



WEST MOBERLY FIRST NATIONS

HUMAN RESOURCES POLICY

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| Adopted: | October 4, 2022 |
| Amended: | |
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TABLE OF CONTENTS

| | | |
|------|---|----|
| 1. | FOREWORD | 4 |
| 2. | CLASSIFICATIONS | 5 |
| 3. | CONFIDENTIALITY | 7 |
| 4. | PROTECTION OF PERSONAL INFORMATION | 8 |
| 5. | PROTECTION OF EMPLOYEE PERSONAL INFORMATION | 10 |
| 6. | CONFLICT OF INTEREST | 11 |
| 6.1 | GIFTS | 14 |
| 7. | DECISION SHEET | 16 |
| 8. | EMPLOYEE DISCIPLINE | 17 |
| 9. | TERMINATION OF EMPLOYMENT | 20 |
| 9.1 | LAYOFF AND RECALL | 23 |
| 10. | RESPECTFUL WORKPLACE | 25 |
| 11. | DRUGS AND ALCOHOL | 32 |
| 12. | WORKPLACE ACCOMMODATIONS | 36 |
| 13. | HIRING PRACTICES | 38 |
| 13.1 | REHIRE OF FORMER EMPLOYEES | 42 |
| 13.2 | CASUAL HIRE | 44 |
| 14. | HOURS OF WORK | 46 |
| 15. | TIMESHEETS | 49 |
| 16. | LEAVE MANAGEMENT | 50 |
| | General Conditions and Definitions: | 50 |
| | General Holidays | 51 |
| | Annual Vacation | 51 |
| | Birth or Adoption Leave | 52 |
| | Personal Leave (paid) | 52 |
| | Bereavement and Funeral Leave with Pay | 53 |
| | Court or Jury Duty | 53 |
| | Procedure | 54 |
| | Maternity and Parental Leave | 54 |
| | Medical Leave without Pay | 55 |
| | Critical Illness | 55 |
| | Compassionate Care Leave | 56 |
| | Leave for Traditional Practices | 56 |
| | Voting | 56 |
| | Bereavement and Funeral Leave without Pay | 56 |
| | Other Types of Leave (required by Canada Labour Code) | 56 |
| | Other Leaves without Pay | 56 |

| | | |
|-----|--|----|
| 17. | TRAINING AND EDUCATION..... | 58 |
| 18. | PERFORMANCE PLANNING & EVALUATION..... | 61 |
| 19. | COMPENSATION..... | 64 |
| 20. | SAFETY..... | 66 |
| 21. | STANDARDS OF CONDUCT..... | 70 |
| 22. | WHISTLE BLOWER..... | 72 |
| 23. | REMOTE WORKING..... | 74 |
| 24. | APPEALS..... | 77 |
| 25. | POLICY AMENDMENT PROCESS..... | 78 |
| | REVIEWED & APPROVED..... | 79 |

1. FOREWORD

This manual is for all Employees of West Moberly First Nations (“**WMFN**”) and outlines the human resources policies and procedures of WMFN. All Employees must familiarize themselves with this document. These policies have been adopted by Chief and Council. Chief and Council engages the Director of Operations, and delegates responsibility for implementation in accordance with these policies.

These policies and procedures are intended to meet or exceed the requirements outlined in the aims and objectives of WMFN, the *Canada Labour Code*, the *Canadian Human Rights Act*, and the *Personal Information Protection and Electronic Documents Act*, and amendments thereto. Chief and Council reserves the right to add, revoke or modify policies to ensure consistency with all relevant legislation.

Employees having questions about any policies or procedures should consult with their supervisor.

Current versions of forms and templates referenced in this policy can be accessed on the WMFN shared drive or by contacting the employee’s supervisor.

2. CLASSIFICATIONS

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To clearly outline classifications of Employees for the purposes of determining the application of this WMFN Human Resources Policy, entitlement to leave, benefits, compensation, etc.

Application and Scope:

WMFN Employees

Policy:

The following classifications will apply to WMFN Employees, and these classifications replace the definitions found in the WMFN Interpretation Policy, if any, to the extent of any conflict:

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|----------------|---|
| Employee | Any person employed by WMFN fitting the classifications set out in this policy. |
| Casual | Any person employed on a short-term basis, not to exceed 3 months, to work on specific short-term or seasonal projects. |
| Regular | Any person employed as a permanent or term/temporary employee of WMFN. |
| Full-Time | Employees generally expected to work at least 70 hours every 2 weeks. |
| Part-Time | Employees generally expected to work less than 70 hours every 2 weeks. |
| Permanent | Employees whose positions do not have a specified term. Permanent Employees can be full-time or part-time. |
| Term/Temporary | <p>Employees who are hired for a specified term, to replace an employee on leave, or to perform a non-recurring set of tasks.</p> <p>Term/temporary Employees include:</p> <ul style="list-style-type: none"> • Seasonal Employees (longer than 3 months) • Temporary replacement for an employee on short- or long-term leave • Employees hired to carry out special projects for work that is not expected to be ongoing or long term • Employees hired to carry out special projects for work that does not currently have long-term funding secured |
| Hourly | Full-Time, Part-Time, Term or Casual Employees who are paid at a fixed hourly rate based on actual hours worked. |
| Salaried | Full-Time Employees who are paid a fixed annual salary rate and who generally work a minimum of 70 hours bi-weekly. However, a salaried employee is expected to work the hours necessary to fulfil the job responsibilities. |
| Manager | An employee who is responsible for a department which may include the supervisory role of other Employees within a department or program. Managers are Salaried Employees. |

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| Chief and Council | The person elected to be Chief, and the persons elected or appointed by their families as Councillors according to the WMFN Custom Election Code. |
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3. **CONFIDENTIALITY**

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| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To protect confidential information related to Employees, Members and those doing business with WMFN.

Application and Scope:

WMFN Employees, Chief and Council

Policy:

WMFN respects each Employee's, Member's, 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.

All Employees must sign an Oath of Confidentiality as a condition of continuing employment.

4. PROTECTION OF PERSONAL INFORMATION

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To protect personal information related to Members and customers/clients.

Application and Scope:

WMFN Employees, Chief and Council

Policy:

Personal Information

Personal information means identifiable information about an individual but does not include work product information or business contact information.

Privacy Officer

WMFN has appointed the Director of Operations as its Privacy Officer. Individuals may contact the Privacy Officer with any concerns regarding WMFN's collection or use of personal information, or to access their own personal information kept by WMFN. The Privacy Officer will respond in accordance with the legislative requirements.

Collection and Use of Information

In compliance with legislative requirements, WMFN will collect, use, and disclose personal information by fair and lawful means in accordance with fair information principles and for legitimate purposes.

No WMFN employee is authorized to disclose any personal information except in accordance with the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") or other applicable legislation. This means that:

- No employee may disclose personal information without the knowledge and consent or deemed knowledge and consent of the individual, except where obtaining knowledge or consent is inappropriate, such as when there are extenuating circumstances including legal requirements or critical emergencies.
- The Privacy Officer will be contacted prior to the disclosure of personal information, except in critical emergencies that threaten the life, health, or security of an individual. In the event of a critical emergency, the Privacy Officer must be informed as soon as possible regarding any personal information that was disclosed.
- Visual images such as photographs, and video recordings where individuals may be identified may only be used where consent has been obtained from all affected individuals, or from a person who is legally authorized to consent on the individual's behalf.

Access

Subject to some exemptions as set out in applicable privacy legislation, individuals will be granted access to review their own personal information as collected and stored by WMFN. Individuals may contact the Privacy Officer with requests to review their personal information collected and stored by WMFN.

Following receipt of a request, the Privacy Officer will respond within 30 days, and such response will include:

- what personal information is stored by WMFN;
- how the personal information has been used;

- if a request for access to any personal information is denied, the reason for denial; and/or
- if the Privacy Officer requires additional time to process the request, the amount of additional time required and the reason for additional time.

If an individual believes WMFN has collected and is storing incorrect personal information, the individual should inform the Privacy Officer.

Security

Personal information may only be accessed by authorized Employees for the purposes of fulfilling job duties.

Member and client personal information shall be kept in a secure location. Member and client personal information may only be accessed for the purposes of fulfilling job duties. Employees must not release personal information to any other party except for the purpose of fulfilling job duties and in accordance with this policy.

Digital files containing personal information must be kept in a separate and secure digital file storage system (e.g. password protected, limited access).

Electronic communication must be conducted in a way that ensures protection of personal information.

Complaints

Individuals that are not satisfied with a response of the Privacy Officer under this policy may send a request to Chief and Council to review the response.

5. PROTECTION OF EMPLOYEE PERSONAL INFORMATION

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To protect confidential information related to Employees.

Application and Scope:

WMFN Employees, Chief and Council

Policy:

Employee Personal Information

Employee personal information means information about the employee that is collected and used to establish, manage, and/or terminate any employment relationship (including for the purposes of administering payroll, pension, benefit and departure provisions). This includes work product information and business contact information.

Collection and Use of Employee Personal Information

In accordance and compliance with legislative requirements, WMFN will collect, use, and disclose Employee personal information by fair and lawful means in accordance with fair information principles and for legitimate purposes including establishing and managing Employee relationships.

Security

WMFN is committed to the secure storage of Employee personal information.

Personnel files will be kept in a secure and locked location. Only individuals authorized by the Director of Operations will have access to personnel files.

6. CONFLICT OF INTEREST

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To define conflict of interest and to provide guidelines which will prevent any perceived or real conflict of interest and ensure that WMFN operates with integrity.

Application and Scope:

WMFN Employees

Policy:

Association with WMFN carries with it a responsibility for ethical conduct in all employment relationships and activities. Employees must refrain from taking part, or exerting influence, in any transaction in which their personal interests, including direct or indirect interests resulting from a Related Person, conflict with the interests of WMFN.

Employees shall not hold outside office or employment that conflicts with the duties, responsibilities and required working hours of the employee, or where the employment conflicts with the interests and business of WMFN or could call into question the employee's capacity to perform their duties in an objective manner.

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

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.

Definitions and Conditions:

Conflicts of Interest often arise in the following circumstances:

- Hiring, awarding, or soliciting business related to an employee's Benefit or Personal Interests
- Accepting gifts, Benefits, or personal discounts
- Using WMFN property (including confidential information) for private advantage
- Outside employment/moonlighting; post-service employment

NOTE: A Conflict of Interest does *not* arise if a Benefit is intended or extended to the Employee at the same time as the Benefit is intended or extended to

- WMFN Membership (if the Employee is a Member)
- The WMFN Family Group of the Employee
- A group of WMFN members who are identifiable by reference to age, gender, financial circumstances, or medical needs (to which the Employee belongs)
- WMFN Employees as a whole

Benefit: A "Benefit" includes (but is not limited to):

- The payment of any money including honorariums
- Employment benefits
- Contract benefits
- Educational, medical, housing, or other social benefits
- The in-kind transfer of any WMFN inventory or assets
- The allotment, leasing, or other grant of interest in WMFN lands

Conflict of Interest: A "Conflict of Interest" occurs when an employee has an actual or perceived Personal Interest where it would be reasonable to assume that the employee's ability to act in the best interest of WMFN could be impaired or that the actions or conduct could undermine confidence that the employee fulfilled their responsibilities with integrity.

Personal Interest: A "Personal Interest" is the private affairs, including Benefits, of an employee, and includes the private affairs and Benefits of a Related Person.

Related Person: A "Related Person" includes a spouse (including common law and same-sex spouses), parent, children, grandchildren, siblings, grandparents, in-laws, step-relationships, any person with whom the employee currently resides, or any controlled corporation .

Procedure:

Employees will complete a Conflict of Interest Declaration when hired and update it annually or as circumstances change.

If an employee believes they may have a Conflict of Interest with respect to a decision, activity, potential contract award, or employment opportunity, they must complete a Conflict of Interest Meeting/Decision Disclosure Form and/or declare the potential Conflict of Interest to their supervisor as soon as they become aware of the situation. All declarations of Conflict of Interest must be reviewed as soon as possible to protect the integrity of the employee and WMFN.

The supervisor will have the authority to request additional information from the affected employee to inform their decision. If the supervisor, taking into account the particular circumstances, deems that the affected employee is indeed in a conflict situation, the employee may be excused from the decision, activity, potential contract award, or employment opportunity, as applicable. Employees who are excused must not participate in any discussion or decision regarding the matter and shall not attempt, in any way, whether before, during, or after the process to influence the decision in any way.

Where the supervisor is not able to make a determination on the Conflict of Interest, the decision may be referred to the Director of Operations, Chief and Council, or an outside consultant for review and decision.

The employee shall refrain from taking part in the activity or related discussions pending a decision of whether a real or perceived Conflict of Interest exists.

A supervisor shall inform the Director of Operations of an Employee Conflict of Interest.

Employees who fail to disclose a real or potential Conflict of Interest may be subject to disciplinary action up to and including dismissal.

If an employee of WMFN believes another employee has a Conflict of Interest, that employee must report their concern to the supervisor of the employee with the potential Conflict of Interest. The supervisor of the affected employee shall review the information and determine if a Conflict of Interest exists. The supervisor may request that the employee suspend any activity regarding the situation until a decision is made. The supervisor will have the authority to request additional information from the affected employee to inform their decision.

If an employee refuses to suspend the activity in question, WMFN may take disciplinary action up to and including dismissal.

Vindictive or frivolous accusations of Conflict of Interest will not be tolerated and may lead to discipline up to and including dismissal.

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 ensure that records are stored in a way that does not breach required confidentiality.

