

6. Useful Terms and Definitions for Employers

ABORIGINAL

Refers to all indigenous people in Canada, First Nations, Métis and Inuit. The term became the predominant word for “native peoples” in the *Constitution Act, 1982* when protections for Aboriginal and treaty rights were incorporated.

ABORIGINAL RIGHTS

Aboriginal rights are inherent rights. They are not given to Aboriginal people by the government, but are recognized and guaranteed by the Constitution. These rights usually have to do with hunting, fishing, or other activities that Aboriginal people have traditionally engaged in prior to contact with European settlers.

ABORIGINAL TITLE

Title to land, usually based on longstanding use and occupancy by descendants of inhabitants original to Canada.

BAND

Traditionally, Aboriginal bands – or communities – included no more than one hundred people. However, during successful hunting and fishing seasons, several bands could temporarily join together to create one regional band. Each band was essentially self-sufficient.

BAND COUNCIL

A band's governing body, consisting of a chief and several councillors elected for two or three-year terms.

ELDER

Any person regarded by an Aboriginal community as the keeper and teacher of its oral traditions.

FIRST NATIONS

The term commonly used by Aboriginal or indigenous people in Canada to describe themselves. It replaced the term 'Indian', originally bestowed upon Aboriginal people upon first contact by Europeans who thought they were in India. Over the years, the term “Indian” has come to be considered as derogatory by most Aboriginal people. In addition, many communities have also replaced the word "band" in their names with the words "First Nation".

INDIAN

The government term describing all Indigenous People in Canada who are not Inuit or Métis. There are three categories of Indians in Canada: Status Indians, Non-Status Indians and Treaty Indians. For a detailed definition, see below.

INDIAN ACT, 1876

The *Indian Act*, designed to encourage the assimilation or the voluntary renunciation of Aboriginal root culture, made it illegal for Aboriginal people to vote in elections, to leave their reserves without permission, or to own businesses/property without government consent. Certain provisions have been removed in new versions of the Act I, in 1951 and 1985.

INDIAN AGENT

A Canadian government official authorized to oversee the implementation of the *Indian Act* with respect to a particular Aboriginal reserve or band.

INDIAN STATUS

An individual's legal status as an Indian, as defined by the *Indian Act*.

INUIT

The word Inuit simply translates as 'people' in their language, Inuktitut. (One person is an Inuk.) The Inuit were once called Eskimos – literally, “eaters of raw meat” -- which is now considered a mocking term.

LAND CLAIMS

A claim to a territory and its resources made by an Aboriginal Nation, tribe or band based on ongoing usage over time prior to first contact with European colonists. The federal government recognizes two broad classes of claims: comprehensive and specific.

MÉTIS

People of mixed First Nations and European ancestry who identify themselves as Métis people and are accepted as such by a Métis leadership. Métis history and culture draws on diverse ancestral origins including Scottish, Irish, French, Ojibway and Cree.

NON-STATUS INDIANS

Indians who are not entitled to be registered under the *Indian Act*. A lack of entitlement may be due to a person's ancestors failing to be registered or because they lost their status under former provisions of the *Indian Act*.

REGISTERED INDIAN

A person who is defined as an Indian under the *Indian Act*, and who is registered under the *Act*.

RESERVE

Reserves are parcels or tracts of land that have been set apart by the federal government of Canada for the use and benefit of an Indian band. Legal title to Indian reserve land is vested with the federal government. Most reserves were intentionally set far apart from roads, railroads or urban areas.

SELF-GOVERNMENT

All First Nations were once self-governing. In modern language, usage of the term “self-government” has come to mean reacquired control over all aspects of First Nations lands and First Nations affairs.

SPECIFIC CLAIM

A claim made by a First Nation based on an alleged failure of government to meet either the terms of an existing treaty or fiscal obligations under the terms of the *Indian Act*. Specific claims are negotiated outside of the treaty process.

STATUS INDIANS

The same as a Registered Indian, whether or not that person has registered under the *Indian Act*. An Aboriginal person is recognized as a Status Indian if he or she can be included on the Indian Register, an official list maintained by the federal government. Status Indians alone are recognized as Indians under the *Indian Act* and are entitled to certain rights and benefits.

TREATIES

Treaties are agreements between the government (federal or provincial) and First Nations, which confer rights and obligations on both parties. The earliest treaties were made between First Nations and the British Crown. The *Constitution Act, 1982* recognizes all treaties before and after Confederation.

TREATY RIGHTS

Treaties established between First Nations and governments provided for certain rights to lands and entitlements which became known as Treaty Rights and were recognized and affirmed by the *Constitution Act, 1982*.

TRIBAL COUNCILS

Bands of First Nations who organize at a higher level. There are two kinds of tribal councils: traditional alliances, based on common language and culture, and modern associations, which are formed to negotiate with the government or deal with issues such as economic development.

TRIBE

A term not commonly used in Canada – the word “band” is usually preferred. The term tribe refers to a group of Native Americans who share a common language and culture.