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POLICING THE FUTURE

The Changing Demographics of Saskatchewan

by Judge M. E. Turpel-Lafond

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I would like to thank the University of Regina for inviting me to deliver the second annual Law Foundation of Saskatchewan Lecture.¹ The University of Regina plays an important role in post-secondary education in the area of policing. The Faculty of Arts includes the Bachelor of Arts in Police Studies, a four-year degree program with an innovative and expanding interdisciplinary curriculum. The program involves three years of liberal arts study, followed by a fourth year which includes one term at Police College and a one term internship with a police service. It is designed to join theory and practice for students and allows them to make both career choices, and produces very strong candidates for policing careers. I understand it is one of the most popular degree programs offered. There are many distinguished graduates of this program now serving as police officers all over Canada.

An attractive feature of the curriculum of the Police Studies program at the University of Regina is that students are schooled in the diversity and complexity of Canadian society, and are trained in the role of law and policing in modern democracies. This program, linked with the work of the Canadian Institute for Peace, Justice and Security, also located on this Campus, as well as the presence of the National RCMP Training Depot, make Regina a national leader in policing, law enforcement, and justice studies. It is one of our many areas of leadership, seldom celebrated.

It is unusual to ask a judge to give a lecture about the topic of policing in Saskatchewan. I want to be clear that I will not be discussing any individual cases or commenting on any matters before the Courts. I accepted this invitation in order to discuss the opportunities and challenges which the topic of my lecture suggests "Policing the Future: The Changing Demographics of Saskatchewan". In particular, I want to address the transformation of the workforce in Saskatchewan, and broader community development trends, and how the area of policing might be impacted by demographic shifts underway in the Province.

It is arguable that the biggest challenge facing Saskatchewan in the future will be involving Aboriginal people in every workforce. Policing is a significant public sector employer, as well as an important social and political institution. It must fully reflect the population it serves, lest it be fraught with challenges to its legitimacy based on a lack of confidence by some members of the society. Labour force participation by Aboriginal people is now widely seen as essential to the economic future of Saskatchewan, but it is also essential to the political viability of Saskatchewan as a modern democratic province embracing values of inclusion, prosperity and social development. From many one; our provincial motto could not be more apt. Social peace in this province depends on including the many in the one.

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On a personal note, I want to share some reflections regarding policing and Aboriginal people, which might provide context to my interest in justice and my high regard for those who serve their community by working in the people's interest within the system. My First Nation community, the Muskeg Lake Cree Nation, has a substantial history of public service through military and police service. The first treaty Indian RCMP constable in Canada, James Greyeyes, is from Muskeg Lake. He joined the RCMP in 1965. He continues to work in policing and diversity and has made major contributions at the regional and national level over his 40 years in service. His service was "bred in the bone."

James Greyeyes' late father, David Steele-Greyeyes, was a distinguished serviceman. He enlisted with the Saskatoon Light Infantry on June 1, 1940, at the age of 25 and served in seven European countries. He excelled at military duties, as did two of his brothers and a sister who also enlisted. David was a master of the machine-gun and rifle, served as drill instructor and was commissioned from the ranks to the status of First Lieutenant, commanding a mortar platoon in Italy for seventeen months. Highly decorated for his service, he was an outstanding leader off the battlefield as well. He was inducted into the Saskatchewan Sports Hall of Fame in 1977 for his achievements in soccer. After the War, David served as Chief of Muskeg Lake and played a key role in ending the permit system so that Indians would not have to get a permit from the Indian agent to leave their reserves. He was inspired by the bonds of brotherhood forged with Canadian boys of all ethnic and cultural backgrounds in the theatre of war to resist the restrictions placed on Indians by the Indian agents.²

The current Chief of Muskeg Lake, Chief Gilbert Ledoux, served a full career in the RCMP and in his retirement took up community leadership. Chief Ledoux has been

elected to three terms in office. His sons have also taken up the calling in police and fire protective services. It was a great honour to me when I was appointed the first Treaty Indian judge in Saskatchewan in 1998, to have Chief Ledoux provide police detail and for the Provincial Court and to see him in his red serge; a reminder of the history of duty, public service, and respect for the law, which is part of our First Nations community. This respect is also confirmed in our Treaty, Treaty 6, concluded with the Chief and headmen of Muskeg Lake at Fort Carleton on 1876. In concluding the terms of the treaty our Chief and Headmen pledged to maintain law and order within the community, and in the dealings of members of the community with non-Indians.

