



Upper Nicola

Personnel Policies

Approved March 16, 2020

Mission Statement:

Upper Nicola is a proud, inclusive Syilx community working together to promote SuxwtxtEm, teach our Captikw and committed to building foundations through En'owkin'wixw.

Vision:

A strong, flourishing community in harmony with our Tmixw.



Upper Nicola

Band Council Resolution

The Council of the Upper Nicola Band	BCR Chronological No.: 2020– 03– 16-01
Physical: 2225 Village Road, Douglas Lake, BC Mailing: Box 3700, Merritt, British Columbia V0K 1B8	File Reference (if applicable):
Date: March 16, 2020	

WHEREAS, on September 17, 2018 Upper Nicola Band Chief and Council repealed the Upper Nicola Indian Band FAL 2014 and replaced it with the Upper Nicola Indian Band FAL 2018, and the First Nations Financial Management Board provided compliance review of the UNB FAL on October 30, 2018.

WHEREAS Upper Nicola Band is implementing the UNB Financial Administration Law 2018.

WHEREAS Upper Nicola Band is seeking Financial Management System certification that requires up-to-date Financial Administration Law and policies.

WHEREAS Upper Nicola Band Chief and Council approved the Governance Policies and Finance Policies on December 11, 2017, the Information Management Policies on March 19, 2018 and the Personnel Policies on April 15, 2019.

WHEREAS Upper Nicola Band Finance Audit Committee recommends that Chief and Council approve amendments to the Upper Nicola Band Personnel Policies 2019, as prepared and presented by Administration.

THEREFORE, BE IT RESOLVED that we approve the Upper Nicola Band Personnel Policies 2020 as presented March 16, 2020.

A quorum for this Band consists of **(4) FOUR**

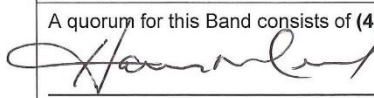


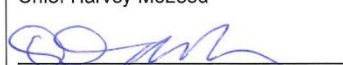
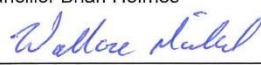
		
Chief Harvey McLeod	Councillor Brian Holmes	Councillor David Lindley
		
Councillor Dennis MacDonald	Councillor Wallace Michel	Councillor Clarine Paul

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PERSONNEL

Policy #: **1.General Policies**

Date Approved:

Dates of Amendment:

Cross Reference:

A sincere and warm welcome to the Upper Nicola Band Administration (UNB), we are committed to providing a positive and friendly working environment and hope that you find satisfaction in your employment with us. We welcome your contribution to our team.

1.1 Mission Statement

Upper Nicola is a proud, inclusive Syilx community working together to promote Suxwtxtem, teach our Captikwl and committed to building foundations through En'owkin'wixw.

1.2 Statement of Intent

The Upper Nicola Band believes in the development and administration of written statements of policy providing fair employment practices and equal employment opportunities for all employees.

Personnel Policies are approved by Chief and Council, and administered by the Band Administrator or designate. All Directors and managers are to ensure all employees conduct themselves in accordance with approved Policy.

The Band Administrator or designate shall ensure that all employees have a copy of the Personnel Policy upon commencement of employment and upon changes to the Personnel Policy. All employees of UNB will be required to acknowledge by signature their understanding and acceptance of the terms, policy and practices of UNB. This signed form will be filed in the employee's Personnel file.

Nothing contained in this Personnel Policy or in any policy, rule or regulation of UNB constitutes a contract, agreement or inducement for employment or limits the rights of UNB or employees of the Band to terminate the employment relationship in accordance with applicable contractual or legislative provisions.

If there is any conflict between the terms set out in this Personnel Policy and those in any applicable employment contract, the terms of the employment contract (as applicable) will prevail.

If there is any conflict between the terms set out in this Personnel Policy or Employment contract and an applicable piece of legislation or legal precedent, the applicable legislation or legal precedent will prevail.

In the event of extenuating circumstances, the particulars of each case will be reviewed and the applicable policy will be applied.

1.3 Policy Amendments

The purpose of these policies is to promote a clear understanding among UNB staff, Band Administration, Band Members and Chief and Council.

Policy changes and amendments are the responsibility of the Band Administrator.

The following procedure will apply:

- 1) Proposed changes are to be put in writing and forwarded to the Band Administrator.
- 2) The Band Administrator will determine if proposed changes should be presented to Chief and Council.
- 3) If to be presented to Chief and Council the Band Administrator will prepare presentation with supporting documentation.
- 4) Chief and Council will review the proposal and consider change, modification, amendments or reject and make the final decision, which will be recorded in the minutes.

Band Administrator or designate will follow up with any action required from the Chief and Council decision.

1.4 Terms & Definitions

- 1) "Abandoned" means an employee gives up completely, his/her employment with UNB without notification of any kind to the employer. Barring extenuating circumstances, an employee will be considered to have voluntarily resigned after three consecutive shifts have been missed or the employee is Absent Without Leave.
- 2) "Absent Without Leave" means that an employee has not been excused from reporting for work as required by the Band. In the event that the employee has failed to advise the Band of an absence prior to the absence, and receiving consent for such absence, the employee will be deemed to be Absent Without Leave. The Band is not obligated to give its consent for any absence or for any reason and may arbitrarily withhold its consent.
- 3) "Affiliate" means any subsidiary of the Band, proprietorship of the Band or any entity or organization to which this policy would apply.
- 4) "Acting Manager" means an individual assigned to cover day-to-day operations of a department while the manager is away for short periods of time, generally less than four (4) weeks.
- 5) "Acting Band Administrator" means an individual assigned partial authority and responsibility for the day-to-day operations of the Band Administration for a short period of time, generally less than four (4) weeks. Authority and whose responsibility does not include authorization of financial transactions over \$99,999.
- 6) "Band" or "UNB" means the Upper Nicola Band and its Affiliate or Affiliates.
- 7) "Business Partners" means an individual in a legally defined business arrangement or partnership.
- 8) "Casual" employee means employees scheduled to work full-time or part-time hours for a predetermined period of time. Temporary/Casual/Project employees are primarily employed as vacation relief, sick leave relief, maternity/parental leave relief, temporary workload relief or for a specific task or project. Temporary employees are not categorized as Contractors.
- 9) "Conflict of Interest" (also Conflict) means a conflict, or the appearance of a conflict, between the private interest and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, officers, council members and volunteers of UNB.