6.1 GIFTS

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide guidelines surrounding gifts to ensure that WMFN operates with integrity.

Application and Scope:

WMFN Employees

Policy:

Employees are prohibited from accepting gifts from outside entities (including but not limited to money, discounts, meals, tickets to events, or favours including a benefit to family members, friends, or business associates) in return for completing any work that WMFN pays them to do.

Employees must report any potential customer attempt to create bias or offer of a gift with an estimated monetary value of more than \$100 (one hundred dollars) in the course of performance of their regular job duties, or while off-duty, but acting as a representative of WMFN. Employees must document and report the occurrence to their supervisor.

A gift may be accepted if it:

- a. would be considered within
 - i. normal protocol exchanges or social or cultural obligations associated with the Employee's office,
 - ii. normal exchanges common to business relationships, or
 - iii. normal exchanges common at public cultural events of WMFN
- b. is a promotional gift (e.g. coffee mug or other company branded item)
- c. has an estimated value less than \$100 (one hundred dollars)
- d. is given by a close friend or relative as an element of that relationship
- e. is of a type that the policies or directions of WMFN have determined would be acceptable if offered by WMFN to another person.

Employees shall not accept any gifts regardless of dollar value from an individual or company that has an active bid for a contract with WMFN.

Procedures:

Gifts over \$100

If any WMFN employee receives a gift that carries an estimated monetary value over \$100 (one hundred dollars), they must provide written disclosure to the Director of Operations and the gift shall be turned over and treated as property of WMFN. If the Director of Operations is the recipient of such a gift, they must provide written disclosure to Council. This disclosure requirement does not apply to a gift received during a WMFN public cultural event.

The Director of Operations or Council, as the case may be, will review the situation and provide written authorization for the gift be kept by the Employee as a personal gift or will assign the gift for raffle or prize to a WMFN project or program for use in fundraising. A letter will be generated and forwarded to the individual or business that provided the gift to inform them of the WMFN Gifts Policy and provide details of the decision to make the gift available to the Employee as a personal gift or to donate the gift to a project or program for fundraising. A copy of this letter will be kept on file.

Attendance at Events

Employees are prohibited from accepting tickets to, and/or attending cultural, social, charitable, political, recreational, or sporting events at the expense of any customer or vendor with a current business interest in WMFNs without prior authorization from their supervisor.

If any employee is requested by a customer or vendor to attend an event at the customer or vendor's expense, where this event presents a potential benefit to WMFNs' business interests, the employee must direct a written request to attend the event to their supervisor with a detailed rationale for attendance.

If any WMFN employee is offered tickets to an event where it is clear that the party offering the tickets will not be in attendance, or where there is no expectation that WMFN business will be conducted at the event, the offer must be politely declined using reference to the WMFN Gifts Policy.

7. **DECISION SHEET**

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| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

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

Application and Scope:

WMFN Employees.

Policy:

All Employees are to use a Decision Sheet to obtain a decision or direction from Chief and Council.

Procedure:

Wherever possible a Decision Sheet should be kept brief.

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

- **Subject:** A brief statement of the Decision Sheet’s specific topic. If updating, provide a copy of original Decision Sheet.
- **Background:** 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 about which a decision is being sought – 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 Sheet will be forwarded to the Director of Operations, Finance Manager, and appropriate Manager. The original will be filed in a secure location by the Director of Operations or designate.

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.

8. EMPLOYEE DISCIPLINE

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

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

Application and Scope:

WMFN Employees.

Policy:

WMFN uses a system of progressive discipline. Progressive discipline is the application of a series of steps taken by WMFN to deter 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 employee.

Each disciplinary measure will be documented in the Employee Personnel Records.

Depending on the severity of the concern and the number of past occurrences, disciplinary action may call for any of four (4) corrective steps – verbal warning, written warning, suspension with or without pay, or involuntary termination of employment.

Except for termination of employment (Level Four), any step of the disciplinary procedure may be repeated more than once.

Procedure:

1. Verbal Warning

A verbal warning is a private conversation between the employee's supervisor and the employee about a conduct concern. (The employee may request that another person be present for this meeting as a witness. This person will act only as a witness to the conversation and will not speak on behalf of the supervisor or employee.)

A verbal warning should clearly specify the following points:

- the nature of the offense
- that the offense is not condoned
- the consequence of further offenses
- the changes required to the employee's conduct

The employee's supervisor will complete the Employee Disciplinary Action Form and place a copy in the employee's personnel file for a period of one year. This form shall include the date and the details of the verbal warning including the identity of the witness, if any, and the response of the employee, if any.

2. Written Warning

A written warning summarizes misconduct and should be accompanied by a formal conversation between the employee's supervisor and the employee.

The employee's supervisor will complete the Employee Disciplinary Action Form and include:

- the date of the conversation
- details about the specific violation or performance problem
- a statement that a written warning constitutes disciplinary action, and that a further incident may lead to more serious disciplinary action up to and including termination

The written warning may contain:

- a Performance Improvement Plan that the employee is expected to follow

The supervisor must sign the written warning. The employee must sign the written warning acknowledging its receipt. If the employee refuses to sign the acknowledgement, the supervisor shall request that a Manager or Director of Operations sign to witness that the warning has been delivered, provided that the Manager or Director of Operations can confirm that the written warning has been provided and a formal conversation occurred between the employee's supervisor and the employee.

The supervisor must ensure that a copy of the signed Employee Disciplinary Action Form and Performance Improvement Plan (if any) is given to the employee within 48 hours, and that a copy of the warning and performance improvement plan is placed in the employee's personnel file for a period of two years. A record of any appeal (as set out in the WMFN Appeal Policy), including the result, must be attached to the record of disciplinary action.

3. Suspension

All suspensions must be accompanied by a formal conversation between the employee's supervisor and the employee, and a written memo, containing the same information listed for written warnings.

The employee's supervisor will complete the Employee Disciplinary Action Form. This form will include the date and the details of the warning including the identity of the witness, if any, and the response of the employee, if any.

A suspension memo must include a statement that the employee is suspended from work, with or without pay, for a specific period.

The period of suspension will be up to the Director of Operations in consultation with the department Manager and will be dependent on the severity of the discipline problem.

In the event that the affected employee is the Director of Operations, the period of suspension will be up to Council, and will be dependent on the severity of the discipline problem.

The Director of Operations or Council, as the case may be, may suspend the employee with pay while any investigation is in process. The details of the suspension will be kept on record in the employee's file for a period of 3 years.

Crisis Suspension for Serious Violations:

Serious violations are acts which seriously threaten the operation or integrity of WMFN or the safety and wellbeing of WMFN Members, clients, customers, and co-Employees. They represent actions which cannot be tolerated in any organization and include events of harassment.

Pending any investigation of the serious violation(s) and good faith effort to inform Council, the Director of Operations will:

- a) ask the employee to turn over keys and all WMFN equipment and escort them from the premises; and
- b) investigate the incident and prepare a report that includes:
 - i.) interview of witnesses
 - ii.) interview of employee
 - iii.) other appropriate measures

Employee access to all WMFN computer and email access will be suspended during the investigation

- c) based on the report, the Director of Operations will proceed with disciplinary action up to and including immediate involuntary termination.

4. Involuntary Termination of Employment

Involuntary termination of employment 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. However, involuntary termination may occur without all or any of the lower levels of disciplinary actions having occurred.

Involuntary termination of employment (see Termination of Employment Policy) may occur when WMFN has determined that an offence is of a serious nature or if multiple attempts at corrective discipline have not successfully corrected the behaviours.

Appropriate Disciplinary Action:

Although in general, WMFN will apply each level of discipline in successive order, the level of discipline that is applied in a situation will be determined by several factors, including

- a. the severity of the incident
- b. the employee's length of service and
- c. the employee's work record and disciplinary history.

Grounds for Disciplinary Action up to Termination:

Types of misconduct that will typically trigger a disciplinary process include but are not limited to:

- a. Absenteeism
- b. Tardiness
- c. Leaving work without permission
- d. Poor productivity
- e. Minor insubordination
- f. Minor safety infractions or failure to follow safety protocol
- g. Using abusive language
- h. Displaying a poor attitude
- i. Failure or refusal to accept or carry out assignments within their job description
- j. Engaging in horseplay on the job
- k. Minor policy violations.

9. TERMINATION OF EMPLOYMENT

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|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide guiding principles for WMFN and its Employees relating to the termination of the employment relationship in a mutually respectful manner.

Application and Scope:

WMFN Employees.

Policy:

Both WMFN and its Employees have the right to end the employment relationship. When termination occurs, an employee will be treated fairly, and appropriate arrangements will be made.

Termination of employment by WMFN will comply with relevant legislation.

Voluntary Termination

A voluntary termination occurs when an employee initiates termination through written or verbal resignation. A letter of resignation may include the reason for leaving, but must include the following:

- a) Employee's name
- b) Date
- c) Last day of work
- d) Employee's signature

Whenever possible, Employees should provide a minimum of 2 weeks' notice and Managers should provide a minimum of 1 month's notice, or such other timeline outlined in the employment agreement / letter of offer.

In the event of a voluntary termination of employment, Managers should discuss retaining the employee if it is in the best interest of WMFN. If this is not possible, the Manager should seek feedback and attempt to determine the employee's reasons for leaving through a voluntary exit interview process.

Job Abandonment:

Job abandonment occurs when an employee fails to report to work as required; exhibits an intention of not returning to work; and does not notify their Manager or supervisor.

If an employee fails to report to work as expected for 3 days in a row without contacting their supervisor, it will be treated as a potential job abandonment. WMFN will attempt to contact the employee via their contact information on their personnel file. If there is no response from the employee within 3 days of attempting contact, WMFN will send a registered or hand-delivered letter requesting an explanation for the absences. If the employee fails to respond to that letter within one week of delivery, WMFN will assume the employee has abandoned the job and voluntarily resigned. A registered letter is deemed to have been delivered on the earlier of the day the registered letter is picked up at the post office or 10 days after the registered letter is originally mailed.

Involuntary Termination

An involuntary termination occurs when termination is initiated by WMFN. The following are examples of involuntary terminations:

- a) Termination without cause

- when an employee, through no fault of their own, is deemed unsuited for or incapable of performing work assigned and no appropriate change of assignment is available; or
 - when an employee, through no fault of their own, is laid off due to lack of work for financial or other reasons or due to discontinuance of function
- b) Termination with cause – when an employee is terminated for a serious breach of the employee/employer relationship, including but not limited to:
- dishonesty, theft, or intentional abuse of WMFN property
 - gross insubordination
 - excessive and unsubstantiated absenteeism
 - falsification of records (including time sheets)
 - conduct that is detrimental to the business, financial position, or reputation of WMFN
 - discipline in accordance with the Employee Discipline Policy (including the failure to successfully complete a performance improvement plan)
 - breach of the WMFN Standards of Conduct Policy
 - breach of the WMFN Drug and Alcohol Policy
 - breach of the Respectful Workplace Policy
 - breach of the Conflict of Interest or Gifts Policy
 - breach of the WMFN Oath of Confidentiality
 - breach of a material term or condition of employment

Notice

Where an employee has been involuntarily terminated without cause, the employee will be provided notice at least two (2) weeks before the termination date specified in the notice, an equal amount of base pay in lieu of notice may be provided.

WMFN will not provide notice or pay in lieu of notice to an employee who:

- a) has been dismissed for cause
- b) has not completed three (3) months of continuous employment
- c) was hired for a specific term or project and that term has ended or that project has been completed
- d) was laid off for a period of less than three (3) months in duration
- e) was employed on a “casual” basis
- f) voluntarily terminated their employment

The Director of Operations, in consultation with the employee’s supervisor and/or department Manager, will determine if involuntary termination of employment is indicated. In the event that the affected employee is the Director of Operations, Council will determine if involuntary termination of employment is indicated.

If it is deemed that involuntary termination is appropriate, the Director of Operations or Council, as the case may be, will 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.

A termination letter and details of the termination will be kept in the employee’s file for a period of 5 years.

Council must be informed as soon as possible of the employee’s termination.

Severance Pay

In addition to notice or pay in lieu of notice, where the employee has been involuntarily terminated and the employee has completed twelve (12) consecutive months of continuous employment with WMFN prior to their termination, WMFN will also pay severance of:

- a) one additional week base salary/wage per completed year of employment to a maximum of eight weeks; and

- b) after eight completed years of service, two additional days base salary/wage per completed year of employment

Severance pay will be subject to the terms of any employment agreement/letter of offer and the minimum requirements outlined in the Canada Labour Code.

WMFN will not pay severance to an employee who:

- a) is dismissed for cause
- b) voluntarily terminates their employment
- c) is laid off for less than three (3) months
- d) has not completed twelve (12) consecutive months of continuous employment.

Benefits, Insurance & Pension

A terminated employee will be provided with information related to the WMFN benefits plan to determine which, if any, benefits may continue after the date of termination and, if any benefits are continuing, the terms and conditions of continuance, including duration.

Final Paycheque / Record of Employment

- a) Record of Employment: a Record of Employment for a terminated employee will be provided with the final paycheque.
- b) Final paycheque: an employee who has terminated their employment voluntarily, been laid-off, or dismissed will be paid in full (including any vacation accruals) not later than the next regular pay period following their last day, subject to the WMFN Property/Accounts Receivable policy (below) and any applicable timelines from the Canada Labour Code.

