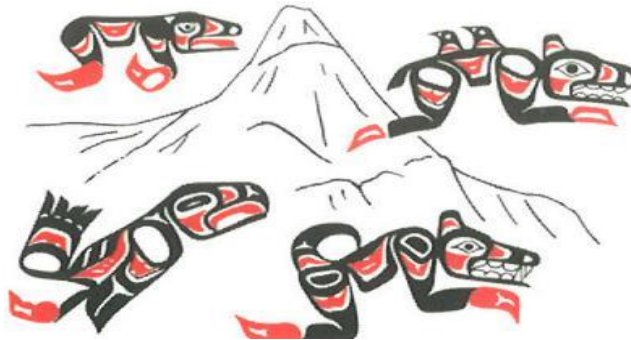


# **Gitsegukla Band HR Policy Manual**



**Version: November 2019**

## REVISIONS MADE TO THIS DOCUMENT

Change	Date	Key Updates	Action
Initial Approval	May 2017	New Policy	Approved by Chief and Council
1	March 2018		Approved by Chief and Council
2	November 2019	Revised Definitions and Interpretation 'Elective Leave' Revised Section 2.4 'Responsibilities' Revised Section 6.12 'Last Day of Employment' New Section 7.7. 'Use of Band Resources' New Section 8.14 'Acting Appointments' New Section 8.5 'Time Off In-Lieu for Managers' Revised Section 2.7 'Selection of Candidates' Revised Section 8.7 'Elective Leave' New 'Amendments to HR Policy Manual Signature Page' Updated "Organization Chart" based on changes made to the structure on October 2019	Approved by Chief and Council

To fulfill its purpose as an ongoing reference and training tool, this Policy is continually updated as required.

**HR POLICY MANUAL SIGNATURE PAGE**  
(All employees must comply with Gitsegukla Band HR Policies)

**Instructions to Employee:**

All Gitsegukla managers and employees are required to read the Gitsegukla Band HR Policies listed in this document.

If you have trouble locating the policies, let your supervisor know.

Direct questions about Gitsegukla Band HR Policies to your supervisor.

Employee's Name: \_\_\_\_\_

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

My signature indicates I have read the policies and my questions have been answered.  
I understand I must comply with procedures and requirements of the policies.  
Failure to comply with these policies may result in disciplinary actions.

*The original Gitsegukla Band HR Policy Manual signature page is retained in the employee's Personnel File. Provide a copy to the employee.*

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# INTRODUCTION

## Purpose and Scope

The purpose of this Manual is to:

- a) Ensure that Gitsegukla employees are treated in a manner that meets or exceeds the standards of applicable employment-related legislation and any other applicable statutes, rules and regulations;
- b) Ensure that Gitsegukla Band human resources policies and procedures are fair, impartial and consistently and equitably applied to all employees; and
- c) Set high standards and expectations for Gitsegukla employees to ensure that Gitsegukla members and clients receive the best possible services.

This Manual applies to all employees of Gitsegukla, subject to sections 1.3 to 1.6.

Except as may be incorporated by way of a specific clause in their agreement or contract, this Manual does not apply to independent contractors or casual workers.

Specific categories of employees may be specifically excluded from certain parts of this Manual.

Where this manual conflicts with the terms of an employment contract, job description, or letter of appointment, the employment contract, job description or letter of appointment prevails to the extent of the conflict.

This Manual shall come into force and effect on the day after it is approved by the Governing Council and until such time, Gitsegukla Band existing policies and procedures on annual leave entitlement shall apply.

If any provision of this Manual is found invalid, such provision is severable and shall not affect the validity of this manual as a whole.

This manual replaces and supersedes all previous Gitsegukla employment policies, manuals and memoranda.

The Band Administrator shall ensure that this Manual is reviewed at least every two years, and amended as necessary, such amendments to be approved by the Governing Council.

## Definitions and Interpretation

In this Manual, the following terms are defined as follows:

**"Anniversary date"** means the date on which Gitsegukla and the employee entered into a contract of employment, whether oral or written, and refers to the same date in each subsequent year, so long as the contract of employment continues;

**"Band Administrator"** means the person responsible for the day-to-day management or administration of the Gitsegukla financial administration system, appointed under the FAL; while Gitsegukla Band is under Third Party Management this will refer to Gitsegukla;

**"Canada Labour Code"** means the *Canada Labour Code*, R.S.C. 1985, C. L-2, a federal Act that applies to federally regulated Gitsegukla employees;

**"Canadian Human Rights Act"** means the *Canadian Human Rights Act*, R.S.C. 1985; c. a federal Act that applies to federally regulated Gitsegukla employees;

**"Casual Worker"** means a person hired by Gitsegukla for a shift of at least three hours, who works less than the full normal daily, weekly or monthly hours of work, who does not follow an ongoing predetermined schedule of work on a regular and recurring basis, who has no guaranteed hours, and for whom there is no evidence of a regular work pattern over time;

**"Code of Conduct"** means the document which is attached as Appendix 3 which forms part of this Manual and is to be signed by each employee and placed in the employee's personnel file;

**"COIP"** means the Gitsegukla Band Conflict of Interest Policy, which is attached as Appendix 4, and which forms part of this Manual;

**"Common-law partner"** means a person who has been living with an individual in a conjugal relationship for at least one year, or who had been living with the individual in a conjugal or marriage-like relationship for at least one year before the individual's death;

**"Conflict of Interest"** has the meaning given to that term in the COIP;

**"Declaration of Understanding"** means the document which is attached as Appendix 5 and which forms part of this Manual and of the employee's personnel file;

**"Discriminatory harassment"** is harassment which is based on or related to a protected ground under the applicable human rights legislation and that detrimentally affects the work environment or leads to adverse job-related consequences for the victim of the harassment. Discriminatory harassment includes sexual harassment. Some examples of discriminatory harassment include:

- a) Verbal conduct such as epithets, derogatory posters or cartoons, slurs, derogatory comments, stereotypes, or jokes, innuendo and/or abusive language, lewd or derogatory text or email messages;
- b) Visual conduct such as leering, derogatory cartoons, drawings, posters, gestures, displays of pornographic material, racist or other offensive or derogatory material including material received through email or the internet;
- c) Physical conduct such as unwanted touching, patting, or grabbing; and/or
- d) Threats and/or demands to submit to sexual requests in order to keep one's job or avoid some other loss and offers of job benefits in return for sexual favors.

**"Education Employee"** means any employee who works for the Gitsegukla Elementary School;

**"Elective Leave"** is paid time off earned by regular employees, which may be used to cover absences related to illness, injury or surgery; medical appointments, including drug and alcohol counselling; and illness or injury of a member of the employee's immediate family.

**"Employee"** means any person hired by Gitsegukla on a contract of services, whether oral or written, for a term or on an indefinite basis, but does not include a casual worker;



**"Employment Standards Act"** means the BC *Employment Standards Act*, R.S.B.C., 1996, c.113, a provincial Act which applies to provincially regulated Gitsegukla employees, including but not limited to Health Employees and the Education Employees;

**"FAL"** means the Gitsegukla Band Financial Administration Law;

**"Financial administration"** means the management, supervision, control and direction of all matters relating to the financial affairs of Gitsegukla;

**"Financial Administrator"** means the person responsible for the day-to-day management of the Gitsegukla financial administration system, appointed under the FAL;

**"Full-time employee"** means an employee with a fixed schedule who works at least 35 hours per week, and "full-time" refers to the position held by a full-time employee;

**"Gitsegukla"** means the Gitsegukla Band, a band within the meaning of the Indian Act and includes any successor of the Gitsegukla Band;

**"Governing Council"** means the Gitsegukla Band Council as elected in accordance with the Gitsegukla Election Code;

**"Health Employee"** means any employee working for the Gitsegukla Health Centre;

**"Hiring Officer"** is the manager or Officer who is assigned responsibility for recruitment and selection of an individual to fill an approved vacant position, under the direction of the Band Administrator.

**"Human Rights Code"** means the BC *Human Rights Code*, R.S.B.C., 1996, c. 210, a provincial Act which applies to provincially regulated Gitsegukla employees, including but not limited to the Health Employees and the Education Employees;

**"HR Records"** are records that contain information which is directly related to an individual's hiring, job duties, compensation, performance, and general employment history. Below are examples of documents which would be considered HR Records:

- a) Attendance and absence Records;
- b) Automatic bank deposit form;
- c) Offer and/ or confirmation of employment letters;
- d) Disability insurance adjustment forms;
- e) Disciplinary memos issued to employee;
- f) Job application and any attachments;
- g) Job descriptions;
- h) Layoff notice issued to employee;
- i) Performance evaluations issued to employee;
- j) Resignation letter;

- k) Termination notice issued to employee;
- l) Time sheets;
- m) Training plans;
- n) Signed code of conduct statement; and
- o) Benefit coverage information.

**"Immediate family"** means:

- a) The employee's spouse or common-law partner;
- b) The employee's father and mother and the spouse or common-law partner of the father or mother;
- c) The employee's foster father and mother or the spouse or common-law partner of the foster father or mother;
- d) The employee's children and the children of the employee's spouse or common-law partner;
- e) The employee's grandchildren, nieces, nephews, and cousins;
- f) The employee's brothers and sisters;
- g) The grandfather and grandmother of the employee;
- h) 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;
- i) Any relative of the employee who resides permanently with the employee or with whom the employee permanently resides; and
- j) Any other person who is a member of a class of persons prescribed for the purposes of the definition of "family member" under the Canada Labour Code or in subsection 23.1(a) of the Employment Insurance Act.

**"Immediate Supervisor"** is an employee who has designated responsibility for managing and overseeing the work and development of other staff.

**"Independent contractor"** means a person or company:

- a) Whose services Gitsegukla has retained under a contract for service;
- b) Who is free to choose the means of performing the contract for service;
- c) Who is not subordinate to the Governing Council or to any member of the staff of Gitsegukla; and
- d) Who has a chance of profiting from, but assumes the risk of loss under, the contract for services.

**“Misconduct or Wrongdoing”** includes any breach of the Gitsegukla’s Financial Administration Law and its conflict of interest provisions, Council policies or procedures made under the Financial Administration Law and includes, but is not limited to the following:

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

**“Performance Evaluation Form”** is the documented form and associated resources adopted by the Band for the purposes of measuring the performance of employees.

**“Performance Improvement Plan”** is a plan developed by an employee’s Immediate Supervisor, in consultation with the employee, to address the areas for improvement/development identified during the performance review process.

**“Personal Harassment”** means:

- a) Objectionable conduct or comments, deliberate gestures, questions, or representations which are uninvited or unwelcome; or
- b) Other behaviors that ought reasonably to be known to be unwelcome, which:
  - i. Are directed towards a specific person or persons;
  - ii. Serve no legitimate work purpose; and
  - iii. Have the effect of creating an intimidating, humiliating, hostile, or poisoned work environment.

**"Program Manager"** means a person with control over a department, including the authority to supervise, evaluate and discipline employees and approve time sheets, and authority over their department's budget;

**"Oath of Confidentiality"** means the document which is attached as Appendix 2 and which forms part of this Manual and of the employee's personnel file;

**"Officer"** means the Band Administrator, Financial Administrator, and Tax Administrator or any other employee of the Band designated by the Council as an Officer.

**"Overtime"** means hours of work in excess of the employee's standard hours of work;

**"Part-time employee"** means an employee with a fixed schedule who works less than 35 hours per week, and "part-time" refers to the position held by a part-time employee;

**"Regular employee"** means an employee of Gitsegukla who has successfully completed their probationary period and whose appointment is on an ongoing basis, so long as the contract of employment continues, and "regular" refers to the position held by a regular employee;

**"Probationary period"** means a period of up to the six months after the employment contract begins, during which Gitsegukla can terminate the employment with reduced notice, in accordance with Parts 4 and 6, and "probationary employee" means an employee who is still serving a probationary period;

**"Qualified medical practitioner"** means a person who is entitled to practice medicine under the laws of a jurisdiction in which care or treatment is provided and includes a member of a class of medical practitioners for the purposes of subsection 23.1(3) of the Employment Insurance Act;

**"Spouse"** means, in relation to an individual, a person to whom the individual is married or with whom the individual has lived as a common law partner for at least one year in a marriage-like relationship;

**"Term employee"** means an employee hired by Gitsegukla on a full-time or part-time basis for a specific period of time, and "term" refers to the position held by a term employee;

**"Vacation pay"** means four per cent of the wages during the year of employment of a term employee with a term of less than 12 months; and

**"Year of employment"** means a period of 12 consecutive months beginning on the date that employment began or any subsequent anniversary date thereafter.

# 1 ORGANIZATIONAL STRUCTURE AND REPORTING RELATIONSHIPS

Manual: HR Policies		No:	H01.01
Section:	Organizational Structure and Reporting Relationships	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 2
		Replaces:	
Issued by:	Chief and Council	Issued:	

## 1.1 Policy

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

## 1.2 Purpose and Scope

The purpose of this Part is to define the organizational structure and reporting relationships of Gitsegukla.

This Part applies to the Governing Council, Band Administrator and all employees.

## 1.3 Organizational Chart

The organization chart, as approved by motion of the Governing Council, is attached as Appendix 1, and forms part of this Manual.

## 1.4 Reporting Relationships and Responsibilities

Governing Council is responsible for:

- a) Reporting to, and has a fiduciary duty to, Gitsegukla and its members;
- b) Making decisions relating to the Gitsegukla government;
- c) Appointing, supervising and providing direction to the Band Administrator;
- d) Ensuring that this Manual is followed and enforced;
- e) Authorizing the creation and update of the organization chart;
- f) Approving the organization chart with a recorded vote in the Council minutes;
- g) Ensuring that adequate delegated resources are available to implement and maintain the organizational structure;

- h) Ensuring that the organizational chart accurately depicts the Band's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration and to each participant in the systems including committees;
- i) Reviewing and amending this Manual at least every two years and additionally as required;
- j) Ensuring that the organization chart may only be changed on the instructions of council and by a person authorized to do so by the council or by the Band Administrator; and
- k) Complying with this Manual.

The Band Administrator is responsible for:

- a) Reporting to the Governing Council;
- b) Understanding its fiduciary duty to Gitsegukla;
- c) Performing all of the duties and obligations assigned to that position, including hiring, firing, overseeing, supervising and directing the activities of all Band Administrators and employees;
- d) Overseeing the day-to-day operations of Gitsegukla;
- e) Ensuring that all managers are knowledgeable about and able to apply the terms of this Manual;
- f) Ensuring that the organizational chart is prepared, recommended to Council for approval, and kept current;
- g) Ensuring each role identified in the organizational chart is clearly defined as evidenced by a job description in accordance with applicable Human Resource policies or other such policy that requires job descriptions to be in prepared and approved.
- h) Ensuring that the roles and responsibilities and reporting relationships are effectively communicated to all those affected by the organizational chart and as required by the Financial Administration Law;
- i) Updating, as necessary, the organizational chart for changes in personnel and submitting recommendations, to Council for approval, to revise roles, responsibilities, or reporting relationships;
- j) Ensuring that all employees are familiar with and have been given a copy of this Manual and making chart readily available to all persons affected by it; and
- k) Ensuring that, in accordance with Part 3 article 7.0 and Part 5 article 2.0, all managers and employees review and sign the Oath of Confidentiality, Code of Conduct, COIP and Declaration of Understanding, copies of which shall be placed in their personnel file.

Program Department Heads are responsible for:

- a) Reporting to the Band Administrator;
- b) Managing their department, including its budget and resources;

- c) Supervising, evaluating and disciplining employees in their department;
- d) Consistently carrying out their duties and responsibilities set out under this Manual;
- e) Complying with the terms of this Manual;
- f) Enforcing this Manual within their authority; and
- g) Accurately responding to questions from employees concerning this Manual.

Employees are responsible for:

- a) Reporting to their Program Department Head and/or to the Band Administrator;
- b) Familiarizing themselves with their duties and responsibilities under this Manual, and shall seek clarification from their Program Department Head or Band Administrator where necessary; and
- c) Complying with the terms of this Manual.

## **1.1 Delegation and Assignment**

The delegation and assignment of responsibilities, duties and authorities shall be in accordance with policies and procedures established by the Governing Council under the FAL Section 8.2.

## 2 RECRUITMENT AND SELECTION OF EMPLOYEES

Manual: HR Policies		No:	H01.02
Section:	Recruitment and Selection of Employees	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 5
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 2.1 Policy

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

### 2.2 Purpose

The objective of this Part is to guide the implementation of fair, equitable, transparent and impartial hiring practices that ensure employees have the skills, experience, qualifications and competencies necessary to perform their role within the administration.

Gitsegukla shall:

- a) Hire individuals who have the skills experience, qualifications and competencies required for the position being filled;
- b) Use fair and impartial hiring practices with consistent criteria for the selection and evaluation of applicants;
- c) Undertake reference checks; and
- d) Hire based on merit.

Gitsegukla is an affirmative action employer and shall give favorable consideration to those who identify as First Nation; accordingly, where applicants have equal or comparable skills and qualifications, Gitsegukla shall give preference to the following in the order set out:

- a) Persons with knowledge and/or experience with the language, culture, history and customs of Gitsegukla;
- b) First Nation applicants; and
- c) All other applicants.

### 2.3 Application and Scope

This Part applies to the Governing Council, all Band Administrators and employees, and any other person involved in the hiring process.



This Part applies to the hiring of employees in all positions, except for the Band Administrator, Financial Administrator, and Tax Administrator, who shall be hired by the Governing Council in accordance with established policies.

## 2.4 Responsibilities

Council is responsible for hiring all Officers.

