

LETTER OF UNDERSTANDING

This Letter of Understanding (the “LOU”) is made this 7th day of December 2023,

Between

Métis Nation British Columbia with an address at #308-13401 108th Avenue,
Surrey, British Columbia V3S 2V7

And

The **Office of the Provincial Health Officer** with an address at 4th Floor, 1515
Blanshard Street, Victoria British Columbia V8W 3C8

Hereinafter referred to as “the Partners”

Background

A. Métis Nation British Columbia

The Métis are a distinct Aboriginal people as recognized in section 35(2) of the *Constitution Act, 1982*. Métis Nation British Columbia (“**MNBC**”), established in 1996, is a representative organization for Métis interests in British Columbia (BC), representing over 24,000 Métis Citizens who are registered with MNBC in forty (40) Métis Chartered Communities. MNBC advocates for over 98,000 self-identified Métis in BC to participate fully in Métis democratic and governance traditions and activities. MNBC continues to advocate for recognizing Métis rights and self-determination within Canada. MNBC envisions a future where Métis people, communities and children thrive. MNBC creates opportunities for Métis people, communities, and children to flourish and work to ensure access to various programs and services to bridge socioeconomic gaps and increase overall well-being for Métis in BC.

The MNBC signed a Letter of Intent with the Government of British Columbia in October 2021 (the “LOI”). The LOI identifies reconciliation and co-development of a Métis Relations Working Table as collaborative priorities. MNBC has also signed the Métis Community Governance Charter with the 40 Métis Chartered Communities of BC.

B. The Officer of the Provincial Health Officer

The Office of the Provincial Health Officer (the “**OPHO**”) responsibilities are outlined in the Public Health Act and include:

- Provides independent advice to the Ministers and public officials on public health issues;
- Monitors the health of the population of British Columbia and advises, in an independent manner, the ministers and public officials on public health issues and on the need for public health related legislation, policies and practices;
- Recommends actions to improve health and wellness in BC;
- Delivers reports that are in the public interest and annual reports on the health of the population and government’s progress in achieving population health targets;
- Establishes standards of practice for, and conducts performance reviews of Medical Health Officers; and

- Works with the BC Centre for Disease Control and Prevention, and BC's Medical Health Officers to fulfill their legislated mandates on disease control and health protection.

C. Foundational Obligations to Indigenous Peoples

- In November 2019, the Province of British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)*, and in March 2022 the Declaration Act Action Plan was released.
- In June 2020, the Government of Canada passed the *United Nations Declaration Act (UNDA)*. In 2023, they released the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan.
- Both Acts are intended to bring federal and provincial laws into alignment with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) which includes 46 Articles that "constitute the minimum standards for survival, dignity and well-being of the indigenous peoples of the world."¹ The adoption and implementation of the UN Declaration is also in accordance with the Call to Action #43 from the *Truth and Reconciliation Commission of Canada: Calls to Action* which named the UN Declaration as the framework for reconciliation in Canada².
- Therefore, in recognition of the provincial government of BC's commitment to implement the *Declaration Act*, and the shared goals of MNBC and the OPHO, both MNBC and the OPHO will renew this LOU in order to increase health and wellness for Métis individuals, families, and communities in BC.

With this overall purpose in mind, and in consideration of the terms outlined in this LOU, MNBC and the OPHO agree as follows:

I. Definitions

In this LOU:

"Métis" means an Aboriginal person, as recognized in Section 35(2) of the *Constitution Act*, who identifies as Métis, is of historic Métis National Ancestry, is distinct from Aboriginal Peoples, and is accepted by the Métis Nation.

"Métis Chartered Community" means a group of at least 25 Métis Citizens eighteen (18) years of age or older, that has entered into a Community Governance Charter with MNBC, living within the geographical boundaries defined in the Community Governance Charter, and operating with a ratified Constitution consistent with MNBC's Constitution.

II. Purpose

The purpose of this LOU is for MNBC and the OPHO to:

¹ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html> [accessed 16 November 2023]

² Truth and Reconciliation Commission of Canada, "Truth and Reconciliation Commission of Canada: Calls to Action," Exhibits, accessed November 15, 2023, <https://exhibits.library.utoronto.ca/items/show/2420>.

- Continue to strengthen existing relationships based on mutual respect, responsibility and sharing.
- Continue to improve engagement, coordination, information sharing, and collaboration.
- Continue to champion Métis data governance principles in public health data.
- Continue to work toward advancing the Métis Public Health Surveillance Program in an effort to track physical, mental, emotional, social, and spiritual health outcomes for Métis people within British Columbia.

