



**WEST MOBERLY FIRST NATIONS**

**HUMAN RESOURCES POLICY**

**March 2009**

## TABLE OF CONTENTS

1.	Appeals.....	3
2.	Amendment and Approval Process.....	4
3.	Confidentiality.....	5
4.	Conflict of Interest.....	7
5.	Decision Note.....	9
6.	Employee Discipline.....	10
7.	Harassment.....	14
8.	Hiring Practices.....	18
8.1	Rehire of Former Employees.....	20
8.2	Casual Hire.....	21
9.	Hours of Work.....	22
10.	Timesheet.....	24
11.	Layoff and Recall.....	25
12.	Leave Management.....	27
13.	Performance Planning & Evaluation.....	34
14.	Safety.....	37
15.	Smoking.....	38
16.	Standards of Conduct.....	39
17.	Remote Working.....	41
	Approval.....	45

## 1. APPEALS

### **Objective:**

The objective of this policy is to protect the right of all West Moberly First Nations (WMFN) employees to appeal any decision that affects them directly.

### **Application and Scope:**

West Moberly First Nations regular and casual employees.

### **Policy:**

Any employee may appeal any action that has affected them directly.

Actions that may be appealed include, but are not limited to, Job Performance Evaluation, Disciplinary Action, Wage or Salary Adjustment, change in job duties, change in hours of work, change in authority.

### **Procedure:**

#### Level 1

An employee who wishes to submit an appeal must submit a written request stating specifically the action that is appealed and why. The written request for appeal must be submitted to their Department Manager within 10 working days of the action being appealed.

The employee's Department Manager must provide a written response to the appeal within 10 days of receipt of the appeal. The response must either state a reconsideration of the action or rationale for denying the appeal. If the appellant agrees with the response, the matter is closed.

#### Level 2

The employee may appeal their Department Manager's response to their appeal if there is dissatisfaction. This appeal must be submitted in writing to the Director of Operations within 10 days. This appeal must provide a copy of the original appeal and the Department Manager's response.

The Director of Operations must provide a written response to the appeal within 10 days of receipt of the request for appeal. The response must either state a reconsideration of the action or rationale for denying the appeal. If the appellant agrees with the response, the matter is closed. If no response is provided within 10 days, the employee is deemed to agree with the response.

#### Level 3

The employee may appeal the Director of Operation's response to the appeal if there is dissatisfaction. This appeal must be submitted in writing to the Chief and Council. This appeal must provide a copy of the original appeal, the Department Manager's and Director of Operations' responses. If the Department Manager has an issue with the Director of Operations, the appeal will be submitted directly to the Chief and Council.

A response of the Chief and Council will be given within 10 days. The appeal process will end at the Chief and Council table.

## **2. AMENDMENT AND APPROVAL PROCESS**

New policies and amendments to policies are not valid until approved by Chief and Council as evidenced by their signatures.

If any policy is found to be contrary to applicable law, the applicable law will take precedence.

### 3. CONFIDENTIALITY

#### Objective:

To protect confidential information related to employees and those doing business with West Moberly First Nations (WMFN).

#### Application and Scope:

West Moberly First Nations regular and casual employees, Chief & Council, members of the Elders' Council and contractors.

#### Policy

WMFN respects each employees and customer's need and legal right to privacy. WMFN is committed to abiding by all relevant legislation pertaining to the protection of personal information.

#### Personal Information

Personal information means identifiable information about you but does not include work product information or contact information.

Employee personal information means information about the employee that is collected and used to establish, manage or terminate any employment relationship.

#### Officer

WMFN has appointed a privacy compliance officer. The Director of Operations is the compliance officer for WMFN. If you have any concerns regarding the collection or use of private information, or you wish to access any of your own personal information kept by WMFN, please contact him/her. He/she will respond in accordance with the legislative requirements.

#### Use of Information

In accordance and compliance with these legislative requirements, WMFN will collect, use and disclose personal information and employee personal information of employees only in accordance with generally accepted business practices and for legitimate corporate purposes including, but not limited to establishing, and managing your employee relationship with WMFN.

No employee of WMFN is authorized to release any personal information except in accordance with *PEPIEDA or other applicable legislation*. Generally, this means that no employee may release any information without the consent or deemed consent of the individual unless there are extenuating circumstances such as legal requirements or medical emergencies. No one should release any personal information without speaking to the Privacy Officer.

#### Access

Subject to some exemptions as set out in privacy legislation, individuals have access to review their personal information as stored by WMFN. If you wish to review the personal information collected by WMFN, please see the Privacy Officer. You will receive a response within 30 days.

- WMFN shall tell you how the personal information has been used.
- If you are denied access to any information, you will be told why.
- If there is any incorrect information about you, please inform the Privacy Officer.

#### Security

WMFN is committed to the secure storage of personal information. Only the Human Resources department may keep personal files. Those files must be kept under lock and key.

#### Customer Privacy

The confidentiality of customer information is also of prime importance. You must abide by the WMFN privacy. You are restricted from accessing any personal information about a customer except for the purposes of fulfilling your job duties. You also agree that you will not release this information to any other party except for the purpose of fulfilling your duties. You are also required to keep all personal information stored in a secure location.

Complaints

If you are not satisfied with the response of the Privacy Officer, you may send a request to Chief and Council to review the response.

#### **4. CONFLICT OF INTEREST**

**Objective:**

To define conflict of interest and to provide guidelines which will prevent any perceived or real conflict of interest and ensure that West Moberly First Nations (WMFN) operates with integrity.

**Application and Scope:**

West Moberly First Nations regular and casual employees, Chief & Council, members of the Elders' Council and contractors.

**Policy:**

Association with WMFN carries with it a responsibility for ethical conduct in all employment relationships and activities. Those covered by this policy must refrain from taking part, or exerting influence, in any transaction in which their own interests, including direct or indirect interests resulting from their immediate family or business relationships; that may conflict with the interests of WMFN.

For the purpose of applying this policy, the term "immediate family" is limited to the employees' spouse (including common-law and same sex spouse), parents, children, siblings, grandparents and includes in-law and step relationships, and any relative permanently residing in the employee's household or with whom the employee resides.

Employees shall not hold outside office or employment that could place demands on them inconsistent with their official duties at WMFN or call into question their capacity to perform their duties in an objective manner.

**Definitions and Conditions:**

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that the employee's ability to act in the interest of WMFN could be impaired; or that the employee's actions or conduct could undermine or compromise confidence in the employee's ability to fulfill work responsibilities with integrity.

Conflict of interest includes, but is not limited to, the following examples:

- An employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;
- An employee, in the performance of his/her duties, gives preferential treatment to an individual, or business, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise; or
- An employee benefits from, or is reasonably perceived to have benefited from, the use of information acquired solely by reason of the employee's employment with WMFN.

WMFN recognizes and respects the individual employee's right to engage in activities outside of his or his/her employment relationship or in activities that are private in nature and do not conflict with or reflect poorly on the integrity of WMFN.

However, the Chief and Council reserves the right to determine when an employee's activities represent a real or perceived conflict with WMFN interests, and to take whatever action is necessary to resolve the situation including terminating or suspending the employee until the conflict no longer exists.

**Procedure:**

It is the obligation of the individual covered by this policy, if he/she believes he/she may have a conflict of interest with respect to an activity, potential contract award, or employment opportunity, to declare the potential conflict of interest to his/her immediate Supervisor as soon as he/she becomes aware of the situation. If the supervisor deems that the affected employee is indeed in a conflict situation the employee will be excused from the process.

It is the responsibility of the Supervisor to inform the Director of Operations of the employee's potential situation and if appropriate provide other information that may assist the decision-maker in reaching a decision.

It is the duty of the employee to refrain from taking part in the activity or related discussions pending a decision from the Director of Operations and, or Chief and Council on whether a real or perceived conflict exists. If the potential issue involves the Director of Operations it must be addressed with the Chief and Council.

Employees who fail to disclose this information may be subject to disciplinary action up to and including dismissal.

If an employee of WMFN believes another employee has a conflict of interest with an activity, potential contract award or employment opportunity, that employee must report his/her concern to the immediate Supervisor of the employee whose actions are being called into question. It is the responsibility of the Supervisor of the affected employee to inform the Director of Operations of the situation and if appropriate provide other information that may assist the decision-maker in reaching a decision.

The employee whose activity is called into question will be requested by the Supervisor to cease that activity until a decision is made by the Director of Operations and/or Chief and Council on whether a real or perceived conflict exists.

If an employee refuses to cease the activity in question, the Director of Operations may take disciplinary action up to and including dismissal.

Vindictive or frivolous accusations of conflict will not be tolerated and can lead to discipline up to and including dismissal.

Employees who negotiate contracts or are responsible for selecting of suppliers and contractors are prohibited from accepting gifts from potential suppliers. If a gift is received the employee must turn it over to the Director of Operations who will, in consultation the Chief and Council, decide what to do with the gift. Any employee who is being entertained by suppliers or contractors must seek the prior approval of the Director of Operations. The Director of Operations must seek prior approval from the Chief and Council.