WMFN Property/Accounts Receivable

A final paycheque will be released to an employee whose employment has been terminated (voluntary or involuntary) once all WMFN property has been returned to WMFN, and in any event no later than 30 days after the employee's last day, or such other applicable timeline established by the Canada Labour Code. WMFN property includes keys, cell phone, laptop computers, tools, files and any other WMFN property in the possession of the employee has been reconciled with WMFN.

Confidential Information

Concurrent with termination, the Director of Operations will reiterate to a terminated employee WMFN's policies regarding the departing employee's obligations regarding confidentiality post-employment.

Rehire of Former Employees

Employees that have had previous employment terminated (administrative, voluntary, or involuntary) that apply for subsequent positions with WMFN will be subject to the Rehire of Former Employees Policy.

9.1 LAYOFF AND RECALL

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide consistent layoff and recall procedures for all WMFN permanent positions.

Application and Scope:

WMFN Permanent Employees.

Policy:

WMFN will practice equitable layoff and recall procedures.

WMFN makes every effort to employ individuals as permanent 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.

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.

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. If the lay-off exceeds three months with no recall date specified, the employee will be entitled to notice and severance pay as outlined in the Termination Policy.

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

The Director of Operations will determine the rate of pay for the vacant position if the position has a rate different from that which the returning employee earned in their previous position.

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 their recall rights.

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

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 their 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 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 to the employee's contact information on their personnel file via registered mail or hand-delivery. The supervisor 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 fails to respond to that written notice of recall within three working days of delivery, the position will be offered to the next qualified employee scheduled for recall. A registered letter is deemed to have been delivered on the earlier of the day the registered letter is picked up at the post office or 10 days after the registered letter is originally mailed.

If no other Employees on recall have the appropriate qualifications, the Director of Operations may fill the position according to the Hiring Practices Policy.

10. RESPECTFUL WORKPLACE

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To ensure that WMFN provides a respectful, healthy, and well-functioning work environment free from bullying, harassment, and discrimination as required by current laws.

Application and Scope:

WMFN Employees and Chief and Council

Definitions:

Respectful Workplace: A workplace that is characterized by:

- Spirited and respectful dialogue about workplace issues, which welcomes diverse perspectives
- Inclusion of people with different ancestries, backgrounds, religions, cultures, sexual orientations, and abilities
- Polite behaviour where Employees are courteous and considerate towards others
- Safety from disrespectful, discriminating, and bullying behaviour, and from repercussions for taking action to deal with disrespectful conduct in the workplace
- Support for individuals to learn and practice personal conflict resolution and respectful workplace skills

Disrespectful Conduct: Behaviour by an individual directed against another individual that a reasonable person would consider disrespectful. For the purposes of this policy, disrespectful conduct is understood to be on a continuum from mild to grievous to illegal, and includes:

- Gossiping
- Embarrassing practical jokes
- Swearing and yelling
- Inappropriately interfering in another individual's work
- Ridicule
- Making derogatory comments to or about another individual'
- Derogatory gestures
- Shunning
- Bullying
- Abuse of authority
- Discriminatory conduct contrary to the *Canadian Human Rights Act*, including harassment and sexual harassment; and
- Physical assault

Disrespectful Conduct includes conduct:

- At the workplace
- At employment-related social functions
- In the course of work assignments outside the workplace
- During work-related travel
- Over the telephone, if the conversation is work-related
- Elsewhere, if the person is there because of work-related responsibilities or a work-related relationship.

Disrespectful Conduct does not include the proper use of authority related to the exercise of managerial responsibility including providing advice and assigning work, performance evaluation, and appropriate discipline.

Bullying: Repeated, persistent, or systematic assertion of power through aggressive behaviour – physical, verbal, or psychological - which would be seen by a reasonable person as intending to belittle, intimidate, coerce, isolate, or cause fear, distress, or harm to another person or group of people.

Examples of workplace bullying include:

- Spreading malicious rumours, gossip, or innuendo that is not true
- Excluding or isolating someone socially
- Intimidating a person
- Undermining or deliberately impeding a person's work
- Physically abusing or threatening abuse
- Making jokes that are obviously offensive by spoken word or email
- Intruding on a person's privacy by pestering, spying or stalking
- Yelling
- Belittling a person's opinions
- Tampering with a person's personal belongings or work equipment

Discriminatory Conduct Contrary to the *Canadian Human Rights Act*: Behaviour towards another employee or group of Employees that treats them unfavourably on any of the grounds set out in the Canadian Human Rights Act, as amended, and which at the date this policy was last amended were:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex, including pregnancy or childbirth
- Sexual orientation
- Gender identity or expression
- Marital status
- Family status
- Genetic characteristics
- Disability
- Conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered

Under the *Canadian Human Rights Act* it is not discrimination if treatment is based on:

- Reasonable requirement or qualifications for the employment; or
- Other factors establishing reasonable cause for the treatment.

Harassment: Conduct, comment, gesture, display, or contact that might reasonably be expected to offend or humiliate a person or group of people.

Examples of harassment include:

- Making unwanted remarks or jokes about race, religion, sex, age, disability, or any other grounds of discrimination
- Threats or intimidation because of race, religion, sex, age, disability, or any other grounds of discrimination
- Unwelcome physical contact such as touching, patting, or pinching

Sexual Harassment: Conduct, comment, gesture, display or contact of a sexual nature that might reasonably be expected to cause offense or humiliation, or that might reasonably be perceived as

placing a condition of a sexual nature on employment or on any opportunity for training or promotion. Sexual Harassment may be overt or subtle and need not be intentional to be considered Sexual Harassment.

Complainant: An Employee or former Employee on the receiving end of the behaviour complained about.

Respondent: An Employee against whom an allegation has been made that they breached this policy.

Policy:

A respectful workplace enhances the well-being of Employees, improves job performance, and fosters collaboration, all of which result in better service to Members. All Employees share a collective responsibility to promote a respectful workplace, address incidents of Disrespectful Conduct when they occur, and participate in processes under this policy. All Employees are responsible for modeling respectful conduct in the workplace and are accountable for appropriate intervention when disrespectful conduct is occurring.

Disrespectful Conduct is not acceptable or tolerated in the WMFN workplace.

A copy of this policy will be available to all Employees.

WMFN Duties:

WMFN, as an employer, has a duty to ensure the health and safety of its Employees, and as a result, shall take all reasonable steps to prevent where possible, or otherwise investigate Disrespectful Conduct, and take corrective action for any instances of Bullying or Harassment.

Employee's Duties:

An Employee has a duty to take reasonable care to protect their own health and safety and that of other Employees, and as a result, an Employee must take all reasonable steps to prevent Disrespectful Conduct where possible, or otherwise report Bullying or Harassment.

A Worker's obligation to take reasonable care to protect the health and safety of themselves or others includes:

- not engaging in Disrespectful Conduct
- reporting any Bullying or Harassment which they either observe or experience
- applying and complying with WMFN policies and procedures on Respectful Workplace

Bullying or Harassment, whether to a fellow Employee or to WMFN stakeholders, is considered just cause for dismissal. Disrespectful Conduct may lead to discipline up to and including involuntary termination.

Allegation of Bullying or Harassment by an Outside Party

Employees who have a complaint of Bullying or Harassment relating to the conduct of someone who is not an WMFN Employee but who interacts with the Employee as part of WMFN business, may approach the Director of Operations or Council 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 Respondent not interact with the Complainant regarding WMFN business. Alternate arrangements for provision of service may be arranged as appropriate.

Employee Rights

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

Complaint 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 Respondent will be told of the details of the allegations.

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 personnel matters, the Director of Operations or Chief as appropriate, must be kept apprised of all matters related to a Disrespectful Conduct complaint.

Reporting Procedures:

Employees are encouraged to first tell the offender that the behaviour is unwelcome and ask them to stop. If the behaviour persists, or if the Employee feels unsafe to resolve the matter directly, Employees are encouraged to use the reporting procedures in this policy to report incidents of Disrespectful Conduct, Bullying, or Harassment.

How to report: Employees can report incidents or complaints verbally or in writing. When submitting a written complaint, please use the Respectful Workplace Complaint Form or a similar format including all relevant information. When reporting verbally, the reporting contact, along with the Complainant, will fill out the complaint form together and both sign the form.

When to report: Incidents or complaints should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated and addressed promptly.

Reporting contact: Incidents or complaints shall be reported to the Director of Operations.

Alternate reporting contact: If the Director of Operations or a Councillor is the Respondent or Complainant, the Complainant shall report to the Chief. If the Chief is the Respondent or Complainant, the Complainant shall report to a Council Member who will bring the complaint to a quorum of Council for review.

The reporting contact shall respond in writing to the Complainant within 10 business days acknowledging the receipt of the complaint. In the case of a verbal report, the Complainant and the reporting contact shall both sign the complaint form after filling it out together.

What to include in a report: Provide as much information as possible in the report, such as

- the names of people involved, including any witnesses,
- where the events occurred,
- when they occurred, and
- what behaviour and/or words led to the complaint.
- Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

Reports of Bullying and Harassment shall be made in good faith. Reprisals against Employees who report Bullying and Harassment will be investigated and may lead to disciplinary action up to and including termination of employment.

WMFN will take appropriate action to safeguard its Employees against the effects of unfounded or malicious allegations of abuse, bullying, harassment, or discrimination. If there is evidence of false, frivolous, vindictive, or vexatious claims, this may lead to disciplinary action up to and including termination of employment.

Investigation Procedures:

All reports will be taken seriously, and any Worker accused of Bullying or Harassment will be subject to an immediate investigation.

Most investigations at WMFN will be conducted internally. In complex or sensitive situations, an external investigator might be hired. Investigations will:

- be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances
- be fair and impartial, providing both the Complainant and Respondent equal treatment in evaluating the allegations
- be sensitive to the interests of all parties involved, and maintain confidentiality
- be focused on finding facts and evidence, including interviews of the Complainant, Respondent, and any witnesses
- incorporate, where appropriate, any need or request from the Complainant or Respondent for assistance during the investigation process

Investigations will commence within 10 business days of the acknowledgement of the complaint and include interviews with the Complainant, the Respondent, and any witnesses. If the Complainant and the Respondent agree on what happened, then WMFN will not investigate any further, and will determine what corrective action to take, if necessary (see Informal Process below).

In instances that require further investigation, the investigator will also review any evidence, such as emails, handwritten notes, photographs, or physical evidence such as vandalized objects.

Reasonable efforts shall be made to maintain confidentiality regarding allegations of Bullying or Harassment made according to this policy, except where disclosure is required:

- to protect the safety of an individual
- by law
- to comply with professional reporting obligations.

A complete confidential file shall be kept on the matter. Investigation reports will be included in an employee's personnel file. If the claim is found to have no merit, the report will be removed from the employee's personnel file.

Roles and Responsibilities

The Director of Operations is responsible for ensuring workplace investigation procedures are followed. If the Director of Operations is the Respondent or Complainant, the Chief will be responsible for ensuring the workplace investigation procedures are followed.

Employees are expected to cooperate with investigators and provide any details of incidents they have experienced or witnessed.

The Director of Operations shall conduct investigations and implement appropriate recommendations. If the Director of Operations is the Respondent or Complainant, the Chief will conduct investigations and provide a written report with conclusions to Council. To avoid possible Conflict of Interest and ensure leadership transparency, if a Council Member is the Respondent, the remainder of Council will appoint an investigator (either internal or external).

At the discretion of the Director of Operations (or Council as appropriate), external investigators may be hired to conduct investigations and provide a written report with conclusions and recommendations.

Follow-up

The Complainant will be asked whether they wish to pursue an informal or formal resolution process, and this choice will be respected on a best-effort basis.

In cases where alternate dispute resolution methods, such as facilitation or mediation, are appropriate, all parties will be expected to consider using such methods and making reasonable efforts to resolve the situation through these means.

An informal resolution process may not always be appropriate. Depending on the circumstances, there may be cases where there will be no other choice but to proceed with a formal investigation.

Informal process: In some cases, a formal investigation may not be necessary. For example, an informal process may be sufficient when simply having someone speak to the Respondent on behalf of the Complainant or holding a facilitation meeting prompts the Respondent to realize that the behaviour in question is not welcome and to commit to not engage in similar behaviour in the future and/or to take other corrective and/or restorative actions. When the Respondent does not challenge the allegations made by the Complainant, is willing to cease the behaviour, and a resolution acceptable to both parties is reached (an apology, training, etc.), it may not be necessary to conduct a formal investigation. Possible informal resolution outcomes include:

- facilitation or mediation, if appropriate
- training
- a verbal or written apology
- reorganization of the reporting structure or working relationship
- regular follow-ups with the Complainant in order to ensure that the behaviour has ceased
- a combination of the above or any other resolution outcome agreeable to all

Formal process: An informal resolution process may not always be appropriate. For example, this may happen when the respondent does not agree with the factual allegations made against them or disputes that the behaviour was inappropriate under the circumstances. A formal investigation may also be required in light of the seriousness of the allegations.

If, after an investigation, a complaint is found to be substantiated, WMFN will implement corrective and/or restorative measures in order to ensure a workplace free from harassment and bullying and prevent a reoccurrence of the incident(s). These measures may be disciplinary, non-disciplinary or both, depending on the circumstances. They include:

- an oral or written apology
- coaching or training
- restructuring of reporting relationships or duties
- a verbal reprimand
- a written reprimand
- suspension without pay
- dismissal
- any other appropriate measures or a combination of the above

Investigations will be concluded and recommendations for resolution or corrective action submitted to the Director of Operations (or Council as appropriate) within 30 days. This timeline is subject to extension, with written notice, by the investigator or investigation team.

