

Statement of Policy and Procedure	
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<b>Department Ownership</b>	Executive
<b>Issue/Effective Date</b>	May 23, 2020

**Qalipu First Nation**

## Human Resource Policy

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**Qalipu**  
**FIRST NATION**

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1. Approved by Chief and Council

This Human Resources Policy replaces (previous versions)

Signature	Print Name
Signature	Print Name
Signature	Print Name
Signature	Print Name
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Signature	Print Name
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Date Approved by Council \_\_\_\_\_ Motion Number \_\_\_\_\_



## **A. Policy**

As a First Nations Indian Band in Canada the Employer is legislated to follow the standards set out in the Canada Labour Code and provincial legislation where appropriate. The content of this policy supersedes all previous manuals, guides, policies, and procedures regarding Human Resources.

## **B. Purpose**

The purpose of this policy, including the approved procedures, is to maintain a harmonious and mutually beneficial relationship between the Employer and the Employees and to ensure the integrity and efficiency of QMFNB. The policy describes the terms and conditions of employment and expected general working conditions. The Employer wishes to ensure that all reasonable measures are provided for the safety and occupational health of its Employees.

## **C. Scope**

The policies and procedures described in this policy comprise part of the terms and conditions of employee's contract of employment. As with any dynamic and progressive organization, it may be necessary to periodically add to, revise, eliminate and amend these policies and procedures and as such, QMFNB shall be entitled to unilaterally add to, revise, eliminate and/or amend the policies and procedures contained herein at any time by providing 30 days advance written notice of the change to the employees. Such addition, revision, elimination and/or amendment shall not constitute a breach or violation of the employee's contract of employment and shall not constitute a constructive dismissal or termination of the employment relationship.

## **D. Responsibilities**

By signing the Employee Acknowledgement Form, the employee acknowledges and agrees that 30 days advance written notice to the employee of any addition, deletion, revision, and amendment of any provision to the Human Resource policies and procedures contained herein is good and sufficient notice of such change. Any amendments to this policy manual shall not constitute grounds for compensation. Amendments shall be effective immediately following the expiration of the 30 days advance written notice.

## **E. Procedures**

The Employer remains the final authority regarding the interpretation and application of this Human Resources Policy.

## **F. References and Related Authorities**

Employees are required to read the policies and procedures described herein to ensure that they understand what is expected of an employee and to sign an Employee Acknowledgement Form

confirming their understanding and agreement. The Senior Manager or the HR Manager will clarify or explain anything contained in this policy.

## **G. Attachments**

## **2. Definitions**

<b>“Anniversary Date”</b>	Means the annual day from the first day an employee reports to work. An employee’s Anniversary Date is used to compute various conditions and benefits described in this Human Resources Policy. QMFNB uses a common anniversary date of April 1st when calculating any vacation and other leave for employees who qualify for benefits and a prorated calculation for employees in their first year of employment.
<b>“Band Council Executive Committee”</b>	Means the Chief and the two Vice Chiefs of the Qalipu Mi’kmaq First Nation Band.
<b>“Band Council” or “Council”</b>	Means the Chief, Vice-Chiefs, and Councillors of the Qalipu Mi’kmaq First Nation Band (QMFNB).
<b>“Casual Employee”</b>	(or On-Call Casual Employee) Means an employee who performs work intermittently generally on and on-call basis, with no guaranteed hours or work for a period of up to one (1) week of less than three (3) months; and has been classified by the Band as being a casual employee.
<b>“Chair Standing Committee”</b>	Means the Councillors(s) who is/are responsible for a specific portfolio and/or program.
<b>“Confidentiality”</b>	An obligation to protect personal information, to maintain its secrecy and not misuse or wrongfully disclose it.
<b>“Contractor”</b>	Means an individual or company that has been retained by QMFNB to deliver specific services.
<b>“Department Directors and Program Managers”</b>	Means a person who oversees and administers a program or department of the QMFNB. All Department Directors report to the Senior Manager. Program Managers report

	to Department Directors.
<b>“Employee Evaluation Form”</b>	Means the documented form and associated resources adopted by the First Nation for the purpose of measuring the performance of employees.
<b>“Employee/Employees”</b>	Refers to an/all individual/individuals employed by the QMFNB.
<b>“Employer”</b>	Means the Qalipu Mi’kmaq First Nation Band and Subsidiaries of the Band as noted in section 1.1.
<b>“Fiscal Period”</b>	Means the fiscal period of the Band, that is, the period commencing on the April 1st of a calendar year up to and including March 31st of the following calendar year.
<b>“Full- Time Employee”</b>	Means an employee who works 35 hours or more per week and has been classified by the Band as being a full-time employee.
<b>“Hiring Officer”</b>	Means the Manager or Officer who is assigned responsibility for recruitment and selection of an individual to fill an approved vacant position, under the direction of the Senior Manager.
<b>“HR Manager”</b>	Means the employee who is responsible for the coordination and provision of all human resources related support required by employees and Council.
<b>“HR Records”</b>	<p>Means the records that contain information which is directly related to an individual’s hiring, job duties, compensation, performance, and general employment history. Below are examples of which documents which would be considered HR Records:</p> <ul style="list-style-type: none"> <li>• Attendance and absence records</li> <li>• Automatic bank deposit form</li> <li>• Offer and/or confirmation of employment letters</li> <li>• Disability insurance adjustment forms</li> <li>• Disciplinary memos issued to employee</li> <li>• Job application and any attachments</li> <li>• Job descriptions</li> <li>• Layoff notice issued to employee</li> </ul>

- Performance evaluations issued to employee
- Resignation letter
- Termination notice issued to employee
- Time sheets
- Training plans
- Signed code of conduct statement
- Benefit coverage information

**“Human Resources File”**

Means the employee file created for each employee which is held by the HR Manager. These records will be held in confidence.

**“Immediate Family”**

For the purposes of this Human Resources Policy is defined as: the employee’s spouse or common-law partner, child, children of the spouse or common-law partner, father, mother, spouse or common-law partner of the father or mother, brother, sister, grandchild, grandfather, grandmother, brother-in-law, sister-in-law, daughter-in-law, son-in-law, any relative who resides permanently with the employee or with whom the employee permanently resides.

**“Immediate Supervisor”**

Means an employee who has designated responsibility for managing and overseeing the work and development of other staff.

**“Line of Authority”**

As per the QMFNB Organizational Chart.

**“Management Team”**

The most senior level of staff leadership within the QMFNB comprised of the Senior Manager, Directors and Human Resource Manager. One person may hold more than one position. The Chief and Council may alter the composition of the Executive Team as required.

**“Management”**

Means any employee who has been classified as being management by the Band (i.e., Senior Manager/ Department Directors and Program Managers).

**“Misconduct or Wrongdoing”**

Includes any breach of the First Nation’s Financial Administration Law and its conflict of interest provisions, Council policies or procedures made under the Financial Administration Law and includes, but is not limited to the

following:

- Questionable accounting practices and inadequate internal accounting controls;
- Misleading or coercion of auditors;
- Preparation of fraudulent or misleading financial information;
- Fraud – intentional deception for personal gain;
- Material misrepresentation in disclosures made by or on behalf of the First Nation;
- Theft – theft of First Nation physical or intellectual property;
- Misappropriation of funds – use of the First Nation’s funds for personal gain or unauthorized uses;
- Unethical behaviour including breach of conflict of interest or code of conduct policies;
- Illegal activities;
- Gross mismanagement – A deliberate act or an omission demonstrating willful disregard for the efficient and effective management of the First Nation’s resources;
- An expenditure, liability or other transaction of the First Nation that is not authorized by or under the Financial Administration Law.

**“Officer”**

Means the Senior Manager, Senior Financial Officer, Tax Administrator, or any other employee of the First Nation designated by the Council, in writing, as an Officer.

**“Part-Time Employee”**

Means an employee who works less than 35 hours per week and has been classified by the Band as being a part-time employee.

**“Performance Improvement Plan”**

Means a plan developed by an employee’s Immediate Supervisor, in consultation with the employee, to address the areas for improvement/ development identified during the performance review process.

**“Personal Health Information”**

Personal health information is defined to mean, with respect to an individual, whether living or deceased:

- Information concerning the physical or mental health of the individual;
- Information concerning any health service provided to the individual;
- Information concerning the donation by the individual of any body part or any bodily substance of the individual or information derived from the testing or examination of a body part or bodily substance of an individual;
- Information that is collected in the course or providing health services to the individual; or
- Information that is collected incidentally to the provision of health services to the individual.

**“Personal Information”**

Personal information is any information about an identifiable individual, other than an individual’s business title, address, or telephone number. Examples of personal information include name, home address, age, health, and financial information. It does not include information that cannot be tracked back to a specific individual. In addition, information that is publicly available, such as a telephone book listing, is not considered to be personal information.

**“Privacy”**

The fundamental right of an individual to control information about themselves (including the collection, use and disclosure of and access to that information).

**“QMFNB”, “Band” or “First Nation”**

Means the Qalipu Mi’kmaq First Nation Band.

**“Seasonal Employee”**

Means an employee who works full-time hours for a continuous period of six (6) months or less each year; and has been classified by the Band as being a seasonal employee.

**“Term Employee”**

Means an employee who is hired in a term position of three (3) months up to one (1) year.

**“Senior Manager”**

Means the person who is responsible for leading the day to day administration or management of the First Nation and who reports directly to Council.

**“Seniority”**

Means the employee’s period of employment with the

Band commencing from the employee's most recent date of hire with the Band. Seniority is only used as a determining factor when approving requests for Annual Leave for Full-Time employees who have submitted their Leave Request forms by the deadline dates as outlined in the Human Resources manual. Seniority is not a factor in any other decisions made by the Band that involves employees.

**"Staff"**

Refers to all non-management employees.

**"Year of Employment"**

Means a period of twelve (12) consecutive months commencing the first day of the fiscal period following the commencement date of employment.

### **3. Organizational Chart**

#### **A. Policy**

It is Council's policy to establish an organizational structure that specifies the hierarchy and reporting relationship between various functions and levels of the First Nation to facilitate effective management of the governance, administrative and financial management systems.

#### **B. Purpose**

The purpose of this policy is to depict the prevalent hierarchy of the First Nation departments and their various working relationships between one another.

#### **C. Scope**

This policy and procedure apply to Council and all persons having a role and responsibilities in the organizational structure of the First Nation.

#### **D. Responsibilities**

(1) Council is responsible for:

- a. authorizing the creation and update of the organizational chart;
- b. approving the organizational chart with a recorded vote in the Council minutes;
- c. ensuring that adequate delegated resources are available to implement and maintain the organizational structure;
- d. ensuring that the organizational chart accurately depicts the First Nation's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration and to each participant in the systems including committees.

(2) The Senior Manager is responsible for:

- a. ensuring that the organizational chart is prepared, recommended to Council for approval, and kept current;
- b. ensuring that the roles, responsibilities, and reporting relationships are effectively communicated to all those affected by the organizational chart and as required by the Financial Administration Law.

#### **E. Procedures**

- (1) The Senior Manager or a designate, as authorized and instructed by Council, will prepare an organizational chart that accurately depicts the First Nation's governance, administrative and



financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration and to each participant in the systems including committees and submit to Council for approval.

- (2) The Senior Manager will ensure that the chart includes definitions of the persons or classes of persons who are affected by the organizational chart. The Senior Manager will ensure each role identified in the organizational chart is clearly defined as evidenced by a job description in accordance with applicable Human Resource policies or other such policy that requires job descriptions to be in prepared and approved.
- (3) The Senior Manager is responsible for centrally filing the organizational chart so that it can be located and retrieved as soon as practicable by all persons affected by it, and will disseminate the approved organizational chart to all those affected and/or make it readily available by other means normally used by the First Nation.
- (4) The Senior Manager, on request, will provide a copy of the chart to a group of listed people.
- (5) Periodically, but at least annually, the Senior Manager will update, as necessary, the organizational chart for changes in personnel and will submit recommendations, as necessary, to Council for approval, to revise roles, responsibilities, or reporting relationships.

#### **F. References and Related Authorities**

- (1) FMB's Financial Management System Standards
  - a. Standard 12.5 - Organization Chart
- (2) FMB's Financial Administration Law Standards
  - a. Standard 11.4.1 - Approved functions
  - b. Standard 11.4.2 - Organization Chart
  - c. Standard 11.4.3 - Chart Access

#### **G. Attachments**

- (1) **Appendix A** – Organization Chart

## **4. Code of Conduct & Code of Ethics**

### **A. Policy**

The Qalipu Mi'kmaq First Nation Band is dedicated to serving its members and clients as well as its partners, funding agencies and other First Nations. It is important that all employees are aware of their responsibilities to members, clients, organizations, fellow employees, and QMFNB. Therefore, all QMFNB employees shall comply with the following guidelines pertaining to conduct and ethics.

### **B. Purpose**

The purpose of the Code of Conduct and Code of Ethics is to ensure employees, contractors, and volunteers have specific criteria that they are required to follow to ensure they operate within the First Nation's core values.

### **C. Scope**

While the Code of Conduct and Code of Ethics may not cover every eventuality, it will serve as a guide to the general conduct, which is expected of all employees.

### **D. Responsibilities**

Employees have an obligation to the Employer to:

- (1) Act honestly, conscientiously, reasonably, and in good faith always, having regard for their responsibilities, the interests of the Employer; and the welfare of the Mi'kmaq people of the Qalipu Mi'kmaq First Nation Band.
- (2) Employees have the right to free speech and free association. The Band's name must not be associated with an expression of private opinion. In a public or private presentation or protest, employees are not to leave the impression that they are speaking on behalf of the Employer or that their position at the Band lends validity to their private opinions. In a hearing, forum, debate or protest, employees are to make a disclaimer between their opinions and the position of the Band.
- (3) During work hours, employees must devote themselves to their duties of employment; be prompt, courteous and temperate in their performance; as well as adhere to the policies and procedures of Qalipu Mi'kmaq First Nation Band.
- (4) Employees shall carry out the duties of their positions conscientiously, loyally, and honestly, remembering that the primary work task is to serve QMFNB, its members, clients, and other stakeholders.