- 10) "Continuing School Employee" means an employee who has an ongoing contract of employment with the Upper Nicola Band, without a fixed date of termination, but who only works during the school year.
- 11) "Continuous Employment" is defined as any consecutive period of time where an employee is not absent as the result of termination of employment for any reason other than a temporary layoff.
- 12) "Council" means the Chief and Councilors duly elected by the members of the Upper Nicola Band in accordance with the Upper Nicola Band Custom Election Code and within the definition of the Indian Act.
- 13) "Department Managers and Directors" means a person who reports to the Band Administrator or Director of External Relations and is responsible for program activities within his/her job description.
- 14) "Senior Managers" means a senior manager responsible for directing a department or group of departments. Senior Managers' working conditions will be defined by their individual Employment Agreements in compliance with the Employment Standards. Senior Managers are appointed by UNB Chief and Council.
- 15) "Dismissal" means permanent removal of an employee by the employer, from any type of employment with UNB.
- 16) "Disputant" means one who is engaged in a dispute.
- 17) "Elective Leave" means time the employee is permitted to be absent from work due to illness, family illness, quarantine or injury as a result of an accident. This does not include time away from work covered by WCB, ICBC or the UNB group insurance benefits.
- 18) "Employee" means a person employed by UNB in a manner in which s/he receives remuneration of some type for his/her labour/skill or is an elected Chief and Council Member. This definition excludes contract service where the contractor is self-employed, or employed by another person and volunteers. Employees are persons who are entered, on an ongoing basis, on the payroll records of the UNB.
- 19) "Employer" means the Council of the UNB or its designate.
- 20) "Employment Year" means 00:01 of the day of commencement of employment by the employee until 24:00 of the day prior to the anniversary of the date of commencement.
- 21) "Extended Family" means aunts, uncles, nephews, nieces, brothers-in-law, sisters-in-law and cousins and the corresponding individuals in relation to the employee's spouse.
- 22) "Permanent Full-time Employee" means an employee who regularly works at least 32 hours per week who has an ongoing contract of employment with the Upper Nicola Band, without a fixed date of termination.
- 23) "Financial Benefit" means monetary, material or any other direct or indirect financial benefit received or perceived to be received, by an individual beyond benefits, normally provided to the Band or Band members as a whole.
- 24) "Hiring Committee" means the committee, which interviews applicants to fill vacant positions with the administration of UNB. The Hiring Committee is appointed by the Band Administrator or Department Manager, also, referred to as the Interview Panel.
- 25) "Holidays or Statutory Holidays" include New Year's Day, B.C. Family Day, Good Friday, Easter Monday, Victoria Day, National Indigenous Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and Boxing Day.
- 26) "Hourly Workers" mean those employees who are paid a prescribed amount of money for each hour worked.

- 27) "Immediate Family" means spouse, child, father, mother, brother, sister, father-in-law, mother-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grand parent, grandchild, ward or guardian – recognizing natural, adopted, foster and traditional relationships and any relative residing with the employee or with whom the employee resides.
- 28) "Interim Manager" means a person assigned to a management position for an extended period of time with full authority and responsibilities of the position.
- 29) "Interim Band Administrator" means an individual assigned to fulfill the Band Administrator position for an extended period of time with the full authority and responsibilities until a permanent person can be hired.
- 30) "Job Description" means a written list of responsibilities and related duties as prescribed by the Band Administrator, Director of External Relations or his/her designate as prescribed within the Band.
- 31) "Leave" means time away from job description responsibilities with or without pay as determined in accordance with this policy.
- 32) "On-call Employee" means an employee who is employed on an intermittent basis to work special events, during peak work periods, to fill in for an absent employee, and in other similar circumstances as required from time-to-time by UNB.
- 33) "Orientation" means completing paperwork and providing new employees with all the necessary information for them to start their employment and undertake their duties.
- 34) "Overtime" means time worked in excess of an agreed upon time for normal working hours by an employee as defined in "Section 12.5".
- 35) "Part-time Employee" means an employee who regularly works less than 32 hours per week who has an ongoing contract of employment with the Upper Nicola Band, without a fixed date of termination.
- 36) "Performance Appraisal" means a review and assessment of an employee's ability to conduct the responsibilities and duties of his/her "job description" the policies of UNB and working relationships with superiors and co-workers.
- 37) "Principal" means the most senior School employee who is responsible for the supervision of all School Staff.
- 38) "Professional Mediator" means a person who has been certified by a recognized school of mediation.
- 39) "Project" employee means employees scheduled to work full-time or part-time hours for a predetermined period of time. Temporary/Casual/Project employees are primarily employed as vacation relief, sick leave relief, maternity/parental leave relief, temporary workload relief or for a specific task or project. Temporary employees are not categorized as Contractors.
- 40) "Recruitment" means to solicit with the objective of hiring an employee.
- 41) "Permanent Full Time Employee" means an employee who works 32 hours or more in a workweek and whose work weeks constitute 52 weeks in a calendar year.
- 42) "Permanent Part-Time employee" means an employee who works between -less than 32 hours in a work week and whose work weeks constitute 52 weeks in a calendar year.
- 43) "Salaried Workers" means those employees who are paid a prescribed amount of money for each month worked.

