and continued reality of missing Indigenous women not only rippled through the Haida Nation, but has also left a deep scar as a reminder of the urgency and reality facing Indigenous women and girls. Driving and the licensing process is deeply connected to the crisis that is Missing and Murdered Indigenous Women and Girls (MMIWG).

At mile 0 of the Highway of Tears, you will find a hitchhiking bench. It is a wooden bench with a carved thumb where you can sit and wait to be picked up. There is no public transportation between Masset and Skidegate and there is no transportation to the ferry for those who may need to leave the island for medical reasons.

The National Inquiry into MMIWG demonstrated the many violations of human rights through the denial of safety, security, and human dignity. Those violations continue today as women share the stories of having to traffic their own bodies to get a ride to purchase necessities for their families.¹³



These stories and the truth of discrimination are a direct result of the lack of access to a driver's license, and yet the acquisition of a license is in many cases impossible to achieve due to intergenerational trauma, socio- and economic marginalization, institutional lack of will, and ignoring the agency and expertise of Indigenous people. In some cases, stories among community members have been circulating where they are being denied access to getting a license at all through an appointed agent, even when the individual holds all relevant ID and documentation.

These challenges are not only real for women, girls, and members of the 2SLGBTQQIA community, they are also shared by men.

When a woman goes missing on the highway, family members who do not drive can not go and help look for her, increasing the reliance on the RCMP, an organization that for many has colonial ties and is difficult to trust.

While delivering driver training on Haida Gwaii in October 2020, several of the men from the community shared their sadness and disappointment in not being able to protect or look for Shaylanna Lewis because they could not drive.


With the ongoing linkage to the highway and the vehicle as a reminder of trauma, it is imperative that driver training be delivered in communities in a way that recognizes and integrates cultural safety and responds appropriately to issues as they arise.

Throughout the MMIWG Calls to Justice report, multiple calls can be linked to decolonizing the licensing process, ensuring equity of access, and reducing violence in communities. These Calls to Justice not only support the safety of women but also improve the equity of access to justice services.


In a community where a domestic assault may have taken place, the accused may be held in cells and given a ride to court by a sheriff. The victim and, if necessary, the witness are responsible for finding their own ride. If the victim does not make it to court, the case is concluded, and the accused is not charged.

Often the victim and the accused end up back in the same community without consequences for the offender. This reality may keep victims from coming forward and filing charges. The positive impact a driver's license could have on ensuring the ability to leave an abusive relationship is evident; a driver's license is key to ensuring that a victim of domestic violence or a witness has equitable access to justice services.

Driver training and access to a driver's license can play a proactive role in reducing violence against women and girls. Supporting improved independence, access to the territory for land-based cultural experiences, improved education and employment outcomes all reduce the reliance on unhealthy relationships as a means to survive.



Indigenous People are more likely to be killed or injured in a motor vehicle accident and are more likely to be involved in the justice system due to driving without a license.



Over Incarceration

For many years, government and community advocates have been citing the imbalance and overrepresentation of Indigenous People who are incarcerated.

Many community members are not made aware that the charge of driving while prohibited or without a license falls under the Criminal Code and can result in jail time and a criminal record even on a first offense.¹⁴ A second offence can result in a mandatory minimum 14-day sentence and without agreement between Crown prosecution and defense, a judge has to enforce the law.

Such a charge not only impacts the driver, but can trigger their children being placed in care if the driver charged is a single parent. When navigating social services, if a person is incarcerated, they can lose funding for their home. In order to get their kids out of care upon their release, they may need to prove they have a residence before their children can be released back into their custody.

Due to the nature of the driving while prohibited charge, community members may qualify for legal aid. However, a major challenge is that lawyers working in legal aid do not have sufficient background and expertise on the history of drivers licensing and the Motor Vehicle Act to represent clients with equity when standing before Crown.

The Motor Vehicle Act that legislates the rules of the road and is managed by Road Safety BC as directed by the superintendent of motor vehicles who works within the Ministry of Public Safety. The Act is enforced by the RCMP and does not consider the lack of access to ICBC services rural and remote First Nation communities are faced with, or the lack of knowledge of the drivers licensing process possessed by community members who may be first generation drivers.

