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ONTARIO FIRST NATIONS  
TECHNICAL SERVICES  
CORPORATION

## First Nations Fire Safety in Ontario:

### *The Role of OFNTSC and Recommendations for Improvement*

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## 1. Introduction

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The Ontario First Nations Technical Services Corporation (OFNTSC) Fire Safety service has been in place since 1995 and was created to address fire safety deficiencies that many First Nations homes and buildings experience. OFNTSC is committed to helping First Nations with assessing their fire protection plans and providing fire training and capacity building to mitigate against the loss of life and personal and community infrastructure. OFNTSC acknowledges that fire prevention and protection are essential community services that make the difference between life and death.

Fire safety for on-reserve First Nations has received significant and deserving attention over the past decade due to the increasing instances of fire-related fatalities and the loss of homes and community infrastructure. Ontario leads the country in First Nation reserve fire-related deaths,<sup>1</sup> and the number of on-reserve fire incidents and fire injuries per capita is nearly two and a half times greater than the rest of Canada.<sup>2</sup> First Nations also experience fire-fatalities at a rate ten times higher than what is seen in the rest of country.<sup>3</sup> Fire-related fatalities on-reserve are often preventable and can be linked to a lack of functioning smoke alarms, poor fire prevention and education, a lack of capacity, and inconsistent training of fire crews, among other things. Further complicating these challenges is that on-reserve policy regarding fire protection has often been shaped without the inclusion of First Nations peoples.

Fire safety experts advocate that fire prevention (which includes public education, inspection, and code enforcement) is foundational for fire safety.<sup>4</sup> OFNTSC plays a critical role in fire safety and particularly fire prevention in Ontario, and as First Nations continue to experience fire safety issues, it is essential that fire safety is prioritized, culturally sensitive, and delivered by and for First Nations consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

The following paper will explore OFNTSC's fire safety program, and the issue of fire safety more broadly, within the context of Ontario. This will include an overview and analysis of federal fire safety policies as they relate to on-reserve First Nations, challenges faced by First Nations and opportunities to improve fire safety on-reserve. It will explore best practices in fire safety and will make recommendations geared towards improved fire safety on reserve.

## 2. OFNTSC's Approach to Fire Safety

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While individual First Nations hold primary responsibility for on-reserve fire safety, OFNTSC supports Ontario First Nations through public fire protection and prevention in accordance with the National

<sup>1</sup> Siekierska, Alicja and Winter, Jesse (2017). "Fire and Death in Canada's First Nations." *Toronto Star*. February 24, 2017. <http://projects.thestar.com/first-nations/fire-and-death-in-canadas-first-nations/>

<sup>2</sup> Canada Mortgage and Housing Corporation. (2007). "Fire Prevention in Aboriginal Communities."

<sup>3</sup> Ibid.

<sup>4</sup> Government of Canada. [n.d.] "Level of Service Standards – Fire Protection Services – Capital Facilities and Maintenance Program." <https://www.sac-isc.gc.ca/eng/1100100010632/1534353148780>



Building Code, building code interpretation for fire related issues, emergency vehicle specification review, community fire prevention issues, volunteer fire department administration, and fire equipment purchase review. OFNTSC works with volunteer fire departments and fire prevention officers from Tribal Councils to ensure First Nations have current information as it relates to fire safety initiatives. Services offered by the OFNTSC are free of charge to First Nations and Tribal Councils in Ontario.

OFNTSC's fire safety service has the following strategic priorities:

1. To promote development of an effective and efficient public fire education program providing fire protection and fire safety in First Nation communities in the Ontario region.
2. To assist in ensuring that this program meets the overall goals and priorities of a First Nation Fire Department.
3. To assist in ensuring the program has viability and self-sufficiency within a 10-year period.
4. To promote a safe working environment within First Nation fire departments.
5. To assist in providing training and education to the First Nation fire department based on IFSTA (International Fire Service Training Association).
6. To assist in providing delivery systems that reflects the principles and strategic directions of ISC.
7. To assist in ensuring all local issues of the First Nation communities are addressed with respect to fire safety matters and plans.
8. To continue to assist and support the First Nation fire departments in all matters of fire prevention and public education until such time as the departments are self-sufficient.
9. To aid in training, education and management in all types of emergencies and disasters.

