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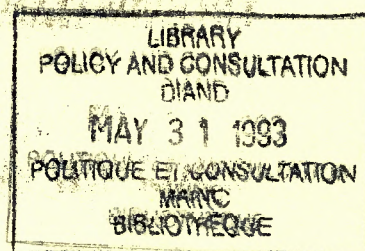


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INDIAN AND INUIT PUBLIC SECTOR

FINAL REPORT

DRAFT COPY



**PRESENTED TO: Members of the Steering Committee
Departmental Representative.**

November 8-9, 1990.

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Introduction.

The present documents is structured in three parts presenting the scope and limitations of the underlying study, the methodology that was used to reach research objectives and, finally, the findings themselves. Important data have also been assembled in the form of appendices to reduce the main text of the report.

A more complete treatment of all topics and questions raised in the present report can be found in a major companion document. An overview of this document is presented in Appendix 4.

1. Mandate and objectives of study.

1.1. Nature of assignment:

This study is part of a major research endeavor undertaken by DIAND under the theme "Preparing for careers in the Indian and Inuit Public Service". It represents the first part of this project. It aims to produce a definition of the Native public service and of its genuine characteristics, as well as to identify skills and actual training requirements to fill positions of responsibility in this structure. An annotated bibliography of related published and unpublished studies and materials will also be assembled.

Statements of work issued by DIAND bring along three further qualifications to our assignment. First, the objective can in no way be interpreted as aiming to an assessment of bands.

Second, this study is to be conducted on the basis of a survey of published and unpublished materials only, with no field observation made at this stage. DIAND's regional offices are to be contacted by way of telephone to help in identifying useful reports and to provide copies. Thus, as stated in DIAND's Statement of Work,

"All information collected and conclusions drawn are to be based on the literature review. No travel to Indian/I-nuit communities will be required for the purpose of this project".

A third qualification to this mandate arises from contract documents. It refers to the establishment of job descriptions by the standards of CCDO and SOC to allow for comparison and analysis of training needs. Thus, standardized job titles are to be used in our description of the Indian and Inuit Public service, whereas actual titles in the field might vary among native communities.

1.2 Limitations to study.

The nature of our assignment as described above introduces some definite limitations to the scope of the present study. These limits were unavoidable at this early stage of research on the Indian and Inuit Public service.

Other restrictions are also implied by the nature of the subject matter and by the tools and timeframe available at this time. The size of bands, their dispersion, ethnicity and the variety of their cultural traditions are all important elements adding to the complexity of the genuine native socio-political environment. The actual administrative process in native communities and organizations takes place amidst this complexity.

The number of status Indians in Canada is expected to rise to over 500,000 this year, most of them members of 596 bands. About two-thirds live on 2,283 reserves sprinkled across the country. While the largest reserve is the Six Nations Iroquois at Brantford, Ont, with 14,000 persons, nearly half of Canadian status Indians live on reserves with less than 1,000 people. Twenty-five percent of the total reserves are located in *remote areas*, including *special access* (17%), one third are located *urban*, and the remainder are in *rural areas*.

There are ten different Indian languages groups, each containing up to fifty dialects. About two-thirds of Indians in Canada (including the Ojibwas, the Crees and the MicMacs) speak languages of the algonkin family. The Mohawks, the Oneidas, the Onondogas, the Cayugas and the Senecas are among those who speak versions of the Iroquois language.

At the social level, rates of disease, infant mortality and suicide among Canadian Natives are much higher than the national average. Life expectancy is about eight years less than the national figure. Unemployment ranges from 30 to 90% and earnings from work reach only half those of average non-Indian Canadians.

At the political level, Canada's Indians currently have over five hundreds specific land claims against the government, besides other claims regarding self-government and the recognition, definition and enforcement of Native rights.

This very short description of what characterizes Native communities and organizations in Canada today clearly demonstrates concrete impacts on the definition and on the evolution of a native public service. Culture, for example, certainly bears impacts on the definition of objectives and on the notions of efficiency and effectiveness in the administrative process. And so do locations of bands and degree of political activity.

Because of its limited scope, though, the present study cannot make justice to these important characteristics of the Indian and Inuit Public Service, a task that will have to be covered through further research. We are, for example, limited to describing the native public service under today's laws and arrangements, not as it would be structured if present claims were settled to the satisfaction of Natives. Only thorough field observations and consultations will in the future unveil these features and their impact on the native administrative process.

2. Methodology.

As limited as it might appears from the preceding paragraphs, this study remains an important pioneer step in conceptualizing the notion of a Indian and Inuit public service and in uncovering the skills, knowledge and training required by typical tasks it might include. Methods of research thus has to be adapted to such an undertaking.

Our first move has been to identify sources of information across Canada, in order to get access to pertinent data. The main objectives in this first phase of work were to test information materials and information gathering techniques, as well as to produce and assess an early version of a full-fledged analytical framework to be applied throughout the remainder of the study.

On the information gathering side, sources have been contacted all across Canada, including regional offices and university libraries. In order to secure a through cross-Canada perspective, we decided not to start the collection of data from Central Canada, since we were already very familiar with the situation there. Thus, we began our search for information in

Western Canada, visiting native research and training centers in Victoria, Lethbridge and Regina; from there only, we moved to collecting materials in Ontario, in the National Capital Ottawa and through the University data banks in Quebec City. We could secure very important data banks at the University of Lethbridge, Saskatoon and Laval, as well as in DIAND's library. Moreover, we spent a whole week at the National Library in Ottawa to countercheck all collected references.

Among the various sources of information, one of the most up to date was found in case studies undertaken under various auspices. We have been happy to secure some fifty case studies, undertaken either to assess the impacts AFA, capital management devolution and other laws and programs.

The analysis of 44 band case studies drawn up over the last two years has allowed us to itemize the characteristics of the Native Public Sector. Because these studies focused on questions other than that of band administration, certain information pertinent to our research was not always provided. Sufficient data has been compiled, however, to establish certain tendencies within band administrative structures. A statistical table has been included to help illustrate the basis of our conclusions (Appendix three).

Telephone interviews with regional office employees and the study of additional written materials have served as supplementary references in the analysis of materials and references collected. Remarks made by the Steering Committee at the meeting of September 7, 1990 were also very helpful in securing further documentation and in the final synthesis.

3. Findings.

3.1 General findings.

3.1.1 Organizational structure.

Analyses of pertinent literature provide for a "typical organizational chart" in the native public service at the band level. This chart is presented on table 1.

Three characteristics have been noted in this part of the study.

First, the political and the administrative levels tend to be more intermingled in the native public service than is usually assumed in theoretical models.

Second, the most important and the most complicated task is that of band manager. The pressures on this person are so overwhelming that qualified resources in band tend to be rare. At the same time, it is recognized that much of the pressure stems from a scarcity of resources to administer band programs, a situation which forces the band manager to become a complement resource for many positions. He thus becomes a jack-of-all-trades.

Third, our study of materials unveil that the organizational chart tends to follow the shape of existing government programs. Indeed, directions and sectors are set up along these lines. At this level, it was also observed that certain services are delivered in cooperation with provincial and regional authorities, especially in the field of social work. Here again, a lack of skilled human resources appears as an important factor in explaining this situation.

3.1.2 Skills and training needs.

The literature survey identified the skills required of a band manager and stressed the lack of training at this level and at the level of program administrators as well.

A definition of skills for program administrators and a description of training needs at all levels is presented in the detailed findings below on the basis of what could be identified in the pertinent literature.

3.2 Detailed findings.

3.2.1 Administrative structure

3.2.1.1 Band Council

All the bands studied have a Chief and a Band Council. The composition of this council varies from band to band; however, certain similarities have been noted: the Chief and the council members are elected by universal

suffrage; the mandate generally extends over a two-year period; the council's role is to serve as representative to other bands and government, to establish band policy and see to its subsequent application, and to report to the community on band administrative matters.

The differences noted between the various bands studied concern the number of members and their roles in the band administration. These variations appear to have an impact on the division of tasks between political and administrative levels.

3.2.1.2 Band administration.

Band administrations are controlled by a general director, band manager or band council manager. The title may vary but the functions remain more or less the same. Under the general director are the persons in charge of the various fields or areas administered by the band. The representation of the organizational structure is often quite different depending on the band, but the fields of activity remain similar. Appendix 1, presenting the typical organization structure, also includes some organizational charts found during the survey in order to demonstrate the wide variety of forms the structures can take from band to band.

Typical areas of responsibility include: Health, Social Services, Education, Economic Development, Public Works, Housing and Community Infrastructures, Public security and Fire Protection, Child and Family Care, and Recreation. Each area has either a designated director or coordinator, or a group of volunteers acting as a supervisory body.

Situations have also been noted where one individual may be in charge of several areas at once or where an area lacking an appointed director becomes the responsibility of the general director. Such is often the case for the administrative services department for which there is rarely a position for an "Administration Services Director".

These fields of activities are not always administered at the band level. However, the trend toward the devolution of such programs over the years has encouraged many bands to train their own Native personnel and to provide themselves with this range of community services.

To conclude, band administration shows two characteristics: there are established fields of activity shared by all bands and secondly, the concrete organization and exercise of these duties vary from one band to another.

3.2.1.3 Division of tasks between political and administrative levels.

As mentioned above, the position of band manager (general director) appears as the most important one within the native administrative structure. On the average, it is to be noted that in most bands this position has been held by the same individual for more than five years. Chiefs, however, have only been in office for an average of two years. This would confirm a continuity at the high-rank administration level as compared to the political level.

The survey of literature also tends to demonstrate that the number of administrative positions is proportional to the population size living on the reserve. A predictable observation to which there are nevertheless a few notable exceptions (see Appendix 2, case studies synoptical tables).

It was also noted that a significant number of Chiefs presently hold an administrative position and that the demarcation between the political and administrative aspects is not clearly defined. The survey of case studies unveils that the Chiefs hold or have previously held an administrative position. Thus, it would appear that the close relation between the political and administrative domains is at the very heart of defining the Native Public Sector. Of course, diminutive community size, remoteness and limited resources are all contributing factors to this characteristic. It is interesting to note that the Tribal Councils seem to be offering bands more and more integrated services, a tendency that could have an impact on this situation

Further conclusions reveal that the most stable positions are those for Social Development and Health Services. These programs have had the same coordinator in place for an average of 7.4 and 7.7 years respectively. While requiring specialized training, these jobs are more operational than strategic in their functions. Here, federal and provincial governments play a major role in the identification and control of these services.

Finally, it is to be recognized that the position of Economic Development coordinator is the most recent addition to the band administrative structure. It is therefore of little surprise to note a degree of incertitude concerning the scope of responsibility and the strategic objectives involved. It was not possible to establish whether the Tribal Councils play a more active role in this endeavor than do the Band Councils. It was noted, however, that the position is often filled by the Chief or band manager. Whatever the case may be, it seems apparent that this new employment position will become singularly important in the emergent administration.

3.2.2. Job description and analysis.

The following paragraphs present a synthetic view of what characterizes each of the typical jobs found in the Indian and Inuit Public Service. Appendix Two contains a more detailed presentation, covering a range of questions in synoptical tables for each job: who is in charge, what are the main responsibilities, what are the skills and knowledge required and what kind of training and education appears necessary to perform the required duties. Tables in Appendix three present the evidence from cases analysis for the following discussion.

The general director or band manager is the most important resource person given his knowledge, resourcefulness and expertise in dealing with the Band Council. While in certain cases he may occupy a seat as advisor on the Band council, this does not appear to be a universal situation. In all the cases studied the band manager was a man whose diverse abilities in such a complex job have earned him the title of a "jack of all trades" As his particular duties and talents render him quite indispensable, the average time in office to date is 5.3 years.

First on the priority list, bands will fill this position as soon as an eligible candidate is found. Theoretically, the band manager acts as a liaison between the elected members and the various domains of public administration. In point of fact, however, such a demarcation would seem hardly existent.

The coordinator for economic development is a relatively new position in band administrations. Until recently, this area of responsibility was covered by DIAND. Research into case studies indicates that this field will become one of the most important for native communities. This could explain why so many Chiefs hold this position which, if turned over to too many private enterprises, could threaten the balance of political and economical power within the community. In other words, the power of the Band Council insures band unity and what is more, band culture. There is rarely more than one person responsible for this service and sometimes even the Tribal Council will govern in this area.