First Nation members from Muskeg Lake serve in active police duty in Saskatchewan, Alberta, British Columbia and beyond. We are immensely proud of the work they do, the risks they assume on behalf of the public, and the role models they provide within our kinship families of respect, honour and service. People from Muskeg Lake, with close kinship ties to Beardy's and Okemasis First Nation, shared the grief of all of Saskatchewan over the deaths of two young constables this summer. It was a poignant reminder to us that First Nations and non-First Nations people serve shoulder-to-shoulder and are united in their efforts as police officers, and sadly both made the ultimate sacrifice for their service as law enforcers. My point is that the Aboriginal community does not lack a history of individual service and community values of safety and security. For this reason, the demographics of policing the future should not be so intimidating.

In 1995, the Federation of Saskatchewan Indian Nations (FSIN) and the Metis Nation of Saskatchewan (MNS) embarked on a research project, primarily with researchers from the University of Saskatchewan, to develop projections of the Saskatchewan population over time, focusing on the features of the Aboriginal population. This research was later collected into a book, and has sparked ongoing research and inquiry over the past decade by academics, governments and corporations.

Based on the research conducted in 1997, it was projected that Saskatchewan's Aboriginal population would make up approximately 35% of the total population of the Province by the year 2050.³ This data was drawn from the population projections prepared for the Royal Commission on Aboriginal Peoples. These

projections have since proven to understate the growth rate of the Aboriginal population, particularly in Saskatchewan. As Professor Howe from the Department of Economics at the University of Saskatchewan has recently suggested “If the projection of Saskatchewan’s Aboriginal population were revised, it would probably show that the population of Saskatchewan will be at least 50% Aboriginal by 2050.”⁴ The reliability of these projections is continually tested, but do factor in declining fertility rates, even though we’ve seen very little decline in these over the past decade. Professor Howe’s area of interest is entrepreneurship and education, and he asks a critical question, “What will Saskatchewan’s economy be like by 2050? What is going to happen?”⁵ Professor Howe indicated to me in recent discussions that 2006 census data may further change the data by moving the numerical majority date closer in time.

Of course, there are a number of places in Saskatchewan, such as Prince Albert, where the majority of the population will be of Aboriginal ancestry much sooner than 2050. Again, talk of “majority” may intimidate people. They may equate this kind of projection with control, dominance, or some frightening image of the future. Part of the fear stems from recurring images of Aboriginal peoples as a criminal underclass in popular media. Even in political circles, at times the plight of the sub-group of marginalized Aboriginal people is referred to as the “Aboriginal problem.” We should recall that while approximately 15% of Aboriginal people come into conflict with the justice system, 85% do not. With improving education attainment and employment, Aboriginal people are the fastest growing middle-class population in Saskatchewan.

Professor Howe’s research has drawn an interesting parallel. He suggests that some of the fear of the growing Aboriginal population, which is reflected in various sectors of Saskatchewan, is not unlike the fear expressed toward the Eastern European immigrants from Ukraine, Russia, Poland and Romania in the early 1900s. At the turn of the last Century, Eastern European immigrants were described as “poor, illiterate, diseased, morally lax, politically corrupt, and religiously deficient.”⁶ This population was seen as the potential ruin of Saskatchewan. Professor Howe, like others who have studied Eastern European immigration and integration, catalogues how within

a century, Eastern European immigrants were integrated into the economy, and leading public and private institutions across Saskatchewan, with the prejudice of the past a historic but real memory.

Professor Howe reviews this history and posits that Saskatchewan faces again the dilemma of a “large, rapidly growing economically marginalized population.” However, this time, it is Aboriginal peoples. Perhaps he should say *still* the Aboriginal peoples because they did not experience integration into the economy along with the Eastern European immigrants in the past Century.

Aboriginal peoples face some additional obstacles to economic integration and inclusion, as they have been marginalized during the entire period in which the Eastern European immigrant community and other settler communities were able to flourish. Some additional reflection on the causes and solutions to the marginalization of the Aboriginal population is required. I will mention land deprivations, permits, non-voting status and denomination education in residential schools as a few of the obstacles. On a personal note, my children’s great grandparents were students #1 & #2 at St. Michaels Catholic Indian Residential School in Duck Lake Saskatchewan. However, my husband and I both graduated from University. The transition from residential school to post-secondary education was bridged in two generations. Our family may not typical, but nor are we completely atypical. The gaps in the educational achievements of Aboriginal people, in contrast to non-Aboriginal people, and the gaps in income, health, and other indicia of development, continue to require attention and social policy response. They can be bridged.