- 44) "Shift" means one of two or more recurring periods in which different groups of workers do the same jobs in relay.
- 45) "Senior Manager" means the "Band Administrator" or "Director of External Relations" and is the most senior UNB employee as set out in the Band's administration organizational chart and job description established by a duly approved motion of Chief and Council.
- 46) "Serious illness" means a condition which causes some incapacity and requires some level of medical and/or physical and/or psychological care.
- 47) "Serious injury" is one which is life-threatening or could cause permanent injury. Serious injuries include traumatic injuries such as major fractures, amputations, and serious burns. Serious injuries also include incidents such as exposure to chemicals and heat and cold stress, as these could result in life-threatening conditions or cause permanent impairment¹.
- 48) "Supervises" means the act of ensuring job descriptions, working relationships and adherence to UNB policy are followed.
- 49) "Supervisor" means the person to which the employee reports as set out in the employee's job description.
- 50) "Temporary or Term Employee" means a full-time or part-time employee with a contract to work full-time or part-time hours for a predetermined period of time. Temporary/Casual/Project employees are primarily employed as vacation relief, sick leave relief, maternity/parental leave relief, temporary workload relief or for a specific task or project. Temporary employees are not categorized as Contractors. A term appointment may only be extended once.
- 51) "Time Banked" means time accrued by an employee from the overtime as defined by definition "Section 12: Salary Administration".
- 52) "Traditional Responsibilities" means work that relates to First Nation culture.
- 53) "UNB" means the Upper Nicola Band
- 54) "Vacation" means earned and approved time away from the job description responsibilities of work with pay and excludes sick time, general holidays, and various types of leave as set out in "Section 14 Vacation".
- 55) "Working Alone" means to work in circumstances where assistance would not be readily available to the worker. ²
- 56) "Work Day" means any daily schedule between 07:00 AM and 17:30 PM Monday to Friday or defined in an employment agreement.
- 57) "Work site" means formal workplace governed by the UNB and that falls within the gambit of the UNB Occupational Health & Safety Program.
- 58) "Work Week" means from 00:01 Sunday morning to 24:00 Saturday night.
- 59) "On-call" means an employee who is not formally on-duty but can be called upon during a scheduled time to perform services.

¹ WorkSafe BC definition: <https://www.worksafebc.com/en/health-safety/create-manage/incident-investigations/reporting-incidents-worksafebc>

² WorkSafe BC definition: <https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-04-general-conditions#SectionNumber:4.20.1>

1.5 Personal Property

Employees are encouraged to protect their personal property, as UNB is not liable for the loss of or damage to personal property on Band premises. For this reason, UNB strongly recommends that employees do not bring to work or store in a desk or work area any valuable items, possessions or tools.

1.6 Lunchroom

A Band lunchroom with certain amenities may be provided for employees' convenience. The lunchroom is to be kept clean at all times.

1.7 Scent-Free Workplace Policy

Due to the health concerns arising from exposure to scented products, UNB has instituted this policy to provide a scent-free environment for all employees and visitors.

UNB is a scent-free environment. Please do not use scented products while at work. Staff and visitors are asked not to use scented products before reporting to work.

The use of scented products will not be allowed within the building at any time. In addition, all materials used for cleaning will be scent-free.

Scented products (e.g. air fresheners, hairspray, perfume and deodorant, etc.) can trigger adverse physical reactions such as respiratory distress and headaches. We ask for everyone's cooperation in our efforts to accommodate employee health concerns, and minimize unnecessary workplace health and safety hazards.

1.8 Smoking Policy

At UNB, smoking of any material is not permitted in any facility, fully enclosed workplace, or substantially enclosed workplace. "Smoking" includes the use of tobacco products, cannabis, and using e-cigarettes or other types of vaporizers. Enclosed workplaces include vehicles owned by the UNB, as well as rental vehicles used to conduct UNB business. If the structure has a roof or other type of covering and more than 50% of the "nominal wall space" prevents the air from flowing easily through it, it is considered a "substantially enclosed" workplace. Smoking is permitted 6 metres away from the outside of buildings in designated areas only. Please keep these areas clean.

1.9 Employee Expense Reimbursement

Employees will be reimbursed for reasonable, pre-authorized business-related expenditures. Directors and Managers will authorize a completed reimbursement form at the rate established from time to time by Chief and Council. All receipts must be submitted within 30 days of expenditure. Failure to submit a reimbursement form within the required time frame could cause future travel requests to be delayed/denied.

1.10 Personnel Records

There shall be only two (2) personnel file for each employee, to be administered and controlled by the Band Administrator and/or designate.

- 1) One file including any pertinent day-to-day employment information the employee's manager would need to access (e.g., resume, performance records, emergency contacts).
- 2) A second file containing sensitive personal information (e.g., medical records)

There will also be One (1) payroll file for each employee will also be retained by the Chief Financial Officer and/or designate for the purposes of processing payroll for each employee.

The personnel file contains employment-related information. These files are the property of UNB; no photocopies can be made without written consent. Employees have the right to review their personnel records

in the presence of a representative from the Management or designate. To request a file review, contact the Band Administrator, Director or Manager and an appointment will be set up for the file review. To review the personnel file, an employee will be required to submit a written request for access. UNB reserves the right to produce the file within one (1) week from initial request. The employee will review the file with the Human Resources Manager in attendance. The employee will not be allowed to remove any documents from the file. However, UNB will make copies of documents from the personnel file if requested by the employee.

Please report any change in address, telephone number, beneficiary, family status or any other pertinent information on a Change Form to Payroll Department as soon as a change occurs. A copy of this information will be filed in both the HR file and Payroll file of the respective employee. This information may be forwarded to the Band's benefit carrier as required to ensure the accuracy of their records and to maintain appropriate benefit coverage.

1.11 Applications of Personnel Policy to Volunteers

For any volunteers of UNB who are working on UNB worksites, the Personnel Policy applies.



PERSONNEL

Policy #: **2.Fitness for Duty (Drug and Alcohol Policy)**

Date Approved:

Dates of Amendment:

Cross Reference:

2.1 Policy Intent

Subject to the law on these matters, UNB is committed to providing a safe, drug and alcohol-free workplace and the intent of this policy is to ensure that:

1. Employees are physically and psychologically capable of performing their duties in a manner that does not jeopardize the safety of any person and/or property;
2. Employees conduct themselves in a professional manner that does not jeopardize the reputation of UNB;
3. Employees suspected of being impaired, under the influence or otherwise not fit for duty due to drugs or alcohol use are treated fairly, equitably and that UNB complies with any applicable legislation;
4. Employees with recognized drug or alcohol abuse issues are treated with dignity and respect and are given ample opportunity to deal with the issue so there are no future impacts to the expected fulfillment of their job duties at UNB.