After the investigation is completed, the investigator, if the investigation has been conducted internally, or the Director of Operations (or Council as appropriate) in collaboration with the external investigators, will advise the Complainant and the Respondent of the results and of any corrective and/or restorative measures that have been taken or will be taken as a result of the investigation.

Following an investigation, the Director of Operations will review and revise workplace procedures as necessary to reduce or prevent future Disrespectful Conduct. Appropriate corrective actions will be taken within the timeframe recommended by the investigation team, or in crisis circumstances, at the discretion of the Director of Operations (or Council as appropriate). As

required, Employees may be encouraged to seek medical advice or other community resources that may assist them to further address the situation.

Record-keeping requirements

WMFN expects that Employees will keep written accounts of incidents to submit with any complaints. WMFN will keep a confidential written record of investigations, including the findings.

11. DRUGS AND ALCOHOL

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To communicate WMFN expectations and guidelines surrounding substance use, misuse, and abuse.

Application and Scope:

WMFN Employees

Policy:

WMFN recognizes that the illicit or inappropriate use of drugs or alcohol can adversely affect employee job performance, the work environment, the integrity, and safety of WMFN operations, and the wellbeing of Employees, their families, and Members. Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks both to themselves and their fellow Employees. To help ensure a safe and healthy workplace, WMFN reserves the right to prohibit certain items and substances from being brought onto or being present at WMFN administrative buildings, facilities, or projects. While conducting work on behalf of West Moberly First Nations, whether on or off West Moberly First Nations property:

- Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard. Employees must remain fit for duty for the duration of their shift.
- Use, possession, distribution, or sale of drugs or alcohol during work hours, including during paid and unpaid breaks, is strictly prohibited.
- Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol.
- Prior to reporting for work, Employees on prescription medication or medically approved substances must communicate to their direct supervisor any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.
- Employees may refuse service to individuals that attend a WMFN place of business if that individual is under the influence of drugs or alcohol.

Roles and responsibilities

WMFN shall:

- a) Clearly communicate expectations surrounding alcohol and drug use, misuse and abuse
- b) Maintain a program of employee health and awareness.
- c) Provide a safe work environment.
- d) Review and update this policy on a regular basis.

Managers and supervisors shall:

- a) Understand their role and the procedures related to substance use in the workplace.
- b) Inform their Employees of the policy and guidelines and apply them in a consistent manner
- c) Take prompt action when an individual is unfit for duty, an individual's work performance is unacceptable or an individual's actions jeopardize the safety of themselves, others, or WMFN's reputation. However, no attempt should be made to diagnose a health problem or alcohol or drug dependency.
- d) Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions.

- e) Ensure that any employee who asks for help due to a drug or alcohol dependency is provided with the appropriate support, including reasonable Workplace Accommodations (See Workplace Accommodations Policy), and is not disciplined for doing so.
- f) Maintain confidentiality and employee privacy.

Employees must:

- a) Abide by the provisions of this policy and be aware of their responsibilities under it.
- b) Arrive to work fit for duty and remain as such for the duration of shift.
- c) Perform work in a safe manner in accordance with WMFN established safe work practices.
- d) Inform their supervisor immediately if they are unable to safely and efficiently perform their duties due to the consumption of alcohol, illicit drugs, medications or any other substance.
- e) Consult with their personal physician or pharmacist to determine if medication use will have any potential negative effect on job performance. Report to their supervisor if there is any potential risk, limitation or restriction that may require modification of duties or temporary reassignment
- f) Abstain from the consumption of any substance prior to or during a scheduled work shift that could impair their ability to safely and/or efficiently perform their duties.
- g) Refrain from the possession, sale, or distribution of drugs or alcohol on WMFN property and during working hours (including on-call, travel, and any remote working arrangements).
- h) Report any impaired driving charge or conviction to their supervisor if expected to operate a vehicle on WMFN business. This should be done immediately and no later than three working days of receiving the charge, or immediately if the driver's license is suspended.
- i) When off duty, refuse a request to come into work if unfit for duty.
- j) Report unfit co-Employees to a Manager or supervisor.
- k) Assume ownership in the case of a developing alcohol and/or drug problem by communicating dependency or emerging dependency and seeking professional assistance, including following any recommended treatment and relapse prevention program following treatment.

Inquiry

Should there be reason to believe that the job performance of an employee is being negatively affected by alcohol, illegal or prescription drugs, or that this policy is being violated in any way, WMFN is entitled to inquire as to the nature of the problem and take appropriate action.

Suspicion of Impairment Procedure

The following procedure will be enacted if there is reasonable belief that an employee is impaired at work:

- a) If possible, the employee's supervisor will first seek another Manager's opinion to confirm the employee's status.
- b) Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour that may include, slurred speech, difficulty with balance, watery and/or red eyes, dilated pupils, and/or there is an odour of liquor or cannabis, the employee should not be permitted to return to their assigned duties for the

remainder of the shift to ensure their safety and the safety of other Employees or visitors to the workplace.

- c) If an employee is considered impaired and deemed "unfit for work" this decision is made based on the best judgment of two members of management and DOES NOT require a breathalyzer or blood test. The employee will be advised that WMFN has arranged a service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a Manager/supervisor or another employee if necessary.
- d) An employee sent home due to impairment or being deemed "unfit for work" will not be paid for the balance of the shift.
- e) An impaired employee will not be allowed to drive. The employee should be advised if they choose to refuse WMFN organized transportation and make the decision to drive their personal vehicle that WMFN is obligated to and will contact the police to make them aware of the situation.
- f) A meeting will be scheduled for the following workday to review the incident and determine a course of action which may include a monitored referral program as part of a treatment plan.

Substance Dependency

WMFN understands that certain individuals may have or may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies; however, disease or disability will be subject to WMFN's duty to accommodate pursuant to the *Canadian Human Rights Act*. WMFN promotes early diagnosis. Any employee who suspects that they might have an emerging drug or alcohol problem is expected to seek appropriate treatment promptly towards a goal of rehabilitation.

Voluntary Identification

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected, and appropriate Workplace Accommodations can be implemented. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information shall be kept confidential by WMFN, unless otherwise authorized by law.

Any leave required for addictions treatment will be processed by WMFN under the Leave Management Policy.

Agreement for Continuation of Employment

WMFN reserves the right to invoke an *Agreement for the Continuation of Employment* in accordance with an employee's commitment to become, and remain, alcohol and drug-free. The Agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions.

An Agreement for the Continuation of Employment may include a requirement for drug and alcohol testing.

Disciplinary Action

Employees will be subject to progressive discipline, in accordance with the Employee Discipline Policy, up to and including involuntary termination of employment for failure to adhere to the provisions of this policy, including:

- a) Failure to meet prescribed safety standards as a result of impairment from alcohol and/or drugs and
- b) Engaging in illegal activities (e.g. selling drugs and/or alcohol while on WMFN premises).

- c) Failing to follow an agreed upon after-care plan included in the *Agreement for the Continuation of Employment*.

12. WORKPLACE ACCOMMODATIONS

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To make the WMFN work environment inclusive and non-discriminatory and to establish effective mechanisms for responding to accommodations required by WMFN Employees

Application and Scope:

WMFN Employees, applicants for positions with WMFN as appropriate

Background:

The duty to accommodate in the workplace is a legal requirement for employers to adjust practices, policies, requirements, procedures, or rules to enable Employees or applicants to participate more fully to prevent or reduce discrimination on the basis of a prohibited ground identified in the *Canadian Human Rights Act* or the *Employment Equity Act*. The duty to accommodate protects individuals from being denied opportunities or being discriminated against on the basis of a certain personal characteristic known as prohibited grounds.

Prohibited grounds identified in the *Canadian Human Rights Act* at the date this policy was last amended were:

- a) race
- b) age
- c) colour
- d) religion
- e) national or ethnic origin
- f) sex, including pregnancy or child-birth
- g) sexual orientation
- h) gender identity or expression
- i) marital status
- j) family status
- k) genetic characteristics
- l) an offence for which a pardon has been granted or a record suspension has been ordered
- m) disability (includes physical or mental).

The central purpose of the duty to accommodate in employment is to promote, within the bounds of reason, the ability of individuals to fairly and equally participate in the workplace through the elimination of the discriminatory effects of certain workplace standards.

Policy:

WMFN recognizes the diversity of its workforce and is committed to ensuring that all Employees are able to effectively and efficiently use their skills and experience to contribute to WMFN's performance and service delivery. This includes the opportunity to participate, without discrimination, in both work-related and other activities conducted in a work context.

WMFN will establish and maintain an effective system to ensure an inclusive workplace and to provide reasonable workplace accommodation.

WMFN will ensure that its corporate activities, including policies, practices, and procedures will not result in discrimination.

WMFN will respond in a timely, confidential, and sensitive manner to requests for individual workplace accommodation.

Individual Accommodation:

WMFN will ensure that it provides, in a timely and effective way, accommodation specific to an individual's needs. This could include:

- hours of work
- work station access and adjustments
- hiring practices
- work procedure adjustments
- provision of specific services, facilities, aids, or equipment
- reassignment of duties

WMFN recognizes that the need for accommodation may arise during the employment selection process, at the commencement of employment or at some time after employment has commenced.

A WMFN Employee making a request for accommodation is responsible for:

- requesting, in a timely manner, accommodation including by identifying abilities, limitations and restrictions related to the request for accommodation
- providing, in a timely manner, adequate information including reports or medical information specifically relevant to the process of identifying appropriate accommodation
- facilitating and cooperating with the accommodation process, including by following any rehabilitation or treatment plan as recommended by the treating physician
- sharing the responsibility for ensuring that an individual accommodation is identified
- accepting a reasonable accommodation

Undue hardship

Where a practice, policy, requirement, procedure, or rule results in discrimination against an employee, WMFN will ensure that all effective options to accommodate, short of undue hardship, are considered.

If the accommodation would result in undue hardship to WMFN, WMFN is not required to provide that accommodation.

Where a particular means of accommodation is requested and it has been found that it cannot be implemented without incurring undue hardship to WMFN, every effort will be made to provide alternative accommodation up to the point of undue hardship.

As there is no precise legal definition of undue hardship or standard formula for determining what constitutes an undue hardship, WMFN will consider each situation and accommodation as unique and assess them individually. Factors considered in undue hardship will include health, safety, and cost.

13. HIRING PRACTICES

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To promote employment equity through fair and transparent hiring policies and procedures and to ensure that WMFN hires individuals that contribute to efficient operations and provide fair and reliable service to WMFN Members.

Application and Scope:

All vacant positions within WMFN except for Casual Employees and Contractors.

Policy:

WMFN encourages applications from all qualified persons. WMFN provides equal employment opportunities to all, regardless of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, political belief, creed, disability that does not prohibit performance of essential job functions or that cannot be accommodated, or conviction for which a pardon has been granted or a record suspension has been ordered.

Notwithstanding the above, where two or more applicants have comparable or equivalent skills and qualifications, preference will be given, in the following order, to:

- WMFN Members
- WMFN Community Members (as defined in the WMFN Interpretation Policy)
- All other candidates

Children (under 17 years old) are eligible for WMFN employment as long as:

- (a) they do not work on any school day at a time when the Child is scheduled to attend school, as may be required by provincial law or other valid enactment;
- (b) a parent or guardian has provided written permission; and
- (c) the work that the Child is employed to perform is not likely to be injurious to their health or to endanger their safety.

Children (under 17 years old) are not permitted to work between 11pm on one day and 6am the following day (i.e. overnight).

Procedure:

Vacancies will be posted internally (Members, Community Members, current Employees) for 10 days and, if not filled with a qualified candidate in that time frame, will be open to external candidates.

Internal posting will be by advertising the vacancy on the bulletin board in WMFN offices and sending to Members and Community Member via mass mail, newsletter, or other communication method.

If after 10 days the vacancy has not been filled with a qualified candidate, it will become open to both internal and external candidates. Vacancies may be posted in outside recruiting resources as deemed necessary by the Director of Operations.

Council shall approve job descriptions for all new positions.

The Director of Operations will provide Councillors with job postings and job descriptions for information and comment prior to posting vacancies. Council shall approve job descriptions for all new positions.

Postings will describe the key responsibilities of the vacant position and the minimum requirements (qualifications, education, and experience) for the position, the type of position (see Classifications section) and the term of the position if it is a Term/Temporary posting.

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

Applications:

Applicants must submit an application and/or a resume and cover letter to WMFN as outlined in the job posting advertisement.

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

Processing:

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

Applications will be screened by the relevant department Manager to assess whether the applicant meets the minimum requirements for the position as included in the posting. Councillors will be provided with a written list of the applicants who meet the minimum requirements for the position for their review and comment.

The department Manager will then prepare a short-list of applicants to be interviewed from the candidates who meet the minimum requirements noted on the job posting, considering any comments from Councillors. The interview short-list will identify the candidates best suited to the position requirements based on knowledge, skills, and experience. This task will be conducted by applying a consistent evaluation process.

All competitions will include an interview for short-listed applicants and reference checks for applicants who may be recommended for the position.

If no qualified applications are received, the position may be reposted, or the closing date extended, for both internal and external applicants simultaneously.

Interview:

Interviews will be conducted using a panel format. The interview panel must consist of at least 3 individuals, which may include the relevant department Manager, the Director of Operations, the supervisor of the position, or other individuals designated by the Director of Operations. The Director of Operations may authorize an interview with less than three panel members if operational requirements make it difficult for a full panel of interviewers. The 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 position, except that in the case of extenuating circumstances advance notice may not be possible.

