

<b>Statement of Policy and Procedure</b>	
<b>Policy Name</b>	<b>Glooscap First Nation Human Resource Policy</b>
<b>Department Ownership</b>	<b>Administration</b>
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# **Glooscap First Nation**

## **Human Resource Policy**

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## 1. Definitions

<b>“Anniversary Date”</b>	means the annual day from the first day of the fiscal year as addressed in the Letter of Offer, April 1
<b>“Band”</b>	means the Glooscap First Nation.
<b>“Band Council”</b>	means the elected Council of Glooscap First Nation.
<b>“Director of Administration”</b>	means the person who is responsible for leading the day to day administration or management of Glooscap First Nation and who reports directly to Council. The Senior Manager, as defined in the Glooscap First Nation Financial Administration Law is the same as the Director of Administration.
<b>“Discrimination”</b>	means an action or a decision that treats a person or a group negatively for reasons such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.
<b>“Drugs”</b>	includes illicit drugs and narcotics, recreational and medical cannabis, and prescription drugs or painkillers (including over the counter medications) not used as directed.
<b>“Duty to Accommodate”</b>	The duty to accommodate requires employers to identify and eliminate rules that have a discriminatory impact, to the point of undue hardship. Accommodation means changing the rule or practice to incorporate alternative arrangements that eliminate the discriminatory barriers.
<b>“Employee”</b>	means a person who works for the Glooscap First Nation Band Council in one of the following categories:  <i>Full-time Employee:</i> a person employed for indefinite duration working 30 hours per week or more.  <i>Part-time Employee:</i> a person employed for indefinite duration who is regularly scheduled to work less than 30 hours per week.  <i>Term Employee:</i> a person employed for a definite duration with a specific start and end date.

*Casual Employee*: a person employed to work on an ‘as needed’ basis with no specific hours of work defined.

**“Employee Evaluation Form”**

is the documented form and associated resources adopted by Glooscap First Nation for the purposes of measuring the performance of employees.

**“FAL”**

means the Glooscap First Nation Financial Administration Law

**“Fiscal Year”**

means the period commencing April 1 and finishing March 31.

**“Harassment”**

means 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

**“Hiring Officer”**

is 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 Director of Administration. At time, the Hiring Officer will be the Director of Administration.

**“HR Records”**

are 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 documents which would be considered HR Records:

- Attendance and absence Records
- Automatic bank deposit form
- Offer and/ or confirmation of employment letters
- Disability insurance adjustment forms
- Disciplinary memos issued to employee
- Job application and any Appendices
- Job descriptions
- Layoff notice issued to employee
- Performance evaluations issued to employee
- Resignation letter
- Termination notice issued to employee
- Time sheets
- Training plans
- Signed code of conduct statement
- Benefit coverage information

<b>“Immediate Supervisor”</b>	is an employee who has designated responsibility for managing and overseeing the work and development of other employees.
<b>“Job Description”</b>	means a written outline of the essential duties and functions as well as performance measures expected of an employee and against which the employee will be evaluated.
<b>“Letter of Offer”</b>	means the letter provided to a prospective employee by the Band Council offering employment with the Band Council and setting out the position title, salary, and identifying the employee’s supervisor. Upon acceptance of the position, the Letter of Offer serves as the employee’s employment contract.
<b>“Misconduct or Wrongdoing”</b>	<p>includes any breach of Glooscap 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:</p> <ul style="list-style-type: none"> <li>• Questionable accounting practices and inadequate internal accounting controls;</li> <li>• Misleading or coercion of auditors;</li> <li>• Preparation of fraudulent or misleading financial information;</li> <li>• Fraud – intentional deception for personal gain;</li> <li>• Material misrepresentation in disclosures made by or on behalf of Glooscap First Nation;</li> <li>• Theft – theft of First Nation physical or intellectual property;</li> <li>• Misappropriation of funds – use of Glooscap First Nation’s funds for personal gain or unauthorized uses;</li> <li>• Unethical behaviour including breach of conflict of interest or code of conduct policies;</li> <li>• Illegal activities;</li> <li>• Gross mismanagement – A deliberate act or an omission demonstrating wilful disregard for the efficient and effective management of Glooscap First Nation’s resources;</li> <li>• An expenditure, liability or other transaction of Glooscap First Nation that is not authorized by or under the Financial Administration Law.</li> </ul>
<b>“Officer”</b>	means the Senior Manager [, /and] Senior Financial Officer [, Tax Administrator] or any other employee of Glooscap First Nation designated by the Council as an Officer.
<b>“Overtime”</b>	means time worked over and above a Full-time Employee’s regularly scheduled hours of work and exceeding 40 hours in one work week.



**“Performance Improvement Plan”**

is 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.

**“Senior Management”**

Those who have supervisory duties, and a higher level of responsibility than other employees (budgetary oversight, managing employees etc.) or a combination of the two.

**“Sexual harassment”**

Offensive or humiliating behaviour that is related to a person’s sex; behaviour of a sexual nature that creates an intimidating, unwelcome, hostile or offensive work environment; or behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person’s job or employment opportunities.

**“Spouses”**

means married or common-law partners.

## **2. 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 Glooscap 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 Glooscap First Nation departments and their various working relationships between one another.

### **C. Scope**

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

### **D. Responsibilities**

(1) Council is responsible for:

- a. Authorizing the creation and update of the organization chart;
- b. Approving the organization 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 Glooscap 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 Director of Administration is responsible for:

- a. Ensuring that the organizational chart is prepared, recommended to Council for approval, and kept current;
- b. Ensuring that the roles and 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 Director of Administration, or a designate, as authorized and instructed by Council, will prepare an organizational chart that accurately depicts Glooscap 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 Director of Administration will ensure that the chart includes definitions of the persons or classes of persons who are affected by the organization chart. The Director of Administration 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 prepared and approved.
- (3) The Director of Administration 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 Glooscap First Nation.
- (4) The Director of Administration, on request, will provide a copy of the chart to a group of listed people.
- (5) Annually, on or before the beginning of a new fiscal year (April 1 – March 31) the Director of Administration 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. Appendices**

- (1) Appendix A – Glooscap First Nation Organizational Chart
- (2) Appendix B – Glooscap First Nation Employee Roles Narrative

### **3. Hiring**

#### **A. Policy**

It is Council's policy to recruit the best-qualified candidate with the skills, 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, experience, qualifications and competencies necessary to perform their role and allow Glooscap First Nation to meet its objectives.

Glooscap First Nation provides equal opportunity for everyone regardless of age, sex, gender identity, colour, race, creed, sexual orientation, national origin, religious persuasion, marital status, political belief, or disability that does not prohibit performance of essential job functions.

The intention in all hiring is to recruit the best-qualified candidate. When two or more candidates are deemed to be equal in terms of "best qualified," then preference will be given to the candidate who is of Aboriginal ancestry.

#### **C. Scope**

This policy applies to the hiring of all employees, except for the Director of Administration.

#### **D. Responsibilities**

- (1) Council is responsible for hiring the Director of Administration.
- (2) All other Officer positions will be managed by the Director of Administration, with approval by the Council before hiring takes place.
- (3) The Director of Administration is responsible for supervising the process for hiring and approving the hiring of all other employees.