Upon receipt of a gift in excess of \$100, employees must submit the gift to the Director of Operations. The Director of Operations will present it to Council who will:

- Have the gift raffled and allocate the proceeds to a community based program (such as the Elder's or Youth Programs) which the employee may participate in selecting.
- Such other programs as the Chief and Council may decide.

It is the responsibility of the Supervisor, Director of Operations and Chief and Council to maintain accurate records of each conflict of interest matter and those records are stored in a way that does not breach required confidentiality.

## 5. DECISION NOTE

### **Objective:**

To keep Chief and Council informed and provide a formal record of decisions on issues.

### **Application and Scope:**

West Moberly First Nations regular and casual employees.

### **Policy:**

All employees are to use a Decision Note, as set out in the Appendices, to obtain a decision or direction from Chief and Council.

### **Procedure:**

Wherever possible a Decision Note should be kept brief.

To be effective, a Decision Note must be easy to read, well organized, clear and concise. Consistent use of a standard format allows Decision Note readers to locate important information quickly. The following sections outline the required format:

#### Subject

A brief statement of the Decision Note's specific topic. If updating, provide a copy of original Decision Note.

#### Background

Provide information that is critical to understand the issue or situation. Include an attachment if there is additional detail (which is helpful, but not essential, to the reader), for example a chronology of events.

#### Discussion

List all the pertinent facts logically.

#### Options

List the options – discuss the advantages (pros) and disadvantages (cons) of each option. Structure this section with each option identified in separate paragraphs, for example, Option 1, Option 2, etc.

#### Recommendation

State only the Option number that you are recommending.

Chief and Council have the authority to choose any option or provide a decision which is not listed in the options provided by the staff member.

Chief and Council may also provide limitations on recommended options.

#### Distribution

Once a decision is made, a copy of the signed Decision Note will be given back to the staff member. The original will be given to Finance (if of a financial matter) or the Director of Operations (if of non-financial matter).

Exceptions will be in the case of legal documentation required for contract purposes, i.e. INAC funding, in which case the original will go in the contract file and a copy to the Director of Operations.

## 6. EMPLOYEE DISCIPLINE

### **Objective:**

To maintain an effective and motivated workforce through fair and consistent treatment of all employees.

### **Application and Scope:**

West Moberly First Nations regular and casual employees.

### **Policy:**

WMFN will deal with disciplinary situations according to the issue as appropriate. While a progressive discipline process will be utilized in some situations WMFN may, in appropriate circumstances, discipline and/or terminate employees without progressive discipline.

### **Discipline Problems:**

Discipline problems fall into three basic categories (see Standards of Conduct Policy):

Attendance problems including:

- unexcused absenteeism
- excessive excused absenteeism
- tardiness

Failure to meet acceptable standards of performance (i.e. neglect) including:

- excessive errors in work
- poor quality of work

Misconduct problems including:

- failure to abide by the employer's rules and policies
- failure to comply with a reasonable directive
- unacceptable attire
- unprofessional conduct
- abusive language
- loafing
- theft
- others

### **Definition of Progressive Discipline:**

Progressive discipline is the application of a series of steps taken by WMFN to deter an employee from demonstrating and continuing to demonstrate unacceptable conduct or work ethics and to cause corrective action from the employee.

The primary objective of progressive discipline is to correct the problem rather than punish the offender.

Progressive discipline has a secondary purpose which is to show that the employer has given fair warning to the employee and has made a reasonable effort to alter the employee's unacceptable conduct or work ethics. This record provides the employer with sufficient supporting documentation for a termination for "just cause".

### **Typical Steps of Progressive Discipline:**

1. Verbal Warning
2. Written Warning
3. Suspension
4. Termination

#### 1. Verbal Warning

A verbal warning is a conversation between the Director of Operations or supervisor and an employee about a discipline problem.

A verbal warning should clearly specify the following points:

- the nature of the offense
- that the offense will not be condoned
- the consequence of further offenses

- the changes required

The Director of Operations or an immediate supervisor will place a written record of a verbal warning in the employee's personnel file for a period of one year. The record shall include the date and the details of the verbal warning including the response of the employee.

## 2. Written Warnings

A written warning summarizes a formal conversation between the Director of Operations or Supervisor and an employee regarding misconduct. The written reprimand must contain:

- the date of the conversation
- details about the specific violation or performance problem
- a reference to any previous conversations relating to the same problem
- a statement of specific change(s) the employee is expected to make
- a time limit for changes; and
- a statement that the written warning constitutes a disciplinary action and that a further incident will lead to more serious disciplinary measures up to and including termination

The Director of Operations or Supervisor must sign the written warning. The employee must sign the written warning acknowledging its receipt. The Director of Operations or Supervisor must ensure that a copy of the warning along with any agreement made by the employee is given to the employee within 48 hours, and that a copy of the warning and agreement is placed in the employee's personnel file for a period of two years. A record of any appeal (as set out in the Appeal Policy), including the result, must be attached to the record of disciplinary action.

## 3. Suspension

All suspensions must be followed up with a written memo, containing the same of information listed for written warnings.

A suspension memo must include a statement that the employee is suspended from work, without pay, for a specific period of time. The period of time will be up to the Director of Operations and will be dependent on the severity of the discipline problem. The details of the suspension will be kept on record in the employee's file for a period of 2 years.

## 4. Termination

Termination is the final step in progressive discipline and normally occurs only after all the previous steps have been taken and the employee's conduct or work ethics are still unacceptable.

Two circumstances under which termination occurs are:

- Planned Termination – all progressive discipline steps have been followed
- Crisis Termination – offence committed is so serious that termination is appropriate even if no steps have been taken previously.

A termination letter and details of the termination will be kept in the employee's file for a period of 7 years.

### **Steps for Crisis Termination:**

1. In appropriate circumstances, pending the investigation of the incident and good faith effort to inform Chief and or Council, the Director of Operations will:
  - a. ask the alleged offender to turn over his/her keys and escort him/her from the premises; and
  - b. investigate the incident and prepare a report that includes:
    - i.) interview of witnesses
    - ii.) interview of alleged offender
    - iii.) other appropriate measures

2. If it is deemed that termination is appropriate, prepare a letter of termination detailing the incident(s) that led to the termination and advising the employee of their right to appeal the decision.
3. Chief and or quorum of Council must be informed as soon as possible of the employee's termination.

**Appropriate Disciplinary Action:**

Once the employer has determined that disciplinary action is warranted, then the appropriate type and severity of discipline must be determined.

The criteria for determining proper disciplinary action will be based on the following:

- the degree of severity of the offence
- the length of service with the employer
- the employee's work record and if there was previous disciplinary action;
- provocation, if any, that may have led to the misconduct
- whether the offence was premeditated or committed as a momentary departure from normal conduct or work ethics
- evidence that the adopted employee policies have not been uniformly enforced, thus constituting a form of discrimination
- whether the penalty would create an undue economic hardship or restrict the employee's rights under policy or applicable law
- employee's failure to provide a reasonable explanation of the employee's actions when confronted; and
- employee's failure to recognize the misconduct (apology or remorse)

**Severity of the Offence:**

Some discipline problems are more serious than others. Discipline problems are usually separated into three categories depending on how serious they are. The three categories are:

- Minor violations
- Serious violations
- Major violations

Minor Violations

Minor violations are those which include but are not limited to:

- excessive tardiness
- poor housekeeping
- overstaying breaks or lunch periods; or
- minor inefficiencies

The first time a minor violation occurs, the supervisor should bring it to the employee's attention in an informal or casual conversation. If the problem continues, a Verbal Warning would be appropriate.

Serious Violations

Serious violations are those which include but are not limited to:

- questions of honesty
- constitute a threat to the operation of WMFN; or
- pose a threat to the safety and wellbeing of other employees, WMFN members, clients, customers or the employer

The first time a serious violation is committed, the Supervisor should conduct a Written Warning (Step 2) or a Suspension. The following factors should be taken into consideration in determining whether the Written Warning or Suspension is appropriate:

- the severity of the offence
- the employee's previous work record
- previous actions for similar offences; and
- the Director of Operation's judgment about which step would be more effective in bringing about a change in the employee's conduct

### Major Violations

Major violations are acts which seriously threaten the operation of WMFN or the safety and wellbeing of WMFN members, clients, customers and co-workers. They represent actions which cannot be tolerated in any organization and include, but are not limited to, events of harassment.

Termination is considered the appropriate penalty for a major violation regardless of whether any previous disciplinary offences have occurred. Commission of a major violation usually indicates that the employee involved lacks the respect and self-discipline to remain a member of the organization.

*Major Violations also include breaching the Standards of Conduct Policy*

### **Termination with Cause:**

WMFN reserves the right to terminate any probationary, regular or casual employee for cause without notice and without severance pay.

### **Termination without Cause:**

Subsequent to completion of the probationary term of employment referred to above, WMFN may terminate your employment at any time:

- a. for cause (including the failure to successfully complete a performance improvement plan) in which case you are not entitled to any advance notice of termination or compensation in lieu of notice. Cause includes, but is not limited to, a Major Violation or actions that have progressed through the disciplinary procedures set out herein, or
- b. without cause, in which case we will provide you with:
  - i.) two weeks' advance written notice during your first year of employment;
  - ii.) one additional week per completed year of employment thereafter, to a maximum of eight weeks; and
  - iii.) after eight years of service, two additional days' pay per completed year of employment thereafter.
  - iv.) if the Canada Labour Code is amended to increase the amount of notice that is required, you will receive that increased amount.