Interview questions will be prepared, distributed, and agreed to by the interview panel members prior to the interviews. The interview questions may include a written or technical testing component when appropriate for the position.

Reference Check:

Following the interview, a member of the interview panel will be assigned to contact three (3) references for any applicant(s) who the panel may recommend for the position.

Selection:

The interview panel will rank the applicants immediately following the interview process and recommend which applicant should be offered the position, provided that the applicant's

reference checks do not raise any concerns. The interview panel may also recommend a secondary applicant if the position is not accepted by the preferred applicant and provided that the secondary applicant's reference checks do not raise any concerns.

The Department Manager will also provide direction regarding the acceptable start date and starting wage or salary as appropriate. The WMFN Compensation Policy will be referenced regarding the starting wage or salary.

The Director of Operations will offer the position to the applicant by way of written letter of offer in the order recommended by the interview panel and approved by the Manager.

After the position has been accepted, all applicants who were 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.

If no qualified applicants are identified by the interview panel, the position will be reposted.

If only 1 applicant applies for a position, the interview panel will interview that candidate if the applicant meets the minimum requirements. Upon completion of the interview, if the interview panel is considering recommending the applicant for the position, they will conduct reference checks. The interview panel reserves the right to either recommend the applicant for employment or to re-post for the position.

Conditions of Employment:

People who owe money to WMFN may apply to 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 30 % of their pay per pay period until repayment is complete, unless a repayment plan is in place and current as per policy.

Employees are required to follow all WMFN policies and procedures as a condition of employment.

All new Employees must complete the following procedures within the first week of employment:

- Complete a TD1 or Tax Exemption Form on date of hire
- Benefits plan registration
- 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 and fill out a CRA "Determination of Exemption of an Indian's Employment Income" form (Form TD1-IN) to be kept on file and updated if relevant circumstances change
- Sign an Oath of Confidentiality
- Sign an authorization for Payroll Deductions
- Agree to a criminal record check appropriate for the position
- Receive orientation from the Director of Operations or their supervisor, including review of all Employee related policies and procedures and sign for having received the orientation

Probationary Period:

Unless otherwise indicated in the employment agreement or letter of offer, the probationary period for new Employees will be six (6) months. (See Performance Management Policy for more information.)

A mid-probationary review will be conducted to address any concerns by the employee or their Manager.

WMFN may terminate probationary Employees at any time during or at the end of the six-month probationary period. 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.

13.1 REHIRE OF FORMER EMPLOYEES

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To outline the process to be used in the event of rehiring a person who has previously been employed with WMFN.

Application and Scope:

WMFN current and former Employees.

Policy:

When an applicant has worked for WMFN previously they will, in addition to the regular recruitment process outlined in the Hiring Practices Policy, undergo an additional screening.

Procedure:

The Director of Operations will review the applicant's personnel file prior to short-listing to determine:

- Reasons for layoff, resignation, or involuntary termination
- Whether proper notice was provided by the Employee for a resignation
- Whether all WMFN property was returned
- Job performance as recorded in Performance Evaluations, if any
- 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.

An applicant who meets the minimum requirements for the vacancy but was previously involuntarily terminated from WMFN employment will be screened prior to short-listing by the Director of Operations in the following manner:

1. Consider the circumstances of involuntary 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 involuntary termination
3. Assess with the applicant, prior to interview, whether they have overcome the problem(s) that lead to the discharge
4. Inform the relevant department Manager of the results of steps 1 and 2 and make decision whether to short-list the applicant and invite for interview or not

The Interview Panel will be advised of the results of the above review if the applicant gets short-listed.

If the applicant is the successful applicant following screening, interview and reference checks, the Director of Operations, on the recommendation of the Interview Panel, 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 will not be eligible for rehire for a minimum of 1 year.

A Conditional Letter of Offer will:

1. Acknowledge that a job offer is being made subject to conditions
2. Acknowledge the cause for previous involuntary termination or departure from WMFN
3. Notify the successful applicant that WMFN requires an acceptable standard of ethical and professional behaviour as a condition of employment

4. Notify the successful applicant about the length and purpose of the Probationary Period as well clarify the function of Performance Evaluations
5. Request written acknowledgement that the applicant has read, understood, and agreed to these conditions as indicated by their signature on the letter of offer.

13.2 CASUAL HIRE

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To clarify the process for hiring casual labour.

Application and Scope:

WMFN casual hire opportunities and Casual Employees

Policy:

A Casual list will be maintained by the Casual Hire Coordinator.

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

Applicants must agree to criminal records check appropriate for the casual hire opportunity.

Applicants for casual hire opportunities must have a valid Social Insurance Number.

Positions that require an Employee for more than 3 consecutive months are not casual hire opportunities and the position will be posted and hired per the regular hiring practices.

Positions that begin as a casual hire opportunity and then develop into a position requiring an Employee for more than 3 consecutive months will be posted and hired per the regular hiring practices. The incumbent Casual Employee may apply for the position.

Procedure:

The Casual list will be updated annually to determine availability, skills, and qualifications.

When a department requires casual hire assistance; they shall submit a request to the Casual Hire Coordinator outlining the specific role and the qualifications required. Departments should give the Casual Hire Coordinator as much notice as possible.

The Casual Hire Coordinator will be guided in their selection by the skills and qualifications required, and the appropriate level of criminal records check (regular or vulnerable sector).

The Casual Hire Coordinator will select qualified Casual Employees on a rotational basis to offer all qualified candidates an equal opportunity for casual employment.

Departments must report problems with Casual hires to the Casual Hire Coordinator who will discuss performance expectations with the Casual hire. The Casual Hire Coordinator in consultation with the Director of Operations may remove the Casual hire's name from the list for a period of time if there is sufficient cause. Reinstatement to the list will require a performance plan to address the reasons for previous removal. Performance expectations include work performance and attendance.

If no one on the list is available or has the required skills; the Casual Hire Coordinator in consultation with the Director of Operations may choose to post the opportunity for 3 days and select from any resulting qualified applicants or to approve direct award to a Contractor or Term/Temporary employee if timing is of the essence.

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.

14. HOURS OF WORK

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To describe the hours of work required of all WMFN Employees and includes expectations of salaried, full time, part time and casual Employees.

Application and Scope:

WMFN Regular and Casual Employees.

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 by way of written and signed agreement.

Hours of Operation:

The usual WMFN work schedule for Full-Time Employees is 70 hours biweekly.

Regular hours of work will be

- 8:00 - 4:30 (Monday-Thursday)
- 8:00 - 2:30 (payday Friday)
- Closed (non-payday Friday)

All Employees, except for Managers, are expected to work within these hours of work unless their supervisor authorizes alternative hours.

For clarity, in accordance with the Canada Labour Code, children who are employed by WMFN (under 17 years old) are not permitted to work between 11pm on one day and 6am the following day (i.e. overnight).

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 their break. Should an employee not take these breaks, no additional compensation will be paid. Employees are also entitled to take one 30-minute break mid-day as an unpaid lunch.

Employees are entitled to an unpaid break for medical reasons. In the event of regular breaks for medical reasons, supervisors may require a note issued by a health care practitioner setting out the length and frequency of the breaks required for medical reasons.

Employees who are nursing (breastfeeding) are entitled to an unpaid break as required for nursing or expressing breast milk.

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 Monday and end on Sunday. Supervisors are to discourage having Employees work more than 48 hours per week in accordance with Canada Labour Code (CLC) guidelines.

Employees may refuse to work the requested overtime to carry out responsibilities related to the health or care of a family member or to the education of a family member who is under 18 years

of age. Employees must first ensure that they have taken reasonable steps to carry out their family responsibility by other means, to enable them to work the overtime requested.

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 two weeks per calendar year.

Time off using banked overtime must be scheduled and have prior approval from the supervisor.

Unused banked time will be paid out the first payday of December. In the event of a termination of employment prior to the first payday of December, the unused banked time will be paid out in the final employee payment.

Overtime must be authorized in advance and claims for overtime pay will not be honoured unless the employee has prior written approval for the overtime. If an employee works overtime hours without the prior written approval of their supervisor, WMFN will consider this to be volunteer work. The only exception will be for emergency purposes such as health or safety issues when obtaining approval is not reasonably practicable. Employees must inform the supervisor as soon as possible under these emergency circumstances.

Managers, and Employees who carry out management functions, are not entitled to Overtime pay. Managers are expected to work the hours necessary given the job responsibilities.

In recognition of the fact that Managers are not entitled to overtime pay, Managers receive 2 days per month as time-off. Manager's days may be banked up to 10 days, at which time the Manager must schedule to take the banked time off. Manager banked days will not be paid out if they are not taken, and they will not be carried over into a new calendar year.

Reporting Pay

When a non-managerial 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 the hours are over the daily (8 hour) or weekly (40 hour) limits set by Canada Labour Code.

If the Director of Operations, Chief or Council member calls out an employee who reports to work, it will be deemed as pre-approval if payment of overtime results. Chief and Council shall attempt to contact the Director of Operations to authorize call-out. If the Director of Operations is unavailable, Council shall notify them as soon as possible after the fact regarding the emergency call-out.

General Holidays:

See Leave Management Policy for more information.

A general holiday is a specific day on which Employees are entitled to a day off with pay. An employee who is not required to work on a general holiday is entitled to pay equivalent to 1/20th of the wages (excluding overtime) that the employee earned during the 4-week period immediately preceding the week in which the general holiday occurs.

Employees required to work on a general holiday will be paid at the rate of 1.5 times their regular hourly wage for the hours worked, in addition to the holiday pay for that general holiday set out above. WMFN, with written approval of the employee, may substitute a different paid day off in lieu of the general holiday that was worked, instead of overtime pay. The employee, with the agreement of their supervisor, may choose to take a different paid day off in lieu of the general holiday that was worked, instead of the overtime pay.

The lieu day must be taken within the next 10 working days of the general holiday.

WMFN recognizes the following General Holidays for Employees (See Leave Management).

| | |
|---------------------------------|---|
| New Year's Day | Treaty Day |
| Family Day | BC Day |
| Good Friday | Labour Day |
| Easter Monday | National Day for Truth and Reconciliation |
| Victoria Day | Thanksgiving Day |
| National Indigenous Peoples Day | Remembrance Day |
| Canada Day | Christmas Day |
| | Boxing Day |

15. TIMESHEETS

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide guidelines for the accurate and consistent recording of hours worked by WMFN Employees.

Application and Scope:

WMFN Regular and Casual Employees, and Chief and Council.

Policy:

All Employees and Chief and Council shall submit a WMFN Timesheet to their supervisor by 11:00 a.m. the Monday following the end of each pay period. If the Monday is a General Holiday, Employees must submit timesheets on the WMFN business day prior to the General Holiday.

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, the one-half hour lunch break is unpaid unless specified by the employee that the lunch break was not taken due to an emergency or approved in advance by supervisor. Any resulting overtime must be pre-approved by the supervisor (see Hours of Work Policy).

The supervisor shall ensure that the Timesheet is complete and accurate prior to approving and submitting to Finance for processing. If revisions are required before approval, the supervisor will return the timesheet to the employee for necessary changes. It is the responsibility of the supervisor to ensure accuracy of timesheets prior to submission to Finance.

Late timesheets may not be processed for payroll on the following Friday. Employees that do not submit a timesheet will receive an advance of their base pay for the pay period. The timesheet for the following payroll must show any necessary adjustments based on actual hours worked and timesheet submitted.

Frequent late submission of a timesheet, failure to submit timesheets or providing false information on a timesheet may result in disciplinary action.

16. LEAVE MANAGEMENT

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide consistent guidelines regarding the different types of leave WMFN Employees may apply for.

Application and Scope:

WMFN Regular Employees and Chief and Council.

Policy:

WMFN will adhere to Canada Labour Code requirements and this policy.

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 required approval or to provide false or misleading reasons when applying for leave or any failure to return from leave by the approved date may result in disciplinary action up to and including dismissal. Except where other approval requirements are noted in this policy or when offices are closed, leaves require the written approval from the employee's supervisor.

When an employee returns from a leave, the employee will be returned to their former position or a comparable position in the same department, at a comparable salary.

For the purposes of applying this policy, the term "immediate family" follows the definition included in the WMFN Interpretation Policy. It is limited to the employee's spouse (including common-law spouse and same sex spouse), parents, children, siblings, grandparents, grandchildren and includes in-law, adoptive, and step relationships, and any person who lives with an employee as a member of the employee's family.

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

Types of Leave:

Leaves covered by this policy include:

Paid Leaves:

- General Holidays
- Annual Vacation
- Birth or Adoption Leave
- Personal Leave
- Bereavement
- Court or Jury Duty
- Other Paid Leaves as may be adopted pursuant to the Canada Labour Code

Unpaid Leaves¹:

¹ Some unpaid leaves may be eligible for Employment Insurance

- Maternity and Parental Leave
- Medical Leave
- Critical Illness
- Compassionate Care Leave
- Voting
- Bereavement and Funeral Leave without Pay
- Leave for Traditional Cultural Practices
- Other Types of Leave (required by Canada Labour Code)
- Other Leaves without Pay

Leaves with Pay:

Except where other approval requirements are noted in the specific leave category, a Leave Request Form for leave with pay for any duration must be submitted in writing to the Supervisor. The signed Leave Request Form must be submitted to Finance prior to the leave.