#### **E. Procedures**

- (1) Position Authorization
  - a. All new positions or positions for Officers must be identified by the Director of Administration and approved by Council.
  - b. Existing positions, other than Officers, will be authorized to be filled by the Director of Administration.
  - c. All new positions must receive budgetary authorization and posting authorization by the Director of Administration before the position can be posted.

## (2) Job Descriptions

- a. The Hiring Officer 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, 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. Responsibilities: nature and scope of work, including duties;
  - iv. Experience, abilities, knowledge and skills required; and
  - v. Qualifications: education, training, licenses, certificates required.

## (3) Job Posting Procedures

- a. In order to post an existing vacant position and proceed with the hiring process, a Hiring Officer must forward the position profile and job description to the HR department.
- b. The Hiring Officer will develop a Recruitment and Selection Plan, which minimally identifies:
  - i. The proposed recruitment process and schedule;
  - ii. The scope of search;
  - iii. The selection criteria and ranking methodology;
  - iv. The proposed starting compensation range for the position; and
  - v. Any resources necessary to execute the Recruitment and Selection plan.
- c. Prior to filling an existing vacant position, the position shall be posted for a minimum period of two weeks on Glooscap First Nation's web site or other designated location for posting employment opportunities.
- d. External recruitment advertising may be undertaken concurrent with the posting period at the discretion of the Hiring Officer.

## (4) Interview Procedures

- a. The Hiring Officer has responsibility for determining the interview process and will have discretion on whether to form a hiring selection committee.
- b. The Hiring Officer 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 Hiring Officer will conduct and document reference checks, as well as any other check required in the Recruitment and Selection Plan.
- e. The Hiring Officer 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 Director of Administration (or Council for the Director of Administration position) will review the Selection Summary Report and approve the proposed candidate for hire.
- g. Any individual who is in a Conflict of Interest (as defined in the Glooscap First Nation Conflict of Interest Disclosure Form) must self-identify and be replaced on the Interview Committee. Please see Governance Policy Section 4 Code of Conduct.

(5) Hiring

- a. The Hiring Officer will prepare a Letter of Offer upon approval from the Director of Administration. Approval for the Director of Administration position 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. The benefits package;
  - vii. Any conditions (e.g. confidentiality agreement); and
  - viii. The termination clause (with cause, without cause and resignation)
  - ix. Agreement to read, understand and abide by the policies of Glooscap First Nation.
- b. The Letter of Offer will be signed by the Hiring Officer and the Director of Administration. 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 Director of Administration.

(6) Casual Positions for On-Call List

- a. To enable the administration to hire individuals to fill short term positions, each Department is allowed to establish an On-Call Casual List. Each department must seek approval from the Director of Administration to create specific positions that can be filled through an On-Call List.
- b. Once approved, the Director of Administration will keep each Department List and must follow established hiring protocol (advertising, interviewing and selection) to fill the On-Call List. The frequency of posting to fill the List (and to keep it current) will be at the discretion of the Department. Individuals from the On-Call List may be hired for a few hours, a few days and or a few weeks. The letter of offer will specify the job title, the Manager/Supervisor, the duties, the hours of work, length of employment and the rate of pay. Employees hired through the On-Call process will be placed on the regular payroll and expected to abide by the Code of Conduct of Glooscap First Nation.
- c. Three types of On-Call Lists will be established: (1) for general administrative and clerical support type positions, (2) for general laborer (inside and outside) positions, and (3) for specialized trades which require specific training and / or certification. Each On-Call List will have a clear job description including a general description of duties, required skills and qualifications. Only individuals from an On-Call List will be eligible for hiring for temporary /term positions of this type.
- d. The letting of contracts to independent contractors will only be used to complete special projects and or to deliver specific/specialized professional services. Contractors are not employees and contract positions must be filled through proper established Glooscap First Nation purchasing procedures. See Financial Administration Policy for more details on purchasing procedures.

**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. Appendices**

- (1) Appendix C– Glooscap First Nation Template for Job Advertisement
- (2) Appendix D – Glooscap First Nation Template for Job Description
- (3) Appendix E – Glooscap First Nation Template for Interview Process
- (4) Appendix F – Glooscap First Nation Template for Reference Checks
- (5) Appendix G – Glooscap First Nation Template for Letter of Offer

## **4. Compensation and Benefits**

### **A. Policy**

It is Council's policy to outline the compensation and benefits permitted to the employees of Glooscap First Nation.

### **B. Purpose**

The purpose of this policy is to outline all of the areas related to compensation and benefits to ensure employees understand their rights and obligations as well as ensure accountability and equity for all employees.

### **C. Scope**

This policy applies to all employees employed by Glooscap First Nation.

### **D. Responsibilities**

- (1) The Council is responsible for reviewing and approving the compensation and benefits.
- (2) The Director of Administration is responsible for administering or delegating the administration for the compensation and benefits.
- (3) The HR Officer is responsible for ensuring all employees are aware of the compensation and benefits.

### **E. Procedures**

- (1) Attendance and Lateness
  - a. Daily hours will normally be 8:30am-4:00pm, Monday through Thursday, with a one-hour lunch break from 12:00pm-1:00pm. The days of work are at the discretion of Council and can be amended to 5 days per week with sufficient notice to employees.
  - b. Employees who will be late arriving to work at the beginning of the work day or after the lunch break are required to call their immediate supervisor and indicate the reason for lateness and the expected time of arrival.
  - c. Employees who are late will make up the time lost to lateness by working the time lost in the same pay period. Failure to do so will result in loss of pay.
  - d. An employee who will be absent from work for unforeseen reasons is expected to call their immediate supervisor to indicate that they will not be at work, the reason for their absence and their expected date of return.
  - e. Employees who are absent without notification to their immediate supervisor will be deducted vacation leave or leave without pay at the discretion of their immediate supervisor.



- f. If the Council decides to close the office, for whatever circumstances, employees will be paid their regular rate of pay for the hours the office remains closed.
- g. Employees are encouraged to use their own discretion when making any decisions related to hazardous driving conditions. In the event that the office remains open, but an employee does not feel comfortable, they are able to take Sick/Personal Leave.

#### (2) Overtime

- a. Overtime is only available to full-time Employees and who are non-Managers.
- b. All overtime must be approved in advance and in writing by the employee's immediate supervisor and must be taken as compensatory time-off.
- c. Employees shall not be eligible to claim for overtime for attending conferences, seminars and workshops. This includes time utilized for travelling to and from conferences.
- d. Employees shall be eligible for compensatory time-off at the rate of 1.5 times their regular wage for all hours worked in excess of eight in a day or 40 in a week.
- e. Banked overtime hours shall be used by the employee within one of year of being accumulated and shall not be carried over to the next year without special approval by Council.
- f. Scheduling of compensatory time-off will be subject to approval of the employee's supervisor and will be subject to operational requirements.
- g. Employees are only permitted to accumulate 10 days or 75 hours of overtime in any one fiscal year.
- h. Senior Management are not permitted to accumulate overtime.

#### (3) Compensation and Deductions

- a. All employees will be paid bi-weekly.
- b. Every employee's salary will be set out in their Letter of Offer and Job Description.
- c. The Band Council will make all required authorized deductions: Employment Insurance, Canada Pension Plan, and Income Tax, and the Workers Compensation Board of Nova Scotia, as applicable. Status Indians as recognized by the Indian Act are subject to Income Tax exemption.