It was not possible to establish a relation between community size and the importance of the economic development position, but it is believed that a relation does exist with the stages of development within the organizational structure. In other words, the more organized the band public sector, the

more importance granted to economic development. For example, it was noted that a band of 600 members employed 18 persons in this field while leaving social services and educational matters to the discretion of the provincial government and Band Council. In conclusion, the position of economic development coordinator represents a political stance more than an administrative one. This appears furthermore as the area where native people enjoy the greatest liberty of action in relation to federal and provincial governments.

The role of the education coordinator, for the most part a woman, varies according to the size of the band and province. Once again, these duties are carried out in close cooperation with the Band or Tribal Councils. Here, government regulations must be followed attentively which makes this position a reflection of provincial or federal administrative principles. It should also be noted that secondary and post-secondary programs are rarely under the jurisdiction of the communities.

This position underlines one of the realities to be taken into consideration in defining the Native Public Sector. More specifically, the administration is a reflection of political power. This helps us to recognize that while on the one hand, native political power is quite limited, on the other hand it demonstrates that such powers are lacking at the national or regional levels rather than at the local level.

The coordinator for Social Development is in charge of affairs relating to children and families. This is a stable position generally held by women in which the term in office has averaged 7.4 years. Provincial governments and the Department of Health and Social Welfare exercise administrative control over the work of these individuals. Let it be noted that candidates for these well-paid positions are difficult to recruit in the native population due to the lack of adequate skills preparation. It was noted that the recruitment situation varies according to band size and community localization. In fact, it would seem that proximity to an urban center provides greater access to education and training opportunities.

Overall, it can be said that the position of Social Development coordinator is one of the best integrated in the native public sector because of both its history and essential role in the community.

The Housing coordinator seems to hold the most unstable position after that of the person responsible for Economic Development. The average number of years spent in this department has been figured at 3.9. Case studies illustrate the problems encountered in the housing sector. For

example, waiting lists for housing facilities are extensive and a great deal of pressure is placed on the coordinator to alleviate the situation. This could explain in part why this responsibility might be managed by the Chief or members of the Band Council.

The degree of responsibility regarding infrastructures can vary considerably from band to band. In general, it would appear that the smaller communities delegate this job to the Chief or band manager. Larger communities have either a housing coordinator in place or an appointed director to carry out the mandate of this office. Also, this department provides the majority of seasonal employment in the framework of hiring programs. It was noted that several bands call upon private entrepreneurs to carry certain major construction jobs. Often, non-native companies are awarded these contracts, a situation which could be explained by the costs surrounding heavy equipment purchase and maintenance.

Public security services, in the majority, are administered in conjunction with either the R.C.M.P. or the body of provincial police. Only on the high population reserves do we find native constables working in close collaboration with outside policing bodies. Here again, natives are subject to national regulation procedures.

Fire services are rarely managed by a full time employee. Often, bands hold agreements with neighboring non-native communities. Where resources permit or where geographic situation necessitates, a voluntary fire service may be set up and directed by a member of the Band Council.

The Health Services coordinator, like that of Social Development, remains in constant contact with federal or provincial authorities. This position has been held by women for an average of 7.7 years. Statistics indicate that this is the most stable position in the native administrative structure. Let it be noted, however, that this position is more of an operational than an administrative nature. For the most part, these positions are filled by nurses working out of the Department of Health. They are often itinerant employees in smaller communities while in larger ones, their role becomes more complex and their responsibilities increase. Drug addiction issues are regularly dealt with in their area of responsibility.

Whatever their particular situation, Health Services coordinators work in close collaboration with their Social Development counterparts. The skills required as well as the job profile itself, contribute to the stability of individuals placed in top positions in both departments.

4. Conclusion: Toward a definition of the Indian and Inuit Public Sector

In the document entitled "The Indian Public Sector; Analysis of Existing Data and Discussion of Other Issues" (July 1990) , the native public sector is defined as follows:

" All persons who are employed either by Tribal Councils or by bands on reserve to perform duties related to administration and service delivery ."

Excluding: A- Seasonal or temporary staff
 B- Employees of band business

Furthermore, it can be read on page 6 of the same document, *"Again it should be noted that the data provided by regions is based on a model of band administration that mirrors the structures currently found in the department and in many bands. Analysis of band governments that do not follow DIAND-like structures would require different data elements and ultimately a model of the Indian Public Sector would have to be flexible enough to deal with other structures of band administration. "*

Two visions of the Native Public Sector should therefore be considered in the attempt to conceptualize this notion: the current vision, and the vision emerging from the stand point of new fundamental objectives on the part of native leadership. These objectives aim at an autonomous government and native self- sufficiency such as outlined on page 1 of the aforementioned document.

Unfortunately, as mentioned in our introductory remarks, such an undertaking is not possible from a mere survey of literature: existing documents and case analyses bear on the present and the past situation. Consequently, our definition is limited to the amount of power that federal and provincial governments are willing to transfer to the bands. Along with these transfers must be considered all the relative administrative agreements as well as the political options of natives in regard to the organization of their socio-economic development in the present situation.

For these reasons, our basis aim has been to identify what presently exists in the majority of cases in terms of administrative arrangements and structures. The following table is an illustration of what emerges as an image of the present native public service.

DECISION-MAKING STRUCTURES

| DECISION TYPES | PERSONS IN CHARGE |
|----------------|---|
| STRATEGIC | -BAND COUNCILS -TRIBAL COUNCILS |
| ADMINISTRATIVE | - BAND MANAGER -PROGRAM COORDINATORS |
| OPERATIONAL | -EMPLOYEES |

As a working definition at this stage of research, we suggest the following approach toward a more rigorous definition of the Indian and Inuit Public Service.

Until a thorough field research is conducted, with narrow consultation with the Native leadership, the definition proposed by QASR can be considered as a functional approach.

A survey of pertinent and available literature unveils some qualifications. One of these bear on the adaptability of the notion of Public service to the situation in Indian and Inuit communities. As appears from a study of Court decisions, band powers are both wider and more limited than those of a municipal government (see Appendix 5, Analysis of Court Cases).

Another qualification refers to the classical division between administrative and political levels, which does not seem to apply in most native communities.

Other characteristics stem from the production of certain types of services directly from federal and provincial authorities. On the other hand, it can

also be noted that tribal councils tend to deliver certain services to individual bands.

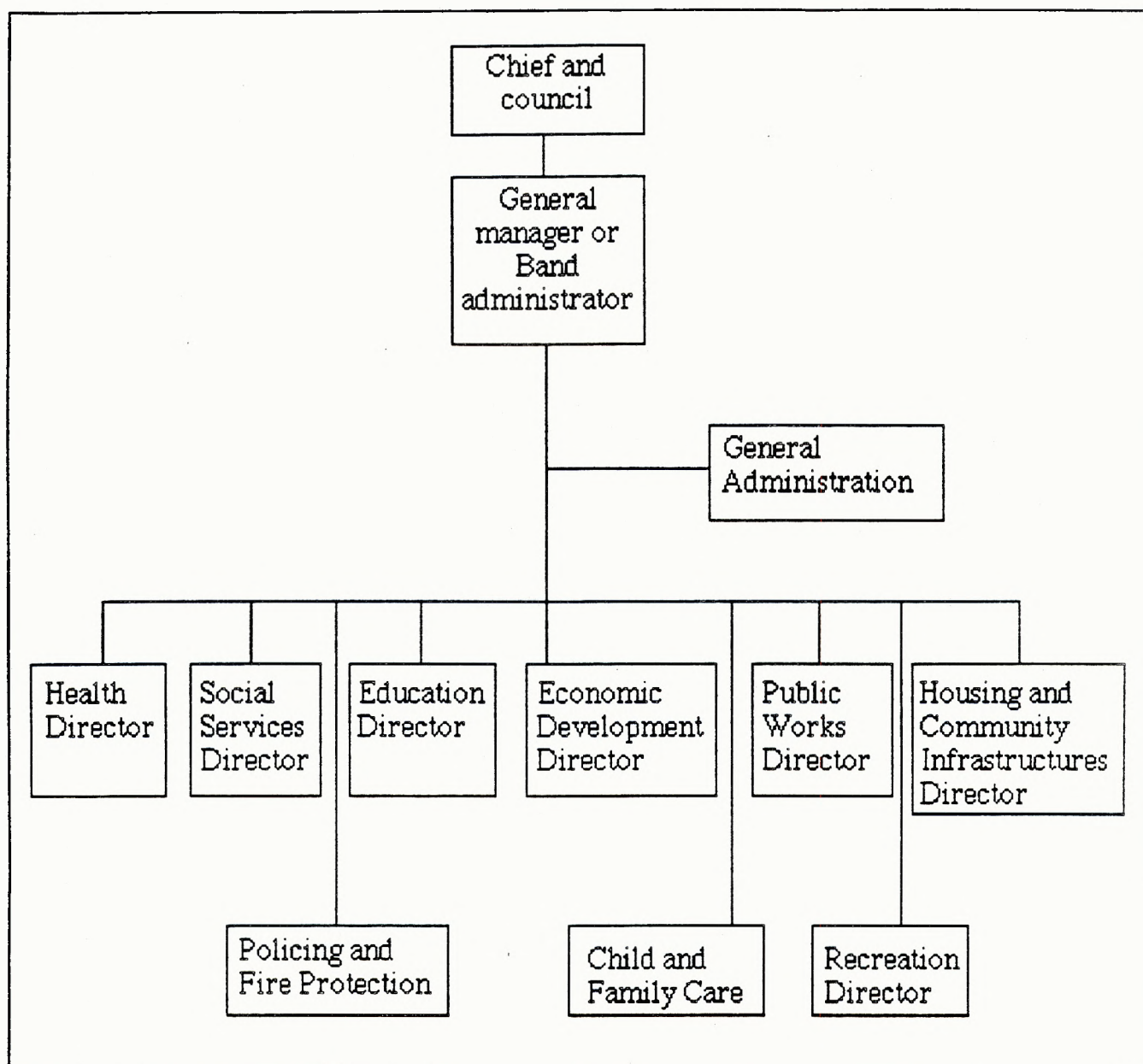
Finally, the notion of Public service in Canada is largely based on the constitutional tradition of the British Parliamentary system, with some American influences. Thus, the Canadian Public Service differs greatly from that of France, for example. If such cultural variations are readily recognized for the wider political systems, they certainly apply to Native communities too. Culture thus certainly is of great weight in the notion of a Native Public Service.

These considerations clearly demonstrate that a complete and satisfactory definition will not be reached without some field research including a narrow participation of the native people themselves.

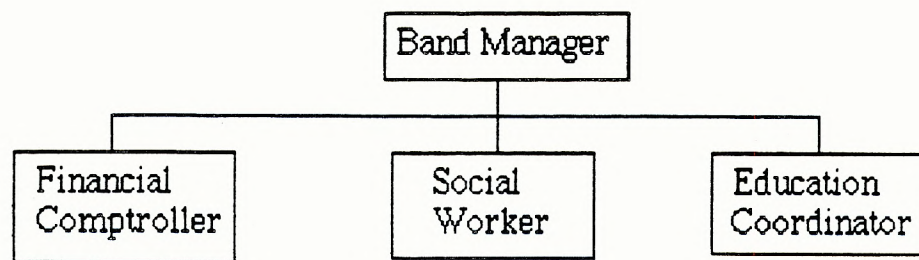
Appendix 1

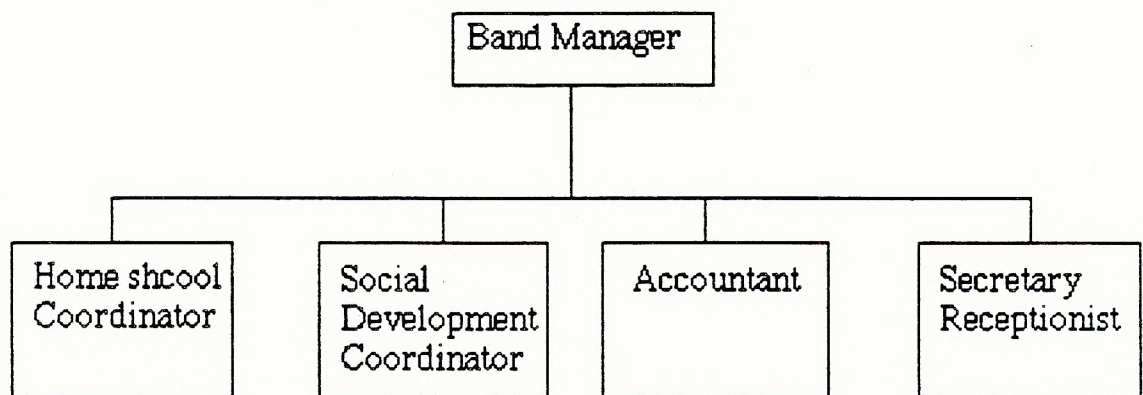
**Typical organizational chart as established through
survey**