The Band Administrator is responsible for supervising the process for hiring and approving the hiring of all employees, other than Officers.

Chief and Council and the Band Administrator can agree in writing to hire a professional recruiter to hire personnel without posting a job internally or externally. The Band Administrator along with Chief and Council must ensure due diligence is conducted.

## 2.5 Preparation for Recruitment

All new positions or positions for Officers must be identified and approved by Council.

Before initiating the hiring process, the Band Administrator and the applicable managers shall develop a Recruitment and Selection Plan that sets out:

- a) The proposed recruitment process and schedule;
- b) The scope of search;
- c) The selection criteria and ranking methodology;
- d) The proposed starting compensation range for the position; and
- e) Any resources necessary to execute the Recruitment and Selection Plan.

Gitsegukla Band Administrator shall ensure that:

- a) A detailed job description in the form at Appendix 6 is in place for the position, which accurately describes the duties, functions and responsibilities of the position, and describes the required skills, experience, qualifications and competencies, financial resources for the position have been identified, secured, and addressed in the annual budget; and
- b) The Governing Council has approved the job description, an organizational chart and an approved budget.

The Band Administrator will form an appropriate Selection Committee to assist with selecting the best-qualified candidate for a position.

A Selection Committee shall consist of an uneven number of persons who are knowledgeable about the position being filled, which may include:

- a) The Band Administrator;
- b) The manager of the applicable department;
- c) A member of the Governing Council; and

- d) Where appropriate, a person with expertise or special knowledge pertaining to the position being filled.

Members of a Selection Committee shall comply with the COIP, and accordingly, before the hiring process gets underway each member of the Selection Committee shall review the list of applicants to determine whether they are in a conflict of interest, and declare any conflict of interest to Band Administrator.

## **2.6 Job Postings**

The Band Administrator shall post new and vacant positions on the Gitsegukla website and in the Gitsegukla principal administrative offices or in a conspicuous and accessible place for public viewing.

The Band Administrator, in their discretion, may advertise job postings outside of Gitsegukla, using any means deemed appropriate including newspaper, email, internet or newsletter.

All job postings may include the following information:

- a) The position will remain open until a qualified candidate is found;
- b) Gitsegukla reserves the right not to hire anyone;
- c) Gitsegukla reserves the right to cancel the competition;
- d) Gitsegukla will only contact those applicants who have been selected for an interview;
- e) Applicants are required to provide proof of their qualifications;
- f) Applicants shall provide three professional references;
- g) Conditions of employment;
- h) Whether a criminal record check is required; and
- i) Gitsegukla reserves the right to create a list of qualified candidates for future postings.

Internal and external postings shall remain open for a minimum of five working days from the date of posting or advertisement.

## **2.7 Selection of Candidates**

The Band Administrator will maintain a record of the selection and evaluation process.

At the end of the closing date for a job posting:

- a) The Band Administrator or the Selection Committee shall pre-screen the applicants in accordance with established criteria for the position, and shall eliminate all candidates who do not meet all of the conditions of employment relevant to the position applied for;
- b) Applicants will be given preference in the following sequence:
  - i. Applicants from the department where the vacancy exists and for whom the posting is an opportunity for promotion;
  - ii. Applicants from other departments for whom the posting is an opportunity for promotion;

- iii. Applicants from the department where the vacancy exists;
  - iv. Applicants from other departments; and
  - v. Applicants from external sources.
- c) Selected candidates will be requested to participate in an interview, which will be conducted by telephone or videoconference for candidates from outside of the area;
  - d) The Selection Committee, Band Administrator or the applicable manager will draft job-related interview questions and a ratings guide;
  - e) The Selection Committee will interview and rank Applicants. At the discretion of the Band Administrator, the Selection Committee may conduct more than one round of interviews;
  - f) Where the qualifications and suitability of Applicants are deemed to be relatively equal, preference will be given to the internal candidate(s) most suitable for the position; and
  - g) The Selection Committee or Band Administrator will decide whether to offer the position to one of the top-ranked applicants.

Before offering the position to a candidate, the Band Administrator shall check the candidate's references and verify their qualifications, degrees and certifications, and shall document their findings.

For each job posting, the Band Administrator shall create and maintain for at least one year from the posted date, a file consisting of:

- a) A list of the applicants who were interviewed;
- b) The name of the selected candidate and the rationale for their selection;
- c) A summary of the result of the reference and other checks, if any, noting any issues or inconsistencies; and
- d) The proposed starting date and compensation.

## **2.8 Letter of Offer**

Upon successful completion of the checks at section 5.2, the Band Administrator shall prepare and provide to the successful candidate a Letter of Offer that is signed by the Band Administrator or the Chief, and which includes the following information:

- a) The title of the position offered and a description of the key responsibilities;
- b) The start date, and the term of the position, if applicable;
- c) The location of the workplace and the hours of work;
- d) The starting salary and benefits;
- e) The length of the probationary period;
- f) The name of the employee's manager;

- g) Any conditions of employment in accordance with article 7.0;
- h) Notice period for termination (with and without cause) and resignation;
- i) A statement that the employee shall act in accordance with the FAL, the First Nations Fiscal and Statistical Management Act and applicable laws, policies procedures and directions;
- j) A statement that the employee shall comply with the COIP; and
- k) The length of time that the offer of employment will remain open, which in most cases shall not exceed five business days from the date the letter is delivered.

## 2.9 Conditions of Employment

Where relevant, Gitsegukla may require candidates who have successfully passed the interview stage to meet additional conditions of employment, including, but not limited to, providing a driver's abstract, proof of being bonded or bondable, skills testing, and licenses, degree's, the conditions of employment set out in this article.

Once hired, an employee who no longer meets any or all of the conditions of employment relevant to the employee's position may be subject to termination.

Before they can become employees, all candidates who have successfully passed the interview stage shall review and sign:

- a) The letter of offer;
- b) This Manual, including the Declaration of Understanding, Oath of Confidentiality and Code of Conduct;
- c) The COIP;
- d) The job description;
- e) Their employment contract, if applicable; and
- f) The employee's acceptance and ongoing adherence to these terms is a condition of employment.

If a position has specific physical demands, or if a candidate's ability to meet the physical demands of the position is reasonably in question, then the Gitsegukla Band Administrator may require the candidate to, at the candidate's expense, undergo a physical or medical evaluation, conducted by a qualified health professional chosen by Gitsegukla.

A candidate or an existing employee shall undergo and provide the Band Administrator with the results of a criminal record check upon application and every two years thereafter if:

- a) The candidate is applying for or holds a position that involves interaction with children, minors or elders;
- b) The candidate is applying for or holds a position that relates to Gitsegukla finances or that involves the handling of money;
- c) A criminal record check is required by law; or

- d) Gitsegukla, in its discretion, requires the employee to undergo a criminal record check.

## **2.10 Accuracy of Information**

A job applicant or employee who has misrepresented themselves, falsified information or qualifications, or made a material omission during the hiring process may be

- a) Ineligible for employment with Gitsegukla; and
- b) Terminated for just cause.

### 3 PERSONNEL FILES AND NEW EMPLOYEES

Manual: HR Policies		No:	H01.03
Section:	Personnel Files and New Employees	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 4
		Replaces:	
Issued by:	Chief and Council	Issued:	

#### 3.1 Policy

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

#### 3.2 Purpose and Scope

The purpose of this Part is to ensure that Gitsegukla:

- a) Keeps accurate and thorough employee records while complying with all applicable privacy and legislative requirements;
- b) Gives its employees a chance to familiarize themselves with Gitsegukla; and
- c) Gives its employees opportunities to improve their performance.

This Part applies to the Band Administrator, program managers and all employees.

#### 3.3 Personnel Files and Records

The responsibilities include:

- a) Council is responsible for ensuring a HR Records management system is established and implemented;
- b) Subject to the Financial Administration Law, the Band Administrator is responsible for the leadership, planning, overall policy and the general oversight of the HR Records management, storage and retention system, and for ensuring the security and integrity of that system; and
- c) The Band Administrator is responsible for the implementation and the operational management of the HR Records management, storage and retention system.

Upon receipt of a signed letter of offer, the Band Administrator shall ensure that a personnel file is created for the new employee, and shall direct the Financial Administrator to add the employee to the payroll at the rate of pay and with the benefits as approved by the Band Administrator.

Gitsegukla shall maintain for each employee a personnel file that contains the following, as applicable:

- a) Job application and résumé;

- b) Criminal record and reference check;
- c) Signed letter of offer, and letter of appointment if applicable;
- d) Start date and, if applicable, end date;
- e) Job description, in accordance with article 3.0;
- f) Employee's address and contact information, emergency contact, Social Insurance Number and banking information;
- g) Training records and copies of certificates, degrees and licenses held by the employee;
- h) Salary history;
- i) Documentation relating to annual vacation and all other types of leave;
- j) Medical certificates;
- k) Documentation relating to a work-related illness or injury;
- l) Documentation relating to a modified work schedule;
- m) Records of disciplinary action; and
- n) Documents related to employee performance reviews, coaching, and mentoring.

Gitsegukla shall ensure that its personnel files are kept secure and confidential.

The Financial Administrator may access relevant portions of the personnel files for the purpose of administering payroll.

Band Administrator shall control access to the personnel files, in accordance with applicable privacy legislation. Management of HR Records will follow the general record management procedures of the Band. Access to HR Records will be restricted to HR personnel in performance of their job function and the Band Administrator; however, employees can access their personal employee file upon request and in the presence of an HR person.

Upon request to the Band Administrator, with reasonable notice, and a request in writing, an employee may review their personnel file.

Employees shall ensure that they notify the Band Administrator as soon as practicable of any changes in their address, contact information, dependents, and emergency contacts.

Gitsegukla shall retain an employee's personnel file and payroll records for at least three years after termination or resignation, or longer if required for income tax or other purposes.

### **3.4 Job Descriptions**

The Gitsegukla Band Administrator shall ensure that for each position in the organization there is a written job description in the format at *Appendix 6* that accurately describes the duties, functions and responsibilities of the position, and it accurately identifies the skills, experience, qualifications and competencies necessary to fulfill the position. Job descriptions will include:

- a) Position title;
- b) Accountability or reporting structure, line of authority;
- c) Principal duties, nature and scope of work, and responsibilities;
- d) Qualifications: education, training, licenses, certificates required; and
- e) Required skills and abilities, experience and knowledge.

Gitsegukla may amend, delete or add new duties or responsibilities to the job descriptions as is appropriate and within reason, and shall notify affected employees as soon as practicable.

### **3.5 Orientation**

Gitsegukla is committed to establishing and following a structured orientation program for new employees. The HR Officer or supervisor is responsible for:

- a) Assist them in their transition into the workplace;
- b) Provide them with training, guidance and coaching;
- c) Increase their chance of long-term success in the position, and lay the groundwork for a successful relationship between the new employee, existing employees, program managers and the Governing Council; and
- d) Provide them with information on Gitsegukla goals, policies and objectives, and the duties, responsibilities and expectations of the position.

### **3.6 Probationary Period**

The purpose of a probationary period is to allow Gitsegukla to evaluate the employee's performance, and the employee to evaluate Gitsegukla as a workplace, and accordingly, all new employees, and existing Gitsegukla employees who are offered a new position, shall be placed on a three-month probationary period. The probationary period may be extended to up to six months if the employee's manager and/or Band Administrator believe that more time is required in order to evaluate the employee's performance and suitability for ongoing employment.

Program managers shall continually monitor the performance of probationary employees and shall bring concerns to the employee's attention as they arise.

At least 14 days before an employee completes their probationary period, their program manager shall:

- a) Evaluate the employee, using the form at Appendix 7; and
- b) Provide the Band Administrator with a written recommendation as to whether:
  - i. The employee's appointment should be continued;
  - ii. The employee should be terminated in accordance with section 5.4; or
  - iii. The probationary period should be extended.



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During the probationary period, Gitsegukla may terminate a probationary employee, without cause, as follows:

- a) For a new employee:
  - i. Within the first three months, without notice, severance pay, or pay in lieu of notice; or
  - ii. After three months of consecutive employment, with two weeks' notice or pay in lieu of notice; and
- b) For an existing employee, as set out in the termination provisions at Part 4 of this Manual.

After the successful completion of their probationary period the Band Administrator or program manager shall provide the employee with:

- a) A copy of their evaluation; and
- b) A letter, signed by the Band Administrator, confirming that they have successfully completed their probationary period.

## 4 PERFORMANCE EVALUATIONS

Manual: HR Policies		No:	H01.04
Section:	Performance Evaluations	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 4
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 4.1 Policy

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

### 4.2 Purpose and Scope

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

This policy applies to all staff employed by the Gitsegukla Band.

### 4.3 Responsibilities

Council is responsible for:

- a) Evaluating the performance of the Band Administrator, Financial Administrator, and Tax Administrator, or establishing the process by which this individual /they will be evaluated;
- b) Establishing and implementing a plan for any training of Band's Officers or employees required to meet the Band's future needs and requirements after taking into account succession and any anticipated changes in the Band's activities; and
- c) Establishing and implementing a documented process:
  - i. To measure the skills and competencies of the individual employees against their assigned employment responsibilities;
  - ii. To determine and training requirements for those employees; and
  - iii. To adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.

Program managers shall raise performance issues with employees as they occur.

The Band Administrator is responsible for:

- d) Monitoring and reviewing the implementation of the evaluation process and ensuring this Policy and Procedures are complied with during the performance evaluation process;

- e) Conducting performance evaluation on each employee on an annual basis; and
- f) Evaluating all Officers of the Band except for any that report directly to Council.

The HR Officer or supervisor is responsible for:

- g) Providing day to day assistance and advice to staff and supervisors about this policy and its implementation; and
- h) Providing general training for supervisors and staff to optimize effective implementation of employee performance and evaluation.

Employees shall:

- a) Have an opportunity to review and discuss their evaluation; and
- b) Sign their performance evaluation to acknowledge receipt of it.

The Band Administrator shall provide the employee with a copy of their performance evaluation and shall ensure that the original evaluation is kept in the employee's personnel file.

## **4.4 Procedures**

### **Performance Planning**

- a) Immediate Supervisors are to ensure that each staff member for whom they have supervisory responsibility has an accurate and up to date position job description;
- b) Immediate Supervisors should schedule a performance planning session with individual staff members to agree on a minimum of 3 performance objectives/goals for the next fiscal year;
- c) Once goals have been agreed by the employee and the Immediate Supervisor, key performance indicators and period of achievement should be determined. This constitutes the performance plan;
- d) The performance plan (goals, indicators, and period of achievement) should be documented in duplicate and signed off by the Immediate Supervisor and staff member and a copy delivered to the HR department to be retained in the employee's personnel file and one copy retained by the staff member;
- e) The Immediate Supervisor and staff member should identify the training and development needs the staff member requires in order to achieve the performance objectives, taking into consideration the resources needed for achieving it. The training plan is submitted from the Immediate Supervisor to the Band Administrator for approval. The approved training and development plan should be included in the performance plan; and
- f) The Band Administrator reviews and approves all training plans to ensure future training needs and requirements for the financial management system of the Band is aligned with those needs and requirements.

### **Performance Review**

- a) During the year (mid-point of the performance management cycle) the Immediate Supervisor and individual staff member should meet at least once prior to the final review to review the

progress of the goals and to identify any issues, obstacles or new/amended goals which may have become evident and may impact the achievement of the original goals and training and development plan;

- b) At the end of the performance cycle (i.e. at or near the fiscal year end) Immediate Supervisors should schedule a year end performance evaluation meeting with each staff member;
- c) In preparation of the year end performance evaluation meeting, Staff members should conduct a self-assessment reflecting on achievements and any mitigating circumstances that may have impacted on performance and training development. This should be submitted in advance to their year-end performance evaluation meeting;
- d) The Immediate Supervisor will review the self-assessment and provide an objective evaluation on the achievement or non-achievement of goals taking into consideration comments made by the staff member in their self-assessment;
- e) The Immediate Supervisor will prepare an employee evaluation providing an assessment against each goal agreed to at the beginning of the performance cycle;
- f) The formal year end performance evaluation meeting should then take place to gain consensus on the staff member's performance;
- g) The Immediate Supervisor and staff member sign off on the review in duplicate and the original completed document should be forwarded to the HR department to be retained in the staff member's personnel file; and
- h) If the Staff member does not agree with the outcome of the performance evaluation review, the staff member can formally request a meeting with their Immediate Supervisor and the Band Administrator to come to a settlement. Failing that, the staff member can decide not to sign off on the performance evaluation which will be recorded as such in the employee's personnel file, including the meeting notes of the meeting with the Band Administrator.

### **Performance Management**

- a) Unsatisfactory performance will lead to the Immediate Supervisor developing a Performance Improvement Plan. This plan will outline performance expectations, resources available to the employee, and a schedule of completion and re-evaluation;
- b) Immediate Supervisors will closely monitor employee progress in achieving the Performance Improvement Plan, and will conduct a formal Performance Evaluation at regularly planned intervals until the end of the performance improvement schedule;
- c) Immediate Supervisors will determine whether the employee has made sufficient improvement to fulfil performance expectations outlined in the performance improvement schedule; and
- d) After following a corrective plan, if the Immediate Supervisor determines the employee's performance continues to fail to fulfil the performance expectations, the direct supervisor may take further progressive action in accordance with the Band's policy and procedures.

## **4.5 Extension of Term Employees**

The Band Administrator, or the Governing Council in the case of Band Administrator, shall review all term contracts at least 60 days before they expire, and no less than 30 days before the end of the term shall decide whether to renew or extend the contract, or let it lapse.