- (5) Employees shall respect the integrity and dignity of the organization, its programs, staff, and other affiliated agencies.
- (6) Employees shall conduct themselves, while on duty and in public, in a manner that will be a credit to themselves, their department, and QMFNB.
- (7) Employees shall work continually towards self-improvement through self-evaluation and training.
- (8) Employees shall use information, property, resources, or funds obtained on the job for the Employer's intended purpose only, not for their own personal interests or those of other persons.
- (9) Employees shall be on the job punctually each day unless there is a valid reason for absence or lateness, in which case the employee will contact his/her immediate Department Director/Program Manager/ or HR Manager forty-five (45) minutes prior to the beginning of their shift and give an indication of when he/she expects to return to work.
- (10) Employees shall use their initiative to find ways of doing their work more efficiently and economically.
- (11) Employees shall follow instructions attentively and cooperate with their Department Director/Program Manager.
- (12) Employees shall maintain a satisfactory standard of dress and general appearance appropriate to their duties.
- (13) Employees shall use equipment, property, or supplies, which are owned, leased, or rented by QMFNB for authorized purposes only.
- (14) Employees shall protect and care for all QMFNB property entrusted to them and report to their relevant Department Director/Program Manager any faulty equipment that requires repair.
- (15) Employees shall not engage in public criticism of their Employer, other employees, the elected leaders, or the approved policies of QMFNB.
- (16) Employees may recommend to their Department Director/Program Manager, within their sphere of responsibility, changes to the policy which will improve the effectiveness of Operations.
- (17) Employees will not be intoxicated or under the influence of drugs or alcohol while on duty.
- (18) Employees will respect the confidentiality of all records, materials, and communications and shall not disclose information acquired through employment unless authorized by the relevant Department Director/ Program Manager.
- (19) Employees shall not incur any liability on the part of the Employer without proper authorization.

- (20) Employees shall refuse any fee, gifts, or other tangibles offered to them in regard for duties performed by virtue of their appointment, except for cultural offerings.
- (21) Employees shall not receive travel or other reimbursements from any person, company, or organization outside of QMFNB without the written approval of the Senior Manager or, in the case of the Senior Manager, the Chief.
- (22) Employees shall serve members, their clients and all stakeholders and other members of staff with loyalty, determination, and the maximum application of professional skill and competence.
- (23) Employees will not participate in, or allow any behavior that is intended to degrade, harass, humiliate, intimidate, discriminate, or cause fear to any community member, client, volunteer, or other employee.
- (24) Employees will respect the culture, traditions and teachings of the Band and the Mi'kmaq Nation and act accordingly.

#### **E. Procedures**

Employees that engage in actions contrary to the code of conduct will be subject to Qalipu's progressive discipline process as highlighted in section 9 of this policy.

#### **F. References and Related Authorities**

#### **G. Attachments**

Appendix B – Code of Conduct and Code of Ethics

## **5. Code of Confidentiality**

### **A. Policy**

QMFNB recognizes an individual's right to privacy and is committed to maintaining the accuracy, confidentiality, and security of the personal information in its custody. In pursuit of our mission, the QMFNB pledges to treat everyone with respect and dignity and protect their privacy.

The QMFNB adheres to the highest standards of quality, transparency, and accountability. To demonstrate this commitment, the organization has developed policies and procedures about the collection, use and disclosure of information that align with federal and provincial legislation and with industry standards.

### **B. Purpose**

This Policy acts as the articulation of QMFNB's privacy practices and standards about the collection, use and disclosure of personal information and personal health information during its activities. It is intended to guide all employees and volunteers who are given access to personal information in QMFNB's possession.

As used in this Policy, the term personal information is inclusive of personal health information, unless the latter term is used exclusively. In that case, it applies only to personal health information.

### **C. Scope**

This policy applies to all employees and volunteers at all levels and locations of the QMFNB.

In addition, the QMFNB requires that any individual or third party who collects, uses, or discloses personal information on behalf of the organization complies with the provisions of this policy in relation to the respective work.

### **D. Policy Details**

- 1) All records referred to in the document as being personal information or personal health information are and will remain the property of the QMFNB. Employees and volunteers are required to maintain the privacy and confidentiality of all records in all formats both while acting as an active employee or volunteer and after they leave the QMFNB.
- 2) The QMFNB will comply with all applicable provisions of privacy legislation.
- 3) The QMFNB collects certain personal information about its members, clients, employees, and volunteers, to meet legal obligations and as otherwise permitted or required by law. Such information enables the QMFNB to deliver programs and services, pursue government relations and advocacy initiatives, deliver QMFNB education, administer memberships, conduct marketing efforts, and undertake statistical reporting.

QMFNB collects the minimum amount of information needed to establish and maintain an employment, service, volunteer, or program relationship with an individual. Subject to the application of the consent principle outlined in Section 3 below, personal information collected by the QMFNB may include, but is not limited to:

- a. Contact and identification information, such as name, address, telephone number and email address;
- b. A summary of the service requested and/or received (programs and services database);
- c. Membership status and history;
- d. Participation in QMFNB advocacy campaigns;
- e. Medical information as it relates to the employment or volunteer relationship;
- f. Financial information such as payment methods and preferences, billing, and banking information;
- g. Other personal information used for purposes that a reasonable person would consider appropriate in the circumstances.

4) Privacy and Accountability Principles:

- Accountability - The QMFNB will implement practices and procedures to carry out the policy, including:
  - i. Implementing procedures to protect personal information;
  - ii. Establishing procedures to receive and respond to complaints and inquiries from individuals regarding their personal information;
  - iii. Training employees and volunteers and communicating to employees and volunteers, information about this Privacy and Confidentiality policy and practices; and
  - iv. Developing information to explain its Privacy policy and practices.
- Identifying Purposes - QMFNB will identify the purposes for which personal information is collected. The identified purposes will be specified at or before the time of collection to the individual from whom the personal information is collected. When personal information that has been collected is to be used for a purpose not previously identified, the QMFNB is obligated to communicate the new purpose to each individual and obtain their consent to use the information.
- Consent - The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where consent is not required for very specific reasons. It is anticipated that instances in which knowledge and consent of the individual would not be required would be extremely rare and would include legal, medical or security reasons which would have to be fully documented.

Consent is considered valid only if it is reasonable to expect that individuals to whom the QMFNB's activities are directed would understand the nature, purpose, and consequences of the collection, use or disclosure, to which they are consenting.

- Typically, QMFNB employees and volunteers will seek consent for the use or disclosure of the information at the time of collection. The form of the consent sought by the QMFNB may be either express or implied, depending upon the circumstances and the sensitive nature of the personal information.
- Express consent is required from an individual before the QMFNB will disclose personal health information about that individual to an external organization or individual. Express consent can be provided verbally or in writing.
- The provision of personal information to the QMFNB constitutes implied consent to collect, use and disclose their personal information in accordance with this policy, unless an individual expressly instructs otherwise.
- Implied consent can also be inferred where there is an existing (i.e. past two years) business or non-business relationship between an individual and the QMFNB. Examples include but are not limited to an employee, volunteer, a member, an event or program participant or someone who has contacted the QMFNB for services.
- No consent: There are certain activities for which consent is not required to use or disclose personal information. These activities are permitted or required by law. For example, we do not need consent from individuals to (this is not an exhaustive list) respond to legal proceedings or comply with mandatory reporting obligations, investigations/fraud detection and prevention, witness statements in insurance claims, financial abuse, personal information produced in the course of employment, business or profession, or other as identified by law from time to time.
- The QMFNB may use or disclose employee personal information without consent where the QMFNB believes, upon reasonable grounds, that it is necessary to protect the rights, privacy or safety of an identifiable group or person (including you) or the public.
- Withholding or Withdrawal of Consent: If consent is sought, an individual may choose not to give consent ("withholding consent"). If consent is given, an individual may withdraw consent at any time, but the withdrawal cannot be retrospective. The withdrawal may also be subject to legal or contractual restrictions and reasonable notice.
- Limiting Collection - The collection of personal information will be limited to that which is necessary for the purposes identified by the QMFNB. Information will be collected by fair and lawful means.
- Limiting Use, Disclosure and Retention
  - Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only if necessary, for the fulfillment of those purposes.

- Whenever possible, access to personal information will be limited to authorized users only. Personal information may only be used within the limits of each employee and volunteer role. Employees and volunteers may not read, look at, receive, or otherwise use personal information unless they have a legitimate “need to know” as part of their position.
- Personal information may only be disclosed within the limits of each employee / volunteer role. Employees and volunteers may not share, talk about, send to, or otherwise disclose personal information to anyone else unless that activity is an authorized part of their position.
- Personal health information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous safely and securely.
- When the QMFNB discloses personal information to third-party service providers with whom it has a contractual relationship, the third-party providers will only be given access to personal information that is needed to perform the related function and may not use it for any other purpose.
- Accuracy
  - The QMFNB will take reasonable steps to ensure that personal information in its custody is accurate, complete, and up to date as is necessary for the purposes for which it is to be used. Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up to date, unless limits to the requirement for accuracy are clearly set out. Individuals can contact the QMFNB to update their personal information.
- Safeguards
  - QMFNB will use appropriate security safeguards to protect personal information against loss or theft, unauthorized access, disclosure, copying, use, or modification, regardless of the format in which it is held. Safeguards will include: physical safeguards (such as locked filing cabinets and rooms); organizational safeguards (such as permitting access to personal health information by staff on an as needed basis only); and technological safeguards (such as the use of passwords, encryption, and audits).
  - The QMFNB requires that any individual or third-party who collects, uses, or discloses personal information on behalf of the organization complies with the provisions of this policy. This will be done through the signing of confidentiality agreements, privacy training and other contractual means.
  - Care will be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.
- Openness
  - Information about QMFNB privacy policies and practices relating to the management of personal information will be available to the public. Information may include:
    - Contact information for our Privacy Officer, to whom complaints or inquiries can be submitted;



- The process for obtaining access to personal information held by the QMFNB, and making requests for its correction;
    - A description of the type of personal information held by the QMFNB, including a general account of our uses and disclosures; and
    - A description of how an individual may make a complaint to the QMFNB.
    - Copies of any brochures or other information that explain the QMFNB's policies, standards, or codes.
  - Individual Access
    - If an individual requests access, the QMFNB will inform them of the existence, use, and disclosure of their personal information. The individual will be given access to that information, will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
    - In certain situations, the QMFNB may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.
  - Challenging Compliance
    - An individual will be able to address a challenge concerning the QMFNB's compliance with its own Privacy and Confidentiality Policy to the QMFNB Privacy Officer.
    - Privacy Officers will receive and respond to complaints or inquiries about organizational policies and practices relating to the handling of personal information as outlined in the Privacy Breach Management Procedures document. They will inform individuals who make inquiries or lodge complaints of other available complaint procedures.
    - The QMFNB will investigate all complaints. If a complaint is found to be justified, the QMFNB will take appropriate measures to respond.
- 5) Monitoring and Compliance – The Chief and Council are responsible for leading the monitoring of the application of and compliance with this policy direction, and the related procedures in conjunction with other members of the Executive Team. Annually, the Chief and Council must acknowledge compliance with this policy direction and the related procedures.
- This policy is subject to change due to legal and regulatory requirements, introduction of new technologies, business practices and stakeholder needs.
- 6) Policy Review - The policy direction is to be reviewed at a minimum every five (5) years following its approval.

## **6. Outside Employment Policy**

### **A. Policy**

It is Council's policy to establish clear criteria on acceptable terms and conditions for Qalipu Employees to accept and/or continue employment with other organizations and companies, while being employed by the Nation.

### **B. Purpose**

The purpose of this policy is to provide specific rules and regulations for Qalipu employees related to their employment with other businesses, companies, firms, or agencies.

### **C. Scope**

This policy applies to all employees of Qalipu First Nation.

### **D. Responsibilities**

Employees may engage in employment with another employer, carry on a business, or receive non-Band funds for personal activities; provided that the employment:

- a. Does not interfere with the performance of their duties as Band Employees;
- b. Does not bring the Band into disrepute;
- c. Does not represent a conflict of interest as stated in this policy manual;
- d. Is not performed in such a way as to appear to be an official act or to represent Band opinion or policy;
- e. Does not involve the use of Band premises, services, equipment, information or supplies except as otherwise provided in Band policy; and
- f. Does not involve or result from business opportunities offered to the employee, in their capacity as a Band employee, from third parties.

## **7. Recruitment and Hiring**

### **A. Policy**

It is Council's policy to recruit the best-qualified candidate with the skills, abilities, experience, qualifications, and competencies required for the position being filled.

### **B. Purpose**

The purpose of this policy is to set out the procedures that provide for fair, transparent and impartial hiring practices that ensure employees have the skills, ability, experience, qualifications and competencies necessary to perform their role and allow the First Nation to meet its objectives. There shall be no discrimination during the recruitment process and all hiring shall be conducted in compliance with the Canadian Human Rights Act.

### **C. Scope**

This policy applies to the hiring of all employees, except for the Senior Manager, Senior Finance Officer, and the Tax Administrator.

### **D. Responsibilities**

- (1) Council is responsible for hiring all Officers.
- (2) The Senior Manager is responsible for supervising the process for hiring and approving the hiring of all employees, other than Officers.

### **E. Procedures**

- (1) Position Authorization
  - a) All new positions or positions for Officers must be identified and approved by Council.
  - b) Existing positions, other than Officers, will be authorized to be filled by the Senior Manager.
- (2) Job Descriptions
  - a) Qalipu Director(s) and the HR Manager will review and update the job description for the position being recruited to ensure it accurately describes the duties, functions and responsibilities of the position, and it accurately identifies the skills, abilities, experience, qualifications and competencies necessary to fulfill the position. Job descriptions will include:
    - i. position title;
    - ii. accountability or reporting structure, line of authority;

- iii. duties and responsibilities, nature, and scope of work;
- iv. experience, abilities, knowledge, and skills required; and
- v. qualifications, education, training, licenses, certificates required.

### **(3) Job Posting Procedures**

- a) All positions will be posted and provide an opportunity for transfers, promotions, advancements, short term, replacement, and external applicants.
- b) Upon receipt of the required approvals, all positions will be posted and advertised as directed by the Senior Manager. A form is to be completed for the Department of Finance that includes the Salary Code to which the expense related to the hiring will be charged. Generally, all postings will be open for a minimum of seven (7) days.
- c) All postings are to comply with established posting and interview procedures. Standard job postings shall include;
  - a. Qualifications
  - b. Brief job description
  - c. Date of posting
  - d. Application deadlines
  - e. Working conditions
  - f. Job location
  - g. Hours/ days of work
  - h. Experience
  - i. Anticipated interview date
  - j. Any other relevant information related to the position deemed necessary by the HR Manager and Department Director.
- d) At the close of the competition, the HR Manager and Department Director shall be responsible to review all applications and setting up interviews, as necessary.

### **(4) Internal Employee Application Process**

For a position below the level of a Director; full-time, part-time and seasonal employees who are not on probation, shall be granted the first opportunity to apply and be considered for any new or vacant positions that may arise from time to time, provided that the employee, in the sole discretion of the Employer, has:

- i. The necessary skills, abilities, and qualifications; or
- ii. Relevant years of experience

Employees, who are successful through the internal hiring process and as a result move from one position to another, shall not be permitted to revert to his/her previous position, without the prior written approval of the Senior Manager.

