

**Kitasoo Xai'xais Nation  
Operations Manual**

---

**Section 1  
Definitions**

---



Updated Version: August 30, 2023

**1.01 Definitions** – The within definitions apply:

**Abuse of Authority:** Abuse of authority is considered a form of harassment. It occurs when an employee improperly or unreasonably uses the power and/or authority associated with a position held, in order to endanger another employee's job, undermine the performance of that job, offer or withhold training or developmental opportunities, or threaten the employee's economic livelihood. It also includes acts of intimidation, threats, humiliation and coercion. It does not include normal managerial activities or responsibilities, such as performance counselling and discipline, so long as they are not being performed in a discriminatory manner.

**Ad Hoc Committee:** Committee that is created for a specific purpose and to accomplish a goal and then cease to exist.

**Administration Office:** means the main government office of KXN location in Klemtu, formerly known as the Band Office.

**Anniversary Date:** The annual day from the first day an employee reports to work. An employee's anniversary date is used to compute various conditions and benefits in the Human Resource Policy.

**Audit:** An audit is an examination carried out by a Chartered Accountant firm that can determine if the information on the financial statements is prepared in accordance with Generally Accepted Auditing Principles (GAAP).

**Auditor:** The accountant as appointed by Chief & Council to audit the financial statements, records and inventories of the Kitsoo Xai'xais Nation.

**Band Member/Membership:** A person who is a member of the Kitsoo Xai'xais Nation and registered on the Band Membership List as defined in the Indian Act.

**Benefit Package:** A set of benefits offered on behalf of an employer to its employees. An employee benefit package may include, among other benefits, group life and health insurance, disability insurance, and qualified retirement plans.

**Bona Fide Occupational Requirement:** Bona fide occupational requirements are those skills, aptitudes and educational accomplishments required in an incumbent that ensure he/she can perform the essential components of a job in a safe, efficient and reliable manner. Bona fide occupational requirements must be:

- Requirements adopted for a purpose or goal that is rationally connected to the functions of the position.
- Adopted in good faith, in the belief they are necessary.
- Reasonably necessary to accomplish the purpose or goal.

**Bullying and Harassment:** Bullying and harassment is any improper behaviour by a person, be it verbal, physical, on social media, or by innuendo that is likely to be offensive to an employee, and which the bully or harasser knew or ought to have reasonably known would be unwelcome. It includes objectionable conduct, comments or display made on a one-time or continuous basis that demeans, belittles, causes personal humiliation or embarrassment to an employee, or

creates an offensive or intimidating working environment. Examples of bullying and harassment may include, but are not limited to: verbal abuse or threats, inappropriate, embarrassing or humiliating comments; unwelcome remarks, jokes or innuendoes or taunting of an individual, displays of derogatory or offensive printed material or unwanted physical contact.

Bullying and Harassment does not include normal managerial activities or responsibilities, such as performance counselling and discipline, so long as they are not being performed in a discriminatory manner.

**Budget:** A budget is an amount determined for each category within a program and department. A budget will consist of a source of revenue and an equal amount of expenditure categories (balanced-budget).

**Casual Employee:** Employees who have been designated as Casual in their employment contract, and are employed only on a short-term basis or are working less than 20 hours per week.

**Chief:** Refers to the duly elected Chief of the KXN pursuant to the Election Regulations of the Indian Act.

**Confidential Information** includes Personal Information and information related to the business and political interests and initiatives of the Employer that have not intentionally been disclosed by the Employer to the public.

**Compensation:** All financial rewards including time off in-lieu that an employee receives as a result of her / his employment.

**Conflict of Interest:** is a situation where in the context of an action or decision an employee, Councillor, or Committee Member's dedication to act in the Organization or Nation's best interest could be impaired because of that person's personal interests or the interests of their:

- a. Immediate Family or other family members,
- b. close friends,
- c. roommates,
- d. business partners,
- e. employers,
- f. businesses that they have a significant financial interest in including businesses that they own totally or partially, have an ongoing business relationship with, have lent or owe money to, or have a right to a share of the business' profits or property, and
- g. other organizations that they have a legal duty to serve, such as being on their Board of Directors.

**Exceptions:** a conflict of interest does not arise if:

- i. the action or decision will benefit or harm the Nation's membership as a whole or a group of members identified by their age, gender, financial circumstances, on or off-reserve status, educational or medical needs. For example, the Housing Manager can propose a rental discount for elders even though they may be an elder themselves or have elders in their Immediate Family.
- ii. the action or decision will benefit or harm the Council or the Committee as a whole and is reasonable and in the best interests of the Nation. For example,

Council can vote on whether or not to provide all Councillors with a reasonable amount of pay or benefits after obtaining the opinion of the Finance Manager.