The benefits to using OFNTSC's fire safety services include community awareness, education, and capacity building around fire prevention; community preparedness in the event of a fire; improved efficiency in fire department administration; and, additional purchasing power when procuring firefighting equipment.

### **3. Background**

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#### *3.1 Overview of Federal Fire Safety Policies and Programs*

Unlike municipalities and non-Indigenous communities, there are no national regulations or legislation governing fire protection for First Nations. The lack of a standardized process and guiding principles to make sure on-reserve buildings meet safety requirements has resulted in some First Nations having well-established rules around fire prevention and others having none. First Nations may establish their own fire departments or may contract fire protection services from neighbouring municipalities. Remote and northern communities are often at a disadvantage as they cannot easily partner with municipalities given their geography.



At a national level, the National Building Code of Canada sets out technical provisions for the design and construction of new buildings which also applies to the alteration, change of use and demolition of existing buildings. The National Building Code acts as a model building code meant to create the foundation of building codes at the provincial level; however, it has no legal status unless expressly adopted by the provinces. Provincial building codes, such as the Ontario Building Code, a regulation created under the *Ontario Building Code Act*, 1992, are enforceable across the province but generally do not apply to on-reserve construction projects. This creates uncertainty when determining which building standards to adhere to when developing infrastructure projects on First Nation lands. While First Nations operating under the *Indian Act* have the authority to pass land use bylaws that adopt a building code or create their own building code, the federal government's policy is that building codes passed by First Nations must conform to the National Building Code.

The Protocol for INAC-Funded Infrastructure makes it clear that a Council of a First Nation must adhere to the National Building Code along with other national codes (such as the Canadian Electrical Code and the National Plumbing Code of Canada), as a condition of receiving funding from the Canadian government. First Nations are required to manage their own fire protection services using funding received from Indigenous Services Canada (ISC) through the Capital Facilities and Maintenance Program (CFMP).

The 2010, the federal government released the *First Nations Fire Protection Strategy 2010-2015*, which was developed to focus on fire protection for on-reserve communities. In 2015, the *Joint First Nations Fire Protection Strategy 2016-2021* was released, which builds upon the 2010 strategy and places greater emphasis on partnerships, fire prevention education and the development of standards. The goal of the latter strategy is to support on-reserve communities in reducing the risk of fire-related deaths, injuries and losses to critical infrastructure.<sup>5</sup> These strategies have been criticized for being developed without First Nations input or that of First Nation organizations.<sup>6</sup>

### 3.2 Fire Safety in Ontario

In Ontario, fire prevention is a provincial responsibility administered through the Office of the Fire Marshal (a branch of the Ministry of the Solicitor General). The *Fire Protection and Prevention Act*, 1997, defines the powers and duties of the Fire Marshal on a provincial scale as well as the responsibilities of municipal councils for fire-related services at the local level. The Act bears no mention of First Nations, as discussed above, since First Nations fall under federal jurisdiction and therefore outside the authority of the Ontario Fire Marshal.

<sup>5</sup> Indigenous Services Canada. (2018). "Statement from Minister Philpott on Fire Prevention Week." <https://www.canada.ca/en/indigenous-services-canada/news/2018/10/statement-from-minister-philpott-on-fire-prevention-week.html>

<sup>6</sup> Nishnawbe Aski Nation (2017) "Submission to the Standing Committee on Indigenous and Northern Affairs, Fire Safety and Emergency Management in Indigenous Communities."



### 3.2 Federal policy direction

Since coming to power in 2015, the Liberal government has prioritized the need to provide better fire protection for First Nation communities, reduce fire losses, and extend the life cycle of community infrastructure assets. Budget 2019 proposed to help First Nations communities prepare for emergencies and better adapt to the threats of climate change, with the following investments:

- \$211.0 million over five years, starting in 2019–20, with \$49.4 million per year ongoing to support increased resiliency and emergency management on-reserve.
- \$48.0 million over four years, starting in 2020–21, to renew funding for infrastructure projects on-reserve that will protect communities from climate related hazards.<sup>7</sup>

