

U06

WILLIAMS LAKE FIRST NATION EMPLOYEE HUMAN RESOURCES POLICY MANUAL



Williams Lake
F I R S T N A T I O N

Revised: January 17, 2024
Effective Date: May 1, 2020
Supersedes: February 1, 2018

Prepared by Susan McIntyre, MBA, FCPHR

people in focus
CONSULTING LTD

*Helping organizations establish
the best people practices*

Cell: (250) 826-3887
Email: susan@peopleinfofocus.ca
Website: www.peopleinfofocus.ca

Table of Contents

1. INTRODUCTION.....	7
1.1 MESSAGE FROM THE CHIEF ADMINISTRATIVE OFFICER	7
1.2 SERVICE STANDARDS	7
1.3 LEGISLATION.....	7
2. DEFINITIONS	9
3. CONDITIONS OF EMPLOYMENT	22
3.1 STANDARDS OF PROFESSIONAL CONDUCT.....	22
3.2 APPEARANCE POLICY	24
3.3 ENVIRONMENTAL SENSITIVITY POLICY	25
3.4 CONFIDENTIALITY	26
3.5 CODE OF CONDUCT	28
3.6 CONFLICT OF INTEREST	29
Declaration of a Conflict of Interest	30
Examples of Conflict of Interest	30
How to report a Conflict of Interest or Perceived Conflict of Interest.....	31
3.7 POLITICAL INVOLVEMENT	32
3.8 DISPUTE RESOLUTION	33
Formal Resolution Procedure	33
Formal Dispute Resolution Flow Chart	34
Retaliation	35
Chief Administrative Officer's Process	35
3.9 BULLYING, HARASSMENT & DISCRIMINATION	36
Privacy and Confidentiality	39
Steps for Reporting Bullying / Harassment / Discrimination Complaints / Abuse of Authority.....	39
Employee Responsibilities.....	40
Person Accused of Harassment.....	41
Resolutions.....	41
3.10 ACCOMMODATION POLICY	43
3.11 IMPAIRMENT POLICY	46
3.12 FRAUD.....	48
Controls.....	50
Whistle Blower Protection	50
3.13 PRIVACY POLICY.....	51
4. EMPLOYMENT.....	54
4.1 CLASSIFICATION AND TYPES OF EMPLOYMENT	54
4.2 RECRUITMENT, SELECTION AND PROMOTION.....	56
Aboriginal Employment Preference	56
Nepotism and Conflict of Interest.....	56
Internal Process.....	57
Offer of Employment	57

Table of Contents

Employment Conditions.....	57
4.3 CRIMINAL RECORD CHECKS	58
4.4 PROBATIONARY PERIOD	59
4.5 EMPLOYEE ORIENTATION.....	60
4.6 PERFORMANCE MANAGEMENT.....	61
4.7 DISCIPLINE, SUSPENSION, AND DISMISSAL	62
Guidelines for Disciplinary Action	62
Investigation.....	62
Corrective Discussion	62
Steps of Progressive Discipline.....	63
First Written Warning	63
Second Written Warning.....	63
Third Written Warning and/or Suspension.....	64
Authority for Discipline	64
Grounds for Discipline.....	64
Off-Duty Conduct	65
4.8 LAY-OFF.....	66
4.9 EMPLOYEE NOTICE OF RESIGNATION OR RETIREMENT	67
4.10 EXIT INTERVIEW.....	68
4.11 EMPLOYEE RECORDS.....	69
4.12 SUCCESSION MANAGEMENT	72
5. BENEFITS AND WAGE ADMINISTRATION	73
5.1 BENEFIT ENROLMENT AND ADMINISTRATION	73
Employee Assistance Program	73
Pension Plan Enrolment and Coverage	73
Pension Information.....	74
Other Benefits	74
Benefits during Maternity, Paternal and Other Leaves	74
Benefits during Short / Long Term Disability Leave	75
5.2 WAGE AND SALARY ADMINISTRATION	76
Equal Pay.....	76
Compensation for Temporary Increased Responsibility	77
Payment of Wages / Salaries.....	77
Method of Payment	77
Payroll Deductions	77
5.3 TIMESHEETS.....	79
5.4 RECOGNITION.....	80
6. WORKING CONDITIONS.....	81
6.1 HOURS OF WORK & HOURS OF OPERATION.....	81
Normal Hours of Work	81
Breaks.....	81
Shift Work and Averaging Hours	82
Scheduling	82

Table of Contents

6.2	FLEXIBLE WORK ARRANGEMENTS.....	83
6.3	OVERTIME	86
	Authorized Overtime.....	86
	Eligibility for Overtime	86
	Right to Refuse Overtime for Family Responsibility.....	86
	Accumulation and Scheduling of Time-off in Lieu of Direct Overtime Compensation	87
	Record of Overtime	87
6.4	CALL-BACK TO WORK	88
	Eligibility	88
	Compensation	88
6.5	ATTENDANCE, LATENESS AND ABSENTEEISM	89
6.6	TRAVEL TIME	91
	Compensation for Travel Time.....	91
	Travel to and from Work.....	92
	Travel Expense Reimbursement.....	92
	Travel Advances	94
	Travel Status.....	94
6.7	USE OF EMPLOYEE OR ORGANIZATION OWNED VEHICLES.....	95
	Personal Vehicles	95
	Use of Williams Lake First Nation Vehicles	96
	Accident Reporting of Organization Owned Vehicles	97
	Break in & Theft	97
	Winter Driving.....	98
6.8	USE OF CREDIT CARDS, GAS CARDS AND COMPANY ACCOUNTS	99
6.9	INFORMATION MANAGEMENT.....	100
	Communication.....	101
	Acceptable use of Information Management	101
	Social Media.....	102
	Internet Etiquette	102
	Use of Letterhead.....	103
6.10	PHONES AND CELL PHONES	104
	Company Owned Cell Phones	104
	Personal Cell Phones	104
	Cell Phone Allowance.....	105
6.11	ENTRY INTO OFFICES AND FACILITIES.....	106
6.12	PERSONAL PROPERTY	107
7.	LEAVES.....	108
7.1	VACATION LEAVE	108
	Vacation Entitlement	108
	Scheduling of Vacation Leave	108
	Interruption of Vacation Leave	109
7.2	GENERAL (STATUTORY) HOLIDAYS.....	111
7.3	MEDICAL LEAVE (PREVIOUSLY CALLED SICK LEAVE)	113
	Entitlement	113
	Leave Carry-Over.....	113

Table of Contents

Certification of Medical Leave	114
Other Employment While on Medical Leave	114
Medical Leave Job Protection	114
7.4 SELF CARE DAYS	115
7.5 LEAVE FOR ABORIGINAL PRACTICES.....	116
7.6 BEREAVEMENT LEAVE	117
Death of an Immediate Family Member of the Employee	117
Attendance at Funerals	118
7.7 MATERNITY AND PARENTAL LEAVE	119
Maternity-related Reassignment	119
Maternity Leave	119
Parental Leave.....	120
Benefits during Maternity and Parental Leaves.....	120
Employment Status	120
Interruption to Maternity or Parental Leave	122
Return to Employment.....	122
7.8 PERSONAL LEAVE (PREVIOUSLY CALLED FAMILY RESPONSIBILITY LEAVE).....	123
7.9 LEAVE FOR OTHER PERSONAL REASONS	126
7.10 COMPASSIONATE CARE LEAVE	127
7.11 COURT LEAVE	128
7.12 LEAVE RELATED TO CRITICAL ILLNESS.....	129
7.13 LEAVE RELATED TO THE DEATH OR DISAPPEARANCE OF A CHILD.....	130
7.14 RESERVIST LEAVE	131
7.15 LEAVE FOR VICTIMS OF FAMILY VIOLENCE	132
7.16 VOTING LEAVE	133
7.17 OFFICE CLOSURES	134
7.18 TERMS AND CONDITIONS FOR LEAVES.....	135
Benefit Continuation	135
Interruption of Leave	135
Return to Employment.....	135
Notice of Employment, Promotion and Training Opportunities	136
7.19 REHABILITATION LEAVE	137
7.20 RETURN TO WORK	138
8. PROFESSIONAL STAFF DEVELOPMENT	139
9. OCCUPATIONAL HEALTH AND SAFETY.....	140
9.1 OCCUPATIONAL HEALTH AND SAFETY.....	140
Safety Committee	140
Employee Responsibilities.....	142
9.2 RIGHT TO KNOW AND RIGHT TO PARTICIPATE	143
9.3 RIGHT TO REFUSE UNSAFE WORK.....	145

Table of Contents

9.4	VIOLENCE IN THE WORKPLACE POLICY	147
	Prevention.....	148
	Reporting and Resolution Process	148
	Assistance.....	149
	Follow Up and Confidentiality	149
	Training	150
	Reporting.....	150
9.5	WORKING ALONE	151
9.6	SAFETY TIPS FOR TRAVELLING TO AND FROM THE OFFICE	153
9.7	DEALING WITH IRATE PEOPLE	154
9.8	NEW AND YOUNG WORKER TRAINING	155
9.9	WORKING IN OUTSIDE WEATHER CONDITIONS	156
	Cold Weather Safety Plan	156
	Hot Weather Safety Plan.....	157
9.10	EVACUATIONS AND EVACUATION ALERTS	159
	Emergency Program Act.....	159
	Federal Legislation for non-treaty First Nations	159
	Three Stage Evacuation Process.....	160
	Stage 1 - Evacuation Alert	160
	Stage 2 - Evacuation Order.....	160
	Stage 3 - Evacuation Rescind.....	161
	Employer Responsibilities	161
	Employee Responsibilities.....	162
9.11	SMOKING AND VAPING	163
10.	GENERAL	164
10.1	POLICY FOR CHANGING POLICIES	164
10.2	EMPLOYEE SIGNOFF	165
11.	INDEX	166

1. INTRODUCTION

1.1 MESSAGE FROM THE CHIEF ADMINISTRATIVE OFFICER

- 1.1.1** This policy manual is designed to help set the standards for how we will operate to provide the best service to our Nation. This includes anyone coming to our office, Board members, Chiefs, Council members, our community members, and the people who work in our organization. It is our goal to provide excellent service, every day. We believe that when an employee understands the policies and practices, they will be able to contribute professionally to this organization.
- 1.1.2** This manual is a guideline for our day-to-day operation and helps outline our employee / employer relationship. The manual will serve as a reference and working guide for all staff.
- 1.1.3** As a guideline, this manual is not expected to answer every instance you may encounter or to take away your creativity or problem-solving abilities. You should familiarize yourself with the content to understand the organization. Let us know what would improve it. We value your input and want to be an organization that values its employees, continuous change, innovation, and a culture of excellence.
- 1.1.4** We reserve the right to revise, supplement, rescind or add policies to this manual as appropriate. We will ensure that you are advised of any changes.
- 1.1.5** We expect that our employees will understand and comply with the policies. We hope that the policies will contribute to an open, honest communication process and add to their sense of pride in working with this organization. If you have questions about the words or intent, please feel free to discuss them with your supervisor.

1.2 SERVICE STANDARDS

- 1.2.1** As an employee of Williams Lake First Nation, we expect you to arrive promptly at work ready to provide great service, ready to ask questions, operate safely, and provide every community member, client, and customer with the best possible service.

1.3 LEGISLATION

- 1.3.1** First Nations undertake federal work which means they are covered by the *Canada Labour Code Part III* and Occupational Health and Safety in accordance with *Canada Labour Code Part II*. Our employees, both full-time and part-time employees follow the *Canada Labour Occupational Health & Safety Code*, with the exception of filing of reports of Injury or occupational disease with *WorkSafe BC*. The *Canadian Human Rights Act* provides the rules for harassment and discrimination. We follow the

British Columbia Personal Information Protection Act (PIPA) for privacy laws and *Freedom of Information and Protection of Privacy Act (FIPPA)* for gaining access to information.

- 1.3.2** The appropriate legislation or regulations shall take precedence in the event of any inconsistencies and/or omissions within this policy manual. If the legislation changes, we must automatically adjust to the changes, even if this manual has not been revised.

2. DEFINITIONS

Aboriginal Employment Preference: Under the *Canadian Human Rights Act* exceptions are created to promote the hiring of Aboriginal people in preference over other candidates for reasons of self-government, cultural autonomy and cultural development.

Abuse of Authority: Abuse of authority is considered a form of harassment. It occurs when an employee, contractor or elected official improperly or unreasonably uses the power and / or authority associated with a position held, in order to:

- a. endanger another employee's job
- b. undermine the performance of that job
- c. offer or withhold training or developmental opportunities, promotional opportunities, or performance evaluations
- d. threaten the employee's economic livelihood or in any way interfere with or influence the employee's career goals or
- e. extending preferential treatment to one employee to the disadvantage of another.

It also includes acts of intimidation, threats, humiliation, and coercion.

Accommodation: Accommodation means adjusting rules, policies, or practices to enable individual employees to participate fully. It applies to the needs related to the grounds on discrimination. This is called duty to accommodate.

Anniversary Date: The annual day from the first day an employee reports to work. An employee's anniversary date is used to compute various conditions and benefits in this Human Resources Policy.

Band Member: A person who is a member of the Band and / or registered on the Band List as defined in the Indian Act.

Benefit Package: A set of benefits offered on behalf of an employer to an employee. An employee benefit package may include, among other benefits, group life and health insurance, disability insurance, and qualified retirement plans. Plans are subject to change based on costs and which benefit provider is used.

Bona Fide Occupational Requirement: Bona fide occupational requirements are those skills, aptitudes and educational accomplishments required in an incumbent that ensure they can perform the essential components of a job in a safe, efficient and reliable manner. Bona fide occupational requirements must be:

- a. Requirements adopted for a purpose or goal that is rationally connected to the functions of the position
- b. Adopted in good faith, in the belief they are necessary
- c. Reasonably necessary to accomplish the purpose or goal.

Break: A break is a short period of time during the work period when an employee is released from their job duties (obligations) or is not under the control of the employer and may freely

Definitions

attend to personal matters in or near the workplace. This time is normally used for coffee break or lunch break.

Bullying: Repeated behaviour such as spreading rumours or gossip; using sarcasm and threatening innuendo; isolating and excluding an individual; humiliating a person; teasing in a mean way; getting others to “gang up”; giving the worst jobs to an individual; public negative comments and / or hitting, poking, pinching and punching can all be forms of bullying. Workplace bullying occurs when an employee experiences a persistent pattern of mistreatment from others in the workplace that causes harm.

Canada Labour Code: Part II and III of the *Canada Labour Code*, an Act that defines both the occupational health and safety requirements and the minimum labour standards that apply to all employees.

Casual Employees: Employees who are employed only on a short-term basis and working on less than a day-to-day basis. Casual employees are only entitled to mandatory benefits (*holiday pay* (See A1.0 Vacation Policy), CPP, EI and WCB).

Chief: Refers to the duly elected Chief Councillor of the Band pursuant to the Election Regulations of the Band.

Chief Administrative Officer: The employee of the Council responsible for managing the First Nation’s (Band’s) administrative affairs and day-to-day business of the organization.

Common Law: A person who has been cohabitating with an individual in a conjugal relationship (married state) for at least one (1) year, or who had been so cohabitating with the individual for at least one (1) year immediately before the person’s death.

Community Member: A person status or non-status residing within the designated reserve boundaries for a period greater than four consecutive “weeks”, or a registered member of the Band who may or may not be living within the designated reserve boundaries.

Compensation: All financial rewards including time off in-lieu that an employee receives as a result of their employment.

Competing Interests: Anything that interferes with, or could reasonably be perceived as interfering with, the full and objective presentation, evaluation and decision making. Competing interests can be financial or non-financial, professional, or personal. They can arise in relationship to an organization or another person. Example#1: In developing a report of land use, an employee may have a personal gain in relation to that land. When they interpret the results, they may put a slant that excludes a forestry company from accessing that land, thereby allowing their personal gain to take priority. Example #2: There is a rivalry between your family and another community family. When decisions are being made by the Band Office that rival family believes that they are being negatively affected.

Competent Person: someone who is “impartial and is seen by the parties to be impartial” which

Definitions

means that the complaining employee and the employee alleged to have engaged in an act of workplace violence must both agree that the proposed investigator is impartial.

Compressed Work Week: Compressed work week occurs when an employee works for longer periods of time per day or shift in exchange for a day off. Employees may start earlier or finish later than the normal workday. When considering compressed work weeks, it is important to understand that time off is taken in periods that match the compressed schedule. For example, if an employee works 7.78 hours per day over 9 days (70 hours in total), then they must use 7.78 hours of vacation or 7.78 hours of medical leave when taking a day off. In addition, they must submit vacation to cover the .78 hours for each statutory holiday. It is important to make plans for how the work is done on the compressed day off and what happens when the employee must attend work on the day normally taken off when business demands require their attendance.

Confidentiality: Confidentiality is ensuring that information that addresses private matters, has intimate details or is entrusted as a secret, is accessible and available only to those authorized to have access or need to know. This information is protected throughout its lifecycle.

Conflict of Interest: A conflict of interest is a situation in which a person or organization is involved in multiple interests, financial or otherwise, one of which could possibly pressure a person's decision-making impartiality to be undermined because of the possibility of a clash between the person's self-interest and the professional or public interest.

Continuous Employment: When an employee has worked for one employer without an employment break. The length of continuous employment gives certain rights to employees, including vacation leave entitlement, maternity or parental leave, statutory holiday pay and severance pay as examples. When an employee takes unpaid time off work (except for certain protected leaves such as maternity) that breaks their service.

Contractor: A person who has a written contract setting out duties to be performed, rates of pay, performance dates and other scope of work. A contractor is not an employee and must follow the four-fold test:

- a. Control:
 - They must control the manner in which the work is done and the manner in which it is completed (i.e., not be supervised and directed for all aspects)
 - They must control their hours of work and location of work (i.e., not all at the organization using their desk, telephone, etc.)
 - They must have other clients (i.e., not be dedicated to one organization)
 - They must provide oral or written reports of the work performed
 - They cannot be terminated without liability, as long as they are producing results in accordance with a contract
- b. Ownership of Tools and Equipment:
 - They must provide their own equipment and furnishings to conduct the work.
- c. Chance of Profit or Risk of Loss:

Definitions

- They are in business to make money and are at risk of losing money rather than receiving a fixed wage, salary, or ongoing commission.
- d. Integration:
 - The worker is not integrated within the commercial activities of the employer and not connected with the business of the employer.

Councillor: Refers to a duly elected Councillor to the Band or First Nation pursuant to the Election Regulations of the organization.

Danger: means any existing or potential hazard or condition or any current or future activity that could reasonably be expected to cause injury or illness to a person exposed to it before the hazard or condition can be corrected, or the activity altered, whether or not the injury or illness occurs immediately after the exposure to the hazard, condition or activity, and includes any exposure to a hazardous substance that is likely to result in a chronic illness, in disease or in damage to the reproductive system.

Department Head: Refers to an employee in charge of a specific Department of the organization.

Designate: Means a person that is chosen or appointed to assume the responsibility or authority of another person.

Director: Directors are considered “managers” under the *Canada Labour Code* definition (See *Manager definition*).

Discipline: Means a corrective or punitive action taken by the Employer towards any employee to correct misconduct, performance, or behaviour.

Discrimination and Harassment: Discrimination is defined as an action or a decision that treats a person or group badly for reasons such as race, age or disability. The prohibitive grounds for discrimination are outlined as follows: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, or conviction for which a pardon has been granted or a record suspended. You do not have to intend to treat someone unfairly to cause discrimination. What matters is the effect on the person making the complaint, even if the impact was not intentional.

Distracted Driving: Distracted driving is a form of impaired driving as **a driver's judgment is compromised when they are not fully focused on the road**. Distracted driving qualifies as talking on a cell phone, texting, reading (i.e., books, maps, and newspapers), using a GPS, watching videos or movies, eating/drinking, smoking, personal grooming, adjusting the radio/CD and playing extremely loud music. Even talking to passengers and driving while fatigued (mentally and/or physically) can be forms of distracted driving. Distracted driving can lead to a) reduced reaction time, b) impaired judgment, c) possibly falling asleep behind the wheel or d) injuring or killing yourself, your passengers, and/or other people. Fines vary but can range from fines to demerit points on your licence.

Definitions

Due Diligence: The test of whether the employer took all reasonable steps to protect the health, safety and well-being of employees, co-workers, and the public. A supervisor who fails to take action when they know something is not being done correctly can face legal prosecution (Bill C45), as can the employer.

Duty to Accommodate: is a broad equality concept that applies to all grounds of discrimination covered under human rights legislation. Discrimination could occur any time that a workplace rule, job requirement, policy, or practice results in a barrier for a worker with a disability. When such a barrier exists in the workplace, an employer (and the union, where one exists) is legally required to “accommodate” the worker, up to the point where the accommodation would result in undue hardship. Accommodation might mean changing aspects of the worker’s physical workspace, the schedule or number of hours, the specific tasks she or he is required to complete, or other terms or conditions, in order to keep the worker in productive employment. It may mean a temporary or permanent reassignment to other duties.

Employee: A person hired as an employee, consistent with the definition of the “**employer-employee relationship**” as defined by Revenue Canada Regulations. When the employer controls the hiring, firing, wages, time, place, and manner in which the work is conducted the person is considered an employee.

Employer: Means Williams Lake First Nation (WLFN).

Excessive Sick Leave: Under an attendance management program, the time off of all employees would be determined and an average rate of absenteeism would be calculated. Excessive would then be amounts over the organizational average. Note: sick leave is now called medical leave.

Family Illness: The period of time an employee is entitled to be absent from work without pay to attend to the illness or medical needs of an immediate family member living with the employee (*See medical leave*).

Family Member: For the purposes of Personal Leave, Compassionate Care and other related leaves, a family member is defined as:

- a. spouse or common-law partner
- b. father and mother and the spouse or common-law partner of the father or mother (traditional parents)
- c. foster father and foster mother
- d. children, and the children, grandchildren, brothers and sisters of the employee’s spouse or common-law partner
- e. the spouse of the common law partner of the employee’s children
- f. a child to whom the employee or employee’s spouse or common-law spouse acted as foster parents, under the law
- g. the employee’s grandchildren
- h. the employee’s brothers and sisters and spouse or common-law partner of the employee’s brothers and sisters

Definitions

- i. the employee's nieces and nephews and the spouse or common-law partner of the employee's nieces and nephews
- j. the employee's aunts and uncles and the spouse or common-law partner of the employee's aunts and uncles
- k. the grandfather and grandmother of the employee
- l. the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother and
- m. any relative of the employee who resides permanently with the employee or with whom the employee permanently resides,
- n. a person under the guardianship or care of the employee or the employee's spouse or common-law partner, and
- o. a person who is entirely or substantially dependent on the employee or the employee's spouse or common-law partner for ongoing care and attention.

Fatigue is the state of feeling very tired, weary, or sleepy resulting from insufficient sleep, prolonged mental or physical work, or extended periods of stress or anxiety. Boring or repetitive tasks can intensify feelings of fatigue. Fatigue can be described as either acute or chronic. Acute fatigue results from short-term sleep loss or from short periods of heavy physical or mental work. The effects of acute fatigue are of short duration and usually can be reversed by sleep and relaxation.

Flexible Work: means that alternative arrangements or schedules from traditional working day and week has been created to help employees meet personal or family needs. Alternatively, employers may initiate various schedules to meet their customer needs.

Flex Time: Flex time is an arrangement where employees work a full day, but they can vary their working hours. The flex day must include a "core" working day with a set range of start and finish times. The total hours of work are not usually affected by this arrangement. For example, the employee may choose to start between 7:30 and 9:30 a.m., and finish between 3:30 and 5:30 p.m. This arrangement establishes that core hours are between 9:30 a.m. and 3:30 p.m. when all employees will be at work. Lunch periods are mandatory and with a minimum thirty (30) minute break. Employees should maintain their start/finish times so that a routine is established, and co-workers can become accustomed to each others' schedules.

Fragrant Products: Fragrant products are defined as perfumes, colognes, body lotions and other products that impart an odour or are scented. People who have allergies or sensitivities to certain products may have a bad reaction to much lower levels.

Fraud: The intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her detriment, or misappropriation or use of the organization's money. In law, "fraud" generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust.

Full-time Employees: Employees who are employed for at least twenty-four (24) hours or more per week and who are being funded for the position on an ongoing basis.

Governing Body: Chief and Council.

Gradual Retirement: Gradual retirement allows employees to reduce their working hours or reduce their workload over a period of time rather than switching from full time employment to retirement abruptly. This phased period can be used to train the replacement employee, help others adjust to restructuring within the company, or to adjust for the redistribution of tasks among the remaining employees. Again, the employee must maintain twenty-four (24) hours per week to keep their benefits and pension.

Harassment: Harassment is a form of discrimination. It includes any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. Harassment occurs when someone makes unwelcome remarks or jokes, threatens or intimidates on any of the prohibited grounds of discrimination under the *Canadian Human Rights Act* (includes: race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction of an offence for which a pardon was granted or in respect of which a record suspension has been ordered) or makes unwelcome physical contact with you, such as touching, patting or pinching.

Immediate Family: Immediate family for the purpose of Bereavement Leave is defined as the employee's:

- a. spouse or common-law partner
- b. father and mother and the spouse or common-law partner of the father or mother (traditional parents)
- c. children, and the children of the employee's spouse or common-law partner
- d. grandchildren
- e. brothers and sisters
- f. the grandfather and grandmother of the employee
- g. the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother and
- h. any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

Immediate Supervisor: The person the employee takes primary direction from, has their work controlled by, receives the day-to-day support and leadership from, and the person to whom the employee is directly accountable to / reports to.

Impairment: the appearance of impairment at work is described as i.e., odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination "Impaired at work: A Guide to Accommodating Substance Dependence (CHRC 2017a).

Definitions

Incidentals: Money paid for overnight travel that is intended to cover minor costs while on travel (i.e., dry cleaning, toiletries, etc.) are considered incidentals.

Incompetence: Lacking the required skills or ability needed to perform a job satisfactorily.

Information Management will be used as to describe all computers, computer systems and computer related assets, and includes all related peripheral equipment, data, software, storage media, media, e-mail, telecommunication hardware and software, internet access, FTP (file transfer protocol), access, remote access, and all other electronic transmissions

Insubordination: A constant or continuing intentional refusal to obey a direct or implied order that is reasonable in nature and given by and with the proper authority (normally a request or direction given by a supervisor). For example, failure or refusal to recognize or to follow the direction of a supervisor by an employee is insubordination. An employee who goes directly to the Chief and Council rather than their supervisor would also be insubordinate.

Job Sharing: Job sharing occurs when two or more people share one or more positions or set of duties. It should be clear before starting how these arrangements affect pay, benefits, and holidays. It is very important that those in a job-sharing arrangement work effectively as a team and communicate well. Job sharing may be an option when few part-time positions are available within the company.

Just Cause: The obligation and responsibility of the Employer to take corrective and punitive discipline or measures, based on clear, compelling, and justifiable reasons. Factors that may be considered in determining just cause include but are not limited to: (1) Forewarning; (2) Reasonableness of the rule or standard that was violated; (3) The presence of a supervisory or other type of investigation to verify employee culpability and the circumstances of the violation; (4) Establishment of proof at a level consistent with the disciplinary action being taken.

Length of Service: A specific period of uninterrupted service or continuous employment with *Williams Lake First Nation*.

Manager: A manager under the *Canada Labour Code* is based on the performance of a number of duties:

- having the power to unilaterally make binding decisions, powers of independent action, autonomy and discretion must be exercised (i.e., not just make recommendations, provide input, or make decisions which may be overridden by a supervisor)
- Exercising decision-making in important matters such as company policy and planning, budget decisions and contract negotiations on behalf of the employer. They also attend top level management meetings or part of the governance structure of the organization,
- Managers have the authority to make final decisions to hire, fire, promote, transfer or discipline employees,
- Managers have the responsibility for day-to-day management and administrative functions and hold the power of supervision and direction of other employees,

Definitions

- The job title, level of prerequisites, salary, and job description of an employee signals a managerial role. The use of the term “manager” in a job title does not signal that employee is a manager,
- Managers may act as a spokesperson for their company. External perceptions of an employee’s role may also be relevant to a determination of whether an employee is a manager (i.e., is the employee perceived by third parties to be a manager?)
- Managers are excluded from hours of work (*Division I of the Canada Labour Code*) and unjust dismissal.
- NOTE: in the case of WLFN, Directors hold this role.

Management: The act, manner or practice of handling supervision or control or directing a business or enterprise.

Mandatory Benefits: The benefits that are required by law including vacation pay, Employment Insurance, Canadian Pension Plan and Workers Compensation contributions.

Mandatory Employer Related Costs: The costs an employer is required to pay for employing people. These include Employment Insurance, vacation pay, Workers’ Compensation premiums, and CPP. These costs are often based on a percentage of wages.

Medical Leave: The period of time an employee is permitted to be absent from work due to an illness, health appointments with a health care practitioner, accident related disability, organ or tissue donation, or quarantine of the employee and the family.

Misconduct: Failure to follow the defined rules for keeping the workplace efficient and safe and for conducting professional work practices.

Near Miss: Any incident, accident, or emergency which did not result in an injury, but should be reviewed to ensure it does not happen to someone else.

Nepotism: Nepotism is considered an unfair practice in which people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well-qualified. This can lead to inefficiency in the functioning of the government or organization, since hiring is based on personal connections, rather than ability or merit. Additionally, the perception of unfair practice diminishes the reputation of qualified candidates, as it is believed they were appointed due to a relationship.

New and Young Workers: WorkSafe BC terminology to bring attention that while all workers can be injured, young and new workers may be more at risk. Young workers are defined as any persons under the age of 25. A new worker can be any age and includes those new to the workplace, location, or facing new hazards.

Organization: A unit of people that is structured and managed to meet the needs or pursue collective goals. In these policies, the word organization may mean: Northern Shuswap Tribal Council (NSTC), Tsq’escen, Stswecem’c Xgat’tem First Nation (SXFN), Xat’süll First Nation, or

Definitions

Williams Lake First Nation (WLFN).

Overtime: Compensation for pre-approved hours worked in excess of forty (40) hours in a week or eight (8) hours in a day.

Part-time: Employees who are employed twenty-four (24) hours or less per week and who are being funded for the position on an ongoing basis.

Perceived Conflict of Interest: Perceived or potential Conflicts of Interest exist in situations where an individual member of the community, a member of the individual's family, or a close personal relation has financial interests, personal relationships, or professional associations, such that the employee's activities within the Band Operation could appear to be biased against the organization by that interest or relationship.