## 5 EMPLOYEE STANDARDS OF CONDUCT

Manual: HR Policies		No:	H01.05
Section:	Employee Standards of Conduct	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 9
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 5.1 Purpose and Scope

The purpose of this Part is to set conduct standards and expectations for employees.

This Part applies to all Gitsegukla employees.

Employees who fail to comply with this Part shall be subject to disciplinary action, up to and including termination, in accordance with Part 6, and may be subject to legal action.

### 5.2 Conduct Expectations

Employees shall conduct and present themselves in a professional and appropriate manner at all times while performing work for Gitsegukla, representing Gitsegukla, and when dealing with outside organizations or persons.

Employees shall comply with all applicable legal requirements and are expected to conduct themselves in an ethical and transparent manner, and in a way that preserves and enhances the Gitsegukla image and mandate and its reputation of integrity, professionalism, credibility and honesty.

Employees shall not speak on behalf of Gitsegukla or the Governing Council unless the Governing Council has authorized them to do so.

An employee's personal appearance and dress shall be appropriate to the employee's position, the image of Gitsegukla, and the nature of the employee's work assignments.

Employees shall not publicly criticize Gitsegukla or its policies, other employees, the Governing Council, or any other persons or organizations doing business with Gitsegukla.

Employees shall not perform, or be requested to perform, a task that is unethical or immoral.

Employees shall conduct themselves in a safe manner and observe the rights and safety of the public and other employees.

Any Band Administrator or employee who exercises a power, duty or responsibility relating to the financial administration of Gitsegukla shall:

- a) Comply with the FAL, the First Nations Fiscal and Statistical Management Act, all applicable Gitsegukla laws and all applicable standards;
- b) Comply with all policies, procedures and directions of the Governing Council; and

- c) Avoid conflicts of interest and comply with the COIP, including required disclosures of conflicts of interest.

All Band Administrators and employees under section 2.8 shall sign a Declaration of Understanding when they are first hired or appointed, and every year thereafter.

The Band Administrator shall ensure that copies of all Declarations of Understanding are kept in the appropriate personnel files.

Program managers are expected to demonstrate sound and effective leadership by:

- a) Treating their employees with respect;
- b) Balancing the individual needs of their employees with the needs of Gitsegukla;
- c) Giving their employees the opportunity to develop their skills and potential for advancement;
- d) Evaluating their employees carefully, honestly and objectively; and
- e) Working with their employees to achieve quality results cost effectively and efficiently.

### **5.3 Conflicts of Interest**

All employees shall comply with the COIP.

Employees shall not conduct personal business or business for another organization during normal working hours, without prior authorization from their program manager or the Band Administrator.

Employees shall not enter into secondary employment without the prior written consent of the Band Administrator.

The Band Administrator shall not enter into secondary employment without the prior written consent of the Governing Council.

### **5.4 Running for the Governing Council**

A full-time regular or term employee who wishes to run for a position on the Governing Council shall take leave (either vacation time or unpaid leave) throughout the entire election campaign, defined as the timeframe between nomination day and election day.

A full-time regular or term employee who wins a seat on the Governing Council shall comply with the "Conflict of Interest Protocol" in all aspects of their employed position with Gitsegukla and/or with all aspects of their Board of Director seats within Gitsegukla.

For greater clarity, a member of the Governing Council may only be hired if they agree to strictly adhere to the following requirements:

- a) All employment-related decisions are limited to the employee's job;
- b) In their capacity as an employee and in their role, the employee/Governing Council member will refrain from making Governing Council and/or director's decisions while on the job;
- c) To only perform elected duties when in Governing Council or committee meetings;

- d) To work under the direction of the Band Administrator;
- e) To refrain from performing any Governing Council duties while working unless authorized to do so by the Band Administrator;
- f) Not to use financial information to which the Governing Council Member/employee has access to personal gain or against Gitsegukla; and
- g) To refrain from sitting on the personnel or finance committee or from occupying any role in which the Governing Council member/employee may have input into employment or financial matters.

## 5.5 Confidentiality

All employees shall sign and comply with the Oath of Confidentiality.

Employees shall not at any time, during or after their employment with Gitsegukla, disclose the affairs of Gitsegukla or its members, businesses, clients or organizations to any person, company or firm, directly or indirectly, other than as:

- a) Required in the normal course of employment;
- b) Authorized by their program manager; or
- c) Required by law.

For clarity, confidential information includes, but is not limited to:

- a) All systems and documents used in Gitsegukla general operations;
- b) Financial information;
- c) Joint venture information;
- d) Information regarding current and pending projects, proposals and funding;
- e) Personnel files and payroll records;
- f) Conversations between any persons associated with Gitsegukla; and
- g) Information relating to land claims, Band rights or treaty negotiations.

## 5.6 Gitsegukla Property

Employees shall exercise care and due diligence when using Gitsegukla facilities, property, equipment and supplies and shall only use them as authorized.

Gitsegukla property including computers, policy manuals, program materials, keys and vehicles, shall at all times remain the sole property of Gitsegukla, regardless of whether they have been assigned to or utilized by an employee.

Employees shall not make copies of keys without authorization or provide keys to unauthorized persons.

Employees shall not provide access codes to unauthorized persons.

At the end of their employment, employees are required to return to Gitsegukla all Gitsegukla property in their possession including but not limited to computers, documents, electronic equipment, electronic data and files, memory sticks, and keys.

Anything produced by an employee, including records, documents, data, and objects remain at all times the property of Gitsegukla.

Gitsegukla members, clients and guests are not permitted to use Gitsegukla property, including computers, and employees are required to enforce this rule.

Employees shall take all reasonable steps to avoid damaging Gitsegukla property. Gitsegukla reserves the right to report property damage caused by an employee to the RCMP.

Employees shall not make personal long-distance calls and may only make personal local calls in the event of an emergency.

Employees shall not use the fax machine for personal use.

If Gitsegukla issues property to an employee which will be in that employee's possession or control, Gitsegukla may request the employee to give written authorization allowing Gitsegukla to deduct from the employee's wages the cost of the property in the event the property is damaged or missing.

## **5.7 Electronic Communications Policy**

To better serve community members and provide its employees with the best tools to do their jobs, Gitsegukla may make one or more forms of electronic media and services to its employees, including computers, e-mail, telephones, smart phones, Voice over IP (VoIP), computer tablets, chat, instant messages, SMS (text messaging), PIN to PIN, blogs, voicemail, fax machines, forums, external electronic bulletin boards, on-line communities, social networks, wire services, online services, intranet, extranet, Internet and the World Wide Web.

Gitsegukla encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the organization should remember that electronic media and services provided by the Gitsegukla are Gitsegukla property and their purpose is to facilitate and support Gitsegukla business. All users have the responsibility to use these resources in a professional, ethical, and lawful manner and in keeping with the Gitsegukla Band Code of Conduct. Moreover, all existing Gitsegukla policies apply to employee conduct on the Internet and while using all technology systems, including but not limited to Gitsegukla policies regarding, misuse of Gitsegukla property, conflict of interest, discrimination, harassment, sexual harassment, information and confidentiality.

To ensure that all employees use these resources responsibly, the following rules and guidelines govern the use of electronic media and services, including but not limited to, e-mail and the Internet.

### ***Gitsegukla Property***

All electronic communications stored in Gitsegukla-provided resources or composed, sent or received by an employee on Gitsegukla provided resources are the property of Gitsegukla. Furthermore, all electronic communication utilizing Gitsegukla networking resources are considered to be the property of Gitsegukla. Electronic communications are not the property of any employee. Employees should have no expectation of privacy associated with the information they receive, transmit, save or store through Gitsegukla electronic media and services.



### ***Indirect Violations***

This policy does not cover every possible situation; rather this policy is designed to set out Gitsegukla Governing Council philosophy and values and to set out general principles that relate to the use of electronic media and services.

Gitsegukla expects employees to be sensitive to the underlying spirit and intent of this policy and to look to the goals that it is intended to achieve. This policy is intended to illustrate the range of acceptable and unacceptable uses of electronic media and services and is not exhaustive. Employees may not do indirectly what this policy prohibits directly. Nor should they employ means to defeat the goals that this policy is intended to achieve, even though those means may not have been mentioned in this policy.

While Gitsegukla has endeavored to ensure this policy reflects the state of its technology as of the date of this policy's creation, technological developments may overtake the literal text of certain aspects of this policy. If in doubt, ask questions and seek advice before acting. Gitsegukla encourages all employees to ask themselves whether they would want their actions reported in full in the newspaper or other media. If the answer is "no", that is a good indication that the employee should not take the action.

### ***Prohibited Communications***

Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:

- a) Discriminatory or harassing;
- b) Derogatory to any individual or group;
- c) Obscene, sexually explicit or pornographic;
- d) Defamatory or threatening;
- e) In violation of any license governing the use of software;
- f) Related to gambling;
- g) Engaged in for any purpose that is illegal or contrary to Gitsegukla Band policy or business interests;
- h) Profane or that contains objectionable material;
- i) Entertainment software or games;
- j) An electronic mail chain letter;
- k) An attempt to force spam on people;
- l) An email with attachments known to have a virus;
- m) An "email bomb": One or more email messages sent repeatedly to a particular address at a specific victim site or an extremely large message to one or more recipients transmitted for the purpose of interfering with the recipients' use of electronic communications systems and services;

- n) A "denial of service attack": The transmission of an abnormally high volume of requests over a network, slowing down the performance of a server so that it becomes unavailable to users; or
- o) Illegal or pirated content, including but not limited to, movies and MP3s.

These activities are examples listed for illustrative purposes and are not exhaustive.

### ***Personal Use***

The computers, electronic media and services provided by the Gitsegukla are primarily for business use to assist employees in the performance of their jobs and to further the objectives of Gitsegukla. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is permissible provided that any such use does not contravene this policy and is done in a manner that does not negatively impact Gitsegukla operations. Employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

Employees should pay particular attention to the section of this policy below that relates to participation in online forums and social media, which is prohibited for personal use and requires management approval for Gitsegukla business.

### ***Participation in Online Forums and Social Media***

Employees shall not use Gitsegukla resources for personal use of Facebook, Twitter or other social media and online forums.

In the event that an employee needs to access online forums for the performance of their work, the employee must first obtain authorization to access such forums from their manager. Employees shall not use Gitsegukla resources to access Facebook, Twitter or any other social media outlets for Gitsegukla business.

Where authorized to access online forums and social media for Gitsegukla business, employees should remember that any messages or information sent on Gitsegukla-provided facilities to one or more individuals via an electronic network, for example, Internet mailing lists, bulletin boards, blogs, newsgroups, social networks and online services — are statements identifiable and attributable to Gitsegukla. Employees should not discuss Gitsegukla details or disclose proprietary or confidential information in these forums.

Employees have an obligation of loyalty to Gitsegukla and must not do anything which might damage the reputation of Gitsegukla. Under no circumstances, whether during or outside of work hours, shall employees post negative comments about Gitsegukla, its staff or its Council Members on social media, regardless of whether they are using personal or Gitsegukla supplied resources to do so.

### ***Access to Employee Communications***

Employees should not assume that electronic communications are private (including personal non-business purpose communications). Gitsegukla reserves the right, at its discretion, to review any employee's electronic files and messages to the extent necessary to ensure electronic media and services are being used in compliance with the law, this policy and other Gitsegukla policies. Accordingly, employees who have sensitive information to store or transmit should use other means.

Gitsegukla may routinely gather logs for most electronic activities and monitor employee communications directly, e.g., telephone numbers dialed, sites accessed, call length, and time at which calls are made, for valid business purposes and in the event that it has a reasonable basis for doing so, including, but not limited to, the following purposes:

- a) Cost analysis;
- b) Resource allocation;
- c) Optimum technical management of information resources; and
- d) Detecting patterns of use that indicate employees are violating Gitsegukla policies or engaging in illegal activity.

Gitsegukla may suspend an employee's access to its IT systems pending investigation in the event that it has a reasonable basis for believing there has been a breach of this policy.

### **Software**

To prevent computer viruses from being transmitted through the Gitsegukla computer system, unauthorized downloading of any unauthorized software is prohibited. Only software registered through Gitsegukla may be downloaded. Employees should contact the system administrator if they have any questions.

### **Security/Appropriate Use**

Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by Gitsegukla management, employees are prohibited from engaging in, or attempting to engage in:

- a) Monitoring or intercepting the files or electronic communications of other employees or third parties;
- b) Hacking or obtaining access to systems, resources or accounts they are not authorized to use;
- c) Exposing or endangering Gitsegukla information through the use of unauthorized software;
- d) Using other people's logins or passwords; and
- e) Breaching, testing, or monitoring computer or network security measures.

No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else. Accessing other employees' personal or private records is prohibited without express authorization.

Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly interfere with the ability of other people to access and use the system.

Employees obtaining electronic access to other organizations' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify or forward copyrighted materials except as permitted by the copyright owner.

### **Temporary Employees, External Contractors, Agents and Vendors**

Temporary employees, external contractors, agents and vendors, who in some instances may be given access to the Gitsegukla electronic media and services with proper authorization will be given a copy of this policy and be required to sign off and indicate their agreement to comply with its terms.

## **Violations**

Any employee who abuses the privilege of their access to Gitsegukla electronic media and services, including but not limited to, e-mail and the Internet, in violation of this policy will be subject to corrective action, including possible termination of employment, legal action, and/or criminal liability.

## **5.8 Vehicle Usage**

From time to time, employees may be asked to use their own vehicle in the performance of their duties, and in such circumstances, the employee is responsible for the costs of insuring their vehicle but may submit a request to be reimbursed for automobile allowance in accordance with federal mileage rates.

If an employee has been authorized to use a Gitsegukla vehicle, the employee shall:

- a) Hold a valid license to operate the vehicle;
- b) Provide a current driver's abstract obtained from ICBC;
- c) Keep a logbook of their automobile allowance and details of fill-ups;
- d) Keep the vehicle clean and tidy;
- e) Follow the manufacturer's recommended maintenance and oil change schedule;
- f) Not allow an unauthorized person to operate or ride in the vehicle;
- g) Be solely responsible for paying any fines resulting from traffic violations while on Gitsegukla business; and
- h) Shall not engage in impaired or distracted driving and will ensure that any phone calls taken while driving will be done either by pulling over to the side of the road in a safe location or by using hands-free technology.

An employee who is involved in an accident or damages a vehicle as a result of their negligence shall be required to cover all of the costs associated with repairing or replacing the vehicle.

## **5.9 Access to Gitsegukla Premises**

Employees shall not allow unauthorized persons to access restricted areas.

Employees shall not enter, or allow anyone to enter, the work site outside of work hours without the prior approval of the Band Administrator.

## **5.10 Smoking and Scents in the Workplace**

For the health and safety of Gitsegukla employees, members and clients, smoking is prohibited in and within 30 meters of all Gitsegukla premises and vehicles.

Employees shall not wear excessive perfumes, colognes or other fragrances in the workplace, and if they are wearing a scent that causes discomfort to another individual, their program manager may ask the employee to minimize the scent or leave the workplace.

## 5.11 Alcohol and Drugs in the Workplace

Gitsegukla is committed to providing a safe and supportive work environment. Gitsegukla recognizes that the use of substances such as alcohol, illegal drugs and the misuse of medication can have serious impacts on employee health and safety and can impact the safety of the work environment.

The Policy applies to the Council, its employees and its contractors. This Policy also applies to employees and contractors who work for any Gitsegukla-related entities whether on or off reserve (the “Related Entities”). Gitsegukla employees and contractors and employees and contractors who work for the Related Entities (collectively “Workers”) have a shared responsibility to maintain a safe work environment.

Gitsegukla and Related Entities expect that all Workers will:

- a) Arrive at work fit for duty;
- b) Remain fit for duty at all times while at work;
- c) Conduct themselves in a safe and lawful manner while at work; and
- d) Comply with all applicable policies of the Council and Related Entities, including this Drug and Alcohol Policy.

Gitsegukla and the Related Entities have zero-tolerance for Workers being under the influence of alcohol, drugs, and in some cases medication, while at work, on Gitsegukla or Related Entity property, while representing Gitsegukla or Related Entities or while engaged in any activity in connection with their employment or engagement with Gitsegukla or Related Entities. Workers are not authorized or entitled to perform their duties if they are suspected of being under the influence of alcohol, illegal drugs, or medication that impairs their ability to safely perform their work.

Workers who contravene this Policy may be subject to discipline, up to and including termination of employment or engagement. Gitsegukla and the Related Entities recognize that a medical diagnosis of addiction is a disability and recognize their obligation to accommodate to the point of undue hardship.

### ***Prevention***

Gitsegukla or Related Entities will assist Workers who are struggling with abuse, dependency, or addiction to alcohol, illegal drugs, and/or medication. Gitsegukla or Related Entities provide access to treatment resources to Workers and will encourage Workers who self-identify to participate in effective prevention and rehabilitation programs where appropriate.

Gitsegukla and the Related Entities will not discipline or terminate the engagement or employment of any Worker with medically documented dependency or addiction issues because of that Worker’s involvement in sanctioned rehabilitation efforts or for requesting Gitsegukla or Related Entities’ assistance in overcoming his or her dependency or addiction issues. However, where a Worker identifies that he or she is seeking assistance or participating in rehabilitation for dependency or addiction issues after that Worker has been involved in a Significant Event, or after Gitsegukla or the Related Employer has requested that the Worker participate in drug or alcohol testing for reasonable cause under this Policy, that Worker may still be disciplined or terminated in connection with the Significant Event or the request for testing. A Worker’s rehabilitation efforts do not relieve a Worker of the obligation to perform his or her work satisfactorily and to comply with all applicable policies. Consequently, Workers may still be dismissed or disciplined for culpable misconduct notwithstanding their rehabilitation efforts.