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The Aboriginal community's integration into the labour force, given our example at hand this evening, policing, depends on education. Certain stable family supports, and access to resources, are required to be able to be a candidate for police college, or to complete the entrance requirements for a career in law enforcement. Thus, the issues of policing are also issues of education, and not just post-secondary education: primary education, secondary education and post-secondary education. Issues of access, curriculum, achievement and open recruitment are matters for all employers, including public sector institutions like police forces.

There is no question that Aboriginal peoples have the dedication, capacity and capability of serving in this important public role, as witnessed by the history of my own community. But, the challenge is to turn the few into the many. Few Aboriginal people are in a position to take up police careers because of the education gaps that exist. This is a problem that can be remedied, and is being remedied. If one gauges trends based on the size of the cohort of post-secondary students in Saskatchewan of Aboriginal ancestry, there are some interesting dynamics at play. There are approximately 5,000 students of Aboriginal ancestry enrolled in post-secondary education in Saskatchewan. This is impressive, even if the entire cohort, based on age alone, is closer to 30,000 people. At least one-sixth of the young people, aged 18-24, are enrolled in post-secondary education. This fact alone should give cause for hope. Of course, there are problems of financing education, incentives to complete education and available spaces for students, each of which may impinge on the potential success of the cohort.

This data suggests to me that transformation is underway on the ground. It may not be sufficient. It may not be the case that post-secondary education will be the path to prosperity for everyone (business opportunities might be engaged in without the benefit of post-secondary education). However, there are more trained Aboriginal people today and we need many more for the future. The challenge for police forces is to capture this group, to attract them to service, to support them within police organizations, and to allow the culture of your policing to expand through their positive inclusion.

Police services are taking up this challenge. The labour force participation rates in policing also give us pause for thought.

In Saskatchewan, as of March 31, 2006, Aboriginal people made up 35% of the Prince Albert Police Service; 23% of the RCMP officers throughout the Province; 11% of the Regina Police Service; 8% of the Saskatoon Police Service; and 100% of the File Hills Tribal Police Force, the only all-Indian force in Saskatchewan.⁷ What is remarkable is that these numbers have risen dramatically just in the past five years. Thus, when the Saskatchewan Indian and Metis Commission on Justice reported in 2004, they relied on 2002 data and noted that the RCMP Aboriginal workforce in Saskatchewan was at 15.5%, Prince Albert was at 23.9%, Regina was at 8.9% and Saskatoon was at 7.9%. The trend upward, for all, with the exception of the nominal increase in Saskatoon, is a powerful indicator of change. Change in promotion and rank are equally important. Based on current trends, it is expected that the Prince Albert police force will have more than 50% of its officers of Aboriginal ancestry by 2015.

The Saskatchewan Indian and Metis Justice Commission made several recommendations in the area of policing, including that supports be put in place so that First Nations and Metis people joining police services receive assistance to address the pressures of working within a police service which has been traditionally dominated by non-Aboriginal people. Some of those supports have been put into place very recently and greater efforts will be required on this front. Cultural diversity training for all officers is now offered for nearly all forces in Saskatchewan.

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Beyond this, the RCMP, in February 2005, convened the first meeting of its new “RCMP Aboriginal Employee Council” here in Regina. It includes representatives from 15 divisions of the RCMP and representatives of national headquarters.⁸ The mandate of the Council is to ensure that Aboriginal officers reach their full potential and participate in all levels of decision-making, as well to ensure promotion and career opportunities for these members.

This initiative is important and the mission must be accomplished. Anecdotal evidence shared with me over my 25 years in the legal profession, is that Aboriginal police officers have not been promoted or provided opportunities for career advancement at the same rate as others. This has been a constant matter of concern and complaint, and has been demoralizing to many who served long and distinguished careers, without due recognition or promotion. Shifts in the corporate culture of public institutions are important to fully include and accommodate Aboriginal peoples into the workforce. Many complaints about police culture as hostile to Aboriginal people have been aired, but culture only changes with diversity and inclusion.