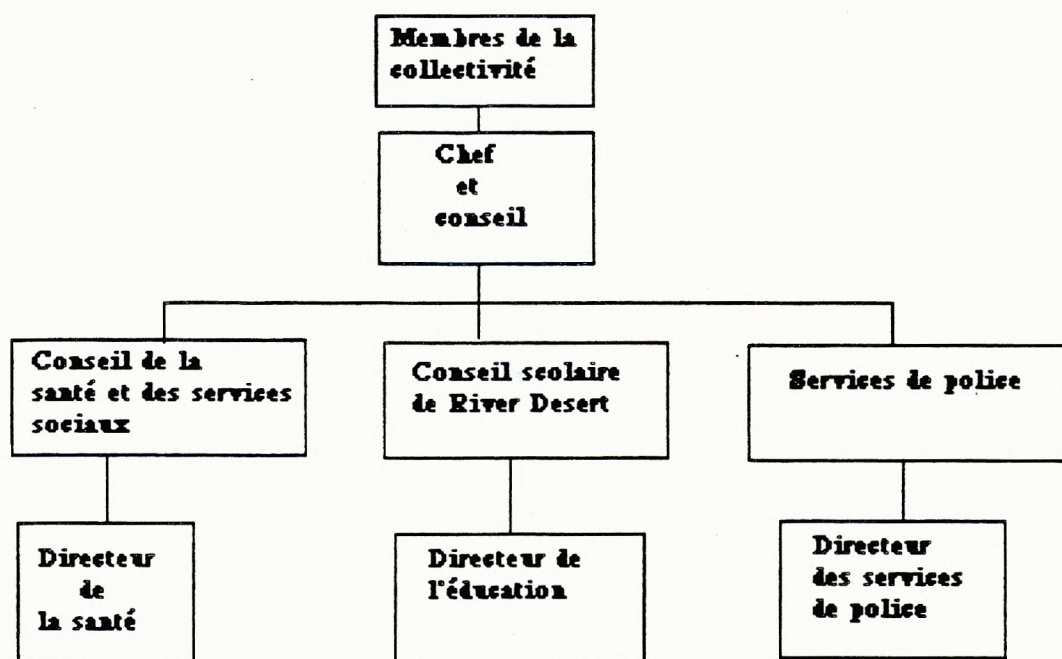
**(with samples of charts found in case and management
studies of various communities)**

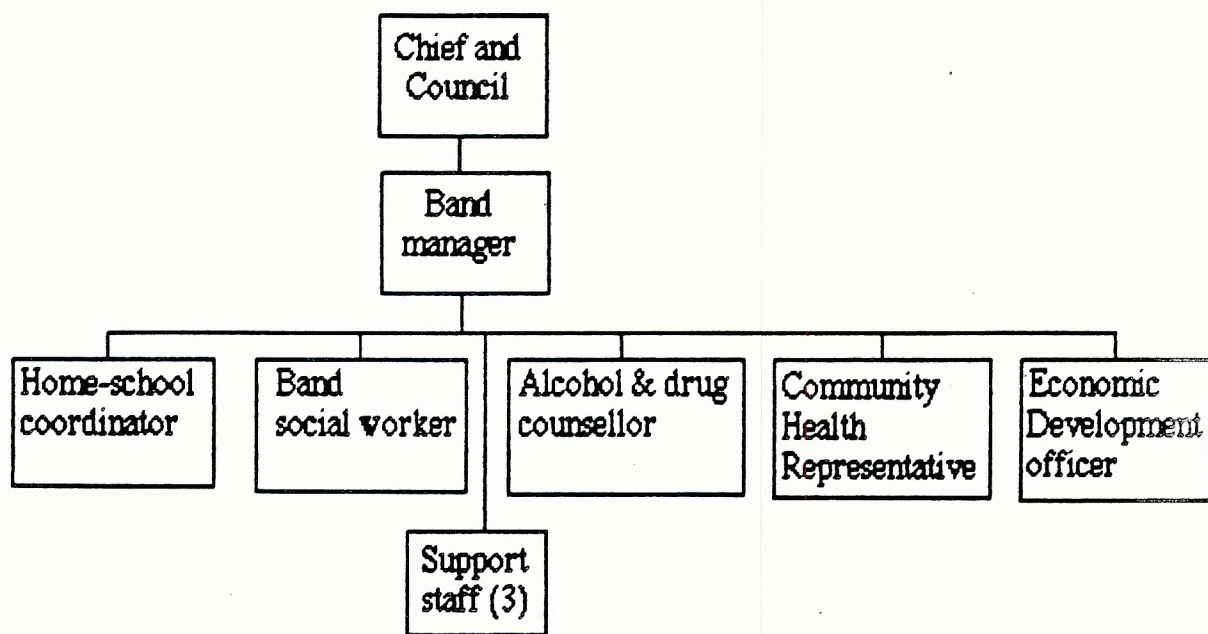


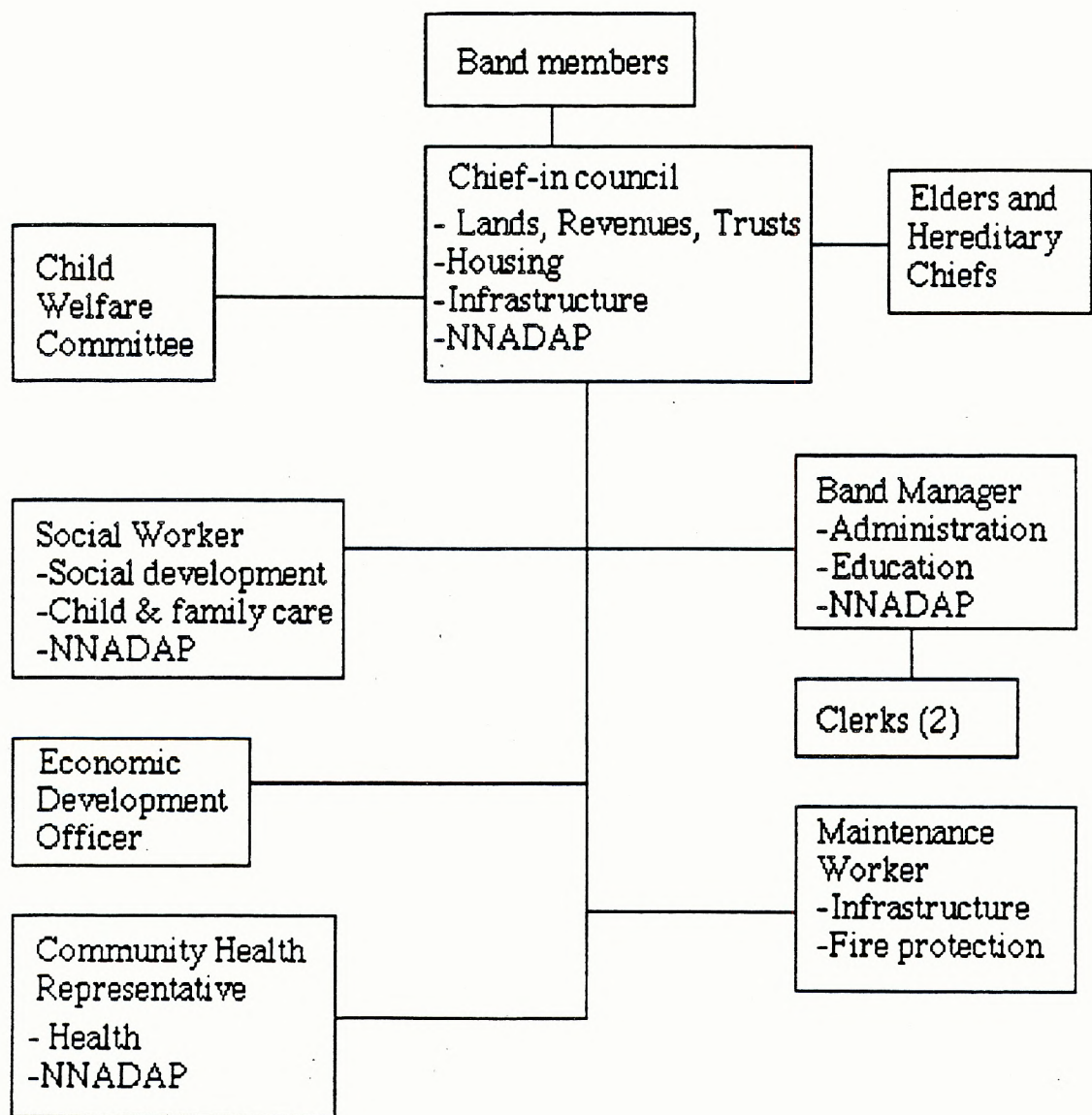
Other Laws, Treaties, Etc.