Road Safety BC manages the points and fines that may result in violations of the Motor Vehicle Act, whereas ICBC manages the issuance and renewal of the driver's license. When violations have occurred against the Motor Vehicle Act, resulting in prohibitions or the requirement of a remedial driving program due to impairment, this communication is sent in writing to community members.

Due to the reality of the lack of housing in many remote

communities, it is important to note that mail may not be delivered to the address where the driver is currently residing. Further complicating communication, are the fines and potential interest accrued from failing to respond.

The remedial driving program as managed by Stroh health, is the program designed for drivers who have been caught driving while impaired.¹⁵ In this program the driver must complete an 8- or 16-hour course as determined by an intake interview and may be required to install an interlock device which requires a driver to blow into the equipment and produce a zero-blood alcohol content reading before the vehicle will start.

The program cost for participating in the remedial program is \$930.00 and is payable in full before the start of the program. Payment methods accepted are cheque, money order or credit card.

If the community member does not have a license and public transit does not exist, the cost of a ride to the nearest bank to get a money order may cost hundreds of dollars. Due to the nature of credit on reserve, it is important to understand many people may not have access to a credit card for payment, especially low-income families

Once the payment has been processed, the community member will be placed on a call list where they will be scheduled in for a screening interview. At this time, it will be determined if the driver will have to take the 8-hour course or the 16-hour course. Many community members living in remote communities may not have access to a telephone and cell service may not exist, leaving individuals to rely on Wi-Fi calling or services like WhatsApp to communicate. In some cases, a community member may be able to use a phone at the band office or a family members home, but would not be able to wait on standby for Stroh Health to call.

It is important to note that the process of intake may take up to 3 months to be placed in a counselling group within your region. Group locations are posted to Stroh Health's website and for many Indigenous communities, they would have to travel hundreds of kilometers incurring additional costs of hotels, ferries, and potential lost days of work. Without public transit or access to a licensed driver, participation in the remedial driving

14 Road Safety BC, Criminal Code Offences <https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/prohibitions/if-convicted>

15 Stroh Health, Remedial Driving Program <https://www2.gov.bc.ca/gov/content/transportation/driving-and-cycling/roadsafetybc/prohibitions/if-convicted>

program becomes impossible.

During COVID Stroh Health has adjusted their service delivery to include group sessions by phone to allow for social distancing and improved safety. It is unclear if this service offering has been shared with community members who have not yet completed this program. For the development of this discussion paper, conversations were initiated with Road Safety BC staff who manage the remedial driving program, and they were also unable to identify how many people had not completed the program and how Stroh Health was working to engage individuals in remote communities.

It was identified that without access to a phone or email, those who continue to drive out of necessity may not fully understand the consequences of driving without a license or that they are in fact prohibited from driving.

Indigenous people are also more likely to be excluded from re-entering or entering the licensing process due to a lack of communication and a lack of equitable access to ICBC licensing services further complicated by pre-existing socio-economic and health hardships.