Permanent Part-time Employees: Employees who are employed twenty-four (24) hours or less per week and who are being funded for the position on an ongoing basis.

Permanent Full-time Employee: An employee who works twenty-four (24) hours or more per week does not have an expiry date of employment.

Personal Information: Personal Information, is a broadly defined term that includes information that is reasonably capable of identifying a particular individual either alone or when combined with information from other available sources. Personal information includes employee personal information. It does not include business contact information or work product information. Some examples of personal information are name, address, gender, education, income, financial information, medical and genetic information, date of birth, drivers' license number, photographs or images of an individual, employment history, and product preferences.

Personal Leave: is intended to help an employee heal from an injury or illness, take care of health obligations for any member of their family or care for them, take care of obligations related to the education of any family member under age eighteen (18), manage any urgent situation that concerns them or a family member, attend their citizenship ceremony under the *Citizenship Act*, or manage any other situation prescribed by regulation.

Poisoned Environment: Is a work environment that has an atmosphere of prejudice which makes work difficult or impossible for the employee. Activities such as jokes, offensive literature (for example pinups), derogatory comments or other activities based on sex, racial or personal characteristics can create an offensive or poisoned environment.

Privacy Officer: Privacy Officer means the individual designated responsibility for ensuring that Williams Lake First Nation complies with this policy and PIPA. The Chief Administrative Officer is considered the Privacy Officer.

Probation: A trial period at the start of employment, during which your knowledge, skills and

Definitions

abilities are assessed against the job you are to undertake.

Psychological Harm: a distinction must be made between psychologically **affecting**, and psychologically **harming** an employee. An incident that makes the employee unhappy, dissatisfied, or frustrated, but does not impair their ability to fully function in the workplace or in their personal life, is one that only psychologically **affects** the employee. In contrast, an incident that does impair an employee's ability to fully function in the workplace or their personal life is one that psychologically **harms** the employee.

Reduced Hours / Part-time: Employees may choose to work fewer than the standard thirty-five (35)-hour work week. These arrangements may be on a temporary or permanent basis depending on individual circumstances. It may also be considered in some cases for employees with health problems or disabilities. Employee benefits and pension plans require that employees maintain twenty-four (24) hours.

Resignation of employment: A voluntary termination of employment by an employee shall be referred to as a resignation.

Retaliation: Retaliation is any action taken against an individual in retaliation for:

- a. Having invoked this policy whether on behalf of oneself or another individual
- b. Having participated or cooperated in any investigation under this policy
- c. Having been associated with a person who has invoked this policy or participated in procedures under this policy, or
- d. Having been perceived to be doing any of the above.

Seasonal: Employees hired to undertake a particular function at a particular time of year (examples: snow removal and fishing are seasonal functions).

Service Appreciation: An acknowledgement of commitment and dedication upon the retirement and/or resignation of a long-term employee (minimum five (5) years of service).

Sexual Harassment: Sexual harassment is defined as any unwelcome conduct, comment, gesture or contact of a sexual nature that negatively affects the work environment or leads to harmful job-related consequences for the victim of the harassment. Sexual harassment may involve any of the elements including, but not limited to the following types of behaviour:

- a. Words used to describe a person
- b. Derogatory or degrading remarks directed toward members of one sex or one sexual orientation
- c. Sexually suggestive or obscene comments or gestures
- d. Unwelcome sexual flirtations, advances, or propositions
- e. Unwelcome inquiries or comments about a person's sex life
- f. Persistent unwanted contact or attention after the end of a consensual relationship
- g. Requests for sexual favors
- h. Unwanted touching

Definitions

- i. Verbal abuse or threats, and
- j. Sexual assault.

Sick Leave: Now called medical leave. The period of time an employee is permitted to be absent from work due to an illness, health appointments with a health care practitioner, accident related disability, organ or tissue donation or quarantine of the employee and the family.

Telework / Telecommuting: Telework or telecommuting occurs when people do at least some of their regular work from home instead of going into the office. Details such as hours of work, and how communications between the teleworker, co-workers and customers need to be outlined, as with all other flexible options.

Temporary / Term Employee: An employee who may work forty hours a week or less and has an expiry date of employment. Temporary employees may fill a specific role, such as a maternity leave or other need that is not ongoing. Temporary employees are only entitled to mandatory benefits (*holiday pay (See E 1.0 Vacation Policy, CPP, EI and WCB)*).

Termination of employment: Where the employment of an employee is stopped or discontinued by the authority of the employer.

Undermining Behaviours: Any action, behaviour or comment made by an employee that creates the opportunity to sabotage, destroy or erode the reputation, position or leadership of an organization. Such behaviour leads to a poisoned work environment.

Undue Hardship: Undue hardship occurs when accommodation adjustments to the workplace would cost too much or create risks to the health and safety of others. There is not precise legal definition of undue hardship or a standard formula for determining undue hardship. Each situation will be viewed as unique and assessed individually.

Whistle Blower Protection: Protection for employees who report misconduct (i.e., Fraud) from retaliation or threats.

Wilful Misconduct: In terms of WCB, the employee intentionally performs an act with the knowledge that it is likely to result in serious injury or with reckless disregard of the consequences and prevents the employee from receiving compensation for injuries. Under unemployment laws, the employee is fired for wilful misconduct such as excessive absenteeism, habitual lateness, deliberate violations of an employer's rules and regulations, reporting for work intoxicated and drinking alcohol while on the job and is denied unemployment benefits as a result.

Workplace Violence includes any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that person. The aggressor may be another employee, someone with whom the employee has a personal relationship, a member of the governing body, a stranger, a member, a client, a contractor, or a visitor. Violence includes but is not limited to:

Definitions

- a. behaviour which gives a person reason to believe that he or she or any other person is at risk of injury
- b. bullying, teasing, abusive and other forms of aggressive behaviour
- c. beatings, stabbings, rapes, shootings, suicides and near suicides and
- d. acts causing psychological trauma such as threats, obscene phone calls, mental cruelty and intimidation and threatening hand gestures or body language.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (conferences, trade shows), at social events related to work, in clients' homes or away from work but resulting from work (a threatening telephone call to your home from a client).

Years of employment: The continuous period of time an employee is employed by the organization.

3. CONDITIONS OF EMPLOYMENT

3.1 STANDARDS OF PROFESSIONAL CONDUCT

General Policy

- 3.1.1** Employees of Williams Lake First Nation shall conduct and present themselves in a professional and an appropriate manner at all times, including while performing work for the employer, representing the employer, participating in employer organized activities or events, and when dealing with outside organizations or persons.

Specific Policies

- 3.1.2** Employees shall use the facilities, property, and supplies which are owned or rented by the employer, with care and due diligence, and only as authorized. Employees shall not use employer owned or leased equipment, vehicles and software for their personal use or pleasure, without the preauthorization of their Senior Manager or Chief Administrative Officer.
- 3.1.3** Building and maintaining our reputation is essential to moving forward. Employees shall not publicly criticize the employer and its policies, other employees, the governing body, and any other persons or organizations doing business with the employer, as this can damage our reputation and our ability to serve our clients. Care must be taken that when you are representing yourself that you do not make unauthorized statements on behalf of the organization.
- 3.1.4** Employees shall display a level of integrity and professionalism that always promotes the image and mandate of the employer.
- 3.1.5** Employees are to carry out the duties and responsibilities of their positions to the best of their ability, conscientiously, loyally, and honestly, remembering that their primary responsibility is to the employer in serving the needs of the clients.
- 3.1.6** Employees are encouraged to use their initiative to find ways of doing their work more efficiently, effectively, and economically while following instructions attentively, being cooperative with their supervisors and co-workers, and working as a team member with other employees.
- 3.1.7** Employees are expected to conduct themselves in a manner that brings credit to themselves, their program, and the organization.
- 3.1.8** Employees will demonstrate their respect for the authority and jurisdiction of the management and the governing body through their professional engagement in the work they do.

- 3.1.9** Employees shall not accept any fees, gifts, or other tangible benefits for duties performed by virtue of their position, notwithstanding traditional values, or recognition. Purchase and sales incentives are the property of the employer.
- 3.1.10** Employees not presenting themselves or representing the employer in an appropriate manner shall be subject to disciplinary action.
- 3.1.11** No employee shall perform or be requested to perform a task that is unethical and / or morally inappropriate.

3.2 APPEARANCE POLICY

General Policy

- 3.2.1** It is the policy of Williams Lake First Nation that we maintain a standard of professionalism in our appearance at work. To some degree our job function dictates our dress code. It is important for employees who work with clients, customers, and the public to dress in a professional and presentable manner.

Specific Policies

- 3.2.2** An employee's personal appearance and dress shall be what a reasonable person would expect for a work environment and for the employee's position, the professionalism of the organization, and the nature of the employee's work assignments.
- 3.2.3** We expect you to be neat, clean, and well-groomed in your personal habits and clothing.
- 3.2.4** We ask that you use good judgment and recognize that clothing should be suitable for our work environment as unscheduled visits occur by clients, vendors, elected officials, government representatives and community members.
- 3.2.5** Clothing brands, logos and other references must not violate the *Canadian Human Rights Code* or other legislation.
- 3.2.6** Employees who work outside should ensure they follow Occupational Health & Safety Committee guidelines for protection from sun exposure.

3.3 ENVIRONMENTAL SENSITIVITY POLICY

General Policy

- 3.3.1** Employees, contractors, and visitors to our buildings may have allergies or sensitivity to certain products which trigger bad reactions to a much lower level of chemicals, perfumes, or environmental triggers than the average person. Their reaction is a medication condition and a recognized disability. Williams Lake First Nation recognizes our responsibility to protect people with these disabilities and provides a scent-free workplace.

Specific Policies

- 3.3.2** Employers and service providers must ensure that their facilities are accessible and safe. In the case of environmental sensitivities, this means:
- a. reducing the use of chemicals,
 - b. having a scent-free policy,
 - c. purchasing less toxic products, and
 - d. notifying employees and clients before construction or maintenance work.
- 3.3.3** Employees, contractors, and visitors should make their allergies and sensitivities known in advance to allow the employer an opportunity to search for solutions. Known products can include, not limited to the following: shampoo and conditioners, hairsprays, deodorants, colognes, perfumes, aftershaves, lotions and creams, potpourri, industrial and household chemicals, soaps, detergents, fabric softeners, cosmetics, air fresheners, deodorizers, oils, candles, diapers, and some types of garbage bags. Items that are called “scent free” may contain chemicals to mask scents by use of additional chemicals. Other triggers are known to be caused by volatile organic compounds (i.e., gasoline, glues, paints, solvents, cleaning products, etc.), vehicle exhaust fumes, pesticides, pollen, and moulds.
- 3.3.4** The right of a person to a scent-free workspace is not absolute. The duty to accommodate requires reasonable accommodation. This right may sometimes conflict with another employee’s right, based on another ground such as religion.
- 3.3.5** An employee who has to leave work because of a trigger, will not suffer negative impacts because of their disability or need for accommodation.
- 3.3.6** The Occupational Health & Safety Committee should develop a list of products that will be banned from the workplace, as well as situations where advance notice needs to be made to staff, consultants and visitors (i.e., construction, renovations, waxing, shampooing carpets, painting, pesticide spraying, etc.).
- 3.3.7** Notices should be posted on exterior doors, invitations (i.e., meeting notices, appointment cards, letterhead, room booking notices, employment postings, etc.), should contain any restrictions.
- 3.3.8** The policy will be revised due to new experiences or new knowledge.

3.4 CONFIDENTIALITY

General Policy

- 3.4.1** WLFN and all its related organizations are engaged in the business of providing services to our members for the development of programs not limited to education, natural resources, housing, social development, health, and justice. It is understood that in the conduct of business, the employee will have access to a great deal of confidential information, the disclosure or use of any of this information could be very harmful to WLFN and affiliated organizations. Accordingly, the employee agrees as follows:
- 3.4.2** WLFN owns or has the right to certain information and material ("Confidential Information") relating to the operation and the business details. The employee acknowledges that they will have access to Confidential Information and will not disclose information which could be very harmful to the Band, its Council, Band Members, or employees. Confidential Information includes:
- a. Identity, names, addresses, facsimile, e-mail and phone numbers of all Member Bands, Band Members, clients, and suppliers
 - b. Employee lists and other lists containing names and/or addresses and/or contact information of employees
 - c. All business records and plans, lay-out systems, pricing, guidelines, policies, procedures and negotiation or treaty strategies
 - d. All financial strategies and financial statements
 - e. Intellectual property (including all new business and improvements; past, present, and/or future development projects or ideas; strategic plans; negotiation practices or strategies; etc.), and
 - f. any additional information as may be considered as proprietary information, confidential information, trade secrets and referred to as confidential in the future.

Specific Policies

- 3.4.3** Direct supervisors will review the Declaration of Confidentiality with all employees. Employees must sign the declaration as a condition of employment and re-sign on an annual basis (*See Conditions of Employment Annual Sign-Off 11.2*).
- 3.4.4** WLFN agrees to provide access to and to disclose to the employee such Confidential Information in its sole discretion, considers appropriate, exclusively for the purpose of permitting the employee to perform work for WLFN and its businesses and that the employee will not acquire any right, title or interest in any of the Confidential Information and that the Confidential Information is and shall remain the sole and exclusive property of WLFN.
- 3.4.5** As a condition of employment, the employee shall use their best efforts and exercise utmost care to protect and guard the confidentiality of the Confidential Information

and shall not, directly or indirectly, use the Confidential Information for their own benefit or disclose to any other person, corporation or business entity whatsoever, except to the extent that such use or disclosure may be consented to in writing by WLFN or as required by law.

- 3.4.6** This duty to refrain from disclosing confidential information continues while the employee is employed by WLFN and at all times after employment with WLFN ends regardless of the reason for the termination of employment.
- 3.4.7** The obligations of the employee under this Agreement to maintain and protect the confidential nature of the Confidential Information provided to them by WLFN shall not extend to any information or material which:
- a. is or becomes available to the public generally through no action or fault of the employee,
 - b. is or becomes available to the employee from another source having the legal right to disclose that information or material, or
 - c. is already in the possession of the employee and was not acquired, directly or indirectly, from WLFN.
- 3.4.8** The employee agrees that upon request, they shall deliver promptly to WLFN all Confidential Information which are in the possession or under the control of the employee, including all documents and electronic media, without retaining copies.
- 3.4.9** Any breach of the employee's duty of confidentiality during the course of employment with WLFN will be deemed to be just cause for termination of employment. Furthermore, WLFN may take legal action against the employee for breach of this Agreement, including injunctive action, if the breach occurs after the employee is no longer employed by WLFN. Such injunctive relief shall be in addition to and not in lieu of any appropriate relief in the form of monetary relief.
- 3.4.10** The Directors or Chief Administrative Officer will maintain records of breaches of confidentiality on employee files.

3.5 CODE OF CONDUCT

General Policy

- 3.5.1** The purpose of the Code of Conduct is to provide guidance on the expected standards of conduct required of all employees. One of our fundamental principles is that all individuals, members, business acquaintances, employees, and clients be treated with respect.

Specific Policies

- 3.5.2** WLFN is committed to providing the highest standard of service to its communities, and as such is committed to corporate and individual behaviours that uphold the vision, values and goals of our organization. The organizational values reflect this commitment, and the conduct of our employees should instill confidence, accessibility, and trust in those they serve.
- 3.5.3** Our expectations for every employee are to:
- a. work as a team with other employees
 - b. treat everyone with dignity and respect
 - c. perform your job to the best of your ability
 - d. offer ideas that may improve efficiency and service, and
 - e. understand and follow our policies and procedures.
- 3.5.4** The following list provides some examples of improper conduct that would not be in keeping with our Code of Conduct:
- a. Theft
 - b. Abuse of property and equipment
 - c. Harassment, bullying, or discrimination
 - d. Habitual tardiness or absences
 - e. Solicitation or acceptance of personal gifts or gratuities in exchange for preferential treatment
 - f. Falsifying company records
 - g. Disclosing confidential information
 - h. Engaging in activity that creates a conflict of interest
 - i. Possession, use or sale of illegal substances
 - j. Being impaired while on the employer's business
 - k. Insubordination or failure to carry out instructions
 - l. Job abandonment, and
 - m. Undermining behaviour.
- 3.5.5** Failure to live up to the Code of Conduct is grounds for immediate disciplinary action, up to and including termination of your employment.

3.6 CONFLICT OF INTEREST

General Policy

- 3.6.1** We operate an organization that serves the needs of our communities. It is very important that our reputation is based on sound behaviour and business practices that reflect our professionalism. The Conflict of Interest policy is designed to help you understand how outside activities and associations can create problems. A conflict must not exist between an employee's private interests, the interests of their family, and their ability to exercise their duties.

Specific Policies

- 3.6.2** Employees will not conduct personal business or the business of any organization other than the employer during normal working hours, without the pre-approval of the immediate supervisor or Chief Administrative Officer.
- 3.6.3** Employees will report any personal or business relationships with other employees of Williams Lake First Nation that could create a conflict of interest.
- 3.6.4** Employees will not take other employment or volunteer positions while working for the employer when it conflicts with the duties, responsibilities and required working hours, or where the employment conflicts with the interests and business of the employer. You need to discuss other employment or volunteer positions with your immediate supervisor.
- 3.6.5** Employees or members of their immediate family will not misuse for profit, political gain or personal gain, information, resources, funds, property or an opportunity belonging to the employer, where the employee ought to have had knowledge of, or is in possession of such knowledge because of their employment.
- 3.6.6** Employees will excuse themselves from discussions or decisions that relate to a family business or organization in which they, or a member of their immediate family have an interest in what is being considered (i.e., as contractor or vendor) to meet the needs of the WLFN. The employee would declare this as a potential Conflict of Interest.
- 3.6.7** Employees cannot use access to the employer's information, resources, or funds to put themselves, their family or personal friends at an advantage over other people.
- 3.6.8** Employees will not demand, accept, or offer gifts, discounts, loans, purchase or sales incentives, services, or benefits from or to a person or organization having dealings with their employer, unless pre-approved by the employer.
- 3.6.9** If engaging in political activities, employees must remain impartial and retain

perception of impartiality in relation to their duties and responsibilities.

- 3.6.10** Employees should not engage in activities or speak publicly on matters which could bring the organization into disrepute or be perceived as an official act or representation unless authorized to do so.

Declaration of a Conflict of Interest

- 3.6.11** At hiring, employees must confirm any, and all real, potential, and perceived conflict issues with their immediate supervisor. This will be part of the hiring process.
- 3.6.12** When a conflict occurs, it is the responsibility of the employee to immediately discuss any potential, real or perceived conflict of interest with their immediate supervisor, Director of Human Resources, or the Chief Administrative Officer. That person will discuss the matter with the Chief Administrative Officer or Chief as appropriate.
- 3.6.13** Any employee failing to declare a potential or real conflict of interest involving themselves or a member of their immediate family will be subject to disciplinary action, including possible termination of employment.
- 3.6.14** All potential or actual conflicts of interest will be reviewed immediately and with due diligence, so as to determine an appropriate course of action to protect the integrity of both the employee and the employer, and where appropriate, to determine the necessary disciplinary action.
- 3.6.15** The Chief Administrative Officer will have the authority to obtain information from affected employee(s) before making a decision.
- 3.6.16** The Director of Human Resources or Chief Administrative Officer will maintain records of employee conflict of interest declarations. Employees are to identify any assigned duties that will place them in potential conflict situations.

Examples of Conflict of Interest:

- a. an employee benefits from, or is reasonably perceived to have benefited from, the use of information acquired solely by reason of the employee's employment
- b. an employee benefits from, or could be reasonably perceived to have benefited from, a financial transaction, contract, or private arrangements because the employee influenced decisions
- c. an employee uses the employer's property to pursue their private interests or the interests of friends, families or a business or organization controlled by any of these individuals
- d. an employee requests or accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of the employment, other than the:

- exchange of hospitality between persons doing business together
 - normal presentation of gifts to persons participating in public functions
 - normal exchange of gifts between friends
 - benefit is of a nominal value or
 - exchange creates no obligation.
- e. an employee solicits or accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

How to report a Conflict of Interest or Perceived Conflict of Interest

- 3.6.17** Employees have an obligation to provide full disclosure to their supervisor, of all relevant information as soon as they could reasonably be aware that a conflict may exist.
- 3.6.18** Employees who reasonably believe another person is in a conflict situation must immediately report the matter to the Director or Chief Administrative Officer for their investigation.

3.7 POLITICAL INVOLVEMENT

General Policy

- 3.7.1** An employee, unless preauthorized or requested by the Director or Chief Administrative Officer shall not become involved with or support external issues of a political nature that may directly or indirectly affect their position and the mandate or operation of Williams Lake First Nation. No employee shall be requested to participate in a protest or other political activities.

Specific Policies

- 3.7.2** Where an employee seeks nomination and election to office in a Band election or a Provincial, Municipal, or Federal government election, the employee must provide, in advance, thirty days written notice of a public announcement, to the Chief Administrative Officer.
- 3.7.3** The employee must detail how the elected position will impact their job duties (i.e., number of days/hours they will be absent for elected duties) and the plan for how their job duties will be completed.
- 3.7.4** If the employees' ability to perform work duties will be adversely impacted during the campaign, the employee must seek leave without pay, apply for vacation leave, or other leave available to the employee.
- 3.7.5** An employee who is acting as an elected official must apply for leave to conduct official business during normal work time.
- 3.7.6** Employees will not participate in political activity during the working day or at any time during which the employee is on official business, unless authorized in advance.
- 3.7.7** If authorized to engage in political activities, employees must remain impartial and retain perception of impartiality in relation to their duties and responsibilities of their employment.
- 3.7.8** The Director and/or Chief Administrative Officer or Band Council, as appropriate, may impose temporary, non-punitive limits on the duties and responsibilities of an employee standing for election to prevent a conflict of interest or perceived conflict of interest.
- 3.7.9** An employee who is acting as an elected official will not earn salary from the employer when fulfilling the duties of an elected official and is not eligible for overtime when their elected time and work time occur on the same day.

3.8 DISPUTE RESOLUTION

General Policy

- 3.8.1** Our success is based on teamwork. It is important that we are able to have open communication with each other, both with positive feedback, repetitive, respectful feedback, and constructive feedback.
- 3.8.2** This policy provides a basis for bringing concerns out in the open. We encourage employees to use their communication skills to take the steps necessary to resolve a problem.

Note: The Dispute Resolution policy is for disputes that do not involve an allegation of harassment or do not involve progressive discipline. If the dispute does involve an allegation of harassment, employees are directed to *Policy 3.9 Bullying, Harassment and Discrimination*.

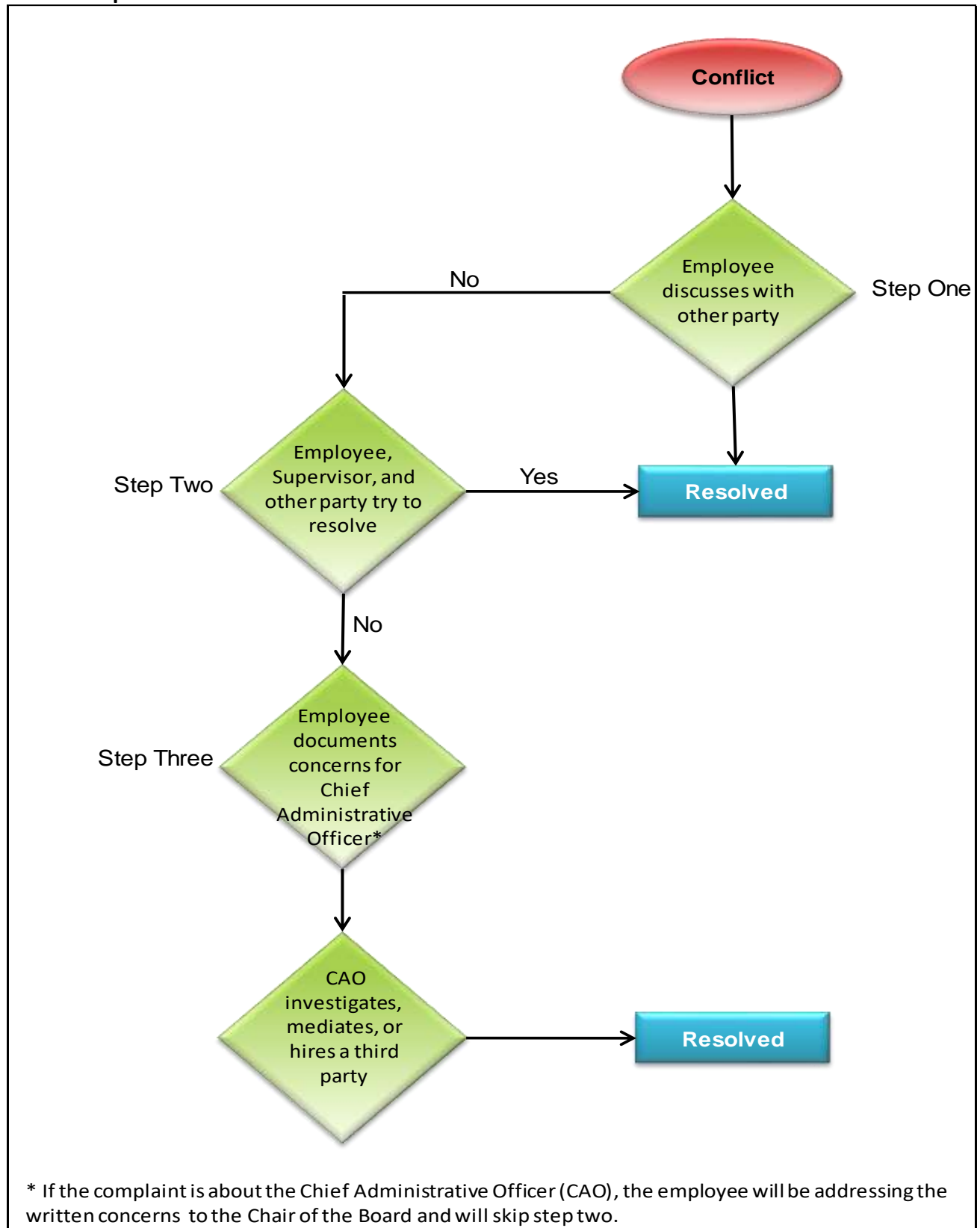
Specific Policies

- 3.8.3 Step One:** Employees should make every reasonable effort to resolve any disagreement between each other. Before proceeding to the formal procedure, the parties in conflict should discuss their differences with each other in an earnest attempt to resolve the matter.

Formal Resolution Procedure

- 3.8.4 Step Two:** If an employee is not satisfied with the results of the discussion with the other party, the employee (the "complainant") can approach their immediate supervisor for assistance. This should be done as soon as possible, as the longer disputes remain unresolved the greater the potential for more issues to develop. The immediate supervisor should attempt to facilitate a resolution with the two parties present.
- 3.8.5** If the employee is not satisfied with the results of the assistance from the immediate supervisor and feels that the dispute is not yet settled, the employee can refer the matter to Step Three.
- 3.8.6** In **Step Three**, the employee may present the complaint in writing to the Chief Administrative Officer, describing the nature of the dispute and the circumstances from which it arose along with a brief summary of the attempts to resolve the matter. The Chief Administrative Officer will either choose to investigate the situation and prepare written findings and recommendations, or they may find a neutral third party to mediate the dispute. Employees would have to be prepared / open to finding a solution should a mediator or other outside resource be made available.

Formal Dispute Resolution Flow Chart



Retaliation

- 3.8.7** WLFN shall not tolerate any form of retaliation against employees for availing themselves of this procedure in good faith.

Chief Administrative Officer's Process

- 3.8.8** Where one of the employees in dispute is the Chief Administrative Officer, the employee with the dispute shall proceed to Step One of the Formal Resolve Procedure and attempt to resolve the issue, and then follow the next steps.
- 3.8.9** Where the Chief Administrative Officer has the dispute with a governing body representative, they will also start with Step One of the Formal Resolve Procedure. Should they not be able to resolve the issue at Step One they will then take the issue to the HR Director to investigate the issue. The HR Director will choose an external HR firm to help with the investigation and will take the outcome to the Chief. Should the Chief be the person involved in the dispute, the results would go to another member of Council. The Chief or Council member will normally advise the employee of the decision within three (3) weeks.

3.9 BULLYING, HARASSMENT & DISCRIMINATION

General Policy

- 3.9.1** Our goal is to foster a professional, safe, supportive and productive work environment where all employees are treated with respect and dignity, provided with equal rights and opportunities, and are free from bullying, discriminatory practices and all forms of harassment. Williams Lake First Nation will provide protection for complainants, confidentiality in the review of harassment complaints, and proper redress in respect of harassment. This Harassment Policy shall be administered in accordance with the *Canada Human Rights Act* and within the requirements of the *Canada Labour Code*.

Note: This Bullying, Harassment and Discrimination policy is for disputes that involve an allegation of bullying, harassment, or discrimination. If the dispute does not involve an allegation of bullying, harassment or discrimination, employees are directed to *Policy 3.8 Dispute Resolution*.

Definitions

Harassment

Harassment is a form of discrimination. It includes any unwanted physical or verbal behaviour that offends or humiliates you. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. Harassment occurs when someone makes unwelcome remarks or jokes, threatens or intimidates on any of the prohibited grounds of discrimination under the *Canadian Human Rights Act* (includes: race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction of an offence for which a pardon was granted or in respect of which a record suspension has been ordered) or makes unwelcome physical contact with you, such as touching, patting or pinching. It can include:

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

Sexual Harassment

Sexual harassment is defined as any unwelcome conduct, comment, gesture or contact of a sexual nature that negatively affects the work environment or leads to harmful job-related consequences for the victim of the harassment. Sexual harassment may involve any of the elements including, but not limited to the following types of behaviour:

- a. Words used to describe a person
- b. Derogatory or degrading remarks directed toward members of one sex or one sexual orientation
- c. Sexually suggestive or obscene comments or gestures
- d. Unwelcome sexual flirtations, advances, or propositions
- e. Unwelcome inquiries or comments about a person's sex life
- f. Persistent unwanted contact or attention after the end of a consensual relationship
- g. Requests for sexual favors
- h. Unwanted touching
- i. Verbal abuse or threats, and
- j. Sexual assault.