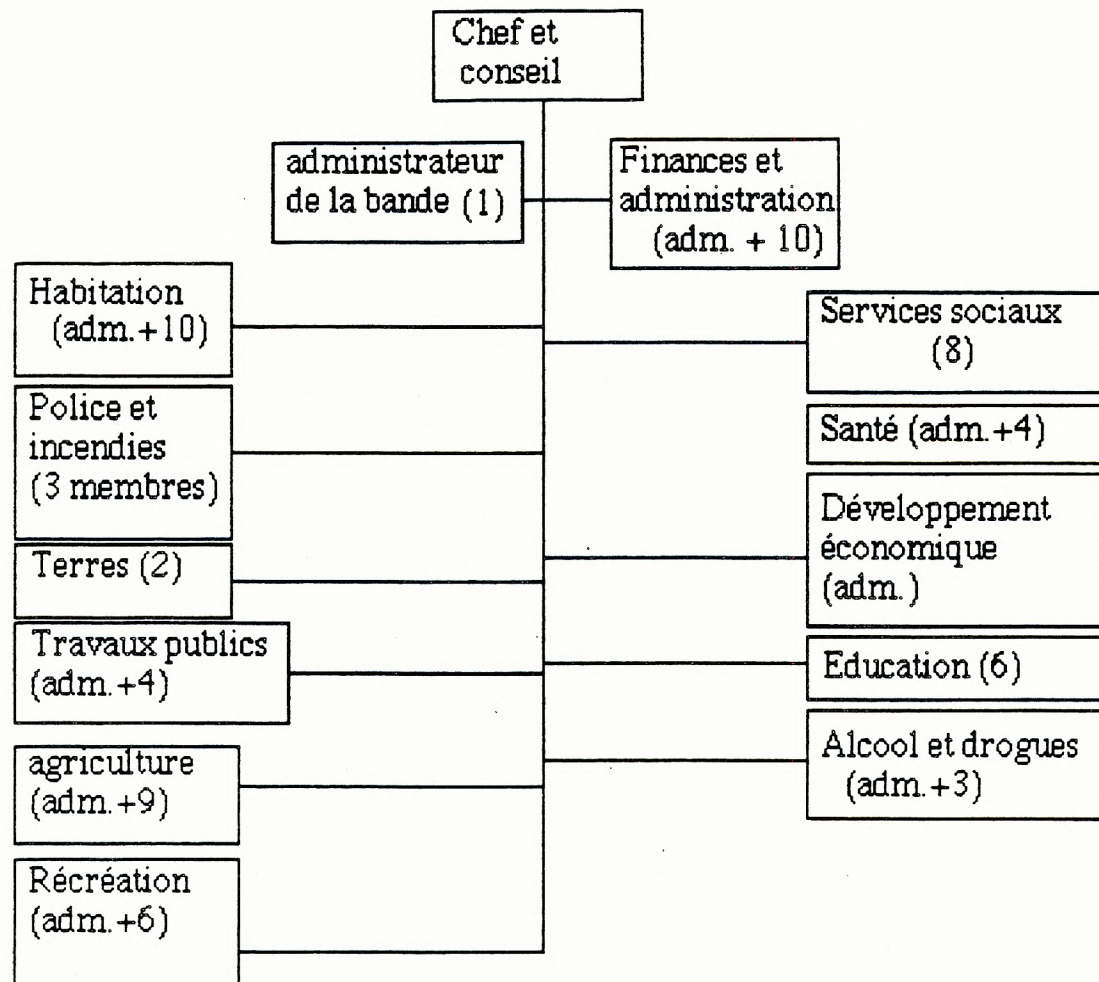


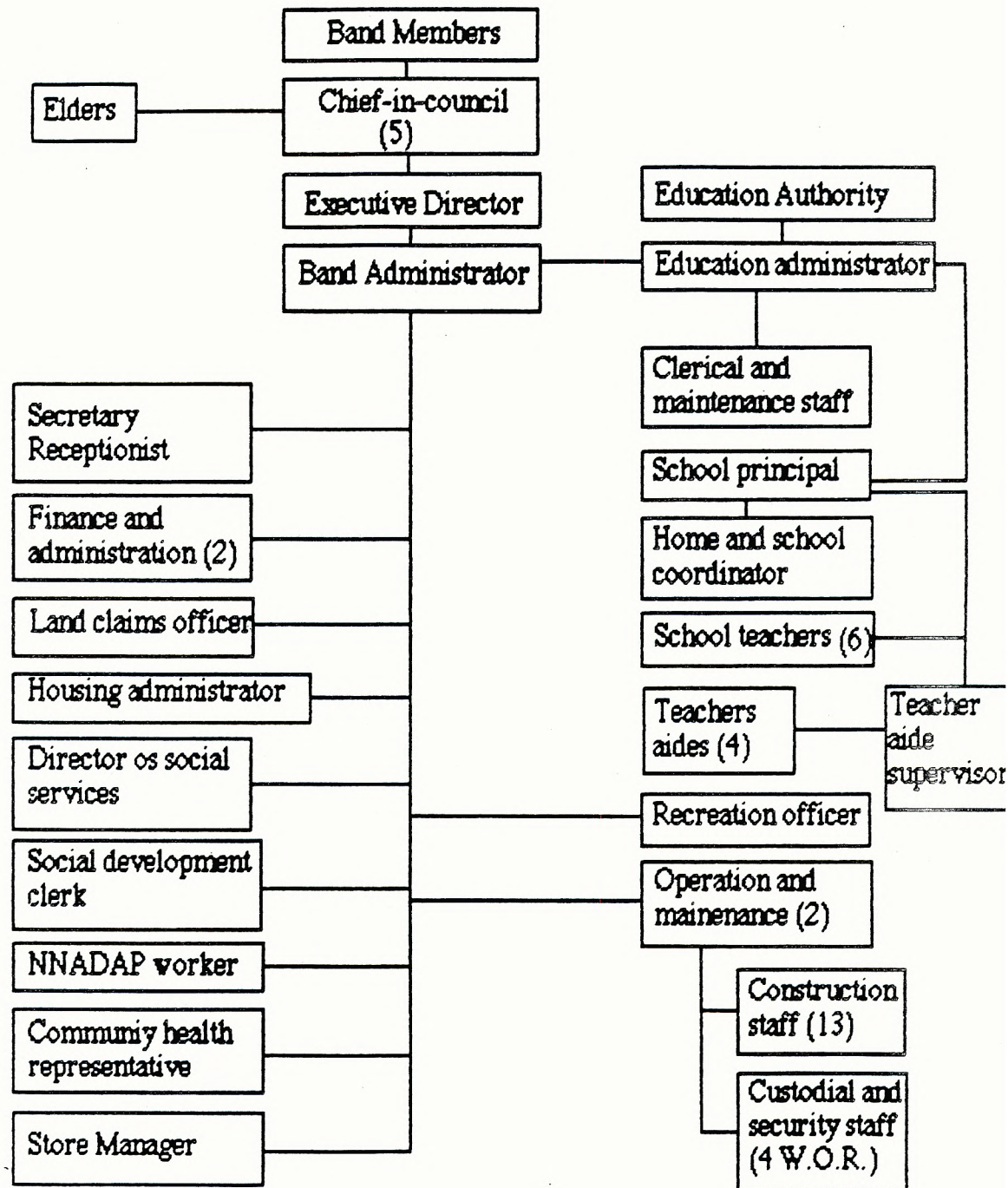


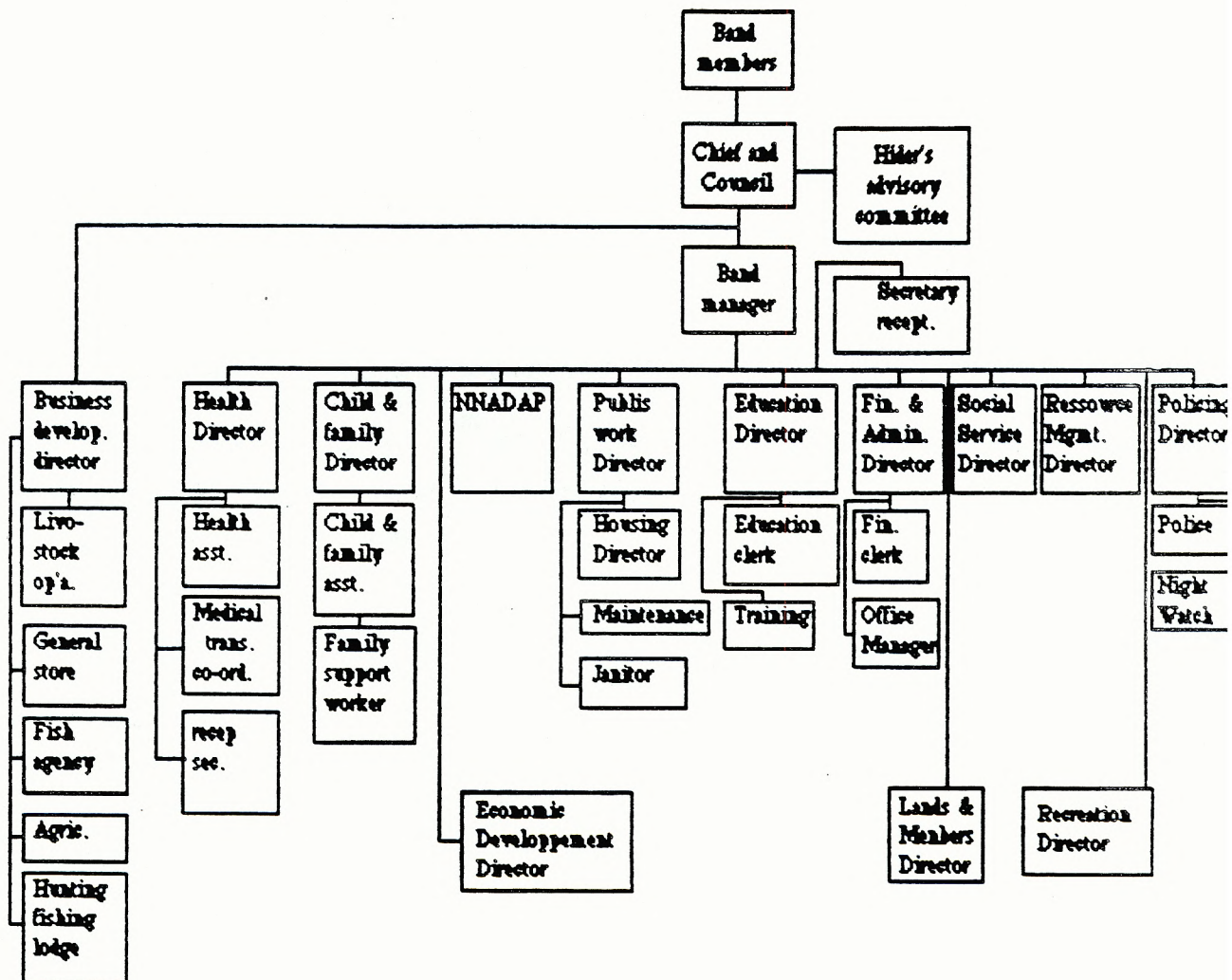


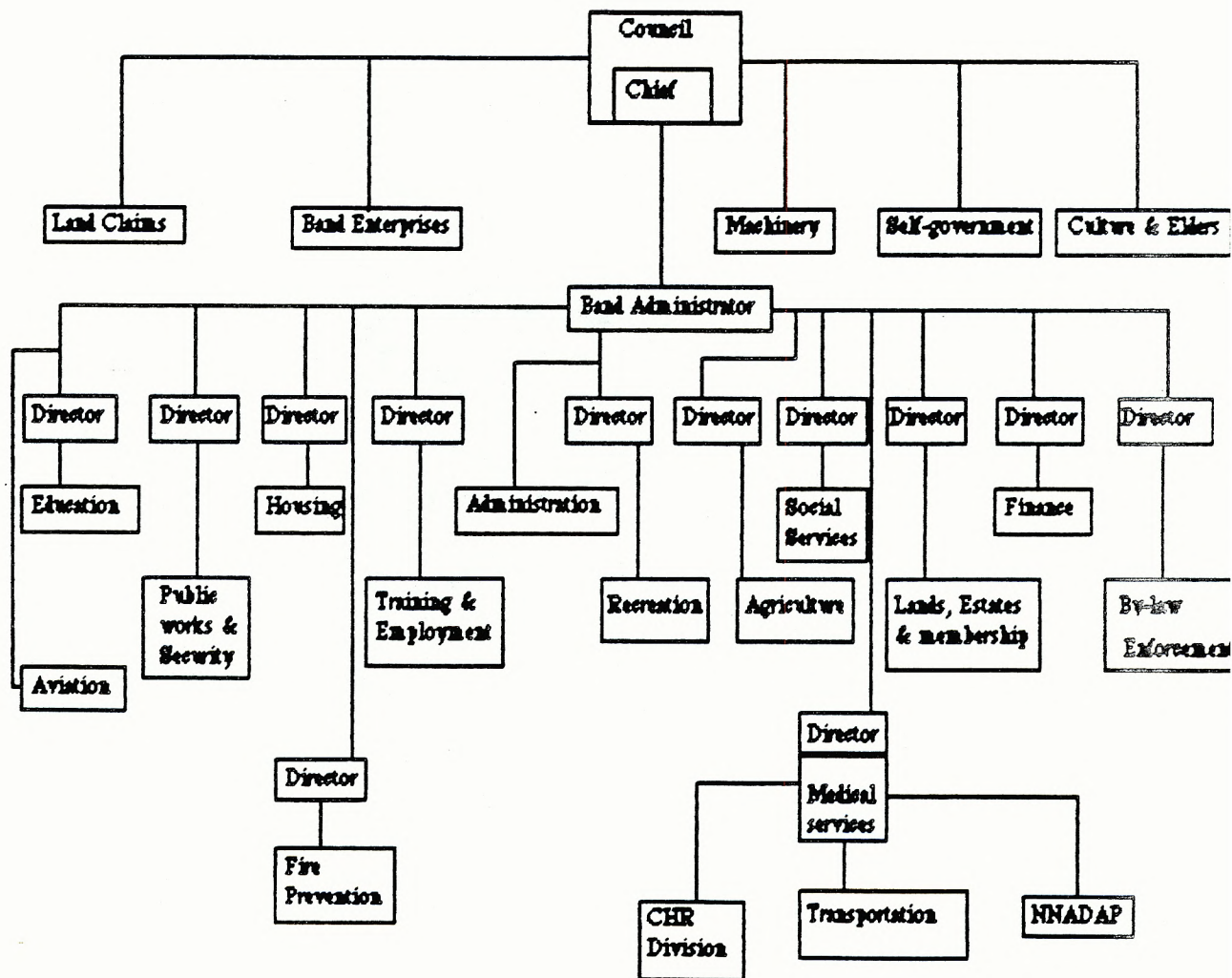


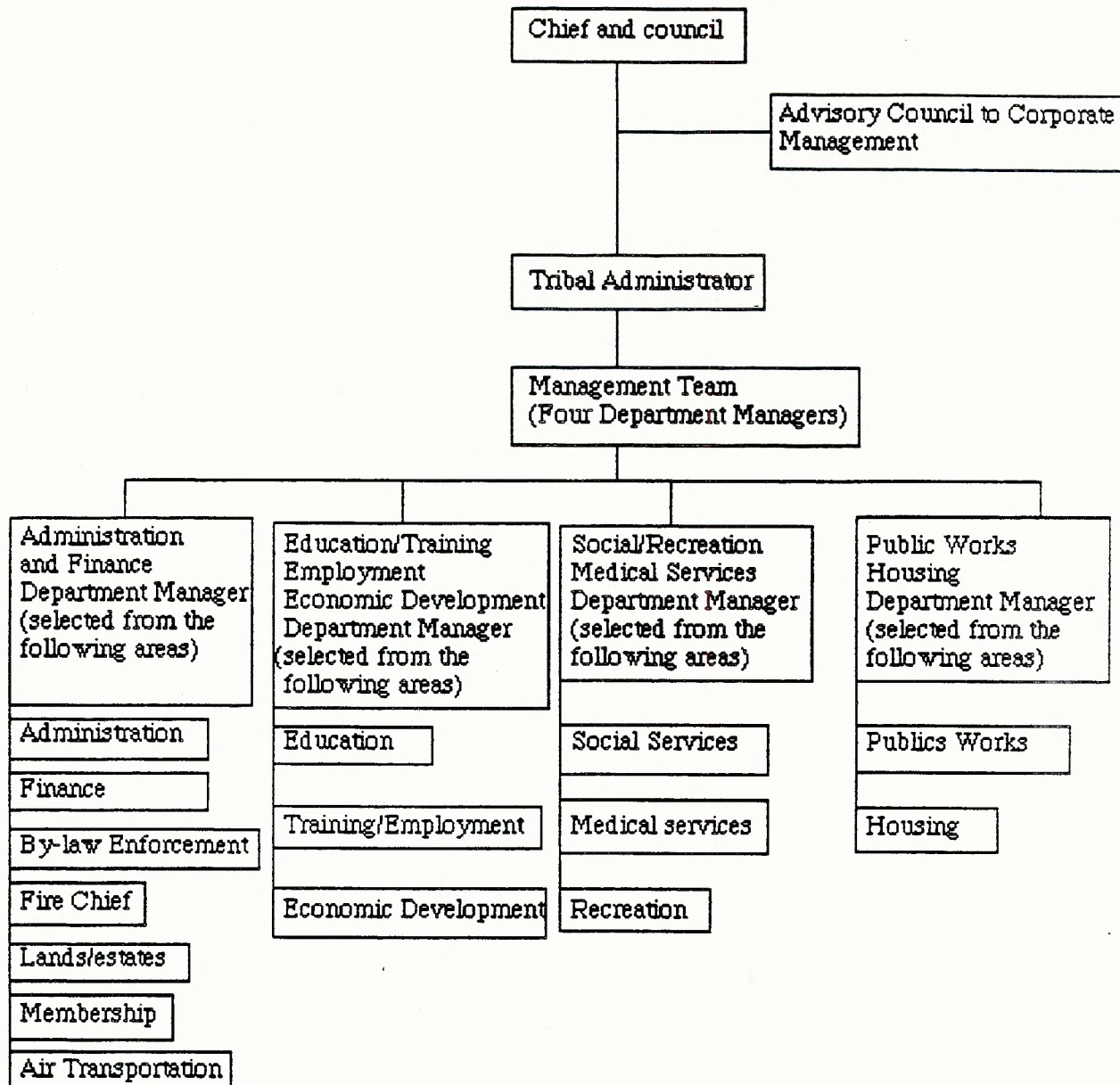


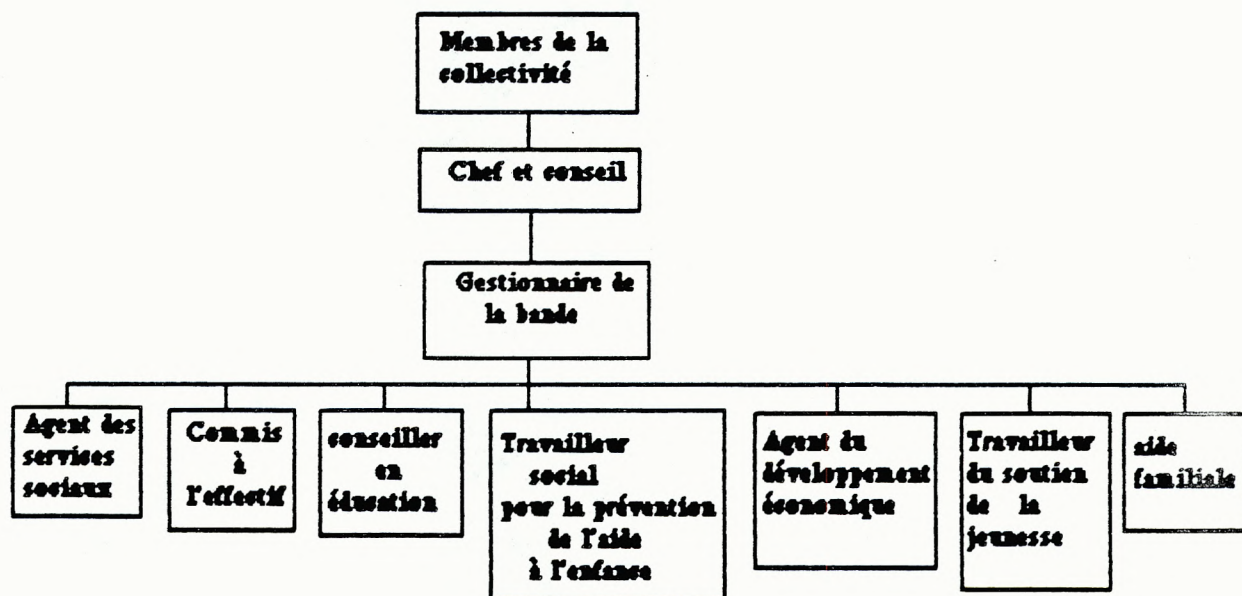


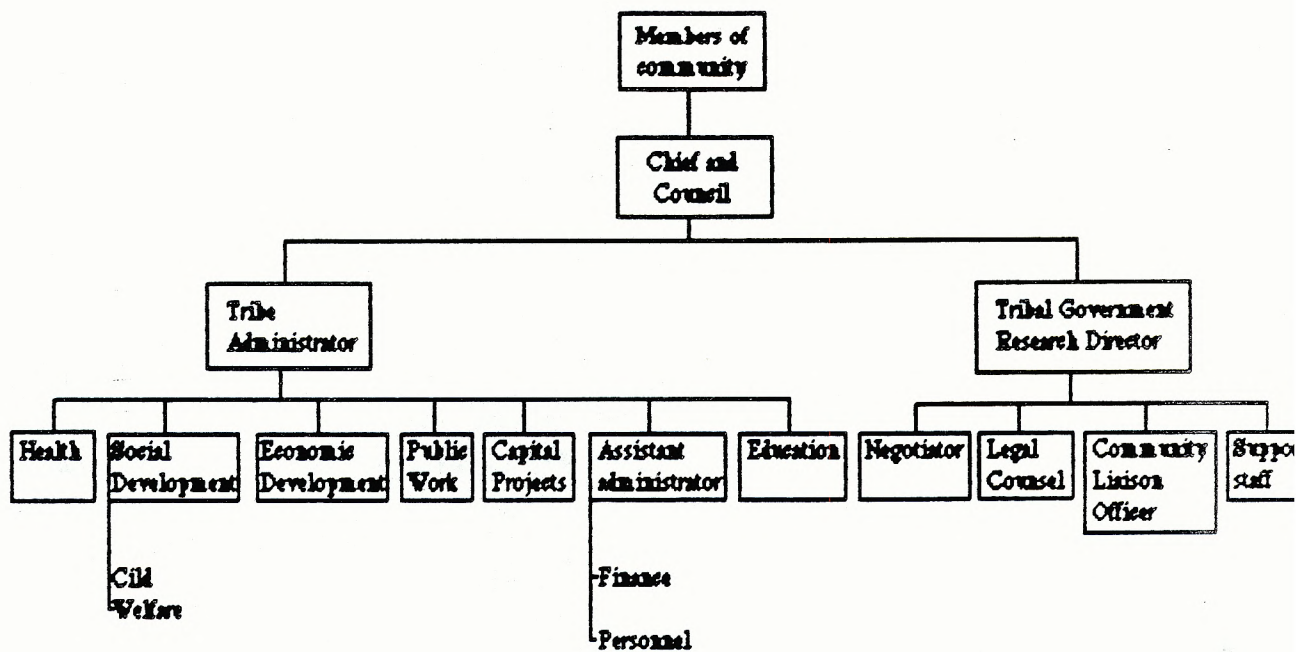


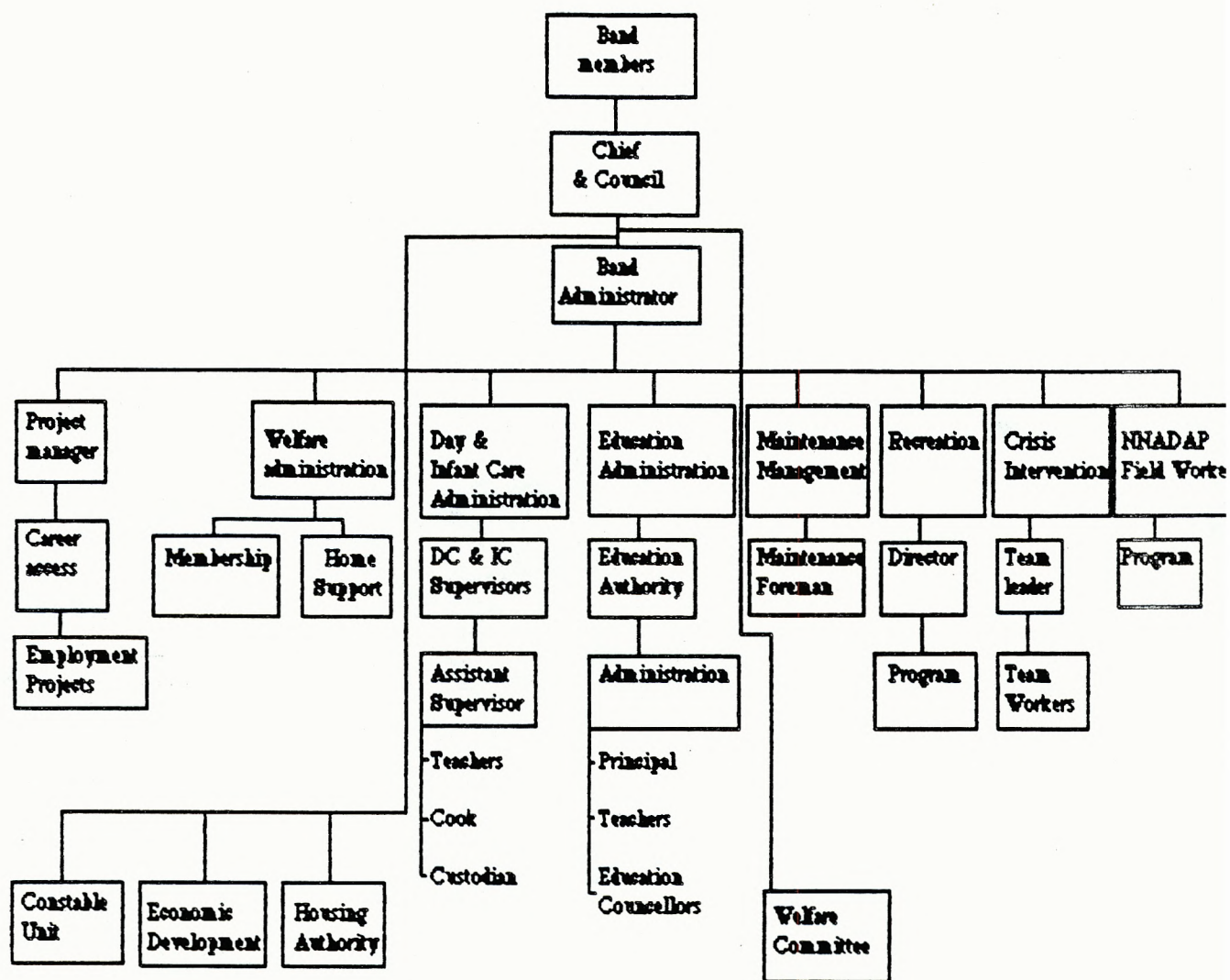


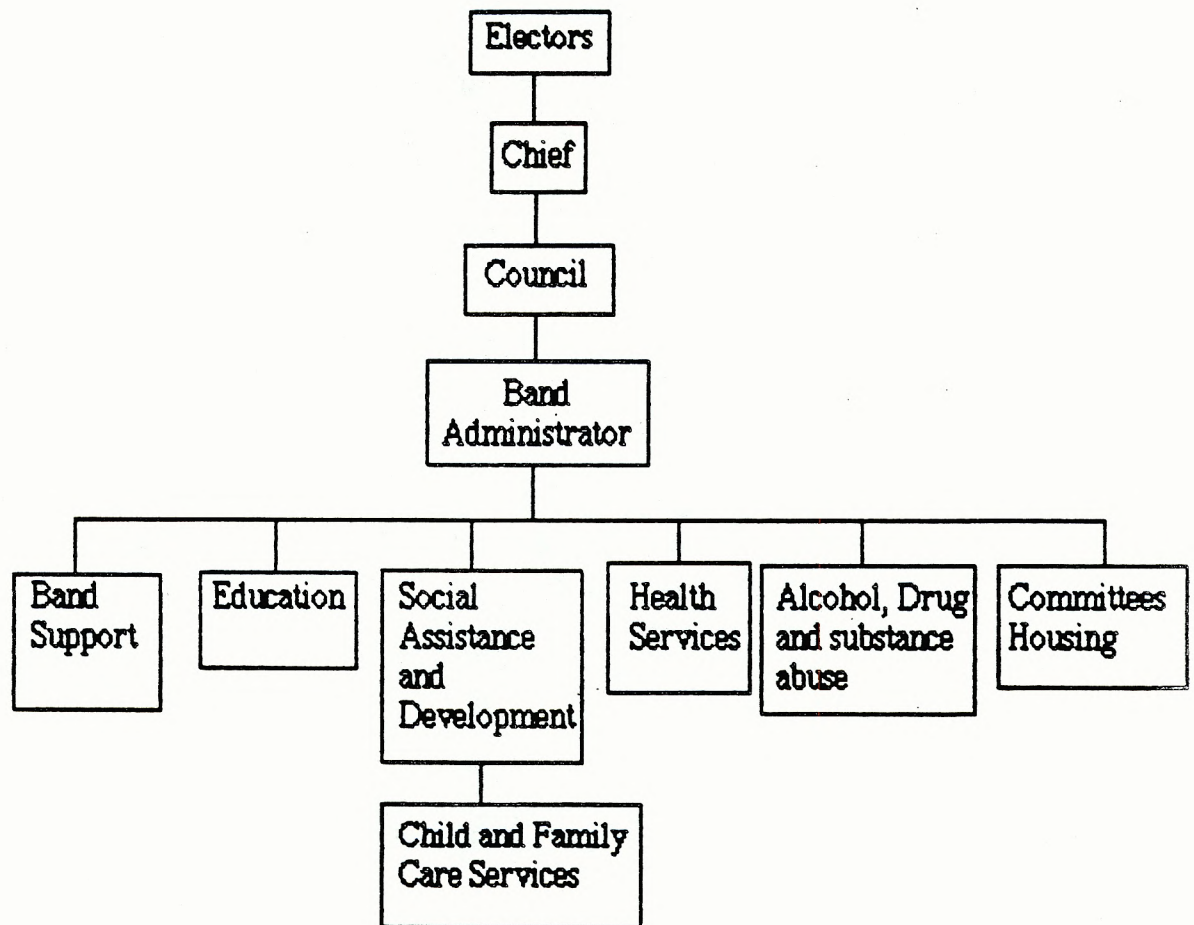


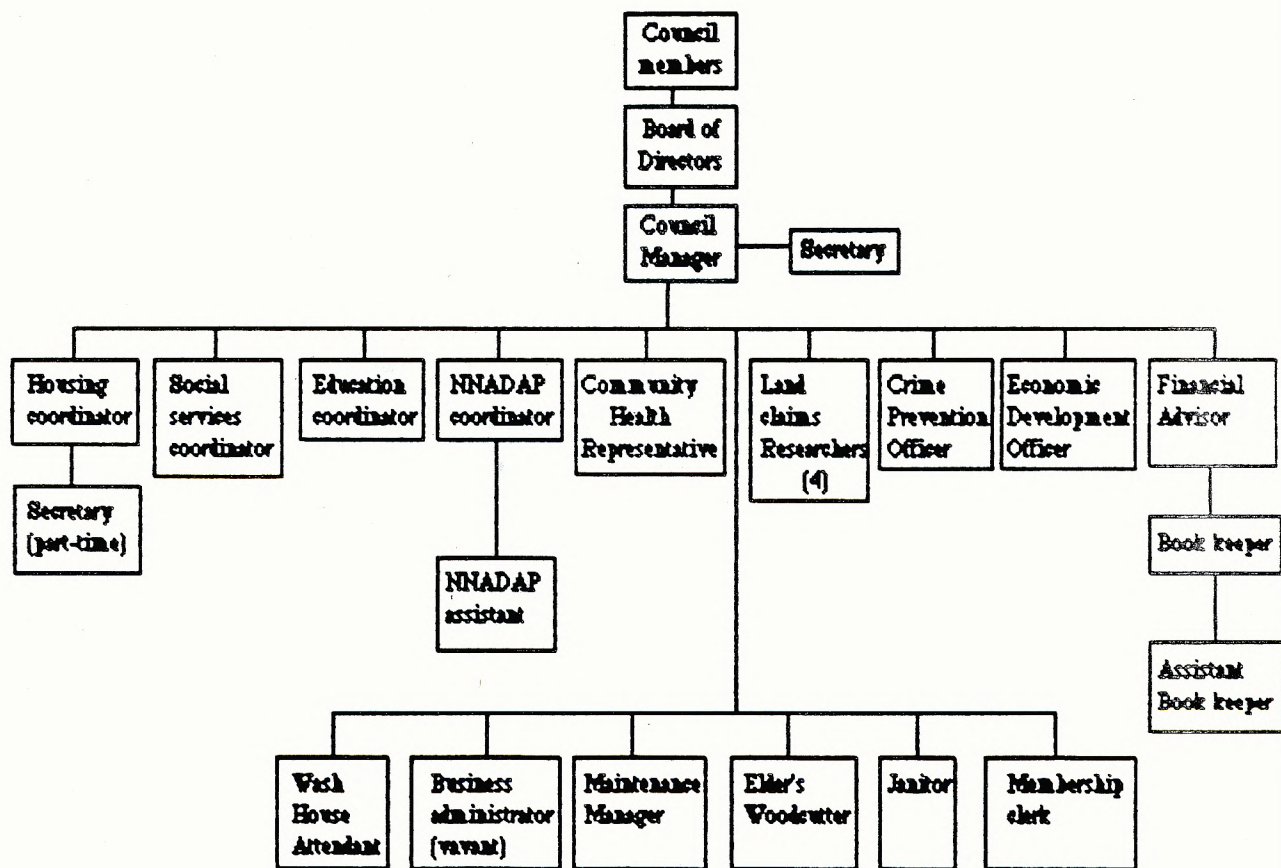


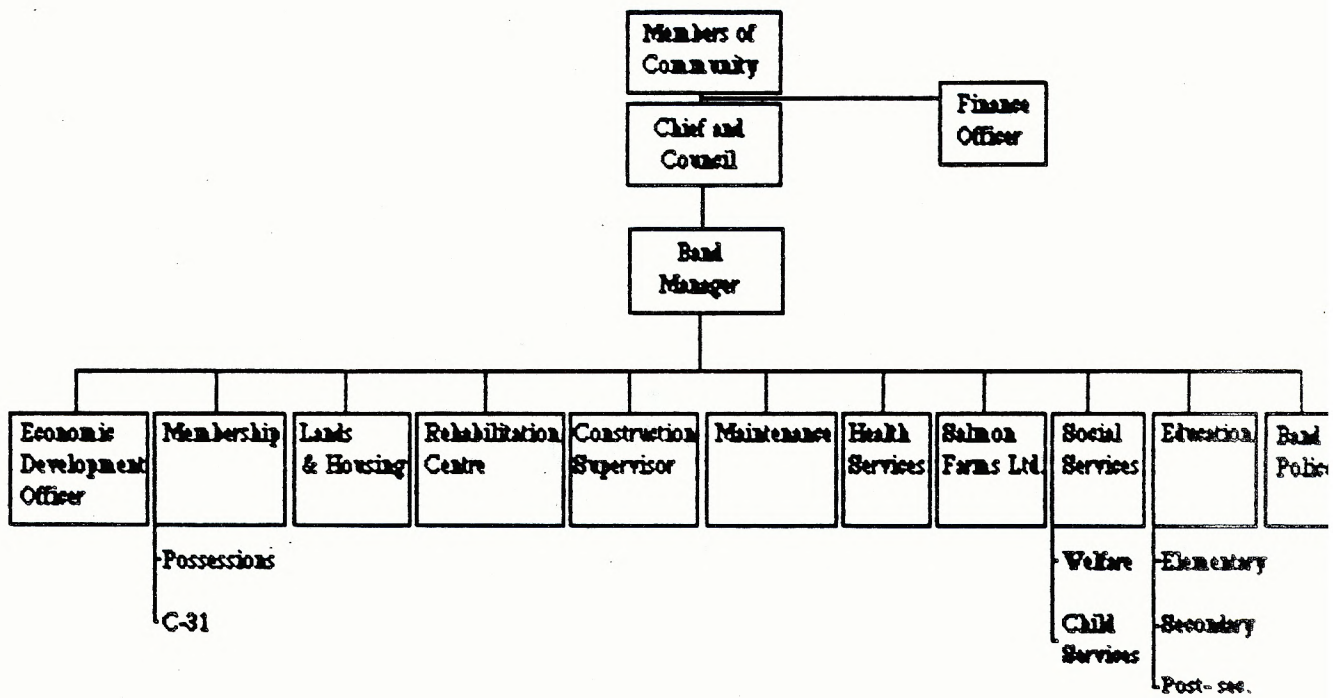












Appendix 2

**Jobs, skills, knowledge and
training needs**

SYNOPSIS OF

**JOB DESCRIPTION
AND
JOB SPECIFICATION**

General Management

| | |
|-------------------------------------|--|
| Position held by | General manager, Band manager, Chief |
| Principal job duties | Under general direction of Band Council; plans, organizes, directs and controls the principal activities of the band. |
| Knowledge and aptitude requirements | The capacity to understand and to apply the various principals and practices of management. A sufficient vocabulary to efficiently communicate both by speech and writing. The necessary mathematical competences to analyze economic tendencies, establish or revise budgeting. |
| Education and exper. requirements | A university diploma in arts, science, or education depending on the nature of work and four to five years practical experience as a intermediary manager; or a high school degree with ten years experience as a intermediary manager completed with part time studies in the related work. |

Auxiliary and Administrative Services

| | |
|---------------------------------------|--|
| Position held by | General manager or Chief |
| Principal job duties | In collaboration with services managers, plans, organizes, directs and controls, the administrative tasks of the Band Office. |