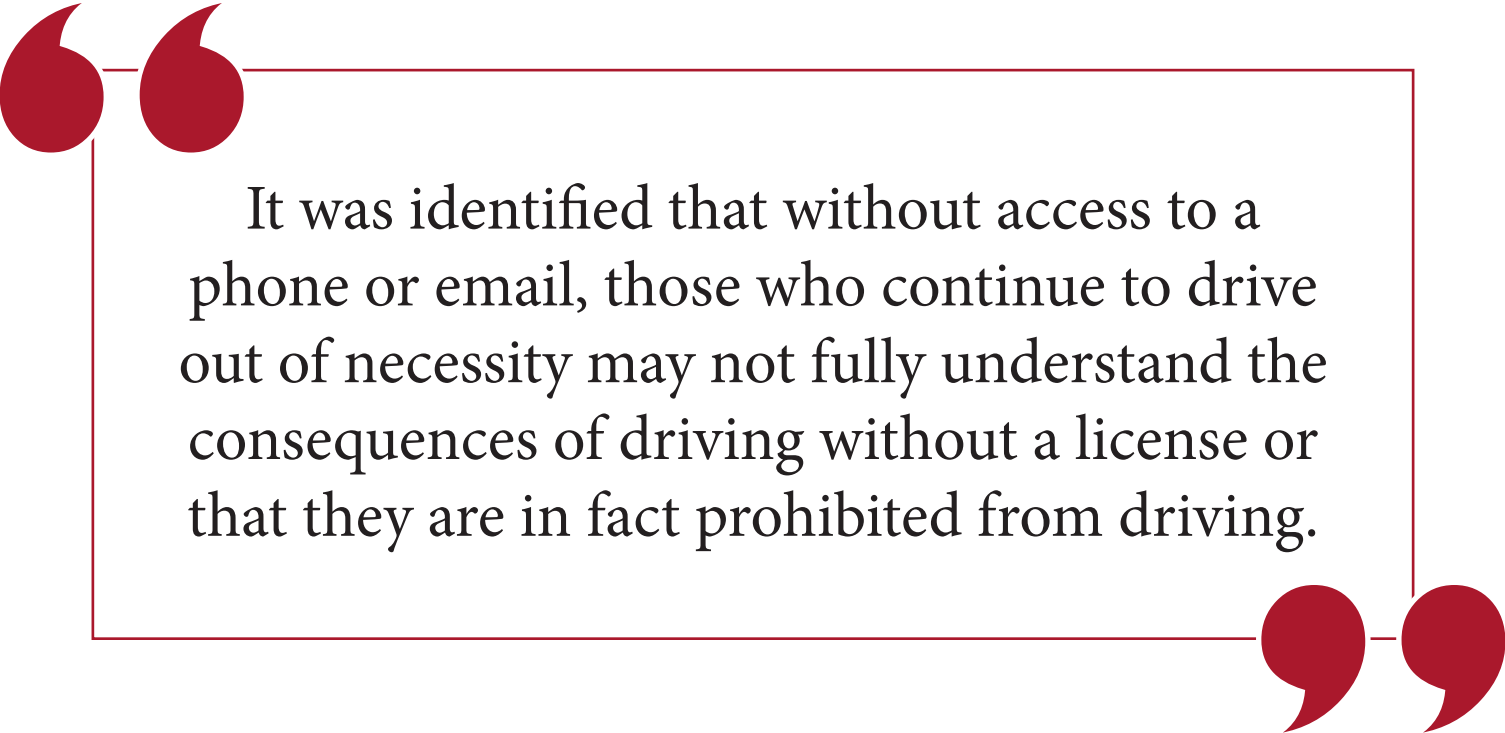
On March 6, 2020, the BC FN Justice Strategy was signed in partnership with the BC FN Justice Council and the government of British Columbia. This strategy represents

two tracks, the first track is to reform the Justice System to be safer and more responsive to Indigenous people and the second track represents the restoration of First Nations justice systems, legal traditions, and structures.¹⁶

Although commitments have been made to reduce the number of First Nations people who become involved with the criminal justice system, policies within the Ministry of Public Safety through Road Safety BC and the lack of institutional will from ICBC continue to marginalize and target Indigenous People. This discrimination is the harsh reality when drivers licensing services do not exist, or people are denied a drivers license despite the existence of such services.

This current system continues to result in incarceration, unnecessary court costs, and risky driving behaviour resulting in additional expenses levied by the RCMP and the Ministry of Health.

It is urgent that the First Nations Leadership Council work together to remind Minister Eby and Minister Farnworth of their commitment to the UN Declaration and the actions outlined in the FN Justice Strategy to improve equitable access to drivers licensing services so as to improve the health and safety of Indigenous People.



It was identified that without access to a phone or email, those who continue to drive out of necessity may not fully understand the consequences of driving without a license or that they are in fact prohibited from driving.