You may terminate your employment at any time by providing us with at least two weeks advance notice of your intention to resign.

The notice can be actual notice, or base pay in lieu thereof, or any combination of the two and it is agreed that this will be the only payment required for the termination of employment.

You hereby acknowledge and agree that the notice and pay in lieu of notice provisions are fair and reasonable and that upon termination of this Agreement you will have no action, cause of action, claim or demand against the Company or any person as a consequence of any such termination or for any further payments.

### **Employee Rights:**

It is a basic management right for Chief and Council to implement policies.

However, these policies must conform to the following criteria:

- they cannot conflict with legislative requirements
- they cannot adversely affect an employee's rights under labour legislation (BC Labour Relations Act; BC Employment Standards Act; Human Rights Act, Canada Labour Code)
- they must be reasonable and administered consistently and fairly
- they must have been communicated clearly to the employee; and
- they cannot infringe upon the personal liberty of the employee, unless such rules are essential to meet conditions of the job or workplace.

## 7. BULLYING AND HARASSMENT

### **Objective:**

To ensure that West Moberly First Nations (WMFN) provides a work environment free from bullying, harassment, and discrimination as required by current laws.

### **Application and Scope:**

West Moberly First Nations regular and casual employees, contractors, Chief and Council. Also applies to interpersonal and electronic communications such as email and social media.

### **Policy:**

Because bullying and harassment violate the fundamental rights, dignity, and integrity of the individual, WMFN does not tolerate bullying, harassment, or discrimination and promotes a work environment where all persons are treated with respect and dignity.

WMFN has a legal obligation to provide a safe workplace.

A copy of this policy will be posted in all WMFN offices.

### **Definitions:**

#### **Bullying and Harassment:**

- a. includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- b. excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

**Harassment:** consists of one or more incidents involving comments, advances, or actions concerning the person's race, colour, ancestry, place of origin, political beliefs, religion, marital status, appearance, physical or mental disability, age, sex, or sexual orientation when:

- such conduct reasonably might be expected to cause embarrassment, insecurity, discomfort, offence, or humiliation to another person or group;
- submission to such conduct is made either implicitly or explicitly a condition of employment;
- submission to or rejection of such conduct is used as basis for any employment decision including, but not limited to, matters of promotion, raises in salary, job security or benefits affecting the employee; or
- such conduct has the purpose or the effect of interfering with the person's work performance or creating an intimidating, hostile or offensive work environment.

**Bullying:** consists of repeated, persistent, and aggressive behaviour intended to cause fear, distress, or harm to another person's body, emotions, self-esteem, or reputation.

**Sexual Harassment:** is any unwelcome comment or conduct of a sexual nature that may negatively impact the work environment or lead to adverse job-related consequences for the victim of the harassment. Sexual harassment may be overt or subtle. It refers to behaviour that is personally offensive.

Sexual harassment includes, but is not limited to:

- a person in authority asking an employee for sexual favours in return for being hired or receiving promotions or other employment benefits;
- sexual advances with actual or implied work-related consequences;
- sexual innuendo or sexually suggestive comments including but not limited to sexually oriented kidding, teasing, or practical jokes, and jokes about gender specific traits;
- verbal abuse, intimidation, or threats of a sexual nature;
- leering, staring, or making sexual gestures;
- display of pornographic or other sexual materials;
- offensive pictures, graffiti, cartoons, or sayings;
- unwanted physical contact such as touching, patting, pinching, hugging, brushing up against another body;
- physical assault of a sexual nature; or
- graphic verbal comments about an individual's body or appearance.

### **Procedures:**

All those involved in the handling of a complaint under these procedures shall, subject to any applicable law, hold in the strictest confidence all pertinent information of which they become aware. It must be anticipated that the individual accused of wrongdoing will be told of the details of the allegations.

However, the Chief and Council shall be made aware of all or part of the proceedings on a need-to-know basis. As the individual who holds primary responsibility for all personnel matters, the Director of Operations or Chief as appropriate, must be kept apprised of all matters related to a harassment complaint.

### **Reporting**

If an employee observes bullying or harassment, has been or is being bullied or harassed, the employee shall take the following steps:

- tell the individual his/her behaviour is unwelcome and ask him/her to stop. If the individual is not comfortable telling the harasser, then they should advise their supervisor of the situation
- if the complaint is against their supervisor, the individual should report to the next level of authority
- keep a record of incidents (times, dates, locations, possible witnesses, what happened, your response). The employee does not have to have a record of events in order to file a complaint, but a record can strengthen the employee's case and help the employee remember details over time.

The employee may formally raise incidents of bullying/harassment with the Director of Operations, Supervisor or Chief and Council. It is the responsibility of those who have been informed to make the Director of Operations, Chief and Program Supervisor aware of the situation.

The employee wishing to formally address a bullying/harassment issue shall file a formal written complaint with the Supervisor, Director of Operations or his/her Family Councillor.

The complainant, the alleged harasser and any individuals who may be able to provide relevant information shall be interviewed separately.

If the investigation reveals evidence to support the allegation of workplace harassment, the harasser will be disciplined according to the Employee Discipline Policy and the incident will be documented and filed.

### **Informal Resolution:**

Employees who believe that they have a complaint of discrimination or harassment may approach the Director of Operations, Supervisor or Family Councillor to request assistance in resolving the matter. If the matter is dealt with to the complainant's satisfaction, it is deemed to be resolved.

It is the responsibility of the Director of Operations to ensure a thorough, discreet and fair investigation of the reported incident within a reasonable time frame. The method of investigation is at the sole discretion of the Director of Operations in consultation with appropriate individuals which may include the complainant, complainant's Supervisor, family councillor, Council and, or legal counsel.

The Director of Operations, Supervisor or Family Councillor shall investigate and take steps to resolve the complaint within 5 days of its being raised by the employee. The Director of Operations, Supervisor or Family Councillor shall discuss the proposed resolution with the complainant and the respondent. The complainant and the respondent may have another representative present during discussions.

### **Formal Resolution:**

If an employee wishes to file a formal written complaint of harassment, the complaint must contain:

- the name of the alleged offender(s);
- description of the action(s), conduct, events, or circumstances involved in the complaint, including dates, times, places, names of individuals involved or witnessing the incident(s), and any other relevant information;
- the specific remedy sought to satisfy the complaint; and
- prior attempts to resolve (if any).

The Director of Operations shall conduct an investigation or hire an outside investigator and all necessary steps shall be taken to resolve the problem.

It is the responsibility of the Director of Operations to ensure a thorough, discreet and fair investigation of the reported incident occurs within a reasonable time frame. The method of investigation is at the sole discretion of the Director of Operations in consultation with appropriate individuals which may include the complainant, complainant's Supervisor, family councillor, Council and/or legal counsel.

Once a formal complaint is received, to the extent available at law, and required for a proper investigation, it shall be kept confidential. The alleged harasser(s), the Director of Operations, and WMFN Council, shall be provided with copies of the complaint, as will any outside investigator.

The Director of Operations, Supervisor or Family Councillor shall investigate and take steps to resolve the complaint within 5 days of its being raised by the employee. The Director of Operations, Supervisor or Family Councillor shall discuss the proposed resolution with the complainant and the respondent. A complete confidential file shall be kept on the matter.

The complainant and the respondent may have another representative present during discussions.

**Caveat:**

An employee who files a written complaint that would be seen by a reasonable person to be frivolous, vindictive or vexatious shall be subject to disciplinary action that may include termination.

**Allegation of Harassment by an outside party:**

Employees who believe that they have a complaint of discrimination or harassment relating to the conduct of someone who is not employed by WMFN but who attends at the employee's place of work, may approach the Director of Operations, Supervisor or Family Councillor to request assistance in resolving the matter.

The investigation principles set out herein shall apply.

WMFN shall, if the matter cannot be resolved, require that the individual accused of wrongdoing not attend at the work premise of the complainant.

**Employee Rights:**

This policy does not preclude an employee from filing a complaint under any applicable Human Rights legislation.

## **8. HIRING PRACTICES**

### **Objective:**

Employment equity through fair and transparent hiring policies and procedures.

### **Application and Scope:**

All vacant positions within West Moberly First Nations (WMFN) except for casual hire and contract positions.

### **Policy:**

WMFN encourages applications from all qualified persons.

### **Posting the Vacancy:**

All position vacancies will be posted on the bulletin board in the WMFN offices for a minimum of 10 working days as well as being sent in regular community mailings and posted in outside sources as deemed necessary by the Director of Operations and/or Chief and Council.

The Director of Operations or Human Resource Department will provide Councillors with job postings and descriptions prior to posting vacancies in the WMFN offices.

The postings will describe the key responsibilities of the vacant position and the minimum requirements (qualifications, education and experience) for the position.

The posting will also state the deadline for receipt of applications.

### **Application Procedure:**

Applicants must submit an application for employment and resume to the West Moberly First Nations Director of Operations as outlined in the advertisement.

