



INQUIRY RESPECTING THE TREATMENT, EXPERIENCES AND OUTCOMES OF INNU IN THE CHILD PROTECTION SYSTEM

English Transcript

Volume 32

*Commissioners: Retired Judge James Igloliorte, Dr. Mike Devine and
Anastasia Qupee*

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COMMISSIONER IGLOLIORTE: [Inquiry in progress at start of recording] – begin with a prayer in just a few minutes.

We'll be asking Elder Tshaukuesh Elizabeth Penashue, please, to come forward and do the – our daily prayer.

ELDER PENASHUE: [Sheshatshiu-aimun spoken.]

COMMISSIONER IGLOLIORTE: Thank you very much.

We do have some preliminary comments from Commissioner Devine on health services.

COMMISSIONER DEVINE: A reminder once again this morning regarding health services that are available, and so we have Edward Nuna here as our team lead, Sean Allen's our consultant and Louise Bradley is our healing services consultant – Sean is our clinical support, not our consultant.

Thank you.

COMMISSIONER IGLOLIORTE: Thank you so much.

Welcome back, Mr. Penashue, glad to have you here and I'll simply remind you that we don't have to repeat the oath, that you're giving sworn testimony.

Anne, please.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: [Mushuau-aimun spoken.]

C. URQUHART: Thank you, Commissioners, and thank you, Mr. Penashue, for coming back this morning.

Last evening you were speaking a bit about your life and your healing journey, and I wonder – you spoke about going to

Windsor, and I wonder if you can just tell us a bit about how that led to your then career in mental health and addictions.

J. PENASHUE: Good morning.

In 1992 it's the – kind of the pivotal moment for me in regards to finding who I was as an individual. I've always, in – at crazy and trauma, distress that I had in my life, I always knew there was, or I always had the intent anyways to find out exactly who I was. I always knew that there must be a better life than what I had. I always knew that there's something out there that probably could've changed or helped for me to become a person.

I knew then and so I went – just, I'm trying to capsule some of the stuff that I went through. Talking about my father yesterday day was very difficult. I knew that I had to talk about it in a way that it – people knew in some ways the symbolic history of Innu people. As a family, as an individual, my father represented to me the destruction, the turmoil, the violence that we all went through.

I think it was only after my recovery and my starting of healing that I realize it wasn't just me that went through this. There was many, many people. And to this day I know my friends, my – I suppose I can say, my other survivors in the trauma that we went through. There's – some of them are still in that state. Some of them have passed on, and some of them actually have gone to the extreme of taking their lives because they wouldn't or weren't able to deal with the trauma that they went through.

Am I able to name people that passed on, that are not here yet? Is that a question, or is that something that –?

COMMISSIONER IGLOLIORTE: No, it's fine.

C. URQUHART: You can, yeah. Go ahead.

J. PENASHUE: I talked about my family yesterday, nothing – in the shorter version of what my father – who he was. But my father was also very religious, and I mean religious in that he believed in the Christianity. But he also was very angry at Christianity, and I don't think he was angry at the Roman Catholic per se, but I think he was angry at the individuals that worked in the church.

Yesterday, I wanted to talk about my father in a way that he's not here but was unable to share and was never given the opportunity to share about his life. So, when I shared yesterday, I think that was a small glimpse of what he went through as a man and also as a person who was abused by the church, and I wanted to share that because I wanted to give some voice of what he went through.

And I think a lot of that stuff, as crazy as and hurt that my father went through, he was never abusive in a way that most people would say – you know, in terms of – he was abusive in terms of physically, emotionally and spiritually, but he was never abusive in sexually. He never abused us sexually, but his friends abused us. And what I mean by his friends, the friends that he trusted, where most of them were oblates – priest.

At one point in our lives, I think we were – in terms of Child, Youth and Family Services – we were – I should – I don't know if I should say apprehended, but I think in some ways we were taken away from our home because it wasn't safe. And then we were put in a home by the sister and the church. Father Len Paradis opened his house to us, opened his home to us. And at the time, I felt I was saved by the distress, by the trauma in my home. I didn't realize it was gonna be much, much more damaging for me, personally, when I moved into Father Len Paradis's home.

And I can't speak – well, I can I guess – I wasn't the only one that was given or

abused that way. Some of those are my schoolmates that attended Peenamin McKenzie school at the time and they were from Davis Inlet. And there were a whole bunch of them that came, thinking as well – I'm assuming that they were thinking – that they were also being saved from the situation they were in. And they were brought and we stayed in Father Len's house. And it's hard for me to say Father because it's one of those things that I get angry when I talk about that.

Louie Asta, Matthew Piwas are now passed on. And we've – and I have seen – and I'm pretty sure we were in the same boat of being abused sexually and molested.

When I – as I said, when I went to those – when I went to the church in that home, I thought I was going to be saved. When I first remember going to his home, it was my brother – just the two of us, I believe, the first time, and I felt really, really safe. I felt, oh my God, I'm gonna have food. I'm gonna eat, you know. And then I also I'm gonna have an actual – have a bed to sleep on. And we were shown the room where we were gonna sleep and I felt really excited about that, that I actually was going to be safe. From that point to I dunno how many years, I'm gonna say four, four or five years, it was a nightmare.

I'm going to be 57 years old next month, and people may find this weird, but I can't sleep. And I've been in recovery for over 30 years now and, to this day, I can't sleep in the dark. Not that I'm afraid of the dark; I just can't sleep. I'm totally awake because of I need to know what's in front of me. I need to know – I need to have some kind of a control in my own sense of my body about where everything is just in case. And I mean that in the sense, I can't sleep. I can't sleep without – I can't sleep in the darkness and I'm going to be 57 years old.

And those are the kind of things that are still alive and are still there and probably will be

– I'll probably live with that for the rest of my life.

And I'm always trying to be – I did this all the time but I shouldn't, but I'm always reflective of other people, especially the people that were with me during the time that I was abused and I seen them being abused, as well. And I'm trying to be cognizant about that and not trying to take away their stories, but I am – some of those people that are not here, I think, or probably would say that we need to talk about that. We need to share those kind of things to – so the public knows what Innu people have gone through.

I see, as well, a lot of those families that passed on and their children and their grandchildren are in turmoil. They – they're very angry. I'm kind of fortunate. At a younger age, I wasn't able to have any children and I'm – to this day, I guess, I'm a little thankful for that, that I didn't have any children during the time that I was in turmoil. I can't imagine what other parents are going through or have gone through. It was only after I am in recovery that I had a family.

And maybe I'll stop there.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: [Mushuau-aimun spoken.]

J. PENASHUE: I wanted to share, as well, that at the time, at a young age, obviously, Social Services at the time was, in some ways I guess, I don't know – when we talk about apprehensions, I remember my aunt, Aunt Rose, was very – I'm not sure if she was working at the department at the time, but I remember she was very – the advocate or the translator for my mother. And there were times when we were approached by the department that is there a place that we could go to. And when you live in the community and everybody knows everybody, especially my father when he's

drinking, he's a very – he was a very violent man and he had no fear of anything.

So, anyways, I don't think – I don't know this but I'm pretty sure that none of the families was in the community didn't want to take us in because of my father. Because I remember, at one time, I was with my grandfather, Shimun and his wife and we stayed with those – with that family, I can't remember how long, maybe just for the weekend, I think. But Naissa wasn't able to care for us because she was – she had fear of my father coming into their home and then we had to be removed again to other places.

And I think that's the reason why we ended up in the church because people thought that, you know, that maybe would be safer for us to be in that place.

Um – I'm sorry. I'm gonna go fast-forward when we talk about 1992, when I decided to deal with my issues. I had a lot of anger, especially to God and to the church and to the priest. Anybody in authority, I was angry, very – and I wasn't scared to show it. So, when 1992 came around, I went to Brentwood, 'cause where my father went and that's where my brother Peter went and I saw the results when they came back. I saw the difference in what they were – in terms of their life and changing.

So I went, but not only that I also wanted to go to Brentwood, I wanted to confront my past. And I knew Brentwood Recovery Home was run by two priest, Father Bob and Father Paul Charbonneau; they're both brothers. And I knew then that if I had to do what I had to do, to recover, I had to confront my past. So, I was thinking maybe this would be a place to do that, so I went.

The first three, four days of being at Brentwood, I was on the edge and if you have never been to Brentwood, I'll try to give a little sense of this picture. There were a lot of angry people in that building. I saw a lot of bikers and I felt really more at home,

really. People would say that it was, you know, scary and everything else, but I felt really at home.