Or,

- iii. the conflict of interest is so remote or insignificant that the interest cannot reasonably be regarded as likely to influence the Councillor, Committee Member or employee. For example, a Councillor is voting on whether to contract with a company that they own less than 5% of the shares of such as through an investment fund. Or a member of the public buys a Councillor a coffee during a meeting.

**Contractor:** A person who is not an employee or manager that performs work for the KXN. A contractor usually:

- has a written contract stating they are a contractor,
- works independently,
- is self-employed or works for a company other than the KXN,
- owns their own tools,
- sets their own hours,
- has clients in addition to KXN,
- carries on business for themselves, and
- is responsible for their own taxes and statutory deductions.

For example, generally plumbers, electricians, consultants lawyers and accountants are hired as contractors.

**Council:** Is the governing body of Kitasoo Xai'xais Nation and refers to the duly elected Chief of the Nation pursuant to the Election Regulations of the Indian Act.

**Councillor:** Refers to a duly elected Councillor to the Nation pursuant to the Election Regulations of the Indian Act.

**Deficit:** When expenditures exceed revenue. The organization is indebted to the program for the amount of the deficit.

**Department Manager:** Refers to an employee in charge of a specific Department of the organization.

**Designate:** Means a person that is chosen or appointed to assume the responsibility or authority of another person.

**Direct Conflict of Interest** is a type of Conflict of Interest where an individual, their spouse, a person living in the individual's home, or a business that they control or own at least 5% of the voting shares in, may receive a Financial Benefit from a decision or action involving the individual, but does not include situations that fall under the list of exceptions to the definition of Conflict of Interest in this Operations Manual.

**Discipline:** Means a corrective or punitive action taken by the Employer towards any employee to correct misconduct, performance or behaviour, and may include verbal or written warnings, letters of expectations, paid or unpaid suspensions, or termination of employment.

**Discrimination:** Discrimination is an act of differential treatment toward an individual as a member of a group, or toward a group itself, that may create a disadvantage for that individual or group or deny the individual or group an opportunity, without valid reason. The prohibitive grounds for discrimination are outlined as follows: race, national or ethnic origin, political belief, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability and conviction for which a pardon has been granted.

**Employee:** A person hired as an employee and not a contractor. If the employer provides the employee tools and a workplace, a wage rate or a salary, collects statutory deductions for them, supervises and controls when and where they work then the person is usually considered an employee.

**Employer:** Means the Kitsoo Xai'xais Nation.

**Expense:** An outflow of cash or other valuable assets from a person or organization to another person or organization.

**Financial Benefit** is gaining money, property, or other material benefit including but not limited to:

- a. Employment or contract benefits;
- b. Educational, medical, dental, retirement or other financial savings;
- c. Gifts, honorariums and bonuses;
- d. The payment of any money; and
- e. The allotment giving, leasing, renting, or other grant of an interest in Kitsoo Xai'xais Nation property or land.

**Financial Information:** Any information that, directly or indirectly, creates or impacts on the financial obligation of the Kitsoo Xai'xais Nation.

**Financial Statements:** A financial statement that gives operating results for a specific period, they will include a balance sheet and income statements (consolidated and department/program)

**Fraud:** The intentional, false representation or hiding of a material fact for the purpose of making another person act upon it to his or her detriment, or the misappropriation or use of the organization's money or property. In law, fraud generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud is a violation of trust and can be criminal.

**Full-time Employees:** Employees who are employed for a minimum of 30 hours per week, who are being funded for the position on an ongoing basis and have been designated Full-Time in their employment contract.

**General Manager:** The successful incumbent hired by Chief and Council to manage the KXN's administrative affairs and day-to-day business of the organization.

**Government:** Means the elected Chief and Council of the Kitasoo Xai'xais Nation

**Harassment:** See *Bullying and Harassment*.

**Housing Authority:** means the department responsible for Housing matters which is overseen by a Housing Committee.

**Immediate Family Member:** is a person's spouse, a child, parent, guardian, sibling, grandchild or grandparent of the person or their spouse, and any person who lives with the person in their home as a member of their family. A person is an immediate family member whether they have that relationship naturally, or by customary or other legal adoption.

**Immediate Supervisor:** The person the employee takes primary direction from, has his/her work controlled by, receives the day-to-day support and leadership from, and the person to the employee is directly accountable to / reports to.

**Incompetence:** Lacking the required skills or ability needed to perform a job satisfactorily.

**Insubordination:** Behaviour and actions that are in opposition to and usually in defiance of authority. For example, failure or refusal to recognize or to follow the direction of a supervisor by an employee would be insubordination.

