

## Determination of Exemption of an Indian's Employment Income

The term "employee" on this form refers only to an employee who is an Indian as defined in the Indian Act.

Use this form if you think your income is tax exempt or partially tax exempt. Your employer will use your answers in Part 1 to help determine the correct tax treatment of your income.

You and your employer should fill out this form, in addition to Form TD1. You must fill out these forms when you start a new job on a reserve or if your employment situation on a reserve changes. For more information about employee and employer responsibilities, go to [canada.ca/tax-filing-form-td1](http://canada.ca/tax-filing-form-td1).

### Part 1 – Employee information (to be filled out by the employee)

1.1 Are you registered under the Indian Act?

- Yes. Continue to Section 1.2.  
 No. **Do not** use this form.

For more information, go to [canada.ca/indian-status](http://canada.ca/indian-status).

1.2 Are you a treaty beneficiary of a First Nation with a final or self-government agreement that ends the tax exemption under section 87 of the Indian Act?

- Yes. **Do not** use this form.  
 No. Continue to section 1.3.

To confirm the effective date of the agreements and the expiry dates, go to [canada.ca/tax-indigenous-end-dates](http://canada.ca/tax-indigenous-end-dates).

1.3 Fill out your name and address. Continue to section 1.4.

Last name (please print)	First name and initials	Social insurance number
Address of principal place of residence including postal code		

1.4 Do you live on a reserve? This means it is your principal place of residence and is the centre of your daily routine.

- Yes  No

### Employee Certification

I certify that the following information is correct and complete:

- I am registered under the Indian Act
- I am **not** a treaty beneficiary of a First Nation with a final or self-government agreement that ends the tax exemption under section 87 of the Indian Act
- If I answered yes in section 1.4, I live on a reserve, it is my principal place of residence and is the centre of my daily routine

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Part 2 – Employer information (to be filled out by the employer)

2.1 Fill out your name and business address. Continue to section 2.2.

Name of employer (please print)	Type of business
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Business address including postal code

### 2.2 Employment situation

This section will help you determine whether your employee's employment income is exempt or not. For more information on the tax exemption under section 87 of the Indian Act, go to [canada.ca/taxes-guidelines-indigenous](https://canada.ca/taxes-guidelines-indigenous).

#### Connections to the reserve:

- If you are a resident on a reserve, this means the reserve is the place where the central management and control over the employer organization is actually located.
- See Part 1, section 1.4 to determine if your employee lives on a reserve.

#### What is the situation?

- Employee lives on a reserve and you are resident on a reserve. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.
- Employee lives on a reserve and you are **not** resident on a reserve. Continue to section 2.3.
- Employee does **not** live on a reserve and you are resident on a reserve. Continue to section 2.4.
- Employee does **not** live on a reserve and you are **not** resident on a reserve but your employee is required to perform duties on a reserve. Continue to section 2.5.

If your employee does not meet one of the situations described above and you still think income is exempt, **do not** use this form. The employment situation may be uncommon. This may result in employment income being treated differently. For examples and to verify your situation, go to [canada.ca/tax-indigenous-uncommon-situations](https://canada.ca/tax-indigenous-uncommon-situations) or call us at **1-800-959-8281**.

2.3 Employee lives on a reserve and employer is **not** resident on a reserve.

#### What is the situation?

- Employee performs **more than 50%** of their employment duties on a reserve. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.
- Employee performs **50% or less** of their employment duties on a reserve. Continue to section 2.6.

For guidance on applying the Indian Act Exemption for Employment Income Guidelines to issues raised by the COVID-19 crisis (work from home), go to [canada.ca/tax-guidelines-indigenous-covid19](https://canada.ca/tax-guidelines-indigenous-covid19).

2.4 Employee does **not** live on a reserve and employer is resident on a reserve.

#### What is the situation?

- Employee performs **more than 50%** of their employment duties on a reserve. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.
- Employee performs **50% or less** of their employment duties on a reserve. Continue to section 2.6.

You are an Indian band which has a reserve, or a tribal council representing one or more Indian bands that have reserves. Your employee's duties of employment are in connection with your non-commercial activities carried on exclusively for the benefit of Indians who for the most part live on reserves. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.

You are an Indian organization controlled by an Indian band which has a reserve, or a tribal council representing one or more Indian bands that have reserves, and the organization is dedicated exclusively to the social, cultural, educational, or economic development of Indians who for the most part live on reserves. Your employee's duties of employment are in connection with your non-commercial activities carried on exclusively for the benefit of Indians who for the most part live on reserves. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.