In terms of Provincial strategies for broader community engagement outside the realm of labour force development, the RCMP has entered into 30 community tripartite agreements on policing in Saskatchewan, involving First Nations, Saskatchewan Justice, the RCMP, the Solicitor General of Canada, and the FSIN. These agreements allow for the development of police management boards and stem from a 1993 policing framework agreement between the federal and provincial governments and the FSIN. The partnerships developed under these agreements are formidable and have created many positive relationships. Closer collaboration to address the causes of crime, to provide support for constables stationed in remote and northern communities, and a common commitment to safe and just communities are just a few of the positive areas of collaboration. Of course, these agreements are the work of many individuals, governments and the RCMP. Saskatchewan is a national leader in community policing agreements. While it was initially believed that the tripartite agreements would be a stepping-stone to tribal police forces, to

date only one such police force has been established in Saskatchewan.

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Another area of change for policing in Saskatchewan is in response to public complaints about police conduct. While the RCMP has a national police complaints process, Saskatchewan did not have a comprehensive process in place for independent review of complaints until more recently. In 2000, the FSIN established a special investigative unit to receive complaints about police conduct. This unit received thousands of complaints, many of which were thought substantiated and passed on to other authorities. Public inquiries and inquests have been held into the substance of some of these complaints and numerous recommended changes were suggested.⁹

In 2004, the Saskatchewan Police Act was amended to provide for a Complaints Investigator and to establish a process so that a non-police person would conduct thorough investigations into complaints. A Public Complaints Commission was approved on April 1, 2006 to oversee police complaints. The Public Complaints Commission now has authority to deal with matters the public brings forward regarding police conduct provided it happened within a one-year period before filing the complaint. Complaints can now be made through the FSIN (the special investigations unit continues to operate), or any RCMP detachment, although the Commission provides oversight for municipal police complaints.

In the period from April 1, 2005 to March 31, 2006, the Complaints Investigator received 133 complaints, the majority of which (69) pertained

to the Saskatoon Police Service. The 133 complaints consisted of 152 areas of alleged misconduct and 37 of these were determined to be either unsubstantiated or unfounded, while 22 were withdrawn. 89 are outstanding and the speed and thoroughness of investigations is being closely monitored by advocacy organizations.

This new public agency will be scrutinized in the years ahead to determine if complaints by Aboriginal people are treated fairly. In large measure, civilian oversight of police service, and the transparency and accountability of public agencies to address public complaints, are a healthy indicator of a modern democracy, especially in a society in transition like Saskatchewan. Democracy encourages free speech and public allegations of wrongdoing are voiced. Police service members cannot respond to these, particularly through the press, due to their codes of conduct. The truth is in the details and the dispassionate and depoliticized review of complaints is vital for social harmony. Sensational press can cloud this process and leads to erroneous impressions of policing.

Within the Aboriginal community there have been recurring complaints about police conduct in four main areas: harsh treatment of persons of interest; failure to respond to victims; cultural misunderstandings; and, race profiling, particularly in relation to identifying alleged gang members. Yet, there have been enormous efforts to build better relations through tripartite agreements, diversity and awareness programs, targeted recruitment, and other initiatives. One program, of which I am particularly fond, operates in Saskatoon. Members of the Saskatoon City Police, in consort with the Saskatoon Tribal Council and the FSIN, organize canoe trips to Northern Saskatchewan with inner city and at-risk youth. These trips, outside the defined service duties of officers, have been inspirational. Nature is a great healer of relationships, and this has proven true with the canoe trips.¹⁰ There are many other examples of police engagement in community, and support for programs and initiatives to build safe communities and families. I will not propose to identify all of these for fear of missing some, but I am aware that they operate throughout Saskatchewan.

While public accountability and transparency through complaints processes are vital to effective delivery of police services in a changing Saskatchewan, so too is the individual effort of officers who believe in public service and go beyond this to reach out to communities through sports, culture and recreation activities. Senior managers in police services must recognize the value of diversity competencies for policing as exemplified by the efforts of these officers.

The advocacy of organizations like the FSIN, Tribal Councils, Bands, and the Metis Nation of Saskatchewan, have also brought policing issues to the forefront, and engaged people in common initiatives to solve concerns. This advocacy has improved policing.

Police services in Saskatchewan, particularly the RCMP, have been active in participating in special investigations of matters that are of deep concern to all families in the Aboriginal community. For example, the Sisters in Solidarity movement, in which Aboriginal women across Canada have sought to bring attention to the missing Aboriginal women, has been supported by the RCMP through the assignment of high-ranking officers to special investigations of these disappearances. Municipal forces have done likewise on so-called “cold cases.” Aboriginal women across Saskatchewan and Canada want these missing or murdered women’s cases to receive ongoing and comprehensive investigations and, where appropriate, prosecutions so that wrongdoers might be brought to justice. Special investigations by the RCMP, including experts in forensics and anthropology like Dr. Ernie Walker of the University of Saskatchewan Department of Anthropology, have assisted enormously in solving these cases. The work by teams of officers deserves recognition and public acknowledgement because it has resulted in several prosecutions and convictions and has strengthened Aboriginal confidence in the justice system.