Discrimination

Discrimination is defined as an action or a decision that treats a person or group badly for reasons such as race, age, or disability. The prohibitive grounds for discrimination are outlined as follows: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, genetic characteristics, or conviction for which a pardon has been granted or a record suspended. The following discriminatory practices are prohibited when based on the grounds of discrimination:

- a. Denying someone goods, services, facilities, or accommodation.
- b. Providing someone goods, services, facilities, or accommodation in a way that treats them adversely and differently.
- c. Refusing to employ or continue to employ someone or treating them unfairly in the workplace.
- d. Following policies or practices that deprive people of employment opportunities.
- e. Paying men and women differently when they are doing work of the same value.
- f. Retaliating against a person who has filed a complaint with the Commission or against someone who has filed a complaint for them, and
- g. Harassing someone.

You do not have to intend to treat someone unfairly to cause discrimination. What matters is the effect on the person making the complaint, even if the impact was not intentional.

Abuse of Authority

Abuse of authority is considered a form of harassment. It occurs when an employee, contractor or elected official improperly or unreasonably uses the power and / or authority associated with a position held, in order to:

- a. Endanger another employee's job

- b. Undermine the performance of that job
- c. Offer or withhold training or developmental opportunities, promotional opportunities, or performance evaluations
- d. Threaten the employee's economic livelihood or in any way interfere with or influence the employee's career goals or
- e. Extending preferential treatment to one employee to the disadvantage of another.

It also includes acts of intimidation, threats, humiliation, and coercion.

Poisoned Environment

A poisoned environment is a work environment that has an atmosphere of prejudice which makes work difficult or impossible for the employee. Activities such as jokes, offensive literature (for example pinups), derogatory comments or other activities based on sex, racial or personal characteristics can create an offensive or poisoned environment.

Bullying

Repeated behaviour such as spreading rumours or gossip; using sarcasm and threatening innuendo; isolating and excluding an individual; humiliating a person; teasing in a mean way; getting others to "gang up"; giving the worst jobs to an individual; public negative comments and / or hitting, poking, pinching and punching can all be forms of bullying. Workplace bullying occurs when an employee experiences a persistent pattern of mistreatment from others in the workplace that causes harm.

Specific Policies

- 3.9.2** Bullying, harassment, and discrimination in any form will not be accepted and will be considered a serious offence subject to discipline.
- 3.9.3** The policy applies to bullying, harassment or discrimination committed while employed with WLFN, and occurring at or away from the workplace, whether in person or on-line, verbal or written, during or outside normal working hours.
- 3.9.4** Allegations will be dealt with in a fair, unbiased, and timely manner.
- 3.9.5** This policy does not preclude an employee from filing a complaint of harassment under *Section 8 of the Canadian Human Rights Act*.
- 3.9.6** Complaints must be filed within one year of the last incident of perceived harassment, unless there are circumstances that prevented the employee from doing so.

Privacy and Confidentiality

- 3.9.7** All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

Steps for Reporting Bullying / Harassment / Discrimination Complaints / Abuse of Authority

- 3.9.8** **Informal Process:** In the Informal Process, you can raise the complaint directly with your own supervisor, Director, Director of Human Resources, or the Chief Administrative Officer. The following steps will occur. The contact person will discuss the allegation with you and, with your consent, may also discuss it with the alleged offender (respondent) with a view to reaching a solution. This process can be used to resolve relatively straightforward complaints expeditiously. If a resolution is agreed upon, the issue will proceed no further, and no discipline will be imposed by the WLFN. A statement of the complaint and the agreed-to resolution, signed by both you and the respondent, will be kept in a confidential envelope in the personal file of each party to the complaint.
- 3.9.9** **Formal Process:** The Formal Process can be used if the informal process fails to resolve the dispute or in place of informal resolution. In the case of more serious complaints or repeated complaints against the same respondent, WLFN may require that the Formal Process be utilized.
- 3.9.10** Any case of bullying, harassment or discrimination should be reported immediately to the Director or Chief Administrative Officer. Should the Chief Administrative Officer be the subject of the complaint, the employee should report the incident to the Chief for investigation. The Chief may obtain external services to conduct the investigation.
- 3.9.11** It is the responsibility of the Chief Administrative Officer or Chief to take immediate and appropriate action to report or investigate incidents of bullying, harassment of any type whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed, nor should the complainant be told to deal with it personally.
- 3.9.12** The goals of the complaint procedure are to ensure that any inappropriate behaviour or actions cease immediately and do not reoccur; that any loss incurred by the employee subjected to such behaviour is redressed and that employees are educated about bullying, discrimination and harassment so that it does not happen in the future.
- 3.9.13** The employee should provide documentation of any incidents including dates, times, locations, details of the behaviour, names of witnesses and any prior attempts to resolve the issue or stop the behaviour. In addition, the complainant

should provide the remedy they are seeking to satisfy their complaint.

- 3.9.14** Employees who file a complaint in good faith will remain free from threats or reprisals from either co-workers or managers. Should a threat or reprisal occur a separate complaint would be filed. WLFN does not condone such behaviour and will take the necessary action to address the matter, up to and including dismissal.
- 3.9.15** Chief Administrative Officer or designate will undertake an investigation or find an external investigator. The investigator will take the following steps:
- a. Assure the complainant that an objective examination of the complaint shall take place
 - b. Advise the respondent that a complaint has been lodged and provide him/her a copy of the complaint
 - c. Interview the complainant and the respondent(s) as soon as possible
 - d. Interview any witnesses
 - e. Document the situation clearly and completely
 - f. Produce an investigation report of the investigator's conclusions
 - g. Ensure that all information concerning the case be kept confidential to the extent possible, and
 - h. Remind parties that they must keep information confidential and limit discussion to those that need to know.
- 3.9.16** Both the complainant and the respondent will be entitled to have a person of mutual agreement present during any interviews.
- 3.9.17** All employees have an obligation to cooperate during any investigation under this policy, and to maintain the confidentiality of the investigation to the greatest degree possible. The investigation of the complaint will occur as expeditiously as possible.
- 3.9.18** Chief Administrative Officer or designate will determine the appropriate resolution to any complaint which could include discipline, up to and including termination, counselling, demotion, suspension, among other options.

Employee Responsibilities

- 3.9.19** Speak up. If you are uncomfortable with another person's behaviour and you feel you are being bullied or harassed, you need to tell the person to stop. Let them know how you feel (i.e., embarrassed, humiliated, demeaned or just bothered) by what they are doing or saying. You should speak to that person directly. You should keep a record of this conversation, including the date and any other person you discussed this with and your attempts to resolve the issue.
- 3.9.20** If you are unable to address the person yourself, you may ask your supervisor to help you deal with the person on an informal basis. They may be able to help you by facilitating a discussion with the person or help you to express your feelings in a

letter.

- 3.9.21** Keep notes of all unwelcome or harassing behaviour. Write down what happened, when it happened, where you were, anyone who witnessed the event and how you felt about it.
- 3.9.22** Report the behaviour before it happens again.
- 3.9.23** In bullying and harassment complaints, the person who is accused (respondent) will be provided with copies of your complaint so that they can respond to the allegations.
- 3.9.24** You must decide what would resolve the issue for you.
- 3.9.25** You have the right to have a person of mutual agreement accompany you during the process, and to be kept informed of the progress of your complaint. You will be advised about the final outcome of the investigation at the same or similar time as the person accused.
- 3.9.26** You must cooperate with the investigation and respect the confidentiality and privacy related to the investigation process. You must limit discussion to those that need to know.

Person Accused of Harassment

- 3.9.27** If you have been accused of harassment, you have the right to be informed of the complaint and receive a written statement of the allegations to enable you to respond.
- 3.9.28** You have the right to have a person of mutual agreement accompany you during the process, and to be kept informed of the progress of your complaint. You will be advised about the final outcome of the investigation at the same or similar time as the complainant.
- 3.9.29** You must cooperate with the investigation and respect the confidentiality and privacy related to the investigation process. You must limit discussion to those that need to know.

Resolutions

- 3.9.30** Resolutions resulting from an investigation which finds discriminatory or any form of bullying, harassing or discriminatory behaviour occurred, whether formal or informal, may include one or more of the following options:
 - a. A formal apology
 - b. A written warning delivered to the person who conducted the behaviour

- c. Counselling
- d. Attendance at educational seminars, or
- e. Disciplinary action which may include termination of employment.

3.9.31 The employer will review the past history of the employee, whether any previous events have been recorded, the employee's accountability for their actions and the wishes of the victim when determining the penalty.

3.9.32 Should the complainant file a complaint externally to the Canadian Human Rights Commission or WorkSafe BC, additional sanctions could be imposed as a result of an external investigation.

3.9.33 Complaints that are not supported by evidence gathered during an investigation will be dismissed and no record of it will be placed in personal files. As long as the complaint was filed in good faith, there will be no penalty to the person who complained.

3.9.34 Where an employee's allegations of bullying, discrimination or any form of harassment are found to be frivolous or malicious, and in bad faith, that employee will be subject to disciplinary action, up to and including termination.

3.10 ACCOMMODATION POLICY

General Policy

- 3.10.1** Williams Lake First Nation is committed to fostering an inclusive workplace where all employees are treated with respect and dignity.

Specific Policies

- 3.10.2** WLFN will provide reasonable workplace accommodation, short of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not unfairly excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer.
- 3.10.3** This policy applies to all current employees including full and part-time, casual, contract, permanent, and temporary employees. This policy also applies to employees on approved leave, including short and long-term disability leave, and job applicants. This policy applies to all aspects of employment including, but not limited to recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment.
- 3.10.4** Accommodation is a shared responsibility between employees, supervisors, and the employer.
- 3.10.5** WLFN is responsible for:
- a. eliminating barriers that prevent people from accessing, or being included in, the workplace
 - b. minimizing the need for individual accommodation by regularly reviewing rules, policies, by-laws, and practices to ensure that they are not discriminatory
 - c. ensuring that all employees and job applicants are advised of their right to be accommodated
 - d. dealing with requests for accommodation in a timely, confidential, and sensitive manner
 - e. providing individual accommodation to the point of undue hardship, and
 - f. ensuring that this policy is effectively implemented.
- 3.10.6** Supervisors are responsible for:
- a. fostering an inclusive work environment by treating all employees and job applicants with respect and dignity
 - b. identifying and eliminating barriers that prevent people from accessing, or being included in, the workplace
 - c. dealing with requests for accommodation in a timely, confidential, and sensitive manner
 - d. involving individuals requiring accommodation in the search for accommodation

- e. informing individuals requiring accommodation what information they need to provide to be accommodated, and
- f. initiating a discussion about accommodation when they are aware that an employee or job applicant may have a need for accommodation, but is unable, for any reason, to articulate that need.

3.10.7 Employees and job applicants are responsible for:

- a. making their accommodation needs known, to the extent that they are able
- b. helping to identify potential accommodation options
- c. providing documentation in support of their request for accommodation, including information about any restrictions or limitations; and accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.

3.10.8 Employees and job applicants can expect:

- a. to be treated with respect and dignity
- b. to have their needs accommodated up to the point of undue hardship, and
- c. to be informed of the reasons if their accommodation request is denied.

3.10.9 When contacted for an interview, job applicants will be advised that WLFN has an accommodation policy and the candidate will be asked whether they require accommodation to prepare for the hiring and selection process. We will evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation. If denied, the reasons will be clearly communicated.

3.10.10 An employee may request accommodation by notifying his or her supervisor. The supervisor will discuss options with the Director of Human Resources, and document the request, including the employee's name, position and date of the request, any details provided by the employee and any accommodation options suggested by the employee.

3.10.11 The supervisor may request additional supporting documentation from the employee in order to identify accommodation options (i.e., details of restrictions or limitations).

3.10.12 The supervisor will consider accommodation options including, but not limited to workstation adjustments; reassignment of job tasks; changes to scheduling or hours of work; leaves of absence; and temporary or permanent reassignment.

3.10.13 The supervisor will discuss available accommodation options with the employee. The accommodation preferences of the employee will be taken into account. However, the supervisor may proceed with an option that is less costly or easier to provide, when it meets the employee's accommodation needs. The supervisor will clearly communicate the reasons for his or her decision to the employee.

- 3.10.14** The supervisor will review the accommodation measures with the employee on a regular basis to confirm they continue to be necessary and effective.
- 3.10.15** If an employee is denied accommodation, is not satisfied with the accommodation offered, or believes that their request has not been handled in accordance with this policy, they may use the Dispute Resolution Policy.
- 3.10.16** All records associated with accommodation requests will be maintained in a secure location, separate from employees' personal files, and will only be shared with persons who need the information.

3.11 IMPAIRMENT POLICY

General Policy

- 3.11.1** It is the intent of Williams Lake First Nation to ensure we have a safe environment that is free from the effects of drugs and alcohol. All functions and premises will be drug and alcohol free and visitors or guests who are under the influence of alcohol or drugs will be asked to leave our premises.
- 3.11.2** Impairment is commonly thought to refer to only drugs and alcohol. Impairment can also result from prescription drugs, health issues (i.e., diabetic suffering from insulin instability), not following medical instructions, and fatigue. Non-prescription drugs may also affect a worker's ability to work safely.

Specific Policies

- 3.11.3** The use, possession, sale, distribution, exchange, or consumption of alcohol, legal or illegal drugs or drug paraphernalia on the employer's property, or on the employer's time is strictly prohibited.
- 3.11.4** All individuals working at WLFN (including contractors and volunteers) are expected to report to work and remain fit for work, free of impairment throughout their shift, able to perform assigned duties safely. You should be aware that substances in your body from the previous day or evening may impair you for many hours.
- 3.11.5** Supervisors are required to effectively manage all reported or observed impairment. Actions taken will depend on information gathered and will be kept confidential. Supervisors will assess employees on the following:
- a. Does the person have the ability to perform the job or task safely (i.e., driving, operating machinery or equipment, use of sharp objects)? They will look for:
 - i. personality changes or erratic behaviour (i.e., increased interpersonal conflicts or overreaction to criticism)
 - ii. appearance of impairment at work (i.e., odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination)
 - iii. working in an unsafe manner or involvement in an accident
 - iv. consistent lateness, absenteeism, or reduced productivity or quality of work
 - b. Is there an impact on cognitive ability or judgement?
 - i. changes in work quality
 - ii. forgetfulness, errors in judgement
 - iii. deterioration in decision-making
 - iv. excessive number of incidents or mistakes
 - c. Are there other side effects of the medical condition or the treatment that need to be considered?

- 3.11.6** We will not permit a person to remain at any workplace while the person's behaviour or ability to work is affected by alcohol, a drug or other substance as to endanger the person or anyone else.
- 3.11.7** Employees who are assessed and suspected to be impaired at work will be sent home immediately. The employee must arrange safe transportation to their home.
- 3.11.8** Employees shall advise their supervisor when they have any concerns about their colleagues' fitness.
- 3.11.9** The supervisor is responsible for documenting any incidents of suspected impairment.
- 3.11.10** When employees are being paid to attend and represent Williams Lake First Nation at outside functions, they are not to consume alcohol during the formal parts of the function.
- 3.11.11** When an employee is on their own time, they may make their own decision about alcohol consumption; however, they should remember to act responsibly.
- 3.11.12** WLFN will provide support for employees who have substance dependency and are strongly encouraged to seek assistance through our Employee Assistance Program. (*See Policy 7.19 Rehabilitation Leave*)

3.12 FRAUD

General Policy

- 3.12.1** Williams Lake First Nation aims to provide community leadership and quality services, operated with the highest standards of respectability and accountability. It is our aim to establish appropriate controls which would aid in the detection and prevention of any fraud against WLFN.
- 3.12.2** This anti-fraud Policy Statement aims to raise awareness of the risks and consequences of Fraud. It provides a framework for promoting the organization's policies and procedures to prevent and detect fraud. This statement covers fraud and loss within the WLFN and applies to staff, members of the public, contractors, and elected officials.
- 3.12.3** This policy has been created to protect the organization's revenues, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting and to define guidelines for the investigation and handling of fraud should it occur.

Specific Policies

Definition

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her detriment, or misappropriation or use of the organization's money, physical and intellectual assets. In law, "fraud" generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust.

- 3.12.4** We expect staff to act with honesty and integrity at all times; to safeguard the public resources for which they are responsible. All staff are required to participate actively in protecting the organization's money and resources.
- 3.12.5** We promote an anti-fraud culture by having a zero tolerance for fraud; by an expectation that every employee is knowledgeable about this policy and creates an environment to support this policy; by investigating every allegation of fraud whether anonymously or otherwise; taking disciplinary action where appropriate; and recovering losses through civil action if necessary.
- 3.12.6** Any fraud detected or suspected must be reported immediately to the Director or Chief Administrative Officer with your report being kept in the strictest confidence. If the accused is the Chief Administrative Officer, the complaint would go to the

Chief.

- a. do not contact the suspected individual in an effort to determine facts or demand restitution
- b. do not discuss the case, facts, suspicions, or allegations with any one unless specifically asked to do so by the Director or Chief Administrative Officer or Chief.

3.12.7 The Director or Chief Administrative Officer will initiate the investigation with utmost discretion and determine whether the accused should remain at work or be suspended pending the outcome of the investigation.

3.12.8 The Chief Administrative Officer will immediately notify the Chief of any significant fraud investigation. Also, the Chief Administrative Officer will involve the Auditor, Legal Council or RCMP, as deemed appropriate.

3.12.9 Upon conclusion of the investigation, the results will be reported to the appropriate management representatives. All significant instances of fraud will be further reported to the entire Council. Lastly, quarterly updates of fraud will be provided to the entire Council.

3.12.10 Where there are reasonable grounds to indicate that fraud may have occurred, the First Nation will report the incident to the appropriate authorities in order to pursue all legal remedies. Also, the employer may make every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender. If there is proof that a fraud has occurred by the investigation, disciplinary action, up to and including termination shall be taken.

3.12.11 The following are examples of acts of fraud. This list is not exhaustive.

- a. Embezzlement, misappropriation, or other financial irregularities
- b. Forgery or alteration of any document or account belonging to the organization (i.e., cheques, time sheets, leave applications and absence reports, travel claims, contract agreements, purchase orders, other financial documents, electronic files, etc.)
- c. Taking funds, securities, supplies or other assets
- d. Destruction or concealment of records or documents
- e. Improprieties in the handling or reporting of money or financial transactions
- f. Misappropriation of funds, supplies, inventory, or any other assets (including but not limited to vehicles, furniture, computers, fixtures, equipment, and intellectual property)
- g. Authorizing or receiving payment for goods not received or services not performed
- h. Authorizing or receiving payment for hours not worked and
- i. Misuse of office (including but not limited to failure to disclose conflict of interest resulting in personal benefit).

Controls

- 3.12.12** All employees should be familiar with types of impropriety that could occur in their area of responsibility and report any suspected fraudulent activity to their immediate supervisor. The organization is responsible for instituting and maintaining a system of internal control.

Whistle Blower Protection

- 3.12.13** No employee of the WLFN or person acting on behalf of the organization in attempting to comply with this Fraud Policy shall be:
- a. dismissed or threatened to be dismissed
 - b. disciplined or suspended or threatened to be disciplined or suspended
 - c. penalized or any other retribution imposed, or
 - d. intimidated or coerced
- 3.12.14** Violation of 3.12.13 of the policy will result in disciplinary action, up to and including termination.
- 3.12.15** If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the originator. If, however, individuals make malicious allegations, disciplinary action may be considered against the individual making the allegation.

3.13 PRIVACY POLICY

General Policy

- 3.13.1** Williams Lake First Nation follows *British Columbia's Personal Information Protection Act* that sets out the rules for how organizations collect, use and disclose personal information. We are committed to being accountable for how we collect, use, and disclose personal information, as well as following the rules and procedures in accordance with this policy.

Specific Policies

Definition

Personal Information is a broadly defined term that includes information that is reasonably capable of identifying a particular individual either alone or when combined with information from other available sources. Personal information includes employee personal information. It does not include business contact information or work product information. Some examples of personal information are name, address, gender, education, income, financial information, medical and genetic information, date of birth, drivers' license number, photographs or images of an individual, employment history, and product preferences.

- 3.13.2** We will collect, use, disclose, retain, and transfer personal information in accordance with the following privacy principles:

- 3.13.3 Accountability:** We are responsible for personal information in our possession or custody, including personal information that we may transfer to third parties for processing. We will require our service providers to agree to contractual requirements that are consistent with our privacy and security policies. We will require that our service providers be prohibited from using personal information, except for the specific purpose for which we supply it to them.

- 3.13.4 Identifying Purposes and Limiting Collection:** Either before or at the time of collection, we will identify the purposes for which we plan to use the personal information. Depending upon the way in which the personal information is collected, this can be done orally or in writing, or for purposes that a reasonable person would consider appropriate in the circumstances, or if we have received consent or we are authorized to collect without consent.

- 3.13.5** We will collect personal information necessary to:
- a. hire employees
 - b. operate programs and service
 - c. enroll individuals in programs
 - d. provide medical, dental, and counselling services, and
 - e. collect and process rent payments and assess suitability for tenancy.

- 3.13.6** Unless required by law, we will not use personal information for a new purpose without the knowledge and consent of the individual to whom the information relates.
- 3.13.7 Consent:** We will obtain consent to collect, use or disclose personal information about an individual, except where legally authorized or required by law to do so without consent.
- 3.13.8** We will get your consent by:
- a. including a statement on forms about how the information will be used
 - b. express consent when a reasonable person willingly agrees to their personal information being collected, or
 - c. implied consent when an individual volunteer's information for an obvious purpose and a reasonable person would consider it appropriate for the circumstances (orally or verbally).
- 3.13.9** You may withdraw your consent by providing reasonable notice, unless withdrawing would frustrate a legal obligation (i.e., a contract between us) and will provide the consequences of withdrawing consent (i.e., unable to provide services that rely on personal information).
- 3.13.10** We may collect, use, or disclose personal information with your knowledge or consent in the following limited circumstances:
- a. when it is permitted or required by law
 - b. in an emergency that threatens an individual's life, health, or personal security
 - c. when the information is available from a public source (i.e., telephone directory)
 - d. when we require legal advice from a lawyer
 - e. for the purposes of collecting a debt
 - f. to protect ourselves from fraud, or
 - g. to investigate an anticipated breach of an agreement or contravention of law.
- 3.13.11 Limiting Use and Disclosure:** We will only use or disclose personal information to fulfill the purposes for which it was collected, or we will obtain consent for other purposes
- 3.13.12** Personal information may be disclosed if there are compelling circumstances that exist that affect anyone's health or safety, as well as for a next of kin or friend to be contacted for an injured, ill, or deceased individual. In addition, disclosure is also permitted for the purposes of reducing the risk that an individual will be the victim of domestic violence, if domestic violence is reasonably likely to occur.
- 3.13.13 Retention:** We will keep personal information used to make decisions that directly affect individuals for at least one year after that decision has been made. After that time, personal information will be destroyed by shredding.

- 3.13.14 Accuracy:** We will use our best efforts to ensure that personal information that is used on an ongoing basis and information that is used to make a decision about an individual is as accurate, complete, and up to date. You may request updates in writing with sufficient detail to identify the personal information and the correction being sought.
- 3.13.15 Securing:** We will protect personal information with safeguards appropriate to the level of sensitivity of the information. Our safeguards protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification, regardless of the format in which the information is held. We will exercise care in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information. Our methods of protection include physical measures (i.e., locked file storage and restricted access to offices), organizational measures (i.e., limiting access on a need-to-know basis), and technological measures (i.e., the use of passwords). We also require our outside service providers to provide a comparable level of protection to personal information that we may supply to them.
- 3.13.16 Openness:** We make our policies and procedures about managing personal information readily available through this policy.
- 3.13.17 Individual Access:** Upon written request, we will inform an individual of the existence, use, and disclosure of their personal information, and give them reasonable access to that information. We may deny access for legally permissible reasons, such as situations where the information is prohibitively costly to provide, if it contains references to other individuals, or where it cannot be disclosed for legal, security, or other reasons. We will advise the individual of any reason for denying an access request. Processing time may take up to thirty (30) days, unless we provide written notice of an extension where additional time is required to fulfill the request.
- 3.13.18 Filing Inquiries and Complaints:** We will investigate all written complaints and respond to all written inquiries. If we find a complaint to be justified, we will take appropriate measures to resolve it.
- 3.13.19** The Privacy Officer is responsible for ensuring compliance with this policy and PIPA. Complaints and concerns or questions should be sent in writing to the Privacy Officer. If the Privacy Officer is unable to resolve the concerns, you may also write to the Information and Privacy Commissioner of BC.
- 3.13.20** Contact the Privacy Officer at privacyofficerrecipients@wlfm.ca.

4. EMPLOYMENT

4.1 CLASSIFICATION AND TYPES OF EMPLOYMENT

General Policy

- 4.1.1** Positions shall be classified as regular full-time, regular part-time, temporary, term, seasonal or casual. All positions will be subject to a probationary period, exceptions shall only be granted by the Chief Administrative Officer. Contract relationships do not constitute employment. Positions may be classified as Manager or non-manager depending on their roles and responsibilities.

Specific Policies

Categories of Employment:

- 4.1.2 Full-time:** Employees who are employed for twenty-four (24) hours or more per week and who are being funded for the position on an ongoing basis.
- 4.1.3 Part-time:** Employees who are employed less than twenty-four (24) hours per week and who are being funded for the position on an ongoing basis.
- 4.1.4 Temporary:** An employee who may work forty (40) hours a week or less and has an expiry date of employment. Temporary employees may fill a specific role, such as a maternity leave or other need that is not ongoing. These employees are only entitled to mandatory benefits (*holiday pay (See Policy 7.1 Vacation Policy), CPP, EI and WCB*).
- 4.1.5 Casual:** Employees who are employed only on a short-term basis and working on less than a day-to-day basis. Casual employees are only entitled to mandatory benefits (*holiday pay (See Policy 7.1 Vacation Policy), CPP, EI and WCB*).
- 4.1.6 Seasonal:** Employees hired to undertake a particular function at a particular time of year (examples: snow removal and fishing are seasonal functions).
- 4.1.7 Probation:** A trial period at the start of your employment, during which your knowledge, skills and abilities are assessed against your signed job description.
- 4.1.8 Contractor:** A person who has a written contract setting out duties to be performed, rates of pay, performance dates and other scope of work. A contractor is not an employee and must follow the four-fold test:
- a. Control:
 - They must control the manner in which the work is done and the manner in which it is completed (i.e., not be supervised and directed for all aspects)
 - They must control their hours of work and location of work (i.e., not all at the organization using their desk, telephone, etc.)
 - They must have other clients (i.e., not be dedicated to one organization)
 - They must provide oral or written reports of the work performed

- They cannot be terminated without liability, as long as they are producing results in accordance with a contract
- b. Ownership of Tools and Equipment:
 - They must provide their own equipment and furnishings to conduct the work.
- c. Chance of Profit or Risk of Loss:
 - They are in business to make money and are at risk of losing money rather than receiving a fixed wage, salary, or ongoing commission.
- d. Integration:
 - The worker is not integrated within the commercial activities of the employer and not connected with the business of the employer.

4.1.9 Minimum Age: Persons under the age of eighteen (18) may be hired, provided that:

- a. they are not required by Provincial law to be in school (In BC youth must stay in school until age sixteen (16))
- b. the work is not likely to endanger their health or safety
- c. they are not required to work underground in a mine or in employment prohibited for young workers under Explosive Regulations, the Nuclear Safety and Control Regulations, or the Canada Shipping Act, and
- d. they are not required to work between 11:00 p.m. and 6:00 a.m. on the following day.

4.1.10 Manager: A manager under the *Canada Labour Code* is based on the performance of a number of duties:

- a. having the power to unilaterally make binding decisions, powers of independent action, autonomy and discretion must be exercised (i.e., not just make recommendations, provide input, or make decisions which may be overridden by a supervisor)
- b. exercising decision-making in important matters such as company policy and planning, budget decisions and contract negotiations on behalf of the employer. They also attend top level management meetings or part of the governance structure of the organization
- c. managers have the authority to make final decisions to hire, fire, promote, transfer or discipline employees
- d. managers have the responsibility for day-to-day management and administrative functions and hold the power of supervision and direction of other employees
- e. the job title, level of prerequisites, salary, and job description of an employee signals a managerial role. The use of the term “manager” in a job title does not signal that employee is a manager
- f. managers may act as a spokesperson for their company. External perceptions of an employee’s role may also be relevant to a determination of whether an employee is a manager (i.e., is the employee perceived by third parties to be a manager?)
- g. managers are excluded from hours of work (*Division I of the Canada Labour Code*) and unjust dismissal.

4.1.11 For WLFN, Directors fit the definition of a Manager.

4.2 RECRUITMENT, SELECTION AND PROMOTION

General Policies

- 4.2.1** Vacant positions will be filled through a process of recruitment and selection designed to hire and retain the most suitably qualified applicants using objective and consistent hiring practices. However, WLFN is committed to providing career development opportunities for staff and community members. The organization has a vested interest in having access to a skilled source of future staff members from within the Band membership. When vacancies occur, they will be posted internally and externally to find qualified candidates.

Specific Policies

WLFN abides by the following policies:

- 4.2.2** The employer is an equal opportunity employer that shall promote and practice fairness in the recruitment and selection of employees.

Aboriginal Employment Preference

Definition

Aboriginal Employment Preference: Under the *Canadian Human Rights Act* exceptions are created to promote the hiring of Aboriginal people in preference over other candidates for reasons of self-government, cultural autonomy, and cultural development. Non-Aboriginal candidates must be treated fairly and reasonably through the process. When all things are equal between candidates (i.e., qualifications, ranking through the interview process), the order for choosing candidates using the Aboriginal Employment Preference shall be 1) Aboriginal ancestry and then 2) non-Aboriginal candidates.

- 4.2.3** Where the employer deems it appropriate or an occupational requirement, the employer may apply the Aboriginal employment preference. The Aboriginal employment preference shall be administered in a fair and reasonable manner, and consistent with the *Canadian Human Rights Commission Policy* on Aboriginal Employment Preference.

Nepotism and Conflict of Interest

- 4.2.4** To avoid nepotism and conflict of interest, relatives of employees will not be hired into positions where there is a direct reporting relationship between relatives (i.e., a different reporting relationship may be required) or where internal controls may be compromised as a result of such appointment. Individuals must declare these relationships in advance.

Internal Process

- 4.2.5** To create or abolish a position, the immediate supervisor makes a recommendation to the Director or Chief Administrative Officer. The rationale identifying the need to add or delete a position, the cost, identification of funding source and other relevant information should be provided.
- 4.2.6** All jobs will be posted internally and externally and will be posted in a prominent public place commonly used for the purpose of community notices and website where available. It will be common practice to post for ten (10) working days where operationally feasible. The WLFN reserves the right to hire without posting to meet operational requirements.
- 4.2.7** Job postings that are being developed in anticipation of an upcoming position will state “Anticipatory Staffing – This position may or may not be filled depending on funding”.