¹⁶ BC FN Justice Strategy, <https://bcfnjc.com/>

Employment and Education

Within the mandate of the Union of BC Indian Chiefs, the work to improve the socio-economic conditions and education of Indigenous People remains a priority.

The federal government, through Indigenous Services Canada, provides educational funding for trades training and post secondary education through Indigenous Skills Employment Training program service delivery organizations, while the Ministry of Advanced Education & Skills Training also provides training dollars for post secondary and trades training initiatives in partnership through the Industry Training Authority.

Although community members may be fortunate enough to access training, they are often not supported to earn a driver's license, and able to follow through and retain employment from their education, resulting in years of wasted time, resources, and money.

The Industry Training Authority is the governing body that manages over 100 trades in BC, 49 of which are red seal. On the ITA website for many of the trades, you will find the recommended education for the trade outlined as the following:¹⁷

Grade 12 equivalent including English 12, Apprenticeship and Workplace Math or Trade Mathematics 11 and applied Physics, or Science & Technology 11.

Nowhere on the ITA website will you find the requirement of a driver's license, although a driver's license is required for employment if you are training to be an automotive service technician for example. When you cannot drive, you are unable to test drive the cars and a dealership will not hire you. This same example can be applied to a carpenter where you are required to move tools on a worksite.

Similar stories have been shared from community members who have earned degrees in social work or environmental science, or who have studied to be a health care worker. Without equitable access to ICBC services or driver training, the community member will not gain employment as a license is a requirement to work for the Ministry of Family and Child Development or a community owned forestry company.

On September 1, 2017, Premier John Horgan announced the Provincial Tuition Waiver Program to improve the services and educational outcomes of former youth in care by waiving tuition and administration fees.

Although this program was well received, the lack of support to ensure access to drivers licensing continues to lead to higher unemployment outcomes, while youth in care without a fulsome transition plan continue to risk involvement with the youth justice system. Earlier interventions targeting key risk factors, can change the trajectory of vulnerable young people, and facilitate greater success in education and employment after life in care.¹⁸



¹⁷ Industry Training Authority, <https://www.itabc.ca/discover-apprenticeship-programs/search-programs>

¹⁸ Provincial Tuition Waver Program, <https://news.gov.bc.ca/releases/2017PREM0076-001509>

UN Declaration and Licensing

On Oct 24, 2019, the BC Government unveiled Bill 41, making British Columbia the first province in Canada to harmonize its laws with the UN Declaration.¹⁹

The Declaration on the Rights of Indigenous Peoples Act was created in partnership with the First Nations Leadership Council and establishes a framework for reconciliation that builds upon the Truth and Reconciliation Calls to Action.

This Bill states, under Measures to Align Laws within the Declaration:

3.) In consultation and cooperation with Indigenous People in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration.

Within the Declaration, the General Assembly recognizes the urgent need to respect and promote the inherent rights of Indigenous Peoples, especially their rights to their lands, territories, and resources. Within the Articles of the UN Declaration, the following should be considered when interpreting the Motor Vehicle Act, the Off-Road Vehicle Act and equitable access to ICBC drivers licensing services.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty, and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 15

2. States shall take effective measures, in consultation and cooperation with the Indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous peoples and all other segments of society.

Article 19

States shall consult and cooperate in good faith with Indigenous peoples concerned through their own representative institutions in order to obtain free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retaining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

Article 22

2. States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 24

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 40

Indigenous peoples have the right to access to and prompt decision through fair and just procedures for the resolution of conflicts and disputes with states or other parties, as well as to effective remedies for all infringement of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the Indigenous peoples concerned and international human rights.

TRC - Calls to Action

The Truth and Reconciliation Calls to Action were developed to redress the legacy of residential schools and advance reconciliation in Canada.

When Indigenous people can fully participate in the licensing process with ICBC, the following calls to action can be fulfilled. These calls also outline the work that government and ICBC can implement to train their staff and to be more inclusive of Indigenous People when supporting reconciliation throughout the drivers licensing process.