And then this one time, I had what they call a one on ones with an individual, and he asked me what I was doing in Brentwood, and I told him. I didn't plan it, I just told him, and he stopped me and, he said, I can't listen to you anymore. I can't. You have to go to Father Paul. You have to tell him what you just told me 'cause – he said that I don't think I can be here. And I said: Okay, what is it that's so stressful for him not to hear what I was trying to say?

So, I went and talked to one of the leaders there and, I said, I need to see a priest, and they said, okay. So, I went upstairs and there was a group of people lining up in the hallway to enter to one of the offices and I'm pretty sure there were about, I dunno, 10 people lining up.

So, the door opened, we all went in, and we were sitting in a room, and everybody was sitting around, and everybody spoke. And this Father Bob – young Father Bob – he was a smaller, petite priest and in my head, I said to myself: Gee, if this individual tries to contradict or does things for me that it's unsafe, I had an opportunity and (inaudible) the frame of mind that I was in, that I had an opportunity to hurt this individual.

So everybody spoke and I was the last one to talk to him. And he sat – you know, with all of us, he said, so what is it that you want to talk about? And I didn't – like, I wasn't an emotional person. I'm not – I have control of my emotions. I'm – I have to be in control.

And I don't think I ever was emotional, but that day when he said to me what can I do for you, and all of a sudden, I was overwhelmed with emotions. I couldn't even say the word that I was trying to say and I started sobbing, like uncontrollably sobbing. And I heard him get up from his chair and, I said, oh shit, this is it. This is – something's going to happen. And he came around his

desk and sat beside me. And I said: I was sexually molested by a priest. And I continuously, uncontrollably was sobbing; I couldn't control my emotions, I was – I don't know, I was just crying, crying, crying.

Anyways, he sat there and he put his hand on my shoulder and all of my anger, all of my emotions, all this stuff that I was thinking just went away. It just went away. And I knew, at that time, without saying anything, I knew I was safe. As crazy as it is, being my past life, and sitting in a room with a priest and coming out of there relieved, and I knew at that point that I was in the right place.

That was the turning point in my recovery and I knew then that I was in the right place, and I knew I was safe and I was safe to share what I needed to share. And I was there for three months. I think I was probably the second person in the Innu – Apenam was the first, and I became the second person to stay that long.

And I didn't wanna leave. That's the crazy part of it, too, I didn't wanna leave. When the time came for me to graduate in April – April 25 – it was time for me to go home and I was terrified to go home; terrified because I had to confront everybody. And there was three people that came to my graduation. I – to this day, I've never thanked them: Cathy Kurelek and Janet Gregoire and my father came. And that was probably the first time that I – my father and I talked and just as a father and son.

So when I talked about recovery, there was a lot of stuff that came before I became a helper, and 1992 was a starting point for me. So from then on, I became a helper. I came home for one year. I was basically isolating myself; not isolating away from not sharing or talking, or locking myself in my room, but I didn't go to any of the places that I went before. I didn't go to bars, I didn't go to restaurants, I didn't hang out with my drinking buddies. I didn't. I just was home.

And funny thing, my parents would probably attest to this, I felt like a nine-year-old and I was probably in my 20s. I was probably 24, but I felt like a nine-year-old returning home and my parents were there. And funny thing is at one morning, they – I had my own little room in the house that we have, and one morning my mom and dad sat me down and they both told me, they said: You know, we see the difference in you, we see the strength in you; maybe it's time for you to move out.

And I felt like I was just nine years old and, all of a sudden, I was like – I was sobbing again. I was crying and emotional and I told my dad, I said – I told my dad that this is the first time I ever, ever felt that I had parents, that I had – um, I had a father and I had a mother – first time.

And I was told to leave. And I told that to my dad, I said: I can't. And my dad turned around and said: My son, Nukum, you don't have to go, you can stay as long as you want. And I did. I think I stayed for – with them for another two, three months, until I found my own place. But that's probably the first time ever that I became a son and I felt safe.

So that's the starting point, when I became who I am today. And I knew then that I had to help people. I didn't know how to do that; I didn't have any plans how to do that; I just knew I had to do something. That was my starting point and that's when my work became important to me then and that's how I met and started working with Apenam, Sebastian, Rose, Germaine, Janet, all those and Lyla. And that's how I started.

But I was just a young – I call myself a – I tell this to people sometimes – I called myself a young goffer because that's all I was doing. They were telling me what to do and I did and Rose would tell me what to do, so I'd do it and tell me to go see this person, do this and that's what I did, run around.

And I think it was in the summer of '93 when I believe John Graham was the director then, health director, and something came up where I had an opportunity to go to Edmonton, Alberta, and an addictions training program came up. And they were already – Sheshatshiu then was already starting and they were already starting their healing then in the early '90s. And I had an opportunity to go to Edmonton because I was – didn't have a family, I guess, it was a good opportunity for me to move.

So I left Sheshatshiu in '93 and came back in '94 and became an addictions counsellor. And then I started working with all the other co-founders of the Innu Healing or Innu Uauitshitun.

C. URQUHART: So, in December of 1993, you went and became an addictions counsellor and then how did you bring that back to your community?

J. PENASHUE: When I came back home, in '94, at that time, there was all ready a lot of movement in the addictions and the healing part of the program in Sheshatshiu and Natuashish. Anyways, I became a coordinator for the Nechi training program for a year. I went to Davis Inlet and I went to Sheshatshiu and, basically, just working as a coordinator and looking after all the programming and the – most of the logistics of that training program.

So, I basically was the – I guess, the coordinator and the director of that program for a year. And then after that program ended, we had an opportunity to develop a program and, at that time, it was called – well, at that time, it was called a mobile treatment program. And, naturally, I'm not sure who it was, but I got hired to run the mobile program, and I became the coordinator of that program and I worked with a group of people from Davis Inlet at that time and Sheshatshiu, and worked with running the first mobile program in Border Beacon which is north of Labrador and more the Innu territory of the Mushuau Innu.

So, I was the coordinator of that program and it was basically a family program. And we, basically, assessed and referred and hired and took three families from each community, three from Sheshatshiu and three from Davis Inlet. And I was working with Apenam Pone, Sebastian, Christine, Pat, Germaine, Mark Nui and his partner and Prote and Christine, all of those guys, and developed a mobile treatment program for the Innu. And that would have been in the fall of '94 and then onwards.

And I did that for a number of years. I believe I did it for about two or three years and I think I was done '90 – maybe '96 maybe. And so, like I said, I was alone. I didn't have any partner. I didn't have anybody, so most of the time my work and my career was – what is my career, that's all I was doing at the time. And, yeah.

C. URQUHART: Can you describe the actual programs? You're in Nutshimit and Border Beacon, can you describe what the impact of that program was?

J. PENASHUE: This program was basically to support and help Innu people and the difference of this unique program was – it was all ran by Innu, all spoken by Innu, all of the staff were Innu. And it was a place where people were safe and comfortable in their own territory, in their own homes, being on the land.

So, we did that and ran that program for six to eight weeks. And we dealt with a number of issues. There was – obviously gas sniffing was one of them, family violence; anything to do with abuse, we dealt with. And, like I said, when we had clients there were – you know, not only the – there were parents involved; there were also children that were also partaking the program.

So, it was a really phenomenal and huge program for both Natuashish – or Davis Inlet at the time and Sheshatshiu. It's probably safe to say there were probably about 50 people in – on the land, running that

program on a daily basis. And we ran from – you know, worked from the morning right to the evening for six to eight weeks.

C. URQUHART: And is – what happened to that program?

J. PENASHUE: What happened to that program? There was a lot of insights in terms of the history, the abuse, neglect, and a lot of it has to do with a lot of violence within their homes and we didn't – we try not to separate the families because we wanted to share – show and share the experiences that people went through and that it wasn't an isolated issue. That everybody was in this together and everybody wanted to help one another. So, we had mothers and we had fathers sharing about their history and their abuse within the context of an Innu tent.

So, we built a huge Innu tent where we facilitated all the other programs that came in regards to – and a lot of it, how to do it, was from the Nechi Institute that we learned a lot of the, as I said, family violence, a lot of history of one on ones, a lot of history of addictions and abuse. So that was the major discussions and topics that were in play.

And a lot of – like, one of the uniqueness of this program was it was all done in Innu, and it was – it seemed – and also Elders were involved. I forgot about that. Elders were key in developing this program, in participating in this program. And nobody was isolated from the discussions and the planning of the program.