When applying for more than one position, a separate application must be submitted for each position.

### **Processing Applications:**

Applications received past the deadline date and time will not be accepted.

Applications that meet the minimum requirements will be placed in a temporary file for the duration of the hiring process including, formal review, short-listing and personal interviews. Councillors will be provided with a written list of the applicants and their addresses for their review and comments on possible issues with the applicants within three days of receipt.

All applications for the position will be reviewed following the closing date noted on the job posting. A short-list of applicants who may be granted an interview will be prepared from the candidates who meet the minimum qualifications noted on the job posting and are best suited to the position requirements. This task will be conducted by applying a consistent evaluation process. Applications that do not clearly indicate how the applicant meets the job requirements will not be considered further.

The position will be reposted following the review process in the event that no qualified applications are received.

### **Interview:**

Interviews will be conducted using a panel format. The interview panel may consist of two representatives of Chief and Council, the Director of Operations and the supervisor of the position. The WMFN Chief and Council may authorize an interview with less than three panel members if operational requirements make it difficult for a full panel of interviewers. Interview panel may consult with and/or include additional subject matter experts as required.

Any applicant invited for an interview who fails to attend the interview at their assigned time without good cause and advance notice will not be considered further for the specific position.

Interview questions will be prepared, distributed and agreed to by the interview panel members prior to the interviews. The interview questions will include a question to clarify conviction of criminal offences as well as a written component when appropriate.

All competitions will include an interview and reference checks for short-listed applicants.

**Selection:**

The interview panel will rank the applicants as to the order of job offer immediately following the interview process. The interview panel will also provide direction regarding the acceptable start date and starting wage or salary as appropriate. The WMFN Pay Grid will be referenced in considering the starting wage or salary.

The Director of Operations will offer the position to the candidates by way of written employment Contract in the order authorized by the Interview panel.

After the panel has selected the successful candidate, all candidates interviewed will be notified by the Director of Operations regarding the outcome of the competition. Applicants may contact the Director of Operations with questions about the interview.

The position will be reposted following the interview process in the event that no qualified applicants are identified by the interview panel. In the event that only 1 candidate applies for the position the interview panel will interview that candidate providing the applicant meets the minimum criteria. Thereafter the interview panel reserves the right to either offer employment or re-post for the position.

**Conditions of Employment:**

People who owe money to WMFN may apply on any competition. A condition of hire will be that monies owed to WMFN will be repaid, subject to any applicable legislation, through payroll deductions of at least 10 % of their pay per pay period.

Employees are required to follow all WMFN policies and procedures. All new employees must complete the following sign-up procedures within the first week of employment:

- Complete a TD1 or Tax Exemption Form on date of hire
- Provide proof of a valid driver's license where applicable
- All Status Indians that may be eligible for, and who wish to take advantage of personal tax exemption, must provide a copy of their Status Card to Finance
- Sign an Oath of Confidentiality
- Sign an authorization for Payroll Deductions;
- Agree to a criminal record check appropriate for the position; and
- Receive orientation from the Director of Operations or Supervisor including review of all worker related policies and procedures and sign for having received the orientation

**Probationary Period:**

A six (6) month probationary period is standard for each new employee or existing employee in a new position.

WMFN may terminate probationary employees during or at the end of the six-month probationary period without cause. If the termination occurs during the first three months; no notice or pay in lieu of notice will be given. If the termination occurs after the first three months, two weeks' notice or two weeks' pay in lieu of notice will be given.

## 8.1 REHIRE OF FORMER EMPLOYEES

### **Application and Scope:**

All West Moberly First Nations (WMFN) employees, former employees, contractors and former members of Chief and Council.

### **Purpose:**

To outline the process to be used in the event of rehiring a person who has previously been employed for West Moberly First Nations.

### **Policy:**

When an applicant has worked for WMFN previously he/she will, in addition to the regular recruitment process, undergo an additional screening process. The Director of Operations will review the applicant's personnel file to determine:

- Reasons for layoff, resignation or discharge
- Whether proper notice was provided for a resignation
- Whether all WMFN property was returned
- Job performance record as recorded in Performance Evaluations
- If there are any personal suitability concerns including criminal, unethical or unprofessional behaviour. Appropriate recognition will be given to applicants that have attempted to make amends for previous improper behaviour.

The Interview Committee will be advised of the results of the above review.

If the applicant is the successful candidate, the Director of Operations, on the recommendation of the Interview Committee, will:

- a. Hire the applicant and consider it a clean start; or
- b. Hire the applicant with a Conditional Letter of Offer

An applicant who has previously abandoned a position with WMFN may not be eligible for rehire for a minimum of 1 year.

### **Procedure:**

The rehiring of a person who has been previously discharged from WMFN employment will be screened prior to an interview by the Director of Operations in the following manner:

1. Consider the cause of termination and determine if the severity of the transgression or behaviour precludes rehire.
2. Review the documentation of the disciplinary action taken leading to the discharge to assess with the applicant, prior to interview, whether he/she has overcome the problem(s) that lead to the discharge; and to determine if he/she is eligible for rehire according to the discipline time lines in the Supervisor's Discipline Guide.
3. Inform the Interview Committee of the results of steps 1 and 2, and make decision to interview or not.

The Conditional Letter of Offer will include:

1. Acknowledgement that a job offer is being made subject to conditions;
2. Acknowledgement of the cause for previous discharge;
3. Notification that the WMFN requires an acceptable standard of ethical and professional behaviour;
4. Clear notification of the length and purpose of the Probationary Period as well clarity on the function of Performance Evaluations;
5. Acknowledgement that the applicant has agreed to these conditions as indicated by his/her signature on the letter of offer.

## **8.2 Casual Hire**

### **Objective:**

To clarify the process for hiring casual labour.

### **Application and Scope:**

This policy applies to all persons employed by West Moberly First Nations (WMFN) for periods of less than three months.

### **Policy:**

A casual hire list will be maintained by the Director of Operations or designate.

Members wishing to be considered for casual hire opportunities must fill out an application form which will be kept on file. A data base will be developed that records skills and interests for members.

Applicants for casual hire must be 15 years of age and have a valid Social Insurance Number.

### **Procedure:**

When a Department or Chief and Council require casual hire assistance; they will submit a request to the Director of Operations or designate. Departments should give the Director of Operations as much notice as possible.

The Director of Operations will be guided in their selection by the skills required and the work history of members on the list. Work history includes work performance, attendance and failures to report. Departments must report problems with casual hires to the Director of Operations who may remove the member's name from the list if there is sufficient cause.

If no one on the list is available or has the required skills; the Director of Operations will post the opportunity for 3 days and make a selection from resulting qualified applicants.

The requesting department is responsible for the administration of casual hires once the recruitment is complete.

A standard casual labour pay schedule will be set by Chief and Council annually.

## 9. HOURS OF WORK

### **Objective:**

The objective of this policy is to describe the hours of work required of all West Moberly First Nations (WMFN) employees and includes expectations of salaried, full time, part time and casual employees.

### **Application and Scope:**

West Moberly First Nations regular and casual employees, contractors, Chief and Council.

Chief and Council will be guided by the Hours of Work section but will work more flexible hours to compensate for additional time spent on political responsibilities. Hours worked by individual Council members will be monitored by the balance of Chief & Council.

### **Policy:**

Employees are expected to report to work on time and work the hours within this policy unless alternate arrangements are made with the employee's supervisor or by way of written and signed service agreement.

### **Hours of Operation:**

The workweek for hourly full-time employees will be 70 hours biweekly.

Regular hours of work will be 8:30 a.m. and 4:30 p.m.

All employees are expected to work within these hours unless the immediate supervisor authorizes alternative hours.

### **Break/Meal Allowances:**

Employees working a minimum 7-hour day are entitled to take one paid 15-minute break in mid-morning and one paid 15-minute break in mid-afternoon. It is the responsibility of the employee to take his/her break. Should an employee not take these breaks, no additional compensation will be paid.

The unpaid lunch break will be a minimum of 30 minutes in duration.

### **Overtime:**

Over time will be calculated as follows:

1.5 x regular rate for hours worked in excess of 8 hours per day or 40 hours per week

For the purpose of calculating weekly overtime, the workweek is deemed to start on Sunday and end on Saturday. Supervisors are to discourage working more than 48 hours per week in accordance with Canada Labour Code (CLC) guidelines.

Overtime may be banked and taken as leave with the written approval of the supervisor. Banked overtime will be compensated at the rate at which it was earned. Supervisors must indicate on timesheets whether the overtime is to be paid out or taken as leave in lieu. Non-Managerial Employees may bank up to one (1) week within one year of their anniversary.

All banked time will be paid out at calendar year end.

Managers are not entitled to overtime pay.

Overtime must be authorized in advance and claims for overtime pay will not be honoured unless the employee can show that his/her supervisor approved the need for overtime in advance of the overtime being worked. The only exception will be for emergency purposes such as health or safety issues for WMFN members living on reserve.

Managerial employees are not eligible for overtime pay but may be granted time off at the discretion of the Director of Operations and/or Chief and Council, to a maximum of 2 days per month. This time may be banked up to 10 days at which time they must take the time off. Time off must be approved in advance by the supervisor or it will not be paid nor time off permitted.