| Knowledge and aptitude requirements | <p>The capacity to understand and to apply the various principals and practices of management. Sufficient language proficiency to communicate, both by speech and writing, to people from different environments. The necessary mathematical competences to evaluate the needs in such areas as budgeting, personnel and purchasing.</p> <p>Also some aptitudes specific to the nature of the tasks performed.</p> |
| Education and experience requirements | A university diploma in arts, science, or education depending on the nature of the work, and ten years practical experience as a junior manager; or a high school degree with ten years experience completed with part time studies in the related work. |

Health Care Services

| | |
|--|--|
| Position held by | Manager of public health services or reference agent for health services. |
| Principal job duties | Plans, organizes, directs and controls the public health services in response to the community needs and to provide the population with access to these services. |
| Knowledge and aptitude requirements | The capacity to understand and to apply the various principals and practices of management. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. The necessary mathematical competences to evaluate the needs in such areas as budgeting, personnel and purchasing. Also some aptitudes specific to the nature of the tasks performed. |
| Education and experience requirements | A university diploma in science or nursing, or a related field depending on the nature of the work, and ten years practical experience as a junior manager; or a high school degree with ten years experience completed with part time studies in the related work. |

Social Assistance and Social Development

| | |
|--|--|
| Position held by | Case worker |
| Principal job duties and | Gives advice and provides assistance to individuals and families in order to help them understand and solve their personal social problems. |