C. URQUHART: Is the program still running today?

J. PENASHUE: I'm not 100 per cent sure, but I am pretty sure that there are other programs that are in play. The last program that I remember would have been, I'm gonna say – I started in '94, '96, and then it continued on, and then it branched out. Natuashish and Davis Inlet also wanted to

do the – their own program as well. So, we basically went in a different – because of numbers really.

So, I think, in some sense, it was a good point where Davis Inlet wanted to run their own programs and also Sheshatshiu wanted to run their own programs. So, to this day, I believe there are programs evolving and there are programs continuing, but not to the extent of what we did back in '95, '96. So – yeah, so a lot of those programs now are actually more in the community based.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: [Mushuau-aimun spoken.]

C. URQUHART: So, Commissioners, I was going to next ask Mr. Penashue about his pursuit of social work, but I think now is probably an appropriate time for a short health break.

COMMISSIONER IGLOLIORTE: Ten minutes, please.

Thank you.

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COMMISSIONER IGLOLIORTE: Let's see if we can arrange ourselves to continue.

C. URQUHART: You later decided to go into social work. What made you decide to do that?

J. PENASHUE: I think there were many things that came into play when I decided to go away for a bit.

In '97, I became a single father. I adopted my nephew, which is now my son, and I was single then and then married in '98. And I think, around that time, it was a time from where I realized that in the community, we – as we moved forward, that I was

questioning and also challenging myself: What can we do for our community? What is it that we need to become somewhat independent? And it was during that time that I challenged myself, 'cause I always knew I wanted to try. I wanted to see if I can actually go to school, go to – especially, going to university.

And it was in the summer around '99 that I decided and made an application to numerous universities, to Dalhousie and then to Ottawa and eventually Saskatchewan, University of Regina. And I think there were a lot of things that came into play in regard to what pushed me to go to university. There were things that – there was a lot of work happening in Sheshatshiu and in Davis Inlet, but one of the things that for me was that we needed somebody who would be able to present at a higher level with a degree.

And I don't want to sound like I am – I was better at anybody else, but I always thought that maybe – 'cause in the discussions of running programs, working with bureaucrats and whatnot, there was always a sense of, well, how educated – it's almost – nobody said it directly, but it almost seemed to be validated that we need to have somebody with a degree. And in government, working with government and working with programs and services, you always had to have somebody with some kind of a credible background.

So, I decided at that time, around '99, that I said to myself that I – you know, wouldn't it be nice if I went to university and just challenged myself. So, I applied, and I guess I did go to – the two university that I applied for were – you know, they were excited to take me on and whatnot, but I decided to go to the University of Regina because I knew that family was important. My wife is originally from there, in Regina, and so when we married, we moved here. And I said – and I thought it would be nice if we had family because I knew then that it would be challenging, 'cause I was married

and had my own family and I knew financially it would be an obstacle and it would be a challenge.

So we decided to move to Regina, and as crazy as – I don't wanna – I didn't wanna go into social work. That wasn't my intent. I knew that I had to get involved in government with some kind of degree. Human resources was not one of them. I didn't want to become a fine arts student. And I looked at the programming and what I wanted to do and my focus was on policy and Indian affairs policies, the system in itself and how can I evaluate or – I did a lot of self reflection, I guess, in terms of evaluation where can I go.

So the closest that I could go into a degree and going to school was social work, and that more focuses on the community. It focused on the policy. It focused on the child welfare. It focuses on more of a – on the community itself and what I wanted to do. So that's why I applied myself to go into social work and that's why, in some ways, like I said, I didn't pursue to become a social worker, I pursued to become a community development officer and that was the closest in what I wanted to do. So I – that's what I did. I went in and took social work.

And to my amazement, social work was not just about child welfare, but I had to learn and I also had to, in some ways, evolve, I guess, in what I wanted to do and social work was the closest in what I wanted to become, in helping my people become more independent in the movement of healing and treatment and addictions. So that was the closest I could get to. So that's why I went and I did that for – I think I completed my degree in 2004 and I was gone for about five years, out of the community.

C. URQUHART: So, you said that you wanted to get into community development and coming out of your social work degree, you became a community development officer. But then, ultimately, that led you to –

into social work as a front-line – or as a manager of Child, Youth and Family Services.

Can you tell us a bit about how that happened?

J. PENASHUE: When I came back from Regina, I – every summer, I would return home and I was very fortunate enough to be hired as a summer student with Health Canada, and that's one of the things I was doing was developing community development for Innu of Sheshatshiu and Natuashish. And I really enjoyed it because I was basically advocating and lobbying for more programs and services for the Innu.

And that happened from onwards, so when I came back – it's a sad story. When I came back, I had this ambition that I was going to be able to do and work with my community and work for Sheshatshiu Innu First Nation. To my surprise, I wasn't – well, I should say well received because, I think, I had to restart or reconnect, re-evaluate some of the things that was happening within my community and – so when I left the community and I was making a generous salary – I think I was making around 70 as the director there then, and then when I came back with a degree, thinking that, you know, that I would be a little bit more experienced plus educated now, that I would be well welcomed or well received anyways.

It didn't pan out the way it did. I didn't – so I didn't choose – so I didn't work for the community right away. So I turned to Health Canada and, at that time, there was already – Innu Healing Strategy was a big – there was a big movement in the Innu Healing Strategy. And I knocked on the doors and I asked if I would be able to continue working as a community development officer, and to my amazement I was – I didn't even have to argue or negotiate anything. They just said yes, we'd be happy to employ you as the community development officer.

So I worked with Health Canada for two years and then from that point on, I believe Lyla was the manager or zone manager that time and that year. So I applied for a position with the department because one of the things I'd said to myself was that if I'm going to be working in this field and if I'm going to be the advocate and the lobbyist for the Innu, I need to understand that part of the department or that part of the system that works with the Innu.

So I applied and I was lucky to be accepted as an employee of the CYFS in 2006 and I worked with that department for two years. And that was probably one of the most eye-opening experience that I've had in my career as a social worker and a community development officer.

I was hired as a manager for both Natuashish and Sheshatshiu and I basically had to learn and learn about the system itself and the department and what they were mandated. And one of the things that I personally – and I didn't want to get registered as a social worker – but one of the things that was a requirement was that I had to be a registered social worker, so I did that.

And the reason I didn't want to be a registered social worker was because I didn't really believe the whole concept of the policy. I always felt that it was not in the best interest of the Innu. I always felt that it didn't work with the Innu. It was mostly – it was for the Innu. And that was challenging. So, I – obviously I became a registered social worker for two years and worked with – under Lyla and a number of social workers and community service workers. And, yeah, that was pretty – an eye-opening experience for me, in working in that department.

And one of the things that also – a requirement that I had, personally required, and I don't know if I told this to Lyla at the time, he was – she was the manager, but one of the things I wanted to do was I

wanted to be involved in the community. I just didn't want to be in the office, waiting for clientele to come to me. I wanted to be part of the community.

And I'm – I was involved in recruitment and hiring of social workers, 'cause I knew then, and before that, that social workers that worked there was basically more of a stepping stone for most of the social workers. They weren't there for the interest of the betterment of the community. They were there for the benefit of their career, and I knew that. And I think probably Lyla Andrew was probably the only social worker – no, I'm wrong, Kim Mitchell is also probably one of the two social workers in Labrador that stayed with the Innu and that's not very many.

Most of the social workers, you know, maximum, they could only stay for two years and that was their own personal choice. And, basically, they were as a stepping stone, like I said, for their careers in moving – in working in the original communities.

And that was one of the things I advocated, was that I needed to go out and advocate for First Nations' social workers or even the social workers that wanted to be there, not just to get the career, but also to be there for the right reasons.

So I hired – there was a good friend of mine now is Pam Watson, she's now a lawyer. And I went and pursued her in Saskatchewan and found her and I said would you be willing to work with us. And so she did.

There was another young gentleman who's now from Singapore, Ming Ngu, a very good friend of mine that we still communicate to this day, he was another social worker that I recruited and she was – he was based out of Natuashish.

And I'm – I don't want to give myself any credit, but one of the things I said to social

worker's that if you're going to work in a community, such as the Innu communities, you can't just come in and work, you have to be involved. You have to participate in all levels of the Innu lives, our Innu communities; and they did.

They attended community functions, they – you know, from recreations to sports to funerals to anything that was a part of the community, and they did that. And I think that's why I think the other social workers like Lyla and Kim Mitchell, they really wanted to help and help the Innu become independent and become much, much more an asset to the community.