Casual and part time employees will be eligible for overtime pay when the employee works more than 8 hours a day and/or 40 hours a week.

**Reporting Pay**

When an employee is called in to work and reports to work, where there are no regularly scheduled hours or outside their regularly scheduled working hours, the employee will be paid a minimum of 3 hours. An employee who reports for work as regularly scheduled is not eligible for reporting pay. Overtime will only be applicable if it is over the daily or weekly hourly requirements in Canada Labour Code above regular scheduled work duties

If the Director of Operations, Chief or Council member calls out an employee, it will be deemed as pre-approval if payment of overtime is applicable.

**Statutory Holidays:**

Employees required to work on a statutory holiday will be paid at the rate of 1-1/2 times his/her regular hourly wage. The employee, with the agreement of their supervisor, may choose to take a working day off in lieu of a statutory holiday that was worked instead of the overtime pay. A standard signed agreement must be completed.

The lieu day should be taken within the next 10 working days.

WMFN recognizes the following days as statutory holidays for employees.

- |                         |                  |
|-------------------------|------------------|
| New Year's Day          | Treaty Day       |
| Family Day              | BC Day           |
| Good Friday             | Labour Day       |
| Easter Monday           | Thanksgiving Day |
| Victoria Day            | Remembrance Day  |
| National Aboriginal Day | Christmas Day    |
| Canada Day              | Boxing Day       |

## 10. TIMESHEETS

**Objective:**

To provide guidelines for the accurate and consistent recording of hours worked by West Moberly First Nations (WMFN) employees.

**Application and Scope:**

West Moberly First Nations Regular and Casual employees including Chief and Council.

**Policy:**

All employees including Chief and Council shall submit a WMFN Staff Timesheet to their immediate supervisor by 11:00 a.m. every Monday following the end of each pay period.

The timesheet must show the start time, end time, total hours as well as a brief description of the duties fulfilled for each day during the pay period. Each employee is expected to report actual hours worked and duties performed.

As per the WMFN Hours of Work Policy lunch breaks are unpaid unless specified by the employee that the lunch break was not taken. The lunch break will be one hour in duration. This could go to overtime – which will be pre-approved by the immediate supervisor.

If an employee fails to submit a timesheet, the employee's immediate supervisor will estimate hours worked.

Late timesheets may not be processed for payroll on the following Friday. The timesheet for the following payroll must show any necessary adjustments.

Failure to submit timesheets or providing false information on a timesheets may result in disciplinary action.

## 11. LAYOFF AND RECALL

### **Objective:**

To provide consistent layoff and recall procedures for all West Moberly First Nations (WMFN) permanent positions.

### **Application and Scope:**

West Moberly First Nations Regular and Casual employees.

### **Policy:**

WMFN will practice equitable layoff and recall procedures.

WMFN makes every effort to employ individuals as permanent full-time or permanent part-time employees without interruption of duties. However, from time to time it may be necessary to lay-off permanent employees due to seasonal needs, operational requirements and/or financial constraints.

It is the responsibility of the Director of Operations to ensure the Layoff and Recall procedures are followed as outlined in this policy.

### **Procedure:**

Layoffs will be according to WMFN priorities and objectives.

Seniority of employment will be considered. If more than one employee is laid off, the most senior employee is eligible for first recall provided that this employee has the required skills, qualifications and experience for the vacant position.

The Director of Operations and Chief and Council will determine the rate of pay if the position has a rate different from that which the returning employee earned in his/her previous position.

Permanent employees will retain recall rights for three months from date of lay-off for the same position that they held at the time of lay-off.

It is the responsibility of the employee to ensure that WMFN Office has on file a current address and phone number by which to contact the laid-off employee.

The recalled employee must advise WMFN within three working days from the date of their recall if they will be returning to work and the date they will be available. The employee must be able to report for work within two weeks of being recalled.

Failure to report to work when required to do so will result in the laid off employee losing his/her recall rights.

### **Layoff Notice:**

All employees to be laid off will be given either two weeks' written notice of the day of lay-off or two weeks' salary at his/her permanent hourly rate in lieu of such notice.

At the time of lay-off, employees will also be given a copy of this policy ensuring they are aware of their responsibility to keep WMFN Office advised of their current addresses and phone numbers for recall purposes.

### **Recall Procedure:**

When an employee is to be recalled, a written notice of recall will be sent via registered mail to the employee's most recent address on file. The Director of Operations will also phone the employee to advise of the recall and discuss relevant details.

The written notice will describe the terms of the position to which the employee is being recalled and the date that the employee is to return to work and remuneration being offered.

If the employee does not respond to the written notice of recall within three working days of what is deemed to be a reasonable time for receipt of the recall notice, the position will be offered to the next qualified employee scheduled for recall.

If no other employees on recall have the appropriate qualifications, the Director of Operations and or Chief and Council may choose to fill the position according to the *Hiring Practices Policy*.

## 12. LEAVE MANAGEMENT

### **Objective:**

To provide consistent guidelines with respect to the different types of leave West Moberly First Nations (WMFN) employees may apply for.

### **Application and Scope:**

West Moberly First Nations Regular and Casual employees including Chief and Council.

### **Policy:**

WMFN will adhere to Canada Labour Code requirements for mandatory leaves and WMFN Leave Management Policy for discretionary leaves.

WMFN will not unreasonably withhold permission for Leave.

### **General Conditions and Definitions:**

WMFN recognizes that employees, from time to time, may require leaves of absence from work and, subject to business needs, will attempt to cooperate with the employees in granting such requests for leave.

An employee's job performance, the impact on WMFN operations and the employee's length of service are factors that will be considered when a request for leave is made. Any attempt to take leave without prior authorization or to provide false or misleading reasons when applying for leave or any failure to return from authorized leave by the approved date may result in disciplinary action up to and including dismissal. All leaves, part from statutory leaves, require the express permission of the Director of Operations. The approval is in the absolute discretion of the Director of Operations.

For the purpose of applying this policy, the term "immediate family" is limited to the employee's spouse (including common-law spouse and same sex spouse), parents, children, siblings, grandparents and includes -in-law and step relationships, and any relative permanently residing in the employee's household or with whom the employee resides.

The earning of leave credits will be pro-rated for part-time employees.

It is the responsibility of the Supervisor to inform the Director of Operations of requests for leave. It is the responsibility of the Director of Operations to inform the Supervisor, the Finance office and Council of all leaves granted.

### **Types of Leave:**

Leaves covered by this policy include:

- Vacation Leave
- Maternity Leave
- Parental Leave
- Sick Leave
- Medical Leave
- Bereavement
- Compassionate Care Leave
- Leave Without Pay
- Leave With Pay
- Education Leave without Pay
- Education Leave with Pay

### **Annual Vacation:**

Employees are entitled to the following:

- After 1 year of completed employment 2 weeks
- After 2 years of completed employment 3 weeks
- After 5 years of completed employment 4 weeks
- After 10 years of completed employment 5 weeks

Vacation is based on each employee's personal anniversary date. Vacation entitlement cannot be carried over from one year to another. If an employee fails to take his/her vacation in the year for which it was earned, they will be paid out their vacation entitlement on the last cheque of the calendar year.

It is not required that an employee takes all his/her vacation at one time. They may take individual weeks, or days, at their preference. The employee must arrange all vacation time through the Director of Operations. However, should two employees in the same department request the same time off and it conflicts with the work schedule the Director of Operations will grant the vacation time to the senior employee.

It is recommended that employees schedule his/her vacation time by April 30<sup>th</sup> of each year. Employees may request in writing that leave be carried over to the next calendar year, but must begin within 10 months immediately following the employees anniversary date.

Paid holiday(s) to which an employee is entitled and which occur during the employee's vacation period will be added to his/her vacation entitlement, subject to the consent of the Director of Operations.

#### **Maternity Leave:**

Maternity leave will be given in accordance with all applicable legislation. Currently, maternity leave may commence no sooner than 11 weeks prior to the anticipated date of birth. An employee is entitled to seventeen (17) weeks of maternity leave.

The employee must submit a written request supported by a doctor's certificate confirming that the employee is pregnant and giving the probable date of birth of the child to the Supervisor who is responsible for informing the Director of Operations and Finance Office. The Director of Operations will keep Council informed.

The employee must submit this request no later than four weeks prior to the commencement of the leave, unless a medical emergency is confirmed in writing by the employee's attending physician.

The employee is entitled to maternity leave without pay in accordance with the appropriate provisions of the *Canada Labour Code*. If the employee requires additional leave relating to the birth of the child as certified by a medical doctor, the employee may be granted up to twelve consecutive months of unpaid leave.

If an employee is unable to perform the duties of her position due to pregnancy, WMFN reserves the right to require the employee to commence leave on a date earlier than 11 weeks prior to the anticipated date of delivery. If the condition affecting the employee's ability to perform her duties improves, the employee, upon providing a medical certificate from a doctor stating that she is able to resume work activities, may be permitted to return to work prior to the anticipated date of delivery.