Employees shall not lose any seniority if successful through the internal hiring process.

Internal applicants will be required to submit a formal application, will be formally interviewed by an interview committee, and if selected, undergo the new employee probation process.

Positions at the level of Director or above are required to compete in an open competition with external applicants.

**(5) Interview Procedures**

- a) The hiring officer has responsibility for determining the interview process.
- b) The HR Manager will maintain a record of the selection and evaluation process.
- c) Initial screening will occur to assess each applicant's ability to meet the minimum stated standards. Applications of qualified candidates received for a posting will be forwarded to the Hiring Officer to further screen the applications to select individuals to be interviewed for the position. The interview process will be consistent for all applicants.
- d) Once an applicant is determined to be the recommended candidate, the HR Manager or designate will conduct and document reference checks, as well as any other check required in the Recruitment and Selection Plan.
- e) The Hiring Officer and/or HR Manager will then prepare a Selection Summary Report including:
  - i. a list of applicants who were interviewed;
  - ii. the name of the selected candidate and rationale;
  - iii. a summary of reference and any other checks, with any inconsistencies or issues noted and discussed; and
  - iv. the proposed starting date and compensation.
- f) The Senior Manager will review the Selection Summary Report and may approve the proposed candidate for hire.

**(6) Hiring**

- a) The Hiring Officer and/or HR Manager will prepare a Letter of Offer upon approval from the Senior Manager. Approval for Officer level positions will be obtained from Council. The Letter of Offer should include main terms of employment such as:
  - i. position title;
  - ii. the hours of work;
  - iii. salary;
  - iv. starting date;
  - v. the probation period;
  - vi. termination clause;
  - vii. the benefits package;
  - viii. any conditions (e.g. confidentiality agreement)

- b) A copy of the Job Description shall be attached to the Letter of Offer. The Letter of Offer will be signed by the Senior Manager. Two copies of the offer of employment shall be forwarded to the prospective employee. The prospective employee shall be requested to sign and return one copy as an indication of acceptance of the terms of employment.
- c) Upon receipt of the signed Letter of Offer, the HR Department will ensure an employee personnel file is created and will request the employee be added to the payroll. The request will include the rate of pay and other forms of compensation and must be approved by the Senior Manager.
- d) Once the probationary period has been successfully completed, the employee shall be advised in a letter signed by the Senior Manager and a copy placed in the Human Resources file. Except for those relating to the probationary period, the remaining terms of the Offer of Employment shall continue to apply.

**(7) Interview Committee Conflicts of Interest**

- a) Any individual on the Interview Committee who is in a Conflict of Interest must self-identify and be replaced on the Interview Committee for all interviews to be conducted.

**(8) Temporary Assignment**

- a) Positions for temporary employment may be offered on a specific or on a project-based basis as determined by the Department Director. Temporary staffing assignments of less than three (3) months do not require job posting competitions. Temporary assignments more than three (3) months will require job postings. A Department Director wishing to fill a temporary position must provide the Senior Manager with the rationale for making the position temporary. The Department of Finance is to be informed of this decision as well as informed on the duration of the employment. A letter of appointment signed by the Senior Manager shall be given to an employee appointed to fill a temporary assignment outlining the specific term, duties, conditions of employment.

**(9) Casual Positions for On-Call List**

- a) To enable the administration to hire individuals to fill short term positions, each department may establish an On-Call Casual Employee List. Each department must seek approval from the Senior Manager to create specific positions that can be filled by individuals on an On-Call Casual Employee List. Each On-Call List will have a clear job description including a general description of duties, required skills, abilities, and qualifications.
- b) Once approved, the HR Manager will keep each Department List and must follow established hiring protocol (advertising, interviewing and selection) to fill the On-Call Casual Employee List. On an ongoing basis an ad will be placed on the website to fill the List (and to keep it current). Individuals from the On-Call Casual Employee List may be hired for a few hours, a few days, and/or a few weeks. Employees hired through the On-Call process will be placed on the regular payroll and expected to abide by all the conditions of this Policy.

- c) Three types of On-Call Casual Employee Lists will be established:
  - i. for general administrative and clerical support type positions;
  - ii. for general labourer (inside and outside) positions; and
  - iii. for specialized trades which require specific training and or certification.

#### **(10) Employment Competency Testing**

Some positions require skills for which a known level of competence exists (i.e., keyboarding, computer applications, and data entry). Under these circumstances the Interview Committee may request applicants to demonstrate skills by completing an exercise involving a job-related work sample. All interviewed applicants must be given the same exercise. All test results will be confidential.

#### **(11) Verification of Licenses, Certification, and Education**

The Candidate will be responsible for providing original verification of his/her licenses, certification, and educational background, including confirmation of the successful completion of all certificates, diplomas, licenses, degrees, etc. The successful candidate will be asked to provide original documentation of all accreditation before the interview. Documents will be placed in the employee Human Resources file.

#### **(12) Criminal Records Check**

A Criminal Records Screening Certificate is required by the QMFNB prior to employment in any position that involves the handling of cash and security. Employees in such positions are required to submit an updated Criminal Records Screening Certificate after every three (3) years of employment with the QMFNB.

- a) A Criminal Record and Vulnerable Sector Check is required by the QMFNB prior to employment in any position that involves children or vulnerable persons. Employees in such positions are required to submit an updated Criminal Record and Vulnerable Sector Check after every three (3) years of employment with the QMFNB.
- b) Employees in the positions referenced above are required to maintain a clean criminal record while employed with QMFNB. Employees must immediately notify his/her Department Director and the HR Manager should he/she be charged or convicted of a criminal offence while employed with QMFNB.
- c) Results of the criminal record searches will be used in the evaluation process to determine final suitability for employment or continued employment with QMFNB.
- d) If the QMFNB has reasonable grounds to believe that any employee has been convicted of a criminal offence, the nature of which could materially affect the performance of his or her duties, the QMFNB may request the employee to submit his/her criminal records for review.

**(13) Contracts of Employment**

No contract of employment for any period and no contract for compensation or benefits is valid unless it is in writing and signed by the Senior Manager.

**(14) Employee Orientation**

- a) It is the role and responsibility of the HR Manager, the Department Director and the new employee's Program Manager to establish good employee-employer relations, foster open communications and reduce anxiety with regard to the new work environment and to begin to make the employee feel part of the team.
- b) All new employees will be provided with a comprehensive orientation process. The HR Manager will review the Human Resources Policy and conditions for the new employee's probation and explain all other relevant documents. The new employee will then be asked to sign all the required forms including the Declaration of Understanding (which indicated that he/she has received a copy, understands, and agrees to abide by all QMFNB policies). The employee is to be offered two (2) business days to understand the policy prior to signing the "Declaration of Understanding". The Code of Confidentiality is to be signed upon hiring to ensure that the privacy of the Band, its members and employees is kept in strict confidence.

**(15) Employee Deductions**

The HR Manager will inform the new employee about the QMFNB's Benefit Package and will have the new employee sign required forms including the Federal and Provincial income disclosure form TD-1 direct deposit authorization, and payroll deduction forms.

**(16) Human Resources File and Information Package**

A confidential employee file (Human Resources File) will be created for each new employee. The Senior Manager and the HR Manager will have access to all Employee records. A Department Director and Program Manager will have access only to the records of Employees who report to them.

Such a file will include, but not be limited to:

- The personal contact information of the employee;
- The social insurance number of the employee;
- The job description of the employee for his/her current and past jobs within the organization
- Performance appraisals
- Documents relating to discipline matters
- Annual attendance record
- Forms relating to request for leave



No information relating to an employee's performance shall be placed in his/her file unless a copy has also been furnished to the employee.

For each person employed by the Employer, pertinent information will be collected and retained by the HR Manager.

The Employer recognizes its responsibility to safeguard such data. It will be kept in locked files. No one will indiscriminately reveal information to anyone without permission from the individual. The HR Manager will be present during all access to Human Resources Files. Only when files are requested by the Senior Manager will they be removed from the Human Resources Office. The HR Manager will maintain a log of persons accessing the files.

Upon submitting a formal request to the Human Resources Office an employee shall be permitted to review his/her Human Resource file under the observation of the HR Manager. The employee shall be permitted to copy the contents of the Human Resource file in the presence of the HR Manager.

It will be the responsibility of the employee to properly inform the HR Manager of any changes that are to be recorded in his/her file, and the Employer will not be held responsible for failure to contact anyone who has not submitted changes to his/her personal contact information. Changes must be recorded on the appropriate forms provided by the HR Manager. This includes employment data changes, benefits, insurance, beneficiary, and others related items.

**(17) Declaration of Commitment Forms**

- a) The Human Resource Manual is to be reviewed and signed once a year by all staff members.
- b) QMFNB provides the best services possible for its Band Members. As such, all employees will be required to agree to abide by the established Code of Ethics, Code of Conduct and Code of Confidentiality.
- c) All employees will be required to sign a *Code of Ethics & Code of Conduct* form which will remain in effect throughout and following employment with the QMFNB. The *Oath of Confidentiality* is binding on all employees during and after employment with the QMFNB. A breach of confidentiality can result in legal proceedings and /or immediate dismissal.

**(18) Probation Period**

- a) The Employee acknowledges that his or her ability to perform the duties that will be assigned pursuant to their contract of employment are the basis for the Employer entering into the employment contract and cannot be demonstrated until a period of employment has elapsed.
- b) Full-time and part-time employees are placed on a probationary period of ninety (90) days beginning on the first day of their employment. Each Department Director and Program Manager will evaluate all probationary employees within his/her department. In the case

where an employee reports to two Department Directors, both will jointly conduct the evaluation. If for any reason on or before the end of this probationary period it is determined that an employee is not suited for the job for which they were hired, their employment shall be terminated. At the end of probationary period, a satisfactory employee will continue in employment with their seniority being back dated to the initial date of employment.

- c) An employee who accepts a promotion/new position within the QMFNB will be treated like any new employee and given a ninety (90) day probation period. Department Directors/Program Managers will be given a (180) day probationary period.
- d) Executive Committee will evaluate a probationary Senior Manager. The Senior Manager will evaluate probationary period for all staff.
- e) All new seasonal employees are placed on a probationary period of thirty (30) days beginning on the first day of their employment. During the probationary period, their abilities and work performance are closely evaluated by their direct supervisor. If for any reason on or before the end of this probationary period it is determined that an employee is not suited for the job for which they were hired, their employment shall be terminated. At the end of probationary period, a satisfactory employee will continue in employment with their seniority being back dated to the initial date of employment.
- f) Probationary periods may be extended by the Senior Manager, at his/her discretion up to a period no greater than 180 days. The Senior Manager shall inform the employee in writing when his/her probationary period has been extended, and for what amount of time.
- g) At any time during the probation period the Senior Manager may terminate employment without notice.
- h) Casual and summer student employees shall be placed on a permanent probationary period.

## **F. References and Related Authorities**

- (1) FMB's Financial Management System Standards
  - a. Standard 12.6.5 - Hiring Policies
- (1) FMB's Financial Administration Law Standards
  - a. Standard 11.4.4 - HR Policies / Practices
  - b. Standard 11.4.5 - Personnel Competence

## **G. Attachments**

None

## **8. HR Records Management**

### **A. Policy**

It is Council's policy to formally create, manage, and protect human resource records in accordance with applicable laws and First Nation policy requirements.

### **B. Purpose**

The purpose of this policy is to provide guidance to effectively manage the creation, maintenance, and confidentiality of HR Records of the First Nation.

### **C. Scope**

This policy applies to Council, the Senior Manager, the Senior Financial Officer, and the Tax Administrator of the First Nation.

### **D. Responsibilities**

- (1) Council is responsible for ensuring a HR Records management system is established and implemented.
- (2) Subject to the First Nation's Financial Administration Law, the Senior Manager is responsible for the leadership, planning, overall policy and the general oversight of the HR Records management, storage and retention system, and for ensuring the security and integrity of that system.
- (3) The HR Manager or designate is responsible for the implementation and the operational management of the HR Records management, storage, and retention system.

### **E. Procedures**

- (1) Management of HR Records will follow the general record management procedures of the First Nation.
- (2) Job competition files will clearly and transparently document the evaluation and selection process and will include, at a minimum, the following:
  - a. External recruitment firm agreement (if applicable);
  - b. Job description and required qualifications and skills; and
  - c. Selection results.
- (3) A confidential employee file will be created for each new employee and will include the following HR Records:
  - a. Resume with experience and qualifications;

- b. Results of background checks (i.e. reference checks, criminal background check, credit check, education check);
  - c. Offer letter of employment or contract;
  - d. Performance plans and results of performance evaluations;
  - e. Current job description;
  - f. Enrolment information for benefits plans.
- (4) Access to HR Records will be restricted to HR personnel in performance of their job function and the Senior Manager, however, employees can access their personal employee file upon request and in the presence of an HR person.
- (5) Upon employee termination HR Records for that employee will be retained for seven years following the date of termination. In the event of litigation, the destruction of HR Records should be suspended until the investigation, audit, or litigation is complete.

## **F. References and Related Authorities**

- (1) FMB's Financial Management System Standards
  - a. Standard 12.6.1 – Records of functions, etc.
  - b. Standard 12.6.2 – Maintenance procedure
  - c. Standard 12.6.3 – Records of qualifications / competencies
  - d. Standard 12.6.4 – Management of employee records
- (1) FMB's Financial Administration Law Standards
  - a. Standard 11.4.4 – HR policies / practices
  - b. Standard 21.3 – Record keeping, storage, etc.
  - c. Standard 21.4 – Requirements for confidentiality, etc.

## **G. Attachments**

- (1) None

## **9. Discipline and Dismissals**

### **A. Policy**

It is Council's policy to use a progressive and participatory disciplinary approach for dealing with job related behaviour that does not meet expected and communicated performance standards.

### **B. Purpose**

The Purpose of this policy is to set out a process to correct and deter unacceptable conduct, behaviour or performance as well as providing flexibility to the Senior Manager in addressing employee performance challenges.

### **C. Scope**

This policy applies to all employees of the First Nation.

### **D. Responsibilities**

- (1) Council has final authority and responsibility for the dismissal of Officers.
- (2) Council has final authority and responsibility for the discipline of the Senior Manager.
- (3) The Senior Manager has final authority and responsibility for the dismissal of all employees (other than Officers).
- (4) The Senior Manager has final authority and responsibility for the discipline of Directors and Financial Officer.
- (5) The Immediate Supervisor has first responsibility for discipline of employees.
- (6) In the event the Immediate Supervisor is unable to deal with the conduct, behaviour, or performance, the next level supervisor will assume the responsibility for discipline.