And so I've worked with those people and I don't even remember, some of the other social workers that now moved on and now work in Goose Bay or somewhere else in Canada.

So I'm talking too much now. I'll get Anne to do her thing.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: [Mushuau-aimun spoken.]

C. URQUHART: So, as I understand it, you were the – one of the first Innu social workers and the first Innu raised in the community to become a social worker. How do you feel that impacted the way you did your work as the manager?

J. PENASHUE: I have these little stories that come into play.

When I came back, it was – it's a funny story where I came back and my mom was obviously involved in the system – in the CYFS system. And I came back and I was happy to see everybody and, I said, I'm ready to go to work and all this. And one of the things she said to me was, okay, now that you have a degree, this is what I need you to do. I need you to go talk to the social

workers and I need them to do this; I need you to do this. It was – I said: Mom, no, no, no, no. I said: That's not how it works. I'm not here to be your employee, basically.

But that's one of the funny things that happening when I became home was that the expectations were a bit high, I think, in regard – because not only did you have a degree, you also have these expectations that you're gonna help the system and you're gonna help the Innu become much, much more inclusive in supporting the Innu become better in – within the communities and in – and within their families. There was, I think, in some ways, the expectation.

And, in some ways, it was good for some people 'cause when I was the manager of CYFS, one of the requirements, I told the social workers that came to me, I said, if any of the Elders come to you and ask you of support or asking you questions about their children in care, can you please send them over to me, and that wasn't my job. My job was not to have clientele. My job was basically to support the social workers that were employed in the system.

But that was one of the things I required as the manager, that I needed to have a conversation and support the Innu, especially the Elders. So I remember this one time I had a visitor, Sebastien Penunsi. Sebastien Penunsi was a very well-respected Elder and had raised many grandchildren and most of them were in the system. And he came to me and he basically said: I need food. I need food to feed my grandchildren and my great-grandchildren. And I said: Okay, that's easy. So, I gave food.

And one of the things that was asked of me was that, why did you do that? You didn't even do an assessment on the situation; you just gave a voucher – a food voucher. And I can't remember her name. It was a young social worker. But she came and she said, you know, she's my clientele. Her grandkids are my clients. So, anything that

happens there, I need to be told. I said, I just – I'm gonna tell you, I said.

So, I'm not going to more penalize or discredit or not support Innu Elders when they are looking after grandchildren because they can't afford to pay for the food. I'm not going to support great-grandchildren or grandchildren to be not supported by the system. So, I said – and that's what I told her. And I – just knowing every second week, Sebastien would come to my office and ask for food voucher. And I – you know, I was – I gave it.

But one of the things, I think, was much, much more of – Sebastien said it to me. He said: This is really nice that you can do this and I feel really comfortable; I feel really good coming to you and asking. Not that I can't afford it, he said, but I really enjoy the time that you come and you're helping me, because you're – you speak the language, you know – I don't have to tell you the story why I want food. You just do it. And I don't have to argue with you; I don't have to debate with you why I need food. You just know, 'cause you're Innu and you're from this community. And I said: Yes, I know.

And in small communities, you know who's in need and there is – there are times where people try to manipulate the system. And sometimes I was very upfront with those individuals as well. But when Elders come to you, they don't manipulate the system or try to manipulate the system. They are there for a reason: to support their grandchildren. Because they're not employable, they don't have a job and all they want is food for their grandchildren.

So, those were some of the things that were exceptional in regards to supporting and helping Innu as a social worker and a manager at that time. So, that's the kind of thing that I enjoyed doing. And there – obviously, there was things that I didn't really – I was – in some ways, I think, I was more of a – I don't want to say a thorn to the system, but I think was. And I was

sometimes challenged why I did the things I did.

And one – my argument was, always been, is that what is the best interests. I've always used that argument, is it – what is the best interests? And the safety, not just with the children, but with the families as well. So that's what – because when you're working in a system, there is obviously protocols and there is processes and policy that come into play and you have to act and do those kind of things.

I always felt that it was not in the best interests of families because they didn't apply for them. It was different. They weren't there because, you know, they didn't have employment skills. They were there because they were Innu. They were there for a reason and they needed food and it was poverty that was stopping them from doing the things that they did in helping their families.

And I miss, you know, I miss that conversation with Sebastian at times because that's the kind of things I did for Elders.

C. URQUHART: You said you were a thorn in their side. Did you get pushback for making those decisions?

J. PENASHUE: Um, I don't think – it's a liability issue question because I don't think, as a social worker, as a manager then, it was a – for me, um, I didn't expect it. So when I left the department and applied myself with the Band Council, the only person that thanked me was Lyla for the work that I did, nobody else. And anywhere else, I think, in an organization that people move on to other careers, to further their career, there would obviously would be a big party.

But unfortunately, I didn't have that, a farewell party and it was – I think I got a cup from Lyla with little things in the – a note and how wonderful social worker I was and

that was about it. I think Delia O'Connell, at the time, thanked me for the work that I did, but she also, I think, was challenged because of the policies.

But they're good people, but as I said, sometimes the policies and the system doesn't reflect the human nature, they contradict one another.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: I can't read my own writing.

INTERPRETER NUNA: Right here.

INTERPRETER C. RICH: Oh – [Mushuau-aimun spoken.]

[Six seconds of audio recording lost due to technical issue.]

COMMISSIONER IGLOLORTE: Yeah, you want a little bit more time, so we'll give you another question.

C. URQUHART: I think it's probably a good time to take a lunch break, actually.

COMMISSIONER IGLOLORTE: Okay, back at 1:30.

Thank you all.

Recess

COMMISSIONER IGLOLORTE: Ms. Urquhart, if you can begin again, please.

C. URQUHART: Thank you, Commissioner.

So, during the time that you were manager of CYFS, this would've been just after the Turner case – Zachary Turner case – and I wonder if you can speak to how that impacted the work of CYFS?

J. PENASHUE: Yes. I think a lot of the – the turning point, I think, in – how do I say

that – the history of social work, I think, has been very much documented and well received in regards to that we're – a social worker is basically there to help people become independent and to become self-reliant and find jobs and basically get out of welfare.

The other – in my opinion, that I think the Turner report, basically, I think, was the – a report that scared people, the public. I think because it scared social workers and it scared government to do the work that they were initially had intended to do in terms of providing a service to the communities. I know social workers that I've worked with. It's almost like they – that policy, it's almost that they – it was a policy that they used and reflected on, on numerous occasions, and it really inhibit the actual social work practice that needed to be done.

It was basically, for me anyways, a protection of social workers in regards to liabilities. It didn't help social workers, it didn't help the system, it didn't help the community, it didn't help people, and then because of that report, I think, was basically to protect government, protect the bureaucrats and the policies – professionals from actually doing good work. It inhibit them doing that.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

INTERPRETER C. RICH: [Mushuau-aimun spoken.]

C. URQUHART: Can you think of an example of how the policy is – sort of inhibited the good work, the social work?

J. PENASHUE: I'll share an incident – obviously, I won't mention any names but an incident that occurred to me that was much, much more ethical practice. We had a situation where a family that were – had adopted and raised an Innu child and that child was – seemed and was well protected

and well nurtured in terms, as you would see in parents.

But, unfortunately, the individual had a history of violence, history of sexual abuse of another minor. And, in the normal recourse of that situation, the normal recourse would have been to apprehend the child, remove the child from safety, take that child to another home in a very kind of strategic or an upfront removal because of the history of the family.

That would have been the normal recourse and I kind of stepped in and realize I wasn't prepared to remove a child abruptly from the mother. I knew the mother was very protective of the child. I couldn't per se say that to the individual, the male individual, the father, because obviously there was a history there, but I knew the mother was very protective. So I went to their home without police, without any protection from anything, other than to have a conversation with the family.

Normal recourse of the policy would state that you would have to do what you have to do in regard to removing that child from that home, that is the norm of the policy because of the circumstances. But I went in because I knew the mother and I told her that we have to remove the child because of the circumstances, or the individual has to remove himself from the home. And we both sat those two down and then they basically were very open to the suggestions that we said and why I said – and what I did and said the things I said in terms of not trying to – I shouldn't say destroy, but it is more an ethical matter where the child loves his parents or her parents and I didn't want to do that, to remove her from that situation. So, fortunately, the male removed himself from the situation and left.