This Policy Shall:

- 1) Outline UNB policy on substance abuse;
- 2) Detail behavior that is prohibited by the Band;
- 3) Provide definitions for controlled substances covered in this policy;
- 4) Discuss UNB policy regarding substance dependency;
- 5) Provide employees with a set of expectations.

2.2 Policy Statement

The employees of UNB are our most valuable resource, and for that reason, their health and safety are of paramount concern. UNB will not tolerate any drug or alcohol use which imperils the health and well-being of its employees or community members or threatens its business. The use of illegal drugs and abuse of other controlled substances, on or off duty, is inconsistent with the expectations of character that UNB holds for all of its employees. Employees who use illegal drugs or abuse other controlled substances (such as alcohol and marijuana) on or off duty tend to be less productive, less reliable, and prone to greater absenteeism which results in the potential for increased cost, delay, and risk to the business.

UNB is a drug and alcohol-free workplace. As such, the use of non-prescribed drugs, alcohol and marijuana during work hours is strictly prohibited. UNB prides itself on providing a safe working environment for all of its employees. Employees under the influence of drugs or alcohol on the job can pose serious safety and health risks both to themselves, coworkers and community. To help ensure a safe, healthy workplace, UNB reserves the right to prohibit certain items and substances from being brought on to, consumed on or being present on the premises. UNB also prohibits any employee from reporting to work, or working with any measurable level of illegal (or non-prescription) drugs, alcohol, marijuana, or other controlled substance which might affect the employee's ability to work safely. This includes prescription drugs and medicinal marijuana that may alter an employee's ability to ensure the safety of him/herself and others.

All employees must report to work in a fit condition.

2.3 Prohibited Behaviour

The following are strictly prohibited, and may incur disciplinary action up to, and including termination of employment, and any legal ramifications consistent with the necessary involvement of law enforcement agencies.

- 1) UNB employees shall not be under the influence of any non-prescribed drugs, marijuana, or alcohol during work hours while they are on Band premises, operating a Band vehicle, or are in the act of conducting UNB business regardless of location.
- 2) The use, possession, sale, manufacture or dispensation of any illegal drug, alcohol, marijuana, or associated paraphernalia, during work hours.
- 3) The use of alcohol, marijuana, or illicit narcotics off UNB premises during work hours that adversely affects the employee's work performance, his/her own safety or the safety of others at work, or UNB regard or reputation in the community.
- 4) Failure to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled.
- 5) Failure to report to management the use of any prescribed or medically approved drug which may alter the employee's ability to safely perform his/her duties.

Any illegal drugs or drug paraphernalia will be turned over to the appropriate law enforcement agency and may result in criminal prosecution.

2.4 Reasonable Suspicion of Impairment

At no time will an employee be permitted to work in a state of alcohol or drug impairment. If an employee reports for work while impaired or consumes alcohol (outside the conditions outlined in this policy) or drugs while at work she/he will be sent home, without pay, for the remainder of the work day.

These characteristics include, but are not limited to slurred speech, unsteady/abnormal walking, the odor of alcohol, glazed and/or bloodshot eyes, disruptive and uncharacteristic behaviour, avoidance of direct conversations, and appearance out of character.

Reasonable suspicion may also relate to any involvement in a workplace accident. Reasonable suspicion must be documented at or near the time of the observation. In event that an employee meets the criteria for being deemed reasonably suspected the employee will be escorted off of the premises.

2.5 Inspections

UNB reserves the right to inspect any and all property on its premises for the presence of drugs, alcohol or other contraband. UNB also reserves the right to require its employees to cooperate with any searches of their work area, or property that might be used to conceal drugs, alcohol or other contraband. Employees found to be in possession of such contraband, or who refuse to cooperate in these inspections may be subject to disciplinary action up to and including termination of employment.

2.6 Substance Dependency

- 1) UNB understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease. UNB promotes the early diagnosis of this disease, and encourages employees with a dependency on alcohol or drugs to pursue medical, and/or psychological treatment.
- 2) Employees are not excused from their duties as a result of their dependencies. Any employee who suspects that he/she might have an emerging drug or alcohol problem is expected to seek appropriate treatment promptly. Any employee who is seeking treatment for drug or alcohol abuse, regardless of whether or not the abuse has resulted in discipline or has impacted work performance, may request a Leave of Absence in order to undergo treatment.
- 3) UNB defines a rehabilitated drug user or alcoholic, or any individual engaged in a supervised drug or alcoholism rehabilitation program that is no longer using drugs or alcohol, as an employee with a disability. As such, UNB will consider the application of an individual who has formerly been in violation of the drug and alcohol policy, if the candidate can show evidence of rehabilitation. However, the employee is responsible for adhering to UNB's Agreement for the Continuation of Employment within this Policy.
- 4) All medical information shall be kept confidential by UNB.

2.7 Employee Expectations

2.7.1 Directors/Management

- 1) Shall identify any situations that may cause concern regarding an employee's ability to safely perform their job functions.
- 2) When necessary, shall remove from the premises any employee who is suspected to be in violation of the provisions of this policy. In the event that the suspicion is questionable, management shall err on the side of caution and act in the best interests of the Band.
- 3) Escort any employee in violation of this agreement from Band premises, using a safe and efficient manner. If the employee is suspected of being impaired, he/she should not be put behind the wheel of a car. The affected employee should have arrangements for safe transportation to their home or to the hospital made for them.
- 4) Conduct any searches, or investigations regarding suspected violations of this policy.

2.7.2 Employees and Volunteers

- 1) All employees are expected to abide by the provisions of this policy.
- 2) In the event that an off-duty employee is requested to come in to work, it is their responsibility to refuse the request and ask that the request be directed to another person if the employee is unfit due to the influence of alcohol or other drugs.