### **E. Procedures**

- (1) The aim of progressive discipline is to constructively bring about a favourable change in behaviour where such is necessary. Disciplinary action shall only be taken after the unacceptable conduct, behaviour or performance has been properly investigated and the employee concerned has been given an opportunity to respond to the allegation(s) of unacceptable conduct, behaviour or performance.
- (2) The nature and severity of the employee's unacceptable conduct, behaviour or performance will dictate the nature and form of disciplinary action taken by the Senior Manager; however, one or more steps in the progressive discipline process may be waived or skipped based upon the nature and severity of the employee's unacceptable conduct, behaviour or performance or the

progressive disciplinary process may be waived altogether in the event of just cause for immediate dismissal as noted below.

- (3) An employee may be suspended, with pay, while the alleged unacceptable conduct, behaviour or performance is under investigation, where the Council or the Senior Manager believes in good faith that it is necessary to ensure the safety and/or security of the workplace.
- (4) All disciplinary actions will be documented and placed in the employee's personnel file.
- (5) The Progressive Discipline process will generally include the following steps:

**Written Warning:**

- a. Employee will be given a written warning regarding undesirable behaviour or action.
- b. The employee will be advised when and how the behaviour or action took place and will be given an opportunity to explain the situation and their actions.
- c. The employee will be informed that further disciplinary action, up to and including termination, will follow if unacceptable behaviour continues.
- d. The employee will sign the document and will be provided with a copy of the written warning and another will be placed in the employee's personal file.

**Suspension:**

- a. In case of suspension, the employee will be called to a meeting with the Senior Manager, HR Manager and Director and given the opportunity to state their case. An employee may bring another employee to the meeting as an observer. If the decision is made to impose a suspension, the employee will be given written documentation regarding the suspension in relation to undesirable conduct, behaviour, or performance in the event that the behaviour or action had been discussed in a previous written warning or the behaviour or action was considerably serious in nature.
- b. The employee will be given a written notice of suspension, with a copy to be placed in the employee's personal file, which will include:
  - i. The effective date of suspension;
  - ii. The duration of the suspension;
  - iii. The reason(s) for the suspension; and
  - iv. That repetition of the behaviour or action will result in further disciplinary actions up to and including termination.

**Termination:**

- a. An employee may be terminated for just cause. Where an employee is being terminated for just cause, the employee shall be provided with written communication confirming the

termination of their employment, with a copy to be placed in the employee's personal file, which shall include the following:

- i. A description of the unacceptable conduct, behaviour or performance and previous disciplinary communications with the employee;
  - ii. A description of when and how the unacceptable conduct, behaviour or performance took place. This will include the reason why the behaviour or action was unacceptable.
- b. Just cause for immediate dismissal may include:
- i. Gross misconduct including violation of rules, harassment, carelessness, or recklessness resulting in endangerment to self or others, disorderly conduct, theft, under the influence of alcohol or drugs while on the job, falsifying records, etc.;
  - ii. Threats of violence where an employee threatens to or causes physical harm to another employee, client or to the members of Council;
  - iii. Conviction of a serious criminal code offence, related to their employment;
  - iv. Demonstrating chronic absenteeism or lateness;
  - v. Repeated unsuccessful progressive disciplinary attempts including written reprimands and/or suspensions;
  - vi. Misrepresentation or falsification of information on application of employment;
  - vii. Contravention of the employee's duties and obligations under the First Nation's Financial Administration Law including codes of conduct and conflicts of interest; or
  - viii. Any other cause deemed justifiable at law.

## **(5) Resignation**

A staff member who is resigning from the organization should provide a written notice to his/her Department Director. The timeline for provision of notice of resignation by the employee may be waived or reduced at the discretion of the Senior Manager.

## **(6) Without Cause Termination or Layoff Notice**

- a. The Employer receives funding through various programs (i.e. various Government of Canada programs) and as such, employment is conditional upon the financial resources and funding of the Employer. Where such funding is reduced or cancelled for any reason, the Employer reserves the right to layoff or terminate staff by providing notice or pay in lieu of notice, severance pay and/or continuation of benefits in accordance with the provisions of the *Canada Labour Code* (the "Termination Notice"), which Termination Notice shall be in full and final satisfaction of any and all claims for notice, pay in lieu of notice or other

compensation arising from the termination of employment, whether contractual, statutory or at common law.

- b. Where financial consideration or work demands require the lay off or recall of employees, such layoff or recall shall be done in the reverse order of seniority by department/program, assuming that the remaining employees have the skill, ability and qualifications to perform the work required by the Employer (i.e. the most junior employee by department/program shall be the first laid off and the last to be recalled).
- c. Upon successful completion of the probationary period, the QMFNB may terminate an employee at any time without cause upon providing notice of termination or pay in lieu of notice, severance pay and/or continuation of benefits in accordance with the provisions of the *Canada Labour Code* (the "Termination Notice"), which Termination Notice shall be in full and final satisfaction of any and all claims for notice, pay in lieu of notice or other compensation arising from the termination of employment, whether contractual, statutory or at common law.

#### **(7) Return of QMFNB Property**

- a. Any QMFNB property issued to an employee, such as computer equipment, cell phones, product samples, tools, or uniforms, must be returned to the QMFNB at the time of termination, lay off, dismissal or resignation.
- b. On the final day of employment the following items must be returned from the employee to the following personnel before the final payroll cheque is issued: the Department Director or Program Manager must receive all keys & the employee's ID card, QMFNB credit cards should be collected by the Director of Finance, QMFNB property is to be collected by the Communication & Computing Specialist from the employee before the final payroll cheque will be issued. This policy also applies to Qalipu First Nation Councilors.

## **F. References and Related Authorities**

### **(1) FMB's Financial Management System Standards**

- a. Standard 12.6.6 – Dismissal Policies

### **(2) FMB's Financial Administration Law Standards**

- a. Standard 11.4.4 –HR Policies / Practices
- b. Standard 11.4.5 – Personnel Competence
- c. Standard 12.4 – Enforcement



## **G. Attachments**

None

## **10. Reporting of Breaches and Financial Irregularities**

### **A. Policy**

All Councillors, Officers and employees of the First Nation and all contractors and agents engaged in financial administration activities have the responsibility to report instances of misconduct to the Senior Manager or Chairperson of the Finance and Audit Committee. The identity of individuals who report misconduct will be protected from disclosure to the extent practicable in the circumstances, individuals who report in good faith will be protected from reprisals, persons against whom an allegation of misconduct is made will be treated fairly and allegations of misconduct will be fully investigated as efficiently as possible and resolved as appropriate.

### **B. Purpose**

The purpose of this policy is to ensure there is a procedure to report, investigate, and act upon allegations of wrongdoing within the financial management system, and to provide protection to persons who come forward with these reports in good faith.

### **C. Scope**

This policy applies to Council, Officers, employees, contractors, agents, and members of the First Nation.

### **D. Responsibilities**

(1) Council is responsible for:

- a. Ensuring that this policy is communicated to all affected and interested persons;
- b. Investigating reported misconduct concerning members of the Finance and Audit Committee;
- c. Ensuring that the identity of the person who makes a report of misconduct in good faith is kept confidential to the extent practical in all circumstances and not subject to reprisals for making the report;
- d. Approving policies and procedures required in the Financial Administration Law in respect of such matters; and
- e. Supporting and fostering an ethical environment.

(2) The Finance and Audit Committee is responsible for:

- a. Reviewing any reports provided to it respecting inquiries into the circumstances of the reported misconduct, conducting any further inquiry it considers necessary and providing a report to the Council, along with any recommendations;
- b. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
- c. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities;
- d. Making recommendations to the Council on how to address and remediate reported instances of wrongdoing; and
- e. Supporting and fostering an ethical environment.

(3) The Chair of the Finance and Audit Committee is responsible for:

- a. Receiving reports of misconduct, making an appropriate and expeditious inquiry into the matter, and reporting to the Finance and Audit Committee as soon as practicable;
- b. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
- c. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities; and
- d. Reporting to Council any contravention or suspected contravention of the prohibition against reprisals.

(4) The Senior Manager is responsible for:

- a. Communicating the Reporting of Breaches and Financial Irregularities Policy to all affected and interested persons;
- b. Ensuring all employees, consultants and contractors have signed the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities to acknowledge that they have read, understood, and will abide by the policy;
- c. Providing a confidential reporting procedure(s) to report violations;
- d. Receiving reports of misconduct, making an appropriate and expeditious inquiry into the matter, and reporting to the Finance and Audit Committee as soon as practicable;
- e. Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
- f. Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities;

- g. Reporting to Council any contravention or suspected contravention of the prohibition against reprisals;
- h. Securing related records; and
- i. Fostering an open and supportive ethical environment.

## **E. Procedures**

### **(1) Fostering an open and ethical working environment**

- a. The Senior Manager will communicate this policy to all employees.
- b. Each individual employed or contracted with, or acting as an agent for the First Nation in respect of the financial administration of the First Nation will be required to sign the agreement in Appendix B to indicate that they have read, understood and accepted its contents before employment or appointment begins.
- c. On an annual basis, all employees and consultants will sign and date the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities.
- d. The identity of any person who raises a concern of wrongdoing will remain confidential to the extent practically possible.
- e. A person reporting a breach in good faith will receive fair and unbiased treatment throughout the investigative process and will be protected from reprisals. Council will ensure that the person is protected from any discrimination, threats, retaliation, or harassment.
- f. A person against whom a report has been made will receive fair and unbiased treatment. Where a preliminary inquiry into a report indicates a possible finding of misconduct, the person against whom the report has been made will be given an appropriate opportunity to answer the allegation in a manner consistent with the other provisions of this policy.
- g. On an annual basis, the Finance and Audit Committee will provide Council with a report on the effectiveness of this policy and the Code of Conduct policy. Statistics regarding the number of cases reported, investigated, resolved and outstanding will be included in the report, as well as any lessons learned or proposed changes to the policies.

### **(2) Methods to report suspected wrongdoing**

- a. Council has established the following procedures to receive, retain, investigate, and act on complaints and concerns of Councillors, Officers, Employees, Contractors and Agents of the First Nation regarding instances of misconduct or wrongdoing.
- b. The Senior Manager will ensure that the procedures noted above will be included in the contracts of contractors and the appointment of agents and committee members.
- c. Both the Senior Manager and the Chair of the Finance and Audit Committee are authorized to receive and inquire into reports of misconduct or wrongdoing.

- d. The Senior Manager and the Chair of the Finance and Audit Committee will report their respective findings of an inquiry into a report of misconduct or wrongdoing that they receive.
- e. The Finance and Audit Committee is authorized to inquire further into any findings reported to it by the Senior Manager and the Chair of the Finance and Audit Committee.
- f. Any report received by a First Nation's Officers, Employees, Contractors or Agents from any source inside or outside the First Nation should be immediately forwarded to the Chair of the Finance and Audit Committee Chairperson. Councillors should report directly to the Chair of the Finance and Audit Committee.
- g. First Nation Officers, Employees, Contractors or Agents should forward their reports to the Senior Manager or the Chair of the Finance and Audit Committee.
- h. Instances of wrongdoing can be reported directly to the Chair of the Finance and Audit Committee in the following ways
  - i. In writing to the attention of the Chair of the Finance and Audit Committee: Mr. Randy Drover, 42 Thirteen Mile Crossing, Bishop's Falls, NL A0H 1C0
  - ii. Via courriel: [rdrover@qalipu.ca](mailto:rdrover@qalipu.ca)
  - iii. Via telephone to the Chairperson of the Finance and Audit Committee at [1- 709-290-3502]
  - iv. Anonymously in writing to the Chairperson of the Finance and Audit Committee
- i. Instances of wrongdoing can be reported directly to the Senior Manager in the following ways: (the same information needs to be in place for the Senior Manager given that he has the same role)

### **(3) Inquiring into reported wrongdoing**

- a. Promptly upon receipt of a report, the Senior Manager or Chair of the Finance and Audit Committee will:
  - i. Confirm in writing to the party who has reported an alleged misconduct that the report has been received;
  - ii. Ensure that the identity of the person(s) making the report is kept confidential to the extent possible and that individuals who report in good faith are protected from reprisals;
  - iii. Include the report on a confidential written docket, summarizing in reasonable detail:
    - a) The nature of the report (including specific allegations made and the names of the persons involved);
    - b) The date of receipt of the report;
    - c) The status of any inquiry;

- d) The report made to the Finance and Audit Committee;
  - e) Any final resolution of the reported wrongdoing.
- iv. Decide upon the appropriate action to be taken when conducting the inquiry and start the inquiry as soon as possible. The inquiry should seek to confirm or refute the facts presented;
- v. When the alleged incident is of significant risk (to the operations, reputation, etc. of the First Nation), related to potential criminal acts by individuals, or of high financial value to the First Nation, the Senior Manager or the Chair of the Finance and Audit Committee may retain external expertise to conduct the inquiry. Council will be made aware of the retention of the external expertise;
- vi. Report on the progress of current inquiries at each Finance and Audit Committee meeting; and
- vii. Upon completion of the inquiry, report to the Finance and Audit Committee on the conduct of the inquiry, the result of the inquiry and recommend actions to be taken.
- b. Upon receipt of the report from the Chair of the Finance and Audit Committee or the Senior Manager, the Finance and Audit Committee will determine if it will conduct any further inquiry into the matter but in any event will make a report to the Council of the circumstances reporting to the Committee including the Committee's recommendations if any.
- c. The Finance and Audit Committee will actively monitor inquiries to ensure they are conducted in accordance with this policy.
- d. If the reported wrongdoing concerns a member of the Finance and Audit Committee, the Council will inquire into the matter or retain external expertise to conduct the inquiry.

**(4) Responding to wrongdoing and initiating remedial actions**

- a. After considering the final report of the results of an inquiry, the Finance and Audit Committee will recommend a course of action to Council who will resolve the issue as soon as practical.
- b. Resolution actions will be commensurate with the severity of the wrongdoing incurred, and can include reprimands, leave without pay, termination, revocation of appointment or other remediation as determined by the Council and subject to the provisions of the Disciplinary and Dismissal Policy.
- c. Police will be contacted if activities of a criminal nature are identified.
- d. Recovery of First Nation funds, either expended or forfeited, because of the wrongdoing as described in the Financial Administration Law will be tracked and collected from the responsible individual(s).