Any other situation like that would not be accepted under the policy because it's – you are protecting, not only the – your clientele, but also, you're protecting the social workers and the circumstances would

have been different. But I took the initiative and said that this needed to be done in a way that was much more ethical and much more human.

So, that's what I did – we did anyways, and I believe to this day that that child is still living with his mom.

COMMISSIONER IGLOLIORTE: If I could interrupt. Counsel, is there a factual context that the Commissioners are missing on the Zachary Turner case and a link that is being made to the impact it had on policies here? And do you need to clear that with your friend before you tell us the background on that?

C. URQUHART: I believe that the Zachary Turner case is in the earlier exhibits. I don't know what number it is because it's not – the case, or the report itself we hadn't intended to put to the witness. However, my understanding is that around that time there was a – essentially as Mr. Penashue alluded to, a shift in terms of the policy focusing more on protection. Sort of refocusing the energy, and so that my next question was going to be about how that impacted on what prevention services were offered, but I can certainly, over the break, get the exhibit number for the Turner report.

COMMISSIONER IGLOLIORTE: Yeah.

Thank you very much.

C. URQUHART: So, just going back to that, you mentioned – you gave an example there and you spoke earlier about some work with Elders, providing food and, as I was mentioning to the Commissioners, my understanding is, during that time, there was a bit of a shift in terms of the policy towards focusing more on protection. Was that your experience during that time?

J. PENASHUE: Yes. I think – in regards to the actual social work practice I think it really was – to me, it really inhibit the actual social work that needed to be done because

it really more focused it on the liability than anything else. You know, what if. And social work seemed to be removing themselves from situations that they could actually have done good work, real good work in regards to working with families, but it really, really removed themselves from that standpoint.

It seemed that, in terms of protection, we have to somehow, somehow, not only protect the families but also protect the individuals that are working with the families. And it really, much, much more – in my eyes anyways, it meant more and more of a – as an institution – institutionalized policy that reflected much, much more on the authority of social workers that they had.

It really didn't really do any work in regards to providing a well-rounded service for the families or the individuals of the clientele. It just basically removed from that point. That's what I noticed and the social workers that I worked with, it really was more reflective of that Turner report than the work that they were actually wanting to do or could do.

C. URQUHART: So following that role, you became the director of Social Health. Can you tell us a bit about how that role interacted with the child welfare system?

J. PENASHUE: It almost seems like I'm a little storyteller, telling little stories here and there.

In 2008, after the passing of Mary May, Lynne Gregory was the acting Social Health director, at the time, and I think they – the Band decided that they were going to put up her position for competition, and it was around that time of the fall that I applied. I think I mentioned that to my manager at the time, Lyla, that I was going to apply for this position.

And I applied for that position because – not because it was to move away from the Social Health or the CFYS, but I felt I was in – I would be in a better position to support

Innu. I would be in a better position to advocate. I would be in a better position to lobby the changes that I saw in the department. And my intention was never to retire under CFYS. That was never my intention.

My intention was to get the experience under the CYFS, and that and I was very happy not to renew my certification as a registered social worker because I – those are the kinds of things that are, you know, when we comes to Turner report that's also in play. So, I, basically, was not a registered social worker when I was successful in working with the Sheshatshiu Innu First Nation as the Health Director.

So, those were my reasons in moving to that work, and I believe I started sometime in the fall of 2008 with the Band.

C. URQUHART: And how did that work interact with child protection?

J. PENASHUE: How did that what?

C. URQUHART: How did that work interact with child protection?

J. PENASHUE: Oh, I think when we talk about communities and when we talk about individuals and families, especially when we're talking about Innu people, child protection is a – it's a really big, huge process or – at the time, anyways, for me. And when I decided to move to the Health Director, I thought I would be in a better position to support the Innu become much, much more influential in the programs and services under the CYFS.

And one of those things that I advocated when I moved over to Social Health was that we need to have a conversation about what does – what is child protection? What does that mean? And how can we, as a collective in a community, work together to find ways and means of working together?

And, you know, I just basically having those conversations with managers at the higher level. And I remember having a conversation once when we were in St. John's, and I can't remember who was there, but I remember there was a lot of people involved, but I remember this individual, Wanda Lundrigan, and I believe she was the deputy minister or the minister of CYFS at the time. And I was warned that this individual was very bureaucratic and policy driven and, you know, she didn't take any BS from anybody. So, I said fine.

So, I met her and what that – what came out of that conversation was she basically said: We want the same thing, you and I. We just have to find ways of doing things together. And she asked me, you know, what, as a social worker and as a leader, what is it that I wanted to do? What can we do to help the Innu better in terms of building a relationship?

And I said, for one, is that we need to have a conversation. We need to talk; not just a one-sided conversation, but to talk. And that's where, I think, the MOU and the building of relationships started. And I can't even remember what year it was. I'm thinking it was 2012, around that time, I think. And that's where we had that conversation and we started talking about working collectively and finding ways to have a discussion and building on that relationship.

And to my surprise, what I was told and what I believed about Wanda was totally wrong. She was very strong-willed and very willing to help Innu and help the process about what can the department do to make this much, much more of a collective, supportive, integrated services for the Innu in the community of – well, Labrador Innu, so.

There was already, also, have already been a conversation with the Nunatsiavut Government that I didn't know. They apparently had some – already had some

relationship building, discussions on the – on that. So I wasn't aware of that, but I was told later on that there was already been discussions, so it was the perfect timing for Innu to putting themselves in that position to talk with Government of Newfoundland about building on that prevention and relationships programs.

C. URQUHART: For the benefit of the Commissioners, Mr. Penashue mentioned the MOUs. And so, that will be at P-37 and 38, Tab 2 and 3 of your books and there was an MOU for each – the Mushuau Innu First Nation and Sheshatshiu Innu First Nation.

COMMISSIONER IGLOLIORTE: Thank you.

C. URQUHART: So, Mr. Penashue, can you tell me about the process for the MOUs? How did those come about and, from your perspective, what was the purpose? What did you hope they would do?

J. PENASHUE: The intent was to, basically, have a conversation to share information amongst agencies. We know that, normally, the practice is that it was the agency would work independently from their own and it got to the point where sometimes that we were dealing with the same family, helping and supporting that family, but doing independent work, separately.

So it made more sense to have a collaboration of discussions about how can we do better services individuals in this family? And that's how, I think, in some ways, it made much, much more of a holistic approach where we're having a discussion about supporting a family, and that was the intent.

So we would meet and plan, strategically, about client information, sharing of information, progress, and I can't remember the whole process, how it happened, but there was a group of social workers that sat

in one side and we would collaborate one another, working with the parent support workers at the time and other social workers.

There was – I can't remember, as well, but there was also another – this could have been the same time – when we had social workers that were vacant. There was a lot of vacancies, positions, in the CYFS Department. And I can't remember if it was the same year, same time when we advocated – the Band or the Social Health, anyways, advocated for amalgamating, not – I shouldn't say amalgamating but we requested that those services, in terms of the vacant services, that can we – were we able to access those? And we would be – are we able to hire our own social workers to work in the department because it just made sense. Like, if other social workers are wanting to work in an Aboriginal community, especially in the Innu communities, it just made sense that, you know, just why don't we just hire those social workers and work for the Innu.

And I think it was basically the same – I can't remember – about the same time, in terms of that planning and then and also the employment of other social workers in different departments and have them move to Sheshatshiu. So, I'm pretty sure it was that same year.

C. URQUHART: And was the idea for those social workers to be prevention workers?

J. PENASHUE: Yes, that was the whole intent to have that conversation and to plan some strategy: How do we do this?

I remember, as well – I can't remember if it may be the same year, but it wasn't long after that MOU that I felt that we weren't given the opportunity or – we weren't given the opportunity to work with the families. We were basically told, it seemed – that's what I felt, and this is where I advocated for more and more Innu to be involved in the process, that I didn't feel that the – the

social worker were basically saying: Here's a case load, now go do what you need to do and that'll be it. And that's not – that wasn't the whole intent of that MOU.

The MOU intention was to work together, collaboratively, to come up with a plan and I think it – I think some time that year, the MOU was amended to be much more and more a collective process. So I think that was probably around that same year or the year after, I can't even remember, that we amended that MOU.

C. URQUHART: I'm wondering if it might be a good time for a short break.

COMMISSIONER IGLOLIORTE: Ten minutes, please.

Thank you.

Recess

C. URQUHART: Thank you, Commissioner, and thank you, Madam Clerk. She, over the break, managed to track down the four volumes of the Turner report and they're ready to be entered as P-053 to P-056.