Budget 2019 also states that the above listed investments will support the creation of an Indigenous Fire Marshall’s Office (IFMO)—a First Nations-led institution that would promote fire safety and prevention, undertake public education, enforce local fire safety and building codes, and conduct regular building inspections in First Nations communities. Another stated goal of the IFMO is to fix glaring gaps in fire prevention programs across Canada and oversee data collection on First Nations on-reserve fires, which had stopped being tracked under the former Harper government. The creation of the IFMO is supported by Assembly of First Nations Resolution 89/2017: “Support for Creation of the Indigenous Fire Marshal Office”; however, the Chiefs of Ontario have cited concerns with the IFMO, notably with the process surrounding its creation.

In May 2016, the Minister of Indigenous and Northern Affairs announced Canada is a full supporter, without qualification, of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).<sup>8</sup> Article 23 of the UNDRIP states:

*Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.*

Article 23 encapsulates the need for active First Nations involvement in developing and administering fire safety programs which to date have not been developed with adequate First Nations involvement.

<sup>7</sup> Ministry of Finance. “Budget 2019: Investing in the Middle Class.” Government of Canada. <https://www.budget.gc.ca/2019/docs/plan/budget-2019-en.pdf>

<sup>8</sup> Indigenous Services Canada (2019). “United Nations Declaration on the Rights of Indigenous Peoples.” Government of Canada. <https://www.aadnc-aandc.gc.ca/eng/1309374407406/1309374458958>



### 3.4 Federal funding mechanisms

ISC provides funding as part of an annual core capital funding contribution which covers residential housing units and ISC funded public-access buildings or assets.<sup>9</sup> As per CFMP guidelines, it is the First Nations responsibility to financially contribute to the operation and maintenance costs of their fire facilities, vehicles, equipment and systems. Funding is distributed based on ISC's "Continuum of Service Model" (see **Appendix A**) which supports a range of funding options for providing fire protection services in First Nation communities. The continuum has three tiers:

- The first tier is investment in fire prevention and fire education programming;
- The second tier is investment in capacity development, training and effective operation and maintenance of fire protection equipment; and
- The third tier is investment in capital investment towards fire protection infrastructure or equipment.

First Nations must meet the requirements at each tier to move to the next tier of funding. ISC claims that the tiered funding approach "increases support to a community based on its ability to deliver services at each tier;"<sup>10</sup> however, in practice, moving along the tiered funding continuum to achieve the maximum funding can be a challenge for many communities. The ISC approach inhibits First Nations from obtaining the maximum amount of funding which results in unnecessary damage and fire-related fatalities,<sup>11</sup> and has been further criticized as insufficient for remote, northern, and less populated communities.<sup>12</sup> OFNTSC recognizes that the "one-size-fits-all" funding approach to the critical issue of fire safety on-reserve is inadequate and not conducive to enabling First Nations to mitigate fire-related issues in a meaningful and proactive way.

From 2008-09 to 2014-15, ISC has provided more than \$27 million annually for capital investments, operating and maintenance costs, and firefighting training in First Nation communities.<sup>13</sup> When split across 634 First Nation communities across Canada, each community received \$42,655 annually to maintain all aspects of fire prevention services.<sup>14</sup>

## 4. Best Practices in On-Reserve Fire Safety

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In 2013, OFNTSC released the "Strategy to Enhance Fire Emergency Services" which details the need for a best practices approach to First Nations fire safety and prevention. The strategy identifies seven (7) best

<sup>9</sup> Government of Canada. (2016). "Level of Service Standards – Fire Protection Services – Capital Facilities and Maintenance Program." <https://www.sac-isc.gc.ca/eng/1100100010632/1534353148780>

<sup>10</sup> Ibid.

<sup>11</sup> Nishnawbe Aski Nation (2017) "Submission to the Standing Committee on Indigenous and Northern Affairs, Fire Safety and Emergency Management in Indigenous Communities."

<sup>12</sup> Ibid.

<sup>13</sup> Ibid, 31-32.