- 3) Any employee convicted of, or who pleads no contest to any substance related offense must inform UNB within five (5) days of the conviction or plea. Failure to do so will result in disciplinary action up to and including termination of employment. In the event of an employee's conviction or plea to charges relating to the manufacture, possession, sale, use, distribution, receipt, or transportation of any substance, UNB will determine whether disciplinary action will be taken, including the appropriateness of continued employment.

2.8 Legal Compliance and Policy Interpretation

The provisions of this policy are subject to federal, provincial or local laws that may apply from time to time, and these policies shall be read and interpreted to be consistent with the laws applicable to discrimination on the basis of a physical or mental disability.



PERSONNEL

Policy #: **3.Privacy Policy**

Date Approved:

Dates of Amendment:

Cross Reference:

3.1 Our Commitment to Privacy

Protecting the privacy and confidentiality of personal information is an important aspect of the way UNB conducts its business. Collecting, using, and disclosing personal information in an appropriate, responsible, and ethical manner is fundamental to UNB's daily operations.

UNB strives to protect and respect personal information of its members, employees, and customers, business partners, and so on in accordance with all applicable regional provincial and federal laws. Each staff member must abide UNB's procedures and practices when handling personal information.

3.2 Applicability

This Privacy Policy informs everyone of UNB's commitment to privacy and establishes the methods by which privacy is ensured. This Privacy Policy applies to all personal information within UNB's possession and control.

Personal information is defined as any identifying information about an individual or group of individuals, including name, date of birth, address, phone number, e-mail address, social insurance number, Band number, nationality, gender, health history, financial data, credit card numbers, bank account numbers, assets, debts, liabilities, payment records, credit records, loan records, opinions, and personal views.

Business information is defined as business name, business address, business telephone number, name(s) of owner(s), Chief and Council, executive officer(s), and director(s), job titles, business registration numbers and financial status. Business information is treated and handled with the same level of confidentiality, privacy, and respect as personal information.

Consent occurs and is obtained when an individual signs an application or other form containing personal information, thereby authorizing UNB to collect, use, and disclose the individual's personal information for the purposes stated on the form or in Section 3.3 Appropriate Use.

Implied consent is granted by the individual when he/she signs the application or form. This allows UNB to obtain or verify information from third parties (such as banks, credit bureaus, lenders, or insurance companies) in the process of assessing the eligibility of an individual, customer, client, job applicant, or business partner.

3.3 Appropriate Use

UNB collects and uses personal information solely for the purpose of conducting business and developing an understanding of its members and customers. Any use of personal information or images outside of business use will be authorized by the employee in writing. The acknowledgement that all employees are requested to sign

which admits to their receipt of or the opportunity to review this policy, shall be unequivocal evidence of their consent to disclose personal information. UNB hereby asserts that personal information will only be used for the following purposes:

- 1) Administration of the UNB Payroll
- 2) Administration of the UNB Benefits plan
- 3) When required during proposal writing

3.4 Policy Statements

- 1) UNB assumes full accountability for the personal information within its possession and control. This Band has appointed the Human Resources Manager custodian of all privacy matters and legal compliance with privacy laws.
- 2) UNB obtains personal information directly from the individual to which the information belongs. Individuals are entitled to know how UNB uses personal information and UNB will limit the use of any personal information collected only to what is needed for those stated purposes. UNB will obtain individual consent if personal information is to be used for any other purpose. UNB will not use that information without the written consent of the individual unless authorized or required to do so by law.
- 3) Except when required by law or a court order, UNB will not sell, distribute, or otherwise disclose personal information or contact lists to third parties. However, limited disclosure may be required as part of UNB fulfilling its stated business duties and day-to-day operations. This may include consultants, suppliers, or business partners of UNB, but only with the understanding that these parties obey and abide by this Privacy Policy, to the extent necessary of fulfilling their own business duties and day-to-day operations.
- 4) UNB will retain personal information only for the duration it is needed for conducting business. Once personal information is no longer required, it will be destroyed in a safe and secure manner. However, certain laws may require that certain personal information be kept for a specified amount of time. Where this is the case, the law will supersede this policy.
- 5) UNB vows to protect personal information with the appropriate security measures, physical safeguards, and electronic precautions. UNB maintains personal information through a combination of paper and electronic files. Where required by law or disaster recovery/business continuity policies, older records may be stored in a secure, offsite location.
- 6) Access to personal information will be authorized only for the employees and other agents of UNB who require the information to perform their job duties, and to those otherwise authorized by law.
- 7) UNB's computer and network systems are secured by complex passwords. Only authorized individuals may access secure systems and databases.
- 8) Active files are kept in locked filing cabinets.
- 9) Routers and servers connected to the Internet are protected by a firewall, and are further protected against virus attacks or "snooping" by sufficient software solutions.
- 10) Personal information is not transferred to volunteers, summer students, interns, or other non-paid staff by e-mail or any other electronic format.

UNB's Web site also discloses its personal information practices and agrees to have its privacy practices reviewed for compliance by the Band Administrator or his/her delegate. Individuals inputting data into the Web site will be notified of:

- 1) Personally identifiable information about the individual that is collected from the Web site or through affiliate sites.
- 2) Information about UNB.
- 3) How the data will be used.
- 4) With whom the data may or may not be disclosed and/or shared.
- 5) Options that are available to the individual regarding the collection, use, and disclosure of personal information.
- 6) The information technology security procedures in place that protect against the destruction, loss, theft, alteration, or misuse of personal information under UNB'S possession and control.
- 7) How the individual may access and correct any inaccuracies in their personal information.
- 8) UNB does not collect personally identifiable information from any individual known to be under the age of 13.
- 9) UNB may share compiled demographic information with its affiliates, agency partners and/or business partners and/or advertisers, but no personal information that can identify any individual person shall be disclosed.
- 10) This Web site may contain links to other sites, but UNB is not responsible for the content and/or privacy practices of other organizations' sites.
- 11) While IP addresses will be logged in order to administer the site, track visitor movement, and gather demographic information, these IP addresses will not be linked to any personally identifiable information.
- 12) Any registration or order form asking site visitors to enter personal or financial information will be protected by SSL encryption.
- 13) Site visitors are given the choice to opt out of having their personal information used at the point where the information is gathered.