I will say that we expect that some other witnesses will speak to those volumes in depth and that Mr. Penashue is simply speaking to his experience in the time that that report had come out and following the case. So, we won't go into further depth on it today, but we do anticipate that other witnesses will.

COMMISSIONER IGLOLIORTE: Thank you.

Please continue.

C. URQUHART: So, in terms of the MOU –

COMMISSIONER IGLOLIORTE: Sorry to interrupt you.

C. URQUHART: Yes.

COMMISSIONER IGLOLIORTE: We should let people in the room know that Charlene is not feeling well. So, we're going to continue with Anne doing the translation and we'll get back to the Mushuau Innu dialect translation at a later time.

C. URQUHART: Thank you.

So, I just wanted to speak briefly to – or wanted you to speak briefly to the MOU and some of the elements of that you touched on. So, relationship building, one of the aspects is notification when a child is removed or returned and there are a number of elements around information sharing, and I wonder if you can explain why those things were important and the experience following the MOU of how they were implemented.

J. PENASHUE: It is quite a few years ago now. I'm gonna try to remember and reflect the time when he had those sessions and discussions with the department.

In regards to information sharing, I think it was pretty much relevant that where children were – apprehensions were – was pretty much on a weekly basis, I think information sharing was very important for individuals, agencies – especially at the time because it was the leadership that basically asked those questions in terms of why is this child being removed or what's the information that we're trying to get.

So, naturally, the MOU was basically an establishment to have a conversation about children and why children were removed. And information sharing was key because we had to find out, on all levels, in terms of the child's background, in terms of the family's background and the situation where they were in, we needed to have all the information relevant enough to see if there was a valid – or even to support families become much, much more inclusive in terms of helping one another and helping that family.

So, that was in terms of the information sharing. The – in parts of what's important, I think, is that we were in a position, I think, at the time that it was only a one-sided stories, or one-sided information or one-sided venue in terms of the system. We had one where Innu people were involved at a community level and at a political level, too, as well, that we had to somehow, somehow advocate for families to be in the community. And it was where – at the time where families were removed and sometimes relocated and at times were – a lot of the times was children were out of province and sometimes the information, the notifications didn't flow to everybody as it should.

So, that's the reason why we had that conversation, why we had the intention to have an MOU so that everybody was informed, everybody as a collective was informed about situations of individuals and families. And that was the whole intent. And to bring everybody, not just was – as I said, a one-sided system but more of a collective where the Innu were involved.

C. URQUHART: And in terms of that involvement, the MOU also speaks to timely and meaningful involvement in planning for children and youth. So, what was the – what was the experience as the MOU was implemented? Did – were Innu involved in a timely and meaningful way?

J. PENASHUE: In essence, in regards to this agreement, the intention was basically to have obviously an information sharing for – on all levels of government, between the communities and also with the agency. But at the same time, we were in a position that it almost felt like, here is the information that was shared by the agency and basically the Innu were told, now go do the work.

And that's where we got a little – when I talked about making amendments to the agreement – when – that was the whole intent. We had to somehow, somehow not only have a conversation, but also that the

social workers also needed to do the work. It wasn't just about the front-line workers in terms of counsellors, parent support workers that could do – that could have done the work, but it also, you know, the social workers basically were behind the scenes. And I didn't feel it was a mutual understanding where we were not – that wasn't our intention. Our intention was to work collaboratively with the families and that wasn't what it – what happened.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

C. URQUHART: You noted that some children were being sent out of the community. At that time, did you get the sense that that was a significant issue or concern for the community?

J. PENASHUE: If it was what?

C. URQUHART: If that was an issue or a concern for the community?

J. PENASHUE: Um, yes. When children were sent away, at times, it was an understanding, sometimes we didn't have to – um, I think there was a clause in there where we normally that, you know, they can deal directly with the CYFS if they didn't want to help or be involved with the Innu department. So, there was that understanding, I think.

The other thing, too, in regards to children being removed, sometimes it was – we were given – from my understanding, that there was no other place to place children, because there was sometimes uncontrollable and it was a safety issue sometimes for families.

I remember, in particular, one lady – one young woman, anyways, she was removed and placed in, I believe, in Saskatchewan and then moved to Ontario and then I think she stayed in Ontario for a bit. But there was – it was a situation where the – where she was raised or where she was brought

up was that the mother had to choose, either kick or remove his biological son and have him living away from the house or keep the grandchild and have her be safe. There was – 'cause there was no other place to place the granddaughter. And that was a challenging situation and a very significant situation and was a, kind of, a more isolated situation where that had to be done, where she had to be removed from the province.

And that was one of those things that I didn't – you know, there was things that I think would – we could have argued but didn't. I think the circumstances was that she had to be removed and put in a home somewhere else because of those situations, yeah.

C. URQUHART: Do you – so, by the sounds of it, there was some need for specialized services. Is that part of the challenge or there were no placement resources here? Do you get a sense of what some of the challenge was in placing children?

J. PENASHUE: Say that again.

C. URQUHART: So, you said that she was moved out of the province on account of some difficult behaviours, it sounds like. So, was it – but there was nowhere in the community that had the resources to take care of that child.

J. PENASHUE: Right.

It wasn't – I shouldn't say behaviour. It was a circumstances where it almost, like, it left the grandmother or the mother to decide either to keep her biological son or keep her granddaughter safe. It was either/or and there wasn't a place in the community, at the time, to have her in the community. And then I think that was a time when she was referred and removed and placed in a home either in – I believe it was in Saskatchewan and then moved to Ontario.

And those were regular processes when it came to children because there was some – like I said, you know, at the time there was no place to place children anywhere else, other than out of province or within the province.

C. URQUHART: Within the province but outside of the community, do you mean?

J. PENASHUE: Outside the community, yes.

I'm trying to also remember the time – it probably around those same time – that we argued with governments that – 'cause they kept arguing with us that they were in terms of prevention of services, and I basically was arguing with governments at the time and they were saying that they didn't have enough social workers. There was money on the table for social workers, but they couldn't find social workers to support the prevention of the work.

And I think it was during that time that – when I advocated and I can't remember who was the minister there then. Charlene comes in mind or Jackie or – anyways, it was during that time that we said that if you can't find social workers, we will find them ourselves. All you have to do is give us the money that's been allocated to you guys from INAC.

And I knew then that none of this money that everybody was referring to was given – or was taken from the province; it was all federal money. I knew then and I advocated for that point, to have those services and all those support services be allocated to the Innu, and it was during that time then we started having a conversation, I think, and that's when IRT became in play. And then we got – then we had some social workers for Natuashish and Sheshatshiu that we got from that. I think there was two each, from each community, if I remember correctly at that time, as we started allocating for those funds.

So that was kind of a – the – one of the things that we argued, and we were successful in getting those funds allocated to those social workers to work.

And I'm not sure 'cause I've been away from Social Health for some time and I'm not sure if that's still in play, if that service is still in play in terms of prevention of other social workers that are – been hired. And I'm – Lyla would – probably would know better.

C. URQUHART: We'll ask her to speak to that.

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

C. URQUHART: So, in November of 2012, when the MOU was signed, your – the health commissioner, the Social Health Department would be getting the month-end statistics similar to what's listed on page 11 of that exhibit and information started flowing, but less than three years later a new agreement is signed, the Working Relationship Agreement.

And I'm wondering if you can speak to what the context was for the signing of the new agreement, which is at P-050 for the Commissioners, and that is in actually in Lyla's book of documents, Tab 6, I believe.

Can you tell the –

J. PENASHUE: (Inaudible.)

(Inaudible) project.

UNIDENTIFIED SPEAKER: What page is it on?

C. URQUHART: I'm just referring to the document.

COMMISSIONER IGLOLIORTE: Is there a –

C. URQUHART: P-50.

COMMISSIONER IGLOLORTE: P-50.

Thanks.

C. URQUHART: When that – when the Working Relationship Agreement was signed what was the context? Why was it felt that a new agreement was needed?

J. PENASHUE: I don't have the new agreement. I only have one.

C. URQUHART: Do you mind grabbing him a copy?

COMMISSIONER IGLOLORTE:
(Inaudible.)

C. URQUHART: No, tab – she said tab – she said it was on – no, that's not right. This is in a different order. It's that tab.

Thank you.