General Holidays

WMFN observes the following General Holidays by closing the offices or, when the General Holiday falls on a day when the offices are normally closed, on a day determined by a poll of the impacted Employees (requires 70% approval per Canada Labour Code) and posted at least 30 days prior. (See Hours of Work Policy).

| | |
|----------------------------------|---|
| New Year's Day | Treaty Day |
| Family Day | BC Day |
| Good Friday | Labour Day |
| Easter Monday | National Day for Truth and Reconciliation |
| Victoria Day | Thanksgiving Day |
| National Indigenous Peoples' Day | Remembrance Day |
| Canada Day | Christmas Day |
| | Boxing Day |

WMFN offices are closed for a two-week period during the Christmas season. This closure is inclusive of the General Holiday closures for Christmas Day, Boxing Day, and New Year's Day and is a paid break for WMFN Employees. Non-managerial Employees that are required to work during this period will be paid at the overtime rate for hours worked.

Annual Vacation

Employees are entitled to vacation with pay as follows:

- After 1 year of completed employment 2 weeks (accrual rate of 4.00%)
- After 2 years of completed employment 3 weeks (accrual rate of 6.00%)
- After 5 years of completed employment 4 weeks (accrual rate of 8.00%)
- After 10 years of completed employment 5 weeks (accrual rate of 10.00%)

At the recommendation of their supervisor, the Director of Operations may approve one week of annual vacation to be taken after 6 months in extenuating circumstances.

Vacation is based on each employee's personal employment anniversary date. Unused vacation will be paid out on the paycheck immediately following their anniversary date. In exceptional circumstances, unused vacation time may be carried forward to the next year of employment only if:

- The vacation time is scheduled to be taken within the next year of employment and
- The employee's supervisor approves the arrangement in writing.

It is not required that an employee takes all their vacation at one time. They may take individual weeks, or days, at their preference. The employee must arrange all vacation time through their supervisor. However, should two Employees in the same department request the same time off and it conflicts with the department's work needs, the supervisor will grant the vacation time to the first employee that has submitted the request. If two Employees submit requests at the same time and it conflicts with the department's work needs, the supervisor will grant the vacation time to the employee with the most seniority.

It is expected that Employees schedule their vacation time by April 30th of each year. Except in emergency situations, Employees must have vacation approved a minimum of 2 weeks prior to the beginning of their vacation.

Where an employee qualifies for general holidays, bereavement leave, or any other approved leave with pay during their vacation leave, such leave will not be included as vacation leave. The period of vacation leave displaced with another approved leave with pay will be rescheduled.

Birth or Adoption Leave

If an employee is not on maternity or parental leave but wishes to be present at the birth or adoption of their child, the employee is entitled to five (5) days paid leave for this purpose.

Personal Leave (paid)

Regular Employees will be entitled to a maximum of 18 paid personal leave days per fiscal year (April 1-March 31).

Entitlement for regular part-time Employees and for Employees that begin their employment mid-year will be pro-rated. Unused personal leave will not be paid out and cannot be carried over from year to year.

Personal leave can be used by Employees for:

- medical diagnosis, care, treatment, or preventative treatment of a mental or physical illness, injury, or health condition
- carrying out responsibilities related to the health or care of any of their family members
- carrying out responsibilities related to the education of any of their family members who are under 18 years of age
- addressing any urgent matter concerning themselves or their family members
- attending their citizenship ceremony under the *Citizenship Act*
- any other reason prescribed by Canada Labour Code regulation

Prior authorization is not required for Personal Leave; however, Employees must provide reasonable notice of an absence from work for the use of Personal Leave. If an employee's absence is foreseeable, the employee must provide notice to their supervisor at least 3 days in advance, or as early as practicable, before the first day personal leave is used. If an employee's absence is unforeseeable, the employee must contact their supervisor as soon as possible before the required start of their shift. In the event it is not practicable for the employee to provide notice of an unforeseeable absence, a person may provide such notice on the employee's behalf. If possible, notification should include the expected duration of the absence.

The employee must provide a note from a Health Care Practitioner for personal leave due to illness of employee or family member of more than three working days if documentation is reasonably practicable for the employee to obtain and provide. Upon submission of appropriate receipts, WMFN will reimburse the employee for the cost of obtaining a required note from a health care practitioner.

If the employee fails to provide documentation despite the fact that it is reasonably practicable for them to obtain and provide it, the employee will be eligible for paid leave only for the first three days.

Paid personal leave cannot be used while receiving Employees' Compensation benefits or other government-funded sick benefits (see Medical Leave without Pay).

Bereavement and Funeral Leave with Pay

Immediate Family: An employee is entitled to ten (10) working days of paid bereavement leave.

The employee can take this leave during the period starting the day on which the death occurs ending 6 weeks after the date of the funeral, burial, or memorial service. Employees may take this leave non-consecutively. Non-consecutive uses of bereavement leave must be at least one day in duration.

Employees must provide written notice as soon as possible, indicating the dates and duration of the leave.

Cultural traditions may extend "immediate family" beyond the definition included in the WMFN Interpretation Policy. A bereavement leave following the death of a family member outside of this definition may be granted for cultural reasons at the discretion of the supervisor in consultation with the Director of Operations (or by Chief and Council if the employee requesting leave is the Director of Operations).

WMFN respects and honours the passing of WMFN registered members, Halfway River or Saulteau First Nations elder members, or WMFN staff members by closing all offices for business on the working day of the passing, and on the working day of the celebration of life. Closures to respect and honour the passing of other individuals will be at the discretion of Council. Previously scheduled meetings or critical business may continue at the discretion of the supervisor in consultation with the Director of Operations. Employees will receive regular wages or applicable overtime during these closures. Overtime must be approved per the Hours of Work policy.

Court or Jury Duty

An employee is entitled to paid court leave if an employee is:

- acting as a witness in a proceeding
- acting as a juror in a proceeding
- participating in jury selection process
- accompanying their child (under 19) who is acting as a witness in a proceeding.

An employee who would like to take this leave must provide their supervisor with notice in writing as soon as possible with the reasons for the leave and the length of the leave they intend to take. If there is a change in the length of leave required, the employee should provide notice as soon as possible of the change in length of leave in writing.

The employee's supervisor, relevant department Manager or the Director of Operations may require documentation in support of the reasons for the leave, and any change in the length of the leave, such as court order, subpoena, or jury summons. The employee will provide documentation upon request.

Any stipends/fees provided must be turned over to WMFN.

Leaves without Pay²:

The Director of Operations, or Chief and Council if the Director of Operations is requesting, may authorize any request for leave of absence without pay.

Procedure

Employees must submit a request for unpaid leave to their supervisor in writing as soon as possible with the reasons for the leave and the length of the leave requested.

The supervisor will evaluate the request and any associated employee or departmental impacts and make recommendations to Director of Operations, considering any relevant entitlements to leave found in the Canada Labour Code.

Leaves will be subject to WMFN operational requirements and the Canada Labour Code.

If there is a change in the length of leave required, the employee should provide notice as soon as possible of the change in length of leave in writing.

During a leave period, the employee may maintain their employee benefits by paying their share of the cost that normally would have been paid, in which case WMFN will continue to pay their share of the cost.

Maternity and Parental Leave

As per Maternity Leave and Parental Leave provisions in the Canada Labour Code and any updates.

An employee who intends to take a leave under the Maternity Leave or Parental Leave provisions in the Canada Labour Code shall give their supervisor at least four (4) weeks written notice before the day on which the leave is to begin, unless there is a valid reason for not doing so, in which case the employee shall give written notice as soon as possible. The notice should include the length of leave intended to be taken.

An employee who intends to take or who is on a leave under the Maternity or Parental Leave provisions in the Canada Labour Code shall provide their supervisor with written notice of any change in the length of leave intended to be taken at least four (4) weeks before the day of the change, unless there is a valid reason for not doing so, in which case the employee shall give written notice as soon as possible.

Pursuant to the Canada Labour Code, at the date this policy was last amended Employees are entitled to

- up to 17 weeks of unpaid maternity leave, which leave may begin not earlier than 13 weeks prior to the due date and end not later than 17 weeks following the birth of the child
- up to 63 weeks of unpaid parental leave to care for a newborn child of the employee or a child who is in the care of the employee for the purpose of adoption, provided that more than one employee may not take more than 71 weeks of parental leave in respect of the same birth or adoption

Employees shall provide their supervisor with at least four weeks' prior written notice if they do not intend to return to work after Maternity or Parental Leave.

² Some unpaid leaves may be eligible for Employment Insurance or other external payment programs. It is the responsibility of the Employee to determine eligibility for these programs.

Medical Leave without Pay

As per Medical Leave provisions in the Canada Labour Code and any updates.

Pursuant to the Canada Labour Code, at the date this policy was last amended Employees may take an unpaid medical leave of up to 17 weeks for:

- Personal illness or injury
- Organ or tissue donation
- Attending medical appointments during working hours (including addictions treatment)
- Quarantine

If a medical leave of absence is three days or longer, WMFN may require that the employee provide documentation from a health care practitioner that the employee was incapable of working for the period that they were absent from work.

The employee must give written notice to their supervisor of the day on which leave is to begin and the expected duration of the leave at least four weeks before that day, unless there is a valid reason why notice cannot be given, in which case the employee must provide WMFN with written notice as soon as possible.

An employee must provide their supervisor with written notice of any change in the length of their medical leave as soon as possible.

Medical leave without pay may be used while an employee is undergoing treatment and rehabilitation at the expense of Employees Compensation because of a work-related illness or injury. Leave duration will be as defined by Employees Compensation claim.

Where reasonably practicable, the employee will be returned to their position after a medical leave. However, WMFN may reassign an employee to a different position, with different terms and conditions of employment if the employee, after a medical leave, is unable to perform the work performed by the employee prior to the absence.

Critical Illness

As per Critical Illness Leave provisions in the Canada Labour Code and any updates.

Pursuant to the Canada Labour Code, at the date this policy was last amended:

- Critically ill child: An employee who is a family member of a critically ill child is entitled to up to 37 weeks leave (within a 52-week period) without pay to care for or support that child in certain circumstances.
- Critically ill adult: An employee who is a family member of a critically ill adult is entitled to up to 17 weeks leave (within a 52-week period) without pay to care for or support that adult in certain circumstances.

Generally, documentation from a health care practitioner is required, which states that the child or adult is critically ill and requires the care or support of one or more of their family members. The note must also set out the period during which care or support is required.

If more than one family member is a WMFN employee, then the leave for the same critically ill child or adult may be shared between them, but the combined length of the leave cannot exceed 37 weeks (within a 52-week period) for a critically ill child or 17 weeks (within a 52-week period) for a critically ill adult.

Compassionate Care Leave

As per Compassionate Care Leave provisions in the Canada Labour Code and any updates.

Pursuant to the Canada Labour Code, at the date this policy was last amended:

- An employee is entitled to take up to 28 weeks of unpaid compassionate care leave to provide care or support to a family member suffering from a serious medical condition with a significant risk of death.

Documentation from a health care practitioner is required 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 a WMFN employee, then the leave may be shared between them for the same family member suffering from a serious medical condition with a significant risk of death, but the combined leave cannot exceed 28 weeks (within a 52-week period) as per provisions of the Canada Labour Code.

Leave for Traditional Practices

Employees who have completed three consecutive months of continuous employment are entitled to and shall be granted an unpaid leave of absence of up to five days per calendar year to engage in traditional practices, including hunting, fishing and harvesting. The leave may be taken in one or more periods; each period of leave must be not less than one day in duration.

Voting

WMFN encourages its Employees to vote in Federal, Provincial, and Municipal elections and will close its offices by 4:00 on Election Days.

Bereavement and Funeral Leave without Pay

Non-Immediate Family: Up to two working days of unpaid leave for attendance at a funeral of someone other than an immediate family member may be granted by the Supervisor. Leaves will be subject to WMFN operational requirements.

Other Types of Leave (required by Canada Labour Code)

WMFN will grant other types of leave according to the Canada Labour Code including:

- a. Leave Related to Death or Disappearance**
Employees who are the parent of a child that has died or disappeared, and it is probable that the death or disappearance is because of a crime are entitled to and shall be granted a leave of absence according to the Canada Labour Code.
- b. Leave for Victims of Family Violence**
Employees who are a victim of family violence or are the parent of a child who is a victim of family violence is entitled to and shall be granted a leave of absence according to the Canada Labour Code. Employees who have completed 3 consecutive months of continuous employment with WMFN will receive pay for the first 5 days of that leave (Employees that have variable hours will be paid the average of daily earnings, exclusive of overtime hours, for the 20 days worked immediately before the first day of leave).

Other Leaves without Pay

Other short-term leaves may be negotiated on a case-by-case basis depending on the length of service, performance of employee, and department impacts. The supervisor in consultation with the Director of Operations will determine eligibility for leaves without pay.

Examples of reasons for leave without pay include:

- Administration of a deceased estate
- Moving household effects
- Coping with a family emergency
- Marriage Leave
- Extended bereavement leave (without pay)

Unless guaranteed by the Canada Labour Code, these will be decided on a case-by-case basis, in WMFN's sole discretion.

17. TRAINING AND EDUCATION

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To provide consistent guidelines regarding requests that WMFN Employees may have for attending training and education opportunities.

Application and Scope:

WMFN Regular and Casual Employees

Policy:

WMFN recognizes that good training allows Employees to perform their jobs more efficiently and effectively and is therefore committed to creating an environment in which Employees can achieve their potential through support of educational and skills-development opportunities for Employees.

WMFN recognizes that its Employees represent valued assets. Employee career development must be managed to support individual career aspirations and to ensure qualified Employees to meet future staffing needs and facilitate succession planning.