## **F. References and Related Authorities**

- (1) The FMB's Financial Management System Standards
  - a. Standard 27.1 - Reporting policies
  - b. Standard 27.2 - Reporting procedures
  - c. Standard 27.3 – Enforcement policy/procedure
- (2) The FMB's Financial Administration Law Standards
  - a. Standard 27.1 - Reporting misconduct
  - b. Standard 27.2 - Obligation to report
  - c. Standard 27.3 - Protection for whistleblowers
  - d. Standard 27.4 - Procedural requirements

## **G. Attachments**

- (1) **Appendix B** – Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities

## **11. Harassment Policy**

### **A. Policy**

Everyone should be able to work in a safe and healthy workplace. The Harassment Policy sets out roles and responsibilities of all parties with respect to workplace violence and workplace harassment, including developing and implementing policies and programs and providing information and instruction on these.

### **B. Purpose**

This policy outlines how Qalipu Mi'kmaq First Nation will manage any harassment related concerns.

### **C. Scope**

- a) The Canadian Labour Code specifically defines sexual harassment and establishes an employee's right to a workplace free from sexual harassment.
- b) The following policy and procedures set out all types of harassment that the Employer believes should be eliminated from the workplace and sets out processes for addressing any complaint of harassment. The Employer has specifically defined sexual harassment and has set out a separate sexual harassment sub section within this policy.
- c) Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.
- d) Some examples of harassment include:
  - (1) Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, social origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or another personal characteristic;
  - (2) Unwelcome sexual remarks, invitations, or request (including persistent, unwanted contact after the end of a sexual relationship);
  - (3) Displays of sexually explicit, sexist, racist or other offensive or derogatory material;
  - (4) Written or verbal abuse or threats;
  - (5) Practical jokes that embarrass or insult someone;
  - (6) Leering (suggestive staring) or other offensive gestures;
  - (7) Unwelcome physical contact, such as patting, touching, pinching, hitting,
  - (8) Patronizing or condescending behaviour;
  - (9) Humiliating an employee in front of co workers;
  - (10) Abuse or authority that undermines someone's performance or threatens his or her career,
  - (11) Vandalism of personal property; and/or

(12) Physical or sexual assault.

- e) The *Canadian Human Rights Act* protects employees and clients from harassment that is related to their race, national or ethnic origin, social origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.
- f) Disrespectful behavior, known as "personal" harassment, is also covered in this policy. While it also involves unwelcome behavior that demeans or embarrasses an employee, the behavior is not based on one of the protected grounds named above.
- g) Harassment can take place between employees, between a member of Council and an employee, between people of the opposite or of the same sex, between an employee and a client, or between an employee and a job applicant.
- h) Consensual banter or romantic relationships where the people involved agree that what is happening is not harassment. Appropriate performance reviews, counselling, or discipline by a supervisor or manager are not harassment.
- i) Work related harassment can take place in the workplace itself or outside of the workplace in a situation that is in some way connected to work. For example, employees (and clients) must be protected from harassment during delivery trips, off site meetings, business trips, and any other event or place related to employment or when the employee is present in the course of employment.

#### **D. Responsibilities of Employer**

- a) It is the responsibility of Chief and Council and Senior Manager to make every reasonable effort to ensure that no employee is subjected to harassment.
- b) It is the responsibility of Chief and Council to establish policies to address harassment related concerns within the administration.
- c) It is the responsibility of the Senior Manager to oversee harassment related processes pursuant to this policy.

#### **E. Responsibilities of Employees**

- a) It is the employee's duty not to harass another employee,
- b) It is the employee's duty to report an incident of harassment if witnessed,
- c) It is the employee's duty to cooperate with workplace investigation.

#### **F. Procedures**

##### **Complaint Procedures**

- a) Speak Up

(1) If the employee believes they are being harassed, they should speak up right away. If the employee feels uncomfortable, the employee should tell the person that they are not



comfortable with their behaviour and want it to stop. The employee can speak to the person directly or write the person a letter (date it and keep a copy) in addition, the employee can tell someone they trust what it is going on.

b) Keep notes

(1) All unwelcome or harassing behaviour should be recorded. The employee should write down what has happened, when, where, how often, who else was present, and how they felt about it. Every instance of harassment should be written down.

c) Report it

(1) If the harassing behaviour occurs again, or if the employee is unable to deal directly with the harassing person, it is to be reported to the Senior Manager. If the Senior Manager is involved in the complaint, the complaint is to be reported to the Band Chief, if the Band Chief is involved in the complaint, it is to be reported to one of the Vice-Chiefs. In the case of sexual or physical assault, the incident also should be reported to the police. For all matters, the employee has the option to go directly to the Canadian Human Rights Commission.

d) Informal Procedures

(1) The employee may want to proceed informally at first. This means the employee can ask the designated person to help the employee communicate with the other person or to speak to them on the employee's behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, the employee may be able to resolve the situation quickly.

e) Mediation

(1) It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. If a qualified person from outside the organization is available to act as a mediator, and the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint, if the parties agree. The mediator should not be involved in investigating the complaint and should not be asked to represent the Employer at any stage of any proceeding related to the complaint.

(2) However, either party has the right to refuse mediation. The employee is free to decide for himself/ herself whether mediation is appropriate. The employee should not feel pressured to agree to mediation. The employee should not feel that they are at a disadvantage or vulnerable because of age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason. If someone suggests mediation but the employee is uncomfortable with it, the employee can say no, and it will not be part of the complaint process. If mediation does become part of the process each person has the right to be accompanied and assisted during mediation sessions by someone they choose.

f) The Investigation

(1) If the employee wants to go ahead with a formal complaint, it will be investigated either by a specially trained person from within the organization or a consultant, except when the matter is criminal in nature, and in such a case the police should be contacted. The person will investigate the complaint thoroughly. He/she will interview the complainant, the alleged harasser, and any witnesses. All employees have a responsibility to cooperate in the investigation.

(2) Both the employee and the alleged harasser have the right to be accompanied by someone with whom each feels comfortable with during any interview or meetings.

(3) An investigation will involve:

- a. Gather all pertinent information from the complainant;
- b. Inform, through written and oral communication means, the alleged harasser of the details of the complaint, and provide a period of seven (7) days for the harasser to provide her or his response;
- c. Interview and obtain a written statement from all witnesses, and have said witness sign her or his statement;
- d. Decide whether, on a balance of probabilities, the harassment did take place;
- e. Recommend appropriate remedies, penalties, or other actions; and
- f. Prepare a 'Summary Report' of the investigation for the Executive Committee.

g) Substantiated Complaint

(1) If the investigator decides the complaint is valid, he or she will submit a report of their findings. This report will be filed with the Senior Manager for review unless the complaint involved either the Senior Manager or the Chief. In the event of the involvement of the Senior Manager, the report would be filed with the Chief and in the event of the involvement of the Chief, the report is filed with the Vice-Chiefs. This report will be received no later than thirty (30) days of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action and any other necessary action. The Senior Manager (or the Band Council in the event of the Senior Manager, Band Chief, or another Councillor) will decide what action to take, and will inform both parties of the decision, in writing, no later than thirty (30) days of the report being submitted.

h) Corrective Action for the Harassers

(1) Corrective action for the harassers will include any of the following, depending on the nature and severity of the harassment

- a. A written reprimand
- b. A suspension, with or without pay.
- c. A transfer if it is not reasonable for the people involved to continue working together; or
- d. A dismissal
- e. Harassers may also be obligated to attend an anti harassment training session.

**(5) Remedies for the Victim**

Remedies for a person who has been harassed will be at the discretion of the Band Council in consultation with the Senior Manager and such remedies, if applicable, will depend on the nature and severity of the harassment.

**(6) Unsubstantiated Complaints**

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.

**(7) Complaints made in bad faith**

In the rare event that the complaint was made in bad faith, that is deliberately and maliciously filed knowing that it had absolutely no basis, the complainant will be subject to the same penalties as a harasser. The person unjustly accused of harassment will have her or his reputation restored and will be given the benefit of any necessary remedies that would be given in a case of harassment.

**(8) Retaliation**

Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as a harasser.

**(9) Confidentiality**

The employer will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. Employees and the Employer are required to respect confidentiality in the same way.

**(10) Time limits**

1. The employer has a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, no later than sixty (60) days.
2. Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

**(11) Other Options**

- a. An employee who is not satisfied with the result of a harassment complaint can consult the Canadian Human Rights Commission.
- b. If the harassment involved physical or sexual assault, which are criminal offences, the police must be contacted.

## **12. Workplace Professionalism and General Policies**

### **A. Policy**

This policy will address general operational procedures within Qalipu First Nation.

### **B. Scope**

This policy applies to all employees of Qalipu First Nation.

### **C. Responsibilities**

- (1) It is Council's responsibility to review and approve policies that relate to workplace professionalism and general policies.
- (2) It is the Senior Manager's responsibility to implement and enforce the policies and procedures provided by Chief and Council.
- (3) All Qalipu employees are responsible to understand and follow the policies and procedures provided by Chief and Council.

### **D. Procedures**

#### **(1) Regular Hours of Operation**

(1) A full-time employee at QMFNB works 35 hours per week.

(2) The regular work hours are from 9:00 AM to 4:00 PM daily. A thirty (30) minute paid lunch break is scheduled each weekday.

(3) Flexible Hours: The Senior Manager may, on specific occasions, make alterations to the hours of work or work period for some or all Departments.

(4) All employees shall have their attendance recorded by the HR Manager.

(5) At present, the regular hours of work for Fishery Guardians are 35.0 hours per week, varied over Monday through Sunday. The regular work schedule includes a paid lunch break of thirty (30) minutes. The days and hours of work may be amended by the Employer, from time to time, to meet its needs. Fishery Guardians will have their hours tracked through their GPS and through their bi-weekly report forms.

- (6) Employees that are away from the office during the workday must complete the required form which documents the purpose of their absence. These forms must be submitted for the calculation of the bi-weekly payroll. The Communication book kept at Reception shall not constitute an attendance record. Employees are required to use the communications book to sign in or out when they are going to be away from the office for any reason which includes external meetings, appointments, etc.
- (7) All Casual hourly paid employees' wages shall be calculated pursuant to the time recorded on his/her attendance records.
- (8) Any entries on the time sheet for overtime or approved unpaid leave must be accompanied by an approved overtime/leave application and submitted to the Human Resources Department for payroll adjustment.
- (9) Nothing in this policy shall constitute a guarantee by the Employer of any specified minimum hours of work per day or per week for the Employee.

## **(2) Absence or Lateness**

- (1) Employees are expected and required to be in attendance prepared to commence work activities, at designated work locations, for their assigned days and hours, and to remain at work for the entire work period, excluding rest and meal breaks.
- (2) Each employee is responsible for regular attendance and timely reporting of their absences at the beginning of the business day in which they will occur to their supervisor.
- (3) QMFNB employees who expect that they will be late or absent from work, must notify his/her immediate Department Director/Program Manager or HR Manager forty-five (45) minutes prior to the beginning of their shift. The employee will provide a valid reason for his/her absence/lateness and give an indication of when he/she expects to return to work. Employees may also be required to provide sufficient medical certification when requested. It is the responsibility of the employee's direct supervisor to ensure the HR Manager is advised of all reports received from employees who are reporting late or who will be absent from work.
- (4) Absence from work for three (3) consecutive days or more will require a physician's note to confirm that the absence is due to medical reasons.

## **(3) Overtime**

- a. Overtime is generally not permitted anywhere in QMFNB. If overtime is required, it must be pre-approved in the following manner:
  - i. A Department Director must submit a written request for overtime (RFO) to the Band Manager. The RFO must outline (a) the employee or employees who will receive the overtime; (b) the reason why the overtime is required; (c) the amount of overtime anticipated; and (d) the current overtime balances for the employee or employees who will receive the overtime.
  - ii. The Band Manager shall review the RFO and approve or deny it.

Under no circumstances shall an employee be entitled to overtime if this approval process is not followed.

- b. Where an employee works more than his/her regular hours of work of thirty-five (35) hours per week:
  - i. the Employer shall provide that employee with time off equivalent to regular time for each hour worked over (35) hours and up to forty (40) hours in any week. Time off for overtime worked will be granted at a rate of one and one-half times the regular rate of pay for hours worked of more than forty (40) in any week. The maximum hours worked in any week would not exceed forty-eight (48) except under exceptional circumstances as defined by the Canada Labour Code.
  - ii. in lieu of payment for overtime the employee shall be entitled to such time off at times mutually agreeable to both the Employee and the Employer, but in no case, can the Employee be denied time off in lieu of overtime for more than two (2) consecutive pay periods after such overtime was worked. The Band Manager may approve an extension of two (2) additional pay periods where circumstances require.
- c. Employees are to travel during business hours when traveling to and from events/meetings relating to Band business. When traveling during business hours is not possible, the employee must obtain prior written approval in accordance with subsection 12. D. (3) e. Where prior approval is not obtained, the employee shall not be eligible for overtime.
- d. The Band Manager may require an employee or group of employees to work overtime, without advance notice, to ensure the efficient and effective operation of the organization.
- e. Where an employee feels he/she is required to work overtime because his/her workload is such that a regular workday does not provide sufficient time to complete their work, the employee may submit a request for overtime (RFO) to the Department Director. Before submitting the RFO to the Department Director, the employee shall consult and receive approval from his/her immediate supervisor.

Upon receiving the RFO, and being satisfied that the overtime is required, the Department Director shall submit the RFO to the Band Manager for approval as per subsection 12. D. (3) a.

- f. All earned time off in lieu must be taken within two (2) consecutive pay periods after such overtime was worked. The Band Manager may approve an extension of two (2) additional pay periods where circumstances require.
- g. Where an employee anticipates that actual overtime will exceed the estimate submitted on the RFO, the employee shall advise his/her Department Director and the Band Manager at the earliest opportunity. The employee shall also explain, in writing to his/her Department

Director and the Band Manager, why actual overtime exceeded the estimate submitted on the RFO before the overtime is processed for payroll purposes.

- h. Notwithstanding any other section in this policy, an employee shall not be entitled to overtime when volunteering for or participating in Band related social events/activities unless the employee is directly responsible for the social event/activity or is a member of the organizing committee. Overtime, in this case, must be pre-approved in accordance with this policy.
- i. Notwithstanding any other section in this policy, an employee shall not carry forward unused time in lieu into the next fiscal year.
- j. Every quarter, the Band Manager shall submit a report to the Finance and Audit Standing Committee containing the amount of overtime employees accrued, used, and their net balances for the fiscal year as of that quarter.

Be it further resolved that Council shall instruct the Director of Finance to include this report in the Financial Reports List prepared in accordance with section 3 E. (1) of the Finance Policy.

#### **(4) Severe Weather and Emergency Closing of QMFNB**

- a. The QMFNB will not close except under unusual circumstances. In the event of severe weather or other emergencies, if QMFNB must cancel operations or close, the procedures as outlined in the Emergency Contingency Plan are to be followed.
- b. During times of severe weather, the Health and Safety representative at satellite offices is responsible to contact the Corner Brook office to advise of inclement weather.
- c. Employees are expected to be at work, unless QMFNB is officially closed. Employees are expected to exercise judgment regarding their ability to travel safely to and from work. However, employees that choose not to travel for work on a day when QMFNB has not been closed for weather related purposes may either use annual leave or take the day off without pay, subject to notification to their immediate supervisor.