#### (4) Benefits

- a. Benefit coverage for all Full-time employees will commence after the successful completion of the three (3) month probationary period.
- b. The Band Office will offer all full-time employees, upon successful completion of the probationary period, the Group Medical Plan and Group Pension Plan available through Glooscap First Nation.
- c. The Group Pension Plan is compulsory for all full-time employees after the successful completion of the probationary period.
- d. Full-time employees can be considered exempt from the Medical Plan if:
  - i. They are covered by an alternative private or public plan;
  - ii. Covered under a spouse's private or public plan.

- e. To be exempt, proof of insurance must be provided. If either of these are absent, all full-time employees will be required to participate in the Group Medical Plan provided by the Band.
- f. All eligibility requirements benefits available and cost sharing requirements shall be governed by the applicable insurance carrier's contract. All employees will be provided with the insurance carrier's handbook once the probationary period is successfully completed and the employee becomes a full-time employee.

#### (5) Workers Compensation

- a. Any incidents involving the injury of employees on the premises of their work or occurring during their work duties shall be administered through the Workers Compensation Board of Nova Scotia.

#### (6) Probationary Period

- a. All new employees are subject to a three (3) month probationary period. A performance evaluation will be conducted before the end of the probationary period. Prior to the end of the probation period, the employee may be terminated without notice or pay in lieu of notice, with or without just cause.
- b. Existing employees who are moving from one position to another within the organization are subject to a three (3) month probationary period. A performance evaluation will be conducted before the end of the probationary period. If the employee does not meet the standards of the position, the employee:
  - i. May be returned to their previous position (at the discretion of the Director of Administration and assuming the position has not been filled); and
  - ii. May be terminated without notice or pay in lieu of notice, with or without just cause.
- c. During probationary periods new employees are permitted to accumulate leave but are not permitted to take any paid leave until the probationary period is complete and they have had a successful evaluation.

#### (7) Employee Vacation and Sick Leave Entitlements

- a. Unless otherwise agreed to as between the employer and employee, full-time and part time employees are entitled to annual vacation as follows:
  - i. An employee who works 2 days per week will be entitled to 4 days' vacation annually;
  - ii. An employee who works 3 days per week will be entitled to 6 days' vacation annually;
  - iii. An employee who works 4 days per week will be entitled to 8 days' vacation annually.
- b. Unless otherwise agreed to as between the employer and employee, vacation pay paid during the vacation period will be calculated at 4% of the employees' wages during the year of employment.

- c. Vacation leave requests must be submitted in writing at least one week prior to the desired vacation leave. Vacation leave is subject to the approval of the employees' immediate supervisor.
- d. Where one or more designated holidays occur during a vacation granted to an employee, the vacation will be extended by one day for each such holiday and the employee will be paid for such day.
- e. The following are designated holidays for all Band Employees:
  - i. New Year's Day (January 1)
  - ii. Heritage Day
  - iii. Good Friday
  - iv. Easter Monday
  - v. Victoria Day
  - vi. National Aboriginal Day (June 21)
  - vii. Canada Day (July 1)
  - viii. St. Anne's Day (July 26)
  - ix. First Monday of August
  - x. Labour Day
  - xi. Treaty Day (October 1)
  - xii. Thanksgiving Day
  - xiii. Remembrance Day (November 11)
  - xiv. Christmas Day (December 25)
  - xv. Boxing Day (December 26)
- f. If any of the above holidays fall on a Saturday or Sunday, the following Monday immediately following the holiday will be observed as a holiday.
- g. Cultural events may be considered a holiday as decided upon by the Council.
- h. In the event of a Band election, the Band Office will be closed, and the day will be considered a designated holiday.
- i. All employees are entitled to and shall be granted a holiday with pay on each of the general holidays falling within any period of his/her employment. An employee is not entitled to holiday pay for a general holiday that occurs in their first 30 days of employment with an employer.
- j. When a day that is a designated holiday falls within a period of leave with pay, the holiday shall not count as a day of leave.
- k. Unless otherwise agreed to as between the employer and employee, full time and part time employees are entitled to annual sick/personal leave as follows:
  - i. An employee who works two (2) days per week will be entitled to 4 days of sick/personal leave;
  - ii. An employee who works three (3) days per week will be entitled to 6 days of sick/personal leave;
  - iii. An employee who works four (4) days per week will be entitled to 8 days of sick/personal leave.

- l. Sick / Personal Leave is to be used for unexpected illness and leave for the purposes of medical or dental appointments, care of an ill family member etc.
- m. Sick leave will only be approved if the employee has accumulated the needed leave. In the case where there is not enough sick leave accumulated, the employee will be absent without pay unless otherwise directed by the employee's immediate supervisor.
- n. Employees are entitled to use sick leave for 2 consecutive days without a doctor's note. After the 2 days, a doctor's note will be required to use accumulated sick leave.
- o. Sick leave cannot be carried over from one fiscal year to the next.
- p. If an employee is absent due to illness for a time period exceeding ninety (90) days, they will be required to apply for leave through Employment Insurance.
- q. When an employee is given a leave of absence for any reason that employee will not be able to claim sick leave credits for that period.
- r. In the event of an injury sustained while at work, the employee and employer will adhere to the rules of the Workman's Compensation Board (WCB) of Nova Scotia on reporting the injury, accommodation and return to work process.

(8) Employee Leave Other Than Vacation and Sick Leave

- a. Compassionate Care Leave: Employees are entitled to take unpaid leave for up to eight weeks to provide care or support to a family member who is dying if a qualified medical practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks.
- b. Maternity Leave
  - i. A woman who has been employed for more than six (6) consecutive months shall be granted up to a seventeen (17) weeks unpaid maternity leave and thirty-seven (37) weeks unpaid parental leave for a maximum of fifty-two (52) week leave.
  - ii. The employee shall provide her supervisor with a doctor's note certifying that she is pregnant. When a woman returns to work following maternity leave, she shall return to her original position. If that position no longer exists, she will be placed in a position of equal status (seniority) should there be a position is available with no loss of pay and accumulated benefits.
  - iii. During pregnancy, an employee may request a modification of her work duties or a reassignment of her position if her present duties possess a potential threat to the health and safety of her unborn child. An employer to whom a request has been made shall examine the request in consultation with the employee and, where reasonable, shall modify the employee's job functions or reassign her. A leave of absence shall be granted if the employee is unable to continue and there is no possibility of reassignment or modified duties.
- c. Birth of a Child Leave
  - i. Any employee may be granted up to three (3) days leave to attend to issues directly relating to the birth of his/her child. This leave is subject to the approval of the employees' immediate supervisor.