In most instances, UNB will grant individuals access to their personal information upon presentation of a written request and satisfactory identification. If an individual finds errors of fact with his/her personal information, please notify UNB as soon as possible to make the appropriate corrections.

Should UNB deny an individual's request for access to his/her personal information, UNB will advise in writing of the reason for such a refusal. The individual may then challenge the decision.

UNB may use personal information without the individual's consent under particular circumstances. These situations include, but are not limited to:

- 1) UNB is under obligation by law to disclose personal information in order to adhere to the requirements of an investigation of the contravention of a regional or federal, under the purview of the appropriate authorities.
- 2) An emergency exists that threatens an individual's life, health, or personal security.
- 3) The personal information is for in-house statistical study or research.
- 4) The personal information is already publicly available.
- 5) Disclosure is required to investigate a breach of contract.

3.5 Contacts

Any questions or concerns regarding this Privacy Policy can be addressed by contacting the Band Administrator at 250 350-3342, Fax 250-350-3311, or <http://uppernicola.com> . UNB will investigate and respond to concerns about any aspect of the handling of personal information. UNB will address concerns to the best of its abilities.



PERSONNEL

Policy #: **4.Code of Conduct**

Date Approved:

Dates of Amendment:

Cross Reference:

4.1 Policy Intent

Upper Nicola Band is committed to conducting business in an open and ethical manner. We accomplish this by creating a workplace built on the strength of trust, accountability, and integrity in all our business practices. It is the responsibility of every employee to build and maintain this code of ethics by supporting, and actively participating in the process.

This policy shall:

- 1) Establish the roles employees are expected to take in establishing an ethical workplace;
- 2) Define behavior that would be unethical;
- 3) Outline disciplinary actions for violations.

4.2 Policy

At Upper Nicola Band we strive to protect all of our employees, members, vendors and the Band itself from any illegal or damaging actions committed by individuals either knowingly or unknowingly.

UNB will maintain a strict zero tolerance policy against any wrongdoing or impropriety and will immediately take the appropriate disciplinary actions to correct the problem.

4.3 Employee Expectations

4.3.1 Directors, Managers and Supervisors

- 1) UNB Directors, Managers and Supervisors are expected to set a prime example. In all their business dealings, honesty and integrity shall be required.
- 2) Shall have an open-door policy allowing for the free discussion of suggestions and concerns from employees.
- 3) Must report any conflicts of interest regarding their position at UNB.
- 4) Must report suspected violations.
- 5) Must ensure that employees accountable to them comply with all applicable policies and procedures of UNB.



PERSONNEL

Policy #: **5.Conflict of Interest**

Date Approved:

Dates of Amendment:

Cross Reference:

4.3.2 Employees

- 1) All employees are expected to work together to promote a workplace built on trust, accountability and openness.
- 2) Must disclose any conflicts of interest regarding their position at UNB.
- 3) Must report suspected violations.
- 4) Must adhere to the applicable policies and procedures of Upper Nicola Band.

Retaliation against employees who use these reporting mechanisms to raise genuine concerns will not be tolerated.

4.4 Unethical Behaviour

- 1) UNB will not be party to the intent or appearance of unethical or compromising practices in its business relationships.
- 2) Harassment or discrimination will not be tolerated.
- 3) Improper use of Band trade secrets (as outlined in the Confidentiality Agreement) will not be tolerated.
- 4) Employees shall not use corporate assets or business relationships for personal use or gain.

4.5 Violations

In the event that a violation of this policy occurs, UNB will employ disciplinary measures that reflect the severity of the infraction up to and including termination of employment. Some violations may indelibly affect our business in a negative fashion. In this case, disciplinary or corrective measures, up to and including legal action may be pursued.

5. 1 Policy Intent

No conflict should exist between the private interests of an employee and their duty to the UNB. It is the employee's responsibility both to avoid outside interests which might influence their judgment, and to bring

potential conflicts of interest to the attention of their direct supervisor and/or the Band Administrator or Director of External Relations.

More specifically, all employees must disclose to their immediate supervisor any direct interest, financial or personal, that could reasonably be construed by a reasonable person to be a conflict of interest in that the employee might receive or be given a favorable decision in their department as a result of their employment with UNB.

The immediate supervisor shall review any potential or actual conflicts of interest and take the appropriate course of actions to protect the integrity of both the employee(s) and the Band.

In addition to disclosing the employee's private interests that may be in conflict, the employee shall disclose any interest of an immediate family member or relative. (See "Terms and Definitions").

Failure of an employee to bring to the attention of their immediate supervisor any outside interests which have the potential to create a conflict of interest shall be viewed as a breach of appropriate conduct and subject to discipline.

Examples of actual or potential conflict of interest include, but are not limited to:

- 1) An employee (or relative) with business, investments or employment interests with an organization with which the Upper Nicola Band conducts business.
- 2) An employee with an obligation or loyalty to an individual or organization with which the employer conducts business or is in the process of hiring.
- 3) An employee with access to confidential information through employment at Upper Nicola Band that is used to personal benefit, advantage or financial gain.

5.2 Conflict of Interest in Hiring Practices

5.2.1 Family Members:

- 1) UNB shall accept applications from and consider a member of an employee's immediate family for employment if the candidate has all the requisite qualifications.
- 2) An immediate family member shall not be considered for employment if by doing so, it might create a direct or indirect managerial/subordinate relationship with the family member, or if his/her employment could create a conflict of interest either real or perceived.
- 3) For the purposes of this policy, immediate family members are defined in the "Terms and Definitions".

5.2.2 Employee Relationships

- 1) Employees engaging in romantic relationships and employees that become married or live in the same household may continue their employment with UNB provided that there is neither a direct or indirect managerial/subordinate relationship between the employees, or a conflict of interest, real or perceived, created as a result of the relationship.
- 2) In the event that either a managerial/subordinate, or conflict of interest issue arise, UNB will work with the employees to accommodate them in a reasonable fashion. Possible resolution may require one of the employees to transfer to another position within the Band. If this is not possible, one of the employees must resign.
- 3) This section shall be interpreted, where required, to be subject to the Financial Administration Law as it applies to members of Chief and Council.