2.5 Employee does **not** live on a reserve and employer is **not** resident on a reserve but the employee is required to perform duties on a reserve.

**What is the situation?**

- Employee performs **at least 90%** of their employment duties on a reserve. Continue to "Employer certification" because all of your employee's employment income is exempt from income tax.
- Employee performs **less than 90%** of their employment duties on a reserve. Continue to section 2.6.

2.6 Prorating exempt income

The exemption may be prorated if your employee performed some of their duties on a reserve and those duties are not merely incidental to duties they performed off a reserve. The exemption will apply **only** to the portion of the income related to the duties your employee performed on the reserve.

What is the percentage of the employment duties the employee is required to perform on a reserve? \_\_\_\_\_ %

**Did the employee also fill out Form TD1?**

- Yes. Continue to "Employer certification".
- No. Ask the employee to fill out and give you Form TD1, and then continue to "Employer certification".

For more information, see [canada.ca/tax-filing-form-td1](http://canada.ca/tax-filing-form-td1).

**Employer certification**

I certify that the information given in Part 2 of this form is correct and complete.

Signature \_\_\_\_\_ Date \_\_\_\_\_

If you receive a Form TD1-IN with doubtful information, you should ask for proof from your employee, such as proof of address, or call **1-800-959-5525** for assistance. It is an offence to knowingly accept Form TD1-IN containing false statements.

Personal information (including the SIN) is collected for the purposes of the administration or enforcement of the Income Tax Act and related programs and activities including administering tax, benefits, audit, compliance, and collection. The information collected may be used or disclosed for purposes of other federal acts that provide for the imposition and collection of a tax or duty. It may also be disclosed to other federal, provincial, territorial or foreign government institutions to the extent authorized by law. Failure to provide this information may result in interest payable, penalties or other actions. Under the Privacy Act, individuals have a right of protection, access to and correction of their personal information, or to file a complaint with the Privacy Commissioner of Canada regarding the handling of their personal information. Refer to Personal Information Bank CRA PPU 120 on Info Source at [canada.ca/cra-info-source](http://canada.ca/cra-info-source).

## What to do with this form

- fill out all applicable parts
- employee and employer sign the certification areas
- employer keeps a signed copy for their records in case we ask to see it

## What happens if the employment situation changes?

Fill out a new Form TD1-IN in the following situations:

- a change in the location of the employment duties, resulting from a new position with the same employer
- a change in the employer's residence, on or off reserve
- a change in the employee's residence, on or off reserve

Do not fill out a new Form TD1-IN in the following situations:

- the employee performs seasonal work (for example, snow removal or landscaping)
- the employee performs employment services that depends on the location of the clients/customers (for example, home repair services, social worker, or personal service work)

## More information for employees

- To learn about the benefits, credits and requirements that apply to employees whose income is tax exempt, go to [canada.ca/taxes-benefits-indigenous](https://canada.ca/taxes-benefits-indigenous).
- For more guidance on the application of the Indian Act Exemption for Employment Income Guidelines to issues raised **by the COVID-19 crisis** (work from home), go to [canada.ca/tax-guidelines-indigenous-covid19](https://canada.ca/tax-guidelines-indigenous-covid19).
- Tax-exempt salary or wages paid to Indian workers are **not** subject to Canada Pension Plan (CPP) contributions. However, an employee can elect to participate in the CPP. For more information, go to [canada.ca/cpp-ei-explained-indigenous](https://canada.ca/cpp-ei-explained-indigenous).
- Tax-exempt salary or wages paid to Indian workers are subject to Employment Insurance (EI) premiums. For more information, go to [canada.ca/cpp-ei-explained-indigenous](https://canada.ca/cpp-ei-explained-indigenous).

## More information for employers

- For more information about various events that might change the employment situation, go to [canada.ca/tax-life-events-employees](https://canada.ca/tax-life-events-employees).
- For more information about how to report employment income that is exempt under section 87 of the Indian Act, go to [canada.ca/tax-t4-indigenous](https://canada.ca/tax-t4-indigenous).
- Tax-exempt salary or wages paid to Indian workers are **not** subject to Canada Pension Plan (CPP) contributions. However, an employer can elect to participate in the CPP. For more information, go to [canada.ca/cpp-ei-explained-indigenous](https://canada.ca/cpp-ei-explained-indigenous).
- Tax-exempt salary or wages paid to Indian workers are subject to Employment Insurance (EI) premiums. For more information, go to [canada.ca/cpp-ei-explained-indigenous](https://canada.ca/cpp-ei-explained-indigenous).