Calls to Action

1. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care by:
 - ii. Providing adequate resources to enable Aboriginal communities and child-welfare organizations to keep Aboriginal families together where it is safe to do so, and to keep children in culturally appropriate environments, regardless of where they reside.
5. We call upon the federal, provincial, territorial, and Aboriginal governments to develop culturally appropriate parenting programs for Aboriginal families.
7. We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians.
10. We call on the federal government to draft new Aboriginal education legislation with the full participation and informed consent of Aboriginal peoples. The new legislation would include a commitment to sufficient funding and would incorporate the following principals:
 - i. Providing sufficient funding to close identified educational achievement gaps within one generation.
 - ii. Improving educational attainment levels and success rates.
 - vi. Enabling parents to fully participate in the education of their children.
17. We call upon all levels of government to enable residential school survivors and their families to reclaim names changed by the residential school system by waiving administration costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.
23. We call upon all levels of government to:
 - i. Increase the number of Aboriginal professionals working in the health-care field.
27. We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal Rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.
30. We call upon federal, provincial, and territorial governments to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate progress in doing so.
31. We call upon the federal, provincial, and territorial governments to provide sufficient and stable funding to implement and evaluate community sanctions that will provide realistic alternatives to imprisonment for Aboriginal offenders and respond to the underlying cause of offending.
32. We call upon the federal government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart from mandatory minimum sentences and restrictions on the use of conditional sentences.
38. We call upon the federal, provincial, territorial, and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.
43. We call upon the federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
44. We call upon the Government of Canada to develop a national action plan, strategies and other

concrete measures to achieve the goals for the United Nations Declarations on the Rights of Indigenous Peoples.

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights and anti-racism.

92. We call up the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous People as a reconciliation framework and to apply its principals, norms, and standards to corporate

policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not limited to the following:

ii. Ensure that Aboriginal peoples have equitable access to jobs, training and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.

iii. Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declarations on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Recommendations

This discussion paper highlights the realities for Indigenous peoples in trying to access a driver's license through ICBC and the consequences when earning a driver's license cannot be achieved. The history of inter-generational trauma and the ongoing systemic barriers continue to contribute to a wider gap in socio-economic welfare and health outcomes between Indigenous and non-Indigenous peoples in our province.

The work that is required to allow all members of society equitable access to a driver's license, requires not only renewed support and action from ICBC but from a wide collection of ministries.

The recommendations outlined in this document, weave together the UN Declaration Act, the Calls to Justice found in the BC FN Justice Strategy and the Calls for Justice in the MMIWG report.

When Indigenous people can earn a driver's license, the benefit is not exclusive to the individual driving the car. The benefit can also be felt within the entire community. From increased access to food security, access to traditional medicines, increased road safety

and improved safety outcomes for children who are properly restrained are realized, access to a driver's license can support healthy, empowered First Nations communities.

The recommendations included in this discussion paper speak to the commitments made in the Ministers mandate letters, including commitments to "Putting People First, Lasting and Meaningful Reconciliation as well as tackling Equity and Anti-Racism."

In the letters addressed to Ministers, the government committed to keeping people safe and building an economic recovery for everyone, not just those at the top, and made the following statements:

"Keeping people at the center of everything we do means protecting and enhancing the public services people rely on, working to make life more affordable."

"The unanimous passage of the Declaration on the Rights of Indigenous Peoples Act was a significant first step to empowering Indigenous peoples, and the government has committed to remain focused on

creating opportunities for Indigenous peoples to be full partners in creating a clear sustainable path to work towards lasting reconciliation.”

The mandate letters went on to conclude that “racialized and marginalized people face historic and present-day barriers that limit their full participation in communities, workplaces, government, and lives. The government has a moral and ethical responsibility to tackle systemic racism in all of its forms.”

Ultimately, the development and management of Indigenous owned and led driving schools will lead to community driven programming and job creation. While some communities may be ready to own and operate their own schools, other community members, especially those who live off-reserve, may benefit from other forms of support.

Barriers that must be addressed are not only limited to funding and access of training, but are also grounded in policy and legislation.