J. PENASHUE: I can't remember the whole history of how that happened, but I'm – if I can recall, the MOU – this MOU, in terms of the working relationship we were given, I think happened because the IRT came into play. I believe that's when the – I'm not 100 per cent sure, but I think that's when the – it was incorporated, around that time, and that's when, I believe, Lyla, as a zone manager, moved to IRT, if I recall. And I think that was possibly the reason why we had this new agreement, so that both communities of Natuashish and Sheshatshiu could collaboratively, working with IRT, to work together to establishing another agreement so that it's basically more of an amendment to the old MOU of the Band Council.

It's my understanding. I may be totally wrong about that, but I –

C. URQUHART: On the first page there, the – I'm wondering if you can just read out the third paragraph that starts with "The parties recognize"

J. PENASHUE: You want me to read it out? Oh.

"The parties recognize that the Innu are working towards self-government and Innu-led service delivery in child protection and other services, and see greater cooperation between the parties and greater involvement of Innu Staff with CFYS Staff as helpful steps in that journey and want to outline in this document how to share information and work together to help families in the Innu communities."

C. URQUHART: So, do you know who was involved in those discussions around Innu self-government and Innu-led service delivery?

J. PENASHUE: I can't name all of them, but I think there was a group of us that were a part of the whole scheme of talking about this agreement: IRT, MIFN and SIFN and CYFS.

C. URQUHART: And what was your hope for – towards that goal?

J. PENASHUE: What was what?

C. URQUHART: What was your hope towards that goal?

J. PENASHUE: Oh, my goal was basically to have a – like I said, I keep saying conversations and have some kind of an agreement between the departments and establish a process where that we, as an organization, can better facilitate with the clientele that we had within the department of our communities anyways, that we need to have a conversation to better assist, to better service the department; how we can better equip ourselves, you know, better communication in terms of bringing these children home and how do we do that.

C. URQUHART: You mentioned that part of the goal was better communication towards bringing these children home. And on page 4 and page 5, it outlines the out-of-

community review that would take place under this agreement. What was your experience in how this was implemented? Was SIFN involved in the – or, I guess, were you involved in the implementation of that review?

J. PENASHUE: Yes. I had a team of – within our organization that participated in the involvement and support of the – more of the communication part of the – of this MOU. I don't know what else to say or to add.

I understand, though, the – I can't remember. Was it LG Health, at the time? Was it still around that time, LG Health?

UNIDENTIFIED SPEAKER: Yes.

J. PENASHUE: Or it – has it already had dissolved?

C. URQUHART: It had already moved to the line department –

J. PENASHUE: Moved to the department, yeah.

C. URQUHART: – by this point, yeah.

J. PENASHUE: Okay.

At that time, I think in regards to – there was a lot of discussions in terms of with IRT and their involvement as well; how was that going to developed and how that process was going to be ongoing.

So anyways – yeah, so I'm – that process and those discussions happened and the planning happened with a group of those individuals, yeah.

C. URQUHART: You've mentioned prevention and I wanted to touch on the Innu Care Approach and the *Guide to the Innu Care Approach*, as well. And I wanna understand where that came from and what your understanding of how those – the Innu

Care Approach came to be and the roots of prevention in Innu culture.

J. PENASHUE: I wanted to add something that can really – it just went – about the MOU, but it'll come back.

One of the discussions, I think, when we talked about prevention and also self-governing, the process about Innu participation is that we argued that we needed to have more support services in place. We needed to have more preventative methods. How do we do this? And I remember – I think we were in Halifax and I remember John Higham was there and others and other lawyers, and one of the key things that came out of those discussions was that in terms of trying to find out if Innu were able or could they run a service and how would that look.

And so, we talked about – obviously talking about child welfare and how to implement a program for – to service the Innu, especially when it comes to child welfare. And I think it was during that time when I was – I got to the point where I was very frustrated. I was frustrated, because how was it possible in this day and age that, you know, we sit among our – around the table to figure out who's – who is to say who the better parent and where does this parenting come from. And who, you know, initiates or who has this ability to – has the authority to make changes within that process.

So I was getting really frustrated and I told John Higham, at the time – I said, look, obviously, when we talk about parenting and we talk about child rearing we, Innu people, have always had parents. We have always had grandparents. We always had kinship. We always had Elders. We always had a community. We just didn't come out of nowhere and decide who is our parent and whose are not. We always had parents. And, unfortunately, I said, it doesn't look like the kind of parenting the way you look at in terms of your institution or in your courses.'

So that's when our conversation led to about child, you know, the Innu Care Approach. It was – at that time, was called the Innu Care Model and that also raised a lot of flags because we couldn't call it a model because we weren't even a people. So, we couldn't even called within the context of the legalities of a model because it wasn't argued to be accepted as such a model. So, because of the terminologies, we decided to change it and then we called it the Innu Care Approach, which was much, much fitting for people at the table and the lawyers around that table.

So, that's when we as – you know, I'll take credit for doing the design of the approach and the model, but like I said, Innu people have always had parenting: we've always had Elders; we always had aunts; we always had uncles; we always had a family that raised us to look after us and to protect us and nourish our needs within the community. So, we always had that. It's not a – it wasn't an overnight thing. We always had, for centuries, been raised and had parents.

So, that was the argument and that was the whole content of that conversation in Halifax, if I remember then. And, obviously, we did a lot of more writing and, kind of, developed it in the context as is now.

C. URQUHART: So the *Guide to the Innu Care Approach* is P-042, for the benefit of the Commissioners, and I'm gonna ask Ms. Battcock, can you please go to page 8 of that exhibit? And just if you can scroll down a little, we'll take in the visual.

P. RALPH: You want to scroll down.

C. URQUHART: So the Innu Care Approach uses an Innu tent to – as sort of the foundation, is that correct?

J. PENASHUE: Um, yes. The – I'm not trying to – I'm trying to figure out, in terms of the question here and how do I answer this question.

Am I trying to illustrate its significance of how Innu are illustrating their approach? Is that –?

C. URQUHART: My understanding is that this was largely your kind of conception –

J. PENASHUE: Yep.

C. URQUHART: – of how to bring together Innu parenting, you know, into an approach or – not a model but an approach. So I was hoping you could just give us a little bit of an overview of that, if you don't mind.

J. PENASHUE: Okay, I'll try.

Um, the vision – well, I shouldn't say the vision, but the intent and the illustration of our values were never written. We, as an Innu people, have always had a more of a vocal, verbal, knowledge transfer education. That's how we were raised. We never had this content of writing things down and having a pen and paper. That wasn't our culture. It was always told to us.

So when time came to illustrate the significance in the akaneshau world, we had to, somehow, come up with a plan: What is those mean? How do we come to illustrate and how did we teach our children to become prominent, successful individuals in the Innu world?

So, this is the – an illustration of a picture of an innu-tshuap, which is in English terminology would be called a teepee. But Innu have always had – lived in this type of setting, which is the Innu enclosure with the teepee, round poles and canvas. So, the illustration is basically that – it shows that we're all a – been raised and are raised and it's our responsibility as the community to raise a child. It's not something – it's not an individualistic thing that we do. It's a kinship care approach, everybody's involved: the uncles, the aunts, the grandparents are involved, so are the biological parents, and sometimes, if it's – sometimes the uncles and the aunts are actually the initial parents

as well. So, it's an accepted approach for families to accept other children in their home.

So, this is basically the intent of that and it's obviously a community, 'cause when we know about children, it's not just an individual thing in terms of families. It is something that we, as a family, as a community, that we deal with children. You know, there's – if something should happen, everybody gets involved.

And this is basically the illustration of that. So, as I said, the values and the concept of Nutshimit is very important to us. You know, parents are very inclusive. When it comes to teaching the child or the youth, obviously, the extended families are very highly involved in that as well. The community, as I said, is highly involved. And then one of the key things that we also – we discuss and what we – I've always said is culture, language and especially when it comes to our Elders. Elders are also very important within the life of the children and the youth.

And so, that's basically the content when we talked about the values and the Innu Care Approach is that everybody that we know in terms of raising a child or having a family, the majority of the families are involved. It's not just a biological parent's involvement. So this is kind of the illustration of what we've – what we see as a – in terms of the family participating in the child rearing of an individual – of a child.

C. URQUHART: So this *Guide to the Innu Care Approach* was published in 2017. What was the response to the document? What did you – what was the response you got when it was put out there in the world?

J. PENASHUE: Apparently at that meeting – I joke about it now, but I wasn't then – people were amazed that we actually had an approach, that we actually had a process of helping and developing and nurturing our children in a way that it's acceptable in the community or acceptable in the world. So,

people were astonished and surprised that we actually had a process of how we did this and how we evolved in developing our child rearing and whatnot, child development.