Offer of Employment

- 4.2.8** All successful candidates will be provided with a written offer of employment which outlines their requirement to produce documentation (such as educational verification, driver’s licence, driver’s abstract, criminal record check, etc.) prior to commencement of employment.

Employment Conditions

- 4.2.9** It is the policy of WLFN to require verification of all education, certificates and licences before employment commences. The candidate will be required to provide original documents or certified true copies, including transcripts, certificates, graduation certificates or licenses for copying. Copies will be maintained in the employee personal file.
- 4.2.10** Positions that have bona fide occupational requirement may require the ability:
- a. to obtain and maintain a valid Criminal Record Check
 - b. to obtain and maintain a valid BC Driver’s Licence
 - c. to obtain and maintain bonding
 - d. to obtain and maintain first aid certification, or
 - e. to have access to a reliable vehicle for work.
- 4.2.11** They will be informed of this requirement on the job posting, at the interview and in writing in an offer letter. Failure to maintain the requirement could result in termination of employment.
- 4.2.12** Employees whose positions include the requirements in the preceding paragraph must immediately advise the Director or Chief Administrative Officer if they no longer meet the requirement. Failure to do so could result in disciplinary action, up to and including termination of employment.

4.3 CRIMINAL RECORD CHECKS

General Policy

- 4.3.1** Criminal Record checks are conducted on potential employees and current employees who hold positions of trust, who may have unsupervised access to children or vulnerable people or handle financial affairs of the organization.

Specific Policies

- 4.3.2** Positions requiring a Criminal Record Check (CRC) will provide an offer of employment that is contingent upon obtaining and maintaining a satisfactory CRC for the position.
- 4.3.3** During employment, an employee who is arrested or charged with a criminal offence must immediately advise their immediate supervisor.
- 4.3.4** An employee of the WLFN convicted of a criminal offence or who engages in criminal activity, where the offence or activity harms or compromises the reputation or position of the employer, or where the offence or activity interferes with an employee's ability to perform their duties and responsibilities, may be subject to the termination of their employment.
- 4.3.5** WLFN reserves the right to require renewal Criminal Record Checks (i.e., every five (5) years) and annual Driver's Abstract for employees at the employer's expense.

4.4 PROBATIONARY PERIOD

General Policy

- 4.4.1** The probationary period is an integral part, and an extension of the employee selection process. During the probationary period, the employee's immediate supervisor shall work in partnership with the new or promoted employee to achieve a desired and acceptable level of performance. The probationary period provides both the employee and employer the opportunity to assess your skills, knowledge and abilities and fit with the organization. We encourage you to actively participate in this process and ask questions that will help your understanding of your role and that of the organization.

Specific Policies

- 4.4.2** All new employees shall serve a minimum of three (3) months probationary period.
- 4.4.3** Employees who are already receiving benefits when promoted or transferred will continue to receive these benefits during the probationary period.
- 4.4.4** Employees who are promoted or transferred who are not successful in their probationary period shall not be entitled to return to their previous position, unless agreed upon in writing by both the employer and the employee.
- 4.4.5** Employees should expect to receive a written performance appraisal before the completion of their probationary period.
- 4.4.6** Where an employee does not meet the performance requirements of the position during the probationary period, the employee's employment shall be terminated with or without any notice or pay in lieu of notice depending on their length of service (i.e., continuous employment).

4.5 EMPLOYEE ORIENTATION

General Policy

- 4.5.1** Williams Lake First Nation shall provide all new employees with an orientation process at the start of their employment. The orientation process takes time and does not happen in a single day. As you settle in, please do not hesitate to ask questions at any time. We recognize the value of providing a comprehensive orientation program to employees.

Specific Policies

- 4.5.2** The orientation will be the responsibility of the employee's immediate supervisor and may be supported by other members of the organization.
- 4.5.3** The immediate supervisor will ensure that all payroll, benefits and employee documents are completed and forwarded to the payroll department, and the employee's personal file, within the first two days of work.
- 4.5.4** An orientation checklist will be used by the supervisor to ensure that all aspects are covered.
- 4.5.5** The immediate supervisor will ensure that a copy of the orientation checklist is provided to the employee and a completed copy is sent to the personal file.
- 4.5.6** Any new and young worker will receive additional orientation to ensure they understand the hazards and risks of their position, the proper procedures and the health and safety information to reduce their risk of injury.

4.6 PERFORMANCE MANAGEMENT

General Policy

- 4.6.1** We believe that all employees come to work to do a good job. We also believe that all employees will have regular and scheduled formal performance appraisals for the purpose of providing performance recognition, fostering employee self-development, and identifying performance and personal areas for development. Feedback between an employee and supervisor should be ongoing, frequent and a regular part of working together.

Specific Policies

- 4.6.2** Employees shall receive an annual written performance appraisal at least once per year.
- 4.6.3** The immediate supervisor of the employee shall be responsible for the development and presentation of the employee's performance appraisal. The Chief shall evaluate the Chief Administrative Officer.
- 4.6.4** The employee will work with their supervisor to complete the annual performance appraisal.
- 4.6.5** Performance evaluation is achieved by comparing actual performance against goals and work standards.
- 4.6.6** The employee performance appraisal process shall include an employee self-appraisal, a supervisor appraisal that may have information from peers, subordinates, committees, and external organizations.
- 4.6.7** The immediate supervisor will review the content of goals, work standards and performance appraisals with the Director and the Director may review this process with the Chief Administrative Officer to ensure consistency across the organization.
- 4.6.8** Employees shall sign their performance evaluation as being read and received, be provided with a signed copy of their evaluation, and have the signed original of the evaluation placed within their personal file.
- 4.6.9** Throughout the year, ongoing discussions between the employee and their immediate supervisor may take place using the Coaching Conversation Documentation form. When used, this will be a cooperative process between the employee and their supervisor, with the intent of keeping goals on track, improving performance and recognizing contributions.
- 4.6.10** When a pay increase is awarded through a performance evaluation process, the effective date occurs at the start of the fiscal year.

4.7 DISCIPLINE, SUSPENSION, AND DISMISSAL

General Policies

- 4.7.1** WLFN has established a set of rules for employee conduct and performance that will help guide our practices and behaviour. Our purpose is to serve the needs of our clients with a consistent and professional level of service.
- 4.7.2** Our goal is to provide employees with the opportunity to solve performance or behaviour issues through guidance and feedback. We believe that all employees come to work to do a good job. You will be kept informed about any changes in the rules.
- 4.7.3** Some types of misconduct, behaviour or performance issues will be serious enough to warrant a disciplinary approach. This policy will provide the procedures that form the disciplinary process.

Specific Policies

- 4.7.4** Employees are responsible for understanding the WLFN Human Resources policies.
- 4.7.5** The Progressive Discipline Policy is intended as a guideline, but some behaviour will be serious enough to constitute grounds for termination, without warning.
- 4.7.6** Discipline is to be applied fairly, equally, respectfully, and confidentially.

Guidelines for Disciplinary Action

Investigation

- 4.7.7** Before any disciplinary action is imposed, the supervisor will investigate the circumstances leading to the dissatisfaction with the employee's performance or behaviour. The investigation might include an interview with the employee only or with a number of people. The supervisor should make notes during and after any interviews. The investigation should include a review of past performance, length of service, history of discipline and the seriousness of the infraction.

Corrective Discussion

- 4.7.8** Prior to disciplinary action, the employee's immediate supervisor shall make every reasonable effort to advise the employee. This shall include, explaining the nature and impact of the employee's questionable conduct and setting expectations for future performance or behaviour.

Steps of Progressive Discipline

- 4.7.9** Where performance issues exist that have not been corrected through feedback or when serious issues occur, a progressive disciplinary process will be followed to address concerns and to signal that behaviour is unacceptable. Progressive discipline is the process of taking greater forms of severity that increase with each event that breaks the rules or standards. This process of escalation will generally consist of documented events including:
- a. First Written Warning (Note: verbal warnings no longer exist)
 - b. Second Written Warning
 - c. Third Written Warning and/or Suspension
 - d. Termination.
- 4.7.10** This process will fairly and effectively inform employees of the expectations and the changes they must make to be successful, along with the consequences of not making those changes. The system will apply to all employees and will be used in a consistent manner. A fair policy means that discipline will be applied to all employees in an unbiased way, focusing on the facts at hand and previous history with similar incidents.
- 4.7.11** The employee will be required to sign a copy of all letters issued to them to acknowledge receipt and understanding. If the employee refuses to sign, the supervisor writes on the document that the employee refused to sign, and dates the statement for the record. All such records become part of the employee's personal file.

First Written Warning

- 4.7.12** Unless the employee's misconduct is very serious, after the investigation the supervisor will usually decide that the first disciplinary action given an employee should be a first written warning. The supervisor will clearly explain the issue and set expectations for future performance and behaviour. The supervisor and employee should agree on an action plan, which will be documented in writing, to ensure the poor performance is corrected so the misconduct is not repeated. The supervisor will arrange to meet with the employee to follow-up on the action plan.

Second Written Warning

- 4.7.13** The next step of progressive discipline is a second written warning that clearly describes the misconduct, performance or behaviour issue and the expectations for the employee. The letter will also include the consequences of failing to correct the issue.

Third Written Warning and/or Suspension

- 4.7.14** A third written warning may be joined with an unpaid suspension. A suspension would be used to provide the employee with time to consider the consequences of their actions and to reinforce that this is the last step before termination. We want the employee to realize the seriousness of the situation. Again, the letter will clearly describe the misconduct, performance or behaviour issue and the expectations for improvement. The letter will also specify that failure to improve or repetition of the behaviour will result in termination.
- 4.7.15** When a suspension is included with a written warning, the length of the suspension shall correspond with the seriousness of the offense and shall not exceed five (5) working days.

Authority for Discipline

- 4.7.16** Immediate supervisors have the authority to give verbal warnings. Written warnings, suspensions and terminations require the authority of the Director or Chief Administrative Officer or, where the written warning, suspension or termination is in respect to the Chief Administrative Officer, Council.

Grounds for Discipline

- 4.7.17** Grounds for discipline may include, but are not limited to:
- a. Insubordination or the refusal to follow the directions or recognize the authority of the supervisor.
 - b. A pattern of lateness
 - c. Excessive absenteeism or unauthorized absenteeism for more than three (3) consecutive workdays
 - d. Leaving your job or your regular workplace during working hours without authorization (does not include lunch, rest periods or bathroom breaks)
 - e. Interfering with the work of other employees
 - f. Unsatisfactory job performance which could include poor productivity, lack of attention to detail, missing deadlines, poor representation of the organization, etc.
 - g. Voluntary destruction of the employer's equipment or property
 - h. Failure to adhere to the policies (including breach of the Code of Conduct or confidentiality provisions)
 - i. Complaint made in bad faith
 - j. Unsatisfactory use of the organization's time (i.e., personal phone calls, visitors, not focusing on job responsibilities) or
 - k. Taking issues to Council or Band meetings instead of following the prescribed dispute process as stated in *Policy 3.7 Dispute Resolution* (examples: internal problems between co-workers, complaints about being supervised or managed, etc.).

- 4.7.18** Grounds that could lead to immediate termination may be a result of:
- a. Theft
 - b. Being impaired on the job
 - c. Improper use of confidential information
 - d. Conflict of interest
 - e. Falsification of records;
 - f. Endangering the safety of other employees
 - g. Defrauding the employer
 - h. Assault, bullying or harassment in the workplace (personal or sexual) or
 - i. Abandonment of Position by missing three (3) consecutive days of work without notifying your supervisor (See *Policy 6.5 Attendance, Lateness and Absenteeism*).

Off-Duty Conduct

- 4.7.19** Actions or conduct may occur during or outside of the scheduled workday. You may be disciplined, up to and including termination, for inappropriate off-duty conduct, whether verbal, written or through any form of social media posting, that:
- a. Damages our reputation and goodwill within the Community
 - b. Materially and adversely affects your job performance or the job performance of other employees
 - c. Divulges private information of the organization or of others to any person or entity that is not authorized to receive that information or
 - d. Makes libellous, slanderous, or maliciously false statements towards or concerning the organization, any of its employees, governing body, programs, services, or products.

4.8 LAY-OFF

General Policy

- 4.8.1** Williams Lake First Nation recognizes the adverse affects of a lay-off on an employee and the family of the employee, and also on the general operation of the organization. It is the policy of WLFN to provide a notice of lay-off or pay in lieu of notice, and severance pay, where the lay-off constitutes a termination of employment.

Specific Policies

- 4.8.2** The termination will not be considered a lay-off where the employee is terminated for just cause.
- 4.8.3** Lay-off may occur due to the elimination of positions due to redundancy, lack of funding or completion or cancellation of projects.
- 4.8.4** The lay-off shall constitute a termination of employment where the lay-off is for greater than three (3) months.
- 4.8.5** To be eligible for severance pay, employees shall have completed twelve consecutive months of continuous employment with the employer, and the lay-off must constitute a termination of employment.
- 4.8.6** Notice of lay-off or pay in lieu of notice will be in accordance with *Canada Labour Code* provisions.
- 4.8.7** Benefit coverage will cease on the last day of work, for the duration of the lay-off and may be reinstated upon return to work with the provider's permission.

4.9 EMPLOYEE NOTICE OF RESIGNATION OR RETIREMENT

General Policy

- 4.9.1** All employees resigning their employment or planning to retire from Williams Lake First Nation shall be expected to provide their notice in writing.

Specific Policies

- 4.9.2** The employer would appreciate sufficient notice where possible, to find suitable replacement and possibly have cross-training.
- 4.9.3** Notices of resignation shall be in writing and provided to the employee's immediate supervisor.
- 4.9.4** The immediate supervisor will accept the employee's resignation in writing confirming the last day of work, expectations during this period including a detailed list of agreed upon duties to be completed and turned over, and list of property to be returned (for example: tools, equipment, keys, documents, intellectual property, office supplies, gas cards, calling cards, credit cards, cell phones, pagers, pass codes) before the last day of work. The letter will also address how outstanding vacation entitlement and banked overtime will be handled. Employees must continue to honour their commitment to the Confidentiality Agreement (*See Policy 3.4 Confidentiality*) after their employment terminates.
- 4.9.5** Employees who resign from employment are not entitled to any severance pay.
- 4.9.6** Employees who are retiring shall complete a Notice of Intent to Retire Form.
- 4.9.7** A meeting will be arranged to discuss the impact on benefits at retirement, succession planning activities and answer any questions you may have about the process of retirement.

4.10 EXIT INTERVIEW

General Policy

- 4.10.1** To assist in understanding the reasons for an employee's employment resignation, and to assist in the development of the employer-employee relationship, employees will be provided the opportunity to participate in a confidential exit interview.

Specific Policies

- 4.10.2** A confidential and voluntary exit survey will be provided with your final pay when you voluntarily leave the organization.
- 4.10.3** This will be an opportunity for you to provide feedback about what was positive about working for the WLFN, as well as what could be improved.
- 4.10.4** We will do our best to protect sensitive or confidential information and appreciate your time and comments.

4.11 EMPLOYEE RECORDS

General Policies

- 4.11.1** Adequate records must be maintained on every employee and all information retained in the personal record will be the responsibility of the Payroll Administrator, the Chief Administrative Officer, and/or the Director of Human Resources.

Specific Policies

- 4.11.2** Two files will be kept on each employee: (a) a personal file, and (b) a payroll file.
- 4.11.3** Personal file will contain
- a. Employee name, occupation, telephone number, and residential address
 - b. Offer letter including wage rate, hours of work, benefit entitlement, start date
 - c. Job Description outlining duties and qualifications
 - d. Copies of any certificates, designations, or licences
 - e. Performance plans, performance appraisals, disciplinary documentation, commendation letters or notes
 - f. Certification of completion for any training activities
 - g. Letters documenting promotions, demotions, or lateral transfers
 - h. Confidentiality, Conflict of Interest and other forms
 - i. Criminal Record Check, and
 - j. Proof of Insurance and Driver Abstracts.
- 4.11.4** Payroll file will contain
- a. Offer letter
 - b. Time sheets showing hours worked each day
 - c. Rate of wages clearly showing whether hourly, weekly, or monthly basis and any changes in the rate
 - d. Statement of wages showing benefits paid, gross and net wages for each pay period, deductions, statutory holidays taken, and amount paid by employer.
 - e. Letters documenting promotions, demotions, or lateral transfers
 - f. Leave forms or records
 - g. Overtime bank forms or records, and
 - h. Employee name, date of birth, occupation, telephone number, residential address, and social insurance number and if under seventeen (17) years of age
 - i. Start date and end date of employment.
- 4.11.5** Averaging Agreement Records
- a. Amounts paid each pay day including overtime, vacation, general holiday, bereavement (and dates), pay in lieu of notice, severance pay, details of pay and deductions made, start and end date of annual vacation year of employment, copy of any written agreement to post pone or waive vacation, copy of any

notice to determine “year of employment”, start and end date of maternity / parental leave and notices for such leave requests, start and end date of any maternity reassignment (modifications / notices), general holidays granted / substitutions / notes.

- b. Records of Averaging Agreements will also include notice period, periods of averaging, start date, pay periods, details of reductions, copy of any notices of termination, copies of any notices of modified work schedules, votes or posting.

- 4.11.6** No performance related documentation will be placed in an employee’s file without the employee’s knowledge.
- 4.11.7** Records will be kept confidential and locked or password protected at all times to protect your privacy. Internal access to records is restricted to those having an authorized, business related need to know.
- 4.11.8** Employees are entitled to review their file at any reasonable time during regular office hours. Employees can make arrangements to view their file by contacting the Chief Administrative Officer or the Director of Human Resources and shall only be allowed to view their Personal records in the presence of a designated employee.
- 4.11.9** Details of employment references which were obtained in confidence from previous employers and other sources are not available to employees.
- 4.11.10** Employee files are kept for a minimum of thirty-six (36) months from the end of employment in accordance with the *Canada Labour Code Regulations*.
- 4.11.11** An employee with a known medical condition may choose to provide relevant information to the company in case of a medical emergency. This information is kept in a sealed envelope and can be opened only by emergency medical personnel and the designated Health and Safety employee if the injured employee is unable to speak for themselves. Employees with this type of issue are encouraged to wear medical alert ID’s.
- 4.11.12** Personal employee information within the personal file shall not be released to anyone without the written consent of the employee, except where required by law. This does not include personal information relating to the employees’ qualifications, position, performance, or other employment information of a non-personal nature.
- 4.11.13** The Employee personal file shall not be the same file as the Employee Payroll file.
- 4.11.14** We will only release your personal information to third parties at your request, or with your permission to verify your employment or when required to satisfy legitimate investigative or legal requirements. For example, if we receive a call from a third-party to verify salary for a mortgage or loan application, you will have to provide written permission to give out this information. (*See Authorization to*

Release Information Form).

- 4.11.15** We will not provide reference information beyond verifying dates of employment or last position held without your written permission. With your permission, we will provide additional reference information concerning your general working habits, reason for termination or resignation, attendance record, salary verification, and whether or not we would rehire you, but would require a written request for us to provide this information. (*See Authorization to Release Information Form*).

4.12 SUCCESSION MANAGEMENT

General Policy

- 4.12.1** Williams Lake First Nation will establish a succession management strategy that will help ensure the continuity of skilled employees, provide developmental opportunities and build capacity across First Nations organizations. Succession management is meant to be a long-term HR strategy, based on the human resource and business plan requirements of the organization.

Specific Policies

- 4.12.2** As new positions and new activities are undertaken by the organization, there should always be a view to build in competencies, skills and abilities that do not exist in the organization whether they are developed internally, acquired externally or a combination of both strategies.
- 4.12.3** A Succession Management Program should provide for the following:
- a. Frequent opportunities for employees to accept new challenges
 - b. A systemic approach to identifying succession candidates
 - c. Cross organization/division sharing of people and information
 - d. Career paths that do not just move up a specialized ladder, but across the organization
 - e. Employees who are involved in setting their own career development plans.
- 4.12.4** A Succession Management Plan should address:
- a. Key positions that may need to be replaced in the next 1 to 3 years
 - b. Key positions that may need to be replaced in the next 3 to 5 years
 - c. Key positions where there is specialized knowledge, skill or ability that would significantly hurt the organization if that person were to leave
 - d. Identification of potential of existing employees
 - e. Assessment of candidates
 - f. Development activities
 - g. Practical work experience
 - h. Reassessment of candidates, and
 - i. Measurement of the Succession Management program.
- 4.12.5** Employees play a significant role in Succession Management. Employees who see themselves as candidates for progression should have a conversation with their immediate supervisor and/or the Chief Administrative Officer about their goals.
- 4.12.6** Employees should understand that even if they have been identified as having future potential, competitions will still continue to happen, and the most qualified candidate will be chosen for vacancies.

5. BENEFITS AND WAGE ADMINISTRATION

5.1 BENEFIT ENROLMENT AND ADMINISTRATION

General Policy

- 5.1.1** Williams Lake First Nation believes in providing employees and their families with access to a Benefit Plan that provides for their health and protection. Employees who work twenty-four (24) hours per week and are actively at work are required to participate in the standard benefit program. You may waive health and/or dental coverage (not insurance) if you are already covered for those benefits under your spouse's plan. Williams Lake First Nation provides access to these benefits only and they may change at any time. The benefit provider has age restrictions including new employees must be under age sixty-five (65) to be eligible for coverage.

Specific Policies

- 5.1.2** Employees will be provided with a benefit plan brochure which contains the details of the coverage. Note: Employees who do not apply for benefits during the eligibility period will be required to provide medical evidence and may not be covered for all services. If you do not apply within thirty-one (31) days of loss of spousal coverage, or you were previously declined for coverage by the provider, you and your dependents may be required to provide evidence of insurability acceptable to the provider to be covered by health benefits and may be declined for or offered limited dental benefits.
- 5.1.3** Employees who waive coverage when covered under a separate plan are not entitled to any compensation or opt-out payments.

Employee Assistance Program

- 5.1.4** The Employee Assistance Program (EAP) provides confidential services for employees and their dependents covering:
- a. Stress/overwork/depression/general anxiety
 - b. Marital/family/separation/divorce/custody issues
 - c. Alcohol and drug abuse/compulsive gambling
 - d. Personal adjustment problems/conflict resolution
 - e. Aging parents/eldercare concerns
 - f. Bereavement
 - g. Weight, smoking or general health issues
 - h. Financial or legal problems
- The service can be accessed 24 hours per day, 7 days per week by calling LifeWorks at 1-844-880-9142..

Pension Plan Enrolment and Coverage

- 5.1.5** Employees in a regular position, part-time and full-time, shall be entitled to contribute to the Pension Plan at the rate of three (3), five (5) or eight (8) percent of the employee's gross earnings. The employer will match the contribution of the employee's gross earnings at the same rate of three (3), five (5) or eight (8) percent.
- 5.1.6** Employees may also contribute more to their voluntary account depending on their maximum allowable contribution limit in their RRSP less pension contributions. This amount will not be matched.

Pension Information

- 5.1.7** When enrolling in the pension fund, an employee will be given information that explains the program and options. The phone number of the company representative will be issued to each staff member. Each employee should have contact with the company representative to instruct them on how the employee would like their pension funds invested. **Please note it is illegal for the organization's Financial Officer to advise staff on investments.**

Other Benefits

Employment Insurance

- 5.1.8** All employees shall have employment insurance premiums deducted from their pay, in accordance with Canada Employment Insurance Regulations.

Canada Pension Plan

- 5.1.9** All employees shall have Canada Pension Plan premiums deducted from their pay, in accordance with Canada Pension Plan Regulations.

Workers Compensation

- 5.1.10** All employees shall have their WorkSafeBC premiums paid by the employer.

Benefits during Maternity, Paternal and Other Leaves

- 5.1.11** Coverage under the employer's Group Insurance Benefits Plan shall continue during many leave periods (i.e., maternity, parental, leave related to critical illness, leave related to the death or disappearance of a child) providing the employee pays any contributions she or he would normally have paid. The employer shall continue to pay their required share of benefit premiums so long as the employee pays their required premiums. A series of post-dated cheques must be provided before the leave begins.
- 5.1.12** Should the employee fail to pay their premiums, benefits coverage will be terminated, and the employee will be notified in writing. Benefits coverage will be reinstated when the employee returns to work and upon reinstatement, the pre-existing conditions provision may apply.

Benefits during Short / Long Term Disability Leave

- 5.1.13** Costs for extended health and dental benefits will continue while an employee is receiving disability benefits providing the employee pays any premiums he or she would normally have paid. There is a waiver for Life, Dependent Life and LTD. The employer shall continue to pay their required share of the premiums, so long as the employee pays their required premiums. Should the employee fail to pay their premiums, benefits coverage will be terminated, and the employee will be notified in writing. Benefits coverage will be reinstated when the employee returns to work and upon reinstatement, the pre-existing conditions provision may apply.
- 5.1.14** Employees receiving Long Term Disability benefits will have their extended health care and dental coverage terminated after five (5) years.

5.2 WAGE AND SALARY ADMINISTRATION

General Policy

- 5.2.1** We are a First Nations organization committed to providing the best services to our clients and members, using a strong sense of fiscal responsibility and fairness to all involved. Our goal is to hire qualified, motivated employees, retain competent staff and encourage higher performance levels while meeting our legal obligations. Our pay practices are based on our desire to provide good and fair compensation, while considering our financial commitments and expectations of our members.
- 5.2.2** We value fairness and internal equity and provide similar pay for similar contributions to the organization. We communicate the principles, processes and practices around pay, so employees and members understand how decisions are made.
- 5.2.3** We group jobs of similar worth into pay grades, which is determined through a job evaluation process using a committee to evaluate each job. Employees will progress through pay grades, based on a combination of time in the job and individual performance, which typically means one pay step per year. New employees may be brought in above the minimum of the salary range based on their experience, skills, and qualifications, after a full comparison to internal employees has been conducted.
- 5.2.4** As part of our pay philosophy and pay strategy we want to pay fairly and equitably, but not more than other comparable organizations. We have completed wage and benefit surveys of other First Nation organizations to ensure that we can achieve this philosophy.
- 5.2.5** Wage increases will be tied to the performance management cycle. An employee with a rating of average or better should expect to move to the next step in the pay range, following their performance evaluation as long as the funding for your position allows for pay increase. When an employee reaches the top of the range, there are no more pay increases, unless there is a cost of living increase or a move for the entire pay scale.
- 5.2.6** Employees who do not meet the basic requirements for the position (i.e., education, skills and abilities, competencies and experience) may be started at a training wage. If a training wage is chosen, the employee can expect to have a written agreement that covers what must be accomplished and timelines, for them to achieve the base level for their position.

Specific Policies

Equal Pay

- 5.2.7** Employees performing the same job function will earn the same pay regardless of their status (i.e., part-time, casual, temporary or seasonal), unless there are objective reasons to justify a difference in wages (i.e., length of service, merit, different job duties).

- 5.2.8** An employee has the right to request a review of their wages when they feel they are doing the same job as another individual at a different rate of pay. The employer will respond in writing by either increasing the wage rate or providing an explanation of the reason for the difference.

Compensation for Temporary Increased Responsibility

- 5.2.9** Where an employee has been requested by the immediate supervisor, to temporarily assume the responsibilities of another position and been designated to perform the principal duties of the position for a period of at least ten (10) working days or seventy (70) working hours, they will be paid a higher salary for that period. The amount paid will be within the salary range for the temporary position as authorized by the Director or Chief Administrative Officer.
- 5.2.10** Employees will not be granted substitute pay for periods less than seventy (70) hours of work or during vacation relief or where they are not designated to perform the principal duties of the position.

Payment of Wages / Salaries

- 5.2.11** Employees shall be paid bi-weekly as per the payroll schedule for actual hours worked as submitted on the employee time sheet and authorized by their immediate supervisor. Additional hours above the amount agreed upon at the time of hire will not be eligible for compensation unless pre-approved or when hours are altered with the approval of the employee's immediate supervisor.
- 5.2.12** Pay days will be every second Friday according to the payroll schedule. Should a holiday fall on a pay day, the pay will be paid one day in advance.

Method of Payment

- 5.2.13** All payroll payments shall be made by direct deposit.
- 5.2.14** There are no pay advances.
- 5.2.15** Overpayment of wages shall be recovered by subsequent payroll deduction and shall receive priority over all other deductions other than statutory deductions. Salary cheques for employees pending termination are not to be released if any overpayment may be created.

Payroll Deductions

- 5.2.16** Deductions required by law, Court Order, wage garnishments or any other legal requirements on payroll shall be made on each pay.
- 5.2.17** Statutory deductions shall include, but not be limited to, Federal Income Tax, Canada

Pension Plan, and Employment Insurance.

- 5.2.18** Once an employee signs up for the group insurance and/or pension plan benefits, premiums and/or contributions will be deducted from each pay.
- 5.2.19** Travel advance amounts in excess of travel claims may be recovered through payroll deduction.

5.3 TIMESHEETS

General Policy

- 5.3.1** Pay periods for the employer shall be every second Friday (bi-weekly). Employees shall complete accurate timesheets for approval by their supervisor, by the deadline.

Specific Policies

- 5.3.2** All employees must submit completed bi-weekly timesheets to their immediate supervisor for approval/signing. In the absence of their supervisor, the Director or Chief Administrative Officer will have the authority to sign or to delegate this role.
- 5.3.3** It is the employee's responsibility to accurately complete a timesheet and submit on time in order to be paid accurately. If you do not submit your timesheet on time, you may not be paid within that pay period.
- 5.3.4** All information submitted on this form must be a true and accurate reflection of the hours you have worked. False claims can be considered fraudulent behaviour.
- 5.3.5** The Chief Administrative Officer may obtain governing body approval for their timesheet at a later time and this will not prevent Payroll from issuing the pay.

5.4 RECOGNITION

General Policy

- 5.4.1** Williams Lake First Nation recognizes the accomplishments made by its employees, Council and Committees. It is committed to honouring and encouraging individuals and teams who contribute to the success of the organization through their efforts and actions.

Definitions

Length of Service - A specific period of uninterrupted service or continuous employment with WLFN.

Service Appreciation - An acknowledgment of commitment and dedication upon the retirement and/or resignation of a long-term employee (minimum five (5) years service).