| Knowledge and aptitude requirements | Sufficient intellectual aptitudes to make a judgement in relation to his or hers knowledge of human nature and the analysis of social problems, in order to choose and use the adequate social services for the client. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. |
| Education and experience requirements | A university diploma in arts with a major in sociology, psychology, political science and economics; as well as two years of classes in a school of social assistance leading to a masters degree in social work; or a bachelor degree in social assistance and one year studies in a specialized school leading to a masters degree in social work. |

Child and Family Care Services

| | |
|--|--|
| Position held by | Case worker or special committee |
| Principal job duties | Proposes adaptation measures for programs or creation of new programs and approves projects submitted by social workers. Gives advice and provides assistance to individuals and families in order to help them understand and solve their personal and social problems. |
| Knowledge and aptitude requirements | Sufficient intellectual aptitudes to make a judgement in relation to his or her knowledge of human nature and the analysis of social problems, in order to choose and use the adequate social services for the client. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. |
| Education and experience requirements | A university diploma in arts with a major in sociology, psychology, political science and economics; as well as two years of classes in a school of social assistance leading to a masters degree in social work; or a bachelor degree in social assistance and one year studies in a specialized school leading to a masters degree in social work. |

Education Services

Position held by Economic Development coordinator, General Manager or Chief

Principal job duties Directs and animates the participation and implication of the members of the community in the employment and economic development process of the community.