So, it's funny in that sense, but in the actuality is that we've – like I said to people, we have always had this approach. It has always been our approach and it has always been our system and our value in terms of our principles about caring for children. It is only through contact and through government interference that we have been challenged in the social context. And how we evolve in that, it's challenging for all of us now. And we have to find ways of developing our own and recognizing our own system. And so, it's – in terms of the system as well, in terms of government's recognizing and accepting our process of our system.

So I think we're moving in the right direction and I think it's a matter of time that governments have no choice but to accept our process, because it's much, much more human.

C. URQUHART: You moved on from your role as director of Social Health in 2017, but I wonder if you can speak to your hopes for the future of Innu tribal affair.

J. PENASHUE: I'm trying to figure out how much time do I have.

COMMISSIONER IGLOLIORTE: You can tell us a story.

J. PENASHUE: It's better that way.

In 2015, I talked to my staff and I don't think they took me seriously then. I found my – a place where I had to – I was thinking about moving because I – in my thinking, I was, like, I've never had my intention to stay as a health director forever. I have never had my intention to live as a health director for the rest of my life, as my career. And I told that to my staff and I said: You know, you're

gonna have to start thinking about who is going to be able to lead and take on this role. And I told them and I said: You have to also have to think about those. And they all – not all of them but the majority of them – laughed and said: No, you can't go. You can't go. You always have to stay here and do what you have to do. I said: No, that's not my intention. My intention is to someday hand it off to somebody else so they can see and do other things about what their visions are, what they think about the community. And that was in 2015.

And then, you know, I hinted, during those times, that somebody has to – we have to find somebody. They didn't take me seriously and, you know, when the time came for me to officially leave and officially resign as the health director in 2017, it was a choice where I've talked to my family and it was a bitter decision but it had to be done because I felt that all the people that I've worked with – Mary May, Apenam, Sebastien, George, Rose, Germaine, Janet – they're all passed on. They are no longer here.

And in – when I started, those were the people that I worked with and I was young and a lot of those – the majority of them died. I felt, anyway, they died with a heart – with a heavy heart because they didn't – I think, in some ways, they didn't – they wanted to do so much. They wanted to help so much of their people, their friends; they wanted to do more than they can take care of themselves.

And, you know, I know our people are a loving people and we're very hardworking and that we're determined to help and change for the better. But I also think, and I still believe this, that we, as Innu people, we have to have a choice. We have to have something that we have to move and we also have to give it to the other people that are behind us to take on that ring of what we're doing or plan to do.

Unfortunately, I thought that – I talked to Sebastien one time and I told Sebastien – he was obviously diabetic and he was already feeling the agony of unhealthiness or – because of his body, it was – he wanted to do so much. He wanted to do everything in terms of developing a program, going to Nutshimit, taking the men out and lobstering. And I said: Sebastien, you gotta – you know, when you got a family, you've got grandchildren, you've gotta look after them. You can't do that, plus also take care of the other stuff. You've gotta take time. You gotta – and he was mad at me: How dare that young man like myself, at the time, tell an old man to be cognizant about his role as a parent and as a grandparent.

And he was so upset he didn't talk to me for a good year. He didn't talk to me. He said: Yeah, I'll resign. And off he went. But he didn't talk – he didn't go in good terms. And, you know, one time I visited him – and this is a year later, or two or something, I can't remember. I know it was more than a year, I went to him, talked to him, and I said: Sebastien, how are you doing? He didn't right away, you know, greet me with open arms. He just – but eventually the – our talk came to: You were right.

And I think at that time, I didn't – his leg was already amputated and he was in a wheelchair. And he basically said: Yeah, I should have listened to you then. Maybe I would have – you know, I would have – still have a leg.

But those are the kind of things that I remember in, you know, in leaving and resigning in 2017. I'm still somewhat healthy; I'm still somewhat – I don't – I'm not medicated on anything. So, I tried – I decided to take on that role and to give it to somebody else. And that was a difficult decision to make, but it was a decision that I had to make.

So sometimes, you know, I tell my wife that if I had stuck around, would things have –

would we have made a difference, a little more, if I had stuck around and not taken on this role as a – with the Mealy Mountains National Park. And I don't know. Like, I can't – I don't think I can change the process of where we are, how we got here, but I definitely can support and be – still become an advocate and a lobbyist in supporting the Innu become much more independent of the system.

I think, in some ways, me personally speaking, I've never advocated for child welfare. I've never advocated for doing the same thing, what social workers are doing. I always advocated for more family support, family services, but you can't – 'cause I – the system that we have now is obviously meant for non-Innu people. It's not meant for Innu people.

And I, for one, will celebrate, one of these days, when the Innu people decide that they can actually run preventative programs on their own and we shouldn't call it Child, Youth and Family Services. We should just call it family services, because children are part of that family, children are not independent from families. So hopefully, some day, that we can become much more independent and self-determining about our lives in our programs in the community. One of these days – it's coming, whether we like it or not and but it's coming, just when is it? Hopefully in our time, our lifetime.

I said too much, did I?

INTERPRETER NUNA: [Sheshatshiu-aimun spoken.]

C. URQUHART: I wonder if this'd be a good time for a break.

COMMISSIONER IGLOLIORTE: Ten minutes, please.

Recess

COMMISSIONER IGLOLIORTE: [Inquiry in progress at start of recording] to order, please.

C. URQUHART: This'll be brief because we're gonna ask the Commissioners if we can reconvene tomorrow morning. We've asked Mr. Penashue to return so that we can conclude direct and cross-examinations tomorrow.

We've advised Ms. Andrew that we don't believe we'll have time to begin her testimony this hearing. So we'll ask her to come back the next time so that we can hear her testimony in full.

COMMISSIONER IGLOLIORTE: Lyla, you want to protest?

So you're happy to conclude today?

C. URQUHART: We're done today.

COMMISSIONER IGLOLIORTE: All right, Penote, would you close the day with a prayer, please?

ELDER ANTUAN: (Inaudible) I want to say I just missed just part of this morning, so that was okay. Some people were saying: We miss you; you weren't here. So I said: You got to miss because I'm the only Elder here in the community. I got a brother here who's much older than me, Stan Nui, his name. And there's other, like, ladies who are older but they can't come here by some kind of sickness, whatever they got.

Okay, first of all, I'd like to say a prayer for all the children who were gone to residential school and also the people – the kids that went through the – not the program – they were taken away from their parents, their father and their mother. They were taken away from them and they were placed over to somewhere on the Island, somewhere in Canada, I just want to remember them, all of them, and especially for the sex kids who came back but became suicide themselves at the end.

And that's the thing that we are – we always knew was gonna happen to the children, they were gonna do something to themselves, either they're gonna suicide or they're gonna take medication or whatever they had to be managed in this world.

And I also thank my – I can't see – I don't know where she is – Elizabeth for coming –

P. RALPH: There she is, back there.

ELDER ANTUAN: Yeah.

C. URQUHART: She's right here.

ELDER ANTUAN: Yeah, okay.

I'll also thank Elizabeth who came here for all the sessions, and I'd also want to thank everybody who are here, and especially you people who come here to hear us and our stories that we brought to you, and also some of the stories are very, very hurtful.

There was one thing I almost – I had my tears, but I didn't want to see. I didn't want to let anybody see my tears out of my eye. That's when they read Rose Gregoire's report on the program that Janet was – Janet Bellefleur (inaudible) and the kid – her grandchildren was there, too. So that's the part that I was very moved – the move I had in my heart that they're the ones, like – and also that – when Janet mentioned about Sebastian Nuna. There was people like that that they don't seem to stop when they are in sickness.

I noticed that the only – the other thing that I remember was my wife, she was in dialysis and every time she goes there, three times a week, she always said to me: I'm tired now. I can't go no more. I can't go no more. So, I said: Whatever the doctor says, you got to do. Maybe I was wrong when I said that: whatever the doctor says, you got to go. But when she went that morning – that was on Sunday morning, when she went out through that door, she kissed me on my cheek and that's the last time I saw her until

she was in hospital. She was already passed away.

And there are times that you have to be strong to remember those people, like the Elders. They're gone. They're gone. They're not here anymore, but their words are still here in our community – their words are here.

So I'd like to say a prayer for like everybody, all of you, and the people that I've mentioned.

[Sheshatshiu-aimun spoken.]

And have a good evening, you people.

Thank you.

C. URQUHART: Thank you.

ELDER ANTUAN: Yeah.