- ii. Every employee who has completed six consecutive months of continuous employment with an employer is entitled to and shall be granted an unpaid leave of absence from employment of up to thirty-seven (37) weeks 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 under the laws governing adoption in the province in which the employee resides. Employees will also be provided the same leave for Mi'kmaq Custom Adoption. Paid parental leave is available to both male and female employees. This leave must be taken within the fifty-two (52) week leave period outlined above.
- d. Election Leave:
  - i. Full-time and part-time employees are entitled to a maximum of four (4) hours election leave to participate in any municipal, provincial or federal election.
  - ii. If an employee of the Glooscap First Nation or any of its entities or a member of the current Council wish to seek office in any election process (federal, provincial, municipal or Band) they are forbidden to campaign during work hours or utilize any resources of the Band.
- e. Bereavement Leave
  - i. An employees' immediate supervisor can approve up to five (5) days of leave with pay if an employee is absent from work as a result of the death of a member of the employees' immediate family. Immediate family is defined as an "employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild."
  - ii. An employees' immediate supervisor may approve up to three (3) days leave with pay if an employee is absent from work as a result of the death of a close family friend or distant family member.
  - iii. The Band Council recognizes that the death of a close relative may be traumatic and that more leave time may be needed. Each instance will be looked at on a case by case basis and additional leave may be granted.
- f. Education Leave
  - i. Employees who have completed five (5) consecutive years of employment may be granted short-term leave for educational courses with full or partial salaries and travel assistance at the discretion of Director of Administration.
  - ii. Employees wishing to apply for educational leave must do so in writing at least three (3) months prior to the beginning of course(s).
  - iii. Employees granted education leave will be required to provide documentation as follows:
    - Letter of acceptance to the course(s);
    - Anticipated length of time to complete the course(s);
    - How the course(s) will benefit the employee's professional development and improve performance/abilities relative to their employment as set out in their Job Description.

- iv. Professional examination leave may also be granted with pay and travel assistance to enable employees to sit for professional examinations. Application for approval will require a written request and approval from the employees' immediate supervisor.
- g. Court Leave
  - i. Employees can be granted leave with pay if:
    - the employee is subpoenaed to appear as a witness;
    - the employee is required to sit on a jury;
    - the employee must appear as an official delegate for the Band Council;
  - ii. In instances where the employee is required to appear in court for personal reason, leave will be without pay.
- h. Leave without pay: Any requested leave without pay for any reason will be submitted in writing and shall be the decision of the Director of Administration.

(9) Term, Casual and Seasonal Employees

- a. All term, casual and seasonal employees will be subject to the conditions of employment outlined in their employment contract/letter of offer and may not be subject to these policies.

**F. References and Related Authorities**

None

**G. Appendices**

- (1) Appendix H – Glooscap First Nation Leave Sheet Request Form

## **5. 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 Glooscap 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 employees to the goals and objectives of Glooscap First Nation.

### **C. Scope**

This policy applies to all employees employed by Glooscap First Nation.

### **D. Responsibilities**

(1) Council is responsible for:

- a. Evaluating the performance of the Director of Administration or establishing the process by which the Director of Administration will be evaluated.
- b. Reviewing and approving the plan for any training for First Nation's Officers or employees that have been identified and developed in the performance management process, to meet with Glooscap First Nation's future need and requirements after taking into account succession and any anticipated changes in Glooscap First Nation activities.
- c. Reviewing and approving a document process
  - i. To measure the skills and competencies of the individual First Nation's employees against their assigned employment responsibilities;
  - ii. To determine and training requirements for those employees, and;
  - iii. To adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.

(2) The Director of Administration is responsible for:

- a. Establishing and implementing a plan for any training of First Nation's Officers or employees required to meet Glooscap First Nation's future needs and requirements after taking into account succession and any anticipated changes in Glooscap First Nation's activities;
- b. Establishing and implementing 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 and training requirements for those employees, and
    - iii. To adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.
  - c. Monitoring and reviewing the implementation of the evaluation process and ensuring this Policy and Procedures are complied with during the performance evaluation process; and
  - d. Evaluating all Officers of Glooscap First Nation.
- (3) The HR Officer or supervisor is responsible for:
- a. Providing day to day assistance and advice to employees and supervisors about this policy and its implementation;
  - b. Providing general training for supervisors and employees to optimize effective implementation of employee performance and evaluation.

## **E. Procedures**

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

- a. Immediate Supervisors are to ensure that each employee for whom they have supervisory responsibility has an accurate and up to date job description.
- b. Immediate Supervisors should schedule a performance planning session with individual employees to agree on minimum performance objectives/goals for the next fiscal year. This is to be done in conjunction with the employee performance review process;
- 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 employees and a copy delivered to the HR department to be retained in the employee's personnel file and one copy retained by the employee.
- e. The Immediate Supervisor and employee should identify the training and development needs the employee requires in order 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 Director of Administration reviews and approves all training plans to ensure future training needs and requirements for the financial management system of Glooscap First Nation is aligned with those needs and requirements.



## **(2) Performance Review**

- a. At the mid-point of the performance management cycle (approximately September) the Immediate Supervisor and individual employee should meet at least once 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 achievement of the original goals and training and development plan.
- b. At the end of the performance cycle (i.e. at or near the fiscal year end) the Immediate Supervisors should schedule a year end performance evaluation meeting with each employee.
- c. The Immediate Supervisor will prepare an employee evaluation providing an assessment against each goal agreed to at the beginning of the performance cycle.
- d. The employee will be provided an opportunity to address the performance evaluation in writing and during the formal performance evaluation meeting as well as conduct a self-assessment if requested by the immediate supervisor.
- e. The formal year end performance evaluation meeting should then take place to gain consensus on the employees performance.
- f. The Immediate Supervisor and employee sign off on the review in duplicate and the original completed document should be forwarded to the HR department to be retained in the employees personnel file.
- g. If the Employee does not agree with the outcome of the performance evaluation review, the employee can formally request a meeting with their Immediate Supervisor and the Director of Administration to come to a settlement. Failing that, the employee 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 Director of Administration/HR Officer.

## **(3) Performance Management**

- a. 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.
- b. 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.
- c. Immediate Supervisors will determine whether the employee has made sufficient improvement to fulfil performance expectations outlined in the performance improvement schedule.
- d. After following a corrective plan, if the Immediate Supervisor determines the employee's performance continues to fail to fulfil the performance expectations, the direct supervisor

may take further progressive action in accordance with Glooscap 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. Appendices**

- (1) Appendix I – Glooscap First Nation Performance Planning and Employee Evaluation Timeline and Checklist
- (2) Appendix J – Glooscap First Nation Employee Annual Evaluation Template
- (3) Appendix K – Glooscap First Nation Mid-Year Evaluation Template

## **6. Discipline and Dismissals**

### **A. Policy**

It is Council's policy to use a progressive and participatory disciplinary approach for dealing with job related behavior 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 provide flexibility to Council to deal with wide range of circumstances in employees overcoming performance problems and failing that, use progressive discipline to fairly, with due process and with substantial documentation, terminate employment of employees, who are ineffective and or unwilling to improve.

### **C. Scope**

This policy applies to all employees of Glooscap First Nation.

### **D. Responsibilities**

- (1) Council has final authority and responsibility for the dismissal and discipline of the Director of Administration.
- (2) Council and the Director of Administration have joint authority and responsibility for the dismissal and discipline of all Officers.
- (3) The Director of Administration has final authority and responsibility for the dismissal of all other employees (Other than officers).
- (4) The Immediate Supervisor has first responsibility for discipline for employees.
- (5) 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) Employees will be informed of unacceptable conduct, behaviour, or performance prior to the imposition of disciplinary action and will be given opportunities for improvement and as necessary re-evaluated.
- (2) Council (in reference to the Director of Administration) or the Director of Administration (in reference to all other employees) may move to dismiss an employee if circumstances determine the event warrants dismissal even if the steps in the progressive discipline process have not occurred and may also immediately but temporarily suspend an employee with pay pending

investigation before moving through the discipline process. Legal Counsel may need to be consulted to ensure fairness and appropriateness.