### ***Safe Work Environment – Illegal Drugs***

The use; possession; cultivation; manufacture; production; sale or attempted sale; or, distribution of illegal drugs is prohibited Gitsegukla or Related Entity property, and while on duty.

The use of illegal drugs while off duty is prohibited where such use may adversely affect a Worker's performance at work. For the purposes of this Policy, carryover or hangover effects of illegal drugs are considered to adversely affect work performance.

### ***Safe Work Environment - Alcohol***

The use; possession; manufacture; production; sale or attempted sale; or, distribution of alcohol is prohibited on Gitsegukla or Related Entity property, or while on duty.

The use of alcohol while off duty is prohibited if it can reasonably be foreseen that such use will adversely affect the Worker's performance at work. For the purposes of this Policy, carryover or hangover effects of alcohol are considered to adversely affect work performance.

### ***Safe Work Environment - Medications***

Workers are expected to act responsibly regarding the use of medications, whether such medications are over the counter or prescribed by a physician. Workers are expected to consult with a physician or pharmacist regarding the potential side effects of medications, and are expected to take all reasonable steps to become aware of and familiar with side effects or combinations of medications and to advise their supervisors of any potential side effects which may impact safe work performance.

Possession or use of prescription medication without a properly obtained prescription, or sale, attempted sale or distribution of prescription medication is prohibited while Gitsegukla or Related Entity property or while on duty.

### ***On-Call Employees***

Workers who are on-call are expected to remain fit for duty while on call and are considered, for the purposes of this Policy, to be on duty.

If an employee is not scheduled to be on-call, but is called in to perform work at a time when that Worker's ability to work may be adversely affected by alcohol, illegal drugs, or medication, that Worker must refuse the request and must not attend at work.

### ***Peer Prevention***

All Workers are responsible for ensuring that the workplace is safe and free from the effects of alcohol and illegal drugs and/or the misuse of medications. Workers who become aware that a fellow employee has engaged in conduct contrary to this Policy are expected to report such conduct to Gitsegukla or to the Related Entity, as applicable.

### ***Mandatory Testing for Drugs and Alcohol***

Workers who work in safety sensitive positions are subject to mandatory testing for the presence of alcohol, illegal drugs or medication in the following circumstances:

1. Reasonable Cause Testing

A Worker may be required to undergo testing where Gitsegukla or the Related Entity has reasonable cause to request that the Worker submit to testing. Reasonable cause includes, but is not limited to:

- a) Gitsegukla or a Related Entity reasonably believes that the Worker's work performance is affected by alcohol, drugs or medication; or
- b) Gitsegukla or a Related Entity becomes aware that the employee is engaged in the use, possession, manufacture, production, cultivation, sale, attempted sale or distribution of alcohol, illegal drugs or prescription medication while on duty or Gitsegukla or Related Entity property.

## 2. Post-Incident Testing

Where an act or omission by a Worker causes or contributes to a Significant Event, Gitsegukla or Related Entity may require the employee to undergo testing.

A "Significant Event" is an incident or accident involving one or more of the following occurrences, or an act or omission by an employee which causes or contributes to an increased risk of such an occurrence:

- a) A fatality or fatalities;
- b) An injury to a Worker or any other person;
- c) Damage to the property of Gitsegukla or a Related Entity or harm to a customer, member of the public or another Worker; and/or
- d) Significant environmental damage.

### ***Testing Procedure***

Sample collection will be conducted on-site or off-site as Gitsegukla or a Related Entity deems to be appropriate in the circumstances. Samples will be collected and handled in a way that ensures the integrity of the sample for testing purposes. Testing and the reporting of results will be conducted off-site by an accredited independent laboratory.

The testing procedure will be used to determine the presence of alcohol, illegal drugs, medication, or their metabolites. The testing procedure will not include testing for other medical conditions.

Workers who are subject to testing will be required to provide the requisite sample, to complete all required documentation, and to sign a consent form.

## 6 DISCIPLINE, TERMINATION, AND RESIGNATION OF EMPLOYEES

Manual: HR Policies		No:	H01.06
Section:	Discipline, Termination, and Resignation of Employees	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 8
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 6.1 Policy

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

### 6.2 Purpose

The purpose of this Part is to ensure that employees:

- a) Perform their duties to the best of their abilities;
- b) Comply with this Manual and with all applicable laws, policies, procedures and directions of the Governing Council and with all applicable legislation; and
- c) Are given an opportunity to remedy poor performance, correct improper conduct, and respond to allegations made against them, in a timely and open manner.

Gitsegukla shall:

- a) Treat its employees fairly, follow due process, and comply with all applicable legislative requirements in all disciplinary action;
- b) Use corrective and progressive disciplinary action to assist employees to improve their performance and to protect the interests of Gitsegukla; and
- c) Keep and maintain records of all disciplinary action, including remedial measures and terminations.

### 6.3 Application and Scope

This Part applies to the Governing Council, Band Administrator, the program managers and employees in relation to disciplinary action against an employee other than the Band Administrator.

Articles 4.0 to 6.0 apply to the discipline of a program manager by the Band Administrator, in which case all references to an employee are considered to be references to a program manager, and all references to the manager are considered to be references to the Band Administrator.



This Part does not apply to disciplinary action against or termination of the Band Administrator, which shall be done by the Governing Council in accordance with established policies and procedures.

## **6.4 Responsibilities**

Council has final authority and responsibility for the dismissal and discipline of Officers.

The Band Administrator is responsible for:

- a) Ensuring that managers follow this Part when disciplining employees;
- b) Ensuring that detailed records of all disciplinary actions are maintained in the personnel files;
- c) Disciplining the program managers;
- d) Approving the dismissal of all employees, other than Officers; and
- e) Advising the Governing Council of all dismissals.

Program Managers are responsible for:

- a) Consulting or advising the Band Administrator on all disciplinary action;
- b) The first responsibility for employees and Officers; and
- c) Maintaining detailed records of all disciplinary action against their employees.

## **6.5 Investigation**

If a program manager believes that an employee has committed misconduct or is performing their duties in an unsatisfactory or substandard manner, the program manager shall promptly investigate the alleged misconduct or deficient performance and shall notify the Gitsegukla Band Administrator of their concerns.

At the discretion of the Band Administrator, the Band Administrator or program manager may seek legal advice at any point during or after the investigation.

Before taking any disciplinary action, the program manager or the Band Administrator shall meet with the employee to inform them of, and give them an opportunity to respond to, the allegation(s).

Disciplinary action shall not be taken against an employee where the employee can demonstrate that the allegation of misconduct or unsatisfactory performance is false, or that their conduct was reasonable or justifiable in the circumstances.

At the end of an investigation under this article, the program manager or Band Administrator shall document and place in the employee's personnel file a detailed record of the:

- a) Steps in the investigation;
- b) Evidence substantiating the alleged misconduct or deficiency in performance;
- c) Employee's response; and
- d) Actions taken.

## 6.6 Determination of Appropriate Disciplinary Action

Where the program manager or Band Administrator determines that disciplinary action is appropriate, the program manager or Band Administrator shall determine the appropriate step under article 6.7, taking into consideration as appropriate:

- a) The employee's past work record and length of service;
- b) The nature and seriousness of the employee's misconduct, or deficiencies in performance;
- c) Whether it is the employee's first infraction;
- d) Whether the behavior was deliberate or inadvertent;
- e) Mitigating circumstances (such as provocation or misunderstanding); and
- f) Any unique circumstances of the specific situation which warrant consideration.

For clarity, the program manager or Manager may bypass one or more steps in the disciplinary action process at article 6.7 as appropriate under the circumstances.

Grounds for disciplinary action may include, but are not limited to, misconduct, insubordination, negligence, absenteeism, falsification of qualifications, theft, harassment, posting negative comments on social media, failure to meet conditions of employment, incompetence, disobedience, and breach of this Manual or other Gitsegukla laws or policies or applicable legislation.

Except in cases where the program manager and Band Administrator have determined that the appropriate outcome is termination, the program manager and the employee may develop and implement an Employee Performance Improvement Plan that includes:

- a) The expected performance standards;
- b) Actions necessary for the employee to meet the standards and expectations;
- c) The expected outcomes and the timeframe for attaining the performance standards; and
- d) Consequences if the employee does not meet the standards within the set timeframe.

## 6.7 Progressive Discipline

Gitsegukla uses the following system of progressive and corrective discipline and although in general, Gitsegukla shall apply each level of discipline in successive order, the level of discipline that is applied in a situation shall be determined in accordance with article 6.6.

### ***Verbal Reprimand***

The program manager shall:

- a) Advise the employee that their deficient performance or misconduct is unacceptable, and that further incidents shall result in further disciplinary action;
- b) Record the details of the incident, the verbal reprimand and the remedial action to be taken;
- c) Provide a copy of the record to the Band Administrator and to the employee; and

- d) Place a copy of the record in the employee's personnel file.

### ***Letter of Reprimand***

The program manager shall issue to the employee a written letter of reprimand which shall include:

- a) The nature of the infraction;
- b) The corrected action required;
- c) A reasonable timeframe for improvement; and
- d) That repetition of the infraction shall result in further disciplinary action, up to and including termination.

The program manager shall meet with the employee to review the letter of reprimand and discuss any remedial measures

The program manager shall place in the employee's personnel file a:

- a) Detailed record of all actions taken, including any response from the employee;
- b) Copy of the Letter of Reprimand; and
- c) Record of all remedial or other measures agreed upon.

### ***Suspension with Pay***

In circumstances where investigation is required of alleged misconduct by an employee and Gitsegukla or the Band Administrator determine, in good faith, that a suspension of that employee is necessary to protect organizational and business interests of Gitsegukla and to allow the effective conduct of an investigation, the Band Administrator may suspend the employee with pay in order to conduct a thorough investigation. Any such suspension will be no longer than is necessary to carry out the investigation and inform the employee of the result.

Where suspension with pay is warranted, the Band Administrator shall provide to the employee, by hand or by registered mail, a written notice which states:

- a) The reason for the suspension;
- b) The effective date and duration of the suspension;
- c) The employee's right to respond in writing to the allegation;
- d) That before any disciplinary or other action is taken, the employee shall be invited to meet with the Band Administrator and program manager to answer, clarify or rebut any evidence that may be found; and
- e) That in the event that the allegation is found to be groundless, it cannot be used against the employee in the future, and a copy of the notice shall be placed in the employee's personnel file along with a notation of the method and date of delivery to the employee.

Where the investigation substantiates the alleged misconduct, the employee shall be invited to meet with the Band Administrator and program manager, and may be subject to discipline or dismissal, as the Band Administrator deems appropriate.

### ***Termination for Just Cause***

Where previous disciplinary action and remedial measures have failed, or where the misconduct is serious enough that the employment relationship is irreparably harmed, and after following the steps at section 6.7, the Band Administrator may terminate an employee's employment with just cause, by providing to the employee, by hand or by registered mail, a written notice of termination which states:

- a) The grounds for termination. Documentation should include information on the offence and previous disciplinary communications with the employee;
- b) That the termination is for just cause and therefore without notice, termination pay or severance pay, if applicable; and
- c) That the termination is effective immediately, and a copy of the notice shall be placed in the employee's personnel file along with a notation of the method and date of delivery to the employee.

Reasons (just cause) for immediate dismissal can be for:

- a) Gross misconduct including violation of rules, harassment, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, theft, under the influence of alcohol or drugs while on the job, falsifying records etc.;
- b) Threats of violence where an employee threatens to or causes physical harm to another employee, client or to the members of Council;
- c) conviction of a serious criminal code offence;
- d) Demonstrating chronic absenteeism or lateness;
- e) Repeated unsuccessful progressive disciplinary attempts including verbal and written reprimands;
- f) Misrepresentation or falsification of information on application of employment; or
- g) Contravention of the employee's duties and obligations under the Band's Financial Administration Law including codes of conduct and conflicts of interest.

Before terminating an employee for just cause, the Band Administrator shall:

- a) Review the employee's personnel file with the manager and discuss the grounds for termination;
- b) Consider the risks to Gitsegukla of terminating the employee for just cause; and
- c) Consult with legal counsel if appropriate.

## 6.8 Termination without Cause

Where the Band Administrator deems it appropriate under the circumstances, and after following the steps at section 6.7, the Band Administrator may terminate an employee's employment without cause, by providing to the employee, by hand or by registered mail, a written notice of termination which states:

- a) The effective date of termination;
- b) The reason for termination, if applicable;
- c) The amount of notice, or termination pay, and severance pay, if applicable, as determined under section 6.8;
- d) Whether the notice will be working notice or pay in lieu of notice; and
- e) That the termination is without cause, and a copy of the notice shall be placed in the employee's personnel file along with a notation of the method and date of delivery to the employee.

Before terminating an employee without cause, the Band Administrator shall:

- a) Determine the appropriate notice or termination pay, and severance pay, if applicable, in accordance with section 6.8;
- b) Consider the risks to Gitsegukla of terminating the employee without cause; and
- c) Consult with legal counsel if appropriate.

Except as otherwise provided in an employment contract or letter of offer, Gitsegukla shall provide to an employee who has been terminated without cause, notice or pay in lieu of notice and severance pay as follows:

- a) For all employees with less than three months of continuous employment, no notice, termination pay, or severance pay;
- b) For all employees who have completed at least three but less than twelve months of continuous employment, two weeks' notice or pay in lieu and no severance pay; and
- c) For federally regulated employees covered by the *Canada Labour Code* who have completed at least twelve months of continuous employment, two weeks' notice or pay in lieu and severance pay equal to the greater of:
  - i. Two days' wages for each completed year of employment; and
  - ii. Five days' wages.
- d) For provincially regulated employees covered by the Employment Standards Act, sixty (60) days' written notice of termination, sixty (60) days' wages in lieu of notice of termination or a combination of wages and notice amounting to sixty (60) days.

The provision of such notice or termination pay in lieu of notice and severance pay, as applicable, by Gitsegukla in accordance with this provision of the Manual is in complete satisfaction of all contractual, statutory, or common law notice requirements at law or in equity that an employee, may have. Upon provision by Gitsegukla of such entitlements, there will be nothing further due or payable to the employee in respect of the termination of their employment.

In no event will any employee receive less than the employee is entitled to receive under the *Canada Labour Code* or the *Employment Standards Act* whichever governs the employment of the employee. If any of the provisions in this section of the Manual are found to be inconsistent with the *Canada Labour Code* or the *Employment Standards Act*, whichever governs the employment of the employee, then the notice or payment in lieu of notice, and any severance pay, if applicable required by the legislation will apply to the employee will be incorporated into and form part of their contract of employment, whether oral or written and the employee will not be entitled to any further notice or additional pay in lieu thereof, or severance pay, if applicable.

## **6.9 Abandonment of Employment**

An employee who has been absent from work for three consecutive workdays without notifying their manager may be deemed to have abandoned their employment.

## **6.10 Resignation**

An employee who wishes to resign from their employment shall provide the Band Administrator with at least two weeks' written notice, or more as required under their letter of offer or employment contract.

A resigning employee:

- a) Shall perform their duties diligently until the resignation date; and
- b) Is not entitled to termination pay or severance.

At the discretion of the Band Administrator, an employee may resign verbally if:

- a) The employee clearly and directly states their intention to their program manager or to Gitsegukla Band Administrator;
- b) The employee's behavior affirms their intention to resign; and
- c) The Band Administrator immediately makes a record of the resignation and places it in the employee's personnel file.

## **6.11 Retirement**

Gitsegukla does not have a compulsory age of retirement and employees are entitled to continue to work for Gitsegukla so long as they continue to meet the bona fide, occupational requirements of their position.

## **6.12 Last Day of Employment Protocol**

On the last day of active employment of any employee who has resigned or has been dismissed, the Band Administrator shall immediately:

- a) Disable the dismissed employee's network and information system accounts;
- b) Obtain any Gitsegukla property from the employee, including cell phone, keys, memory sticks and credit cards;
- c) Change passwords, locks or combinations for any equipment, software or safes to which the employee had access;

- d) Remove employee from benefits; and
- e) Working with the program manager, take any additional steps deemed necessary to secure the workplace, employees and property.

If an employee had sole access to Gitsegukla property during the course of their employment and the property is damaged or missing, and the employee has given written authorization, Gitsegukla may deduct the cost of the damaged or missing property from the employee's final pay-check.

Within 48 hours after the employee's last day of employment, Gitsegukla shall

- a) Provide to the employee all outstanding remuneration owed to the employee, including wages, vacation pay, notice, termination pay, and/or severance pay, if any; and
- b) Issue a Record of Employment that accurately reflects the reason for the employee's departure from Gitsegukla.

### **6.13 Record of Dismissal**

For each dismissal, with or without cause, the Band Administrator shall ensure that a Record of Dismissal is created and retained in accordance with Gitsegukla policies and procedures.

At a minimum, the Record of Dismissal shall include:

- a) Performance expectations, if any;
- b) Performance reviews;
- c) Disciplinary actions, if any;
- d) Dismissal risk assessment;
- e) Legal opinion, if received;
- f) Notice of termination;
- g) Any agreement between the employee and Gitsegukla;
- h) Calculation and evidence of final payment; and
- i) Any response, statement or feedback from the employee.

### **6.14 Exit Interviews and Questionnaires**

The Band Administrator or program manager may request resigning and retiring employees to participate in a confidential exit interview in order to obtain information in regard to Gitsegukla Band hiring practices, training, supervision, administration policies, and to address issues that affect employees and the retention of staff.

The Band Administrator or program manager may request employees who have been terminated, with or without cause, to participate in a confidential exit interview or complete an exit questionnaire.