An employee will not be permitted to return to work prior to the expiration of six weeks following the actual date of birth of the child unless:

- the employee requests in writing to the Director of Operations at least one week prior to the date of the proposed return to work; and
- the employee submits to the Director of Operations a certificate from a medical doctor stating that she is fit to return to work and perform the regular duties of her position

**Parental Leave:**

Parental leave will be given in accordance with all applicable legislation

Currently, either parent may apply for unpaid parental leave provided he/she has completed six months of continuous employment. Unless there are extenuating circumstances, the employee must give written notice to the Director of Operations at least four weeks in advance of the commencement date of the requested parental leave.

The request for parental leave must include both the commencement date and the termination date for the requested leave.

Parental leave, for female employees, must commence either:

- on the expiration date of the employee's maternity leave, or
- on the day the child is born, or
- on the day the child comes into the employee's care and custody

Parental leave, for male employees, must commence either:

- on the expiration date of the mother's maternity leave, or
- on the day the child is born, or
- on the day the child comes into the employee's care and custody

The aggregate amount of parental leave granted to both parents under this provision will not exceed thirty-seven (37) weeks.

WMFN will continue to pay at least the same share of contributions to the Group Benefits and Pension Plans during Maternity and Paternity leaves as if the employee were not on leave, unless the employee does not pay her or his contributions within a thirty (30) day period, or chooses not to continue benefits at which time WMFN will suspend contribution until the employee returns to work full time.

**Sick Leave with Pay:**

Regular employees will earn paid sick leave at the rate of one and one-half days per month after three (3) consecutive months of continuous employment to a maximum of 18 paid days per fiscal year (April 1-March 31). Sick days are not paid out if an employee leaves and cannot be added to vacation days.

Entitlement for regular part-time employees will be pro-rated. For example, if an employee works two and one-half days per week, he/she will be entitled to earn three-quarters of a day per month. Unused sick leave shall not be carried over from year to year.

Sick leave may only be used if the employee is ill or injured or if the employee is required to attend a personal medical appointment with a medical specialist out of town. WMFN may require a doctor's note before paying out any sick leave days.

Paid sick leave cannot be used while receiving Workers' Compensation benefits or other government-funded sick benefits.

The employee must provide a doctor's note for sick leave in excess of three working days. If the employee fails to provide a doctor's note, he/she will be eligible only for the first three days.

**Sick Leave without Pay:**

Employees who have completed three consecutive months of continuous employment may request an unpaid sick leave of up to twelve weeks or the length of the period during which he/she is undergoing treatment and rehabilitation at the expense of Workers Compensation, provided that, if requested to do so, the employee, within 15 days of return to work, provides the Director of Operations with a medical certificate certifying that the employee was incapable of working due to illness or injury for the period during which the employee was absent from work.

**Compassionate Care Leave:** (refer to CLC)

Employees are entitled to up to 8 weeks of compassionate care leave without pay to provide care and support to a gravely ill immediate family member.

A note is required from a qualified medical practitioner, stating that the family member has a serious medical condition with a significant risk of death within 26 weeks.

If more than one family member is employees, then the leave may be shared between them but the total amount of leave cannot exceed 8 weeks.

If the family member is still gravely ill at the end of 26 weeks, the employee is entitled to a further period of up to 8 weeks of compassionate care leave. Another certificate from a qualified medical practitioner is required.

Upon return to work, the employee must be reinstated in his/her former position, or be given a comparable position in the same location and with the same wages and benefits. Benefits continue during the leave period provided the employee pays any contributions that would normally have been paid.

**Procedure:**

The employee intending to take compassionate leave must provide WMFN with as much notice as possible in the circumstances.

The required medical certificate must be provided prior to the leave being approved.

If more information is required relating to this leave, refer to Canada Labour Standards Part III [[www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)]

Employees taking compassionate leave may be entitled to Employment Insurance and it is their responsibility to apply for that assistance.

WMFN will continue to pay their portion of contributions to Group Benefits during Compassionate Care leaves of absence, unless the employee does not pay the employees contribution within a thirty (30) day period, or chooses not to continue benefits at which time WMFN will suspend contribution until the employee returns to work full time.

**Leaves without Pay:**

The Director of Operations, in consultation with Chief and Council, may authorize any request for leave of absence without pay.

A request for leave without pay exceeding three days must be submitted in writing to the Chief and Council at least one week in advance of the starting date of the requested leave, and is subject to WMFN operational requirements.

Examples of reasons for leave without pay and leave allowances

Administration of a deceased estate.....	2 days
Moving household effects .....	1 day
Coping with a family emergency .....	2 days
Marriage Leave .....	5 days
Cultural or spiritual leave to attend a traditional ceremony or Gathering in accordance with spiritual beliefs.....	2 weeks
Compassionate leave to deal with situations in the employee's Immediate family .....	2 weeks
Educational leave.....	Varies

Excluding Educational Leave, the total number of days for unpaid leave an employee may be granted will not exceed twenty (20) days per calendar year.

Excluding leave related to funeral attendance unless otherwise stated, no unpaid leave will be granted unless the employee has been employed for a minimum of six (6) months.

Only those who have completed a minimum of one (1) year of continuous employment are eligible to apply for educational, cultural or spiritual leave.

**Leaves with Pay:**

A request for leave with pay for any duration must be submitted in writing to the Supervisor. It is the responsibility of the Supervisor to inform the Director of Operation and Finance Office in a timely manner.

**Bereavement and Funeral Leave with Pay:**

*Immediate Family:* Provided the employee has been employed for more than three (3) months of continuous service, the employee is entitled to ten working days of paid bereavement leave commencing on the day immediately following the death of a member of the employee's immediate family.

Under extenuating circumstances, Bereavement Leave may be extended with other types of leave.

The decision to grant extended leave for extenuating circumstances will be at the sole discretion of the Director of Operations. In the event the Director of Operations decides not to grant leave, the employee may appeal the Director of Operation's decision to Council. The employee is required to follow the same request procedures when appealing to Council including all information outlined above. In considering the request, the Council will consider the opinions of the employee and Director of Operations in an in-camera session. The decision of Council will be final and without further recourse for appeal.

It is the responsibility of the employee, Director of Operations and Council to maintain accurate and confidential records of their involvement in this process.

WMFN respects and honours the passing of all WMFN registered members as well as members of Halfway River First Nations and Saulneau First Nations. When a WMFN registered member, a Halfway River or Saulneau First Nations elder member passes on, WMFN shall close all offices for business on the day of the passing, and also on the weekday of the celebration of life.

**Bereavement and Funeral Leave without Pay:**

*Non-Family:* Up to two working days leave for attendance at a funeral of someone other than an immediate family member may be granted.

**Birth or Adoption Leave:**

If an employee wishes to be present at the birth or adoption of his/her child the employee is entitled to five (5) days paid leave for this purpose.

**Education Leave without Pay:**

Education leave permits an employee to attend an educational institution for a formal course of study leading to a recognized certificate, diploma, degree or professional qualification.

WMFN recognizes that its employees represent valued assets whose career development must be managed to support individual career aspirations and to ensure that WMFN will have qualified employees to meet its future staffing needs.

To meet these goals, WMFN will grant education leave to employees subject to operational and staffing needs and budgetary considerations.

All applications for education leave without must be submitted at least six months prior to the beginning of the requested leave period.

Employees wishing to apply for an education leave should meet with the Supervisor and Director of Operations to discuss time frame, feasibility, and any other pertinent factors. Before approving an application for education leave, the Director of Operations should discuss the request with Chief and Council.

Leave for education may be granted for periods up to one calendar year. However, additional leave may be approved if the education is requested by WMFN. The periods of absence may or may not be consecutive.

Education leave without pay may be approved where:

- a skill shortage exists now or is projected to exist in the future
- it is difficult to satisfy the skill requirement through the internal staffing process; and
- the studies may be valuable to WMFN but the primary benefit will accrue to the employee

To be eligible for education leave, employees must demonstrate:

- competent performance in all areas of their present job
- initiative and success with respect to their self-development; and
- potential for increased responsibilities

Employees should have a career plan which is realistic and achievable within the scope of WMFN mandate and function.

To remain eligible for education leave, employees must continue their enrolment and maintain satisfactory performance in their courses of study.

Prior to completion of course of study, employees must give WMFN four (4) week's written notice of their intention to return to work. If no such notice is received, WMFN has the right to fill their position on a permanent basis.

#### **Education Leave with Pay:**

Education leave with 100% pay may be approved where:

- the training is employer requested or prescribed
- there are demonstrated severe and immediate recruiting difficulties for essential functions; or
- the training is directly related to future job requirements

All applications for education leave with pay must be submitted at least six months prior to the beginning of the requested leave period.

Employees wishing to apply for an education leave should meet with the Supervisor and Director of Operations to discuss time frame, feasibility, pay and benefits and any other pertinent factors. Before approving an application for education leave, the supervisor and Director of Operations must discuss the proposal with Chief and Council.

The decision of Council will be final and without further recourse for appeal.

Employees are required to sign an agreement stating that they will return to work for WMFN and remain employed by WMFN for a specific time period after completing their training. The time period will vary depending on the conditions of leave. If the employee does not remain employed

by WMFN for any reason within a two (2) year period from the date of the return to work, they will reimburse WMFN for all costs.