- (3) If an employee is felt to be in violation of Glooscap First Nation's expected conduct, behaviour, or performance and initial efforts for corrective action have not worked, the employee will be subject to the progressive discipline process.
- (4) All disciplinary actions will be documented and placed in the employee's personnel file.
- (5) The Progressive discipline procedures will be as follows:

Verbal Warning:

- a. The first violation by an employee will be addressed with a verbal warning.
- b. The direct supervisor will initiate any verbal warnings in a private meeting with the employee
- c. The employee will be given an explanation of when and how the behaviour or action took place and will be given an opportunity to explain the situation and their actions.
- d. The employee will be informed that further disciplinary action, up to and including termination, will follow if unacceptable behaviour continues.
- e. The employee will be informed that the incident will not go into their file, but that it will be taken note of in order to follow up on possible further disciplinary incidents.
- f. An email to the employee outlining the issue and the agreed upon means to resolution. This email does not constitute a written warning.

Written Warning:

- a. Employee will be given a written warning regarding undesirable behaviour or action in the event that the behaviour or action had either been discussed in a previous verbal warning or the behaviour or action was serious in nature.
- b. The employee will be given an explanation of 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 Director of Administration and the HR supervisor and given the opportunity to state their case. 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 either been discussed in a previous verbal or written warning or the behaviour or action was considerably serious in nature.

- b. The employee will be given a written notice of suspension 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.
- c. The Director of Administration has discretion to suspend an employee with or without pay for a period of time, where an investigation is required into allegations of misconduct against that employee. During an investigation and if circumstance dictate, the Director of Administration at any time can:
  - i. Reverse the suspension and return the employee to his or her job and compensate for any lost wages while on suspension;
  - ii. Change the nature of the suspension; or
  - iii. Take any other action appropriate to the situation.

Termination:

- a. The Director of Administration may, with reasonable cause, terminate employment by providing a Notice of Termination that details the undesirable conduct, behaviour, or performance leading to and justifying the termination.
- b. Reasonable (just cause) for immediate dismissal can be for:
  - 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;
  - iv. Demonstrating chronic absenteeism or lateness;
  - v. Repeated unsuccessful progressive disciplinary attempts including verbal and written reprimands;
  - vi. Misrepresentation or falsification of information on application of employment; or
  - vii. Contravention of the employee's duties and obligations under Glooscap First Nation's Financial Administration Law including codes of conduct and conflicts of interest.
- c. Documentation should include information on the offence and previous disciplinary communications with the employee.

## **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. Appendices**

- (1) Appendix L – Glooscap First Nation Template for Written Warning
- (2) Appendix M – Glooscap First Nation Template for Suspension Letter
- (3) Appendix N – Glooscap First Nation Template for Termination Letter

## **7. Resignations and Terminations**

### **A. Policy**

It is Council's policy to ensure a consistent and fair process for all resignations and terminations with Glooscap First Nation.

### **B. Purpose**

The purpose of this policy is to set out the steps for resignation, terminations and appeals to decisions related to terminations.

### **C. Scope**

This policy applies to all employees of Glooscap First Nation.

### **D. Responsibilities**

- (1) Council is responsible for reviewing and approving the Resignations and Terminations Policy
- (2) The Council also has final authority in the event of an appeal as outlined in Section E(2)
- (3) The Director of Administration is responsible for the day to day administration of the policy except where the policy applies to the resignation or termination of the Director of Administration. In that event the Council has responsibility to oversee the process.
- (4) All employees of Glooscap First Nation are responsible for reviewing, understanding and abiding by the processes outlined in this policy.

### **E. Procedures**

- (1) Resignations and Terminations
  - a. Any employee wishing to resign must provide written notice to their immediate supervisor at least ten (10) working days prior to their resignation.
  - b. Any employee who is subject to the three (3) month probationary period may be terminated at any time prior to the end of that period without notice or pay in lieu of notice, with or without just cause.
  - c. Any employee can be terminated at any time without notice or pay in lieu thereof with just cause (see to Section 6 – Discipline).
  - d. The termination of Term and Casual Employees will automatically occur upon the expiry of the term of their period of employment indicated in their Letter of Offer.
  - e. Part-Time and Full-Time Employees who have completed over three (3) months of continuous employment may be terminated without just cause so long as the employee is provided with at least two weeks' notice or pay in lieu at termination.

- f. Where an employee is terminated pursuant to clause 14.5, and he or she has completed over twelve (12) months of continuous employment, the employee is also entitled to severance pay equal to the greater of:
  - i. two days wages at the employee's regular rate of wages for his regular hours of work in respect of each completed year of employment that is within the term of the employee's continuous employment by the employer, or
  - ii. five days wages at the employee's regular rate of wages for his regular hours of work.
- g. Employees who resign or are terminated are eligible to receive any vacation pay and banked overtime accumulated and salary only up to the date of termination provided that all financial documentation is up to date (i.e. travel expense forms etc.).
- h. All employees who resign or are terminated must return all property of the Glooscap First Nations that was assigned to them during their tenure of work.
- i. A Record of Employment will be issued to an employee who has resigned or is terminated.

## **(2) Appeals**

- a. Decisions of the Director of Administration with respect to suspensions and terminations under this policy may be appealed to the Council within ten (10) working days of the decision.
- b. Employee appeals shall be in writing, outlining the nature of the decision and the reasons upon which it is believed the Director of Administration erred.
- c. The Council shall decide the employee's appeal within thirty (30) days of receiving the request. Council have the right to seek legal advice and counsel on issues of appealing a dismissal.

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

None

## **G. Appendices**

None



## **8. Workplace Free from Discrimination and Harassment**

### **A. Policy**

It is Council's policy to create a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices and harassment.

### **B. Purpose**

The purpose of the policy is to outline prohibited behaviours and as well as establish a framework to address those behaviours should they occur.

### **C. Scope**

The policy applies to the Council and all employees and contractors working for or with Glooscap First Nation.

### **D. Responsibilities**

- (1) The Council is responsible for:
  - a. Ensuring that the rights of employees and contractors are not violated by ensuring that the workplace is free from discrimination and harassment by supporting managers and other employees.
  - b. Ensuring a thorough and comprehensive appeals process is completed in the event that a situation requires an investigation.
  
- (2) The Director of Administration is responsible for:
  - a. Ensuring employees are aware of their rights and responsibilities under the policy.
  - b. Ensuring that when issues are brought forward that they are handled in a swift but thorough manner and with confidentiality where possible, at all times.
  - c. Assisting the Council during an appeal process in the event of an appeal.
  
- (3) The Employees are responsible for:
  - a. Reviewing, understanding and adhering to the policy.
  - b. Reporting any abuses that they experience or see a fellow employee experience to the appropriate authority.
  - c. Refraining from malicious and false claims under the policy.