Specific Policies

- 5.4.2** Recognition may involve:
- a. Giving praise
 - b. Granting awards and
 - c. Celebrating and communicating successes.
- 5.4.3** Recognition will be linked to our corporate objectives by supporting defined goals and values. It will focus on creating an enduring effect for employees and the recognition will describe how the behaviour or service links to corporate values and objectives.
- 5.4.4** The Employee Recognition Policy provides guidelines for the following types of recognition:
- a. Organization-wide recognition
 - b. Department-wide recognition
 - c. Length of service with WLFN, and
 - d. Appreciation of service on resignation and/or retirement.
- 5.4.5** The Administration staff shall be responsible for the coordination of the annual ceremony for the Award for Excellence in conjunction with the Annual General Meeting or at another time set by the Council. Department-wide recognition programs shall be designed and administered in a manner that is consistent with the Employment Recognition Policy. Departments, Boards and Committees are responsible for communication and administration of department, long service, and service appreciation awards.
- 5.4.6** Long service awards will be made to recognize and reward milestones (i.e., 5, 10, 15, 20 years) that employees have achieved.

6. WORKING CONDITIONS

6.1 HOURS OF WORK & HOURS OF OPERATION

General Policy

- 6.1.1** Employees will work a workday and a work week as determined by the employer (overseen by the Director or Chief Administrative Officer), which takes into account operational requirements, applicable legislation, fairness, and internal equity.

Specific Policies

Normal Hours of Work

- 6.1.2** The normal hours of operation will be Monday through Friday, from 8:30 a.m. to 4:30 p.m. seven (7) hours per day, totalling thirty-five (35) hours per week. Work outside these schedules requires pre-approval of the Chief Administrative Officer or the immediate supervisor, as determined by the Chief Administrative Officer.
- 6.1.3** Hours of work will not exceed forty-eight (48) hours in a week, except in the case of a real emergency, to be determined by the employee's immediate supervisor. Labour Canada must be notified.

Breaks

- 6.1.4** Employees scheduled to work at least five (5) hours per day are entitled to a one (1) hour, unpaid meal period, normally to be taken daily from 12:00 p.m. to 1:00 p.m. or as approved by the employee's immediate supervisor.
- 6.1.5** Employees who work at least three and one-half (3-1/2) hours per day are entitled to one (1) paid fifteen-minute break. Employees who work at least seven (7) hours per day are entitled to two (2) paid fifteen-minute breaks unless otherwise approved by their immediate supervisor.
- 6.1.6** The purpose of coffee breaks is to interrupt an employee's workday and help them to stay refreshed. Therefore, missed breaks cannot be accumulated, carried forward, or added to any type of paid leave, or to shorten the workday.
- 6.1.7** Employees must take one-half (1/2) hour unpaid break every five hours of work. If an employee is working overtime, has taken a break at noon, they will be required to take an additional unpaid break at 5:00 p.m.
- 6.1.8** An employee can apply in writing to take unpaid breaks for the purposes of breastfeeding, pumping or for medical reasons, such as to take medication, short rest, or exercise periods. The employer can ask for certification from a medical

professional.

Shift Work and Averaging Hours

- 6.1.9** Many employment positions require employees to work irregular hours. Where irregular or flexible hours are required, an Averaging Agreement may be created.
- 6.1.10** Averaged hours of work will be scheduled to ensure that within the total period, hours worked will not exceed the maximum of 48 hours x the number of weeks (i.e., a six-week averaging agreement cannot exceed 6 x 48 hours = 288 hours). Hours of work will not exceed forty-eight (48) hours, except in the case of a real emergency, to be determined by the supervisor. The employee will be compensated at straight time for the regular hours (i.e., 6 x 40 hours = 240 hours) and banked time (i.e., 6 x 8 hours x 1-1/2 times = 72 hours) for the additional hours in the averaging agreement.
- 6.1.11** Averaging agreements may be implemented by the Director or Chief Administrative Officer, upon receipt of approval from Labour Canada with a minimum of thirty (30) days posted notice to employees. Postings will be placed in an area accessible by affected employees and will remain posted for the duration of the averaging period.

Scheduling

- 6.1.12** When a new shift is established, the employer will give the employee ninety-six (96) hours or four (4) days advanced notice of that new shift schedule.
- 6.1.13** Shift changes to an established schedule that will change or lengthen the shift requires twenty-four (24) hours advance notice.
- 6.1.14** An employee may refuse to work any period or shift that starts within the ninety-six (96) hour notice period or the twenty-four (24) hour notice period, as long as they have taken reasonable steps to carry out these obligations by other means, with the exception of, if the overtime is necessary to deal with a situation that the employer could not have reasonably foreseen and that could have reasonably be expected to present an imminent or serious:
- a. threat to life, health, or safety of a person
 - b. threat to property loss or damage, or
 - c. threat to serious interference with business operations,
- for which the employee will have to work the shifts.

6.2 FLEXIBLE WORK ARRANGEMENTS

General Policies

- 6.2.1** Williams Lake First Nation will review requests from employees for flexible work arrangements where they can be met without adding additional costs that cause burden, where there would not be a negative impact on work quality or work quantity, where the change would result in lack of work for the employee or where the work cannot be shared or reorganized with other workers. Refer to *U56 Flex Time Policy*.

Definitions

Flexible Work

Flexible work means that alternative arrangements or schedules from traditional working day and week have been created to help employees meet personal or family needs. Alternatively, employers may initiate various schedules to meet their customer needs.

Flex Time

Flex time is an arrangement where employees work a full day, but they can vary their working hours. The flex day must include a "core" working day with a set range of start and finish times. The total hours of work are not usually affected by this arrangement. For example, the employee may choose to start between 7:30 and 9:30 a.m., and finish between 3:30 and 5:30 p.m. This arrangement establishes that core hours are between 9:30 a.m. and 3:30 p.m. when all employees will be at work. Lunch periods are mandatory and with a minimum thirty (30) minute break. Employees should maintain their start/finish times so that a routine is established, and co-workers can become accustomed to each others' schedules.

Reduced Hours / Part-time

Employees may choose to work fewer than the standard thirty-five (35)-hour work week. These arrangements may be on a temporary or permanent basis depending on individual circumstances. It may also be considered in some cases for employees with health problems or disabilities. Employee benefits and pension plans require that employees maintain twenty-four (24) hours.

Compressed Work Week

Compressed work week occurs when an employee works for longer periods of time per day or shift in exchange for a day off. Employees may start earlier or finish later than the normal workday. When considering compressed work weeks, it is important to understand that time off is taken in periods that match the compressed schedule. For example, if an employee works 7.78 hours per day over 9 days (70 hours in total), then they must use 7.78 hours of

vacation or 7.78 hours of medical leave when taking a day off. In addition, they must submit vacation to cover the .78 hours for each statutory holiday. It is important to make plans for how the work is done on the compressed day off and what happens when the employee must attend work on the day normally taken off when business demands require their attendance.

Telework / Telecommuting

Telework or telecommuting occurs when people to do at least some of their regular work from home instead of going into the office. Details such as hours of work, and how communications between the teleworker, co-workers and customers need to be outlined, as with all other flexible options.

Job Sharing

Job sharing occurs when two or more people share one or more positions or set of duties. It should be clear before starting how these arrangements affect pay, benefits, and holidays. It is very important that those in a job-sharing arrangement work effectively as a team and communicate well. Job sharing may be an option when few part-time positions are available within the company.

Gradual Retirement

Gradual retirement allows employees to reduce their working hours or reduce their workload over a period of time rather than switching from full time employment to retirement abruptly. This phased period can be used to train the replacement employee, help others adjust to restructuring within the company, or to adjust for the redistribution of tasks among the remaining employees. Again, the employee must maintain twenty-four (24) hours per week to keep their benefits and pension.

Specific Policies

- 6.2.2** After six (6) consecutive months of employment, the employee has the right to request a change to their hours, work schedule location and/or their work location.
- 6.2.3** The employer must respond in writing within thirty (30) days.
- 6.2.4** The employer may refuse the request only if:
 - a. additional costs would burden the employer
 - b. there would be a detrimental impact on work quality or work quantity
 - c. insufficient work available for this model, or
 - d. inability to reorganize work among other employees.
- 6.2.5** If alternative arrangements are made, the duties, expectations, and deadlines should be clearly outlined by the supervisor in writing and agreed upon by the employee. The agreement should document:

- a. impact of longer workdays (i.e., productivity, safety for drive home, impact on family)
- b. duration of the agreement (temporary, permanent, time period)
- c. review date to evaluate effectiveness (at least once in one to three (1 to 3) month period, then at least every six months)
- d. how to schedule meetings and what times the employee must attend the office
- e. how communication will work between supervisor, co-workers, and clients
- f. what work can be done off-site or via modified hours
- g. how work might be shared between employee and co-workers
- h. how service is provided to clients
- i. health and safety considerations
- j. cost of setting up off-site services (i.e., long distance phone costs, availability of computer, printer, and other tools), and
- k. will changing impact job duties, rate of pay?

- 6.2.6** The employee is expected to work out arrangements to exchange or trade work with co-workers and to keep everyone informed of their work schedule when not on-site. This will be a give and take situation and you will have to over-communicate to demonstrate that you are working and doing your share.
- 6.2.7** Health and safety of the employee alternative work site must be reviewed prior to understanding if the arrangement is going to work. A checklist is included in the application form.
- 6.2.8** If an employee is injured while working from home, they must complete the normal reporting requirements after they have sought treatment for the injury. WLFN is not responsible for any injuries to family members, visitors, or others in the employee's home. WorkSafe BC will assess each case individually and generally the injury must have occurred in the course of actual work being undertaken (i.e., telework), in the actual area defined for telework and during the time that telework was schedule to be done.
- 6.2.9** The employer is also required to assess your proposed workplace for violence in the workplace (*See Policy 9.3*) and working alone (*See Policy 9.4*). If you ever have an immediate fear for your safety, call the police at 9-1-1. The employer and employee will work out a contact schedule and other means for safety.
- 6.2.10** For health and safety reasons, employees cannot have work meetings with clients or others in their homes. This restriction needs to be included in the written agreement.
- 6.2.11** Employees will make every effort to schedule personal appointments either on days off or after work hours.

6.3 OVERTIME

General Policy

- 6.3.1** Due to emergencies and workload, there may be the occasional need for employees to work overtime hours, in excess of their normal regularly scheduled hours. When overtime is required, it requires approval in advance by the employer before overtime will be compensated.

Specific Policies

Authorized Overtime

- 6.3.2** All hours worked in excess of the normal workday and work week, except in the case of an emergency, must be pre-approved by the employee's immediate supervisor, in order to receive banked time in lieu.
- 6.3.3** In the case of an emergency, overtime hours must be approved by the employee's immediate supervisor when possible. If it is not possible to obtain prior approval, employees will use their discretion in working the additional hours and the employer will determine the legitimacy of the overtime claimed.
- 6.3.4** An employee choosing to work overtime without authorization may not receive any compensation or banked overtime.

Eligibility for Overtime

- 6.3.5** All employees will be eligible for overtime compensation.
- 6.3.6** Supervisors will make every effort to provide employees with as much advance notice as possible when overtime is required.
- 6.3.7** Hours worked over eight (8) hours a day and forty (40) hours a week will be compensated in banked time, at the rate of time plus one-half (1-1/2) times the regular rate of pay. Note: For employees who work a seven (7.0) hour day, the first additional hour of work is compensated at straight time.
- 6.3.8** Employees are encouraged to reschedule their workday with their supervisor, (i.e., start later in the day when attending an evening meeting) when and where appropriate to avoid overtime (*See 6.1.12 and 6.1.13 Scheduling*).

Right to Refuse Overtime for Family Responsibility

- 6.3.9** An employee may refuse to work overtime to address family responsibilities that relate to the health or care of any of the employee's family members or the

education of any family member who is under eighteen (18) years of age. However, in order to refuse the overtime, the employee must first take reasonable steps to carry out the family responsibilities by other means, so as to allow them to work the overtime.

- 6.3.10** If the overtime is necessary to deal with a situation that the employer could not have reasonably foreseen and that could have reasonably been expected to present an imminent or serious:
- a. threat to life, health, or safety of a person
 - b. threat to property loss or damage, or
 - c. threat to serious interference with business operations,
- for which the employee will have to work the overtime.

Accumulation and Scheduling of Time-off in Lieu of Direct Overtime Compensation

- 6.3.11** Immediate supervisors should be scheduling their own and employee banked time off and managing banked overtime amounts on a regular basis to ensure that banked time is taken as time off in lieu and does not place the employer in financial risk. The maximum amount of combined banked overtime is five (5) days. Immediate supervisors are required to manage this time to reduce or eliminate the liability to the organization.
- 6.3.12** If banking overtime, employees must fill out an F049 WLFN Comp Form at the **end of EACH pay period**.
- 6.3.13** Overtime that remains in a bank at the end of twelve (12) months (end of fiscal year March 31), must be paid out in cash.

Record of Overtime

- 6.3.14** All overtime hours must be recorded on bi-weekly timesheets and submitted to the employee's immediate supervisor for approval / signing. In the absence of their supervisor, the Director or Chief Administrative Officer will have approval authority.
- 6.3.15** Payroll will maintain records of employee overtime, as applicable.

6.4 CALL-BACK TO WORK

General Policy

- 6.4.1** Employees called back to work by the employer, in case of an emergency are eligible for compensation.

Specific Policies

Eligibility

- 6.4.2** All employees will be eligible for compensation when called-back to work.
- 6.4.3** Direct supervisors and Chief Administrative Officers must ensure the requirement for call-back of employees is essential to the operation of the organization.
- 6.4.4** This policy does not apply to employees who voluntarily provide services to the community or to individuals who provide services outside of the employee's regular job.

Compensation

- 6.4.5** Whether they work or not, all employees called back to work will receive a minimum of three (3) hours pay, as time off in lieu.
- 6.4.6** Employees who have started their vacation will not be called back to work except in case of extreme emergency as determined by their immediate supervisor in consultation with the Director or Chief Administrative Officer. When called back to work, employees will be reimbursed for all reasonable travel expenses incurred by them and their family, by submitting receipts to their direct immediate supervisor.

6.5 ATTENDANCE, LATENESS AND ABSENTEEISM

General Policy

- 6.5.1** We operate an organization that meets the needs of those we serve, and our behaviour and service must reflect professionalism and support a positive reputation. It is important for every employee to attend work promptly and regularly to maintain an effective and productive work environment.

Specific Policies

- 6.5.2** Employees are responsible for informing their immediate supervisor within 30 minutes prior to their start time, or in the supervisor's absence, the Director or Chief Administrative Officer, of any unscheduled absences from the workplace during work hours, whether it occurs at the beginning, during or end of their assigned work schedule. Unless there is an emergency (i.e., in hospital), relatives and friends are not to call on behalf of the employee. Employees are to speak to their supervisor(s) in person. If it is acceptable to notify your supervisor through text or Facebook chat, make sure your communication is clear and that you reply to any follow-up questions. If the supervisor is unavailable, the employee must leave a phone number where they can be reached when the supervisor is free and provide their expected time to return to work. At a minimum, employees need to email, so that their safety is not a concern, especially for employees who commute.
- 6.5.3** Regular attendance at work is important to enable our organization to achieve our goals and objectives. Regardless of the position you hold, your regular attendance at work is critical to maintaining a high level of service, to do your fair share of the work as part of a team, and to demonstrate commitment to your position.
- 6.5.4** Immediate supervisors will be monitoring and recording the attendance of all employees to ensure that absenteeism does not create operational problems caused by:
- a. Patterns of absenteeism surrounding weekends, scheduled days off or holidays
 - b. Absences that are made without reasonable explanation or when not medically supported
 - c. Failing to come to work at the appropriate start times or leaving before the end of the workday, or
 - d. Excessive time off for appointments during business hours.
- 6.5.5** Supervisors are expected to follow-up with employees. These conversations may include a review of overall attendance and should include ideas to generate solutions. The employee should be working to cover operational requirements and provide first loyalty to their job.
- 6.5.6** Unapproved and excessive lateness or absenteeism will result in disciplinary action,

including loss of pay for the period of the absence or up to and including termination of their employment.

- 6.5.7** Should an employee be absent for three consecutive days without calling their immediate supervisor WLFN will consider them to have abandoned their position and their employment will be terminated. A double registered letter will be sent to the last known address advising the employee of the termination.

6.6 TRAVEL TIME

General Policy

- 6.6.1** Managers and supervisors have the responsibility to make decisions that affect their operating budgets and to determine the most cost-effective method for travel. All travel plans are to be reviewed with employees to ensure that the most cost-effective method is selected, that overtime is only incurred where necessary and that travel plans include the safety of the employee travelling on behalf of the employer. It is the employers' responsibility to establish the time of departure and return, the means of travel and the compensation for travel time.
- 6.6.2** All travel outside of British Columbia is to be approved by the Chief Administrative Officer. Travel outside of Canada must be reviewed and approved by Chief and Council.

Specific Policies

Compensation for Travel Time

- 6.6.3** Approved travel time while on employer business outside of normal work hours will be compensated as one hour of banked time off at the rate of time plus one half (1-1/2) for each hour of travel time, over eight (8) hours in a day and forty (40) hours in a week. Note: The first additional hour of work after seven (7) hours will be compensated at straight time.
- 6.6.4** Employees and supervisors are responsible for ensuring that travel time incurred is reasonable and essential to meeting the best interests of the employer.
- 6.6.5** Reimbursement for travel is subject to change over time. Band approved rates are published.
- 6.6.6** If an employee chooses to take their personal vehicle when a Band vehicle is available, they will only be reimbursed at fifty percent (50%) of the mileage rate.
- 6.6.7** When two employees attend the same meeting, the employer may stipulate that both employees will travel in the same vehicle as a cost saving measure.
- 6.6.8** When two employees from different organizations travel together to a meeting, the travel claim shall be submitted for half of the transportation expenses, allowing the two organizations to share costs equally.
- 6.6.9** Except as otherwise approved by the Director or Chief Administrative Officer, employees shall use the most cost-effective means of transportation, (including time and transportation costs) and reasonably priced accommodation.

- 6.6.10** Except as otherwise approved by the Director or Chief Administrative Officer, if the employee chooses a more expensive means of transportation, he or she will only be reimbursed for the less expensive means.

Travel to and from Work

- 6.6.11** Travel time to and from the employee's residence and the employer's office will not be compensated, except as covered under specific terms of hire.
- 6.6.12** All travel times must be recorded on bi-weekly timesheets and submitted to the employee's immediate supervisor for approval / signing. In the absence of their supervisor, the Director or Chief Administrative Officer will have approval authority.

Travel Expense Reimbursement

- 6.6.13** Upon return to the office employees must submit an approved and signed travel expense form within five (5) working days stating the purpose of the travel. Travel expense claims not received within thirty (30) days of the travel date will NOT be reimbursed.
- 6.6.14** Original receipts are required for:
- a. Accommodations and airfare (Note: employees are expected to book early and plan for economical rates), and
 - b. Miscellaneous expenses such as parking, taxi fares, tolls, etc.
- 6.6.15** All travel reimbursements must be authorized by either the supervisor, Director or Chief Administrative Officer. No reimbursement will be made where appropriate receipts have not been included with an expense claim. Alcohol is not an allowable expense.
- 6.6.16** Meal allowances are claimable based on the following. On the day of departure if the employee's travel status begins:
- a. After 7:00 a.m. – no breakfast can be claimed
 - b. After 12:00 noon – breakfast and lunch cannot be claimed
 - c. After 6:00 p.m. – no meals can be claimed.
- 6.6.17** On the day of return if an employee's travel status terminates:
- a. Prior to 12:00 noon – breakfast can be claimed
 - b. Prior to 6:00 p.m. – breakfast and lunch can be claimed
 - c. After 6:00 p.m. – all meals can be claimed.
- 6.6.18** Meals provided without charge to an employee on travel status are not eligible for meal allowance reimbursement.
- 6.6.19** Incidentals are intended to cover minor costs incurred while on travel status (i.e., dry

cleaning, toiletries, etc.). They are eligible for reimbursement when travel requires an overnight stay.

Travel Advances

- 6.6.20** Travel advances are subject to the following conditions:
- a. Approved travel advances are submitted to the Finance Department for payment on the regularly scheduled payables processing date as posted in the Finance Department. The required submission date could be as early as thirteen working days prior to the date of departure.
 - b. Travel advances are pre-authorized by the employee's supervisor, Director or Chief Administrative Officer
 - c. Upon return, the employee must complete an expense claim form. Should the expenditures be less than the amount advanced, the employee shall reimburse WLFN for the difference within ten (10) working days. Should the employee fail to reimburse WLFN for the travel advances greater than the actual expenditures, we may deduct the difference from the employee's wages or next expense claim. If the expenditures are greater than the travel advance, WLFN shall reimburse the employee for the excess on the regularly scheduled payables processing date, and
 - d. In emergencies, where travel is necessary, and the employer's approval cannot be obtained, the person or persons shall travel at their own expense and apply for reimbursement in accordance with the travel regulations.
- 6.6.21** When a travel claim is reimbursable from an outside agency or government, the employee receives the organization's published rates and the organization's claims the external rates for reimbursement. The external travel claim is submitted to Finance for processing and collection.

Travel Status

- 6.6.22** Travel status begins at the time an employee is required to leave the closer of the employee's home or the WLFN office in order to arrive at the destination in sufficient time to attend to WLFN business.
- 6.6.23** Travel status ends at the time an employee would arrive at the closer of the employee's home or the WLFN office had they left immediately following WLFN business.

6.7 USE OF EMPLOYEE OR ORGANIZATION OWNED VEHICLES

General Policy

- 6.7.1** This policy outlines the guidelines, procedures and general information regarding the application and administration of the vehicle usage. The primary goal of this policy is to assist in understanding the options and responsibilities and outline the procedures and guidelines for the operation of company owned and personal vehicles. Vehicles must always be operated with a valid driver's licence and in accordance with applicable laws.

Specific Policies

Personal Vehicles

- 6.7.2** Operating vehicles, like many other items costs the organization money, whether it is for your own vehicle or for company owned vehicles. Employees must always consider cost effective choices. Car pooling of employees attending the same functions is an expectation and an example. We also encourage the use of the organization's vehicles when feasible and practical.
- 6.7.3** Employees who are authorized to use their personal vehicle for business are entitled to receive a kilometre allowance. The kilometre allowance is intended to provide the employee with the basic compensation for the use of their vehicle for business purposes and to offset the costs of financing, depreciation, insurance, and maintenance.
- 6.7.4** Distances between residence and principle place of work do not qualify for the allowance, unless the employee is driving directly to a job site that is not the normal place of work.
- 6.7.5** The immediate supervisor is responsible for approving the business use of the personal vehicle and for ensuring the employee submits the required documentation for approval and submission for payment of the final claim to Accounts Payable within ten (10) working days of the completion of travel.
- 6.7.6** Employees are responsible for purchasing insurance for their vehicle within the laws and regulations of the Province. Employees who regularly use their personal vehicle for business use, are required to maintain three million dollars (\$3,000,000) liability coverage. The differential cost for this insurance will be paid by WLFN with proof of purchase.
- 6.7.7** The organization does carry insurance to cover business items such as tools and equipment. However, the employee is required to clarify the organization's coverage with their immediate supervisor and to provide their own insurance to cover

personal items, vehicle loss or damage and liability not covered by the company policy.

6.7.8 If you are required to use your vehicle as a condition of employment, in the event of an impoundment, accident or theft the employee is responsible for obtaining a replacement vehicle to perform their duties at their own expense.

6.7.9 All employees using a personal vehicle for business are required to submit a travel claim in accordance with the Financial policy.

Use of Williams Lake First Nation Vehicles

6.7.10 Company owned vehicles are supplied to employees for the day-to-day duties in support of our operations.

6.7.11 Employees are required to operate all company vehicles legally and safely. Any traffic violations are the sole responsibility of the employee and must be paid within thirty (30) days. The employer will not cover the cost of traffic violations or parking tickets or any related legal costs incurred by the employee in either their personal vehicle or employer owned vehicle.

6.7.12 Employees are not permitted to operate a company vehicle without a driver's licence valid for the vehicle class and its intended use.

6.7.13 Do not disable devices for the safety of the vehicle (i.e., lane departure control, back-up sensing, blind spot assist, etc.) as this can nullify our insurance in the case of damage or accident.

6.7.14 Employees who are required to drive a company motor vehicle for their jobs must inform the employer immediately if they receive any restrictions or suspension of their driver's licence. Failure to advise the company of any restrictions or suspension of their driver licence will result in immediate disciplinary action, up to and including termination.

6.7.15 Operating a company vehicle while impaired is prohibited by law and the WLFN policies and the employee is subject to disciplinary action, up to and including termination.

6.7.16 Employees should responsibly use over the counter and prescription medication and ensure that the medication will not impair their ability to drive. In the event over the counter or prescribed medication is taken, it is a requirement for the employee to ensure that their ability to drive is not impaired.

6.7.17 Use of the company vehicle is restricted to the authorized employee only and employees must not permit unauthorized persons to operate any employer's vehicle.

Transporting friends or family members must have the pre-approval of the Senior Manager or Chief Administrative Officer due to liability concerns.

- 6.7.18** Employees are responsible for basic maintenance practices (check oil, fuel, and tire pressure), including keeping the vehicle in clean and orderly condition.
- 6.7.19** Employees must ensure all occupants use seat belts, and do not transport firearms (unless and only when required for work related purposes and in compliance with applicable regulations), illegal substances or alcohol at any time.
- 6.7.20** By law, employees must refrain distracted driving which can include talking on a cell phone, texting, reading (i.e., books, maps, and newspapers), using a GPS, watching videos or movies, eating/drinking, smoking, personal grooming, adjusting the radio/CD and playing extremely loud music.
- 6.7.21** Labour Code requires the enforcement that all buildings and vehicles are non-smoking and non-vaping.
- 6.7.22** Except with the authorization of the Chief Administrative Officer or their designate, all organization owned vehicles must be in the proper parking (i.e., locked compound) at the end of the workday.

Accident Reporting of Organization Owned Vehicles

- 6.7.23** No matter how minor the accident, report all accidents to your immediate supervisor as soon as practical.
- 6.7.24** Take precautions necessary to protect yourself and the scene of the accident from further accidents.
- 6.7.25** If you or other parties are injured, request medical assistance, and call the police (9-1-1 where possible) to report the accident and get medical assistance.
- 6.7.26** Give identifying information only to other party (ies) involved, but make no comments assuming responsibility, fault, blame or liability.
- 6.7.27** If the vehicle is not drivable, record the contact name and number for the towing company and yard location where the vehicle is being towed.
- 6.7.28** Complete and submit an Accident Report

Break in & Theft

- 6.7.29** In the event that a vehicle is broken into or stolen the employee must:
 - a. Notify the police and obtain a police report number as appropriate

- b. Notify your immediate supervisor (next business day if accident occurs after business hours)
- c. Perform an inventory count, listing all items and value that is missing
- d. Itemize damage to the vehicle
- e. Advise their home insurance company if personal items are missing, and
- f. Follow any other policy as dictated by the employer.

Winter Driving

- 6.7.30** Before winter conditions begin, review winter driving hazards with all employees to identify risk factors related to drivers, vehicles, trips, weather, and road conditions (i.e., black ice, mud, snow). Assess the risks and talk about how to minimize risks and action items.
- 6.7.31** Ensure vehicles are equipped with winter tires, have proper maintenance completed, winter driving survival kit is complete, good snow scraper, and all staff are thinking about road conditions. Consider discussions about night driving and consequences of long drives, challenging road types and surfaces, being stranded or having an incident and what to do. Everyone should have a backup plan.
- 6.7.32** It is an employee's responsibility to come to work on a regular basis (*See Policy 6.5 Attendance, Lateness and Absenteeism*). If you do not come to work due to road or weather conditions, you must apply for leave (i.e., vacation leave, banked overtime) to receive compensation.

6.8 USE OF CREDIT CARDS, GAS CARDS AND COMPANY ACCOUNTS
--

General Policy

- 6.8.1** You may be provided with a gas card, credit cards and access to company accounts to make purchases for business purposes only. These are not for personal use and violations may result in discipline, up to and including termination.

6.9 INFORMATION MANAGEMENT

General Policy

- 6.9.1** Information management are the tools used to support job responsibilities and to further the business operations of Williams Lake First Nation. Use of these tools requires each employee to be personally responsible for the security, integrity and well-being of the systems. In using all information management, each employee must exercise good judgment and follow the spirit of the policy. Whether using systems in the office or via remote access, this policy applies.

Definition

Information Management will be used as to describe all computers, computer systems and computer related assets, and includes all related peripheral equipment, data, software, storage media, media, e-mail, telecommunication hardware and software, internet access, FTP (file transfer protocol), access, remote access, and all other electronic transmissions.

Specific Policies

- 6.9.2** Information management is first and foremost provided for business use.
- 6.9.3** Computers should never be left unattended in parked vehicles.
- 6.9.4** E-mail messages and electronic documents are written documents for legal purposes, including documents that have been deleted. They may be subject to court order and disclosure may apply to a user's personal documents as well as work documents, when sent from the same computer.
- 6.9.5** Also understand that email messages are not secure and may be intercepted, misdirected, or re-transmitted beyond their intended audience.
- 6.9.6** Any information management (i.e., documents, files, programs or other electronic content) created on the employer's equipment belongs to the employer regardless of the time of day created or the purpose of that creation. Employees do not have any expectation of privacy, even if passwords are used, working from a laptop, or they are using equipment after hours.
- 6.9.7** All material should be saved on the server to ensure work is securely stored and regularly backed up.
- 6.9.8** The employer retains the right to monitor any and all electronic communications, files and use of the Internet to ensure the integrity of the system and compliance with our policies.

- 6.9.9** Violations of this policy may result in suspension of computer use, email, and internet privileges ability to work on social media and may be subject to disciplinary action, up to and including termination. Suspected illegal activity may be reported to law enforcement agencies for investigation.

Communication

- 6.9.10** All communication use should be legal, remain within professional standards, and not harm with the computer systems or the reputation of the WLFN. The following list, while not exhaustive, demonstrates the types of activities that are prohibited:
- a. Accessing or distributing pornographic material or engaging in any illegal activity
 - b. Knowingly using or distributing software or products that contain viruses, that are designed for hacking or activities designed to interfere with the functioning of the internal or external network
 - c. Using technology to make racial slurs, defamatory or other derogatory statements, harass, threaten, or electronically stalk or to circulate sexually explicit material including jokes or cartoons
 - d. Deliberately misrepresenting the organization or yourself
 - e. Using material, software or other intellectual property of others that would violate software licenses, copyright, and trademark laws
 - f. Disclosing security methods, passwords, or other proprietary information, and
 - g. Using the network for personal commercial use, advertisements, solicitations, promotions or for personal political gain.
- 6.9.11** The employer will not tolerate the use of computer equipment for personal gain, illegal activities or any activity that violates the nature and intent of our policies, procedures, or codes of conduct.
- 6.9.12** Do not post work photographs without the express written permission of all of the people in the photograph. Photographs are considered personal information when they can identify individuals. Use of the waiver form is required.