III. Principles

This LOU is based upon the following principles:

1. Collaboration and inclusion
2. Mutual respect and cultural recognition
3. Transparency
4. Reciprocal Accountability
5. Integrity
6. Culturally Safe and Appropriate Care
7. Anti-racist approaches

IV. Understanding

Based on the statements above, MNBC and the OPHO have reached the following understanding:

1. The Office of the PHO will continue to undertake continuous learning about the Métis Nation and Métis people, and the truths of the impact of settler colonialism on health³.
2. Recognizing the importance of the social determinants of health, the Partners will seek to report on both determinants of health and health outcomes for Métis individuals, families and communities and make recommendations to (a) reduce the perceived barriers and (b) increase culturally safe health services;
3. MNBC and the OPHO will continue to advance the Métis health data governance structure supporting the health and wellness of Métis people within British Columbia;
4. MNBC and the OPHO will use a cooperative, collaborative approach to improving the health status of Métis individuals, families and communities through reporting, advice, and recommendations.
5. MNBC and the OPHO will identify the human, financial, and capital resources (both internal and external) required to achieve the purpose of this LOU; and
6. MNBC and the OPHO will fulfill the 10-year Métis Population Health Program⁴, and associated Project Charters.

³ Related Foundational Obligations include but are not limited to: TRC Call to Actions #18 & 57, In Plain Sight Recommendations 11 & 22, MMIWG 2SLGBTQIA+ Call for Justice 7.6/

⁴ Métis Population Health Program, was previously known as Métis Public Health Surveillance Program.

7. MNBC and the OPHO will recognize one another in literature, reports, presentations, and documents related to the collaborative work from this LOU and include their respective logos in accordance with their respective policies; and
8. Communication between the MNBC and the OPHO will be transparent, consistent, reciprocal, and timely. MNBC and OPHO will work together to coordinate and determine the most meaningful and efficient way to facilitate knowledge sharing.

V. Reciprocal Confidentiality

The OPHO respects the values and cultures of Indigenous Peoples and affirms the rights of Indigenous Peoples to self-determination and meaningful decision-making. The OPHO recognizes and supports the overarching organizational and governance structures of MNBC. From time-to-time confidential information may be provided to/by the partners for purposes necessary to serve its overarching purpose in providing culturally safe and relevant care to Métis people. All partners will handle confidential information, regardless of source, with integrity and discretion. When confidential information is communicated among the partners, the partners should be clearly informed that the information is confidential and provide direction about the limitations on further dissemination and use of the information. Confidentiality is the responsibility and obligation of all partners. Should the partners reach consensus on releasing previously confidential information the partners will establish a joint communication plan. *If conflict arises in this area refer to the conflict resolution portion of the LOU.

VI. Evaluation of the LOU

MNBC and OPHO will review the effectiveness of this LOU and undertake an evaluation prior to any renewal. *Refer to the Term, Renewal and Termination portion of the LOU.

VII. Dispute Resolution

The focus of the dispute resolution process is to ensure the safety and wellbeing of Métis individuals, families, and communities living in British Columbia. As such the organizations agree to abide by the following process:

1. In the event of a dispute between Métis Nation British Columbia and the Office of the Provincial Health Officer with respect to the interpretation, application, or implementation of this Letter of Understanding, the issue will be passed to the respective signatories within the Partners for resolution.
2. If requested, culturally-informed mediation processes may include a Sharing Circle or an Elder as a mediator, with final decision making authority remaining with the signees of this LOU.

VIII. Term, Renewal and Termination

The term of this LOU will be five (5) years from the date it is signed by both Partners (the “**Effective Date**”). This LOU will be evaluated and reviewed, for effectiveness by both Partners after the first year. The Partners commit to reviewing the LOU annually to monitor progress and strengthen their commitment.

Either Partner may terminate this LOU at any time by providing sixty (60) calendar days written notice to the other Partner outlining the reason for termination.

If a Partner contravenes a term of this LOU, and is notified in writing by the other Partner of the contravention and is given a period of time to rectify the matter (the “Notification Period”) but fails to rectify the matter within the Notification Period, then the Partner that is not in contravention of the LOU may terminate this LOU immediately following the Notification Period.

MNBC and OPHO agree to continue any collaboration and commitment to this LOU while MNBC and OPHO undergo a renewal process of this LOU upon expiry.

IX. Governance

This LOU is governed by all laws applicable in the Province of British Columbia.


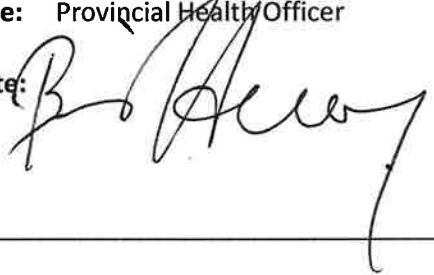

For more information:

MNBC Governance: <https://www.mnbc.ca/about-mnbc/mnbcs-acts>

OPHO Governance: <https://www2.gov.bc.ca/gov/content/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer>

[Signature Page to follow]

IN WITNESS WHEREOF the Partners have executed this LOU as indicated below:

Métis Nation British Columbia	Office of the Provincial Health Officer
By its authorized signatories:	By its authorized signatories:
Name: Kate Elliott	Name: Dr. Bonnie Henry
Title: Minister of Mental Health & Harm Reduction	Title: Provincial Health Officer
Date: 	Date: 
Name: Colette Trudeau	Name: Dr. Danièle Behn Smith
Title: Chief Executive Officer	Title: Deputy Provincial Health Officer, Indigenous Health
Date: 7 Dec 23	Date:  7 Dec 23