### **E. Procedures**

- (1) Prohibited work-related discrimination or harassment includes:
  - a. Conduct that takes place between members of Council and their employees, between co-workers, between managers and employees, between people of the opposite sex or

the same sex, between an employee and a client, or between an employee and a job applicant; and

- b. Conduct that takes place in the workplace itself, or outside the workplace in a situation that is in some way connected to work such as off-site meetings or business trips.

(2) Employee Report of Discrimination or Harassment

- a. Employees who believe they have been the victim of work-related discrimination or harassment or believes they have witnessed such conduct should discuss their concerns with their immediate supervisor.
- b. Employees who believe they are being subjected to such conduct are encouraged to advise the offender that his or her behavior is unwelcome and request that it be discontinued. However, an individual may prefer to pursue the matter through their immediate supervisor.
- c. Employees who believe they have been the victims of work-related discrimination or harassment may submit a formal written complaint to their immediate supervisor.
- d. Upon receipt of a formal written complaint of work-related discrimination or harassment, the immediate supervisor shall promptly investigate. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- e. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
- f. Following completion of his / her investigation of a work-related discrimination or harassment complaint, the immediate supervisor will complete a report and take appropriate action:
  - i. Where there is not enough evidence to support an allegation of work-related discrimination or harassment, the immediate supervisor will not recommend any further action.
  - ii. Where there is sufficient evidence to support an allegation of work-related discrimination or harassment, appropriate corrective action may include training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination for cause, depending on the circumstances.
- g. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is strictly prohibited and will be subject to disciplinary action up to and including termination for cause.
- h. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

- i. If a party to a complaint does not agree with its resolution, that party may appeal to Council under the procedures set out in Section 15 of Glooscap First Nation's Employment Policy.

**(3) Appeals Process**

- a. The party to the complaint has five (5) business days after a decision to appeal, in writing, the results of the investigation into allegations of harassment or discrimination.
- b. Council must respond to the party within five (5) business days following the appeal notice. Council must outline the steps they will take to ensure a resolution and must report back to the party within thirty (30) business days with their decision.
- c. During the thirty (30) business days, Council will review all of the information, conduct interviews, and consult legal counsel where required to ensure thoroughness and fairness.
- d. Council will deliver their decision in writing to the party to the complaint. The decision of the Council will be final and binding.

**F. References and Related Authorities**

None

**G. Appendices**

None

## **9. 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 Glooscap First Nation.

### **C. Scope**

This policy applies to Council, the Director of Administration, the Senior Financial Officer, Employees who manager others, and HR Officer of Glooscap First Nation.

### **D. Responsibilities**

- (1) Council is responsible for ensuring a HR Records management system is reviewed and approved.
- (2) The Director of Administration is responsible the establishment and implementation of the approved HR Records Management System.
- (3) Subject to Glooscap First Nation's Financial Administration Law, the Director of Administration 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.
- (4) The HR employees are 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 Glooscap 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. Job advertisement;
  - b. External recruitment firm agreement (if applicable);
  - c. Job description and required qualifications and skills;
  - d. Interview notes; and
  - e. 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 all 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. Leave and attendance records;
  - g. Salary adjustments;
  - h. Enrolment information for benefits plans; and
  - i. Any medical notes and instructions.
- (4) Access to HR Records will be restricted to HR personnel in performance of their job function and the Director of Administration; however, employees can access their personal employee file upon request and in the presence of the HR Officer.
- (5) Upon employee termination, HR Records for that employee will be retained for three 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. Appendices**

- (1) Appendix O – Glooscap First Nation HR Record Checklist

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

### **A. Policy**

All Councillors, Officers and employees of Glooscap First Nation and all contractors and agents engaged in financial administration activities have the responsibility to report instances of misconduct to the Director of Administration or Chairperson of the Finance, Audit and Risk 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 Glooscap First Nation.

### **D. Responsibilities**

- (1) Council is responsible for:
  - a. Ensuring that this policy is communicated to all affected and interested persons;
  - b. Hiring an independent body/individual to investigate reported misconduct concerning members of the Finance, Audit and Risk Committee of Glooscap First Nation;
  - 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, Audit and Risk Committee of Glooscap First Nation 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, Audit and Risk Committee is responsible for:

- a. Receiving reports of misconduct, making an appropriate and expeditious inquiry into the matter and reporting to the Finance, Audit and Risk 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 Director of Administration 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, Audit and Risk 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 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 Director of Administration will communicate this policy to all employees.
- b. Each individual employed or contracted with, or acting as an agent for Glooscap First Nation in respect of the financial administration of Glooscap First Nation will be required to sign the agreement 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, Audit and Risk 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 Glooscap First Nation regarding instances of misconduct or wrongdoing.
- b. The Director of Administration 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 Director of Administration and the Chair of the Finance, Audit and Risk Committee are authorized to receive and inquire into reports of misconduct or wrongdoing.
- d. The Director of Administration and the Chair of the Finance Audit and Risk Committee will report their respective findings of an inquiry into a report of misconduct or wrongdoing that they receive.



- e. The Finance, Audit and Risk Committee is authorized to inquire further into any findings reported to it by the Director of Administration and the Chair of the Finance, Audit and Risk Committee.
- f. Any report received by a First Nation's Officers, employees, contractors or agents from any source inside or outside Glooscap First Nation should be immediately forwarded to the Chair of the Finance, Audit and Risk Committee Chairperson. Councillors should report directly to the Chair of the Finance, Audit and Risk Committee.
- g. First Nation Officers, employees, contractors or agents should forward their reports to the Director of Administration or the Chair of the Finance, Audit and Risk Committee.
- h. Instances of wrongdoing can be reported directly to the Chair of the Finance, Audit and Risk Committee in the following ways
  - i. In writing to the attention of the Chair of the Glooscap First Nation Finance, Audit and Risk Committee;
  - ii. Via email;
  - iii. Via telephone to the Chairperson of the Finance, Audit and Risk Committee;
  - iv. Anonymously in writing to the Chairperson of the Finance, Audit and Risk Committee.
- i. Instances of wrongdoing can be reported directly to the Director of Administration in the following ways:
  - v. In writing to the attention of the Director of Administration, Glooscap First Nation;
  - vi. Via email;
  - vii. Via telephone to the Chairperson of the Finance, Audit and Risk Committee
  - viii. Anonymously in writing to the Chairperson of the Finance, Audit and Risk Committee.