### **13. PERFORMANCE PLANNING & EVALUATION**

**Objective:**

To create a Performance Planning and Evaluation process which will enable West Moberly First Nations (WMFN) employees and supervisors to work together productively.

**Application and Scope:**

West Moberly First Nations Regular and Casual employees.

**Policy:**

WMFN will practice equitable Performance Planning and Evaluation.

Performance Evaluations will be completed for all employees. It is intended that the Evaluations will be completed as below (although the dates are not definitive):

- During the final two weeks of the employees 6-month probationary period
- At least one week prior to the employee's anniversary date each year
- At any time the supervisor in consultation with the Director of Operations determine that it is appropriate

A standard form and process will be used for all evaluations.

**Defining Key Responsibilities:**

Key responsibilities, which can be found in the employee's job description, form the basis of realistic and measurable performance standards.

Additional key responsibilities may be established from time to time because of new initiatives or changing priorities for the Nation or the addition of duties or projects. Once key responsibilities and priorities are established, the employee and Director of Operations or Supervisor can cooperatively determine performance standards.

**WMFN Objectives:**

The Director of Operations or Supervisor and the employee will review a summary of WMFN objectives and priorities to assist in understanding how individual roles, responsibilities, goals and objectives link to the broader goals of WMFN.

**Performance Planning & Evaluation:**

Performance Evaluations will be used:

- to measure actual performance against the requirements of the job
- to guide discussion about job performance and job requirements
- to clarify job requirements
- to create awareness of employee potential
- to motivate the employee to improved performance
- to establish goals and targets for satisfactory performance
- to guide employee progress toward achievement of goals; and
- to deal candidly and fairly with marginal or unsatisfactory performance

**Probationary Evaluations:**

At the beginning of a probationary period the Director of Operations or Supervisor reviews key responsibilities and establishes a Performance Plan with the employee.

During the final two weeks of the employee's 6-month probationary period, a final probationary Performance Evaluation is held and recommendation is made to either confirm or reject the employee's appointment to the position. If the employee's performance during the probationary period is exceptional and warrants a wage increase, the Director of Operations may approve an increase based on budget availability.

Probationary reviews for the position of Director of Operations will be undertaken by a quorum of Council.

If the employee's evaluations are not completed according to the schedule; the supervisor's merit increase (if applicable) will be withheld until the employee's evaluations are complete.

### **Development of the Performance Plan:**

The Director of Operations or supervisor introduces and explains the process to the employee through the following steps:

- review WMFN objectives and priorities
- update the job description
- review past Performance Evaluations to determine progress
- formulate career goals (employee only)
- establish performance standards for the next evaluation period;
- develop action plan; and
- determine how the Director of Operations or Supervisor can assist the employee to be successful

The Director of Operations or Supervisor and the employee cooperatively establish performance standards, action statements and training and development plans that are consistent with WMFN objectives and priorities. The employee's career goals are also discussed and affirmed.

The performance plan must be relevant to the job; the employee being evaluated. During the time the plan is in effect, the Director of Operations or Supervisor will provide the employee with appropriate direction, guidance, coaching and encouragement.

At the end of the period during which the plan is in effect, the Director of Operations or Supervisor and the employee review the standards established during the planning meetings and seek consensus on the results achieved. A performance summary will be completed.

The frequency of evaluations may vary from no less than once per year to no later than the anniversary date of hire, to several times a year as the Director of Operations or Supervisor may deem necessary to achieve the goals of the Nation and/or to:

- provide necessary direction, support or coaching to the employee
- modify the performance plan as required by changing WMFN priorities and circumstances; or
- document performance and mutually agreed-on performance targets

### **Annual Evaluation:**

The Director of Operations or Supervisor and the employee prepare for the evaluation by:

- reviewing key responsibilities, standards and action statements
- reviewing notes from previous meetings
- reviewing any relevant documentation
- gathering information from other sources which will be valuable in giving feedback to the employee
- recalling specific examples of strong and weak performance
- identifying areas needing improvement and timelines for meeting identified performance goals
- reviewing the effectiveness of coaching; and
- drafting a summary of points for discussion

The Director of Operations or Supervisor meets with the employee to discuss the employee's performance during the evaluation period. The pre-work as described above is reviewed and discussed and, if possible, the Director of Operations or Supervisor and the employee reach an agreement on the following points:

- the performance results achieved
- the employee's strengths as well as skills or knowledge requiring development; and
- the overall Performance Evaluation

The Director of Operations or Supervisor will endeavour to set a positive tone and give specific guidance, reinforcement and direction for improvement, if required. He/she should encourage the employee to discuss factors that are affecting performance so that options for continuing performance enhancement and growth can be determined.

Evaluation reviews for the position of Director of Operations will be undertaken by a quorum of Council. Council may elect to seek the assistance of an external Human Resources Professional to carry out the evaluation.

**Appeals:**

In the event that no agreement can be reached between the Director of Operations or Supervisor and the employee, the employee may, without fear of reprisal, appeal the evaluation as set out in the Appeal Policy.

## 14. SAFETY

### **Objective:**

To ensure the safety of West Moberly First Nations (WMFN) employees, contractors and visitors.

### **Application and Scope:**

All persons on West Moberly First Nations lands or taking part in West Moberly First Nations sponsored activities.

### **Policy:**

WMFN will be a safe place to work or visit.

The BC Occupational Health and Safety Act will be complied with including the annual assessment required by Section 3.16 of the OHSA.

### **Procedures and Conditions:**

WMFN will make regular inspections of all workplaces, buildings, structures, grounds, excavations, tools, equipment, machinery and work methods.

It is the responsibility of each Department Manager to regularly review their work areas and when required, seek the assistance of appropriate WMFN staff including WMFN maintenance department to ensure compliance with this policy in their respective areas of operation.

Timely identification of budget requirements to maintain a safe working environment is the responsibility of each Department Manager.

The following actions to ensure workplace safety will be undertaken:

- posting notices and warnings where appropriate
- identifying, removing and or neutralizing physical hazards and risks
- providing workplace safety training to all employees
- providing appropriate safety equipment and materials
- developing and enforcing safe work procedures
- promoting safety awareness and accident prevention in the workplace

The following activities and conditions are prohibited on the work site:

- roughhousing, practical joking, or other inappropriate behaviour
- inappropriate clothing
- inappropriate use or handling of equipment
- failure to obey signs or directives
- faulty equipment

### **First Aid Attendant:**

WMFN will ensure that a properly qualified First Aid attendant is present during work hours or WMFN sponsored events. Properly qualified means certified at a level required for the number of persons present.

## 15. SMOKING

**Objective:**

To promote a healthy and safe working environment.

**Application and Scope:**

West Moberly First Nations Regular and Casual employees including Chief and Council, contractors, sub-contractors, visitors, and members.

**Policy:**

For the overall health and wellbeing of all employees of WMFN and in compliance with the Worker's Compensation Regulations, smoking is strictly prohibited in any of the offices or buildings owned or leased by WMFN.

Smoking within three (3) meters of doorways or open windows is not permitted.

Should an employee fail to abide by this policy, the employee will be subject to disciplinary action as appropriate within the Employee Discipline Policy.

**Procedure:**

Employees (including contractors and sub-contractors) will refrain from smoking indoors of all offices or buildings owned or leased by WMFN.

Should a visitor or member be smoking indoors in an office or building owned or leased by WMFN, they will be asked to extinguish their smoking material immediately. If the visitor or member refuses, they will be asked to leave the facility. If the visitor or member refuses to leave the facility, the Director of Operations or other supervisor will be called to support the employee in enforcing this policy.

## 16. STANDARDS OF CONDUCT

### **Objective:**

To ensure the maintenance of appropriate standards of conduct by all employees of West Moberly First Nations (WMFN) including Chief and Council.

### **Application and Scope:**

All West Moberly First Nations regular and casual employees, Chief & Council, members of the Elders' Council and contractors.

### **Policy:**

WMFN employees will exhibit ethical and professional conduct.

It is the responsibility of the employee, Supervisor, Director of Operations and/or Council to ensure confidentiality is maintained when dealing with matters under this policy (see Confidentiality Policy).

### **Ethical Behaviour:**

WMFN expects and demands the highest standards of ethical conduct among its employees with respect to the business of the Nation and the use of the Nations' resources including funds, equipment, vehicles and offices.

Employee behaviour must reflect the principles of the Nation including honesty, integrity and impartiality. These behaviours must be the standard form of conduct in carrying out duties on behalf of the Nation and are conditions of employment.

### **Professional Behaviour:**

WMFN employees must provide service to everyone in a manner that is professional. That is, employees will be courteous, equitable, efficient and effective as well as respectful, sensitive and responsive to the needs, expectations and rights of others including confidentiality. Employees must guard against any conduct unbecoming to their position while engaged in WMFN business or while representing the Nation such as publicly consuming alcohol to excess, dressing in an inappropriate fashion, encouraging youth in negative behaviours, berating staff or Council in public.

### **Dealing with Perceived Wrong or Danger:**

Employees have a duty to report to their Supervisor, Director of Operations or family Councillor, any situation that they believe contravenes the law, misuses WMFN funds or assets, represents a danger to member health and safety or to the environment.