Acceptable use of Information Management

- 6.9.13** Acceptable use of information management would include:
- a. Activities required to conduct the organization's business and fulfill its mandate
 - b. Use of electronic mail or the internet for personal communications, educational purposes or for research that does not interfere with their performance or the ability to do their job or harm the employer's reputation on breaks and not on company time.
 - c. The employer will not tolerate the use of computer equipment for personal gain, illegal activities or any activity that violates the nature and intent of WLFN policies, procedures, or codes of conduct.
- 6.9.14** Employees should understand that every message delivered from Williams Lake First

Nation's system reflects on and represents WLFN. Therefore, employees should always re-read their message before they hit send and ensure that:

- a. It pertains to business matters
- b. It transmits a professional message (should it be on letterhead?), and
- c. If written when angry the employee should save it and reconsider the consequences when they are more composed.

Social Media

6.9.15 During any non-work related on-line activity (i.e., Tweeting, blogging, participating in chat rooms or other social media forums, such as Facebook or Instagram) employees must not discuss WLFN, it's relationships, including offering their opinion or guessing about staff, clients, members, policies, services, strategies or performance. Their personal views are not to be presented as being those of WLFN. The rules apply whether or not they are using their own computer systems or whether they believe their statements to be 'private' and whether their on-line activities are after working hours.

6.9.16 Employees may be involved in moderating, encouraging dialogue, and responding to questions on social media and blogs as part of their job. They should follow WLFN's social media principles:

- a. our role in using social media is to build our brand and our connection to our community
- b. there will always be topics that cannot be discussed with anyone. Topics may include matters before the courts, confidential policy, draft strategies, etc., and material about third parties unless you have statutory authorization to do so.
- c. have fun, be smart and use sound judgment when interacting with people – remember to manage your emotions before replying to negative feedback
- d. be a scout for compliments and criticism and make sure that the right people are informed
- e. consult with subject matter experts before responding to negative posts
- f. be conscious when mixing your business and personal lives and ensure that privacy and confidentiality are always considered, and
- g. If collecting information, such as through asking questions, be mindful of the requirements of PIPA and limit the amount of information you collect.

Internet Etiquette

6.9.17 Consider which messages should be typed on letterhead and maintained in the employer files.

6.9.18 Make sure emails that record business are printed and filed in the employer files.

6.9.19 Keep messages as short as possible – say what you need to say but be clear about your message.

- 6.9.20** Sign your message – include at least your full name and email address.
- 6.9.21** Extremes to remember: UPPER CASE MEANS SHOUTING! Multiple exclamation marks are bad!!!! Standard punctuation is expected.
- 6.9.22** Carbon copies should be shown so that everyone knows who the message is going to. Blind carbon copies are not allowed.

Use of Letterhead

- 6.9.23** Letterhead should be used for all formal correspondence.
- 6.9.24** Where the content of the correspondence deals with, or may have an impact on, territorial issues or Aboriginal Title or Rights, the Chief Administrative Officer shall forthwith provide copies of the correspondence to all members of Council and, where practicable, provide them with a reasonable opportunity to provide timely input prior to sending the correspondence.
- 6.9.25** The Chief Administrative Officer shall ensure that a copy of all correspondence sent out on letterhead is maintained in an outgoing correspondence file.

6.10 PHONES AND CELL PHONES

General Policy

- 6.10.1** Employees may occasionally use company telephones for short personal calls, though they should be kept to a minimum and placed during break times as much as possible. Personal long-distance calls are not permitted. Phone calls may be monitored at all times, and phone log reports may be run when necessary.

Specific Policies

Company Owned Cell Phones

- 6.10.2** You may or may not be eligible for a company owned cell phone. Should you be provided with a company owned cell phone, the following terms will apply.
- 6.10.3** Cell phones provided by WLFN to employees deemed to require them based on demonstrated need and job function or to enhance organizational efficiency and provide safety or security.
- 6.10.4** The data contained within a cell phone (i.e., contact information) is the property of the employer and is to be maintained, protected, and backed up. In the event that you leave your position, all data is to be retained for your replacement worker as well as transferring any passwords or user ID's.
- 6.10.5** Data on cell phones may be subject to Freedom of Information requests.
- 6.10.6** Each employee is responsible for protecting their assigned cell phone from loss, theft, or damage. The employee may be held responsible for repair bills or cell phone replacement should the damage be the result of negligence or poor decision making. Should your company owned cell phone be lost or damaged, you are required to report this to your supervisor immediately.
- 6.10.7** WLFN has the right to inspect company owned cell phones and to review cell phone bills to ensure they are being used for business purposes.

Personal Cell Phones

- 6.10.8** While in the workplace during working hours, workers are expected to focus on work. Personal cell phone use is only permitted as a tool to stay in touch with family for emergency purposes. Employees will be permitted to have their cell phone turned on as long as it is:
- kept on vibrate so as not to interfere with the business of the organization,
 - not used to engage in personal conversations, play games, surf the internet, check email, or send and receive text messages, and

c. not interfering with your work or distracting other employees.

6.10.9 Cell phones that are equipped with cameras are not to be used to capture photos or videos without express permission, as this may violate the privacy or confidentiality of others.

6.10.10 By law, employees must refrain from making or taking cellular phone calls while the vehicle is in motion (*See Distracted Driving*).

Cell Phone Allowance

6.10.11 Staff may be required to use their personal cell phones for business purposes. Authorization of a cell phone allowance must be approved by the Chief Administrative Officer.

6.10.12 WLFN will provide a cell phone allowance using the guidelines laid out in U69 WLFN Compensation Management Policy.

6.11 ENTRY INTO OFFICES AND FACILITIES

General Policy

- 6.11.1** It is the policy of Williams Lake First Nation that employees are not permitted entry into the offices and other facilities of the employer after office hours without permission, for their safety and the security of the premises.

Specific Policies

- 6.11.2** The Chief Administrative Officer shall designate an employee to be responsible for managing the distribution and return of building keys.
- 6.11.3** Employees who have keys or security codes are to ensure that the building is secured at the end of the day, or when attending the office outside of regular hours.
- 6.11.4** Keys will only be assigned to employees with a specific need, such as:
- a. those employees who are part of the emergency call out process;
 - b. immediate supervisors that would have need to access the office after hours and weekends; and
 - c. those employees who open and close the office, including back-up staff.
- 6.11.5** Keys will be issued with individual numbers for tracking and signed for by the employee. These keys will not be duplicated.
- 6.11.6** Keys must never be loaned. Violation of this policy may be grounds for disciplinary action. If a key is required for an unusual purpose, the immediate supervisor should request a temporary key and ensure it is returned by the date specified.
- 6.11.7** No visitors or unauthorized person(s) are permitted in the office after hours.
- 6.11.8** Lost keys are to be reported immediately. Failure to do so may result in disciplinary action.
- 6.11.9** Lost keys may be subject to a financial penalty for the replacement.

6.12 PERSONAL PROPERTY

General Policy

- 6.12.1** We strive to provide a safe and secure work environment for all. We will not be held liable for any loss, theft or damage should you choose to bring personal possessions into the workplace.

7. LEAVES

7.1 VACATION LEAVE

General Policy

- 7.1.1** Williams Lake First Nation shall provide employees with the needed opportunity to relax and enjoy time away from office and work by providing employees, where entitled, to annual vacation leave with pay.

Specific Policies

Vacation Entitlement

- 7.1.2** Regular full-time employees will be entitled to annual vacation days as provided on the following basis:

Years of Continuous Employment	Annual Vacation Entitlement (Working Days)
Start date to twenty-four (24) months	15
twenty-five (25) months to sixty (60) months	20
sixty-one (61) months to one hundred twenty (120) months	25
one hundred and twenty-one (121) months or more	30

- 7.1.3** The next increment in vacation entitlement occurs the day following your anniversary date.
- 7.1.4** Employees are not entitled to use vacation leave during their probationary period.
- 7.1.5** Regular part-time employees will have time off as a pro-rated version based on hours worked.
- 7.1.6** Temporary, casual, seasonal and term (less than one (1) year) employees are generally not eligible for vacation leave. Where vacation leave is granted, the leave must have the approval of the Director or Chief Administrative Officer. These employees shall receive vacation pay in the amount of four percent (4%) of total wages/earnings as per *Canada Labour Code* for the first year of employment.

Scheduling of Vacation Leave

- 7.1.7** Vacation leave shall normally be submitted in April for the coming fiscal year. This

provides both the employer and the employee with ample time to ensure that operational needs can be met and that conflicts where more than one employee wants the same time can be fairly handled throughout the year.

- 7.1.8** Vacation leave requests should take into consideration peak times, deadlines, and job requirements. Prior to leaving on vacation, employees will make arrangements to ensure their job duties are covered and that their supervisor is aware of any issues that may arise during their absence.
- 7.1.9** Where vacation requests are submitted outside this time period, the employee should provide at least ten (10) working days notice to their immediate supervisor and these requests will be reviewed subject to operational requirements.
- 7.1.10** Up to a maximum of five (5) vacation days can be carried forward to the next fiscal year, with the written authorization of the Senior Manager or Chief Administrative Officer and it is expected that these days will be used in that next fiscal year.
- 7.1.11** The scheduling and approval of vacation leave for employees shall be the responsibility of the applicable immediate supervisor.
- 7.1.12** The Chief shall have the authority to approve the scheduling of the vacation leave of the Chief Administrative Officer.
- 7.1.13** Vacation is intended to provide each employee with time off and away from the work site to re-energize and enjoy life outside of work. With that concept, vacation time shall not be paid out, except on termination of employment.
- 7.1.14** Vacation can be scheduled by the employer. Employees who do not submit their vacation requests by May 30th may have their time booked by their supervisor. In addition, employees who have not used and/or planned all of their vacation by October each year may be instructed in writing to take time off by their immediate supervisor, with two (2) week's notice.
- 7.1.15** Where an employee terminates their position and has used more vacation than they are entitled to, the dollar value of the time will be recovered from their final pay cheque.

Interruption of Vacation Leave

- 7.1.16** During your vacation leave, should you require the following leaves:
 - a. leave of absence
 - b. maternity leave
 - c. paternity leave
 - d. compassionate care leave
 - e. family responsibility leave

- f. leave for victims of family violence
- g. leave for traditional Aboriginal practices
- h. bereavement leave, or
- i. medical leave

you may postpone your vacation to take another type of leave.

- 7.1.17** Should you want to make this request you would be required to contact your immediate supervisor and provide the request and reason for wanting to postpone your vacation in writing.

7.2 GENERAL (STATUTORY) HOLIDAYS

General Policy

- 7.2.1** Statutory Holidays are days of special significance that have been established by the federal government to commemorate or celebrate certain events. A General Holiday is a day on which all employees are entitled to a day off with full pay, equal to the wages they would have earned at their regular rate of pay for their normal hours of work, if they meet the conditions.

Specific Policies

- 7.2.2** Employees will receive a minimum of one-twentieth (1/20) of their regular wages (excluding overtime) earned in the four-week (4) period immediately before the holiday.
- 7.2.3** Part-time employees paid on an hourly basis, will receive a minimum of one-twentieth (1/20) of their regular wages (excluding overtime) earned during the four-week (4) period immediately before the holiday.
- 7.2.4** The following eleven (11) days are designated as federally legislated Statutory Holidays:
- a. New Year's Day
 - b. Family Day
 - c. Good Friday
 - d. Victoria Day
 - e. Canada Day
 - f. BC Day
 - g. Labour Day
 - h. National Day for Truth and Reconciliation
 - i. Thanksgiving Day
 - j. Remembrance Day
 - k. Christmas Day
- 7.2.5** Family Day is a provincial holiday in BC. While it is not a statutory holiday it is currently provided by the employer as a day off with pay when the employee has passed three (3) months probation.
- 7.2.6** Easter Monday is the Monday following Easter. While it is not a statutory holiday it is currently provided by the employer as a day off with pay when the employee has passed three (3) months probation.
- 7.2.7** Civic holiday in BC is BC Day in August. While it is not a statutory holiday it is currently provided by the employer as a day off with pay when the employee has passed three (3) months probation.

- 7.2.8** When a general holiday falls on a Saturday or Sunday, the employer will declare the working day immediately **before or after** the general holiday as the day off with pay.
- 7.2.9** When a designated holiday falls during the employee's scheduled vacation leave, the holiday will not be counted as a day of leave.
- 7.2.10** Employees who are required to work (employer must direct this) on a statutory holiday, and who are entitled to a general holiday with pay, will be paid, in addition to their regular rate of pay for that day, a rate at least equal to one and one half (1-1/2) times the regular rate of pay for the time worked on that day.
- 7.2.11** Employees scheduled to work shift work or flexible hours on a general holiday will, in addition to 7.2.10, be given a holiday with pay at some other time convenient to the employee and employer.
- 7.2.12** National Indigenous Peoples Day (June 21) is not a day off with pay but is a day when employees support First Nation's celebrations.
- 7.2.13** The governing body has the authority to declare additional, local general holidays.

7.3 MEDICAL LEAVE (PREVIOUSLY CALLED SICK LEAVE)

General Policy

- 7.3.1** Williams Lake First Nation recognizes that while good attendance at work is vital for our success, there may be times when absences for medical purposes may be required, such as for illness, health appointments with a health care practitioner, accident related injury, organ or tissue donation or quarantine of the employee and family.

Specific Policies

Entitlement

- 7.3.2** Full-time employees earn medical leave at the rate of one (1) day for each month of employment in which the employee receives their regular pay for at least ten (10) working days. Medical leave will start to accrue 30 days after the employee start date as outlined in the *Canada Labour Code*.
- 7.3.3** Part-time employees shall earn medical leave on a prorated entitlement consistent with their regularly scheduled regular hours of work.
- 7.3.4** An employee shall not earn or be eligible for medical leave for any period of time in which the employee is on leave without pay, under suspension or on lay-off.
- 7.3.5** An employee shall continue to earn medical leave while on approved certified medical leave, or other leave in which the employee receives their regular pay.
- 7.3.6** Medical days can be used for illness or injury of the employee or their immediate family members.

Leave Carry-Over

- 7.3.7** At the end of each fiscal year, an employee who has at least ten (10) medical days in their bank may carry forward a maximum of ten (10) days. The days carried forward will be used first, to cover any absences and then the new year medical leave entitlement will be used if required.
- 7.3.8** The maximum number of medical days that can sit in the carry forward bank will never exceed ten (10) days.

-
- 7.3.9** Deductions shall be made from accumulated leave for each workday or part of a workday an employee is absent for medical leave or family illness leave.
- 7.3.10** Upon completion of probation, payment for medical days may be advanced to permanent employees for time expected to be earned in future months on the understanding that should the employee leave before earning the medical time, the advanced pay will be deducted from the final pay.

Certification of Medical Leave

- 7.3.11** In situations where the absence is greater than five (5) days or a pattern of absenteeism exists, an employee may be asked to provide medical documentation in writing, within fifteen (15) days following the employee's return to work supporting the absence including:
- a. the reason for the absence
 - b. the nature of work restrictions (if any)
 - c. the date of the most recent examination
 - d. the progress for return to regular hours of work, and
 - e. recommendations regarding potential return to modified hours or duties.
- 7.3.12** Failure to provide medical documentation as requested (within fifteen (15) days) may result in the employee not being paid for the related period of medical leave.
- 7.3.13** The employer reserves the right to refuse to provide payment for medical leave that is not considered valid, that is determined to be dishonest, that is found to be a pattern or other situations that do not match the intent of providing medical leave.
- 7.3.14** The employer shall not dismiss, suspend, lay-off, demote or discipline an employee because of absence due to personal or work-related illness or injury.

Other Employment While on Medical Leave

- 7.3.15** An employee shall not work for another employer while on medical leave.

Medical Leave Job Protection

- 7.3.16** An employee has job protection that lasts up to seventeen (17) weeks of time away.

7.4 SELF CARE DAYS

General Policy

- 7.4.1** Self care days are provided to assist employees with their own personal needs. Once you have completed three (3) months probation each employee is able to take one (1) day between April 1 and September 30 and one (1) day between October 1 and March 31 of each year.

Specific Policies

- 7.4.2** Employees are encouraged to use these days to:
- a. support their health,
 - b. develop wellness strategies and activities, and
 - c. support employee Personal Develop Plan activities.
- 7.4.3** Self care days are taken in full day increments, not in hours.
- 7.4.4** As with other leave, the employee is asked to have their manager approve the time off with ten (10) days notice required. However, greater flexibility is provided for self care days in recognition of the intent that these days are for the employee's own personal needs.
- 7.4.5** Self care days must be taken in the time allotted and cannot be carried over.

7.5 LEAVE FOR ABORIGINAL PRACTICES

General Policy

- 7.5.1** Indigenous employees who have completed three (3) consecutive months of continuous employment may take up to five (5) days of unpaid leave per calendar year to participate in traditional Indigenous practices (i.e., hunting, fishing, harvesting or gathering and other practices which may be prescribed by regulation).

Specific Policies

- 7.5.2** Leave may be taken in one (1) or more periods but must be taken in full day increments, not in hours.

7.6 BEREAVEMENT LEAVE

General Policy

- 7.6.1** Williams Lake First Nation understands that employees should have time off work to attend funeral services, grieve in private, and deal with family issues in the event of a death of an immediate family member. It is our intention to ensure that our employees get the time they need to properly take care of their family obligations, while maintaining their employment.

Specific Policies

Death of an Immediate Family Member of the Employee

- 7.6.2** An employee who has completed their three (3) month probationary period shall be granted up to five (5) regular working days leave with pay where there has been a death in the "immediate family of the employee", as approved by the Director or Chief Administrative Officer, and may take an additional five (5) days of unpaid leave.
- 7.6.3** An employee who has not completed three (3) months of work will be granted up to three (3) regular scheduled consecutive working days leave with pay where there has been a death in the "immediate family of the employee", as approved by the Director or Chief Administrative Officer, and may take an additional seven (7) days of unpaid leave.
- 7.6.4** Employees are expected to notify their immediate supervisor and request Bereavement Leave as soon as possible.
- 7.6.5** Bereavement leave may begin as early as the day on which the death occurred and ends six (6) weeks after the latest of days on which the funeral, burial or memorial service for that immediate family member occurred. Leave may be taken in one (1) or two (2) periods and must not be less than one (1) day at a time, not in hours.
- 7.6.6** WLFN reserves the right to inquire as to the name, and nature of the relationship with the deceased, and the name of the funeral home responsible for handling the arrangements.

Definition

Immediate Family for Bereavement Leave is defined as the employee's:

- a. spouse or common-law partner
- b. father and mother and the father and mother of the spouse or common-law partner (traditional parents)
- c. children, and the children of the employee's spouse or common-law partner
- d. grandchildren

- e. brothers and sisters
- f. grandfather and grandmother of the employee
- g. the father and mother of the spouse or common law partner of the employee and the spouse or common law partner of the father or mother, and
- h. any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

Attendance at Funerals

- 7.6.7** An employee who has completed their three (3) month probationary period may be provided leave with pay for up to one-half (1/2) day, to attend a funeral.

7.7 MATERNITY AND PARENTAL LEAVE

General Policy

- 7.7.1** Williams Lake First Nation shall provide all eligible employees with maternity and parental leave.

Specific Policies

Maternity-related Reassignment

- 7.7.2** An employee who is pregnant or nursing may request that the employer modify their job functions or reassign them to another job if continuing any of their current job functions may pose a risk to her health or that of the fetus or nursing child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided.
- 7.7.3** An employer must examine the request in consultation with the employee and, where reasonably practicable, modify the employee's job functions or reassign them.
- 7.7.4** An employee who has made a request for a reassignment or job modification is entitled to leave with pay while the employer is examining the request and until the employer modifies the job function, reassigns them, or informs them that it is not reasonably practicable to modify the job functions or reassignment.
- 7.7.5** Where a reassignment or a job modification is not reasonably practicable, an employee may take an unpaid leave of absence for the duration of the risk as indicated in the medical certificate.
- 7.7.6** An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of the pregnancy to the end of the twenty-fourth week following the birth, if they provide the employer with a certificate of a medical practitioner indicating that they are unable to work by reason of the pregnancy or nursing and indicating the duration of that inability.

Maternity Leave

- 7.7.7** A female employee provides at least four (4) weeks' notice before the commencement of maternity leave with a certificate from a health care practitioner confirming pregnancy shall be granted a maternity leave of absence.
- 7.7.8** An employee is entitled to up to seventeen (17) weeks of maternity leave that may be taken any time during the period that begins thirteen (13) weeks before the expected date of delivery and ending seventeen (17) weeks after the actual delivery

date.

- 7.7.9** Maternity leave can be extended up to the day on which the child is born if the birth has not occurred within the seventeen (17) week leave period.
- 7.7.10** WLFN will provide employees on maternity leave top up to 100% of their salary for the duration of their maternity leave, where the employee is in receipt of maternity Employment Insurance (EI), to a maximum of 17 weeks.

Parental Leave

- 7.7.11** An employee who assumes actual care and custody of a new-born or newly adopted child, is entitled to parental leave of absence upon providing a written notice of leave at least four (4) weeks before the commencement of parental leave, for up to thirty-seven (37) weeks within fifty-two (52) week period or sixty-three (63) weeks within a seventy-eight (78) week period.
- 7.7.12** Parental leave is available to either parent, natural or adopting, and may be shared by both parents in such a way, as the aggregate period of leave (maternity and parental) does not exceed the total entitlement of seventy-one (71) weeks. Where the employee is requesting parental leave related to the adoption of a child, the employee should provide the Chief Administrative Officer with appropriate documentation or a declaration.
- 7.7.13** Where both parents work for the WLFN, or where they both work for another employer under the jurisdiction of the *Canada Labour Code*, the parents are entitled to a combined leave of up to seventy-one (71) weeks.
- 7.7.14** Parental leave shall be without pay.

Benefits during Maternity and Parental Leaves

- 7.7.15** Coverage under the employer's Group Insurance Benefits Plan shall continue during the leave period providing the employee pays any contributions they would normally have paid. The employer shall continue to pay their required share of benefit premiums so long as the employee pays their required premiums. A series of post-dated cheques must be provided before the leave begins.

Employment Status

- 7.7.16** An employee shall be not dismissed, suspended, laid-off, demoted or disciplined because the employee is pregnant or has applied for leave of absence under this policy.

-
- 7.7.17** During approved maternity or parental leave, the employee shall be informed of every employment, promotion, and training opportunity for which the employee is qualified, providing they make this request in writing to the employer and provide a valid email address for notification.

Interruption to Maternity or Parental Leave

- 7.7.18** If the new child is hospitalized shortly after birth or adoption, with the employer's permission, you may interrupt your maternity or parental leave and return to work. Maternity leave must not end any later than fifty-two (52) weeks after the birth or adoption and parental leave must not end any later than one-hundred and four (104) weeks after the date the child is born or comes into care.
- 7.7.19** An employee must provide written notice of their intent to return to work during hospitalization. The employer has one (1) week to respond to the request. If accepted, the employee must provide a medical certificate confirming the child is hospitalized. The employee must also provide written notice as soon as possible of the date on which their maternity or parental leave will resume.
- 7.7.20** If the employer refuses to permit return to work during hospitalization, the employee may extend their leave by the number of weeks the child is hospitalized. Note this extension cannot exceed eighty-six (86) weeks.

Return to Employment

- 7.7.21** Upon the employee's return to work from maternity or parental leave, as a general rule, the employee shall be reinstated into his or her former position or where for a valid reason the employer cannot reinstate the employee in the same position, the employee will be placed in a comparable position in the same location and with the same pay and benefits.
- 7.7.22** However, an employee who has interrupted parental leave to take compassionate care leave, leave related to the critical illness of a child, leave related to death or disappearance of a child, sick leave, work-related illness or injury leave, or reservist leave is subject to the reinstatement conditions that apply to these leaves. For example, an employee who has resumed parental leave after taking a sick leave can be assigned to a different position, with different terms and conditions of employment, if he or she is no longer able to perform the work performed prior to taking the leave.
- 7.7.23** Employment shall be deemed to be continuous for the purposes of calculating benefits. That means that the employee receives pay increases that are given to the whole workforce (i.e., cost of living increase), earns incremental increases in vacation and any other benefits provided to an employee who is not on leave. Pay increases that are based on performance or merit are not automatic.
- 7.7.24** Employees on maternity leave continue to accrue vacation as a percentage of their gross earnings. Since earnings are zero dollars, the employee is then entitled to take the time off, but without pay.

7.8 PERSONAL LEAVE (PREVIOUSLY CALLED FAMILY RESPONSIBILITY LEAVE)

General Policy

- 7.8.1** Employees will be entitled to five (5) days of personal leave (previously called family responsibility leave) for responsibilities related to the education of any of their family members who are under eighteen (18) years of age or for the health or care of any of their family members.

Definition

Family Member: For the purposes of Personal Leave, a family member is defined as:

- a. spouse or common-law partner
- b. father and mother and the spouse or common-law partner of the father or mother (traditional parents)
- c. foster father and foster mother
- d. children, and the children, grandchildren, brothers and sisters of the employee's spouse or common-law partner
- e. the spouse of the common law partner of the employee's children
- f. a child to whom the employee or employee's spouse or common-law spouse acted as foster parents, under the law
- g. the employee's grandchildren
- h. the employee's brothers and sisters and spouse or common-law partner of the employee's brothers and sisters
- i. the employee's nieces and nephews and the spouse or common-law partner of the employee's nieces and nephews
- j. the employee's aunts and uncles and the spouse or common-law partner of the employee's aunts and uncles
- k. the grandfather and grandmother of the employee
- l. the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother and
- m. any relative of the employee who resides permanently with the employee or with whom the employee permanently resides
- n. a person under the guardianship or care of the employee or the employee's spouse or common-law partner, and
- o. a person who is entirely or substantially dependent on the employee or the employee's spouse or common-law partner for ongoing care and attention.

Specific Policies

- 7.8.2** Personal leave is intended to help an employee heal from an injury or illness, take care of health obligations for any member of their family or care for them, take care of obligations related to the education of any family member under age eighteen (18), manage any urgent situation that concerns them or a family member, attend their citizenship ceremony under the *Citizenship Act*, or manage any other situation

prescribed by regulation.

7.8.3 Regular full-time employees with more than three (3) months of continuous employment are entitled to five (5) days of leave, three (3) of which will be paid and two (2) of which will be unpaid per calendar year.

7.8.4 Employees with less than three (3) months are entitled to five (5) days of leave without pay.

7.8.5 The employee can take this leave over more than one (1) period, however leave must be taken in periods of one (1) full day, not in hours.

7.8.6 The employee is required to notify their immediate supervisor as soon as practical and ensure that the supervisor is kept informed about their return to work date.

7.8.7 The employer may, in writing, no later than fifteen (15) days after the employee's return to work, ask them to provide supporting documents concerning the reasons for the leave. The employee is only required to provide such documents if it is possible in practice to obtain and provide them.

7.8.8 Examples of Personal Leave

- a. Accompanying the family member to an appointment with a health care practitioner, for surgery, to the hospital or other medical institution (i.e., labs, clinics) for medical tests
- b. Picking up a family member from school due to an illness, injury, or medical emergency
- c. Taking care of a young child for a day following an unexpected school or day care closure
- d. Taking care of a sick or injured family member at home
- e. Making arrangements for a family member's long-term care
- f. Helping move an elderly family member into a more suitable residence
- g. For family members under eighteen (18) years of age: Attending parent-teacher interviews or meetings, meeting with education specialists to optimize the child's development, meeting with a school counsellor or principal to discuss behavioural challenges at school, accompanying a special needs student to ensure he or she can participate in an educational activity or attending a school orientation or registration meeting.

7.8.9 Examples that do not constitute Personal Leave

- a. Attending a family social gathering
- b. Routinely walking the dog, buying groceries, or watering the plants of a family member
- c. Helping with a family member's wedding arrangements
- d. Dealing with non-urgent legal issues (i.e., wills, powers of attorney, do not resuscitate orders) for the family member

Leaves

- e. Picking up mail, going to the bank, paying bills for the family member
- f. Attending a school related performance, accompanying a child on an extracurricular activity, accompanying an independent, older child for their first day of school, bringing a child to a community art class or sporting activity or helping a family member study for an exam.
- g. Taking an adult child (i.e., over the age of eighteen (18)) to or from university.

7.9 LEAVE FOR OTHER PERSONAL REASONS

General Policy

- 7.9.1** An employee may have a need to request a leave from work for personal reasons, other than those described elsewhere in these policies. Such requests for leave shall be in writing, reviewed on an individual request basis, and shall be without pay. Employees should submit their request one (1) month before the leave is to begin.

Specific Policies

- 7.9.2** Leave without pay for personal reasons will be considered in conjunction with:
- a requirement that all vacation and banked overtime have been used
 - employees must have been employed for a period of one (1) year
 - employees have a satisfactory or higher performance appraisal rating
 - the stated reason for the leave, and
 - current operational requirements and commitments will not result in operational hardship to the employer, should the leave be granted.
- 7.9.3** Personal leave will not be granted for purposes of other employment. Personal leave will not exceed six (6) months in duration.
- 7.9.4** An employee on personal leave may continue participation in the Group Insurance Benefits Plans, excluding short-term and long-term disability, providing the employee pays one hundred percent (100%) of all premiums (employer portion and employee portion). All other benefits including vacation accrual will be suspended during the period of the absence for leaves greater than thirty (30) days.
- 7.9.5** An employee who fails to return to work on the date specified in their written agreement for a leave of absence will be deemed to have abandoned their position and will be terminated effective that date. All benefits will be cancelled, and the employer will complete any requirements for final pay and a record of employment.
- 7.9.6** Employees on leave without pay for an extended period of time shall not conduct any business of the organization or hold themselves as a representative of the organization.
- 7.9.7** An employee on leave without pay will not be eligible for pension matching.

7.10 COMPASSIONATE CARE LEAVE

General Policy

- 7.10.1** Williams Lake First Nation shall provide all employees, a compassionate care leave (up to twenty-eight (28) weeks in a fifty-two (52) week period, without pay) to provide care or support to a family member of the employee who is gravely ill and who has a significant risk of death within twenty-six (26) weeks as per *Canada Labour Code*.