The results of exit interviews and questionnaires shall be securely stored and Gitsegukla shall maintain employee confidentiality by:

- a) Reporting exit interview data in generic reports and only reporting at regular intervals; and
- b) Removing identifying characteristics from reports unless the former employee has given express consent for their identity to be disclosed.

## **6.15 Reference Letters**

Upon request, the Band Administrator or program manager may provide a letter of reference to the prospective employer of a former employee that includes the following information:

- a) The nature of the position held by the former employee;
- b) The functions of the position held;
- c) A fair and accurate assessment of the employee's skills and abilities; and
- d) The length of service of the former employee.

Any additional requests for information being sought by prospective employers shall be directed to the Band Administrator or program manager.



## 7 SALARIES, WAGES AND BENEFITS

Manual: HR Policies		No:	H01.07
Section:	Salaries, Wages and Benefits	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 2
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 7.1 Purpose and Scope

The purpose of this Part is to establish a structure for employee salaries, wages and benefits that is competitive and encourages individual performance while taking into consideration Gitsegukla financial circumstances.

This Part applies to all Gitsegukla employees.

### 7.2 Responsibilities

The Governing Council is responsible for:

- a) Making decisions on employee salaries and benefits, taking into consideration the Gitsegukla financial position and recommendations from the Band Administrator; and
- b) Authorizing raises for the Band Administrator.

The Band Administrator is responsible for:

- a) Presenting to the Governing Council for approval a human resources plan that includes position classifications, a salary grid and a proposed budget for salaries, wages and benefits; and an updated annual performance appraisal, indicating above satisfactory performance.
- b) Authorizes raises for employees where merited and within the annual budget along with a completed and updated annual performance appraisal.

### 7.3 Pay Periods

Gitsegukla shall pay its employees bi-weekly, subject to verification of time sheets.

Employees shall submit timesheets to their program manager bi-weekly, in accordance with established deadlines.

If an employee fails to submit a time sheet or submitted it after the due date, their pay shall be delayed to the next pay period.

Program managers shall:

- a) Review all timesheets submitted by their employees;

- b) Verify attendance and make any necessary adjustments; attach leave applications to the time sheet, and Managers are to ensure staff have adequate leave to cover the absence
- c) Sign the timesheets; and
- d) Submit the signed timesheets to the finance department in accordance with established deadlines.

Gitsegukla pays all of its employees by direct deposit and, accordingly, all employees shall provide necessary banking information to the Financial Administrator or Band Administrator.

#### **7.4 Mandatory Deductions**

Gitsegukla shall take out of employee's pay all statutory deductions required by law including:

- a) Employment insurance;
- b) CPP; and
- c) Income tax, if applicable.

#### **7.5 Garnishments of Salary**

Gitsegukla is legally required to comply with garnishing orders issued by the courts and employees shall be notified of such demands.

#### **7.6 Payroll Advances Prohibited**

In accordance with the Finance Policy F01.14, Gitsegukla shall not provide payroll advances to its employees.

#### **7.7 Use of Band Resources**

Gitsegukla employees using Band resources such as, but not limited to, Tangible Assets or Services (i.e. Housing or Repairs to private homes) will have the amount owing to the Band automatically deducted from their payroll.

## 8 HOURS OF WORK, VACATIONS AND LEAVE

Manual: HR Policies		No:	H01.08
Section:	Hours of Work, Vacations and Leave	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 8
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 8.1 Purpose and Scope

The purpose of this Part is:

- a) To encourage employees to achieve a balance between work and home life by taking vacation time and other leave; and
- b) To allow employees to take time off of work when they are sick or injured or require other forms of leave.

Except as otherwise indicated, this Part applies to all employees.

Except as otherwise indicated, a reference to an employee includes a program manager and Band Administrator, and a reference to an employee's manager includes the Band Administrator in the case of a program manager, and the Governing Council in the case of the Band Administrator.

Employees shall submit an Application for Leave form, attached as Appendix 8, for all leave requests under this Part.

### 8.2 Hours of Work and Attendance

The normal hours of work for full-time employees are times during which employees shall be at their workstations carrying out their duties, are as follows:

Band office: Monday through Friday 8:30 am - 4:30 pm;

Health center: Monday through Friday 9:00 am – 5:00 pm; and

Elementary: Monday through Friday 8:30 am – 3:30 pm or as otherwise outlined in the individual's specific employment contract.

Operations & Maintenance: Monday through Friday 8:30 am to 4:30 pm

In the event of changes to the scheduled hours of work, Gitsegukla shall provide at least five days' written notice to the affected employees.

Employees are entitled to take the following breaks within established time frames:

- a) A 15-minute morning coffee break;

- b) An unpaid 60-minute lunch period; and
- c) 15-minute afternoon coffee break;

However, breaks shall not be accumulated, carried forward or added to paid leave.

It is the policy of Gitsegukla to encourage its employees to have active and healthy lifestyles. An active and healthy workforce benefits Gitsegukla by increasing employee productivity and overall job satisfaction. For that reason, Gitsegukla offers employees a 30-minute fitness break up to 3 days per week for the purpose of engaging in physical activity (e.g., walking, basketball, etc.).

Employees must sign a form with the Gitsegukla Health Society in order to "opt-in" to the program and utilize the fitness break offered by Gitsegukla. In the form, the employee will agree to utilize fitness breaks for the intended purpose as set forth in this Manual, and further agree to comply with all provisions of this policy. The employee will also sign a Release of Liability form that acknowledges any injuries incurred while on the fitness break will not be claimed against Gitsegukla Worker's Compensation or Liability Insurance programs.

Although encouraged, employees who opt-in are not required to take a fitness break on a scheduled basis. Gitsegukla recognizes a break may not be consistent with a particular employee's exercise program or that circumstances may not allow an employee to take a fitness break on a scheduled basis.

Fitness breaks must be used by Gitsegukla employees for the purpose of engaging in physical activity. The physical activity may include but is not limited to making use taking a walk, jogging, biking, or any type of exercise the employee enjoys. Any exercise appropriate to the employee's physical condition will be considered physical activity. Each employee is strongly encouraged to consult a physician prior to beginning an exercise regimen in order to determine what types of exercise programs might be appropriate given their age, unique health conditions and risk factors.

Employees shall report to work on time and shall notify their program manager or Band Administrator:

- e) In advance of a planned absence from work; and
- f) For an unplanned absence, as soon as possible, and no later than two hours before their scheduled start time, and failure to comply with this section may result in disciplinary action and loss of pay for the period of absence.

### **8.3 Overtime**

This article does not apply to the Band Administrator and the program managers, whose salaries reflect the expectation that they may be required to work in excess of their scheduled hours from time to time and compensates them for all hours worked.

Gitsegukla expects that employees will be able to complete their duties within their scheduled work hours but recognizes that in exceptional circumstances employees may be required to work in excess of their scheduled hours.

An employee shall only be entitled to pre-authorized work overtime hours (*i.e.*, hours in excess of the employee's standard hours of work) when:

- a) The employee has submitted to their program manager a written estimate of the overtime required to complete the assigned task in advance of working the overtime hours;

- b) The program manager has signed the written estimate approving a maximum number of hours of overtime. Non-compliance to this policy will lead to discipline; and
- c) The employee reports their actual overtime worked.

Employees are not entitled to claim overtime for time spent attending conferences, courses or workshops under article 11.0, or for time spent travelling to and from the training, except the procedures described under Section 8.5 "Time Off In-Lieu for Managers".

Approved overtime shall be paid at a rate of 1.5 times the employee's regular rate of pay after 8 hours.

If evening or weekend work is required from time to time in non-emergency situations, program managers may adjust the employee's schedule in advance to accommodate this in a manner so as to avoid the need for overtime hours to be worked.

An employee who works overtime hours without complying with article 3 will be subject to disciplinary action as outlined in H06.01 (Section 6).

Program managers shall monitor timesheets to ensure that unauthorized overtime is not claimed, and the Band Administrator shall monitor the use of overtime on an ongoing basis to ensure that overtime is only claimed under exceptional circumstances.

## **8.4 General Holidays and Special Events**

Gitsegukla observes the following general holidays by closing all applicable workplaces; or when the general holiday falls on a day on which the workplace is normally closed, by closing all workplaces on the working day immediately preceding or following the general holiday:

- a) New Year's Day;
- b) Good Friday;
- c) Easter Monday;
- d) Victoria Day;
- e) Canada Day;
- f) BC Day;
- g) Labour Day;
- h) Thanksgiving Day;
- i) Remembrance Day;
- j) Christmas Day;
- k) Boxing Day;
- l) Family Day;
- m) Gitsegukla Independence Day (1<sup>st</sup> Monday of April); and

- n) Aboriginal Day.
- o) The Gitsegukla Band Office is also closed for ten workdays during the Christmas holidays. Christmas holidays are scheduled annually by the Governing Council.

If an employee is not required to work on a general holiday, Gitsegukla shall pay them as follows:

- a) at their normal rate of pay, provided that the employee has been employed by Gitsegukla for at least 15 of the 30 days immediately preceding the general holiday; or
- b) if the employee cannot meet the condition set out in section a) above, to pay equivalent to 1/2 of the wages they earned during the 30 days immediately preceding the general holiday.

If an employee is required to work on a general holiday, then Gitsegukla shall pay the Band Administrator, program manager or employee as follows:

- a) For an employee, at:
  - i. 1.5 times the employee's normal rate of wages if the holiday occurs within the first 30 days of employment; and
  - ii. In all other circumstances, at 2.5 times the employee's normal rate of wages.
- b) For the Band Administrator and program managers, at the normal rate of wages, and the Band Administrator or program manager shall be entitled to take an alternate day off with pay.

Where a general holiday falls during an employee's scheduled vacation leave, a holiday with pay shall be added to the vacation leave or granted at another mutually convenient time.

If Gitsegukla closes the workplace for a special event, it shall pay the regular employees at their normal rate of pay, however the employees may be required to perform some of their regular duties and shall not be entitled to claim overtime.

## **8.5 Time Off In-Lieu for Managers**

### ***Eligibility***

Managers who participate in Council and Executive meetings or official weekend meetings may be eligible for time off in in-lieu of direct compensation for their work outside of normal business hours.

### ***Approvals***

Managers must obtain the following approvals for time off in-lieu:

- a) An official invitation, in writing, from Council or the Band Administrator; and
- b) Pre-approval, in writing, by the Band Administrator for managers and Council for the Band Administrator (see form in Appendices I and J).

## **Compensation**

- a) Managers will be compensated at a rate of one banked hour for additional hours worked after eight hours on a regular workday or any time on a weekend or statutory holiday.
- b) A maximum of 40 hours can be banked, If the maximum is reached, managers and the Band Administrator are still expected to attend official meetings
- c) Unused banked time will not be paid out upon termination or retirement and may not be carried forward from year to year. Regular employees will have their banked time reset at the end of each calendar year (December 31st). Education employees will have their banked time reset at the end of the school year (June 30th).

## **8.6 Annual Vacation Leave**

This article does not apply to term employees with a term of less than 12 months, who are not entitled to vacation leave but shall instead receive vacation pay on each pay cheque. Vacation is prorated based on the employee's classification.

Eligible employees are entitled to the following paid vacation leave entitlement:

- a) 15 days' vacation, for each of the first four years of employment;
- b) 20 days' vacation, for each of the fifth through ninth years of employment; and
- c) 25 days' vacation for each of the tenth and subsequent years of employment.

With the prior written approval of their program manager or the Band Administrator, an employee may carry over up to one week of vacation leave into the following year, however all employees shall take at least two weeks' vacation leave each year, within ten months of completing each year of employment.

An employee who has completed their probationary period may request vacation leave after completing at least six consecutive months of employment.

Employees shall submit to their program manager requests for vacation leave at least three months in advance of the requested leave, except in exceptional circumstances.

Vacation leave requests may be denied due to operational requirements, and vacation time may be assigned with at least two weeks' notice where the employee cannot come to an agreement with their program manager.

Education Employees' leave entitlement follows the School calendar and, as such, vacation is mandatory based on the annually adopted school calendar (*i.e.* Spring break and Christmas break).

## **8.7 Elective Leave**

Employees must notify their program manager each day of elective leave unless there is extenuating circumstances then notification at the earliest opportunity.

All regular employees are entitled to eighteen (18) days' paid elective leave per calendar year.

All education staff are entitled to fifteen (15) days' paid elective leave per calendar year.

Elective leave may be used to cover:

- a) Illness, injury or surgery;
- b) Medical appointments, including drug and alcohol counselling; and
- c) Illness or injury of a member of the employee's immediate family.

Probationary employees are not entitled to take paid elective leave, but credited days begin accumulating at the start of employment. Term employees working for a period of more than three continuous months shall be entitled to earn elective leave.

An employee may be required to provide a medical certificate to their manager after three (3) consecutive days of absence of work.

During the period of elective leave, Gitsegukla shall not dismiss, suspend, layoff, demote or discipline an employee who has suffered a work-related illness or injury due to that employee's leave for the illness or injury.

Gitsegukla shall take all reasonable steps to accommodate the needs and/or limitations of an employee returning to work after illness or injury, including modification of duties and reassignment to a similar position. Employees will be required to provide reasonable medical documentation in order to substantiate the employee's fitness to return to work and allow Gitsegukla to consider whether the employee requires any accommodation.

Unused elective leave will not be paid out upon termination or retirement and may not be carried forward from year to year. Regular employees will have their elective leave reset at the end of each calendar year (December 31st). Education employees will have their elective leave reset at the end of the school year (June 30th).

## **8.8 Compassionate Care and Treatment Leave**

Gitsegukla shall grant an unpaid compassionate leave of absence for up to eight weeks to provide care or support to an immediate family member of the employee if a qualified medical practitioner issues a certificate stating that the immediate family member has a serious medical condition with a significant risk of death within 26 weeks from the day the certificate is issued or the day the leave commenced. Any such compassionate care leave will be provided in accordance with applicable legislative requirements.

Employees involved in illegal drug use or suffering from drug/alcohol dependency are encouraged to seek medical treatment and/or rehabilitation. Employees can use earned sick and vacation time or may be granted a paid or unpaid leave of absence for rehabilitation at an approved treatment center for up to 8 weeks. Prior to receiving pay for this period of leave, the employee shall provide proof of attendance and satisfactory completion of the treatment program.

To avoid any disciplinary action, employees are responsible for seeking assistance before any drug problem leads to a violation of Gitsegukla policy. Job performance will be the primary determinant of personnel actions affecting employees who suffer from drug dependency and return to work following or during rehabilitation. Satisfactory work performance remains a requirement for all employees who are actively at work, even those who have sought help for addictions or dependencies.

## **8.9 Bereavement Leave**

Employees are entitled to up to five days' paid bereavement leave upon the death of a member of their immediate family.



## 8.10 Maternity and Parental Leave

Every employee who has:

- a) Provided the Gitsegukla Band Administrator with a certificate from a qualified medical practitioner certifying that she is pregnant, at least four weeks before the start of the requested leave (except in exceptional circumstances), is entitled to up to 17 weeks of unpaid maternity leave, which leave may be taken at any time up to 11 weeks before her due date; and
- b) Provided that two employees may only take a combined total of 37 weeks of parental leave and 52 weeks of combined maternity and parental leave in respect of the same birth or adoption.

Parental leave may only be taken during the 52-week period beginning:

- a) In the case of a new-born child of the employee, at the option of the employee, on the day the child is born or comes into the actual care of the employee; and
- b) In the case of an adoption, on the day the child comes into the actual care of the employee.

An employee who does not provide written notice to the contrary, shall be deemed to be returning at the expiration of the maximum time allowed under maternity and/or parental leave, as applicable.

Gitsegukla shall maintain any benefits to which an employee on leave under section 8 is entitled, provided that the employee continues to make their usual contributions toward the benefits during the leave.

Gitsegukla shall not dismiss, suspend, layoff, demote or discipline an employee due to pregnancy or application for leave under this article, and shall not take into account a pregnancy or application for leave in any decision to promote or train the employee.

An employee returning to work after taking leave under this article shall be reinstated to the position the employee held when the leave commenced. If it is not possible to place the employee into the position they held prior to the leave, Gitsegukla will take all reasonable steps to place the employee in a comparable position.

Gitsegukla shall take all reasonable steps to accommodate the medical needs of a pregnant or nursing employee, including modification of duties, reassignment to a similar position, and authorization of elective leave or unpaid leave of absence where modification is not possible.

## 8.11 Leave for Elections

Gitsegukla encourages all its employees to vote in elections, and shall ensure that:

- a) During Gitsegukla elections and federal elections, employees have at least three consecutive hours for the purpose of voting; and
- b) During provincial elections, employees have at least four consecutive hours for the purpose of voting.

If the employee's hours of work do not allow for those consecutive hours, then Gitsegukla shall, at its option and in its sole discretion, schedule the employee's hours so as to allow those consecutive hours for voting.

## 8.12 Education and Training Leave

Gitsegukla supports the long-term professional growth of its employees and accordingly, regular employees may apply to the Band Administrator for an unpaid educational leave of up to one year, for a program that is deemed to be job-related.

An employee who is requested by Gitsegukla to attend a workshop, conference or course in the course of their employment shall:

- a) Receive prior written approval from their program manager;
- b) Give a written report to their program manager within five working days of completing the workshop, conference or course;
- c) Provide their program manager with proof of their successful completion of the training;
- d) Be paid their normal salary or wages during the training;
- e) Be compensated for travel expenses in accordance with the Gitsegukla Financial Policy; and
- f) If the training is a condition of employment, complete the training within the allotted timeframe.

Program managers shall evaluate training courses on an ongoing basis.