If an employee believes that the Supervisor has not resolved the matter, the employee can appeal the matter using the Appeal Policy.

If the employee feels Chief and Council have not resolved the matter, the employee may then refer the allegation to the appropriate authority:

- allegations of illegal activity must be referred to the RCMP
- allegations of labour violations must be referred to the HRSD Labour Program on Reserve or the Employment Standards Branch off Reserve
- allegations of misuse of WMFN funds must be referred to the RCMP
- allegations of a danger to health must be brought to the attention of health authorities; and
- allegations of a danger to the environment must be reported to the appropriate government agency

### **Protection for Those who Report Incidents:**

Employees will expect such matters to be treated in confidence unless the law requires disclosure of information. Employees will not be subject to discipline or reprisal for bringing forward to the Supervisor, Director of Operations or Chief and Council, in good faith, allegations of wrongdoing.

### **Expectations for Working Relationships:**

Employees who permanently reside together may not be employed in situations where:

- a reporting relationship exists between them; where for example, one employee has influence, input or decision-making authority over the other employee's Performance Evaluation, salary, or conditions of work; or
- the working relationship affords an opportunity for collusion between the two employees or a real or perceived conflict of interest that would have a detrimental effect on WMFN interests

The above restriction on working relationships may be waived in writing provided that the Supervisor, Director of Operations and where their decision may be required, Chief and Council, are satisfied that sufficient safeguards are in place to ensure that WMFN interests are not compromised. (See Conflict of Interest Policy)

### **Expectations for Workplace Behaviour:**

The conduct and language of WMFN employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. All employees of WMFN are expected to conduct themselves in a professional manner giving due consideration to co-workers, supervisors, Chief, Council, community members, other employees and visitors. An employee's conduct must not compromise the integrity or image of the Nation.

Employees are expected to comply with rules adopted by the Chief and Council including, but not limited to, the following:

- the use of alcohol or drugs on work sites will not be tolerated
- smoking is prohibited in any of the office buildings
- cheques will not be cashed with WMFN funds

### **Personnel Decisions:**

Employees are to disqualify themselves as participants in personnel decisions when their objectivity could be compromised for any reason (see Conflict of Interest Policy).

For example, employees are expected to willingly remove themselves from participation in staffing actions involving relatives or persons living in the same household.

### **Outside Remunerative and Volunteer Work:**

Subject to the Conflict of Interest policy, employees may engage in employment with another employer, carry on a business, receive remuneration from WMFN funds for activities outside their position or engage in volunteer activities provided it does not:

- interfere with the performance of their duties
- compromise the integrity of the Nation
- represent a conflict of interest or create the reasonable perception of a conflict of interest with WMFN rights, policies, positions, governance, etc.
- appear to be an official act or to represent WMFN opinion or policy
- use work time or premises, services, equipment or supplies, unless authorized to do so and
- where there is reason to question said outside work, the employee's Supervisor, the Director of Operations or quorum of Council, may for the purpose of clarifying the matter, ask the employee to provide information with respect to the nature of their outside work without compromise to the outside work-related confidentialities including remuneration

## **17. REMOTE WORKING**

### **Objective:**

To outline criteria and expectations for employees who work from a location other than WMFN offices. To ensure that remote working benefits both the employee and WMFN.

### **Application and Scope:**

WMFN employees who work remotely from their normally assigned workspace (including from home).

### **Background:**

WMFN is committed to being flexible in its operations. This includes providing alternative work arrangements to its employees, when necessary or feasible. Providing alternative work arrangements can benefit both WMFN and its employees and can enhance work performance, help employees manage personal life responsibilities, and increase employee engagement.

### **Policy:**

WMFN supports remote work arrangements for an employee where both the supervisor and the employee agree to it, subject to operational requirements and provisions outlined in this policy. Remote work arrangements will be considered only if job duties or circumstances permit. It is important to note that not all types of work are suitable for remote work arrangements.

Remote working requests for 3 days or less may be approved by the employee's supervisor. Remote working requests for longer than 3 days must be recommended by the supervisor to the Director of Operations. Except in emergency situations, remote working situations must be authorized in writing prior to an employee working remotely.

Employees must sign a Working Remotely Agreement prior to beginning to work remotely. In emergency situations, this requirement may be waived; however, the Working Remotely Agreement must be completed and signed as soon as possible. Failure to sign this agreement may result in cancellation of remote working approval.

In an emergency (e.g. office closure, extreme weather, health and safety concerns) WMFN may require certain employees to work remotely. The Director of Operations will communicate this requirement and associated performance and safety expectations in writing to the supervisors. The supervisors will work with employees to complete the Remote Working Agreement as quickly as possible.

WMFN employees working remotely are subject to all WMFN policies including Human Resources and Finance, as well as any and all relevant legislative requirements (i.e. federal labour standards).

WMFN and/or employees may terminate a remote working arrangement in writing with reasonable notice. Reasonable notice shall be 30 (thirty) calendar days unless there are extenuating circumstances such as employee performance, WMFN office availability, hazards to the employee, etc.

### Work Environment

Remote work environments must include:

- A dedicated space available for work
- Internet access
- A productive work environment (ensuring regular dependent care is in place and consideration of how the presence of a pet, child, spouse, or other adult in the home during working hours might affect productivity)
- A safe work environment
- Cell phone or telephone access
- Appropriate security for WMFN property and confidential information

During emergency remote working situations (e.g. office closure, extreme weather, or medical conditions) the work environment criteria outlined above may be waived or amended by the Director of Operations as per the recommendations of the supervisor.

Employees are responsible for costs associated with working from home (e.g. home internet service, telephone, insurance, utilities, etc.) unless otherwise approved in writing by their supervisor in advance.

### Working Hours and Performance

WMFN employees working remotely are subject to the WMFN Hours of Work Policy (Human Resources Policy Section 9) and will be required to submit timesheets (Human Resources Policy Section 10).

Supervisors may require additional work performance monitoring for employees working remotely. Monitoring may include specific task and deliverable assignments, daily check-ins, guidelines for responsiveness, preferred methods of communication, end of day report summaries, etc. Requirements will be outlined in the Working Remotely Agreement.

### Information Management Protection

Employees working remotely must follow all WMFN policies including the Confidentiality, Standards of Conduct, and Conflict of Interest.

Employees may use their WMFN provided device or their own personal computer when working remotely. WMFN does not provide technical support for personally owned devices.

Employees shall not remove any original copies of information from WMFN offices. Information that is required by WMFN employees working remotely may be copied or scanned for reference and then destroyed when no longer required.

At no time will employees store WMFN information on their personal computer.

When working with WMFN information from home or remotely, employees shall ensure that they are the only person able to access the information by:

- Logging off or shutting down computer when not in use
- Setting automatic logoff to run after a short period of time
- Not storing WMFN records on personal computers
- Avoiding sending confidential or restricted information by email or fax
- Avoiding discussing confidential personal information where others may overhear (including when using a cell phone)

### Workers Compensation

The Canada Labour Code defines the workplace as any place where an employee is engaged in work for the employer, which can include the home. The employee is responsible for ensuring a safe work environment. Employees injured in the course of their duties at a home or remote location must report any accident or injury to their supervisor immediately. In the event that the supervisor is unavailable, employees shall immediately report an accident or injury to the Director of Operations.

As required by WCB, if an employee requires medical treatment for any injury, no matter how serious, it must be reported and documented. The medical practitioner, the injured employee, and the employer have 48 hours to submit their required documentation to WCB, or the claim may be rejected. Failure to report an incident to a supervisor immediately is grounds for discipline, up to and including termination.

During work hours and while performing work functions, employees will be covered under WMFN workers compensation when working remotely if the injury is determined to be work related by WorkSafe BC.

### **Procedure:**

Employees must request authorization to work remotely. Requests will be reviewed by the Supervisor and recommended to the Director of Operations (depending on the length of time requested) to determine whether the employee / position would be successful working remotely. Considerations shall include:

- Requirements to interact in-person with members or community members
- Requirements to access private or confidential information that should not be accessed remotely or removed from WMFN premises
- The proposed work environment
- The employee's team requirements and any negative impact remote working would have on communication, collaboration, or ability for the team to accomplish objectives
- Requirements and associated costs for additional technology to work remotely

Decisions to approve or not approve will be communicated in writing within 10 business days of request. In an emergency, employees should include a request for a shorter approval timeline.

Employees that have been approved for remote working situations will work with their Supervisor or the Director of Operations to complete the Remote Working Agreement.

Emergency situations (e.g. office closure, extreme weather, health and safety concerns) that require employees to work remotely will be determined by the Director of Operations. Remote working requirements and associated performance and safety expectations will be communicated to affected employees in writing. Supervisors will work with the affected employee(s) to complete the Remote Working Agreement as quickly as possible.

**REVIEWED & RECOMMENDED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

APPROVED BY:

\_\_\_\_\_  
Chief Roland Willson

\_\_\_\_\_  
Councillor Kyle Brown

\_\_\_\_\_  
Councillor Dean Dokkie

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\_\_\_\_\_  
Councillor Clarence Willson