#### **(5) Dress Code / Personal Appearance**

- a. Employees are always required to dress in a professional manner while conducting business for the Employer, apart from those employees who work in the field, who are required to dress according to the working conditions. Employees shall adhere to the following:
  - i. Wear business casual clothing during office hours;
  - ii. Fishery Guardians shall always wear assigned uniforms, except where the conditions of the job require casual clothing, while conducting the business of the Employer;

- iii. Not wear tank tops, leggings, mini-skirts, belly shirts, exposed undergarments, extremely revealing, tight or loose-fitting clothing or any other inappropriate clothing during office hours;
  - iv. Not wear clothing with inappropriate designs, symbols, images, writings, or statements during office hours;
  - v. Prior to beginning work at their designated office workstations employees must remove the following outerwear items: hats/caps/jackets and coats;
  - vi. Outdoor winter footwear must be removed in the foyer area prior to proceeding to office locations;
  - vii. Indoor footwear must always be worn by all office employees.
- b. Employees are permitted to wear casual clothes such as jeans on Fridays as participation in casual dress Friday.
  - c. All employees whose job requires the wearing and use of safety equipment will be informed upon hiring and/or if circumstances or regulations change. Employees who do not comply with the requirement to properly wear personal safety equipment (including boots, hard hats, safety eyewear and/or other articles) will be subject to disciplinary action.

#### **(6) Smoking Policy**

In compliance with local and provincial regulations the QMFNB offices, office building, property and all QMFNB are designated non-smoking.

#### **(7) Telephone**

No long-distance personal calls are allowed. Personal local calls may be made if they are for emergency purposes.

#### **(8) Cellular Phone Use**

- (1) For the purpose of this policy, cell phone is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without cable connection.
- (2) QMFNB is aware that employees utilize their personal cellular phones during work time. At the same time, excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees must restrict personal calls during work time and should use personal cell phones only during scheduled breaks.



#### **(9) Software Access and Update Procedure**

- (1) All QMFNB computers must use authorized anti-spy and anti-virus software. Employees need to inform their Department Director/ Program Manager if this software is not functioning and/ or about to expire.
- (2) Software needed; in addition to the Microsoft Office Suite of Products, must be authorized by the Department Director. The Communications and Computing Specialist has been designated within QMFNB to conduct the download. If an employee needs access to software not currently on the organization's network, prior approval from the Department Director must be sought.

#### **(10) Internet and Email Use**

- a. Employees are to refer to the Information Management Policy for issues related to internet and email use.

#### **(11) Emails and Internet Sites that Discriminate**

- a. Under NO circumstances may QMFNB computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, or unethical internet sites. Doing so will lead to disciplinary action up to and including termination of employment.
- b. Viewing pornography or sending pornographic jokes or stories via email is considered sexual harassment and will be addressed according to QMFNB Harassment policy.
- c. Any emails that discriminate against employees by virtue or any protected classification including race, gender, nationality, religion and so forth, will be dealt with according to the Harassment Policy. These emails are prohibited at QMFNB. Sending or forwarding no business emails will result in disciplinary action that may lead to employment termination.

#### **(12) QMFNB Owns Employee Email**

QMFNB owns any communication sent via email or that is stored on QMFNB computer equipment. Management and other authorized staff have the right to access any material including employee emails or information stored on any computer. Please do not consider electronic communication, storage, or access to be private if it is created or stored at work.

#### **(13) Social Media, Professional and Personal Considerations**

- (1) Employees will refer to rules and procedures set out in the Communication Policy
- (2) Social Media is the creation, sharing and exchange of social interactions and media among people in virtual communities and networks. It takes on many forms, including the innocent sharing of photo albums and forward of jokes, witticisms and images but also includes damaging slander, cyber bullying and worse. There are numerous websites which are used for social media; some of these include: Facebook, Twitter, LinkedIn, and Myspace.

- (3) Regardless of whether at home, on personal time, or at work, the employee must refrain from Social Media interactions that include any commentary (negative or positive) about their Employer (the QMFNB) including all individuals elected to council, or anyone else employed by the Band, its partners, suppliers, clients, members and any other organization affiliated with the QMFNB. Employees must never post, forward or share defamatory or derogatory comments, postings, pictures, graphics, or other such messages on a Social Media site.
- (4) Employees should always remember that they are always bound by the confidentiality and privacy clauses of this policy in all instances and. This effectively means that there can be no expectation of maintain a private life or private attitudes that are completely consequence free. Regardless of whether positive or negative, engaging in political commentary on or through any social media is forbidden for the sake of maintaining public confidence in the professionalism of all QMFNB employees. Employees violating this may be subject to disciplinary action up to and including termination.

#### **(14) Building Security**

- (1) The Band Manager shall implement and distribute procedures to ensure that the building is secure.
- (2) In the interest of safety and security all new employees will be advised as to which entrances and exits they are permitted to use throughout QMFNB offices and other facilities.

#### **(15) Occupational Health and Safety**

- (1) The Qalipu Mi'kmaq First Nation Band is committed to protecting its employees from injury and its property from accidental loss.
- (2) The Employer will provide and maintain safe and healthy working conditions for all employees as required by the Canada Labour Code.
- (3) The Employer believes all injuries can and should be prevented. No task is so urgent that it should not be done safely. Promoting safe and healthy workplace practices among our employees is a good business practice and consistent with the Employer's commitment to valuing all people and safety. This guideline encourages our employees to meet the Employer's objectives of protecting the safety and health of our employees as well as the general public.
- (4) An employee of the Qalipu Mi'kmaq First Nation Band, while at work, shall take reasonable care to protect his or her own health and safety and that of workers and other persons at or near the workplace.
- (5) All employees are required to do their work as safely as possible. A person who violates safety rules may be subject to discipline, including termination.

- (6) The Qalipu Mi'kmaq First Nation Band continually strives to improve its safety program at all work sites. It is up to each individual employee to make this program work. THINK SAFE, WORK SAFE, BE SAFE!
- (7) The Employer shall appoint an occupational health and safety representative for each office where there are more than two (2) employees but less than twenty (20) per office location. If the Employer has more than 20 employees, an OHS Committee shall be established in accordance with the *Canada Labour Code*.
- (8) The Senior Manager, or delegate, shall post a notice at each office location listing all the names and contact information of each occupational health and safety representative.
- (9) The occupational health and safety representatives shall meet every six (6) months through conference call or in person to discuss:
- i. Aspects of the workplace that may be unhealthy or unsafe;
  - ii. Concerns from workers with respect to health and safety of the workplace and their welfare; and
  - iii. Health and safety educational programs for workers.
- (10) Where an OHS Committee is established, the Committee shall meet at least 9 times per year in accordance with the *Canada Labour Code*.
- (11) The occupational health and safety representatives or OHS Committee shall keep minutes of all meetings and file such minutes with the Senior Manager or designate no later than fifteen (15) working days after each meeting.
- (12) An employee who is an occupational health and safety representative shall not suffer any loss in pay for any time lost in attending occupational health and safety meetings.

**(16) Political Activity and Voting**

- (1) Employees shall have the rights listed below, provided that neither of these rights shall be exercised during working hours, and the employee's activities do not adversely affect the performance of the employee's duties and responsibilities of the position in which they are employed:
- i. Join a Political Party of their choice;
  - ii. Vote in elections of the QMFNB when duly registered members;
  - iii. Fully participate in the activities of a Political Party of their choice;
  - iv. Seek election to the QMFNB

- v. Seek election to the public office at the National, Provincial, or Municipal level;
- vi. Seek election to the Board or Executive of an associated or affiliated aboriginal association, organization, or corporation.
- vii. Take part in other political activities.

(2) Should any Employee wish to seek a position on Council, that person shall receive a leave of absence without pay during the campaign once duly nominated, such leave to be in effect until the election result is confirmed.

(3) Should any Employee be elected to the Council of QMFNB, that person shall immediately tender a written resignation of that employment effective on the date that the election result is confirmed.

(4) An employee who wishes to stand for election to the Provincial House of Assembly or to the Federal House of Commons shall inform the Band Chief (in writing) and request a leave of absence without pay effective from the date of the writ of election up to and including the final election results.

(5) If elected to the House of Assembly, House of Commons, or appointed to the Senate of Canada, the employee shall resign immediately (in writing) from the Employer effective on the date the election is confirmed.

## **13. Employee Evaluation & Planning**

### **A. Policy**

It is Council's policy to establish a formal system for evaluating employee performance that can assist management to recognize individual contributions to the First Nation and identify areas for development.

### **B. Purpose**

The purpose of this policy is to set out an effective process of employee performance review and development which links the performance and development of individual staff to the goals and objectives of the First Nation.

### **C. Scope**

This policy applies to all staff employed by the First Nation.

### **D. Responsibilities**

(1) Council is responsible for:

- a. Evaluating the performance of the Senior Manager, or establishing the process by which this individual will be evaluated;
- b. Ensuring that the Senior Manager establishes and implements a plan for any training of First Nation's Officers or employees required to meet the First Nation's future needs and requirements including succession planning and any anticipated changes in the First Nation's activities;
- c. Ensuring that the Senior Manager establishes and implements a documented process;
  - i. To measure the skills and competencies of the individual First Nation's employees against their assigned employment responsibilities,
  - ii. To determine training requirements for those employees, and
  - iii. To adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.

(2) The Senior Manager is responsible for:

- a. Monitoring and reviewing the implementation of the evaluation process and ensuring this Policy and Procedures are complied with during the performance evaluation process;
- b. Evaluating all Officers of the First Nation (For the greater certainty this includes the Senior Financial Officer and Tax Officer); and

- c. Providing Performance Management for all Directors.
- (3) The HR Officer/HR Manager/Supervisor is responsible for:
  - a. Providing day to day assistance and advice to staff and supervisors about this policy and its implementation; and
  - b. Providing general training for supervisors and staff to optimize effective implementation of employee performance and evaluation.

## **E. Procedures**

### **(1) Performance Planning**

- a. Immediate Supervisors are to ensure that each staff member for whom they have supervisory responsibility has an accurate and up to date position job description.
- b. Immediate Supervisors should schedule a performance planning session with individual staff members to agree on a minimum of 4 performance objectives/ goals for the next fiscal year.
- c. Once goals have been agreed by the employee and the Immediate Supervisor, key performance indicators and period of achievement should be determined. This constitutes the performance plan.
- d. The performance plan (goals, indicators, and period of achievement) should be documented in duplicate and signed off by the Immediate Supervisor and staff member and a copy delivered to the HR department/ HR Manager to be retained in the employee's personnel file and one copy retained by the staff member.
- e. The immediate Supervisor and staff member should identify the training and development needs the staff member requires to achieve the performance objectives, taking into consideration the resources needed for achieving it. The training plan is submitted from the Immediate Supervisor to the Senior Manager for approval. The approved training and development plan should be included in the performance plan.
- f. The Senior Manager reviews and approves all training plans for Directors within the administration to ensure future training needs and requirements for the financial management system of the First Nation is aligned with those needs and requirements. Program Directors are responsible to develop training plans but will require final approval from the Senior Manager.

### **(2) Performance Review**

- (1) During the year (mid-point of the performance management cycle) the Immediate Supervisor and individual staff member shall meet at least once prior to the final review to review the progress of the goals and to identify any issues, obstacles or new/ amended

goals which may have become evident and may impact the achievements of the original goals and training and development plan.

- (2) In the third fiscal quarter (by or before December 31) Immediate Supervisors should schedule a year end performance evaluation meeting with each staff member.
- (3) In preparation of the year end performance evaluation meeting, staff members should conduct a self-assessment reflecting on achievements and any mitigating circumstances that may have impacted on performance and training development. This should be submitted in advance to their performance evaluation meeting.
- (4) The Immediate Supervisor will review the self-assessment and provide an objective evaluation on the achievement or non-achievement of goals taking into consideration comments made by the staff member in their self-assessment.
- (5) The Immediate Supervisor will prepare an employee evaluation providing an assessment against each goal agreed to at the beginning of the performance cycle.
- (6) The formal performance evaluation meeting should then take place to gain consensus on the staff member's performance.
- (7) The Immediate Supervisor and staff member sign off on the review in duplicate and the original completed document should be forwarded to the HR department to be retained in the staff member's personnel file.
- (8) If the staff member does not agree with the outcome of the performance evaluation review, the staff member can formally request a meeting with their Immediate Supervisor and the Senior Manager/ or the HR Officer and/or HR Manager present to come to a settlement. Failing that, the staff member can decide not to sign off on the performance evaluation which will be recorded as such in the employee's personnel file, including the meeting notes of the meeting with the Senior Manager/ HR Officer/ HR Manager.

### **(3) Performance Management**

- (1) Unsatisfactory performance will lead to the Immediate Supervisor developing a Performance Improvement Plan. This plan will outline performance expectations, resources available to the employee, and a schedule of completion and re-evaluation.
- (2) Immediate Supervisors will closely monitor employee progress in achieving the Performance Improvement Plan and will conduct a formal Performance Evaluation at regularly planned intervals until the end of the performance improvement schedule.
- (3) Immediate Supervisors will determine whether the employee has made sufficient improvement to fulfill performance expectations outlined in the performance improvement schedule.

- (4) After following a corrective plan, if the Immediate Supervisor determines the employee's performance continues to fail to fulfill the performance expectations, the direct supervisor may take further progressive action in accordance with the First nation's policy and procedures.

#### **F. References and Related Authorities**

- (1) FMB's Financial Management System Standards
  - a. Standard 12.7.3 – Employee Evaluation
- (2) FMB's Financial Administration Law Standards
  - a. Standard 11.4.4 - HR Policies / Practices
  - b. Standard 11.4.5 - Personnel Competence

#### **G. Attachments**

None



## **14. Wages, Salaries, Payday and Benefits**

### **A. Policy**

### **B. Purpose**

The purpose of this policy is to provide processes on how employees within Qalipu First Nation are compensated, which includes employee Benefits for those who qualify.

### **C. Scope**

This policy applies to all employees. The benefits section of this section applies to those employees who qualify for benefits.

### **D. Responsibilities**

- (1) It is Council's responsibility to approve policies related to employee wages, salaries, payday, and benefits.
- (2) It is the Senior Manager's responsibility to implement the related policies approved by Chief and Council.