5.3 Reporting a Conflict of Interest

5.3.1 Employees

Employees who believe they have witnessed a conflict of interest, or where they reasonably believe that they may be engaged in any activity which could present a conflict of interest must report the situation. UNB must be made aware of all conflicts of interest in order to take the appropriate action. Employees are obligated to report any conflict of interest to their immediate supervisor, manager or Band Administrator.

5.3.2 Supervisors & Managers

Supervisors and managers are directed to take all appropriate steps to prevent and stop conflicts of interest in their areas of responsibility. Supervisors or managers are responsible to recognize all circumstances leading to their own actual or apparent conflicts of interest, and to report those circumstances to the Band Administrator or to Chief and Council as that may be appropriate. Any supervisor or manager who is subject to, witnesses, or is given written or verbal complaints of conflict of interest shall work to minimize or eliminate the issue at hand. In the event that this is not possible with the available resources, the supervisor / manager is required to report the conflict of interest to the Band Administrator.

5.3.3 Investigation

- 1) UNB seeks to resolve claims of conflicts of interest as expediently as possible. Investigations shall be conducted and the appropriate actions taken no longer than 30 days following the filing of a complaint.
- 2) The employee's direct supervisor / manager, or Band Administrator shall be responsible for determining and administering the methods and means for addressing complaints. This shall be accomplished through the following methods:
 - Determining whether or not a reported act is indeed a conflict of interest.

- Resolving the conflict of interest.
- Administering disciplinary or corrective actions as appropriate.
- Administering disciplinary or corrective actions if allegations were knowingly falsely made.

At the conclusion of an investigation, the investigator shall prepare a written report which shall include a statement of factual findings and a determination of whether this Policy has been violated. The report shall be presented for review to law enforcement officials or legal counsel, as necessary.

In all cases, the UNB's Personnel department shall retain the findings report for a minimum of 3 years or for as long as any administrative or legal action arising out of the complaint is pending.

5.3.4 Assurance against Retaliation

This Policy encourages employees to report any conflict of interest encountered in their employment at UNB. Retaliation against the Complainant is strictly prohibited and will result in appropriate disciplinary action. Retaliation by the Respondent, or anyone acting on behalf of the Respondent, against any witness providing information about a conflict of interest report, is also strictly prohibited. Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

This Conflict of Interest Policy will not be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary action being taken against the individual lodging the fraudulent or malicious complaint.



PERSONNEL

Policy #: **6.Anti-Harassment Policy**

Date Approved:

Dates of Amendment:

Cross Reference:

6.1 Anti-Sexual Harassment Policy

UNB is committed to building and preserving a positive working environment for its employees. In pursuit of this goal, no employee, including supervisors or managers shall commit Sexual Harassment. UNB does not condone and will not tolerate acts of Sexual Harassment and/or related retaliation against or by any employee. As such, this policy, provides general definitions for sexual harassment and related retaliation;

- 1) Bans and prohibits sexual harassment and related retaliation; and
- 2) Sets forth procedures for employees to follow when they feel a policy violation has occurred.

It is also a violation of UNB's Anti-Sexual Harassment Policy for anyone to knowingly, maliciously, or in bad faith make an unfounded complaint of sexual harassment or to provide unfounded information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

This policy does not in any way limit an employee's right to seek redress for discriminatory practices as defined in the *Canadian Human Rights Act* in respect of sexual harassment. If an employee believes they have been a victim of discrimination, they are encouraged to seek the legal remedies available to them².

6.2 Sexual Harassment Definitions

- 1) **Appropriate Authority** – Any delegated employee who has the authority to make final decisions regarding employees, harassment claims, and resulting actions. At UNB, the appropriate authority is the Band Administrator
- 2) **Complainant** – A person who is or has been subjected to the alleged sexual harassment.
- 3) **Respondent** – Someone who's alleged conduct is the subject of a complaint.
- 4) **Sexual Harassment** – Defined as any interaction between individuals, regardless of gender, that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds,

² <http://laws-lois.justice.gc.ca/eng/acts/1-2/FullText.html>

be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. This includes, but is not limited to:

- 5) Requests for sexual favors;
- 6) Verbal conduct of a sexual nature;
- 7) Physical conduct of a sexual nature;
- 8) Submission to sexual favors or conduct as being implied as condition of an employee's employment;
- 9) Implying that rejection of sexual advances will affect employment decisions regarding that individual;
- 10) Creating a sexually intimidating or offensive working environment; or
- 11) Creating a sexually degrading, humiliating, or hostile work environment. (Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets, or requests repeatedly may constitute a hostile environment sexual harassment.)

6.2.1 Retaliatory Acts

Examples of retaliatory acts include, but are not limited to:

- 1) Any retaliation, retribution, or reprisal by a Respondent or anyone acting for a Respondent against any Complainant who reports an incident of alleged sexual harassment.
- 2) Any retaliation, retribution or reprisal by a Complainant or anyone acting for a Complainant against any Respondent who has been the subject of a report of alleged sexual harassment.
- 3) Any retaliation, retribution or reprisal against any employee who testifies or otherwise participates in an investigation or hearing relating to the allegation of sexual harassment.

6.2.2 Policy and Procedures

Individuals who believe they have been victimized by an act or acts of sexual harassment should report the incident(s) immediately to the Appropriate Authority. Any delays in reporting acts of sexual harassment can make the case against the Respondent more difficult to establish, and may even result in retaliatory acts by the Respondent.