Knowledge and aptitude requirements The capacity to understand and to apply the various principals and practices of management. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. The necessary mathematical competences to evaluate the needs in such areas as budgeting, personnel and purchasing. Also some aptitudes specific to the nature of the tasks performed.

Education and experience requirements A university diploma in arts, science, or education depending on the nature of the work, and ten years practical experience as a junior manager; or a high school degree with ten years experience completed with part time studies in the related work.

Public Works Services

| | |
|--|---|
| Position held by | Public Works Coordinator |
| Principal job duties | Plans, organizes, directs and controls the exploitation of one or several public utilities networks. |
| Knowledge and aptitude requirements | The capacity to understand and to apply the various principals and practices of management. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. The necessary mathematical competences to evaluate the needs in such areas as budgeting, personnel and purchasing. Also some knowledge of electric and mechanical engineering related to public utilities. |
| Education and experience requirements | A university diploma in arts, science, or education depending on the nature of the work, and ten years practical experience as a junior manager; or a high school degree with ten years experience completed with part time studies in the related work. |

Housing and Community Infrastructure Services

| | |
|--|---|
| Position held by | Housing Coordinator, Band Council, Councillor, General Manager or Chief |
| Principal job duties | Plans, organizes, directs and controls the acquisition, construction and maintenance of Band Council properties. May also plan, organize, direct and control the exploitation of the public utility network. |
| Knowledge and aptitude requirements | The capacity to understand and to apply the various principals and practices of management. A sufficient vocabulary to efficiently communicate, both by speech and writing, to people from different environments. The necessary mathematical competences to evaluate the needs in such areas as budgeting, personnel and purchasing. Also some knowledge of electric and mechanical engineering related to public utilities. |
| Education and exper. requirements | A university diploma in arts, science, or education depending on the nature of work and ten years practical experience as a junior manager; or a high school degree with ten years experience completed with part time studies in the related work. |

Public Security Services (Police)

| | |
|--|---|
| Position held by | Police Chief |
| Principal job duties | Plans, organizes, directs and controls the the work of uniformed personnel and the civilian personnel attached to the police force. |
| Knowledge and aptitude requirements | The capacity to acquire the knowledge of laws and regulations, and to learn the methods and practices of police investigations. A sufficient vocabulary in order to understand technical language of laws and regulations and to effectively communicate with people from different backgrounds; the attention to detail for the purpose of writing reports; the capacity to adapt oneself to situations involving the risk of physical harm. |
| Education and experience requirements | Ten to twelve years of general education; four to five years progressive experience in police work. |

Public Security Services (Fire)

| | |
|--|---|
| Position held by | Fire Chief, Police Chief |
| Principal job duties | Plans, organizes, directs and controls the operations of the fire protection services. |
| Knowledge and aptitude requirements | The capacity to understand and apply the laws and regulations on fire prevention , the methods and practices of fire fighting and the practices in cases of emergency; the mathematical knowledge to establish the quantities, importance and the nature of the necessary material in fire fighting. The spatial perception to evaluate the distance between a building on fire and the fire fighting, equipment; the perception of forms to notice the slight difference in details of objects or building materials, in order to prevent fire hazards or to determine the cause of a fire; and the capacity to work in risk situations. |
| Education and exper. requirements | Nine to eleven years of general education; three to eight years progressive experience in fire protection work. |

Recreation Services

**Position
held by**

Recreation Coordinator

**Principal
job duties**

Plans, organizes, directs and controls the recreational programs in the community centers, Youth or Seniors associations, in playgrounds or open air areas, and directs the work of the activities supervisors.

**Knowledge
and aptitude
requirements**

The capacity to understand social and recreational needs of the community as well as the role of the community services to fulfil the needs. A sufficient vocabulary to efficiently communicate with his staff and volunteers; the mathematical competence to analyze the needs and resources for social and community services.

**Education
and experience
requirements**

A university degree in recreational activities, leisure administration or social sciences; and several years experience in recreational services.

Appendix 3

Synopsis of case and management studies

Egeriex Inc.

November 1990

CASE STUDIES STATS.

| ADMINISTRATION CHARACTERISTICS | CASE A | B | C | D | E |
|-----------------------------------|---------|---------|---------|---------|---------|
| TOTAL POPULATION | 418 | 320 | 1100 | 374 | 2364 |
| POPULATION ON RESERVE | 280 | 180 | | 224 | 1344 |
| CHIEF ELECTED E=elected H=herdity | E | E | E | E | E |
| years in position | | | | 2 | |
| COUNCILLORS | | | 9 | 6 | 8 |
| PROGRAM DIRECTORS | 17 | 6 | 24 | 6 | 6 |
| SUPPORT STAFF | 10 | 12 | 38 | 4 | 15 |
| OFFICE and JANITORIAL employees | 3 | 10 | 23 | 8 | 115 |
| TOTAL NUMBER OF EMPLOYEES | 30 | 28 | 85 | 18 | 136 |
| BAND MANAGER (BM) | 1 | 1 | 1 | 1 | 1 |
| years in position | | 4 | .9 | 2 | 7 |
| ECONOMIC DEVELOPMENT DIR. | 1 | 1 | 1 | 1 | 1 |
| years in position | 4 | 4 | 1.5 | 4 | |
| K & ELEMENTORY EDUCATION | 1 P | | 1 | 1 | 1 |
| years in position | .5 | | 1 | | .4 |
| SECONDARY EDUCATION P=prov. | P | P | P | P | P |
| POST-SECONDARY EDUCATION | DIAND | DIAND | DIAND | DIAND | DIAND |
| SOCIAL DEVELOPMENT (SD) | 1 | 1 | 1 GR | | 1 |
| years in position | 12 | | 2.5 | | 1 |
| CHILD & FAMALY CARE | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| SENIORS CARE | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| HOUSING DIRECTOR (HD) | DG | DG | 1 DG | | 1 |
| years in position | | | .9 | 2.25 | |
| INFRASTRUCTURE DIRECTOR | HD | HD | HD | HD | HD |
| years in position | | | .4 | DG | |
| POLICE | 2 I | 2 I | RCMP | RCMP | 6 I |
| FIRE PROTECTION V=volontere | 10V | | 3V | 1 + 8V | |
| HEALTH SERVICES | 1 | 1 | 1 | 1 | 1 |
| years in position | | 5 | 11 | | 8 |
| DRUG & ALCOOL ABUSE | | 1 | 1 | 1 | 1 |
| OTHER | N | N | N | N | N |
| MANAGEMENT S= stable I= instable | S | S | S | S | I |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

CASE STUDIES STATS.

| F | G | H | I | J | K | L | M | N |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | 721 | | 650 | 310 | | 1143 | 352 | |
| | 370 | 543 | 425 | 110 | | 656 | 196 | |
| E | E | H | H | E | E | E | E | E |
| | 6 | 12 | | 3.5 | | 5 | .25 | |
| 8 | 6 | 10 | 7 | 3 | 9 | 10 | 3 | 3 |
| | 8 | 5 | 10 | 1 | | 15 | | |
| | 10 | 2 | 5 | 2 | | 15 | | |
| | 9 | 2 | | 0 | | 7 | | |
| 40 | 27 | 9 | 15 | 3 | 37 | 37 | 22 | 16 |
| 1 C | C | | 1 | 1 | 1 | | 1 | 1 |
| | 18 | 2 | 8 | 1.5 | 3.5 | | 14 | 9 |
| 1 | 1 1C | 1DG | TC | | 1 | 1 | 1 | 1 |
| 1.5 | 14 | 2 | 8 | | 5 | 8 | 9.75 | |
| 1 | 1 | 1 1DG | P | 1CB | | 1 | 1 | 1 |
| | | 10 | | | 17.25 | | 3 | 1.5 |
| P | P | P | P | P | P | P | P | P |
| DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND |
| 1 | 1 | 1 1DG | CB | | 1 | 1 | 1 | 1 |
| | 12 | 5 | | | | 17 | 7 | 5.5 |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| 1 1DG | | 1 1DG | 1C | | 1 1DG | | 1 CB | |
| .5 | | .5 | | 3 | 1 | | 12 | |
| IHD | HD | HD | HD | BC | BM | HD | HD | HD |
| | | | | | | | | |
| PP | PP | I/ RCMP | RCMP | RCMP | RCMP | RCMP | RCMP | 3 I |
| N | N | V | N | N | N | V | N | V |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 P | 1 |
| | 6 | 24 | | 14 | 4 | 6 | | |
| 1 SS | SS | SS | SS | | 1 | 1 | 1 | 1 |
| N | N | N | N | N | daycare | reading | N | N |
| S | I | S | S | S | S | S | S | S |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

CASE STUDIES STATS.

| O | P | Q | R | S | T | U | V | W |
|---------|---------|---------|----------|---------|---------|---------|---------|---------|
| 842 | 34 | 402 | 3900 | 79 | 844 | 2400 | 1355 | 738 |
| 254 | 2 | 288 | 2400 | 65 | 536 | 2200 | 1013 | 1194 |
| E | E | E | E | E | E | E | E | E |
| 1.5 | 14 | 4 | 6 | | 5.7 | .6 | | |
| 3 | 0 | 3 | 12 | 3 | 8 | 10 | 13 | 9 |
| 6 | | | 8 | 1 | 1 | 5 | 18 | 1 |
| 5 | | | 7 | | 1 | 4 | | |
| 2 | | | 192 | | 1 | 6 | | |
| 13 | 6 | 17 | 207 | 1 | 3 | 15 | 95 | 45 |
| 1C | CB | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | | 11 | 8.25 | | 9 | 1 | 7.25 | |
| TC | TC | 1 | 1 | TC | CB | CB | 1 | |
| | | | | | | | 5 | |
| 1 CB | | 1 | 1 | CT | P | 1 | 1 | 1 |
| | | 3 | 2 | | | | 7 | |
| P | P | P | P | P | P | P | P | P |
| DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND |
| 1 | | 1 | 1 | P | | 1 | 1 | 1 |
| 23 | | 10 | 11 | | | 7 | 10 | |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| CB | | 1 | 1 | CT | 1DG | 1 | 1 | 1 |
| | | 8 | 4 | | | 4 | 4 | 3 |
| BC | HD | HD | 1 | HD | HD | CHIEF | 1 | HD |
| | | .75 | | | | | 25 | |
| | RCMP | RCMP | 11/ RCMP | RCMP | 11/ PP | 1/ PP | RCMP | RCMP |
| N | N | N | N | N | N | V | V | 1/20V |
| 1 | | 1 | P | P | | 1 | 1 | 1 |
| 1 | | 15 | | | 2.5 | | 5 | 14 |
| 1 SS | | 1 | 1 | TC | TC | | 1 | 1 |
| arts | N | N | N | N | N | N | N | N |
| S | | S | S | | S | S | S | CHANGE |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

CASE STUDIES STATS.

| X | Y | Z | AA | BB | CC | DD | EE | FF |
|----------|---------|---------|---------|---------|---------|---------|---------|---------|
| 350 | 717 | 241 | 620 | 708 | 164 | 498 | 500 | 64 |
| 280 | 572 | 176 | 490 | 661 | 97 | 365 | 282 | 30 |
| E | E | E | E | E | E | E | E | E |
| 3.5 | 1.5 | 1 | | | | 2 | .5 | |
| 2 | 5 | 3 | 6 | 4 | 3 | 4 | 4 | 2 |
| | | | 7 | | | 8 | | |
| | | | 8 | | | 1 | | |
| | | | 3 | | | 4 | | |
| 11 | | 9 | 18 | | | 13 | 7 | 4 |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 |
| 3.5 | | 3 | 2.5 | | | 5 2.5 | | 7 |
| 1 | 2 | 1 CT | | 1 CB | | C | | 1 CB |
| 2.4 | | 1 | | | | | | |
| 1 | 1 P | | 1 | 1 | 1 | 1 | 1 | 1 P |
| .5 | 1 | | 8 | 2.5 | | .6 | | |
| P | P | P | P | P | P | P | P | P |
| DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND |
| 1 1DG | | 1 | 1 | 1 | 1 | 1 | 1 | 0 |
| 2.5 | | | 3 | | | 2 | 5 | 17 |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| 1 | 1 1C | | 1 1C | DG | | 1 | 1 1DG | |
| 4 1.5 | | 1 | | | | 1 | 5 | 7 |
| HD | 1 HD | | 1 HD | HD | HD | HD | HD | HD |
| | 6 | | | | | | | |
| RCMP | 1I/ PP | I | 2I/ PP | I/RCMP | 1 I | PP | | RCMP |
| 1 I / 3V | 1 / 6V | N | 1 / 12V | | | 6V | 6V | 1 / 10V |
| P | 1 | 1 | 1 | 1 | | 1 | 1 | |
| | | 10 | 10 | | | 10 | | |
| 1 | 1 | 1 | 1 | | | 1 | | |
| N | N | N | N | N | N | N | N | N |
| S | CHANGE | S | S | I | S | NEW | I | S |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