<sup>14</sup> Nishnawbe Aski Nation (2017): 12.



practices that First Nations fire departments should adopt to provide a high level of emergency services and fire protection that is appropriate to their community. While many of these practices are applied by several First Nations fire departments in Ontario, many are not. The seven identified best practices are as follows:

**1. *Assess the risk and develop long range plans***

First Nations should undertake risk assessment and develop long range plans for their fire departments and communities at large. These plans should: describe how they intend to meet the firefighting and other community emergency needs; be developed in collaboration with any broader community planning underway; and, should clearly consider human resource and financial limitations. Fire departments should develop contingency plans to cover fire department operations in the event of community emergencies or equipment malfunctions. Plans may also include emergency medical responses and specialized rescues and should consider developing community emergency response plans and corresponding implementation plans.

Long range planning also involves preparing to replace fire equipment and infrastructure. As a component of community operations and maintenance or asset management plans, First Nations communities should develop infrastructure replacement plans and be financially prepared for costs associated with upgrades and replacement of obsolete or worn vehicles and equipment.

**2. *Evaluate fire department performance and use resources cost-effectively in all emergencies***

The performance of First Nations fire departments should be periodically reassessed to identify strengths and weaknesses in their training, equipment, and personnel capacities. Their performance should be evaluated and analyzed following responses to emergencies (through after-action review processes) to determine what worked well and what needs improvement.

**3. *Promote community awareness and prevention strategies for all fire-related emergencies***

Fire safety education programs are integral to improving public awareness of fire risks and fire prevention tactics. It is critical that basic fire awareness information is readily available and communicated clearly to all community members, especially those most vulnerable such as children, seniors, and people with disabilities. Key information must be disseminated in a manner that addresses the unique needs of all communities. Comprehensive education programs include initiatives for homes, schools, and workplaces as well as steps to reduce the local fire departments exposure to liability. Community education programs should be evaluated and modified, as needed, to ensure that they are effective.

**4. *Ensure fire code enforcement wherever and whenever possible through by-laws***

Code enforcement is a key component of community fire protection regimes. As a best practice, inspection programs should be scheduled in advance and target buildings that pose hazards and potential threats to life, safety, and community infrastructure (including homes). Because of the complexities of the





National Fire Code and the National Building Code, fire department personnel need appropriate and ongoing training in this field.

### ***5. Develop effective internal and external communication systems***

Effective communications are essential for a well-functioning fire department. Once fire departments are contacted about an emergency, they need to immediately alert their members. On the scene, incident commanders need to communicate throughout the incident with each fire company as well as maintain contact with dispatchers. When involved in mutual aid responses, all firefighters must understand communications protocols and use common terminology.

Where applicable, fire departments should maintain strong communications with outside groups, including local boards and agencies, as partnerships can be very valuable when faced with emergency situations.

For reliable communication linkages, fire departments need hardware such as radios, pagers, sirens, and other equipment. They also need to prepare communication protocols and train members on their use. Total support is necessary and essential to First Nations fire departments in the development and implementation of effective communications systems.

### ***6. Enlist a competent, trained workforce and support safe operations***

For safe and effective emergency operations, fire departments require adequate staffing levels and succession plans; comprehensive training for all duties associated with fire prevention and response, including operations and maintenance; standard operating guidelines; personal protective equipment for all personnel; and, health and safety procedures. To ensure adequate fire department staff are in place, it is recommended that First Nations fire departments establish a recruitment program based on existing personnel needs and needs identified in long-range plans. Liability, Public Services Health and Safety Association, and other insurance is essential for supporting safe operations. While OFNTSC does not offer firefighter training, supports to communities seeking training are available through OFNTSC. Nevertheless, ensuring a competent, trained workforce is available to support safe fire safety operations is a best practice for on-reserve communities.

### ***7. Plan for on-scene responses***

Before fire departments respond to emergencies, they should undertake intensive advance planning. With the assistance of OFNTSC, First Nations fire departments should analyze the fire risks and other hazards in their response area and gather enough information to prepare pre-incident plans. All firefighters should receive training to become familiar with pre-incident plan information in addition to community risk assessment training. Again, OFNTSC does not provide direct training but can support communities with technical advice and support for on-scene response planning.



Fire departments should utilize an incident management system that defines roles and responsibilities for emergency responses. The incident management system outlines the management structures used during emergency responses and provides standard operating guidelines for each function to be performed.