### **E. Procedures**

#### **(1) Annual Wages and Salaries**

- a. The Employer is committed to a policy of salary administration which is internally and externally competitive and equitable within the financial capacity of the Band. The Employer recognizes the importance of maintaining competitive compensation programs and, as such, conducts salary reviews on an annual basis. However, changes to salary levels and salary adjustments are wholly within the discretion of the Employer.
- b. On an annual basis the Senior Manager shall determine if the financial situation of the organization is such that a reasonable salary or wage increase can be recommended. That recommendation shall be reviewed by the Finance & Audit Standing Committee which in turn shall recommend to the Band Council whether a reasonable salary or wage increase should be given. The Band Council shall determine, based upon an analysis of the foregoing factors, whether a wage or salary increase is warranted.

If the Band Council approves a salary or wage increase, it shall be applied at a date determined by the Band Council.

## **(2) Paydays and Submission of Time Sheets**

- a. QMFNB paydays shall occur bi-weekly for all employees and include the two-week period up to the end of the previous week.
- b. Casual Employees are expected to fill out a Time Sheet daily, *see Section 6 Hours of Work*. The Department Director and/or Program Manager/Supervisor are to approve all timesheets for processing by Department of Finance. Time sheets are to be approved and submitted to the HR Manager by 12:00 Noon each Monday. Payday shall be every two weeks for casual employees, it is to include the two-week period ending on the Sunday prior to the following Friday payday date. Please note that no payroll advances will be made.

## **(3) Registered Pension Plan**

- a. All full-time permanent employees with QMFNB are eligible to enroll in the Registered Pension Plan following completion of their probationary period. Employees must contact the HR Manager after the completion of their probationary period for enrollment into the Plan. Currently QMFNB has a program whereby staff can elect to have a percentage of their gross pay deducted from his/her payroll, which is then matched by QMFNB at a minimum of four (4) %, up to a maximum of nine (9) %. The employee and the Band's matched amounts are then remitted to the Registered Pension Plan for employees. Enrolment into this plan is mandatory for all full-time permanent employees.
- b. Qalipu will pay maximum of 7% of annual salary towards non-management staff Pension Plan.
- c. Qalipu will pay maximum of 8% of annual salary towards Manager's Pension Plan.
- d. Qalipu will pay maximum of 9% of annual salary towards Senior Management and Director's Pension Plans.

## **(4) Payroll Deductions**

- a. The mandatory deductions will be made from every employee's gross wages where applicable. These deductions include Federal and Provincial Income Tax, Canada Pension Plan, Employment Insurance, Group Insurance, and Pension plan premiums where applicable, and any other required legislated, departmental, or Band deductions, as well as any mandatory employee benefit plan contribution payments.
- b. Every employee must fill out and sign a federal withholding allowance certificate (TD-1) on or before his/her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new TD-1 at any time when his/her circumstances change.

- c. Every employee will be issued a T-4 for the preceding year on or before the last day of February each year. Any employee, who believes that his/her deductions are incorrect on the T-4, should check with the Department of Finance immediately.
- d. Deduction to pay due to lateness or absences shall be made based on section 10.2.

**(5) QMFNB Benefits**

QMFNB has an optional benefit package for full-time employees; the HR Manager will discuss these benefits during the employee's orientation.

**(6) Senior Manager and Director Benefits**

**Health Benefits**

Qalipu will pay up to a maximum of \$500 per year of the Health Benefit Plan. This plan can be in the form of extended health care, critical care, long-term disability, dental or other as approved by the appropriate supervisor. Qalipu will pay.

**Cell Phone Compensation**

Some staff are required to use their cell phones for work purposes and as such, Qalipu will cover 100% cost of Band Manager's and Communication Officer's cell phone. Qalipu will pay a maximum of \$500 per year toward a Director's personal cell phone.

**Office Parking**

In order to facilitate a higher volume of out of office meetings and commitments during work hours, the Senior Manager, Directors and HR Manager will be provided a designated parking space.

**(7) Manager Benefits**

**Health Benefits**

Qalipu will pay up to a maximum of \$400 per year of the Health Benefit Plan. This plan can be in the form of extended health care, critical care, long-term disability or dental.

**Cell Phone Compensation**

Qalipu will pay a maximum of \$30 per month towards a Manager's personal phone.

**F. References and Related Authorities**

**G. Attachments**

## **15. Work Life Balance, Holidays, Vacation, Family, and Other Leave**

### **A. Policy**

### **B. Purpose**

The purpose of this policy is to provide employees with clear expectation regarding leave entitlements.

### **C. Scope**

QMFNB is committed to ensuring its employees maintain a healthy work life balance and as such encourage staff to take entitled vacation days to enjoy all designated holidays.

### **D. Responsibilities**

- (1) It is Council's responsibility to approve policies related to Work Life Balance, Holidays, Vacation, Family, and Other Leave.
- (2) It is the Senior Managers responsibility to implement the related policies approved by Chief and Council.

## **DI. Procedures**

### **(1) Statutory and Non-Statutory Holidays**

- a. The Employer follows the requirements of the Canada Labour Code in determining general holidays:
  - I. New Year's Day
  - II. Good Friday
  - III. Victoria Day
  - IV. Canada Day
  - V. Labour Day
  - VI. National Day of Truth and Reconciliation (September 30th)
  - VII. Thanksgiving Day
  - VIII. Remembrance Day
  - IX. Christmas Day
  - X. Boxing Day
- b. In addition to the statutory holidays referenced in (1)(a), the Employer also recognizes the following days as paid holidays.
  - i. St. Anne's Day (July 26<sup>th</sup>)
  - ii. One Civic Holiday to be determined by the location of the office

- c. Should the Employer request an employee to work during any of the general holidays as defined by the Canada Labour Code, the Employer shall pay the employee at a rate of twice their regular pay. Should the Employer request an employee to work on a paid holiday that is not defined as a general holiday under the *Canada Labour Code* (National Indigenous Peoples Day, St. Anne's Day or Civic Holiday) the employee will accumulate time off at a rate of twice the number of hours worked, with such time to be taken off at a time mutually agreed upon by both parties, but in any case within thirty (30) days after the holiday.
- d. When a paid holiday occurs on a normal non-working day, the holiday will be observed on the next working day.
- e. Pay for any holiday will be forfeited in the event an employee is absent from work the working day or a part of the working day immediately before and immediately after the holiday unless the absence was authorized in accordance with these policies.
- f. Should a designated non-statutory holiday fall in the middle of the work week, QMFNB reserves the right to shift it to either the beginning or end of the same week.
- g. Requests by Full-time employees for Annual Leave to be taken during the summer months will be granted based upon seniority. During the Summer Hours Schedule employees may request a maximum of four (4) long weekends, this does not apply to weekends that are included in Annual Leave that covers a block of time, eg. one (1) week. Requests are to be submitted to the employee's immediate supervisor for approval by April 30th of each year.
- h. Consideration for time off over the Christmas Holiday break will be at the discretion of the Senior Manager.
- i. Where the annual celebration of National Indigenous Peoples Day and the National Day for Truth and Reconciliation are both days in which QFN will be hosting events to mark these occasions; the staff and offices will observe these days on the Monday following each.

## (2) Blackout Periods

- a. The Band Manager will work with the Directors and Management team to set annual leave balancing on operational realities and with staff needs and requests.
- b. Department Directors and Program Managers within a department are not permitted to be scheduled off at the same time.

## (3) Vacation Leave

- a. Full-time employees are entitled to receive paid vacation and vacation pay based upon the years of service accumulated by the employee, as outlined in the following schedule:

Years of Service	Annual Vacation Entitlement
After 6 months	15 days (three weeks)
After 5 years of service	18 days
After 10 years of service	20 days
After 20 years of service	25 days

- b. Full-time employees who are entitled to vacation pay for unused leave when they finish employment will be compensated according to their years of service as determined above.
- c. The Senior Manager and Directors are entitled to receive paid vacation and vacation pay based upon the years of service accumulated by the employee, as outlined in the following schedule:

Years of Service	Annual Vacation Entitlement
After 6 months	20 days
After 5 years of service	25 days
After 10 years of service	27 days
After 20 years of service	30 days

- d. Part-time, seasonal, and casual employees, who have not been employed for 12 continuous months, shall not be entitled to take annual vacation but shall receive vacation pay calculated at a rate of 6% of their gross earnings, payable in each payroll period up to the end of three years and the appropriate percentage thereafter.
- e. Full-time employees must be employed for a continuous period of six (6) months before being entitled to annual vacation.
- f. Full-time employees are required to submit his/her preferred dates for Annual Vacation/Time In Lieu of Overtime to their supervisor at least 30 working days before his/her proposed Annual Vacation/Time off in Lieu of Overtime dates.
- g. Requests by Full-time employees for Annual Leave to be taken during the summer months will be granted based upon seniority. Requests are to be submitted to the employee's immediate supervisor for approval by April 30<sup>th</sup> of each year.
- h. Requests by Full-time employees for Annual Leave/Time In Lieu of Overtime to be taken during the Christmas season will be granted based upon seniority, with senior employees being given preference over junior employees in the scheduling of vacation.
- i. Full-time employees are permitted to carry forward into the next fiscal year a maximum of ten (10) days in annual vacation, but under no circumstance shall an employee accumulate or be entitled to more than 35 days of annual vacation in any given year.
- j. In the event of termination, lay off, or the employee's voluntary decision to leave the organization, the employee will receive their entitled vacation pay on their last pay cheque.

#### **(4) Sick Leave**

- a. Full-time and Term employees hired for 12 months or greater are entitled to paid sick leave, administered under the following guidelines:

- i. Employees are entitled to paid sick leave if he/she advised his/her Department Director/Program Manager or HR Manager of his/her absence, due to illness, forty-five (45) minutes before his/her scheduled start time.
  - ii. Employees who must leave work due to illness shall advise the Department Director/Program Manager or HR Manager, before leaving work.
  - iii. Employees may accumulate paid sick leave at the rate of one (1) day per month worked to a maximum of twelve (12) earned sick days per fiscal year ending March 31. Employees may carry forward a maximum of ten (10) days unused sick leave into the following year but at no time will an individual have more than the allowable twenty-two (22) days of sick leave in his/her personal sick leave “bank”.
  - iv. Sick leave will not be paid to an employee upon layoff, termination, or resignation.
  - v. In the event the employee is off work due to illness for three (3) consecutive working days or more, the Department Director/Program Manager or HR Manager may require the employee to provide a doctor’s certificate prior to paying the employee sick leave.
- b. Employees may also use paid sick leave:
  - i. To care for an ill immediate family member;
  - ii. To attend physician, including specialists, appointments; or
  - iii. To have a medical test completed.
- c. In the event the employee is off work due to illness for more than eight (8) nonconsecutive days in a fiscal year, the Program Manager or HR Manager may require the employee to provide a doctor’s certificate prior to paying the employee sick leave.
- d. Seasonal, term employee of less than 1 year and part-time employees are entitled to a maximum of three days of paid sick leave per fiscal year but shall not be entitled to accumulate unused sick leave.
- e. Casual employees are not entitled to paid sick leave.
- f. Unpaid sick leave will be given to all employees for periods of absence up to seventeen (17) weeks. The Employer may require a medical certificate prior to the employee’s return to work. The Employer will pay the Employer portion of benefit plans during an unpaid sick leave up to seventeen (17) weeks in duration.

**(5) Return to Work After Injury or Illness**

- a. As protection for both the employee and the QMFNB, an employee who has been absent from work because of illness, surgery, or injury will be required to obtain a medical certificate

specifically stating that the employee is capable of performing his/her normal duties and regular assigned work.

- b. An employee returning from an injury or illness must provide the HR Manager with a medical certificate indicating that he/she is ready to return to work. The employee must also provide a written “Plan of Action” approved and signed by a certified medical practitioner that outlines the employee’s functional abilities.

**(6) Bereavement Leave**

- a. An employee shall be entitled to bereavement leave upon the passing of the following members of the employee’s immediate family.
- b. The employee shall inform his/her Department Director/Program Manager or the HR Manager. The employee is entitled to bereavement leave for a period of five (5) workdays for the above noted family members. In the event of the death of a family member or friends (outside of immediate family), employees will be permitted to take one discretionary day of bereavement per year.
- c. If an employee has 3 consecutive months of continuous employment with QFN, the first 3 days of leave are paid. Employees without such continuous employment are entitled to 5 days of leave without pay.

**(7) Maternity Leave- Without Pay**

- a. An employee with the QMFNB is entitled to Maternity Leave in accordance with applicable legislation.
- b. An employee who is pregnant or nursing is eligible for seventeen (17) weeks of Maternity Leave, in addition, an employee who assumes actual care of a newborn or newly adopted child is entitled to Parental Leave up to sixty-three (63) weeks. However, the total duration of Maternity Leave and the Parental Leave must not exceed seventy-eight (78) weeks.
- c. An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of pregnancy to the end of the twenty-fourth (24<sup>th</sup>) week following the birth, on condition that she provides a medical certificate indicating she is unable to work and which indicates the duration of the inability.
- d. An employee who is pregnant or nursing may request that her job functions be modified or that she be reassigned to another job if continuing any of her current job functions may pose a risk to her health or that of her fetus or nursing child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided to eliminate the risk.
- e. QMFNB will maintain medical or other benefit plans throughout an employee’s Maternity Leave and the employee will continue to make payments to the plan or plans in accordance to



federal legislation and the regulatory terms of the benefit plan(s) pending contributions by the employee to cover their own portion.

- f. The service of an employee who is absent from work for Maternity Leave is deemed to be continuous for the purpose of vacation time (seniority purposes only) entitlement and notice of termination.
- g. An employee whose job functions have been modified, who has been reassigned or who is on a leave of absence shall give at least two weeks' notice in writing to the employer of any change in the duration of the risk or in the inability as indicated in the certificate issued by a health care practitioner, unless there is a valid reason why that notice cannot be given, and the notice must be accompanied by a new certificate.
- h. The employee must submit a "Request for Leave" form to her Program Manager.

**(8) Parental Leave- Without Pay**

- a. An employee with the QMFNB is entitled to Parental Leave in accordance with applicable legislation.
- b. All employees are entitled to sixty-three (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. The aggregate amount of leave that may be taken by more than one employee for Maternity Leave and Parental Leave in respect of the same birth shall not exceed 86 weeks, but the aggregate amount of leave that may be taken by one employee for Maternity Leave and Parental Leave in respect of the same birth shall not exceed 78 weeks.

**(9) Compassionate Care: Leave-Without Pay**

- a. An employee shall be entitled to unpaid Compassionate Care Leave in accordance with applicable legislation. An employee may take up to twenty-eight weeks of Compassionate Care Leave within a 52-week period to provide care and support to a family member. A certificate is required from a qualified medical practitioner stating that the family member has a serious medical condition with a significant risk of death within twenty-six (26) weeks of the day the certificate is issued or the day the leave was commenced. If an employee is sharing the provision of compassionate care with another individual, the total leave is still twenty-eight (28) weeks.