**KXN:** Means the KXN's government elected by the members of the Kitasoo Xai'xais nation and all of that government's administrative departments.

**Layoff:** Layoffs are time periods when the employer asks an employee to stop working for reasons beyond their control. The employer recognizes the adverse effects of a lay-off on an employee and the family of the employee, and also on the general operation of the organization. Lay-offs occur due to a lack of work which may be caused by a variety of reasons including the elimination of positions due to redundancy, lack of funding or completion/cancellation of projects.

**Management:** Means the General Manager, Finance Officer, Human Resource Officer and Department Managers.

**Mandatory Employer Related Costs:** The costs an employer is required to pay for employing people. These include Employment Insurance, vacation pay, Workers' Compensation premiums, and CPP. These costs are often based on a percentage of wages.

**Manual or "the within manual":** Means the within Operations Manual, as may be amended from time to time.

**The Nation:** Means the Kitasoo Xai'xais Nation.

**Nepotism:** Nepotism is considered an unfair practice in which people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well-qualified. This can lead to inefficiency in the functioning of the government or organization, since hiring is based on personal connections, rather than ability or merit. Additionally, the perception of unfair practice diminishes the reputation of qualified candidates, as it is believed they were appointed due to a relationship.

**Operations Manual:** Means this manual.

**Part-time:** Employees who are employed for between 20 – 30 hours per week, who are being funded for the position on an ongoing basis and have been designated Part-Time in their employment contract.

**Perceived Conflict of Interest:** can exist where it could reasonably appear that an employees', Councillor's and Committee member's Personal Interests may influence their ability to act in the best interests of the Organization or Nation, whether or not this is the case.

**Personal Information:** means any information about an identifiable person such as employee records, and customer and supplier information, but does not include the name, title, business address, business telephone number, business fax number, or a business e-mail address of an employee of an organization.

**Potential Conflict of Interest** is a situation that a reasonable person thinks might be a conflict of interest, or which may result a conflict of interest in the future.

**Portfolio:** Means a defined area of responsibility of a Councillor as designated by the Chief.

**Probation:** A trial period during which your knowledge, skills and abilities are assessed against the job you are to undertake.

**Program:** A program operates to provide a specific service and will usually operate under an agreement or contract. A program can operate separately or be consolidated as a category within a larger program. A program will be defined in the General Ledger by a unique department code falling within the assigned sequence.

**Resignation of employment:** A voluntary termination of employment by an employee shall be referred to as a resignation.

**Revenue:** Receipt of cash or inflow of valuable assets from funding agreements. Nation Revenue: Receipt of cash or inflow of valuable assets from the sale of goods, provision of services, leases of assets, rent of assets, sale of assets, and profit share of business enterprises.

**Service Delivery Information:** Means reporting information concerning the delivery of program services provided within the Kitsoo Xai'xais Nation as defined in the within manual.

**Sexual Harassment:** Sexual Harassment includes any conduct, comment, gesture or offensive or humiliating behaviour that is related to a person's gender, as well as behaviour of a sexual nature that creates an intimidation, unwelcome, hostile, or offensive work environment, or that could reasonable be thought to place sexual conditions on a person's job or employment opportunities. Acts of sexual harassment may include, but are not limited to: questions and discussions about a person's sexual life; jokes of a sexual nature; displaying material of a sexual nature; touching a person in a sexual way; commenting on someone's sexual attractiveness or sexual unattractiveness; eyeing someone in a suggestive way; requests for sexual favours; stalking or persistent attempts to contact another person and writing sexual suggestive letters or notes.

**Spouse:** A person who is married or has been living with an individual in a marriage like relationship for at least one (1) year, or who had been cohabitating with the individual for at least one (1) year before the person's death is considered in a Common-Law relationship.

**Standing Agenda:** Means the agenda for the Council or Committee meeting as may be specified in the within manual.

**Standing Meeting:** means standing meetings contained in the Schedule of Standing Meetings described in the manual.

**Support Staff:** Means all the employees excluding management.

**Surplus:** When revenue exceeds expenditures. The organization has equity in the program equivalent to the amount of the surplus.

**Teaching Staff:** Means a person who holds a current contract with the Nation for teaching services.

**Termination of employment:** Where the employment of an employee is stopped or discontinued by the authority of the employer.

**Terms of Reference:** Means the duties, responsibilities, powers, and authority of the respective Committees.

**Undermining Behaviours:** Any action, behaviour or comment made by an employee that creates the opportunity to sabotage, destroy or erode the reputation, position or leadership of the Organization. Such behaviour leads to a poisoned work environment.

**Vehicle:** includes all motor vehicles, including cars, trucks, and motorized marine vessels.

**Years of employment:** The continuous period of time an employee is employed by the organization.