In addition to the best practices identified above, OFNTSC notes the following additional best practices:

- **Ensure a community-focused approach to fire safety:** Every First Nations community is different, and while it is easy to find relative comparisons, it is imperative that they be treated as such. This is particularly the case for northern and remote First Nations in Ontario.
- **Investigate fires:** Develop a process for investigating fires and specific guidelines on when to contact the Ontario Fire Marshall (OFM) and police for assistance with investigations. Firefighters should be trained on the steps needed to help preserve fire scenes.
- **Maintaining fire infrastructure and equipment:** Develop a routine maintenance program for all infrastructure and equipment to ensure it is always operational. This should include routine maintenance of vehicles and regular testing of ladders, hoses, and other fire equipment.

## 5. Challenges and Opportunities

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First Nations experience challenges related to fire events in a manner that is disproportionate to non-Indigenous Canadians. As stated earlier, Ontario leads the country in First Nation reserve fire-related deaths, and the number of on-reserve fire incidents and fire injuries per capita is nearly two and a half times greater than the rest of Canada.<sup>15</sup> First Nations also experience fire-fatalities at a rate ten times higher than what is seen in the rest of country.<sup>16</sup> According to a 2018 Report of the Standing Committee on Indigenous and Northern Affairs, First Nations communities are simply not equipped to prevent life-threatening and devastating fires and often do not have proper fire protection services. In addition, ISC policy does not serve the needs of Ontario First Nation communities as it does not adequately consider the varying needs of disparate communities. OFNTSC notes the following additional challenges faced by First Nations in Ontario related to fire safety, broken down by policy, infrastructure, and education, training and awareness:

### *Policy and Funding Challenges*

- Building inspection regimes are inconsistent or simply non-existent, and enforcement and compliance mechanisms are lacking.<sup>17</sup>
- The lack of legislation and standards regulating fire protection services for First Nation communities has resulted in a fragmented approach to fire prevention where, as in the case of inspections, enforcement and compliance mechanisms are lacking.

<sup>15</sup> Canada Mortgage and Housing Corporation. (2007). "Fire Prevention in Aboriginal Communities."

<sup>16</sup> Ibid.

<sup>17</sup> Standing Committee on Indigenous and Northern Affairs. "From the Ashes: Reimagining Fire Safety and Emergency Management in Indigenous Communities." (2017): 29.



- Indigenous Services Canada’s funding formula treats every First Nation the same way and does not consider crucial differences such as geographic location and size. Remote and northern communities often suffer as a result of this policy inadequacy. The formula also overlooks the need for investments in human capital and capacity within communities which may result in equipment without trained personnel to operate it.
- Without adequate fire protection funding First Nations often struggle to procure new equipment and hire trained personnel.<sup>18</sup>

### *Infrastructure Challenges*

- Many communities lack functioning smoke detectors, extinguishers and response equipment which contributes to the spread of fires.<sup>19</sup>
- Issues related to housing, such as overcrowding, unregulated construction, and overall poor infrastructure can increase the risks of fires and fire fatalities.

### *Education, Training, and Awareness Challenges*

- Many communities experience a lack of firefighter training, not only for all duties associated with fire prevention and response, but also operations and maintenance.
- In many cases, there are inadequate community fire safety awareness programs, and not all communities carry out prevention activities for the community and for critical infrastructure such as schools.

Despite these challenges listed above, there exists an opportunity to change the status quo, as fire-related fatalities and damages on-reserve are often preventable. For example, the lack of functioning smoke alarms, poor fire prevention and education, a lack of capacity, and inconsistent training of fire crews can all be ameliorated with increased funding aimed at implementing the recommended best practices outlines in earlier sections.

## **6. Conclusion & Recommendations**

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It is the position of OFNTSC that every First Nation citizen deserves to live in a fire safe home and in a safe community with strong protections to mitigate against the potential for fire-related disasters and fatalities. In addition to the strategic priorities listed earlier in this paper, OFNTSC is committed to assisting First Nations with assessing their fire protection plans and providing fire training and capacity building to mitigate against the loss of life and the loss of personal and community infrastructure. OFNTSC recognizes that fire prevention and fire protection are essential community needs that make the difference between life and death. First Nations communities require predictable and sustained funding to

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<sup>18</sup> Ibid, 31.