(3) Inquiring into reported wrongdoing

- a. Promptly upon receipt of a report, the Director of Administration or Chair of the Finance, Audit and Risk Committee, as the case may be, 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 current status of any inquiry;
    - d) The report made to the Finance, Audit and Risk 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 Glooscap First Nation), related to potential criminal acts by individuals, or of high financial value to Glooscap First Nation, the Director of Administration or the Chair of the Finance, Audit and Risk Committee may retain external expertise to conduct the inquiry;
  - vi. Within a period of eight weeks from the moment the report has been received, inform the party who reported the alleged irregularity of the status of the inquiry and steps that have been taken or will be taken following the results of the inquiry;
  - vii. If the inquiry cannot be completed with the eight-week time frame, inform in writing the person who reported the alleged irregularity and indicate a new time frame for the conclusion of the inquiry;
  - viii. Report on the progress of current inquiries at each Finance, Audit and Risk Committee meeting; and
  - ix. Upon completion of the inquiry, report to the Finance, Audit and Risk Committee on the conduct of the inquiry and the result of the inquiry and recommend actions to be taken.
- b. Upon receipt of the report from the Chair of the Finance, Audit and Risk Committee or the Director of Administration, the Finance, Audit and Risk 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, Audit and Risk 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, Audit and Risk Committee, the other members of the Committee along with the Council of Glooscap First Nation (but not the accused if they are a member of Council) will 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, Audit and Risk Committee will recommend a course of action to Council which will make a decision to 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 Director of Administration and approved 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, as a result 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. Appendices**

- (1) Appendix P – Glooscap First Nation Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities
- (2) Appendix Q - Glooscap First Nation Reporting of Breaches and Financial Irregularities Process Checklist
- (3) Appendix R – Glooscap First Nation Reporting of Breaches and Financial Irregularities Report Template

## **11. Employee Social Media and Internet Policy**

### **A. Policy**

The Council has established the Glooscap First Nation Employee Social Media and Internet Policy to ensure that the technology provided to employees is not used in a manner that would bring about criminal activities/charges or in any way damage the reputation of Glooscap First Nation.

### **B. Purpose**

The purpose of this policy is to define standards to ensure Glooscap First Nation employees use the Internet in a productive, safe and responsible manner.

### **C. Scope**

This policy applies to all employees of Glooscap First Nation while fulfilling their duties outlined in their job descriptions, representing Glooscap First Nation in any forum and utilizing technology provided by Glooscap First Nation, for the purpose of work.

### **D. Responsibilities**

- (1) The Council of Glooscap First Nation is responsible for reviewing and approving the Employee Social Media and Internet Policy
- (2) The Director of Administration, or a delegate is responsible for the day to day administration of the policy.

### **E. Procedures**

- (1) Use of the Internet in the Workplace
  - a. During the course of work, it is inappropriate for Glooscap First Nation employees to access non-work related web-sites, including the following:
    - i. Adult / pornographic sites;
    - ii. Gambling and gaming sites;
    - iii. Personal and dating sites;
    - iv. Sites promoting intolerance and hate;
    - v. Illegal sites, or sites promoting illegal activities, including child pornography;
  - b. Employees may use the internet and social network sites (e.g., Facebook, Myspace, Twitter, YouTube, LinkedIn, etc.) during breaks, in accordance with the following rules:
    - i. It is considered inappropriate for employees to blog about or post any insulting, disruptive, offensive, defamatory or harassing information concerning any other employee, client or other person associated with the Band Council. Employee grievances, complaints or issues with any other employee, customer, or other person associated with the Band Council must never be the subject matter of

messages sent, or posted, by an employee on a social networking site. Such grievances, complaints or issues should be addressed internally, through communications with supervisors, or the Director of Administration.

- ii. It is considered inappropriate for any employee to post any confidential information obtained as a result of their employment with the Glooscap First Nation, including information related to other employees, clients, finances, research, operational methods, plans and policies of the Band Council.
- iii. It is considered inappropriate for an employee to hold themselves out on a social networking site, or on any other Internet site, as representing the views, opinions or position of the Band Council on any matter, without clear authorization to do so from Council or the Director of Administration.

(2) Internet Outside of Work

- a. Employee use of the internet social networking sites outside work hours are subject to the same restrictions that apply to employee use of social networking use during work hours set out in Section (c), (d) and (e) above.

(3) Consequences of Policy Violations

- a. Technology and equipment owned by the Glooscap First Nation Band Council is intended for business purposes. All online activities are subject to monitoring, including sites visited.
- b. The Director of Administration may take away the privileges of using the internet and / or social networking sites within any sector or department where they are found to impact workplace performance.
- c. Breach of this policy can result in workplace discipline, up to and including termination, where circumstances warrant. See Section 6 of these policies.

**F. References and Related Authorities**

None

**G. Appendices**

None

## **12. Occupational Health and Safety**

### **A. Policy**

The Council of Glooscap First Nation has established the Occupational Health and Safety Policy to ensure that the employees of Glooscap First Nation have a safe and hazard free workplace.

### **B. Purpose**

The purpose of this policy is to prevent accidents and injury to health arising out of, linked with or occurring in the course of employment with Glooscap First Nation.

### **C. Scope**

This policy and procedures apply to Council and all employees and other persons with authority to conduct activities on behalf of Glooscap First Nation

### **D. Responsibilities**

- (1) Glooscap First Nation Council, in accordance with the Canada Labour Code will endeavour to provide preventative measures to ensure the safety of all employees. "Preventive measures should consist first of the elimination of hazards, then the reduction of hazards and finally, the provision of personal protective equipment, clothing, devices or materials, all with the goal of ensuring the health and safety of employees."
- (2) The Director of Administration will be responsible for the initial setting up of the committee and ensuring that they meet and act in accordance with this policy.
- (3) All persons affected by this policy are required to review, understand and comply with the policies and procedures.

### **E. Procedures**

- (1) Establish an Occupational Health and Safety Committee
  - a. The Committee will be comprised of a minimum of 3 individuals. One from each division of Glooscap First Nation: administration, health, economic development
  - b. The OHS Committee will meet quarterly or on an as needed basis.
  - c. Glooscap First Nation Occupational Health and Safety Committee will be responsible to identifying potential hazards and working to remove them.
  - d. All employees are required to advise the OHS Committee of any issues which may present a health and/or safety danger. The Occupational Health and Safety Committee will then work to resolve and /or eliminate the hazard.
  - e. The OHS will annually report to the Council on health and safety issues, the resolution to those issues and any outstanding issues.

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

None

## **G. Appendices**

- (1) Appendix S – Glooscap First Nation Terms of Reference for the Occupational Health and Safety Committee

## **13. Substance Use Policy**

### **A. Policy**

The Council of Glooscap First Nation has established the Substance Use Policy to promote a safe and healthy workplace.

### **B. Purpose**

The purpose of the Substance Use Policy is to create a safe and healthy workplace by reducing the risks associated with the use of alcohol or drugs. This policy applies to all conduct capable of impacting the work and reputation of Glooscap First Nation or any of its affiliates.

### **C. Scope**

This policy applies to all members of Council and all employees of Glooscap First Nation or any of its affiliates, regardless of role or job position. This policy also applies to all volunteers, contractors and subcontractors that work with or for Glooscap First Nation.

### **D. Responsibilities**

- (1) The Council is responsible for periodically reviewing, making revisions to and approving the Substance Use Policy.
- (2) The Director of Administration is responsible for ensuring that all employees, volunteers and contractors are aware of the policy. The Director of Administration is also responsible for conducting any disciplinary issues that may arise from violation of the policy.
- (3) All employees, volunteers and contractors are responsible for abiding by the procedures outlined in this policy.