In conclusion, I want to refer to the book *Saskatchewan: A New History* by Professor Bill Waiser of the University of Saskatchewan. Professor Waiser looks to the future at the end of his superb 100-year review of life in our Province. He writes:

A century later, Saskatchewan faces a much different, more difficult future, thanks to the peculiar provincial situation where there is both a growing young Aboriginal population and a declining, aging non-Aboriginal population. These circumstances, certain to become even more pronounced over the next decades, threaten to push and pull the province in different directions. At the very least, they offer interesting challenges, all the more so when the loss of the family farm and rural development are factored into the equation. This time, though, it is the province that will have to catch up, since the future will not wait. Nor are there any ready answers. As Terry Mountjoy, Regina's manager of social development, philosophically commented ... There is no clear road map to the future. 'The path will not be found, It must be created'.¹¹

I want to echo the sentiments of Waiser and Mountjoy. The capacity for diversity, redoubled efforts at inclusion, and the education supports essential to facilitate that goal, are required in Saskatchewan. Policing is an area that can provide a model of diversity, cultural accommodation and successful discharge of public responsibilities. It can demonstrate a path out of conflict and into social peace. Increasing Aboriginal participation in the police workforce is necessary, yet there is much left to do to create the environment for opportunity, promotion and understanding. Without real leadership, defined goals, and measured success, the path will not be created. Policing the future will depend on our efforts today to embrace Aboriginal youth.

BIO

Honourable Judge Mary Ellen Turpel-Lafond is the First Treaty Indian appointed as a judge in Saskatchewan. Judge Lafond is a member of the Muskeg Lake Cree Nation. Prior to her appointment, Judge Lafond was a practising lawyer in Nova Scotia and Saskatchewan and a tenured professor of law at Dalhousie University Faculty of Law. Judge Lafond has taught law at a number of schools, including the University of Toronto and the University of Notre Dame. She has represented First Nation individuals and organizations for over 15 years; including the

Native Women's Association of Canada; the Assembly of First Nations; the Assembly of Manitoba Chiefs; the Federation of Saskatchewan Indian Nations, among others. In September 1999, *Time* Magazine named her as one of the top 20 Canadian Leaders for the next millennium.

ENDNOTES

¹ I would also like to thank Anna Flaminio, student-of-law with the Provincial Court of Saskatchewan, for her background research in support of this lecture.

² For more information about the history of Muskeg Lake Cree Nation, see M.E. Turpel-Lafond, *maskêko-sâkahikanihk*, 100 years for a Saskatchewan First Nation (Saskatoon, Muskeg Lake Cree Nation, 2005).

³ Lendsay, Painter and Howe, *Impact of the Changing Aboriginal Population on the Saskatchewan Economy 1995-2045*, in *Saskatchewan and Aboriginal People in the 21st Century*. Federation of Saskatchewan Indian Nations, pp. 37-143.

⁴ Howe, "Saskatchewan with an Aboriginal Majority: Education and Entrepreneurship," Paper prepared for Saskatchewan Institute on Public Policy, revised June 2006 version, quoted with permission of the author. The final version of the paper appears on the SIPP website at www.uregina.ca/sipp.

⁵ *Ibid.*, p.6.

⁶ *Ibid.*, Howe, p. 1, quoting from the *Encyclopedia of Canada* (2005), Entry for Prejudice and Discrimination.

⁷ The actual number of Aboriginal officers as of March 31, 2006 is 299; 200 in the RCMP, 93 in municipal forces, and six in the File Hills Police Service.

⁸ RCMP Employment Equity Report, 2004-2005.

⁹ Coroner's inquests were held into the deaths of Darcy Dean Ironchild, Lloyd Joseph Dustyhorn, Rodney Hank Naistus, and Lawrence Kim Wegner, and a judicial lead Commission of Inquiry was held into the death of Neil Stonechild.

¹⁰ This project, and a range of other community engagement initiatives developed and nurtured by Constable Craig Nyrifa of the Saskatoon Police Service, have made substantial inroads for good relations and even recruitment.

¹¹ Bill Waiser, *Saskatchewan: A New History*, 2005, p. 439-440.

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