Training - Paid

If an employee wishes to take paid leave to attend job-related training, the employee must submit a completed Training Request Form to the employee's supervisor at least two weeks prior to the start of the training. The supervisor may, at their discretion, approve the request if:

- a. the training, program, or course is less than two weeks' duration
- b. funding is available for the training
- c. the training will benefit both the employee and WMFN
- d. the employee's attendance at the training will not cause undue hardship to the employee's department.

If the job-related training that the employee wishes to attend exceeds two weeks' duration, in addition to items (b) through (d) above:

- a. the approval of the Director of Operations is required
- b. the training, program or course must be 3 months or less in duration
- c. the employee may be required to enter into an agreement to return to work following the completion of the training and to work for WMFN for agreed upon term.

Whenever possible, Employees should travel during normal working hours. Time spent traveling to and from, and attending, an approved job-related training program during normal working hours is considered to be part of an employee's normal paid duties. Travel or training that exceeds normal working hours may be compensated via lieu time or overtime. This will be communicated to the employee in writing as part of the training request approval process.

If job-related training is a condition of employment / performance development, then the employee must attend all training sessions and successfully complete the training within the timeframe set by their supervisor. Confirmation of successful completion of the training must be provided to the supervisor.

Employees that do not attend or complete approved training that is WMFN sponsored will be required to repay the costs associated with the training. In circumstances where a personal crisis or general emergency (e.g. natural disaster, violence, pandemic) are seriously impairing the employee's ability to attend or complete the training, the employee shall notify their supervisor immediately to discuss options.

An employee who receives training (including workshops) must submit a Training Report on the outcome of the program to their supervisor upon their return to regular duties.

Education Leave - Paid

Education leave with partial or complete pay may be approved where:

- a. the training is employer requested or prescribed
- b. the training, program or course is longer than 3 months in duration
- c. there are demonstrated severe or urgent and immediate recruiting difficulties for essential functions
- d. the training is directly related to future WMFN 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.

If education leave with partial or complete pay is approved, an Employee may be 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 the specified period from the date of the return to work, they will reimburse WMFN for all costs, subject to the terms of the return-to-work agreement and provided that costs may be prorated for Employees that have remained employed for a portion of the specified period.

An employee must provide their supervisor with written notice of any change in the length of their education leave as soon as possible.

Education Leave – Without Pay All applications for education leave without 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 without pay 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 without pay, the Director of Operations must discuss the request with Chief and Council.

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

Leave for education without pay may be granted for periods up to one calendar year. Additional leave may be approved if the education is beneficial to WMFN upon the employee's return to work following leave. The periods of absence may or may not be consecutive and employee benefits will continue during approved education leaves as long as the employee continues to pay their portion of the benefit contributions.

Education leave without pay may be approved where:

- a. the training, program, or course is longer than 3 months in duration;
- b. a skill shortage exists now or is projected to exist in the future
- c. it is difficult to satisfy the skill requirement through the internal staffing process
- d. the proposed education may be valuable to WMFN, but the primary benefit will be to the employee

To be eligible for education leave, Employees must demonstrate:

- a. competent performance in all areas of their present job
- b. initiative and success with respect to their self-development
- c. potential for increased responsibilities
- d. a career plan which is realistic and achievable within the scope of WMFN mandate and function.

To remain eligible for education, leave without pay, Employees must continue their enrolment and maintain satisfactory academic standing in their courses of study during their leave.

An employee must provide their supervisor with written notice of any change in the length of their education leave as soon as possible.

Prior to completion of the approved education leave, Employees shall 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 the position on a permanent basis as of the expected date marking the end of the approved education leave period.

18. PERFORMANCE PLANNING & EVALUATION

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

Evaluate employee performance, identify training and development needs, and provide the basis for compensation reviews.

Strengthen employee–supervisor relationships by providing a two-way dialogue regarding employee performance and job satisfaction.

Improve employee job performance, satisfaction, and productivity.

Provide an opportunity to set employee work plans for the coming year.

Application and Scope:

WMFN Regular and Casual Employees.

Policy:

WMFN will practice equitable Performance Management.

Performance Evaluations will be completed for all Employees. Evaluations will be completed:

- During the final two weeks of the employee’s probationary period
- Throughout the year as required
- Annually, prior to November 30

Supervisors must complete Performance Evaluations for their direct reports as outlined above. Supervisor’s merit increase (if applicable) will be withheld until evaluations are complete.

A standard form and process will be used for all Performance Evaluations.

The employee Performance Evaluation process will include an employee self-appraisal and a supervisor appraisal. Annual Performance Plans will reflect individual employee key responsibilities, WMFN objectives, performance goals, and associated performance standards. Performance Improvement Plans will include clear direction regarding performance expectations and timelines for improvement.

Key Responsibilities:

Key responsibilities outlined in the employee’s job description form the basis of realistic and measurable goals and 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 and added to updated job descriptions as appropriate and agreed, the employee and supervisor will cooperatively determine goals and performance standards.

WMFN Objectives:

The supervisor and the employee will review a summary of WMFN objectives and priorities to determine how individual roles, responsibilities, goals, and objectives link to the broader goals of WMFN.

Performance Planning:

The supervisor and the employee will work cooperatively to:

- Review WMFN objectives and priorities
- Update the job description to reflect key responsibilities by agreement
- Establish goals and associated performance standards for the next evaluation period (Annual Performance Plan)

- Discuss career goals
- Determine how the supervisor can assist the employee to be successful (including appropriate training and professional development)

Performance Evaluation:

Performance Evaluations will be used:

- To clarify job performance expectations and job requirements
- To establish annual goals and associated performance standards
- To measure actual performance against annual goals and performance standards
- To create awareness of employee potential
- To motivate improved employee performance
- To deal candidly and fairly with marginal or unsatisfactory performance

The frequency of evaluations may vary from no less than once per year (no later than November 30) to several times a year as the Supervisor may deem necessary to achieve the goals of the Department or WMFN and/or to:

- Provide necessary direction, support, or coaching to the employee
- Modify the performance plan as required by changing WMFN priorities and circumstances
- Document performance and mutually agreed-on performance targets

Probationary Evaluations:

At the beginning of a probationary period (See Hiring Practices – Probationary Period) the employee's supervisor will review the job requirements and related performance standards and expectations with the new employee.

During the probationary period, the supervisor will meet with the new employee midway through the probationary period for the purpose of providing feedback regarding the employee's performance, and to discuss any concerns the employee may have. Any concerns regarding the employee's performance or suitability generally should be discussed with the employee as and when they arise.

During the final two weeks of the employee's probationary period, a final probationary Performance Evaluation will be conducted by the supervisor, and a recommendation made to the department Manager regarding confirmation of permanent status:

- a) Recommend confirmation, or
- b) Recommend confirmation with Performance Improvement Plan, or
- c) Recommend termination.

If confirmation of permanent status is not recommended, the Supervisor will provide written reasons for recommending termination to the department Manager. The department Manager, in consultation with the Director of Operations, shall determine which action to take. Any recommendation to terminate employment requires the prior approval of the Director of Operations.

The employee's supervisor will meet with the employee prior to the end of the probationary period to confirm the outcome of the probationary review process. The Department Manager will issue the necessary follow-up documentation to the employee either confirming their employment on a permanent basis, reviewing the Performance Improvement Plan, or indicating termination, as appropriate.

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 the recommendation of the Supervisor and budget availability (as per Compensation Policy).

Probationary evaluations for the position of Director of Operations will be conducted by a quorum of Council. Council may elect to seek the assistance of a qualified professional to assist with the evaluation.

Annual Evaluation:

The Supervisor will meet with the employee to discuss the employee's performance during the evaluation period and evaluate performance regarding:

- Established expectations and job requirements
- Annual goals and associated performance standards
- Employee strengths and skills or knowledge requiring development
- Any marginal or unsatisfactory performance

Both the employee and the supervisor will sign the Performance Evaluation to acknowledge performance meetings have occurred. Even though an employee may not agree with the performance comments of their supervisor, the employee and the supervisor will acknowledge performance meetings took place.

Evaluation reviews for the position of Director of Operations will be conducted by a quorum of Council. Council may elect to seek the assistance of a qualified professional to carry out the evaluation.

Appeals:

If no agreement can be reached between the Supervisor and the employee, the employee may, without fear of reprisal, appeal the evaluation as per the Appeal Policy.

19. COMPENSATION

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

Ensure that WMFN compensation aligns with the following principles:

- Fairness and consistency with the responsibilities assigned and the capabilities demonstrated
- Alignment with WMFN strategies and defined objectives
- Competitiveness with regard to practices and market trends

Application and Scope:

WMFN Regular Employees.

Policy:

Pay for Employees at all levels of WMFN will be compatible with budget constraints, strategic targets, and market conditions.

A general review of the competitiveness of the WMFN pay ranges will be implemented every two years to determine whether a market adjustment to the pay ranges is necessary.

Compensation reviews for Employees will accompany annual performance reviews. Pay increases within a pay range may be awarded at the discretion of the supervisor, based on performance.

Cost of Living increases will be applied at the discretion of Council on recommendation from the Director of Operations.

Pay amounts must not exceed the maximum of the pay range. Once an employee pay is at the maximum, no further pay increases for performance will be available except as specified below. Cost of Living increases will still apply.

Regular Employees are eligible for WMFN benefits and pension after completing 6 consecutive months of employment.

Starting Pay:

Job offers are intended to attract a highly skilled, competent workforce, by offering competitive rates.

Supervisors, in consultation with the department Manager, have the flexibility to negotiate starting pay from the minimum up to the midpoint of the assigned pay range. Starting pay determinations shall take into consideration the applicant's prior experience, education and other qualifications directly related to the position to ensure internal equity.

A starting pay offer between the midpoint and the top of the pay range for a position may be made only with approval from the Director of Operations based on appropriate documentation and justification by the department Manager.

A starting pay offer above the top of the pay range for a position may be made only with approval from Council based on appropriate documentation and justification by the Director of Operations and the department Manager.

Market and Performance-based Increases

Pay increases may be based on market or merit. Pay increases require review by the department Manager and approval by the Director of Operations. The amount of any market or

merit-based pay increase is determined in accordance with specific guidance provided by the Director of Operations.

Market – Employees are eligible for market-based compensation increases subject to appropriate justification by the department Manager and approval by the Director of Operations. Employees receiving a “Needs Improvement” performance rating are not eligible for a market pay increase. Any market increase that results in pay above the maximum of the pay range requires a full compensation review and approval by Council.

Merit – Employees are eligible for merit-based pay increases subject to job performance as measured through annual performance evaluations. Typically, only Employees who have received an “Acceptable” performance rating or higher are eligible for merit-based pay increases; however, some Employees who are Developing Performers either because they are a new employee or are acquiring a new skill can also be granted a merit increase. In these cases, Managers should take into consideration the difference between a Developing Performer who is acquiring a particular required skill as compared to someone who is an inconsistent performer. In most cases, a merit increase for a Developing Performer is reduced compared to others at the “Acceptable” performance level or higher. The amount of any merit adjustment is determined each year during a comprehensive review by the Director of Operations in consultation with Council.

Equity Adjustment

An internal equity adjustment may be considered when there is an inequity between the pay of one employee and another in the same or similar job. The Director of Operations, together with the appropriate department Manager, will consider various factors in determining whether an internal equity adjustment is warranted or not, including the relative contribution of each employee to WMFN as well as the employee’s comparable experience, education, qualifications, and performance. An equity adjustment requires appropriate justification and a documented recommendation by the Manager and approval from the Director of Operations.

Temporary Pay Adjustments

Temporary pay adjustments may be provided to an employee who assumes the duties and responsibilities for another position in whole or in part for a specified period of time. Managers shall consult with the Director of Operations to determine the appropriate amount of temporary pay. Temporary pay adjustments will be a maximum of 20% of the employee’s base pay (this amount to be reviewed by Council annually).

Christmas Bonus

WMFN provides an annual bonus to all regular Employees based on their years of employment. Employees will receive a bonus of \$50.00 in their initial year of employment with WMFN and the amount of the bonus increases by \$25.00 for each consecutive year of employment with WMFN. An employee who has been rehired pursuant to the Rehire of Former Employees Policy will receive a bonus of \$50.00 in their initial year of employment upon returning to work for WMFN, with increases of \$25.00 for each consecutive year of employment with WMFN following their return.

20. SAFETY

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To protect Employees from injury or occupational disease.
To have an accident-free environment and protection from accidental loss

Application and Scope:

WMFN Employees, Chief and Council, contractors, visitors, and Members who are at WMFN worksites or events.

Policy:

WMFN is committed to promoting a safe and healthy workplace for all Employees, contractors, Members, and visitors.

WMFN will develop, implement, and enforce such policies and procedures that promote and provide a healthier, safer work environment.

WMFN is committed to compliance with the Canada Labour Code, Canada Occupational Health and Safety Regulations, and industry best practices and will work to continually improve our health and safety programs. The safety information in this policy does not take precedence over any applicable legislation.

WMFN management will actively promote the health and safety of Employees and contractors by ensuring that all persons at worksites are adequately trained and prepared. WMFN will make all persons aware of their responsibilities and ensure that all relevant regulations are followed.