<sup>19</sup> Ibid, 29.



ensure that the capacity to provide better fire protection, reduce fire losses, and extend the life cycle of community infrastructure assets is always present. OFNTSC will continue to assist First Nations communities in Ontario in fire safety and recommends that all communities heed the best practices discussed throughout this paper.

While OFNTSC is not mandated to lobby or advocate for First Nations on technical services issues, the message from the communities we serve is clear: the status quo is not working, and lives are being lost due to the fire safety-related funding and policy inadequacies that flow from ISC. Nevertheless, OFNTSC acknowledges that fire safety must be viewed holistically starting at the home and the individual level.

Based on the best-practices discussed in this paper, OFNTSC recommends communities undertake the following to ensure fire safety on-reserve:

1. **Identify risks and plan accordingly:** Assess the fire-risk to homes and community infrastructure and develop long range plans. Plans should describe how firefighting and other community emergency needs will be met and should clearly consider human resource and financial limitations. In addition to this, always factor in costs associated with operations and maintenance.
2. **Evaluate fire department performance:** Ensure assessments are scheduled and undertaken periodically to identify strengths and weaknesses in fire training, equipment, and personnel capacities.
3. **Promote community awareness and prevention strategies for all fire-related emergencies:** Ensure that basic fire awareness information is readily available and communicated clearly to all community members, especially those most vulnerable such as children, seniors, and people with disabilities.
4. **Ensure fire code enforcement:** enforcement should take the form of regular inspection programs that target buildings which pose hazards and potential threats to life, safety, and community infrastructure (including homes). In addition to this, wherever and whenever possible include enforcement mechanisms in band by-laws.
5. **Develop effective internal and external communication systems:** Ensure that communications protocols and equipment are in place to notify both community members and (where appropriate) outside agencies. Also, ensure comprehensive training modules for all duties associated with fire prevention and response, including operations and maintenance, are in place.
6. **Enlist a competent, trained workforce and support safe operations:** To ensure adequate fire department staff are in place, it is recommended that First Nations fire departments establish a recruitment program based on existing personnel needs and needs identified in long-range plans.
7. **Plan for on-scene responses:** Ensure pre-incident plans are in place, exercised, and known to the community to encourage fire-readiness.
8. **Ensure a community-focused approach to fire safety:** Every First Nation community is different, and while it is easy to find relative comparisons, it is imperative that they be treated as such. This is particularly the case for northern and remote First Nations in Ontario.



9. **Investigate fires:** Develop a process for investigating fires and specific guidelines on when to contact the Ontario Fire Marshall (OFM) and police for assistance with investigations. Firefighters should be trained on the steps needed to help preserve fire scenes.
10. **Maintain and inspect fire infrastructure and equipment:** Develop a routine maintenance program for all infrastructure and equipment to ensure it is always operational. This should include routine maintenance of vehicles and regular testing of ladders, hoses, and other fire equipment.



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## Appendix A – ISC Continuum of Service Model

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### *Tier 1 – Fire Prevention and educational programming*

The approach begins with fire prevention and awareness – Communities are encouraged to have:

- Band Council Resolutions for fire service and/or fire prevention programs
- Education and home fire safety programs
- Working smoke alarms in all homes
- Community-sponsored fire programming and services
- Third-party fire safety officers doing inspections

### *Tier 2 – Capacity development and training*

Improving community fire safety – Once communities have established an awareness program for fire prevention, they may consider enhancing fire protection services and are encouraged to have:

- Firefighter recruitment and retention plans
- Firefighter training
- Fire service assessments
- Community risk assessment/reduction plans
- Capital investment plans
- Maintenance management plans for fire assets

### *Tier 3 – Capital investments*

Improving fire departments – Once Tier 1 and 2 requirements are met, INAC capital projects can be considered, such as:

- Firefighting vehicles:
  - fire pumper truck
  - fully equipped brush truck
  - trailer with water tank
- Buildings:
  - single bay fire hall or additions to an emergency response centre
- Firefighting equipment:
  - turnout gear
  - pumps and hoses
  - respirators
  - water dugout and trash pump
  - fire resistant coveralls
  - head protection and hand tools