CASE STUDIES STATS.

| GG | HH | II | JJ | KK | LL | MM | NN | OO |
|---------|---------|----------|----------|---------|----------|---------|---------|---------|
| 250 | 3470 | 2842 | 3243 | 147 | 193 | 1429 | 1398 | 275 |
| 240 | 1566 | 1167 | 1498 | 94 | 101 | 580 | 1338 | 150 |
| E | E | E | E | E | E | E | E | E |
| 3 | 1.5 | 2 | 1 | 5 | 6 | 2 | 2 | 2 |
| 2 | 12 | 12 | 6 | 2 | 2 | 12 | 7 | 2 |
| | 15 | 11 | 56 | | | 6 | 4 | 8 |
| | 18 | | 27 | | | 6 | 9 | 3 |
| | 19 | | 16 | | | 4 | | |
| 6 | 52 | 54 | 101 | 9 | 6 | 16 | 13 | 11 |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 3 | 15 | 1.5 | 1.5 | | | 13 | | 3 |
| CB | CB | 1 | 1 | 1 | CB | CB | 1 | 1 |
| | | 5.1 | | | | 10 | | 1 |
| 1 | 1 | 1 | 1 | CB | 1 | 1 | 1 | 1 |
| | | 8 | 6 | | | 5 | 2 | 1 |
| P | P | P | P | P | P | P | P | P |
| DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND | DIAND |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 18 | 2 | 5 | | 10 | 2 | | 12 |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P | SD/BC/P |
| 1DG | 1 | 1 | 1 | CB | CB | 1 | CB | CB |
| | | 3 | 14 | | | 8 | | 10 |
| HD | 1 | 1 | 1 | HD | HD | HD | HD | HD |
| | | 5 | 19 | | | | | |
| PP | RCMP | 2I/ RCMP | 5I/ RCMP | RCMP | 2I/ RCMP | RCMP | 1I/ PP | RCMP |
| N | 1 / 12V | 1 / 10V | 1 / 14V | | | 1 / 20V | 1 N | |
| | 1 | 1 | 1 | | | 1 | 1 | 1 |
| | | 2 | 4 | | | | 3 | 8 |
| | 1 | 1 | 1 | | | BC | | 1 |
| N | N | N | N | N | N | N | N | daycare |
| S | S | S | S | I | S | S | I | S |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

CASE STUDIES STATS.

| PP | QQ | RR | AVERAGE YEARS IN POSITION | |
|---------|---------|------------|---------------------------|--|
| 292 | 650 | 526 | | |
| 142 | 539 | 174 | | |
| E | H | directors | | |
| 4.1 | | 2 | 2.11 CHIEFS | |
| 2 | 6 | 5 | | |
| 7 | | 10 | | |
| | | 9 | | |
| | | 4 | | |
| 7 | 5 | 23 | | |
| 1 | 1 | 1 | | |
| 1.5 | 4 | 1 | 5.13 BAND MANAGER | |
| 1 | 1 | 1 | | |
| 2 | 2.1 | | 3.74 ECONOMIC DEVELOPMENT | |
| P | 1 | 1 | | |
| | .02 | | 3.55 K & ELEMENTARY | |
| P | P | P | | |
| DIAND | DIAND | DIAND | | |
| 1 | 1 | 1 | | |
| 8 | 5.7 | | 7.36 SOCIAL DEVELOPMENT | |
| SD/BC/P | SD/BC/P | SD/BC/P | | |
| SD/BC/P | SD/BC/P | SD/BC/P | | |
| 1 | 1 | 1 | | |
| 4 | .02 | | 3.92 HOUSING | |
| 1 HD | | 1 | | |
| 4 | .5 | | | |
| PP | RCMP | 11/ RCMP | | |
| 12V | | | | |
| 1 | 1 | 1 | | |
| 14 | 1 | 1 | 7.65 HEALTH | |
| | 1 | 1 | | |
| N | N | N | | |
| S | S | I rotation | | |

NAMES OF BANDS AND LOCATION NOT PROVIDED IN CASES

APPENDIX 4

NATIVE PUBLIC SERVICE STUDY REPORT ON CASE LAW REFERRING TO THE INDIAN ACT

ÉGÉRIEX inc. October 1990

METHODOLOGY

The cases we reviewed were selected from the Quick Law data base by using "band council" as the key word. A total of 89 cases were identified and analyzed in light of the Native Public Sector study. These cases reflect a wide range of issues. Only those pertinent to our study on administration topics are considered in this paper. Thus, our report reflects the court rulings of 15 cases. We remind the reader that only the judgments of the Supreme Court of Canada are final. These cases are presented in annex 1.

RESULTS OF THE CASE LAW STUDY

SUPREME COURT RULING

PUBLIC SERVICE ALLIANCE OF CANADA v. FRANCIS and al. OF THE ST-REGIS INDIAN BAND COUNCIL and CANADA LABOUR RELATIONS BOARD

CCH DRS 1983 P. 48-298, S.C.C. , ruling August 9, 1982.

This judgment quashed a previous one made by the Federal Court of Appeal on the recognition of a band council as being an employer within the meaning of the Canada Labour Code. This means that because a band council is recognized as such, employees may have a union certified as their bargaining agent before their employer.

This also means that the band council is a person in its legal sense.

This case refers to:

FRANCIS and al. v. CANADA LABOUR RELATIONS BOARD, PUBLIC SERVICE ALLIANCE OF CANADA AND DEPUTY ATTORNEY GENERAL OF CANADA

CCH DRS 1981 P. 48-851 , F.C.C.

ST-REGIS INDIAN BAND COUNCIL v. CANADA LABOUR RELATIONS
BOARD AND PUBLIC SERVICE OF CANADA AND DEPUTY ATTORNEY
GENERAL OF CANADA
CCH DRS 1981 P. 41-908, F.C.C.

FEDERAL COURT OF CANADA

SAULT v. MISSISSAUGAS OF THE CREDIT INDIAN BAND COUNCIL
CCH DRS 1989 P. 28-085, F.C.C.

This case refers to a resolution by a band council to suspend a councilor for his behavior which the council found unacceptable with respect to a band employee who had quit.

The judgment was in favor of the plaintiff as the resolution of the band council was a judgment that he was not a suitable person to be a councillor. The band had no power to disqualify the councillor. Parliament intended to exclude all criteria other than those listed in s. 78 of the Indian act. The real issue was the qualifications of the band member for council membership. The council had wide discretion provided that it exercised its powers in the forms of rules; the power must be exercised legislatively.

Thus this case provides an example of problems which may occur when the political process gets involved in the administration one.

POLCHIES (ON BEHALF OF THE MEMBERS OF THE OROMOCTO BAND OF
INDIANS) v. MINISTER OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT
CCH DRS 1984 P.26-872, F.C.C.

CANADA (MINISTER OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT) v. OROMOCTO INDIAN BAND and al.
CCH DRS 1987 P.26-897
NEW-BRUNSWICK

R. v. POLCHIES AND SABATTIS
CCH DRS 1984 P.18-407, N.B.
NEW-BRUNSWICK

These cases refer to compensation given to chiefs and or councillors for efforts in negotiating claim settlements. The court approved minister decision to revert band council resolution or to refuse use of capital expenditures for that purpose.

The use of government funds may not be used for personal purpose but only for all band members. Therefore band councils only have administrative powers provided by the Indian act and ministerial discretion to authorize and direct expenditures.

PROVINCIAL COURTS

BEAR v. JOHN SMITH BAND INDIAN CHIEF and al.
CCH DRS 1984 P.54-576
SASKATCHEWAN

This case follows the dismissal of a band employee by the band council. The defendants argued that the Federal Court had exclusive jurisdiction in this case because the council was acting as an agent of the Crown. The application was dismissed. Whether a body performing functions of a public nature was a servant or an agent of the Crown depended mainly on whether it had discretionary powers of its own which it could exercise independently, without consulting any representative of the Crown. The council here had the power to hire the plaintiff and to dismiss her, subject to the possibility of liability in damages if the dismissal constituted the tort of wrongful dismissal. Since there was nothing in the Indian Act or agreements to suggest that the band council was acting as a servant or an agent of the Crown in dismissing the plaintiff, it had to be assumed that the council, a creature of statute, was intended to have the same duties and be subject to the same liabilities imposed by the general law on a private individual. As a result, the Court had jurisdiction to enter the plaintiff's claim.

ISOLATION SEPT-ILES INC. v. BANDE DES MONTAGNAIS DE SEPT-ILES
ET MAIOLTENAM
CCH DRS 1989 P.28-044
QUEBEC

This was an action for the balance owing pursuant to a contract. The band refused to pay, even though some payments were made and a contract was signed by a council member, because the band council had not ratified the contract.

The action was dismissed on the ground that band councils being similar to municipal councils received their powers from legislation which had to be strictly adhered to. Since the requirements prescribed by the Indian Act had not been followed, namely the approval of the council and minister, the band was not bound by the contract. The fact that some cheques had been paid by the Ministry did not ratify the contract.

PAUL BAND v. R.
CCH DRS 1984 P.27-144, A.
ALBERTA

This was an appeal from the conviction of an Indian band under the Alberta Labour Act, for its failure to pay employees.

The conviction was quashed as it was not subject to provincial labour legislation. For jurisdiction purposes, enterprises were classified not by the particular activities of the employees but rather by the nature or operations of the employer. The Band councils were created by the Indian Act and derived their authority to act as such exclusively from that statute. They were thus within the exclusive legislative jurisdiction of the Parliament of Canada.

WHITEBEAR BAND COUNCIL v. CARPENTERS PROVINCIAL COUNCIL OF
SASKATCHEWAN and al.
CCH DRS 1982 P48-188, S.
SASKATCHEWAN

This was an application for judicial review by the Whitebear band council. The Saskatchewan Labour Relations Board had granted

certification to the respondents union to represent carpenters who were employed in construction work on an Indian reserve. The work was financed by the Department of Indian Affairs.

The application was granted and the order of the Board quashed as the construction work in question was a "federal work, undertaking or business" within the context of the Canadian Labour Code. Accordingly, the labour relations in issue were subject to that Act. They formed part of the primary federal jurisdiction over Indians and lands reserved for the Indians.

PENNEY v. LABRADOR INUIT DEVELOPMENT CORPORATION
CCH DRS 1988 P48-741
NEWFOUNDLAND

This was a case where the plaintiff commenced an action for unjust dismissal damages. As general manager for the corporation he failed to organize and implement programs to improve the welfare of native people, to maintain corporate records, and to obtain readily-obtainable government financing.

The Court ruled that the plaintiff's conduct as a whole amounted to incompetence and his employer was therefore entitled to dismiss him for cause.

CONCLUSION

These law cases provide us with two important elements relating to band council management. First, a Band council is recognized by the Supreme Court of Canada as being an employer, and second, that its labour relations are under federal jurisdiction. Therefore, labour relations come under the Canadian Labour Code and the Canadian Labour Relations Board.

It also shows us that a Band council is not an agent of the Crown unless defined as such by the government of Canada. It is not an agent of the Crown when hiring employees for work done for the band or itself.

Finally, it is worthy to note that in many judgments a Band council is often compared to a municipal council in its administrative duties. But this comparison is limited by the scope of authority that the Minister of Indian Affairs and Northern Development has over the Band Council.

Appendix 5:

Overview of companion working paper :

FONCTION PUBLIQUE AUTOCHTONE: **DÉFINITION, COMPÉTENCES REQUISES ET** **BESOIN DE FORMATION**

(NATIVE PUBLIC SECTOR- definition, skills and training requirements.)

Note to reader: This extensive document (200 pages) is presented as a companion product to the final report. It includes detailed information and considerations that were beyond the scope of our mandate. As the information gathered appeared very significant, we resolved to produce this more academic complementary document in order to preserve and classify data for further research.

The table of contents shown in the following pages should enable steering committee members to identify topics covered in this document and thus to get useful complementary information.

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