Responsibilities

Council

Council has the ultimate responsibility for the health, safety and environmental management system. Council will:

- Ensure adequate supports, resources, programs, and systems are in place to safely perform WMFN activities
- Ensure that resources are allocated and governed properly to achieve the health and safety requirements of Employees, and that policies comply with WMFN's legal obligations and all applicable regulatory requirements.
- Establish annual health, safety, and environmental objectives.
- Participate in major accident investigations that result in fatal or permanently disabling injuries and all major loss incidents.
- Review and evaluate remedial actions of all fatal, permanent, or temporary disabling and medical aid injuries, and serious or major losses.
- Endorse the Health, Safety and Environmental Policy Statement.
- Participate in formal safety functions at the worksite level.
- Foster a workplace culture of safety with appropriate leadership.
- Review the policies' efficacy on a regular basis, and revise where necessary.

Director of Operations

- Administer all phases of the health, safety, and environmental management system at WMFN managed sites and ensure all supervisors and Employees understand and are accountable for compliance with performance standards.

- Establish with direct reports an understanding of their responsibilities and specific duties for office or site work.
- Hold independent Safety Meetings monthly to review safety performance and/or concerns identified by the Workplace Health and Safety Committee.
- Review all accident reports regardless of severity, including all near-misses, injury and other losses. Ensures corrective action is taken to prevent recurrence of same or similar incidents. Respond as needed.
- Provide support and promote the program to facilitate that safety has the overriding priority
- Liaise with government agencies to ensure workplace health and safety compliance.
- Act as an advisor to management on safety and health policy issues.
- Develop best practices based on Workplace Health and Safety Committee recommendations.
- Design and develop company policies and procedures on workplace safety and health issues based on Workplace Health and Safety Committee recommendations

Managers

- Demonstrate ownership, leadership, and active participation in all phases of the health and safety program.
- Establish with direct reports an understanding of their responsibilities and specific duties for office or site work.
- Set high health and safety management standards for all Employees.
- Review and evaluate individual safety performance of their direct reports.
- Continually promote health and safety awareness with instruction, information, training, and supervision to ensure the safe performance of Employees
- Ensure that Employees receive adequate training in their specific work tasks to protect their health and safety.
- Enforce all phases of the established health, safety and environmental management system.
- Assist in developing, implementing, and enforcing WMFN health, safety, and environmental policies and procedures.
- Be accountable for the health and safety of Employees under their supervision.
- Conduct pre-job hazard identification surveys prior to the commencement of work.
- Designate Team Leader for all group site work. Team Leader will be responsible for the execution of the work and coordination of the WMFN Safety Program while on site
- Ensure adequate and suitable safety equipment is supplied, and is properly used, cared for, and maintained.
- Use the process of hazard identification, risk management, and incident investigation.
- Ensure items identified by Workplace Health and Safety Committee are corrected.
- Ensure that machinery and equipment are safe and that Employees work in compliance with established safe work practices and procedures.
- Conduct health and safety meetings.

Workplace Health and Safety Committee

A Workplace Health and Safety Committee is a communications link between Employees and management. Its purpose is to promote awareness and interest within WMFN of health and safety at the work site. WMFN's Committee members work together to identify and help solve health and safety concerns in the workplace. The Workplace Health and Safety Committee is designed to improve the health and safety culture of the workplace and eliminate hazards and reduce incidents associated with work processes.

- Ensure health and safety education programs are established and maintained.
- Inspect the offices and WMFN work sites for hazards.

- Respond to health and safety concerns brought to it by Employees.
- Help find solutions to difficult health and safety concerns — problems that can only be solved through co-operative efforts.
- Analyze the causes of incidents to prevent recurrence.
- Recommend corrective action to identified safety concerns.
- Assist in the development of realistic safety policies and safe work procedures.
- May help with new employee orientation to identify potential health and safety hazards.
- Promote health and safety awareness throughout the work force.
- Coordinate health and safety inspections and follow up to ensure the completion of necessary corrective actions.
- Design and develop accident and incident reports and investigation procedures.
- Maintain an up-to-date working knowledge of health and safety regulations as mandated locally, federally, or by the province.
- Review injury and illness trends, identify problem areas, and recommend solutions.

Employees

- Cooperation and compliance with the health and safety program at WMFN is a condition of employment.
- Know and understand their rights (Right to Know, Right to Participate, Right to Refuse)
- Contribute to the company health and safety program
- Follow safe work procedures and reporting unsafe acts and safety incidents
- Comply with occupational health and safety policies and procedures.
- Notify managers of any health and safety concerns so that they may be dealt with promptly.
- Protect their own health and safety and that of other persons by working in compliance with the law and safe work practices and procedures established by the company.
- Use and maintain appropriate personal protective equipment as required.
- Refuse to perform work when unsafe conditions exist (as defined in provincial occupational health and safety legislation) or when the employee is not competent to perform the work.
- Report unsafe or potentially hazardous conditions, without fear of reprisal, to their supervisor.
- Call for assistance when needed, rather than attempting to do a hazardous job under-equipped or alone.
- Report any Accidents/Incidents and Near-Misses that occur while working at WMFN to their Supervisor.
- Actively participate in safety program development (ongoing evaluation) and maintenance.
- Follow safety standards and safe work procedures set out by WMFN and regulatory requirements.
- Refuse to perform work when unsafe conditions exist (as defined in provincial occupational health and safety legislation) and refuse to perform work that you are not competent to perform.
- Immediately report to management all accidents, incidents, injuries, and illnesses.
- Use required Personal Protective and Safety Equipment at all times.
- Check tools and equipment, including personal protective and safety equipment for hazards before and after using them.
- Practice and maintain good housekeeping in all workplaces.

All Employees and Contractors:

- Complete all required occupational health and safety training.

- Perform their duties in a manner conducive to a safe workplace, following all safety practices and procedures.
- Report any incident, injury, near-miss, or hazard as outlined in procedures.
- Report any acts of violence or harassment in the workplace.
- Promote a hazard-free workplace.
- Learn the posted emergency plan detailing their facilities procedures pertaining to fire, weather, or medical emergency.

**We are all responsible for health and safety at WMFN.*

Members and Visitors

- Members and visitors must comply with all health and safety policies and procedures.
- Members and visitors that are in WMFN facilities must sign-in and sign-out.

Communication

WMFN encourages open communication on health and safety issues; it is essential to providing an injury-free and productive work environment.

- Employees who voice or identify a health and safety concern will not be subject to retaliation.
- Health and safety comments will be reviewed by the Workplace Health and Safety Committee. The Committee will initiate an investigation on each reported or potential hazard.
- Employees are encouraged to inform their supervisor of any matter they perceive to be an actual or potential workplace hazard.
- Communication can be written or oral, and may be anonymous, if so desired.

21. STANDARDS OF CONDUCT

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To ensure the maintenance of appropriate standards of conduct by all Employees of WMFN and Chief and Council.

Application and Scope:

WMFN Employees, Chief & Council.

Policy:

WMFN Employees will exhibit ethical and professional conduct.

Ethical Behaviour:

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

Professional Behaviour:

WMFN Employees must provide programs and services in a manner that is professional. Employees must guard against any conduct unbecoming to their position while engaged in WMFN business or while representing WMFN, such as publicly consuming alcohol to excess, dressing inappropriately for duties required, encouraging youth in negative behaviours, and/or berating staff or Council in public.

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 and respectful manner giving due consideration to co-Employees, supervisors, Council, Members, other Employees, and visitors. An employee's conduct must not compromise the integrity or image of the Nation.

Dealing with Perceived Wrong or Danger:

Employees have a duty to report to their supervisor or the Director of Operations, 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 may choose to report the concern per the Whistle Blower policy or report it to the appropriate outside authority (e.g. RCMP, health authorities, environmental agencies, etc.)

Nepotism:

Employees who are immediate family, in a romantic relationship, or 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 Chief and Council, are satisfied that sufficient safeguards are in place to ensure that WMFN interests are not compromised. (See Conflict of Interest Policy)

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 with WMFN
- compromise the integrity of WMFN
- 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 outside work, the employee's supervisor, the Director of Operations (or Council in the case of the Director of Operations), 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

22. WHISTLE BLOWER

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To ensure the protection of whistleblowers at WMFN.

Application and Scope:

WMFN Employees

Policy:

In keeping with the policy of maintaining the highest standards of conduct and ethics, WMFN will investigate any suspected fraudulent or dishonest use or misuse of WMFN resources or property by Employees, Council, Members, consultants, or volunteers. WMFN will also investigate any reports of bullying or harassment.

Employees, Members, and volunteers are encouraged to report suspected unethical conduct (i.e., to act as “whistleblower”).

This Whistleblower Policy is intended to encourage and enable Employees and others to raise serious concerns within the organization prior to seeking resolution outside the organization.

Types of Allegations

A deliberate act or failure to act with the intention of obtaining an unauthorized benefit or acts which constitute bullying or harassment.

Examples of such conduct include:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage in violation of WMFN's Conflict-of-Interest Policy
- Misappropriation or misuse of WMFN resources, such as funds, supplies, or other assets
- Authorizing or receiving compensation for goods not received or services not performed
- Authorizing or receiving compensation for hours not worked
- Using remarks or actions of a sexual nature that are not welcome and are likely to be viewed as personally offensive, including sexual flirtations; unwelcome physical or verbal advances; sexual propositions; verbal abuse of a sexual nature; the display of sexually suggestive objects, cartoons, or pictures; and physical contact of a sexual or particularly personal nature.
- Using epithets, slurs, negative stereotyping, and threatening, intimidating, or hostile acts that relate to race, color, religion, gender, sexual orientation, national origin, age, or disability
- Circulating or posting written or graphic material in the workplace that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, nationality, age, or disability
- Discriminating against an employee or potential employee due to a person's race, color, religion, sex, sexual orientation, national origin, age, physical or mental impairment

Reporting

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property or behavior that constitutes bullying or harassment should be reported to the supervisor. If concerns are suspected by a Member or volunteer, this should be reported to the supervisor supporting the Member program or volunteer's work. If, for any reason, a person finds it difficult to their concerns to a supervisor or staff member, the person may report the concerns directly to the Director of Operations.

Concerns regarding the Director of Operations should be reported to the Chief.

Concerns regarding Council Members should be reported directly to the Chief.

Concerns regarding the Chief should be reported to a Council Member to be reviewed by a quorum of Council.

Alternately, to facilitate reporting of suspected violations where the person reporting wishes to remain anonymous, a written statement will be submitted to one of the individuals listed above.

Non-Retaliation

Employees, Members, Council, or volunteers of WMFN must not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent or dishonest. Retaliation includes acting with the intent or effect of adversely affecting the terms or conditions of the whistleblower's employment, including threats of physical harm, loss of job, punitive work assignments, impact on salary/fees, or impact on opportunities for promotion.

Whistleblowers who believe that they have been retaliated against may file a written complaint with the Director of Operations (or Chief if the complaint involves the Director of Operations). Any complaint of retaliation will be promptly investigated, and appropriate corrective measures taken if allegations of retaliation are substantiated.

This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

Complaints that would be seen by a reasonable person to be frivolous, vindictive, or vexatious shall be subject to disciplinary action.

23. REMOTE WORKING

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

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).

Policy:

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.

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 Remote Working 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 and will be required to submit timesheets.

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 Remote Working Agreement.

Information Management Protection

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

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)

WorkSafe

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. While working remotely, including from home, the employee is responsible for ensuring a safe work environment. Employees injured in the course of their duties while working remotely must report any accident or injury to their supervisor immediately. If the supervisor is unavailable, Employees shall immediately report an accident or injury to the Director of Operations.

As required by WorkSafe BC, 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 WorkSafe BC, 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 Employees compensation when working remotely if the injury is determined to be work related by WorkSafe BC.

Additional requirements for safe remote working may be recommended by the Health and Safety Committee and adopted by WMFN as appropriate.

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 remote work 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, and the requirement to enter into a Remote Working Agreement may be waived or amended by the Director of Operations in certain emergency situations.

24. APPEALS

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To ensure that WMFN Employees have a procedure to appeal decisions made pursuant to the policies in this WMFN Human Resources Policy.

Application and Scope:

WMFN Employees and Chief and Council

Policy:

Appeals related to any decisions made pursuant to this WMFN HR Policy will be addressed per the WMFN Appeals Policy



WEST MOBERLY FIRST NATIONS

Post Office Box 90, Moberly Lake, British Columbia,



25. POLICY AMENDMENT PROCESS

| | |
|---------------|-----------------|
| Adopted: | October 4, 2022 |
| Last Amended: | |
| Last Reviewed | |

Objective:

To confirm the process for amending this policy and informing Employees about amendments.

Application and Scope:

WMFN Human Resources Policy

Policy:

This WMFN Human Resources Policy is a working guide for Chief, Council, the Director of Operations, Managers, Employees of WMFN. Where a policy is not defined in this document, the philosophy and procedures herein are to be used as a guide to resolve the matter.

This is a living document, and it is intended that new policies may be developed, and existing policies may be amended. New policies and amendments are not valid until approved by Council. Any new policies or amendments will be circulated to Employees as relevant, once approved by Council.

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



WEST MOBERLY FIRST NATIONS

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REVIEWED & APPROVED

This WMFN Human Resources Policy has been reviewed, recommended, and approved. It replaces any previous WMFN Human Resources Policy (including amendments to any previous policies).

Dated this __ day of _____, 202_.

APPROVED BY:

Chief Roland Willson

Councillor Robyn Fuller

Councillor Asher Atchiqua

A QUORUM FOR WEST MOBERLY
FIRST NATIONS CONSISTS OF 3
COUNCIL MEMBERS (EXCLUDING THE
CHIEF)

Councillor Clarence Willson

Councillor Theresa Davis