### **E. Procedures**

- (1) Drug Use at Work
  - a. No employee, contractor or subcontractor may be impaired or under the influence of alcohol or recreational cannabis while at work or any event associated with work such as training and conferences where health and safety or the reputation of Glooscap First Nation may be at risk. Employees found to be under the influence will be sent home and may face disciplinary action under Section 6 of this policy up to and including dismissal.
  - b. An employee's immediate supervisor or the Director of Administration may, with reasonable cause, investigate whether an employee is impaired or using alcohol or drugs at work in response to complaints or concerns by co-workers or supervisors, an employee's unexplained declining job performance or erratic or unusual behaviour, an employee's involvement in safety incidents including near misses, or other indications that the employee has substance use issues and may be impaired at work.
  - c. Where an employee's immediate supervisor or the Director of Administration initiates an investigation, they shall meet with the employee privately, ask the employee to explain



his or her behaviour, including if he or she has consumed alcohol or drugs, and if necessary, send the employee home for the remainder of the day [or for such longer time as may be considered necessary].

- d. Employees found to be under the influence may face disciplinary action under Section 6 of this policy up to and including dismissal.
- e. Glooscap First Nation encourages any employee who believes that they live with a drug dependency to disclose their condition to their immediate supervisor or the Director of Administration. Employees may be accommodated for their drug dependency to the point of undue hardship in accordance with applicable human rights legislation. All information reported about a drug dependency will remain confidential and will only be disclosed if required by law.
- f. For greater clarity, employees are not forbidden from consumption of alcohol or recreational cannabis at a work functions such as a holiday party or employees retreat, if these behaviours have been sanctioned by Council.
- g. Illicit Drugs are strictly forbidden for use, distribution and sale at work or any event that may be associated with work (i.e. conferences, training, work functions such as holiday gatherings etc.)
- h. Employees have an obligation to seek accommodation/treatment to ensure that they are not in breach of this policy.

(2) Medical Cannabis Use

- a. Glooscap First Nation understands that employees may be under medical care involving medications, including cannabis that may have impairing effects.
- b. Employees, contractors and subcontractors who use cannabis under medical supervision are required to understand the impacts that the cannabis may have on their work performance. If the work is safety sensitive and has the potential to cause injury or damage if not conducted properly, the employee must contact their immediate supervisor or Director of Administration prior to the start of work.
- c. Where an employee reports their medical use of cannabis to their immediate supervisor or Director of Administration, Glooscap First Nation will work with the employee to determine what accommodation, if any, is necessary and can be made to ensure the employee remains in the position without compromising safety.
- d. Employees have an obligation to seek accommodation to ensure that they are not in breach of this policy.

**F. References and Related Authorities**

None

## G. Appendices

None

## 14. Working with Children and Elders Policy

### A. Policy

The Council of Glooscap First Nation has established the Working with Children and Elders Policy to ensure the safety of Glooscap First Nation members and visitors who participate in on reserve activities.

### B. Purpose

The Glooscap First Nation Working with Children and Elders Policy will outline processes for staff and volunteers working with children and elders and who suspect abuse.

### C. Scope

The Glooscap First Nation Working with Children and Elders Policy applies to all employees and contractors who work regularly with children and Elders. In some cases, the policy may apply to volunteers. This is to be determined by the Director of Administration or delegate.

### D. Responsibilities

- (1) The Council is responsible for the review and approval of the Glooscap First Nation Working with Children and Elders Policy.
- (2) The Director of Administration and the Health Director are responsible for the day to day administration of the policy.
- (3) All employees of Glooscap First Nation are responsible for reviewing, understanding and abiding by the Glooscap First Nation Working with Children and Elders Policy.

### E. Procedures

- (1) Legislative Framework
  - a. Employees and volunteers working with employees will make themselves familiar with the *Adult Protection Act* and the safeguards outlined therein.
  - b. Employees and volunteers working with employees will make themselves familiar with the *Children and Family Services Act* and the safeguards outlined therein.
  - c. Employees and volunteers working with employees will make themselves familiar with the role of Mi'kmaq Children and Family Services (MCFS). MCFS is tied to the same child welfare legislation as provincial non-Aboriginal agencies through the *Children and Family Services Act*. MCFS services 13 First Nation communities in Nova Scotia.
  - d. Where necessary, Glooscap First Nation Band Administration and/or Health Centre will provide training and information sessions on the relevant legislation for employees.
- (2) Internal Controls
  - a. Glooscap First Nation employees who regularly work with children will be required to provide a clean record from the Nova Scotia Child Abuse Registry. If a clean record is not

possible, employment will be terminated. Employees are required to update their record every three (3) years.

- b. Glooscap First Nation employees who regularly work with Elders (i.e. Assisted Living, Community Health Nurse) will be required to submit a clean Criminal Record Check. If a clean record is not possible, employment can be terminated depending on the severity of the crime and its relationship to the employees' position. Employees are required to re-submit a clean Criminal Record Check every three (3) years.
- c. Volunteers working with children or Elders will need to be directly supervised by a member of the Glooscap First Nation employees.
- d. Volunteers who consistently volunteer may be required to submit a clean record from the Nova Scotia Child Abuse Registry and/or a clean Criminal Record Check.

### (3) Duty to Report

- a. Glooscap First Nation employees and volunteers who suspect abuse are required by law to report it to the appropriate authorities. The process for reporting is outlined in Appendix S-V
- b. Failure to report suspected abuse can result in termination of employment

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

None

## **G. Appendices**

- (1) Appendix T – Glooscap First Nation Suspected Abuse Reporting Flow Chart
- (2) Appendix U – Glooscap First Nation Suspected Child Abuse Reporting Form
- (3) Appendix V – Glooscap First Nation Suspect Elder Abuse Reporting Form
- (4) Appendix W – Glooscap First Nation Contact Information for Agencies

## **15. Gifts Policy**

### **A. Policy**

The Council has established the gifts policy to ensure fairness and equity to all employees and members of Council, regardless of their position within the organization and to protect the reputation of Glooscap First Nation.

### **B. Purpose**

The purpose of the gifts policy is to outline what is and is not acceptable when receiving gifts from outside organizations or individuals. This will protect the reputation of the Council members, employees and the organization as a whole.

### **C. Scope**

This policy applies to all employees and members of Council.

### **D. Responsibilities**

- (1) The Council is responsible for reviewing, amending when required and approving the policy.
- (2) The Director of Administration is responsible for informing employees and ensuring compliance to the policy.
- (3) All members of Council and employees are responsible for abiding by the policy.

### **E. Procedures**

- (1) No gifts may be accepted, under any circumstances from potential vendors, suppliers, partners, customers/clients, employees of other organizations, regardless of the value.
- (2) No gifts over \$200.00 from any source may be accepted. If it is foreseeable, a gift for participation on a committee, board etc. as a representative of Glooscap First Nation or any of its affiliates, the gift must be turned over to the Band to be raffled off or donated to a community organization or group. If a raffle occurs, all funds must be given to a charitable organization or group.
- (3) Exemptions to the policy include:
  - i. Exemptions apply to gifts such as t-shirts, pens, trade show bags etc. that employees may receive as a participant at seminars, conferences, trade shows and that are offered equally to all members of the public attending the event.
  - ii. Cards, notes and letters of appreciation.
  - iii. Food, beverages, and moderately priced meals or tickets to local events that are supplied by and attended by current customers, partners, vendors etc. in the interest of building positive business relationships.

- (4) Employees and members of Council must inform vendors, suppliers, partners etc. of the gifts policy of Glooscap First Nation.

**F. References and Related Authorities**

None

**G. Appendices**

None