Specific Policies

- 7.10.2** The employee provides a leave request including the reason for the leave and the intended period of time for the leave, along with a medical certificate from a health care practitioner, stating that the family member has a serious medical condition and as a result, there is a significant risk of death within twenty-eight (28) weeks.
- 7.10.3** The leave ends on the last day of the week in which the family member dies or completion of twenty-eight (28) weeks.
- 7.10.4** The employee must contact Service Canada to determine if they are eligible for benefits under the *Employment Insurance Act*.
- 7.10.5** The employee must advise their supervisor as soon as practical, of their return to work date.

7.11 COURT LEAVE

General Policy

- 7.11.1** Employees shall be granted paid court leave to appear in court for the purpose of being available for jury selection, serving on a jury, attending as a witness in court or any legal proceeding where employees have received a subpoena or summons, and where the required attendance is not the result of any personal action of the employee to a maximum of ten (10) working days.

Specific Policies

- 7.11.2** Employees appearing as a Plaintiff or Defendant, attending family court, or for jail time pending a court case must request vacation or banked overtime if available or else request an unpaid leave of absence to cover their absence.
- 7.11.3** Leave of absence without pay beyond the ten (10) working days shall be given to every employee who is required to serve on a jury; or is summoned to attend as a witness in any proceedings held before a court, judge, justice, magistrate or coroner in the Province of BC. The employee is required to provide a copy of the summons or subpoena to support this request for time off.
- 7.11.4** An employee will only be compensated when actually required to be in court on a scheduled workday for the employee. Should the employee be excused from court for part of a day (where the employee could reasonably work for one (1) hour or more) or an entire day, they would be expected to return to work, as long as the drive between work and court is reasonable. This expectation is to be established before the leave begins.
- 7.11.5** Employee must provide a record of all monies paid to them by the court, except traveling and meal allowances, and the employer will make up any difference between that amount and their regular earnings for that ten (10) day period. Overtime hours will not be compensated.

7.12 LEAVE RELATED TO CRITICAL ILLNESS

General Policy

- 7.12.1** Critical Illness leave is available to employees who need to support a child or a family member who is critically ill.

Specific Policies

- 7.12.2** There are two types of unpaid leave related to critical illness:
- a. an employee, who is a family member of a critically ill child, is eligible to take up to thirty-seven (37) weeks of leave to provide care or support to the child. A "critically ill child" is a person under eighteen (18) years of age, on the day the leave begins, whose health has changed and whose life is at risk as a result of an illness or injury
 - b. an employee, who is a family member of a critically ill adult, is eligible to take up to seventeen (17) weeks of leave to provide care or support to the adult. A "critically ill adult" is a person of eighteen (18) years of age or more, on the day the leave begins, whose health has changed and whose life is at risk as a result of an illness or injury.
- 7.12.3** The employee should provide a medical certificate stating that the child or adult is critically ill or injured and requires the support of one or more of their family members along with the period of time being requested in writing as soon as possible.
- 7.12.4** The notice must advise the employer of the reason(s) for the leave and the intended length of the leave. If the employee takes more than four (4) weeks leave and the employee wants to change the length of leave, four (4) weeks' notice must be provided to the employer unless there is a valid reason why that cannot be done.

7.13 LEAVE RELATED TO THE DEATH OR DISAPPEARANCE OF A CHILD
--

General Policy

- 7.13.1** An employee whose child has disappeared or died, likely due to a crime is eligible to take time to deal with this tragedy.

Specific Policies

- 7.13.2** An employee whose child is under twenty-five (25) years of age and has disappeared or died as a result of a probable crime is eligible to take up to:
- a. fifty-two (52) weeks of leave in the case of a missing child, and
 - b. one hundred and four (104) weeks of leave if the child has died.
- 7.13.3** All employees considered to be a legal parent, adoptive parent, a person with whom the child was placed for the purpose of adoption and an individual with legal custody or guardianship of the child who has died or disappeared are entitled to the leave.
- 7.13.4** An employee is not eligible for this leave if they are charged with the crime.
- 7.13.5** The employee must advise the employer in writing as soon as possible of the reasons for the leave and the planned length of leave. The employee must also notify the employer in writing of any change in the length of leave as soon as possible. If the leave is for a period longer than four (4) weeks, the employee must give the employer at least four (4) weeks' notice of any change in the length of leave, unless there is a valid reason why this cannot be done.

7.14 RESERVIST LEAVE

General Policy

- 7.14.1** Employees who also service as Reservists may take unpaid leave within the rules outlined below.

Specific Policies

- 7.14.2** An employee who has completed three (3) months of continuous employment is allowed to take leave without pay to:
- a. a leave of absence from their civilian employment
 - b. take part in annual training or in certain military operations in Canada or abroad by the Minister of National Defence
 - c. to train or report for duty under the National Defence Act.
- 7.14.3** Reservists are also required to give their employer four (4) weeks' notice, unless there is a valid reason why it cannot be done; in this case the employer must be notified as soon as possible. In addition, the employee must advise the employer of the duration of the leave. The notice must be given in writing unless there is a valid reason to provide notice through other means.
- 7.14.4** The Minister of Labour may decide that an employee is not entitled to reservist leave if taking such leave would cause undue hardship to the employer or have an adverse effect on public health or safety.
- 7.14.5** The employer is not required to make contributions to benefit plans or pension plans during this leave.

7.15 LEAVE FOR VICTIMS OF FAMILY VIOLENCE

General Policy

- 7.15.1** Where an employee or a child of the employee is the victim of family violence, they have the right to take leave to deal with their family situation.

Specific Policies

- 7.15.2** The Code states that when an employee is a victim of family violence or is the parent of a child who is a victim, they have the right to a leave of no more than ten (10) days per calendar year to allow them to do the following, in relation to the family violence experienced:
- a. obtain medical care for themselves or the child with regard to an injury, physical disability, damages, or a psychological disability
 - b. obtain the services of an organization that provides services to victims of family violence
 - c. obtain psychological services or advisory services of another nature
 - d. move temporarily or permanently
 - e. obtain legal services or the support of organizations tasked with applying legislation, prepare for civil or criminal hearings or participate in such hearings
 - f. take any measure prescribed by regulation
- 7.15.3** "Child" means a person who is aged eighteen (18) or under. "Parent" means, with respect to a child, a person who, in law, is a parent (including an adoptive parent), has the custody of or, with whom the child is placed for the purposes of adoption under the laws of the province.
- 7.15.4** All employees are eligible for this leave, except an employee accused of an infraction related to this act or if the circumstances allow one to believe that it is probable, they committed the act.
- 7.15.5** The employee has the right to their salary during the leave for victims of family violence if they have worked for the employer without interruption for at least three months. The first five days are paid at the regular rate of pay for a normal workday and such paid leave shall be considered wages. If the employee has not worked at least three months without interruption for the same employer, they have the right to unpaid leave.
- 7.15.6** The employer may, in writing, no later than fifteen (15) days after the employee's return to work, ask them to provide supporting documents concerning the reasons for the leave. The employee is only required to provide such documents if it is possible in practice to obtain and provide them.

7.16 VOTING LEAVE

Specific Policies

- 7.16.1** The employer respects the right of all employees to vote in Federal, Provincial, Civic and Band Elections (for local band elections only) and Referendums. On voting days, the employer shall ensure that employees have the opportunity to leave work to vote. The time frame will be three (3) consecutive hours before the polls close for Band and Federal Elections and four (4) consecutive hours before the polls close for Provincial Elections.

7.17 OFFICE CLOSURES

General Policy

- 7.17.1** Office closures may occur as a result of inclement weather, dangerous driving conditions, utility disruption, fire, safety threats or forced evacuations.

Specific Policies

- 7.17.2** The Chief Administrative Officer or designate will make the determination as to whether the office shall be closed.
- 7.17.3** If the office is not yet opened and a closure is determined necessary, the Directors or Chief Administrative Officer will do their best to contact employees at the phone number(s) they have provided on their Emergency Contact Information Sheet.
- 7.17.4** In the event of a weather closure, employees are expected to arrive at work the following day, unless otherwise notified.
- 7.17.5** In the event that road conditions, or weather conditions create a situation where the employee deems it unsafe to report to work for their regularly scheduled shift, the employee should use their own judgment. In this event, the employee will be expected to contact their immediate supervisor, to inform them of their absence due to weather conditions.
- 7.17.6** Labour Canada does not require employers to pay wages for these situations. Employees will be able to use vacation or banked overtime to cover these situations.
- 7.17.7** If the closure will extend for any lengthy period (i.e., fire season) the Directors in conjunction with the Chief Administrative Officer will determine how employees can perform their duties in another location such as from another office or their homes.

7.18 TERMS AND CONDITIONS FOR LEAVES

General Policy:

- 7.18.1** During an employee absence, there are many requirements for employers and employees, including benefit continuation, what constitutes an interruption of leave, how employees return to work and being kept informed during your absence of employment, promotions, and training opportunities.

Specific Policies

Benefit Continuation

- 7.18.2** Coverage under the employer's Group Insurance Benefits Plan shall continue during the leave period providing the employee pays any contributions they would normally have paid. The employer shall continue to pay their required share of benefit premiums so long as the employee pays their required premiums. A series of post-dated cheques must be provided before the leave begins. Reservist leave is excluded.

Interruption of Leave

- 7.18.3** It is possible for employees to interrupt leaves to take other types of leave (i.e., medical leave, work-related illness, or injury leave). When this happens, the specific type of leave will end and resume immediately after the other leave ends. In most cases it cannot extend beyond the maximum time frame established for that leave under *Canada Labour Code*.

Return to Employment

- 7.18.4** Upon the employee's return to work from maternity or parental leave, as a general rule, the employee shall be reinstated into his or her former position or where for a valid reason the employer cannot reinstate the employee in the same position, the employee will be placed in a comparable position in the same location and with the same pay and benefits.
- 7.18.5** However, an employee who has interrupted parental leave to take compassionate care leave, leave related to the critical illness of a child, leave related to death or disappearance of a child, sick leave, work-related illness or injury leave, or reservist leave is subject to the reinstatement conditions that apply to these leaves. For example, an employee who has resumed parental leave after taking a sick leave can be assigned to a different position, with different terms and conditions of employment, if he or she is no longer able to perform the work performed prior to taking the leave.

Notice of Employment, Promotion and Training Opportunities

- 7.18.6** During approved leaves, the employee shall be informed of every employment, promotion, and training opportunity for which the employee is qualified, providing they make this request in writing to the employer and provide a valid email address for notification.

7.19 REHABILITATION LEAVE

General Policy

- 7.19.1** The employer encourages and wants all employees to be healthy and free of substance abuse. Where it becomes apparent to the employer that an employee is in need of counselling or treatment, following their first ninety (90) days the employer shall act promptly, firmly and yet compassionately to support the employee.

Specific Policies

- 7.19.2** Employees are encouraged to voluntarily request counselling or leave to attend rehabilitation treatment.
- 7.19.3** Where the employer deems it necessary; they may initiate such action as necessary in support of the employee. Requests from the employee shall be in writing and provided to their Director or Chief Administrative Officer as appropriate.
- 7.19.4** WLFN will work with employees to help them overcome dependency issues with the following process:
- a. Employee signs a consent form to enter into an agreement with the WLFN and provide information to a Substance Abuse Professional (SAP). This agreement allows WLFN to accommodate the employee while the employee follows any treatment required following an assessment by an SAP
 - b. The employee attends a meeting with an SAP and the SAP provides a written assessment
 - c. Employees participating in a treatment program may be granted leave with a conditional return to work dependent upon the employee's successful completion of an appropriate treatment program, which is determined by an SAP, and
 - d. Following successful completion of the program, the SAP will recommend ongoing monitoring which may include follow-up random testing. The employee will be considered for appropriate employment, if still available, within WLFN.
- 7.19.5** The purpose of this policy is to help and assist those individuals with substance abuse problems and aid in their rehabilitation. All employees who violate the policy will be required to see an SAP for evaluation. Violations of this policy will result in progressive disciplinary action, up to and including dismissal.
- 7.19.6** Leave to attend a treatment center initiated by the employer may be with or without pay as approved by the Director or Chief Administrative Officer. A request for leave shall be supported by a certificate from a health care provider and shall be obtained by the employee prior to the request for leave being presented to the Director or Chief Administrative Officer. A request for leave shall identify or include the treatment facility and the treatment plan.

7.20 RETURN TO WORK

General Policy

- 7.20.1** Williams Lake First Nation is committed to helping employees return to work safely, and successfully, following an absence due to illness or injury. Transitional work programs may be made available where possible to facilitate a return to work as soon as an employee's medical condition has improved to the point where the employee can safely attend work in some capacity.

Specific Policies

- 7.20.2** Based on the recommendations of the treating practitioner, modified or transitional employment will be considered if required and where available. The following guideline further details the return to work process and the roles and responsibilities of the employee, supervisor, Director, and other parties involved.
- 7.20.3** The employee is responsible for:
- a. Maintaining contact with their immediate supervisor as agreed to by mutual agreement throughout a period of absence
 - b. Providing information to immediate supervisor as requested regarding the nature of work restrictions and need for accommodation (duties or hours)
 - c. Providing medical documentation as requested regarding the nature and expected duration of work restrictions
 - d. Participating in a return-to-work program approved by the First Nation and the medical representative, and
 - e. Contacting their immediate supervisor at least two (2) weeks before the return to work date.
- 7.20.4** The immediate supervisor is responsible for:
- a. Maintaining contact with employees who are absent as agreed to by mutual agreement throughout the period of absence
 - b. Requesting medical information supporting an absence that exceeds five (5) days for one absence
 - c. Participating in co-ordination and supporting the return-to-work of an employee
 - d. Identifying opportunities for modified or transitional work for absent employees
 - e. Supporting the return-to-work program by monitoring progress and meeting regularly (i.e., once (1) a week with an employee participating in a return-to-work program) and
 - f. Seeking opportunities for modified or transitional work.

8. PROFESSIONAL STAFF DEVELOPMENT

General Policy

- 8.1.1** As employees are a valued resource, Williams Lake First Nation recognizes the benefits to the employee and the employer of the formal assessment and development of the employee's abilities, skills and knowledge, and career interests. The employer views professional development to include attendance at workshops, as a shared responsibility between the employer and the employee.

Specific Policies

- 8.1.2** An employee requesting professional development shall make written application to the immediate supervisor or the Director or Chief Administrative Officer as appropriate, thirty (30) days before the commencement of the professional development. Information describing the professional development, and the benefits to both the employer and the employee resulting from the employee's completion of the professional development, shall be included in the application. Depending on the relevance to the current job the employee holds, the employer may consider assisting with tuition and course fees, based upon successful completion of the course. The employee may be responsible for all other associated costs including travel time and expenses.
- 8.1.3** The employer may request or require an employee to complete formal professional development that is identified by the immediate supervisor which would be the financial responsibility of the employer.
- 8.1.4** The Director or Chief Administrative Officer shall have the authority to approve professional development for all employees. The governing body shall have the authority to approve professional development for the Chief Administrative Officer.
- 8.1.5** The employee may be asked to share the lessons learned with other employees, provide the employer with a written report or other activities which would add value to the organization's investment.
- 8.1.6** Employees are encouraged and expected to take personal interest and responsibility in the development of their skills, knowledge and personal qualities, and the setting of career goals.
- 8.1.7** Time to travel, attend or participate in professional development, conferences or training that is at your request is not considered work time and will not be eligible for overtime.
- 8.1.8** If you do not pass the course, the employer is not required to pay and will have you re-pay any costs already covered (*See Application Form*).

9. OCCUPATIONAL HEALTH AND SAFETY

9.1 OCCUPATIONAL HEALTH AND SAFETY

General Policy

- 9.1.1** Williams Lake First Nation acknowledges the right of employees to work in a healthy and safe environment and accepts their responsibility to ensure the development and management of safe work and healthy workplace. The Occupational Health and Safety Program shall be developed and administered in accordance with Part II of the *Canada Labour Code* and the requirements of the *Workers Compensation Act*.
- 9.1.2** This policy applies to all employees, elected officials, contractors, and any individual granted access to the workplace to ensure they do not endanger the health and safety of employees.

Specific Policies

Safety Committee

- 9.1.3** A Safety Committee shall be responsible for overseeing a safe and healthy workplace that reports issues, concerns and required improvements to the Chief Administrative Officer.
- 9.1.4** The Committee shall comply with and enforce all health and safety regulations and provisions within the *Canada Labour Code*, *WorkSafe BC*, and the provisions under *WHMIS 2015* (Workplace Hazardous Materials Information System).
- 9.1.5** Responsibilities of the Occupational Health & Safety Committee shall include:
- Meeting nine (9) times per year and during emergencies when required
 - Ensuring that adequate records are maintained on work accidents, injuries, health hazards, complaints and regularly monitoring this data
 - Receiving and reviewing all health and safety complaints
 - Participating in all injuries and investigations concerning occupational health and safety
 - Requesting information from the employer identifying existing or potential hazards with respect to materials or equipment in the workplace and monitoring any prevention programs.
 - Providing recommendations to the employer on the requirements for health and safety equipment and supplies (i.e., first aid), monitoring program for all Personal Protective Equipment (PPE) requirements.
 - Conducting monthly inspections (i.e., ensuring every part of the workplace is inspected at least once per year) and making recommendations of unsafe, hazardous or dangerous conditions

- h. Providing recommendations on the training and education of employees on health and safety in the workplace, and
- i. Assisting in the development of program for the prevention of hazards in the workplace and procedures to ensure employee safety and protection.

9.1.6 WLFN has committed to fulfilling the requirements related to Occupational Health and Safety by:

- a. Ensuring that employees are aware of any health and safety hazards in the workplace and that employees are consulted before implementing changes to work processes and procedures that affect health and safety
- b. Conducting workplace inspections, as required, and correcting any unsafe acts and conditions
- c. Ensuring employees, supervisors and managers are adequately trained and qualified to safely perform their duties (Note: employers must ensure that special needs employees understand the information being provided (multiple delivery options))
- d. Developing programs for the prevention of hazards in the workplace that are monitored in consultation with the OH&S committee and employees
- e. Providing written safe work procedures, when required for the employee's continued health and safety
- f. Responding to recommendations from the OH&S committee within thirty (30) days
- g. Maintaining health and safety records and statistics
- h. Posting a copy of the:
 - i. Applicable *Occupational Health and Safety Regulations* (electronic form)
 - ii. Safety and health policy
 - iii. Names of the health and safety committee members
 - iv. Minutes of committee meetings
 - v. Names and work locations of trained first aid attendants, and
 - vi. Ensuring the organization's vehicles are properly maintained and equipped.

9.1.7 Internal complaints shall be handled following the Dispute Resolution process (*See Policy 3.8*).

9.1.8 In addition, the employer is committed to:

- a. Reviewing and acting on the recommendations of the Safety Committee
- b. Providing a safe and healthy work environment, including first aid and supplies, appropriate safety equipment and clothing, protective devices for machinery, tools and equipment, and the proper level of ventilation, lighting, and noise
- c. Training and education of employees (i.e., hazardous materials, fire and emergency procedures and the safe operation of equipment and tools)
- d. Developing a program to manage workplace hazardous materials and
- e. Reviewing the Occupational Health and Safety Program annually.

Employee Responsibilities

9.1.9 Ensure their own health and safety at work, use all safety materials provided, follow all procedures, comply with instructions, and cooperate with OH&S committee members.

9.1.10 Reporting all unsafe conditions, accidents, injuries or near misses immediately.

Definition:

Near misses (any incident, accident, or emergency which did not result in an injury, but should be reviewed to ensure it does not happen to someone else) immediately

9.1.11 Depending on the severity of the injury, employees are required to complete an “Application for Compensation and Report of Injury or Occupational Disease” (Form 6 from WorkSafe BC) immediately, or immediately following treatment by a physician. This form is provided to Payroll in order for the employer to complete their report (Form 7 Employer’s Report of Injury or Occupational Disease).

9.1.12 Taking all reasonable and necessary precautions to ensure their own safety and health and that of anyone affected by their work and complying with the instructions provided for the protection of their health and safety.

9.1.13 Correcting or reporting any hazards and accidents in the workplace to their immediate supervisor.

9.1.14 Using safety materials, equipment, devices and / or clothing either furnished by the employer or prescribed by a Regulation.

9.1.15 Helping to create a safe workplace by recommending ways to improve the health and safety program.

9.1.16 It is important that your current address, phone number(s), message phone number(s), and emergency contact(s) be provided to the employer, in order to respond to potential emergency situations. This information will be kept secure in your Personal file.

9.1.17 Employees are specifically instructed not to use or operate a machine, including motor vehicle as part of their employment while under the influence of intoxicating substances (See *Policy 4.7 Discipline, Suspension and Termination* and *Policy 3.11 Impairment Policy*)

9.2 RIGHT TO KNOW AND RIGHT TO PARTICIPATE

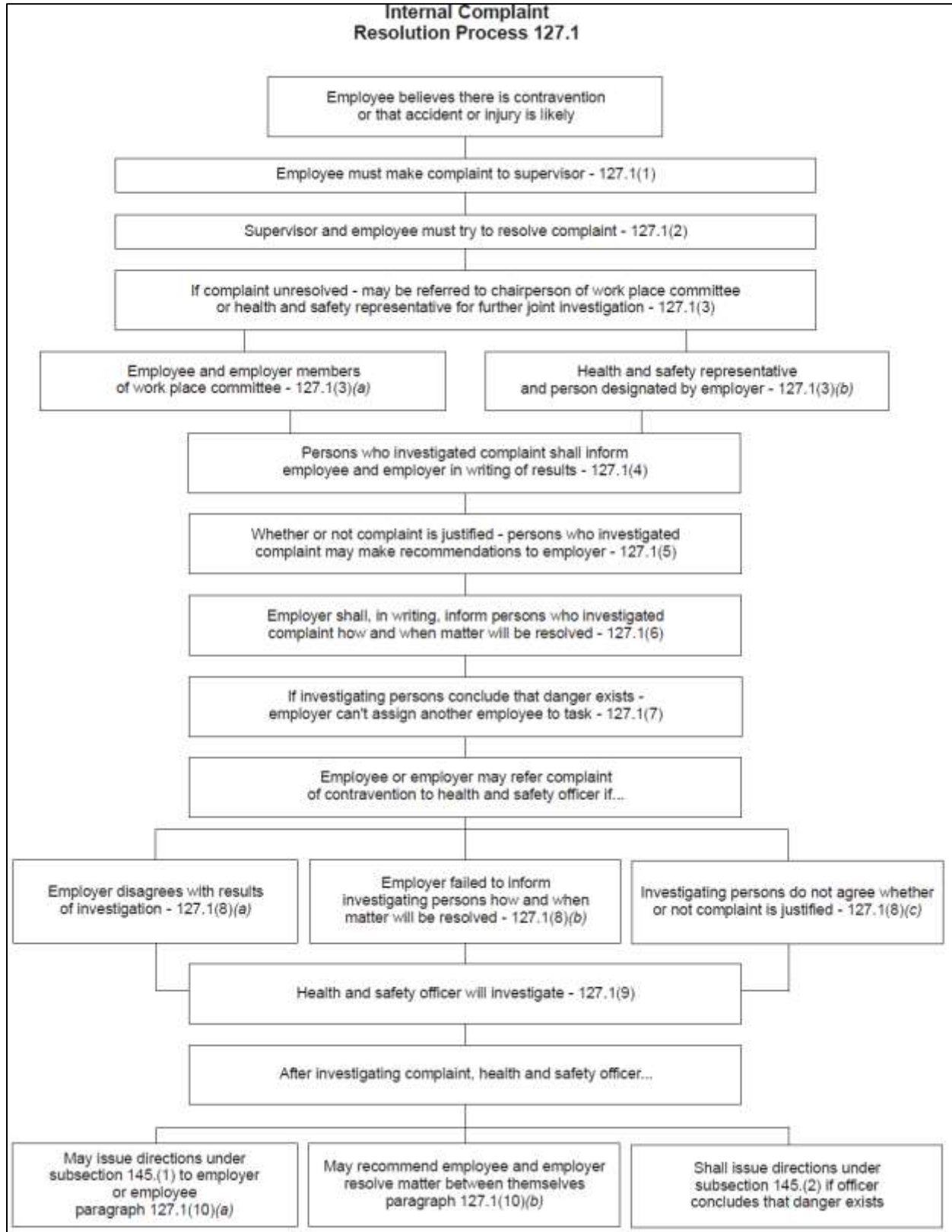
General Policy

- 9.2.1** Williams Lake First Nation is committed to ensuring employees have the information about hazards in the workplace and are provided with the information, instruction, training and supervision necessary to protect their health and safety and are provided with the right and responsibility to participate in identifying and correcting job related health and safety concerns.

Specific Policies

- 9.2.2** WLFN will ensure that employees are provided with information using appropriate methods for a variety of needs, including special needs.
- 9.2.3** Information about government or employer reports relating to health and safety will be provided to employees through the Occupational Health & Safety Committee, without disclosing medical records of any person except with that person's consent.
- 9.2.4** Part II of the *Canada Labour Code* further provides for employee participation through the use of an internal complaint resolution process (See *chart 9.2.6*). Note that this process is intended to create a collaborative approach to investigating potential workplace hazards while maintaining an employee's right to refuse dangerous work (See *9.3 Right to Refuse Unsafe Work*).
- 9.2.5** Complaints may only be made to the Labour Program if the internal resolution process (See *9.2.6*) has been followed and has not been successful in resolving the matter.

9.2.6 Internal Complaint Resolution Process



9.3 RIGHT TO REFUSE UNSAFE WORK

General Policy

- 9.3.1** According to *Labour Code Regulations*, an employee has the right to refuse to do a job, operate a machine or thing, work in a place or perform an activity when they have reasonable cause to believe:
- there is a condition at work that is a danger to an employee or others
 - the use or operation of a machine or equipment presents a danger to the employee or a co-worker, or
 - the performance of an activity constitutes a danger to the employee or another employee.

Specific Policies

- 9.3.2** The employee may refuse to work by immediately providing their supervisor with the reasons they feel make the situation unsafe.
- 9.3.3** The supervisor must determine whether a danger exists or not. If yes, the employer must take immediate action to protect the employees from the danger. The employer must then inform the workplace OH&S committee of the matter and the action taken to resolve it. If the employer feels there is no danger, or if the situation is not corrected to the employee's satisfaction, then the employee has the right to continue to refuse to work and must now report the circumstances to the employer and the OH&S committee.
- 9.3.4** The employer now must investigate the matter following a, b, or c, in the presence of:
- the employee who reported it and one other person who is an employee of the OH&S committee who does not exercise management functions,
 - the health & safety representative **or**
 - one person from the workplace who is selected by the employee if no person from a) and b) is available.
- 9.3.5** Following the investigation and once the OH&S representative(s) have reached a decision, they will immediately give their written notification of the decision to the employer and employee. If they determine there is no danger, the employee must return to work.
- 9.3.6** If the report determines there is danger, the report to the employer will include directions for correcting the situation. The employer cannot assign another employee to do that task.
- 9.3.7** The employee or employer may refer the complaint to Labour Canada if
- the employer disagrees with the results of the investigation

- b. the employer fails to inform the investigating person how and when the matter will be resolved, or
- c. the investigating persons do not agree whether or not the complaint is justified.

- 9.3.8** The Labour Canada officer will investigate and after investigating the complaint may
- a. issue directions to the employer or employee
 - a. recommend employee and employer resolve the matter between themselves, or
 - a. shall issue directions if the officer concludes that danger exists.

- 9.3.9** The employer may assign reasonable alternative work to employees who are refusing to perform unsafe work.

9.4 VIOLENCE IN THE WORKPLACE POLICY

General Policy

- 9.4.1** Williams Lake First Nation is committed to providing a safe, healthy, and violence-free workplace where any act of violence is unacceptable and will not be tolerated. It is our intent to take reasonable steps to protect our workers from violence from all sources, dedicate sufficient attention, time and resources to address factors that contribute to workplace violence and commit to assisting employees who have been exposed to workplace violence. Factors can include bullying, teasing, abusive and other aggressive behaviour which are believed to escalate and result in workplace violence.
- 9.4.2** Eliminating violence in the workplace is a shared responsibility and requires the full participation of every employee.
- 9.4.3** This policy applies to everyone: all workers, visitors, clients, members, vendors, suppliers, elected officials, and contractors. Everyone is expected to uphold this policy and work together to prevent workplace incidents.

Definitions

Workplace Violence:

Workplace Violence includes any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that person. The aggressor may be another employee, someone with whom the employee has a personal relationship, a member of the governing body, a stranger, a member, a client, a contractor, or a visitor. Violence includes but is not limited to:

- a. behaviour which gives a person reason to believe that he or she or any other person is at risk of injury
- b. bullying, teasing, abusive and other forms of aggressive behaviour
- c. beatings, stabbings, rapes, shootings, suicides and near suicides and
- d. acts causing psychological trauma such as threats, obscene phone calls, mental cruelty and intimidation and threatening hand gestures or body language.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (conferences, trade shows), at social events related to work, in clients' homes or away from work but resulting from work (a threatening telephone call to your home from a client).

Psychological Harm:

Psychological harm is a distinction must be made between psychologically **affecting**, and psychologically **harming** an employee. An incident that makes the employee unhappy, dissatisfied, or frustrated, but does not impair their ability to fully function in the workplace or in

their personal life, is one that only psychologically **affects** the employee. In contrast, an incident that does impair an employee's ability to fully function in the workplace or their personal life is one that psychologically **harms** the employee.

Competent Person:

A competent person is someone who is "impartial and is seen by the parties to be impartial" which means that the complaining employee and the employee alleged to have engaged in an act of workplace violence must both agree that the proposed investigator is impartial.

Specific Policies

- 9.4.4** This policy should be read in conjunction with *Policy 3.8 Dispute Resolution*, *Policy 3.9 Bullying, Harassment & Discrimination*, and *Policy 4.7 Discipline, Suspension and Dismissal*.
- 9.4.5** Acts of violence will be treated in accordance with Policy 4.7 Discipline, Suspension and Dismissal which may include disciplinary action up to and including termination.
- 9.4.6** Formal complaints will be evaluated by the supervisor or Director to determine if they should be reported to the police. The employer will investigate, address and resolve the complaint between parties if the police are not involved. Violent incidents will be reported to the Labour Program.

Prevention

- 9.4.7** The Occupational Health & Safety Committee will ensure risk assessments are conducted for each location and where necessary, they will develop and implement a violence prevention action plan (i.e., family violence, stalking) to minimize dangers. The employer will provide a consistent and focused approach on preventing workplace violence.