The Band Administrator shall ensure that records of all training under this article are maintained in the employee's personnel file.

## 8.13 Court Leave and Jury Duty

All employees who are required by court order to serve jury duty or testify in court are entitled to up to ten days' paid leave per year, provided that they:

- a) Return to work on the days that they are not required to serve with respect to these duties; and
- b) Provide to their manager a copy of the court order, summons or subpoena.

## 8.14 Acting Appointments

To ensure continuity in the delivery of services and programs, along with effective management and supervision, employees may step into "acting" or "person in charge" roles in the absence of another employee or manager. The Band Administrator is able to appoint and remove acting appointments at their discretion.

### ***Pay for Acting Appointments***

An employee who acts in a higher responsibility will receive a 15 percent increase in the salary for the first 30-day period. Following the first 30-day period, the employee will receive the greater of 15 percent or the lowest range payable for the role in which the employee is acting. Once the acting appointment is at an end, the employee's salary will revert to the original salary.

### ***Scope of Authority in Acting Role***

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Employees in acting appointments do not have the authority to hire, fire or increase pay of employees, but may make recommendations with respect to hiring, firing, pay increase and discipline.

## 9 HUMAN RIGHTS AND FAIR TREATMENT

Manual: HR Policies		No:	H01.09
Section:	Human Rights and Fair Treatment	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 5
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 9.1 Purpose and Scope

The purpose of this Part is to ensure that:

- a) Every employee's right to be treated equally and with respect in the workplace is protected;
- b) The workplace is respectful of the goals, dignity and self-esteem of every employee; and
- c) Employees are free from discrimination and harassment, in accordance with their rights under the applicable human rights legislation.

This Part applies to the Governing Council and to all employees.

Prohibited grounds of discrimination or harassment are those under the applicable human rights legislation.

### 9.2 Responsibilities

The Governing Council is responsible for ensuring that this Part is complied with and enforced.

Gitsegukla Governing Council, the Band Administrator and program managers are responsible for:

- a) Educating the employees about this Part, and providing training where necessary;
- b) Preventing discrimination and harassment, and responding immediately to stop any activity that breaches this Part, whether or not there has been a complaint;
- c) Taking appropriate steps to respond to incidents of discrimination and harassment;
- d) Responding to complaints in a fair, unbiased and timely manner;
- e) Ensuring the confidentiality of complaints under this Part; and
- f) Complying with and enforcing this Part.

All employees are responsible for:

- a) Creating and maintaining a positive workplace;
- b) Complying with this Part, including refraining from actions, whether deliberate or unintentional, which may embarrass or offend others; and

- c) Not making frivolous or vindictive accusations.

### **9.3 Diversity**

Gitsegukla supports diversity in the workplace and makes decisions on human resource matters based on qualifications, ability and performance.

Subject to the affirmative action provisions at Part 2, Gitsegukla shall provide equal opportunities to employment, and treat equally, all employees and job applicants, and shall not make distinctions on prohibited grounds of the applicable human rights legislation or any other factor unrelated to job performance.

### **9.4 Harassment and Discrimination**

Gitsegukla shall not promote, condone or practice acts of discrimination on prohibited grounds, discriminatory harassment, or personal harassment.

Employees who engage in any harassment or discrimination shall be subject to disciplinary action, up to and including dismissal.

### **9.5 Sexual Harassment**

Every employee is entitled to a workplace that is free of sexual harassment and Gitsegukla shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.

Gitsegukla shall take such appropriate disciplinary measures as are appropriate against any person under Gitsegukla direction who subjects any employee to sexual harassment.

An employee who has a complaint of sexual harassment may bring the complaint to the attention of the Band Administrator or their program manager, in accordance with article 6.0.

This Manual does not preclude an employee from filing a complaint of sexual harassment under the applicable human rights legislation.

### **9.6 Reporting Breaches and Financial Irregularities**

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

Council has established the following procedures to receive, retain, investigate and act on complaints and concerns of Councilors, Officers, employees, contractors and agents of the Band regarding instances of misconduct or wrongdoing within the financial management system and to provide protection to persons who come forward with these reports in good faith.

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

Council is responsible for:

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

The Finance and Audit Committee is responsible for:

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

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

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

The Band Administrator is responsible for:

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

Resolution actions will be commensurate with the severity of the wrongdoing incurred, and can include reprimands, leave without pay, termination, revocation of appointment or other remediation as determined by the Council and subject to the provisions of the Discipline, Termination, and Resignation of Employees Policy.

Police will be contacted if activities of a criminal nature are identified.

Recovery of Band funds, either expended or forfeited, as a result of the wrongdoing as described in the Financial Administration Law will be tracked and collected from the responsible individual(s).

## **9.7 Complaints and Investigations**

Gitsegukla suggests that employees follow the steps below for the reporting and resolution of complaints of harassment:

- a) The employee, orally or in writing, informs the alleged harasser that their behavior is inappropriate and unwelcome, and the employee reports the matter to their program manager if the harassment does not stop;
- b) The program manager meets with the employee and the alleged harasser, and assesses and tries to resolve the situation;
- c) If both parties are in agreement, the program manager arranges for the employee and the alleged harasser to participate in mediation, and the neutral third-party mediator helps the parties to reach a solution that is acceptable to both of them; and
- d) The employee files a formal complaint, which shall be investigated in a timely, fair and unbiased manner by the Band Administrator or an outside investigator retained by the Band

Administrator, and the investigator may make recommendations as to the appropriate outcome which Gitsegukla may choose to follow or not, in its sole discretion, but always taking into consideration the unique circumstances of the specific situation and acting in good faith.

An employee who makes a complaint under this article has the right to have their complaint dealt with promptly and without fear of humiliation or reprisal. Employees who in good faith file a complaint or participate in an investigation will be protected from retaliation or reprisal.

An individual who has been accused of harassment has the right:

- a) To be informed of the complaint;
- b) To be given a written statement of the official allegations, and to respond to them;
- c) To have a person of their choice accompany them during the process unless there are bona fide reasons the person of choice should not be involved in the process;
- d) To be informed about the progress of the complaint; and
- e) To receive fair treatment throughout the process.

Most investigations will be conducted internally, however, in complex or sensitive situations, Gitsegukla may engage in an external investigator. Gitsegukla retains sole discretion over the decision to engage an external investigator.

Investigations will:

- a) Be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
- b) Be fair and impartial, providing both the complainant and the respondent equal treatment in evaluating the allegations;
- c) Be sensitive to the interests of all parties;
- d) Be focused on finding facts and evidence; and
- e) Incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.

Investigations will include interviews with the complainant or person who has allegedly experienced the harassment, bullying, violence and/or discrimination. Further, the investigator will review and consider any evidence such as emails, handwritten notes, photographs, and/or any physical evidence.

The Band Administrator is responsible for ensuring workplace investigation procedures are followed.

All employees are expected to cooperate with investigators and to provide details of any incidents.

If the Band Administrator or the investigator under 9.5 determines that harassment did occur:

- a) The harasser may be subject to disciplinary action, up to and including termination;
- b) The harasser will be expected take reasonable steps to alter his or her behavior; and



- c) Gitsegukla shall make every reasonable effort to remedy the effects of the harassment.

If the investigator or Band Administrator determines that harassment did not occur, the complaint shall be dismissed. Gitsegukla shall not disclose the name of a complainant or the circumstances related to the complaint to any person except where disclosure is necessary by law, for the purposes of investigating the complaint, or for taking disciplinary measures in relation to it.

An investigation may determine that a complaint is not supported or that there is no breach of this policy. Such a finding does not automatically mean that the complaint was frivolous or vexatious.

Frivolous or vexatious complaints are those where the complainant or others would know that there is no foundation in fact that would suggest a breach of this policy and where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or another employee of Gitsegukla. Such complaints are, in and of themselves, a breach of this policy and any employee engaged in the presentation or filing of such a complaint may be subject to discipline up to and including dismissal.

All employees will be provided with a copy of this Policy upon hiring and copies will be available on request from the Band Administrator.

The procedures in this Policy will be reviewed on an annual basis. All employees will receive copies of the revised Policy should any revisions be made.

## **9.8 Whistleblower Protection**

Whistle-blower Protection applies to the following:

- a) Where an employee, acting in good faith and on the basis of reasonable belief, becomes aware of actual, suspected or intended misconduct, unlawful activity, suspicious financial management, or other accountability concerns, he or she has a duty to report such misconduct or incidents, as soon as learning of them, to lawful authorities;
- b) An employee, acting in good faith and on the basis of reasonable belief, may refuse to carry out any order or direction which is illegal, unethical, or against Gitsegukla policy and which is given by an individual who has direct or indirect control over the employee's employment. Such refusals must be reported immediately to lawful authorities or management, as appropriate; and
- c) Employees are expected to co-operate fully with lawful authorities during any investigation or proceeding related to acts of alleged misconduct or work refusals under this policy.

No employee shall be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that:

- a) The employee, acting in good faith and on the basis of reasonable belief, reports actual, suspected or intended misconduct as outlined in section 9.7;
- b) The employee, acting in good faith and on the basis of reasonable belief, refuses to carry out an order or direction which is illegal, unethical, or against company policy and reports such refusals in accordance with section 9.7; or
- c) The employee cooperates with, or provides information to, or testifies in any proceeding against a member of Gitsegukla regarding situations outlined in section 9.7.

Nothing in this policy is meant to take precedence over an employee's duties under federal or provincial

law, or at common law. Any unlawful misconduct or incident which may affect public safety must be reported to the proper lawful authorities immediately.

Information regarding any alleged misconduct, the identity of the reporting person, and any details of the alleged misconduct or investigation, shall be held in confidence by those to whom or through whom the misconduct is reported, including the Band Administrator or other lawful authorities, except as required by this policy or by law. Any employee who breaches this confidentiality requirement shall be subject to discipline up to and including termination for cause.

Complaints or reports of misconduct made under section 9.7 shall be fully investigated, and any employee found to have participated in actions of misconduct shall be subject to discipline, up to and including termination for cause.

An employee who makes a complaint or report of misconduct under section 9.7 which is determined to be both unfounded and made with malicious intent will be subject to disciplinary measures up to and including termination for cause.

Procedure:

- a) An employee, acting in good faith and on the basis of reasonable belief, who has knowledge or a concern that misconduct has occurred or will occur, must report the information to his or her Immediate Supervisor as soon as the employee becomes aware of such information;
- b) If it is not possible or appropriate to report the information to the employee's Immediate Supervisor, the information should be reported to the Manager;
- c) If it is not possible or appropriate to report the information to the employee's supervisor or Manager, the information should be reported directly to the Band Administrator, or as a last resort, to a member of the Chief and Council;
- a) Any person who receives a report of alleged misconduct under this policy must hold the report and the identity of the reporting person in confidence;
- b) Employees are discouraged from making anonymous reports. If an employee, for whatever reason, believes that he or she cannot otherwise make a report of misconduct, anonymous reports can be sent to the Band Administrator via the internal mail system or by telephone;
- c) The Band Administrator may conduct inquiries and investigations into complaints or allegations made and/or submitted under this policy, including complaints or allegations that whistle-blowers have suffered retaliation. The employee who initiated the report of alleged misconduct shall be notified of the proposed process of investigation except where the initial report is made anonymously;
- d) Any and all information collected under this policy or through the investigative process shall be held in confidence, except where disclosure may be necessary to further the investigation, or as required by law; and
- e) Employees and independent contractors are required to co-operate with the investigation of incidents under this policy and, if necessary, may be granted paid time off to do so.

## 10 HEALTH AND SAFETY

Manual: HR Policies		No:	H01.10
Section:	Health and Safety	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 3
		Replaces:	
Issued by:	Chief and Council	Issued:	

### 10.1 Purpose and Scope

The purpose of this Part is to ensure the health, safety and wellbeing of all employees.

Gitsegukla shall provide and maintain a safe and healthy environment for all employees in compliance with all applicable legislative requirements.

### 10.2 Health and Safety Representative

The Governing Council or the Band Administrator shall appoint an employee as the health and safety representative, for a term of at least two years, who shall work with employees to ensure a safe and healthy work environment.

### 10.3 Responsibilities

The Governing Council is responsible for:

- a) Ensuring the health and safety of its employees;
- b) Taking all reasonable measures to prevent injuries and maintain a healthy and safe workplace;
- c) Ensuring that Gitsegukla complies with all relevant laws, standards, regulations, and best practices, including any applicable requirements under the *Canada Labour Code*, the *Occupational Health and Safety Regulations*, the *BC Workers' Compensation Act* and the provisions under WHMIS (Workplace Hazardous Materials Information System);
- d) Considering all recommendations made by the health and safety representative;
- e) Providing appropriate safety equipment, clothing and training;
- f) Investigating unsafe conditions or acts and ensuring that corrective action is taken without delay;
- g) Investigating all workplace accidents and complying with all reporting obligations; and
- h) Ensuring that Gitsegukla has an inventory of all hazardous materials in the work place and has a material safety data sheet (MSDS) on all hazardous materials in the work place; and ensuring that all employees are trained to work safely with hazardous materials and to understand WHMIS labels, as applicable.

The Band Administrator and all managers are responsible for:

- a) Ensuring that their employees have appropriate training, skills and competencies;
- b) Ensuring that their employees follow safe work methods;
- c) Complying with all relevant laws, standards and regulations;
- d) Ensuring that employees comply with all applicable safety requirements, including those of WorkSafe BC and Transport Canada; and
- e) Ensuring that employees have, and utilize, appropriate safety gear.

The health and safety representative, working with the program managers, is responsible for:

- a) Ensuring that Gitsegukla keeps and maintains adequate records regarding workplace accidents, injuries, health hazards and complaints;
- b) Receiving and reviewing complaints relating to the safety and health of employees;
- c) Participating in all investigations concerning occupational health and safety;
- d) Requesting information from Gitsegukla identifying existing or potential hazards with respect to materials or equipment in the workplace;
- e) Assisting Gitsegukla in investigating and assessing the exposure of employees to hazardous substances;
- f) Ensuring that every part of the workplace is inspected at least once each year, and making recommendations regarding unsafe, hazardous or dangerous conditions;
- g) Providing recommendations to Gitsegukla on the requirements for health and safety equipment, training, and supplies; and
- h) Assisting in the development of procedures to ensure employee safety and protection.

Employees are responsible for:

- a) Making safety and health a priority, and part of their daily routine;
- b) Taking all reasonable and necessary precautions to ensure their health and safety, and that of anyone affected by their work;
- c) Ensuring that they are following safe work methods and relevant regulations and standards;
- d) Complying with all applicable safety requirements, including those of WorkSafe BC and Transport Canada and with all instructions from their program manager;
- e) Utilizing appropriate safety gear provided by Gitsegukla or prescribed by regulation; and
- f) Reporting to their manager or to the health and safety representative all hazards and accidents in the workplace and all safety concerns.

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## **10.4 Workplace Violence**

Gitsegukla does not tolerate violence in any form, including physical assault, threats with or without a weapon, or verbal abuse or outbursts.

An employee who engages in workplace violence shall be subject to disciplinary action, up to and including termination.

# 11 DISPUTE RESOLUTION

Manual: HR Policies		No:	H01.11
Section:	Dispute Resolution	Issued:	May 25, 2017
Issue to:	All Manual Holders	Page:	1 of 1
		Replaces:	
Issued by:	Chief and Council	Issued:	

## 11.1 Purpose, Policy and Scope

The purpose of this Part is to provide employees with a means of resolving workplace grievances or disputes.

This Part applies to all employees.

## 11.2 Procedure

Gitsegukla encourages its employees to resolve disputes informally wherever possible.

If the parties to a dispute are not able to come to a resolution on their own, they may present their positions in writing to their manager, setting out:

- a) The nature of the dispute;
- b) The remedy being sought; and
- c) If applicable, which provisions of the Manual are alleged to have been breached.

The program manager shall:

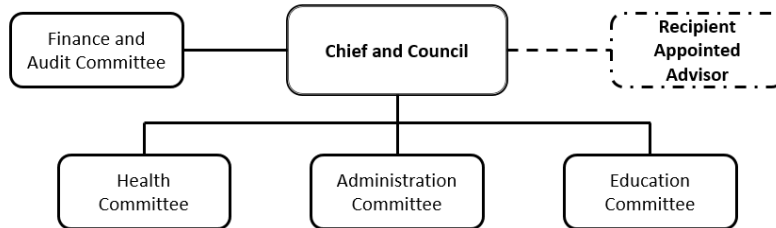
- a) Review the written complaint;
- b) Meet with the parties to the dispute; and
- c) Provide a response within five days of meeting with the parties and may consult with the Band Administrator as they deem necessary.

If an employee is unhappy with the program manager's decision under section 10.2.3, they may appeal to the Band Administrator, whose decision shall be final.