**(10) Court Leave**

- a. Employees will receive the difference between the pay received as a juror or a witness and the pay he/she would have normally received for working regular hours.
- b. Employees must provide evidence demonstrating the amount of pay he/she received as being a juror or a witness.

- c. Employees must report his/her availability for work immediately upon concluding his/her responsibilities as a juror or witness, whatever the case may be.

#### **(11) Educational Leave**

- a. QMFNB encourages all employees to continue with their formal education. A QMFNB employee who has worked for the organization for more than one (1) continuous year may apply for full-time educational leave; up to one year, without pay, if the program is deemed to be job related and beneficial to the organization. If leave is granted, the employee's position, seniority and pay rate shall be protected. However, benefits will be cancelled until the employee returns to work on a full-time basis. If the request for unpaid leave is granted, Band Council, upon considering a recommendation from the Senior Manager, will decide if the employee's position will remain vacant or be filled with a term appointment.
- b. NOTE: QMFNB employees who are members of the QMFNB may be eligible to apply for educational funding. Employees are encouraged to seek advice from the Department Director of Education and Training Department (this assumes funding is coming from the post-secondary support program).
- c. The employer recognizes the importance of continual education of its employees; therefore, employees may be entitled to financial assistance towards training relevant to their positions, subject to the availability of funds.
- d. The HR Manager shall prepare a prioritized training plan in February of each year based upon the Request for Training Assistance Forms which must be submitted by employees in January of each year.
- e. The HR Manager is responsible for the implementation of the training plan, if applicable.
- f. The Employer will assist employees, insofar as the financial situation allows, in training that will prepare them for future positions in the organization.
- g. An Employee who receives financial assistance from the Employer to receive training will be asked to sign an agreement to repay all or a portion of the financial assistance received from the Employer if the Employer terminates the employment for cause, or the employee resigns before finishing a period of employment with the QMFNB. That the Employee agreed to complete as a condition to receiving the employer's financial assistance.

#### **(12) Business Seminars, Conferences and Meetings**

- a. To ensure the QMFNB has representatives at essential business conferences, seminars and key external meetings, each Department Director with input from his/her Program Managers, shall identify which conferences, seminars, and meetings should be attended by members of the Department. In the interest of continual improvement for all staff, Department Directors/Program Managers shall assign appropriate opportunities for all employees to participate. Upon returning from business seminars, conferences, and meetings, employees

will be expected to share with the other staff in his/her Department all relevant information obtained at the conference or seminar.

- b. All employees including Department Directors must seek approval to attend business conferences, seminars, and meetings. An employee must seek approval from his/her Department Director, and Department Directors from the Senior Manager. The employee is expected to provide a written or verbal report to his/her Department Director/Program Manager within five (5) days following the meeting.

## **16. Oversight of Human Resources Policy**

### **(1) Violation of Policies**

All employees are bound by this Human Resources Policy and are expected to abide by the policies herein. Failure to do so will lead to appropriate disciplinary action as presented and defined in this Human Resources Policy. This description is not to be considered exhaustive or all inclusive. The QMFNB reserves the right to interpret this Policy.

### **(2) Severable**

- a. Council may amend this Human Resources Policy at any time. If amended all employees will be informed in writing that changes have been approved.
- b. If any provision of this Human Resources Policy is found invalid, such provision is severable and shall not affect the validity of the Human Resources Policy as a whole.
- c. Employee Acknowledgement Form
  - i. Employees are required to read the policies and procedures described herein to ensure that they understand what is expected of an employee to sign the Employee Acknowledgement Forms found on pages 76, 78-81-85 confirming their understanding and agreement. The Senior Manager or HR Manager will clarify or explain anything contained in this policy.

## 17. Qalipu Mi'kmaq First Nation Band- Employee Acknowledgement Form

The purpose of this policy manual, including the approved procedures, is to maintain a harmonious and mutually beneficial relationship between the Employer and the Employees and to ensure the integrity and efficiency of QMFNB. The policy manual describes the terms and conditions of employment and expected general working conditions. The Employer wishes to ensure that all reasonable measures are provided for the safety and occupational health of its Employees.

The policies and procedures described in this document comprise part of the terms and conditions of employee's contract of employment. As with any dynamic and progressive organization, it may be necessary to periodically add to, revise, eliminate and amend these policies and procedures.

By signing the Employee Acknowledgement Form, the employee acknowledges and agrees that 30 days written notice to the employee of any addition, deletion, revision and amendment of any provision to the Human Resource policies and procedures contained herein is good and sufficient notice of such change. Any amendments to this policy manual shall not constitute grounds for compensation. Amendments shall be effective from the time of their approval and publication.

The Policies and Procedures Manual describes important information about Qalipu Mi'kmaq First Nation Band, and I understand that I should consult my immediate supervisor or the HR Manager regarding any questions not answered in the manual.

Since the information, policies, and benefits described in this manual are subject to change, I acknowledge that revisions to the manual may occur in accordance with the policies set out in the manual. All such changes will be communicated to the employees and I understand that revised information may supersede, modify, or eliminate existing policies.

By signing below, I acknowledge that I have received this manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it and that I may be subject to disciplinary action, up to and including termination of employment for violations of the policies contained in the manual.

Employee's Name (printed):

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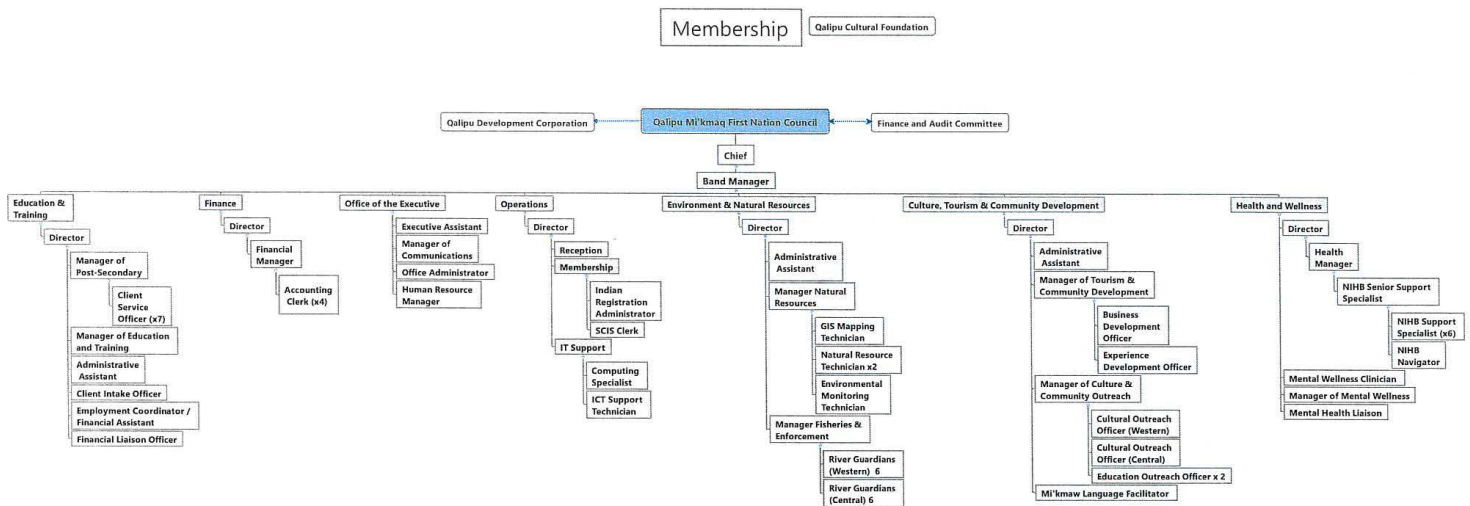
Employee's Signature:

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Date:

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## 18. Appendix A –Organization Chart



This Organization chart is approved by Council on the 27th day of March 2021, Motion #55-20 2021.

This Organization chart is approved by Council on the 25th day of September 2021, Motion #26-21-2022.

This Organization chart is approved by Council on the 22th day of January 2022, Motion #35-21-2022

This Organization chart is approved by Council on the 4th day of October 2022, Motion #19-22-2023

## 19. Appendix B – Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities

This is to acknowledge that I have received and read a copy of the [♦] First Nation's Reporting of Breaches and Financial Irregularities Policy. I understand that the integrity of the financial information and other information of the First Nation is vital.

I further understand that the First Nation is committed to a work environment free of discrimination, retaliation, threats or harassment for employees and contractors who has raised concerns regarding financial misconduct or wrongdoing and that the First Nation specifically prohibits reprisals against any person who makes a good faith report regarding such concerns. Accordingly, I specifically agree that to the extent I have concerns of financial misconduct or wrongdoing that I reasonably believe to be in violation of the First Nation's laws or policies, I will immediately report such conduct in accordance with the First Nation's Reporting of Breaches and Financial Irregularities Policy.

I confirm that I have read this policy and understand the expectations of me contained herein.

\_\_\_\_\_ Employee's/Contractor's Signature

\_\_\_\_\_ Employee's/Contractor's Name [printed]

\_\_\_\_\_ Date

### (1) Code of Conduct & Code of Ethics

The Qalipu Mi'kmaq First Nation Band is dedicated to serving its members and clients as well as its partners, funding agencies, and other First Nations. It is important that all employees are aware of their responsibilities to members, clients, organizations, fellow employees and QMFNB. Therefore, all QMFNB employees shall comply with the following guidelines pertaining to conduct and ethics.

While the Code of Ethics may not cover every situation, it will serve as a guide to the general conduct, which is expected of all employees.

1. I will act honestly, conscientiously, reasonably and in good faith always regarding my responsibilities, the interests of the Employer, and the welfare of the Mi'kmaq people of the Qalipu Mi'kmaq First Nation Band.
2. I will devote myself to the duties of my employment during work hours, I will be prompt, courteous and temperate in my performance; as well as adhere to the policies and procedures of Qalipu Mi'kmaq First Nation Band.
3. I will carry out the duties of my position conscientiously, loyally, and honestly, remembering that the primary work task is to serve QMFNB, its members, clients, and other stakeholders.
4. I will respect the integrity and dignity of the organization, its programs, staff, and all other affiliated agencies.
5. I will conduct myself, while on duty and in public, in a manner that will be a credit to myself, my department, and QMFNB.
6. I will work continually towards self-improvement through self-evaluation and training.
7. I will use information, property, resources, or funds obtained on the job for only the intended purpose and not for personal gain or to better the interests of other persons.
8. I will be punctual each day unless there is a valid reason for absence or lateness, in which case I will contact my immediate Manager 45 minutes prior to the start of the working day and give an indication of when I expect to return to work.
9. I will use initiative to find ways of doing work more efficiently and economically.
10. I will follow instructions attentively and cooperate with the Manager.
11. I will maintain a satisfactory standard of dress and general appearance appropriate to my duties.
12. I will use equipment, property, or supplies, which are owned, leased, or rented by QMFNB for authorized purposes only.



13. I will protect and care for all QMFNB property entrusted to me and report to the relevant Manager any faulty equipment that requires repair.
14. I will not engage in public criticism of other employees, the elected leaders, or the approved policies of QMFNB.
15. I may recommend to the Manager, within the sphere of my responsibilities changes of policy which I believe are appropriate.
16. I will not be intoxicated or under the influence of drugs or alcohol while on duty.
17. I will respect the confidentiality of all records, materials, and communications and disclose information acquired through employment only when authorized by the relevant Manager.
18. I will not incur any liability on the part of the QMFNB without proper authorization.
19. I will refuse fees, gifts or other tangibles offered in reward for duties performed by virtue of my appointment. Cultural offerings may be accepted.
20. I will not accept or take travel expense refunds or other reimbursements from any person, company, or organization outside of QMFNB without the written approval of the Senior Manager.
21. I will serve members, clients and all stakeholders with loyalty, determination and the maximum application of professional skill and competence.
22. I will not participate in, or allow any behavior that is intended to degrade, humiliate, intimidate, or cause fear to any community member, client, volunteer, or other employee.
23. I will respect the culture, traditions and teachings of the Nation and act accordingly.

## (2) **Code of Confidentiality**

Employees must adhere to the “Code of Ethics” and the "Code of Confidentiality" during their employment with QMFNB. At no point during employment or following employment that has been terminated shall an employee disclose any confidential information gained while working for QMFNB.

1. Whilst working on behalf of QMFNB I will protect the confidentiality of any information that I acquire through conducting my duties.
2. I will only disclose confidential information when a member or client has authorized the disclosure in writing, or when there is some legal obligation to do so.
3. I shall not disclose confidential information without first consulting with the Senior Manager or an authorized person from the organization.
4. I will not speak on behalf of QMFNB or divulge any information to the media regarding QMFNB

business unless instructed by the Chief and Council (or designate).

### (3) **Conflict of Interest**

A conflict of interest is a situation in which an individual is faced with competing interests or loyalties. A conflict of interest occurs when an individual acts to benefit their own interests or loyalties.

1. I will not use my employment for personal gain or to the detriment of or contrary to the interest of the QMFNB.

### **Declaration of Understanding**

I have received a copy of my Job description and I understand it and agree to conduct myself and perform the duties assigned to me. If I am unable to perform my duties as assigned, I agree to seek assistance from my Department Director and/or Program Manager.

By signing below, I acknowledge that I have received a copy of the Code of Conduct and Code of Ethics, the Code of Confidentiality and the Conflict of Interest as outlined above, and I understand that it is my responsibility to read and comply with the policies contained therein and any revisions made to it and that I may be subject to disciplinary action, up to and including termination of employment for violations of the policies contained therein.

Employee's Name (printed):

\_\_\_\_\_  
Employee's Signature:

\_\_\_\_\_  
Date:

## **20. Appendix C Statement of Employee & Employer Rights**

QMFNB believes that it is important to identify and protect both employees and employer rights. As such QMFNB believes:

- a. All employees are entitled to fair and just treatment;
- b. Employees are entitled to carry out their job without fear of harassment. QMFNB has the responsibility of preventing and actively discouraging harassment in the workplace;
- c. All employee files and information will be kept with great care to protect the privacy and confidentiality of the individual's records;
- d. No person who is employed in a managerial or confidential capacity shall, by intimidation, threat of dismissal or any other type of threat, cause an employee to refrain from exercising a right(s) provided in this Human Resources Policy or otherwise in the conditions of employment; and
- e. Any work done by an employee for QMFNB, belongs to QMFNB. QMFNB owns the right to use and revise, free of charge, any or all artistic, recorded, or written work that an employee created for QMFNB during that period.