Note the recommendations as follows,

- 1. The Government will mandate relevant cultural competency training for all employees and those representing ICBC through appointed agents. The training will delve into and contribute to a better understanding of the history of drivers licensing for Indigenous Peoples and the Truth and Reconciliation Report.**
- 2. ICBC will improve communication to Indigenous communities on road test availability and take into account dates and events of cultural relevance in the region when scheduling. Priority testing spaces will be given to those from the community and a consultation record will be kept and made available as requested by the community to ensure proper lines of communication.**
- 3. The Superintendent of Motor Vehicles will review the effectiveness of the Graduated Licensing Program and consider new legislation under the Motor Vehicle Act for a mature licensing program for first time drivers over the age of 30 years. Drivers may still go through a graduated program; however, family responsibilities, employment and access to co-pilots should be considered.**
- 4. Lower the age of consent for issuing a driver’s license from the age of 19 years old to 18 years old to align with the federal voting age.**
- 5. ICBC and the Ministry of Citizen Services will recognize treaty Nation citizenship cards as primary identification. If new cards are required for security purposes, the necessary equipment to produce and distribute these cards will be made available to communities through Indigenous Services Canada.**
- 6. ICBC will administer consistent delivery of the class 7L test through computer kiosk in all appointed agent offices. Computer kiosks will also provide equitable access to headphones to that students can at their discretion have the test read to them without the need to schedule an appointment.**
- 7. ICBC will review and adjust, as needed, the use of certain road test routes in communities where residential schools once existed to minimize and further reduce in-vehicle trauma.**
- 8. ICBC will allow the selection of the gender of the driving examiner upon booking a road test. This will further reduce the impacts of any in-vehicle related trauma.**
- 9. ICBC will work to appoint BC Ferries as an appointed agent allowing the Northern Expedition to offer the class 7L written test for remote coastal community members.**
- 10. BC Ferries Agents will require a valid driver’s license as ID from all drivers who are moving vehicles onto BC Ferries vessels.**
- 11. The Government will mandate relevant cultural competency training for all employees of Road Safety BC specific to the impacts of drivers licensing and Indigenous communities understanding the link to inter-generational trauma and the Truth and Reconciliation Report.**
- 12. The Government, through Road Safety BC will provide culturally relevant and supported remedial driving programs to address impaired driving in the province. This will include considerations of communication sources available, locations of group sessions, and additional resources and supports as needed from the First Nations Health Authority.**
- 13. The First Nations Leadership Council may assign at their discretion an audit and review of the relevance of content and access of Stroh Health’s programs for Indigenous People, and provide recommendations to the Superintendent of Motor Vehicles on changes that should be implemented to ensure community members success.**
- 14. The Ministry of Public Safety, through Road Safety BC, will improve communication to Indigenous Peoples on the Motor Vehicle Act and clarify the points and**

fining system, including the relationship with ICBC and the causes for driving prohibitions. Consultation reports on progress will be provided to the FN Leadership Council twice a year.

15. The Ministry of Public Safety, through the Motor Vehicle Act, will change legislation to allow an ICBC approved driving school to support learning for those required to have an interlock installed in a vehicle, while also granting the concession they may drive in an interlock free driving school vehicle.

16. Road Safety BC will review and adjust any language in all correspondence and communications regarding driving while prohibited as issued by the Superintendent of Motor Vehicles and ICBC.

17. The Ministry of Public Safety will review and adjust processes and approaches to ensure the relevant Act is applied by Road Safety BC to all driving while prohibited tickets issued by the RCMP. Safeguards will further be put in place when the RCMP submits a ticket to Road Safety BC to demonstrate all information is present and accurate.

18. The Ministry of Public Safety as directed by the Superintendent of Motor Vehicles will amend the legislation of the Motor Vehicle Act to require the appropriate car seat to be required and used as needed in all taxis, Uber, Lyft, or rideshare vehicles operating in the province.

19. The Ministry of Public Safety and the Attorney General will Review and amend the use of mandatory minimum jail sentence for all non-criminal driving while prohibited offences.

20. The Ministry of Finance will create new online payment options for fines and reviews that allow e-transfer and direct banking payment options for communities where banking services and Service BC locations do not exist.