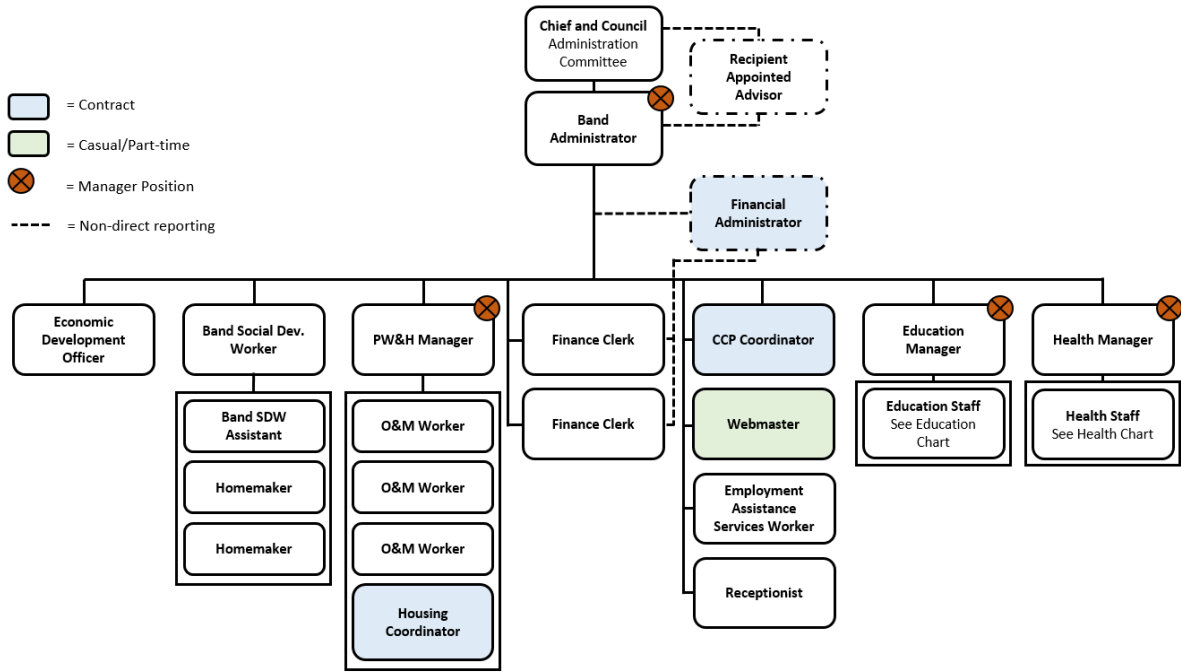
# APPENDIX A: ORGANIZATION CHART

## Gitsegukla Board and Committee Structure Last updated: October 2019

----- = Non-direct reporting

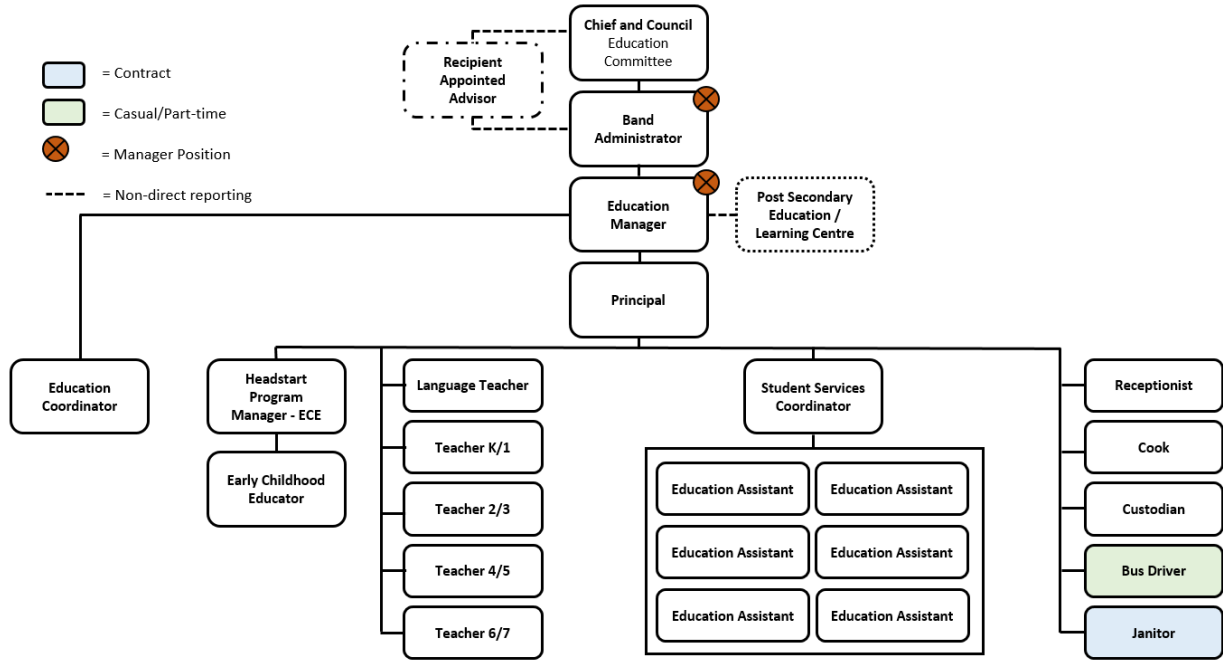


**Gitsegukla Administration Department**  
**Last updated: October 2019**



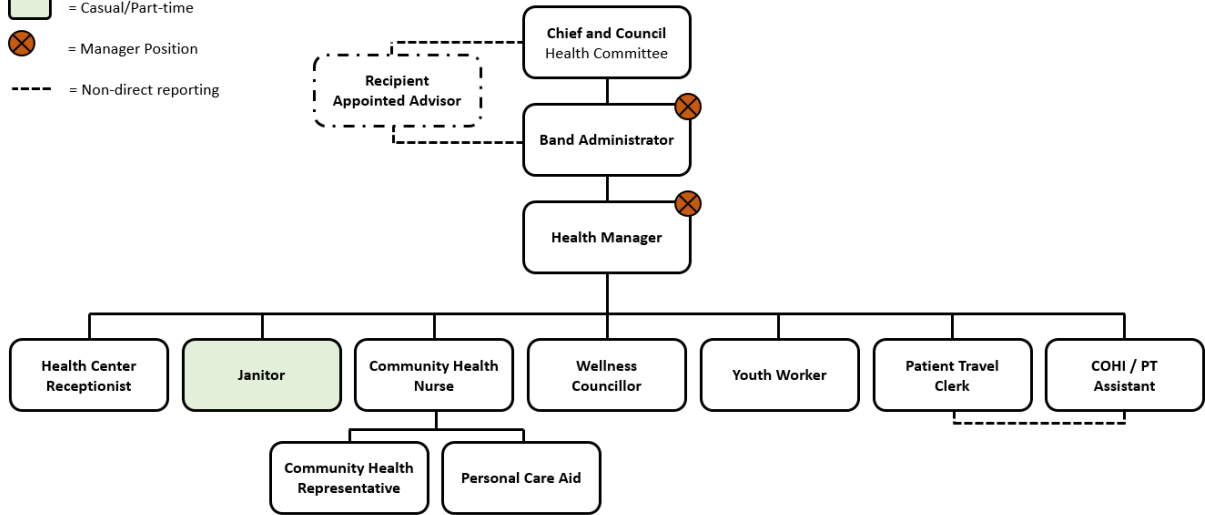


**Gitsegukla Education Department**  
**Last updated: October 2019**



**Gitsegukla Health Department**  
**Last updated: October 2019**

- = Contract
- = Casual/Part-time
- X = Manager Position
- - - = Non-direct reporting



## APPENDIX B: OATH OF CONFIDENTIALITY

I, \_\_\_\_\_, understand and acknowledge that

EMPLOYEE NAME (PLEASE PRINT)

- 1) as an employee of the Gitsegukla Band ("Gitsegukla"), I may come into contact with or be in possession of sensitive and confidential information regarding Gitsegukla and its members, businesses, clients, partners or organizations;
- 2) the maintenance of confidentiality is essential to the work that Gitsegukla carries out;
- 3) my employment with Gitsegukla is dependent on my signing, and abiding by, this Oath of Confidentiality; and
- 4) any breach of this Oath will result in disciplinary action, up to and including immediate termination of my employment by Gitsegukla, without notice or severance pay.

I promise that I will

- a) not disclose the affairs of Gitsegukla or its members, businesses, clients, partners or organizations to any person, company or firm, directly or indirectly, during or after my employment by Gitsegukla, other than as required in the normal course of employment, or as required by law;
- b) at all times treat all information acquired or created as strictly confidential and will not permit the publication, release, or disclosure of the same without prior written consent of Gitsegukla;
- c) hold in strict confidence (and not disseminate to members of the community and others) all working documents, including any documents marked for reference only and any other document worked on while employed by Gitsegukla; and
- d) obtain the approval of Gitsegukla Band Administrator prior to discussing any information or issues internal to Gitsegukla with other employees, the media or the community in general.

[Sworn/affirmed] on the day of \_\_\_\_\_, 20\_\_\_\_, at Gitsegukla, British Columbia.

Employee Signature (Employee Name)

Date

Witness Signature (Witness Name)

Date

## APPENDIX C: CODE OF CONDUCT

I, \_\_\_\_\_, understand and acknowledge that

EMPLOYEE NAME (PLEASE PRINT)

- 1) as an employee of the Gitsegukla Band ("Gitsegukla"), I am bound by this Code of Conduct;
- 2) as a Gitsegukla employee I am expected to conduct myself in an ethical, legal and professional manner;
- 3) I have received, read and understand this Code of Conduct and agree to abide by it; and
- 4) if I breach this Code of Conduct, I will be subject to disciplinary action, up to and including termination.

I agree to

- a) during work hours, devote myself to performing my duties and responsibilities conscientiously, professionally, competently, loyally and honestly, remembering that my primary task is to serve Gitsegukla and its members;
- b) be prompt, courteous and pleasant, and conduct myself in a manner that is a credit to myself, my program, and Gitsegukla;
- c) comply with all Gitsegukla laws, bylaws and policies and with all applicable legal requirements;
- d) respect the integrity and dignity of Gitsegukla, its programs, employees and all other affiliated agencies;
- e) continually strive for self-improvement through self-evaluation and continuous learning;
- f) use initiative to find ways of doing my work more efficiently and economically; follow instructions attentively and cooperate with fellow employees and managers;
  - a. not publicly criticize other employees, managers, the Governing Council, or Gitsegukla policies; and
  - b. not participate in, or allow any behavior that is intended to degrade, humiliate, intimidate, or cause fear to any community member, client, volunteer, or other employee.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## **APPENDIX D: GITSEGUOKLA BAND CONFLICT OF INTEREST POLICY**

### ***Part 1 - Interpretation***

#### ***Definition of Conflict of interest***

1. In this Policy, an individual has a "conflict of interest" when the individual exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit the individual's private interests.
2. In this Policy, an individual has an "apparent conflict of interest" if a reasonably well-informed person would perceive that the individual's ability to exercise a power or perform a duty or function of their office or position shall be affected by the individual's private interests.
3. In this Policy, an individual's "private interests" mean the individual's personal and business interests and includes the personal and business interests of:
  - a) the individual's spouse;
  - b) a person under the age of 18 years in respect of whom the individual or the individual's spouse is a parent or acting in a parental capacity;
  - c) a person in respect of whom the individual or the individual's spouse is acting as guardian;
  - d) a person, other than an employee, who is financially dependent upon the individual or the individual's spouse or on whom the individual is financially dependent; and
  - e) an entity in which the individual or the individual in combination with any other person described in this subsection has a controlling interest.
4. Despite subsections (1) AND (2), an individual's private interests do not give rise to a conflict of interest if those interests:
  - a) are the same as those of a broad class of members of Gitsegukla of which the individual is a member; or
  - b) are so remote or insignificant that they could not be reasonably regarded as likely to influence the individual in the exercise of a power or performance of a duty or function.

### ***Part 2 – Councillors and Committee Members Application***

1. This Part applies to the Chief and all Councilors of Gitsegukla and, where applicable, to all members of Health, Education and Economic Development committees.
  - d)

#### ***General Obligations***

2. Chief and Councilors shall avoid circumstances that could result in the Chief or Councilor having a conflict of interest or an apparent conflict of interest.
3. Chief and Councilors shall avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function could be influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them.
4. Chief and Councilors shall exercise the care, diligence and skill that a reasonably prudent individual would exercise in comparable circumstances.
5. Chief and Councilors shall comply with all Gitsegukla laws and with all policies, procedures and directions of the Governing Council, including this Policy.

e)

### ***Disclosure of Interests***

6. "Real property" includes an interest held:
  - a) on reserve under a certificate of possession under the Indian Act or equivalent interest under the First Nations Land Management Act; or
  - b) in fee simple off reserve.
7. Chief and Councilors shall file a written disclosure of the following information with Gitsegukla Band Administrator:
  - a) the names of the Chiefs or Councilor's spouse and any persons or entities;
  - b) the employer of the Chief or Councilor and the Chiefs or Councilor's spouse;
  - c) real property owned by the Chief or Councilor or the Chiefs or Councilor's spouse;
  - d) Business interests and material investments of the Chief or Councilor or the Chiefs or Councilor's spouse; and
  - e) a gift received.
8. Chief or Councilor shall file a written disclosure on the following occasions:
  - a) within 30 days of being elected to the Governing Council;
  - b) as soon as practical after a material change in the information previously disclosed; and
  - c) on April 15 of each year that the Chief and Councilor holds office.
9. Gitsegukla Band Administrator shall establish and maintain a register of all information disclosed by the Chief or Councilor.
10. On the written request of a member of Gitsegukla or any person engaged in any aspect of the financial administration of Gitsegukla, Gitsegukla Band Administrator shall permit that member or person to view the register referred to in subsection (4).

f)

### ***Gifts and Benefits***

11. Chief or Councilors shall not accept a gift or benefit that might reasonably be seen to have been given to influence the Chief or Councilor in the exercise of the Chiefs or Councilor's powers or performance of the Chiefs or Councilor's duties or functions.
12. A gift or benefit may be accepted if the gift or benefit:
  - a) would be considered within:
    - a. normal protocol exchanges or social obligations associated with the Chiefs or Councilor's office;
    - b. normal exchanges common to business relationships; or
    - c. normal exchanges common at public cultural events of Gitsegukla,
  - b) is of nominal value;
  - c) is given by a close friend or relative as an element of that relationship; or
  - d) is of a type that the policies or directions of the Governing Council have determined would be acceptable if offered by Gitsegukla to another person.
13. Where a gift with a value greater than \$500 (five hundred dollars) is given to the Chief or Councilor the Chief or Councilor shall make a written disclosure of the gift to Gitsegukla Band Administrator and the gift shall be treated as the property of Gitsegukla.
14. Does not apply to a gift received during a public cultural event of Gitsegukla.

### ***Confidential Information***

15. Chief and Councilors shall keep confidential all information that the Chief and Councilor receive while performing their duties or functions unless the information is generally available:
  - a) to members of the public; or
  - b) to members of Gitsegukla.
16. Chief and Councilors shall only use confidential information for the specific purposes for which it was provided to the Chief or Councilor.
17. Chief and Councilors shall not make use of any information received in the course of exercising their powers or performing their duties or functions to benefit the Chiefs or Councilor's private interests or those of relatives, friends or associates.

### ***Procedure for Addressing Conflict of Interest***

18. As soon as the Chief or Councilors becomes aware of circumstances in which the Chief or Councilor has a conflict of interest, the Chief or councilor shall disclose the circumstances of the conflict of interest at the next Band Council meeting.
19. Chief and Councilors shall leave any part of a Chief and Council meeting where the circumstances in which the Chief or Councilor has a conflict of interest are being discussed or voted on.
20. The minutes of a Band Council meeting shall record the Chiefs or Councilor's disclosure under subsection (1) and note the Chiefs or Councilor's absence from the Governing Council meeting when the circumstances in which the Chief or Councilor has a conflict of interest were being discussed or voted on.

21. The Chief and Councilors shall not take part in any discussions or vote on any decision respecting the circumstances in which the Chief or Councilor has a conflict of interest,
22. Chief and Councilors shall not influence or attempt to influence in any way before, during or after a Band Council meeting any discussion or vote on any decision respecting the circumstances in which the Chief or Councilor has a conflict of interest.

### ***Procedure for Undisclosed Conflict of Interest***

23. If the Chief or Councilors has reason to believe that the Chief or another Councilor has a conflict of interest or an apparent conflict of interest in respect of a matter before the Governing Council, the Chief or Councilor may request clarification of the circumstances at a Band Council meeting.
24. If, as a result of a clarification discussion under subsection (1), the Chief or Councilor is alleged to have a conflict of interest or an apparent conflict of interest and the Chief or Councilor does not acknowledge the conflict of interest or apparent conflict of interest and take the actions required under this section, the Governing Council shall determine whether the Chief or Councilor has a conflict of interest or an apparent conflict of interest before the Governing Council considers the matter referred to in subsection (1).
25. The minutes of the Governing Council meeting shall record any determination made by the Governing Council under subsection (2).
26. If the Governing Council determines under subsection (2), that the Chief or Councilor has a conflict of interest or an apparent conflict of interest, the Chief or Councilor shall comply with this section.

### ***Obligations of Committee Members***

27. This section applies to all members of Governing Council committees.
28. Sections 4 and 6 to 9 apply to a member of a Governing Council committee and all references in those sections to the Chief or Councilors are considered to be references to a member of a Governing Council committee; and a Governing Council meeting are considered to be references to a Governing Council committee meeting.

g)

## ***Part 3 — Band Administrators and Employees***

### ***Application***

1. This Part applies to all Band Administrators and employees of Gitsegukla.

### ***General Obligations***

2. In the performance of their duties and functions, a Band Administrator or employee shall act honestly and in good faith and in the best interests of Gitsegukla.
3. A Band Administrator or employee shall avoid circumstances that could result in the Band Administrator or employee having a conflict of interest or an apparent conflict of interest.
4. A Band Administrator or employee shall avoid placing themselves in circumstances where their ability to exercise a power or perform a duty or function of their office or position could be



influenced by the interests of any person to whom they owe a private obligation or who expects to receive some benefit or preferential treatment from them.