Reporting and Resolution Process

- 9.4.8** Should any incident occur, an employee should inform the person inflicting the behaviour that it is unwelcome and unwanted (you may ask a supervisor to help you with this step). It is important to document each event including the time, date, and the names of individuals involved or those witnessing the behaviour.
- 9.4.9** The claimant / victim completes the Violence Incident Report Form and provides the report to their direct supervisor immediately.
- 9.4.10** The employer must contact the victim of workplace harassment or violence and the respondent or any non-anonymous third-party reporter within five (5) days of learning of the occurrence to confirm receipt of notice, explain the policy, explain the

resolution process and the right to be represented during the resolution process.

- 9.4.11** As part of an early resolution process, the employer will make every reasonable effort to resolve the occurrence within one hundred and eighty (180) days of the original notification. If it is not resolved, the victim has the option to complete the resolution process by conciliation or investigation.
- 9.4.12** Conciliation is only available if the victim and respondent agree to the process and also agree on the person to facilitate the conciliation. If the victim and respondent cannot agree on a competent person within sixty (60) days, the employer can apply to have someone appointed.
- 9.4.13** Conciliation must also be completed within one hundred and eighty (180) days of the original notification.
- 9.4.14** If conciliation is not available or not successful, the employer must provide notice to the victim and respondent that an investigation will be conducted. An investigation and report may be contracted to a competent third party.
- 9.4.15** The employer must provide monthly status updates to the victim and the respondent, beginning in the month after notification to the victim and in the month after being contacted for the respondent. This duty ends in the month in which the resolution process is completed.
- 9.4.16** If the incident can be resolved, the employer will assess and implement controls to prevent reoccurrence. **The identities of the people involved will not be disclosed without their consent.**

Assistance

- 9.4.17** The employer must assist employees who have been involved in workplace violence which may take various forms, such as employee assistance or counselling program.

Follow Up and Confidentiality

- 9.4.18** Following an investigation, the written report will be given to the OH&S Committee for review and development of controls for the future providing that disclosure of the information contained in the report is not prohibited by law or would not reveal the identity of the persons involved without their consent. In the case that information would be disclosed, only a summary of the report and/or the recommendations will be provided to the OH&S Committee.
- 9.4.19** The employer must determine whether the disclosure of information is prohibited by law when consulting with OH&S Committee or others. If the police investigate, the employer must notify the OH&S Committee, unless prohibited by law.

- 9.4.20** The employer will obtain consent from the persons involved before disclosing any identifying information to the OH&S Committee or any investigator.

Training

- 9.4.21** Training must be conducted at least every three (3) years and include prevention policy (includes crisis prevention, personal safety, and de-escalation techniques).

Reporting

- 9.4.22** The employer must file an annual report with the minister specifying:
- a. the number and type of occurrences that have taken place in the last year
 - b. the number that have resulted in death
 - c. the prohibited ground of discrimination (if any)
 - d. the locations where the occurrences took place and total number per location
 - e. the relationship between victim and respondent including total number per relationship type
 - f. the manner in which occurrences were resolved including the total number per resolution type and
 - g. the average resolution time in months.

9.5 WORKING ALONE

General Policy

- 9.5.1** All employees are expected to follow check-in procedures for working alone or in isolation.
- 9.5.2** Employees shall take appropriate precautions when they are alone at work, on travel status or on business outside of the office.

Specific Policies

- 9.5.3** When working inside any building alone, the doors should be locked after working hours.
- 9.5.4** When travelling outside of the office, your supervisor, Director, or reception should be informed of the following:
- a. Destination
 - b. Estimated time of arrival
 - c. Return time and date
 - d. Contact information at the destination (office, hotel, etc.)
 - e. Mode of transit
 - f. Alternate arrangements in the event of bad weather, traffic problems, etc., and
 - g. Main and alternate contact for checking your safety.
- 9.5.5** Employees will follow the check-in procedure:
- a. Ensure reception has the information to locate you
 - b. Identify the main contact at the office, as well as a backup for checking your safety
 - c. When to check in and how often (i.e., via text every two hours during drive, stopping to text)
 - d. Stick to the check in procedure
 - e. Have main contact person reach out if the check-in is missed
 - f. Establish a code word to be used to identify or confirm that help is needed, and
 - g. Develop an emergency plan to be followed if the employee does not check-in when scheduled.
 - i. First try to contact the employee
 - ii. Ensure that the destination where the employee was going has been contacted
 - iii. If you are not able to determine current location, either assign someone to go from the last known location to the destination or call the RCMP to check this pathway
 - iv. Call the emergency contact person to ask if they know more information
 - v. Make sure the supervisor is aware of the situation

9.5.6 If in doubt or worried about your safety, lock the building doors and ask for help.

9.5.7 Potential hazards of working alone include:

- a. Increased risk of confrontation or violence
- b. Driving alone on rural roads that are infrequently travelled on could mean risk of mechanical breakdown or accident with limited access to help, or
- c. Experiencing sickness or injury with no one to help you.

9.6 SAFETY TIPS FOR TRAVELLING TO AND FROM THE OFFICE

General Policy

- 9.6.1** The following safety tips have been provided to help you to be aware of your surroundings and to consider ways to make yourself safe at all times.

Specific Policies

- 9.6.2** Pre-arrival planning: before you leave for work:
- Visualize where you will park when you arrive at work
 - Ensure that you have enough gas to get to and from work
 - Ensure that you have everything you need for work on the front seat beside you, if you are travelling alone, and
 - Visualize a backup plan you can use if your arrival at work does not go as planned.
- 9.6.3** Arrival at your parking spot
- Park in well-lit areas. As you enter the parking lot, keep the vehicle locked and the windows rolled up
 - As you enter the designated parking area and before you leave your vehicle, scan the area for suspicious persons. Have a backup plan ready
 - Prepare yourself to get out of the vehicle with everything you need before unlocking the vehicle door. Ensure you have the key to the building, a whistle or other personal alarm, and other personal belongings. Avoid having to reach back into the vehicle for items after you have exited, and
 - Ensure the vehicle is locked and the windows are up while it is unattended.
- 9.6.4** Returning to your vehicle
- Prepare yourself to leave the office with everything you need, such as keys to lock doors, the key to open your vehicle, and a whistle or other personal alarm
 - Use the main entrance as much as possible - avoid rear or secluded exits
 - Scan the area for suspicious or menacing individuals. Have a backup plan if there is danger
 - Proceed directly and quickly to your vehicle. Walk with your head erect, look alert, and scan your route
 - If possible, avoid walking to your vehicle alone. Go with other workers, or another escort. Provide the escort with a ride back to the main entrance, and
 - If you must walk to your vehicle alone, have a co-worker watch you from a window, if possible, and wave to them on the way to your vehicle. If no one is available, fake it: Pretend you are being watched and wave to an imaginary co-worker on the way to your vehicle.
 - Once you are in your vehicle, ensure all doors are locked and windows are up, and drive away immediately.
- 9.6.5** Report concerns about suspicious people to your supervisor.

9.7 DEALING WITH IRATE PEOPLE

General Policy

- 9.7.1** Dealing with irate clients or visitors at some point in your career, is almost inevitable. Preparing yourself before that event is an important skill that will help you and your co-workers.

Specific Policies

- 9.7.2** Should you face an irate person, the following steps will help you defuse the situation:
- a. Remain calm. Be mindful of your surroundings. Do not yell or use foul language even if the other person is doing so
 - b. Acknowledge the person's feelings. Use words such as 'I understand', or 'it sounds like you are angry about...'. Avoid blaming or judgements
 - c. Listen to the persons concerns. Use words such as 'ok I hear you' or 'I'm listening'. Give the irate person the opportunity to vent and express concerns. Sometimes all they want is someone to listen
 - d. Ask what you can do for them in that moment (i.e., what can I do that will help?)
 - e. If the person continues to behave in an irate manner, seek the assistance from a supervisor/manager. Remain calm
 - f. Call the RCMP if needed
 - g. Personal safety and safety of others is essential - be mindful of surroundings and keep the person from accessing other areas of the building, if possible
 - h. Ensure you report the incident to your supervisor or Senior Manager immediately and document the incident, and
 - i. The supervisor or Senior Manager should follow up with the employee to provide support if needed.
- 9.7.3** If an individual has a pattern of being irate or uncooperative, request assistance from your supervisor or Director:
- a. Document the patterns of behaviour
 - b. Inform the Chief Administrative Officer, and
 - c. Call the RCMP if necessary.

9.8 NEW AND YOUNG WORKER TRAINING
--

General Policy

- 9.8.1** Williams Lake First Nation understands that new (new to your worksite) and young workers (under twenty-five (25) years of age) need special attention because they are at higher risk of injury than more experienced workers. The injury rate for young workers, especially young male workers is much higher than the overall population.

Specific Policies

- 9.8.2** WLFN is committed to ensuring that the orientation provided to new and young workers does the following:
- a. Prepares the worker for the job before they start working
 - b. Provides training (even to experienced workers) for changing, new or unique hazards in the workplace
 - c. Helps the employee understand how to evaluate the situation
 - d. Ensures the employee understands how to contact a supervisor, first aid attendant and any other information about worker rights and responsibilities
 - e. Adequately provides training of the procedures, emergency procedures and any potential hazards they are facing
 - f. Tests the workers understanding of the above, and
 - g. Documents the orientation.

9.9 WORKING IN OUTSIDE WEATHER CONDITIONS

Cold Weather Safety Plan

General Policy

- 9.9.1** Being prepared for cold weather and planning for the proper clothing, understanding the risks of cold weather and establishing safety plans for all outside workers before the season arrives will ensure that employees have the ability to work safely.

Specific Policies

- 9.9.2** Planning ahead for cold weather will mean that employees will already know how to work safely.
- a. For work below the freezing point, metal handles and bars should be covered by thermal insulating material
 - b. Machines and tools should be designed to be operated with gloves or mittens
 - c. Every workplace that could fall below sixteen (16) °C should be equipped with a suitable thermometer to monitor any further temperature changes. The temperature should be monitored for changes
 - d. An annual training program should include how to work in cold environments, symptoms of adverse effects to cold, proper clothing habits, safe work practices, physical fitness requirements for work in cold and emergency procedures in case of cold injury and working with a buddy system.
- 9.9.3** The following are recommendations for proper clothing for working in cold environments:
- a. Wear at least three (3) layers of loose-fitting clothing. Layering provides better insulation. Do not wear tight fitting clothing.
 - i. An inner layer of wool, silk or synthetic to keep moisture away from the body.
 - ii. A middle layer of wool or synthetic to provide insulation even when wet.
 - iii. An outer wind and rain protection layer that allows some ventilation to prevent overheating.
 - b. Wear a hat or hood to help keep your whole body warmer. Hats reduce the amount of body heat that escapes from your head.
 - c. Use a knit mask to cover the face and mouth (if needed) or a scarf or neck tube.
 - d. Use insulated gloves to protect the hands (water resistant if necessary).
 - e. Wear insulated and waterproof boots (or another suitable footwear).
 - f. When it is very cold, or when the wind chill is significant, cover as much exposed skin as possible. Your body's extremities, such as the ears, nose, fingers, and toes lose heat the fastest
 - g. If work takes place outdoors in snow or ice-covered terrain where excessive ultraviolet light, glare or blowing ice crystals present a risk of injury to the eyes, workers must wear eye protection appropriate to the hazards

9.9.4 The employer will ensure that you know the symptoms of cold stress (i.e., wind chill and risk of frostbite).

9.9.5 Safety tips include:

- a. Monitor your physical condition and that of your coworkers
- b. Stay dry in the cold because moisture or dampness, (i.e., from sweating), can increase the rate of heat loss from the body
- c. Keep extra clothing (including underwear) handy in case you get wet and need to change
- d. Drink warm sweetened fluids (no alcohol)
- e. Use proper engineering controls, safe work practices, and personal protective equipment (PPE) provided by your employer
- f. Pace your vigorous work (prevent sweating) with scheduled warm-up breaks away from the cold. Heated shelters protect outside workers from cold and damp environments.

9.9.6 Frostbite and Hypothermia

- a. Watch for signs of frostbite and hypothermia
- b. Some people are more susceptible to the cold, particularly children, the elderly and those with circulation problems
- c. The use of alcohol, tobacco and certain medications will increase your susceptibility to cold.

9.9.7 Hypothermia

- a. Being cold over a prolonged period of time can cause a drop in body temperature
- b. Shivering, confusion, and loss of muscular control (i.e., difficulty walking) can occur.
- c. It can progress to a life-threatening condition where shivering stops, or the person loses consciousness. Cardiac arrest may occur.

Hot Weather Safety Plan

9.9.8 Planning ahead for warm weather will mean that employees will already know how to work safely.

- a. Monitor heat conditions and require workers not to work alone.
- b. Ensure there is adequate first-aid coverage and emergency procedures are in place.
- c. Make physical modifications to facilities, equipment, processes to reduce exposure.
- d. Change work practices and policies to limit the risk.
- e. Determine appropriate work-rest cycles; when a worker feels ill it may be too late.
- f. Rotate work activities or use additional workers to reduce exposure.
- g. Establish cooling areas with shade and water.

- 9.9.9** Prevention of heat stress for workers should include:
- Drink plenty of water (one glass every 20 minutes).
 - Wear light-coloured, loose-fitting clothing made of breathable fabric such as cotton.
 - Take rest breaks in a cool, well-ventilated area.
 - Do hard physical work during the coolest parts of the day, before 11 a.m. and after 3 p.m.
 - Know your personal risk factors such as medications and any pre-existing conditions.
 - Check the signs and symptoms for yourself and co-workers.
- 9.9.10** Occupational exposure limits or guidelines for exposure to high temperatures actually depend on a number of factors, not just the temperature. These other factors include:
- relative humidity
 - exposure to sun or other heat sources
 - amount of air movement
 - work demands - i.e., how physically demanding the work is
 - is the worker acclimatized or unacclimated to the workload under the conditions of work?
 - what clothing is worn (including protective clothing)
 - what is the work-rest regimen (% time work vs. % time rest or break)?
- 9.9.11** Symptoms of heat stroke include:
- In a very hot environment, the most serious health and safety concern is heat stroke. Heat stroke can be fatal if medical attention is not available immediately. Heat exhaustion and fainting (syncope) are also types of heat related illnesses which are not fatal but can interfere with a person's ability to work.
 - The victims of heat stroke are unable to notice the symptoms when they are happening to themselves, and therefore, their survival depends on co-worker's ability to identify symptoms in others, and to get medical help.
 - While symptoms can vary from person to person, the warning signs of heat stroke can include complaints of sudden and severe fatigue, nausea, dizziness, light-headedness, and may or may not include sweating. If a co-worker appears to be disorientated or confused (including euphoria), or has unaccountable irritability, malaise or flu-like symptoms, the worker should be moved to a cool location and get medical help immediately.

9.10 EVACUATIONS AND EVACUATION ALERTS

General Policy

- 9.10.1** The safety and wellbeing of all Williams Lake First Nation members and employees are paramount during any emergency, evacuation, or evacuation alert. Evacuation is the process of removing persons from an area of imminent danger or actual threat to individual safety. Depending on the nature and scope of the event, evacuations may be limited to a single building, a group of buildings, part, or the entire community. Successful and detailed planning is the key to effectively executing evacuations when an event occurs.

Specific Policies

Emergency Program Act

- 9.10.2** The legal authority for local authorities to order an evacuation rests within the *Emergency Program Act (1993) Section 12(1)*. Under this section the head of a local authority or designate is permitted to declare a state of local emergency giving legal power to: “cause the evacuation of persons and the removal of livestock, animals and personal property that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property” Under *section 9(1) of the Emergency Program Act* the Solicitor General is authorized to declare a provincial state of emergency. Under a provincial declaration the Solicitor General has the authority to order evacuations as deemed necessary.

Federal Legislation for non-treaty First Nations

- 9.10.3** Currently there is no federal legislation that addresses evacuations for First Nation reserves or any mechanism to declare a state of local emergency on reserve. Provincial legislation does not apply to reserve land unless a (*Evacuation Operational Guidelines 2009 Page 3*) First Nation is a treaty First Nations. Once treaty, they are considered a local authority and provincial legislation applies.
- 9.10.4** For non-treaty First Nations communities the *Indian Act, Section 81(1)(a)*, states "the council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, (a) to provide for the health and safety of residents on the reserve and to prevent the spreading of contagious and infectious diseases."
- 9.10.5** Indigenous Services Canada encourages joint Evacuation Alerts and/or Orders between First Nations and neighbouring municipalities or regional districts. Indigenous Services Canada current practice is to encourage the First Nations communities to have a draft Band Council Resolution entitled “Evacuation Order” in

place prior to an event and signed by the Chief and Council.

Three Stage Evacuation Process

Stage 1 - Evacuation Alert

- 9.10.6** The purpose of the Evacuation Alert is to inform the population at threat of a potential or impending danger. An Evacuation Alert may allow for the affected population to begin an orderly preparation to leave the affected area while informing them of the hazard as well as identify hazard/emergency zone, evacuation route(s) and Reception Centres. Evacuation alerts do not require a declaration of a state of local emergency.
- 9.10.7** At this point, the movement of at-risk populations, transient populations and in some cases, school populations should become a consideration and potentially a priority.
- 9.10.8** Depending on the hazard the reality of the situation may require immediate action with very short or no notice. In some instances, an Evacuation Order is immediate, and no evacuation alert is given.

Stage 2 - Evacuation Order

- 9.10.9** The order to evacuate all or part of an area should only be given after careful consideration of all the factors involved, and with life safety being paramount.
- 9.10.10** The hazard and situation are the primary indicators when making the decision to evacuate. In some cases, clear and obvious risks will indicate the need for evacuation; in other cases, a precautionary evacuation may be justified to avoid an anticipated impact or threat. Ordering an evacuation too far in advance in cases when the hazard recedes can expose the evacuees to unnecessary risk. Waiting too long to make the decision may force the community to evacuate under high risk conditions.
- 9.10.11** Under a formal written Evacuation Order the impacted population is ordered to evacuate the area specified immediately. It is an Order and as such does not allow for any discretionary action on the part of the population at risk. All persons in the affected area are to be told that, in the interest of their own safety and considering the risk, they are now ordered to leave the area. The written Evacuation Order is to be in a consistent form with no allowance for discretion clearly indicating immediate evacuation. It should be stated that while the evacuation order is in effect, the area in question will have controlled access.
- 9.10.12** Locating, rescuing, stabilizing, and removing victims from hazardous and/or contaminated area(s) is done only by emergency services personnel with appropriate protective equipment, training and where the risk to responders is minimal. Persons

who remain in an area in violation of an Evacuation Order should be advised that they cannot expect assistance if their lives are subsequently threatened by the hazard.

- 9.10.13** The RCMP provided the following information: “The police will apprehend any minors at risk if their guardians are refusing to obey the evacuation order and turn those minors over to the appropriate provincial child protection agency. Police will arrest and charge individuals who are obstructing the evacuation process or hindering first responders in the performance of their duties. A great deal of discretion must be applied when contemplating apprehending a minor or arresting an individual as this will take the police officer away from performing evacuation duties. These powers of apprehension and arrest should only be used when all other avenues have been exhausted.”
- 9.10.14** A declaration of a state of local emergency must be declared for an evacuation order to be valid. Boundaries of the declaration of a state of local emergency must cover all areas under evacuation. Declarations of emergency automatically expire after seven days. If it is required to leave the evacuation order in place beyond the seven days, local authorities should ensure that the local declaration is extended.

Stage 3 - Evacuation Rescind

- 9.10.15** When the emergency which necessitated the evacuation is under control and the hazard/emergency zone is declared safe, a Rescind of the Evacuation Order is issued. In many situations, the population should be advised that although they are being allowed to return to their homes, the risk may reoccur and the potential for the reinstatement of the Evacuation Order remains. Should a second evacuation of the same area be required, the process recommences from Stage 1 or 2 depending on the situation.
- 9.10.16** In cases where an Evacuation Alert continues to exist some local authorities combine the Evacuation Alert with the rescind notice.
- 9.10.17** If it is determined that a rescind is appropriate for a portion the evacuation area, it is recommended that the entire original Evacuation Order be rescinded, and a new evacuation order be issued with the new boundaries. All Evacuation Orders require a formal Rescind.

Employer Responsibilities

- 9.10.18** The employer will:
- a. Share plans and emergency resources as soon as practical.
 - b. Train staff on emergency response plans, how to evacuate and other topics.
 - c. Develop a list of resources for employees, such as emergency kit contents, how to prepare information, maps, directories, evacuation centers.

- d. Develop process for regular check-ins with employees.
- e. Provide employees with directions on whether they can perform work remotely (what operations will continue, what deadlines must still be met and define business continuity), what work they are authorized to do, or expected return to work dates and processes.
- f. Early release of pay if possible and necessary.
- g. Plan for no cell service.
- h. On return, have Employees Assistance (EAP) or other resources available for stress, grief, or loss of any kind.

Employee Responsibilities

9.10.19 Employees will:

- a. Know, understand, and follow all emergency plans and instructions provided for your safety.
- b. Be aware of the evacuation and escape routes, meeting places and other resources.
- c. Keep the employer aware of your location and emergency contact information.
- d. Stay connected and return to work when the evacuation is over or make arrangements with your supervisor for any special needs.
- e. Provide input into risk assessments and ways to improve systems.

9.11 SMOKING AND VAPING

General Policy

- 9.11.1** For the health, safety and well being of all employees, clients, visitors and other personnel, all employer buildings, offices and vehicles are designated as non-smoking and non-vaping in accordance with the Non-smokers Health Act.

Specific Policies

- 9.11.2** Smoking and vaping are prohibited within three (3) meters of doorways, opening windows or air intakes to prevent smoke from entering the building.
- 9.11.3** Employees should ensure smoking and vaping does not interfere with visitors, pedestrians or others coming to the building.
- 9.11.4** Employees shall be responsible for ensuring that co-workers, clients, and visitors comply with this policy or are expected to report individuals observed smoking or vaping in non-designated areas.
- 9.11.5** Smoking and vaping in non-designated areas is subject to disciplinary action.

10. GENERAL

10.1 POLICY FOR CHANGING POLICIES

General Policy

- 10.1.1** To ensure that all employees are kept up to date on all Williams Lake First Nation policies, the following process will be implemented to track and communicate changes

Specific Policies

- 10.1.2** Changes may occur as a result of:
- a. Changes in legislation
 - b. Management sees the need, or
 - c. Periodic review of all policies.
- 10.1.3** The Chief Administrative Officer will be responsible for providing notification by communicating any amendments to policies to all employees.
- 10.1.4** Any amendments or additions will be indicated in Schedule of Changes document following the Table of Contents by recording the change and the date the change becomes effective.

10.2 EMPLOYEE SIGNOFF

General Policy

- 10.2.1** To ensure that all employees have been informed about the Human Resources policies, Williams Lake First Nation will ask each employee to provide a sign-off form for the record.

Specific Policies

- 10.2.2** The sign-off form will ensure that every employee is provided with the right information and has a copy of the policy manual for their reference (*See 11.4 Employee Human Resources Policy Sign-off*).
- 10.2.3** The policy manual is property of WLFN and cannot be shared without permission. On termination of employment for whatever reason the manual is to be returned to the employer.

11. INDEX**A**

abandoned their position	91, 126
aboriginal employment preference	9, 57
absences	29, 90, 113
abuse of authority	9, 38
abuse of property and equipment	29
acceptance of personal gifts	29
accident reporting	97
accommodation	9
acting pay	78
alcohol	93
alcohol or drugs	47
allegation	34, 37, 40, 49, 51
anniversary date	9
annual review	164
arrival at your parking spot	153
attendance	13, 72, 90, 113, 139
averaging agreement	83
averaging agreement records	70

B

backed up	100
band member	9
banked time	88
benefit coverage	67
benefit package	9
bereavement leave	117
board chair	9
bona fide occupational requirement	9, 58
bonding	58
break	9
break in & theft	97
bullying	10, 29, 37, 39

C

call-back	89
called back to work	89
Canada Labour Code	10
Canada pension plan	75
casual	55
casual employees	10
cell phone use	104
changes in legislation	164
changing policies	164
check-in procedure	151
Chief	10
Chief Administrative Officer	10
code of conduct	29, 65

code word	151
coffee breaks	82
common law partner	10
communicating	164
communication	7, 34
community member	10
compassionate care leave	127
compensation	10, 78, 89
compensation for travel time	92
competent person	11, 148
competing interests	10
compressed work week	11, 84
computer	16, 100
conciliation	149
confidential information	29, 66, 69
confidentiality	11, 65
conflict of interest	11, 30, 31, 57, 66, 70
constructive feedback	34
content created	100
continuous employment	11, 16, 74, 75, 81
contractor	11, 55
corrective discussion	63
councillor	12
counselling	137
court leave	128
credit cards	99
criminal record check	58, 59

D

danger	12
department head	12
dependency issues	137
designate	12
direct deposit	78
discipline	12, 63, 142
discrimination	12, 15, 29, 37, 38
dispute resolution	65
distracted driving	12, 97
dress	25
driver's abstracts	59
driver's licence	58
drugs and alcohol	47
due diligence	13
duty to accommodate	9, 13

E

early resolution	149
elected official	33
election	33
election to office	33
eligibility for overtime	87

Index

employee	13
employee assistance program	74
employee manual sign-off	173
employee sign-off	165
employer	13
employment insurance	75
employment references	71
endangering the safety	66
entry into the offices	106
equal opportunity employer	57
excessive sick leave	13
exit interview	69
expense claim	94

F

falsification of records	66
falsifying company records	29
family illness	13
family member	13, 127
fatigue	14
fifteen-minute break	82
first aid certification	58
first written warning	64
flex time	14, 84
flexible work	14, 84
fragrant products	14
fraud	14, 49
full-time	55
full-time employees	15

G

gas card	99
general holiday	111
gifts	24
governing body	15
gradual retirement	15, 85
grounds for discipline	65

H

harassment	9, 12, 15, 29, 37, 38, 66
hazards	140, 152, 155
hours of operation	82
hours of work	82

I

immediate family	15
immediate supervisor	15
impaired	12, 29, 48, 66, 96
impairment	15, 47, 48

incident report	176
incidentals	16
incompetence	16
information management	16, 100
initiative	23
insubordination	16, 29, 65
insurance	95
insuring their vehicle	95
integrity	23, 49, 100
investigate	34, 36, 40, 54, 63, 140, 145, 148
investigation	149
irate clients or visitors	154
irate person	154

J

job abandonment	29
job description	70
job evaluation	77
job sharing	16, 85
Just Cause	16

K

keys	68, 106
------------	---------

L

lay-off	67, 113
leave of absence	128
leave without pay	126
length of service	16
letterhead	103
liability coverage	95
liable	107
lost keys	106

M

management	17
manager	56
mandatory benefits	17
mandatory employer related costs	17
maternity and parental leave	119
meal allowance	93
medical alert	71
medical condition	71
medical leave	17, 21, 113
medical leave carry forward	113
minimum age	56
misconduct	17
monthly status updates	149

Index

N

near miss.....	17, 142
nepotism.....	17, 57
new and young workers.....	17, 61
new workers.....	155
no pay advances.....	78
nomination.....	33
notice of intent to retire form.....	68
NStQ member.....	17

O

Occupational Health & Safety Committee.....	140
Occupational Health and Safety.....	140
off-duty conduct.....	66
offer letter.....	70
office closures.....	134
ongoing discussions.....	62
organization.....	17
orientation.....	61, 155
orientation checklist.....	61
over-the-counter and prescription medication.....	96
overtime.....	18, 87, 128

P

parking tickets.....	96
part-time.....	18, 55
pay day.....	78
pay periods.....	80
pay philosophy.....	77
pay practices.....	77
payroll file.....	70
pension plan.....	74
perceived conflict of interest.....	18
performance appraisal.....	60, 62, 126
permanent full-time employee.....	18
permanent part-time employees.....	18
personal file.....	58, 61, 62, 70
personal information.....	8, 18, 52
Personal Information Protection Act.....	52
personal leave.....	18, 123
personal possessions.....	107
personal vehicles.....	95
Phone calls.....	104
photographs.....	101
poisoned environment.....	18, 39
political activities.....	33
political nature.....	33
potential hazards.....	140
pre-existing conditions.....	75, 76
privacy.....	52, 71
privacy officer.....	18
probation.....	19, 55

probationary period.....	55, 60
professional development.....	139
prohibited grounds for discrimination.....	12, 38
protest.....	33
psychological harm.....	20, 147
purchase and sales incentives.....	24

R

receipts.....	93
recognizing contributions.....	62
recruitment and selection.....	57
reduced hours/part-time.....	20, 84
reference information.....	72
refuse to work overtime.....	87
refused to sign.....	64
rehabilitation.....	137
rehabilitation treatment.....	137
reinstated.....	75, 76
reliable vehicle for work.....	58
reputation.....	21, 23, 30, 49, 59, 66, 90, 101
reschedule their workday.....	87
resignation.....	20, 69, 72
resigning.....	68
retaliation.....	20, 36
retention.....	71
retire.....	68
return to work.....	90, 122, 128, 135, 138
returning to your vehicle.....	153
right to refuse.....	145
risk of injury.....	155

S

saved on the server.....	100
seasonal.....	20, 55
seat belts.....	97
second written warning.....	64
security codes.....	106
self care days.....	115
senior manager.....	12
service.....	7, 29
service appreciation.....	20
severance pay.....	67
sexual harassment.....	20, 38
sick leave.....	21
sign a copy of all letters.....	64
smoking.....	97, 163
social media.....	102
solicitation.....	29
statutory holidays.....	111
steps of progressive discipline.....	64
substance abuse.....	137
substance abuse professional - SAP.....	137
succession management.....	73
suspension.....	65

Index

suspension of their driver's licence96

T

tardiness29
telework or telecommuting21, 85
temporarily assume the responsibilities78
temporary55
temporary / term employee21
termination21
theft29, 66
third party34, 149
third written warning65
timesheets80, 88, 93
traffic violations96
training wage77
transitional work138
travel89, 139
travel advance79, 94
travel claim94
travel rates94
travel status94
travel time92
treatment137
treatment program137

U

unauthorized absenteeism65
undermining behaviours21

undue hardship21
uninterrupted service16, 81
unsatisfactory use of organization's time65
use of Williams Lake vehicles96

V

vacation17, 68, 89, 108, 112, 126, 128
vacation carry forward109
vaping163
vehicle usage95
vote133
voting days133

W

weather closure134
whistle blower protection21
WHMIS140
wilful misconduct21
work accidents140
workers compensation17, 75
Workers Compensation Act140
workplace violence21, 147

Y

years of employment22
young workers155