21. The Solicitor General and Attorney General will pardon individuals who currently have a criminal record for driving while prohibited from a non-impaired related charge.

22. The Ministry of Public Safety will mandate cultural competency training for E-Division RCMP related to the Motor Vehicle Act, the Off-Road Vehicle Act and the relevance to community policing agreements.

23. The Government of British Columbia will consult and communicate with Indigenous communities prior to any changes in legislation, in accordance with the Declaration Act that could impact access to traditional

territories. Consultation records will be kept and provided upon request to the FN Leadership Council.

24. The Ministry of Public Safety will make available funding support for driver training programs for women or youth who are fleeing domestic violence.

25. The Ministry of Public Safety will make available funding support for driver training programs for all community staff who support emergency services.

26. The Ministry of Public Safety will make available funding support for driver training programs for communities who are in high-risk tsunami or wildfire zones.

27. The Attorney General will mandate cultural competency training for crown prosecutors, defense lawyers and legal aid staff in relation to the Motor Vehicle Act, the Off-Road Vehicle Act and the history of driving for Indigenous Peoples.

28. The Attorney General will provide funding and support for training related to the Motor Vehicle Act, Off Road Vehicle Act and the history of Indigenous Licensing for all staff and lawyers of the First Nations Justice Council.

29. The Ministry of Public Safety will provide funding and support for driver training as a means to implement restorative justice before considerations of incarceration.

30. The Ministry of Forests Lands and Natural Resource will review and amend the Off-Road Vehicle Act in partnership with the First Nations Leadership Council to apply the Declaration Act.

31. The Government in partnership with the Ministry of Environment and the Ministry of Forests Lands and Natural Resource will mandate cultural competency training of all conservation officers, fisheries officers and park rangers on the Off-Road Vehicle Act and appropriate violations related to the Declaration Act. This training will first be reviewed and approved by the First Nations Leadership Council.

32. The Ministry of Forests Lands and Natural Resource will ensure that all relevant wildfire management training will also be accompanied by driver training and will be supported through funding as needed.

33. The Ministry of Citizen Services will eliminate all fees for the BC ID Card and Birth Certificate.

34. ICBC and the Ministry of Citizen Services will accept all Treaty Nation Citizenship cards as primary ID.

35. ICBC, Road Safety BC and The Ministry of Public

Safety will review language of all websites and forms to ensure accessible and culturally appropriate language is used.

36. The Ministry of Citizen Services will consider and adjust hours of service for Service BC Locations to accommodate the ferry schedules of remote communities.

37. The Ministry of Children and Family Development will provide funding for driver training for all current youth in care as well as those who have aged out of care.

38. The Ministry of Children and Family Development will provide support and funding for driver training for all family members who are willing to keep children together with current family members.

39. The Ministry of Children and Family Development will provide funding access to car seats for children who are between the ages of 0-9 years of age.

40. The Ministry of Health and the First Nations Health Authority will require that those driving and being compensated for mileage while transporting others or themselves for medical will hold a valid class of driver's license.

41. The Ministry of Health in partnership with the First Nations Health Authority will provide timely and fair access to optometry services for all Indigenous People.

42. The Ministry of Health and the Ministry of Public Safety will ensure access to naloxone and appropriate training is integrated into all driver training programs as funded by the province.

43. The Ministry of Transportation will renew their commitment to funding driver training through their action plan to support the MMIWG Calls to Justice.

44. The Ministry of Transportation will ensure the drivers of the BC Bus have valid criminal record checks prior to employment and will receive relevant cultural awareness training, as well as training to adequately recognize, respond and report incidents of human trafficking.

45. The Ministry of Jobs will provide funding and support for driver training as part of the commitment

to ensure Indigenous Peoples are full partners in the economy.

46. The Industry Training Authority will ensure adequate funding and services are provided to support driver training in every Indigenous community training agreement. Further, the ITA will ensure driver training is provided at post secondary and trade training schools in to be delivered in partnership with all trades and red seal courses.