5. Gitsegukla Band Administrator shall ensure that every Band Administrator and employee is informed of their obligations under this Part and shall take steps to ensure that employees comply with these obligations.
6. Band Administrators and employees shall comply with all Gitsegukla laws and with all policies, procedures and directions of the Governing Council, including this Policy.

### ***Disclosure of Conflict of Interest***

7. If a Band Administrator or employee believes they have a conflict of interest, the Band Administrator or employee shall:
  - a) disclose the circumstances in writing as soon as practical to Gitsegukla Band Administrator or, in the case of Gitsegukla Band Administrator, to the chair of the Governance Committee; and
  - b) refrain from participating in any discussions or decision-making respecting the circumstances of the conflict of interest until advised by Gitsegukla Band Administrator or the chair, as the case may be, on actions to be taken to avoid or mitigate the conflict of interest.

### ***Gifts or Benefits***

8. A Band Administrator or employee shall not accept a gift or benefit that might reasonably be seen to have been given to influence the Band Administrator or employee in the exercise of their powers or performance of their duties or functions.
9. A gift or benefit may be accepted if the gift or benefit:
  - a) would be considered within:
    - a. normal exchanges common to business relationships; or
    - b. normal exchanges common at public cultural events of Gitsegukla;
  - b) is of nominal value;
  - c) is given by a close friend or relative as an element of that relationship; or
  - d) is of a type that the policies or directions of the Governing Council have determined would be acceptable if offered by Gitsegukla to another person.

### ***Outside Employment and Business Interests***

10. If a Band Administrator or employee is permitted under their terms of employment to have outside employment or business interests, the Band Administrator or employee shall disclose these employment or business interests in writing to Gitsegukla Band Administrator or, in the case of Gitsegukla Band Administrator, to the chair of the Governance Committee.
11. A Band Administrator or employee shall ensure that any permitted outside employment or business interests do not unduly interfere with the exercise of their powers or performance of their duties and functions and that these activities are conducted on their own time and with their own resources.

## ***Confidential Information***

12. A Band Administrator or employee shall keep confidential all information that the Band Administrator or employee receives while exercising their powers or performing their duties or functions unless the information is generally available
  - a) to members of the public; or
  - b) to members of Gitsegukla.
13. A Band Administrator or employee shall only use any confidential information referred to in subsection (2) for the specific purposes for which it was provided to the Band Administrator or employee.
14. A Band Administrator or employee shall not make use of any information received in the course of exercising their powers or performing their duties or functions to benefit the Band Administrator or employee's private interests or those of relatives, friends or associates.
  - h)

## ***Band Property and Services***

15. Band Administrators and employees shall not use any personal property or services of Gitsegukla for any purposes unrelated to performance of their duties or functions unless that use is otherwise acceptable under the policies or directions of the Governing Council.
16. Band Administrators and employees shall not acquire any personal property of Gitsegukla unless it is done in accordance with policies or directions of the Governing Council.

## ***Part 4 — Contractors***

### ***Application***

1. This Part applies to all contractors of Gitsegukla, other than a person who has an employment contract with Gitsegukla.
2. In this Part, a reference to a contractor includes a reference to each employee or agent of the contractor who is engaged to perform duties or functions under the contract with Gitsegukla.

### ***Contractor Acting as Band Administrator or Employee***

3. If a contractor is retained to exercise the powers or perform the duties or functions of a Band Administrator or employee, the contractor shall comply with Part Three of this Policy as if the contractor were a Band Administrator or employee of Gitsegukla.

### ***General Obligations***

4. A contractor shall act at all times with integrity and honesty
  - a) in its dealings with Gitsegukla; and
  - b) in its dealing with any third party when the contractor is representing or acting on behalf of Gitsegukla.

5. A contractor shall not attempt to obtain preferential treatment from Gitsegukla by offering gifts or benefits to the Chief or Councilors, Committee member, Band Administrator or employee that they are prohibited from accepting under this Policy.
6. A contractor shall ensure that every employee or agent of the contractor who is engaged to perform duties or functions under the contract with Gitsegukla is informed of their obligations under this Part and shall take steps to ensure that these employees or agents comply with these obligations.
7. Contractors shall comply with all Gitsegukla laws and with all applicable policies, procedures and directions of the Governing Council, including this Policy.

### ***Confidential Information***

8. A contractor shall keep confidential all information that the contractor receives in the course of performing their duties or functions unless the information is generally available to members of the public.
9. A contractor shall only use any confidential information for the specific purposes for which it was provided to the contractor.
10. A contractor shall not make use of any information received in the course of performing its duties or functions to benefit the contractor's interests or those of the contractor's relatives, friends or associates.

### ***Business Opportunities***

11. A contractor shall not take advantage of a business or investment opportunity being considered by Gitsegukla and which the contractor becomes aware of while performing services for Gitsegukla unless Gitsegukla has determined not to pursue the opportunity.

### ***Band Property and Services***

12. If a contractor has been provided the use of any property or services of Gitsegukla in order to perform services for Gitsegukla, the contractor shall not use the property or services for any purposes unrelated to performance of those services.

i)

## ***Part 5 — Breach***

### ***Consequences of breach***

1. If a person breaches this Policy, the following actions may be taken:
  - a) The Chief and Councilor may be removed from the Governing Council, in accordance with article 13 of the Election Code;
  - b) a Band Administrator or employee may be disciplined, including dismissal, in accordance with the FIR manual;
  - c) a contractor's contract may be terminated;
  - d) the appointment of a member of a committee may be revoked; or
  - e) the appointment of an agent may be revoked.

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## ***Appeal***

2. Decisions or orders made under this Policy may be appealed to the Gitsegukla Justice Tribunal referred to in the Election Code, in accordance with the procedures established by the Gitsegukla Justice Tribunal.

## APPENDIX E: DECLARATION OF UNDERSTANDING

I, \_\_\_\_\_, understand that as an employee of the Gitsegukla Band ("Gitsegukla"), I am expected to provide support and encouragement for the ongoing efforts and betterment of Gitsegukla.

I have received, read and understand the Gitsegukla Band Human Resources Manual. I agree to adhere to it and to be bound by it during my employment with Gitsegukla. I understand that Gitsegukla may revise or replace this Manual from time to time, in which case I will be required to sign a new Declaration of Understanding.

I acknowledge that I have read, understand and accept my job description and I agree to perform all duties and responsibilities listed to the best of my ability.

I understand that as an employee of Gitsegukla I will be bound by all other Gitsegukla laws, bylaws, policies and procedures, including the FAL and the COIP. I agree to follow and adhere to all Gitsegukla laws, bylaws, policies and procedures.

I understand that if I breach the Manual, including this Declaration, I will be subject to disciplinary action, up to and including termination.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

**Acknowledgement**

I, \_\_\_\_\_, have reviewed the Gitsegukla Band Conflict of Interest Policy (the "Policy") in detail. I understand this Policy, and I agree to abide by its terms and conditions.

I understand that if I breach this Policy, I will be subject to disciplinary action, up to and including termination.

\_\_\_\_\_  
*Employee; Chief; Councilor* Signature

\_\_\_\_\_  
Date

## APPENDIX F: SAMPLE JOB DESCRIPTION

### Band Administrator

Reports to	Chief and Council
Budget Authority	\$6,500,000
Number of direct reports	TBD

#### Key Accountabilities and Scope:

The Band Administrator is responsible for the management, administration and delivery of all Band programs and services in order to ensure that the needs of Gitsegukla Band Members are met in a reasonable, effective and efficient manner. Reporting to the Chief and Council, the Band Administrator will oversee all operations of the Band, ensuring that all activities are conducted in a respectful and responsible way and that decisions and actions meet relevant legislation, policies and procedures.

The Band Administrator is accountable for overseeing the delivery of all Band programs, including health, education, housing, social assistance, and administration. The Band Administrator also acts as a liaison between other government agencies and departments (particularly that of Aboriginal Affairs and Northern Development Canada), private industry and any other individuals, groups or agencies operating in the community. The Band Administrator must provide records and documents to the relevant governments and agencies, when requested. He/she must also ensure that all business and operations are conducted in a responsible and ethical way.

#### Job Responsibilities:

##### Strategic and Operational Band Management

- Provides leadership in developing organizational strategic and operational plans under the direction of Chief and Council.
- Ensures that strategic goals/plans, policies and procedures, and community programs are developed, implemented, and evaluated.
- Ensures that all Band operations are conducted within relevant legislation, policies, and procedures. Interprets applicable legislation, regulations, and agreements in consultation with appropriate government departments or legal counsel when needed.
- Manages agreements and relationships with applicable government agencies and departments. Submits reports to applicable government departments or agencies as required regarding social services or education issues, and capital projects.
- Manages the community's infrastructure and assets. Supervises equipment and facility use and maintenance.
- Ensures filing and record keeping systems are established and maintained.

##### Financial Operations Management

- Oversees and supervises all financial operations of the Band including budgeting, accounts payable, accounts receivable, and payroll.
- Provides direction and support to the Financial Officer, Program Managers and corporate entities in the development and management of annual operating and capital budgets.

- Provides leadership and advice to Chief and Council in the management of financial affairs of the Gitsegukla Band and its entities.
- Maintains up to date knowledge of all budget and funding requirements, applicable government financial legislation and policies, as well as all Band financial policies and procedures.
- Coordinates the preparation of the budget for Band operations.
- Ensures monthly financial statements and reports are completed in a timely manner.
- Reviews all monthly financial statements for accuracy and completeness.
- Establishes and ensures internal financial controls are in place.
- Monitors purchasing, tendering and other financial transactions for the Band.

j)

#### **Program and Service Delivery Management**

- Oversees program delivery in all areas, including health, education, housing, social assistance, and administration.
- Develops proposals for program funding.
- Ensures program funds are expended appropriately.
- Establishes and maintains program policies, procedures and standards.
- Develops evaluation criteria that can identify and measure the effectiveness of programs and program delivery.

#### **Coordination of Community Development Activities**

- Maintains an open, equitable and service oriented relationship between the community and the Band administration.
- Assists in the development, coordination and implementation of the comprehensive community plan (CCP).
- Develops evaluation criteria that can identify and measure the effectiveness of the community plan and its implementation. Coordinates with relevant parties to identify concerns, issues or challenges to implementation of the CCP.
- Ensures that Gitsegukla Band members have the opportunity to share their views, concerns and needs relative to new or continuous programs, services, and initiatives of Gitsegukla. Conducts community needs assessments as required.
- Researches potential funding, programs and projects as required.



### **Band Council Support and Administration**

- Prepares materials and reports in support of Band Council operations.
- Attends all Band Council meetings; coordinates the preparation of agendas, information and resources for Band Meetings and Band Council Members.
- Maintains and circulates minutes of Band Council Meetings as well as all Band Council Resolutions.
- Acts as a liaison between Band Council and Band Members.
- Ensures that all Band Council business is conducted within relevant legislation, policies and procedures.
- Facilitates the exchange of information between Band Council and Band Members. Conveys Council decisions to the public.
- Represents the Band at local, regional, provincial, and national meetings as required.
- Performs other duties and responsibilities as necessary in the performance of the position, and as assigned by the Chief and Council.

### **Human Resource Management**

- Manages staff in accordance with Band standards and performance expectations. Oversees day-to-day activities. Evaluates performance of staff.
- Recruits, coaches, and mentors staff. Coordinates training and development activities.
- Promotes and provides for a positive working environment aligned with the culture and values of the Gitsegukla Band and broadly within the values of the Gitxsan Nation.

### **Experience and Education Requirements:**

- 5+ years of related experience, ideally in a management role for a First Nations organization, with responsibility for the following areas:
  - Financial management
  - Budgeting
  - Human resources management
  - Program management and delivery
  - Program evaluation
- Knowledge of key issues, legislation, policies, and procedures relating to First Nations administration.
- Ability to manage First Nations resources, including people, materials, assets, and money.

- Strong team leadership and management skills.
- Strong financial and operations management skills.
- Working knowledge of public sector accounting standards (PSAS).
- Ability to establish good working relationships, both internally and with external stakeholders.
- Ability to manage conflict using sound judgement.
- Effective written communications skills, including the ability to prepare reports, policies, and Band Council documents.
- Possesses cultural awareness and sensitivity.
- Demonstrates a dedication to the role and to the Gitsegukla community.
- Post-secondary education in business, finance, Aboriginal studies, or another related field is preferred.

# APPENDIX G: PERFORMANCE EVALUATION FORM

(Source of template: HR PolicyPro, First Reference Inc.)

## JOB PERFORMANCE STANDARDS

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_ Manager: \_\_\_\_\_ Date Prepared: \_\_\_\_\_

RESPONSIBILITY/DUTY (See Job Description)	PERFORMANCE REQUIREMENT(S) (List the results that can be observed or measured when the responsibility is performed completely)	MEASUREMENT TECHNIQUE (Identify how Performance Requirements are measured)
--	---	---

Name:	Job Title:	Department:
PERFORMANCE REVIEW PERIOD FROM _____ TO _____		Page 1 of 2

## PERFORMANCE OBJECTIVES AND RESULTS

**INSTRUCTIONS:** Complete the 'Responsibility' and 'Objectives' columns at the beginning of the Performance Review Period. Refer to Job Description and Job Performance Standards when completing these sections. Provide employee with a copy. Complete the 'Results' column at the end of the Performance Review Period.

RESPONSIBILITY	OBJECTIVES DURING PERIOD	RESULTS ACHIEVED	
Manager's Signature	Date	Employee Signature	Date



# APPENDIX H: LEAVE REQUEST FORM

## LEAVE REQUEST

Employee: \_\_\_\_\_

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

Type of Leave:    Vacation Leave    \_\_\_\_\_  
                         Election Leave    \_\_\_\_\_  
                         Education Leave    \_\_\_\_\_  
                         Maternity Leave    \_\_\_\_\_  
                         Miscellaneous    \_\_\_\_\_

*Please indicate type of Leave*  
*Miscellaneous includes Compassionate, Bereavement, Extended, etc.*

Hours Requested: \_\_\_\_\_

First Day Off: \_\_\_\_\_

First Day Returned: \_\_\_\_\_

With Pay: \_\_\_\_\_

Without Pay: \_\_\_\_\_

Remarks: \_\_\_\_\_

## APPENDIX I: REQUEST - MANAGER TIME OFF IN-LIEU

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*Managers who participate in Council and Executive meetings or official weekend meetings may be eligible for time off in-lieu of direct compensation for their work outside of normal business hours.*

*Managers must obtain the following approvals for time off in-lieu:*

- *An official invitation, in writing, from Council or Band Administrator; and*
- *Pre-approval, in writing, by the Band Administrator*

*Managers will be compensated at a rate of one banked hour for additional hours worked after eight hours on a regular workday or any time on a weekend or statutory holiday.*

*A maximum of 40 hours can be banked. If the maximum is reached, managers and Band Administrator are still expected to attend official meetings.*

*Unused banked time will not be paid out upon termination or retirement and may not be carried forward from year to year. Regular employees will have their banked time reset at the end of each calendar year (December 31<sup>st</sup>). Education employees will have their banked time reset at the end of the school year (June 30<sup>th</sup>).*

---

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Meeting, Event or Activity Type:** \_\_\_\_\_

**Meeting, Event or Activity Date:** \_\_\_\_\_

**Reason:**

Official invitation from Council or Band Administrator

*Attach official invitation or other request*

Other (state)

**Submitted by:**

Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

**Approved by Band Administrator:**

Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

## APPENDIX J: REQUEST - BAND ADMINISTRATOR TIME OFF IN-LIEU

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*Managers who participate in Council and Executive meetings or official weekend meetings may be eligible for time off in-lieu of direct compensation for their work outside of normal business hours.*

*Managers must obtain the following approvals for time off in-lieu:*

- *An official invitation, in writing, from Council or Band Administrator; and*
- *Pre-approval, in writing, by Council*

*Managers will be compensated at a rate of one banked hour for additional hours worked after eight hours on a regular workday or any time on a weekend or statutory holiday.*

*A maximum of 40 hours can be banked. If the maximum is reached, managers and Band Administrator are still expected to attend official meetings.*

*Unused banked time will not be paid out upon termination or retirement and may not be carried forward from year to year. Regular employees will have their banked time reset at the end of each calendar year (December 31<sup>st</sup>). Education employees will have their banked time reset at the end of the school year (June 30<sup>th</sup>).*

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**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Meeting, Event or Activity Type:** \_\_\_\_\_

**Meeting, Event or Activity Date:** \_\_\_\_\_

**Reason:**

Official invitation from Council

*Attach official invitation or other request*

Other (state):

**Submitted by:**

Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

**Approved by Council:**

Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

## APPENDIX K: REFERENCES AND RELATED AUTHORIEIS

### Organizational Chart

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

### Hiring

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

### Performance Evaluations

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

### Discipline, Termination and Resignation of Employees

- (1) FMB's Financial Management System Standards
  - a. Standard 12.6.6 – Dismissal Policies
- (2) FMB's Financial Administration Law Standards
  - a. Standard 11.4.4 –HR Policies / Practices
  - b. Standard 11.4.5 – Personnel Competence
  - c. Standard 12.4 – Enforcement

### Personnel Files and New Employees

- (1) FMB's Financial Management System Standards
  - a. Standard 12.6.1 – Records of functions, etc.
  - b. Standard 12.6.2 – Maintenance procedure
  - c. Standard 12.6.3 – Records of qualifications / competencies



- d. Standard 12.6.4 – Management of employee records
- (1) FMB's Financial Administration Law Standards
- a. Standard 11.4.4 – HR policies / practices
  - b. Standard 21.3 – Record keeping, storage, etc.
  - c. Standard 21.4 – Requirements for confidentiality, etc.

**Reporting Breaches and Financial Irregularities**

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