6.2.3 Report Obligations – Employees

Employees who believe they are victims of sexual harassment in their working environment are advised to first respond to the alleged harasser directly, by objecting and by requesting that the unwelcome behavior stop immediately. If this approach is unsuccessful, UNB must be made aware of all acts of sexual harassment or retaliation in order to take the appropriate action. Thus, individuals who believe they have been subjected to or have witnessed acts of sexual harassment or retaliation should report to the appropriate authority, or to their supervisor/manager. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

6.2.4 Report Obligations – Supervisors & Managers

Supervisors and managers are directed to take all appropriate steps to prevent and stop sexual harassment in their areas of responsibility. Any supervisor or manager who is subjected to, witnesses, or is given written or verbal complaints of sexual harassment acts or retaliation shall immediately report it to the appropriate

authority. Delays in reporting may be unavoidable in some circumstances (to be determined on a case-by-case basis).

Supervisory personnel who are contacted by an individual seeking to file a complaint about sexual harassment in their unit shall assist the complainant in contacting the appropriate authority.

6.2.5 Investigation

UNB seeks to resolve sexual harassment claims as expediently as possible. Investigations shall be conducted and the appropriate actions taken no longer than 10 days following the filing of a complaint.

The appropriate authority is responsible for determining and administering the methods and means for addressing sexual harassment complaints. The appropriate authority is also responsible for:

- 1) Determining whether or not a reported act is indeed sexual harassment or retaliation.
- 2) Resolving the dispute, with the agreement of both parties, where necessary.
- 3) Administering disciplinary or corrective actions if allegations are true.
- 4) Administering disciplinary or corrective actions if allegations were knowingly falsely made.

Wherever and whenever investigations are conducted, this Policy asserts that Complainants and Respondents certain rights. These rights include, but are not limited to:

- 1) Receiving written notice of the allegations (where permitted by law).
- 2) Presenting relevant information to the Appropriate Authority.
- 3) Receiving a copy of the report at the conclusion of the investigation (where permitted by law).

At the conclusion of an investigation, the investigator shall prepare a written report which shall include a statement of factual findings and a determination of whether this Policy has been violated. The report shall be presented for review to law enforcement officials or legal counsel, as necessary.

6.2.6 Report Handling Procedures

The appropriate authority shall advise the Complainant and the Respondent of the resolution of any investigation conducted under this Policy. A copy of the investigative findings shall be provided in writing to the Complainant and the Respondent.

In all cases, the UNB's Personnel department shall retain the findings report for a minimum of 3 years or for as long as any administrative or legal action arising out of the complaint is pending.

6.2.7 Confidentiality

All records of sexual harassment reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

UNB will do everything it can to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly and respectfully. UNB will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

6.2.8 Assurance against Retaliation

This Policy encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding sexual harassment complaints.

Retaliation by the Respondent or anyone acting on behalf of the Respondent, against the Complainant is strictly prohibited and will result in appropriate disciplinary or corrective action. Retaliation by the Respondent, or

anyone acting on behalf of the Respondent, against any witness providing information about a sexual harassment report, is also strictly prohibited.

Retaliation by the Complainant or anyone acting on behalf of the Complainant, against the Respondent is strictly prohibited and will result in appropriate disciplinary or corrective action.

Retaliation by the Complainant, or anyone acting on behalf of the Complainant, against any witness providing information about a sexual harassment report, is also strictly prohibited.

Acts of retaliation include (but are not limited to) interference, coercion, threats, and restraint.

This Sexual Harassment Policy must never be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary or corrective action being taken against the individual lodging the fraudulent or malicious complaint.

6.2.9 Procedures for Handling Complaints of Sexual Harassment

Once the Complainant lodges a complaint with his/her supervisor or the appropriate authority, a discussion will take place that shall be kept confidential, to the extent allowed by the law. If desired by the Complainant, no written record will be kept of this initial discussion. During this discussion, the recipient of the complaint will explain all options available to the Complainant. If the Complainant wishes to proceed further with his or her complaint, the Complainant must then provide a written statement regarding the alleged sexual harassment.

6.2.10 Informal Procedures

If desired, the Complainant may attempt to resolve the matter directly with the Respondent. The Complainant must report the resolution, or lack thereof, to the appropriate authority.

The appropriate authority may notify the Respondent of the complaint, keeping all such communication confidential. The appropriate authority may then implement whatever steps are necessary to create an informal resolution that is acceptable to both the Complainant and Respondent.

If an informal resolution of the complaint is achieved, no record of the complaint will be entered in the Respondent's personnel records. However, the appropriate authority will record the occurrence of the complaint and the informal resolution achieved. Again, this record will remain confidential.

6.2.11 Formal Procedures

In the case of formal complaints, the Respondent shall have 10 working days to respond, in writing, to the allegation. The Respondent's statement, written on Band letterhead, must answer – with specific responses – to each complaint, either admitting, denying, or explaining the allegations against them. The Respondent must sign his or her statement, which will then be attached to the original complaint.

If a formal hearing is warranted, the appropriate authority will conduct a hearing within 30 working days after receiving the request.

6.2.12 Disciplinary Actions

Upon concluding that an instance of sexual harassment has indeed occurred, the Respondent will be subject to disciplinary action, which may result in suspension of duties, or outright termination of employment. Disciplinary actions imposed by the appropriate authority will be determined on the basis of the facts of each case and the extent of harm to UNB's interests and business goals.

6.2.13 Timelines

Complainants are always encouraged to file a complaint immediately after an alleged incident of sexual harassment. Nevertheless, UNB is aware that such timely response may not always be possible, due to feelings of

humiliation or fear on the Complainant's part. Individuals who believe that they have experienced sexual harassment should lodge a complaint within 30 days following an alleged incident. Under extreme circumstances, this timeline may be extended to 60 days at the request of the Complainant; however, it is the responsibility of the Complainant to show good reasons for this extension.

6.2.14 Records

Records of all formal and informal resolutions, hearings, and reviews will be kept by the Personnel department, except where otherwise stated in this Policy. The records will only be available to managerial members of the Administration, and only in the following circumstances:

- 1) When determining an appropriate disciplinary action for subsequent sexual harassment complaints.
- 2) When a Respondent is a candidate for a promotion to a supervisory position.
- 3) When a complaint against retaliatory action is made.
- 4) When a decision or resolution is reviewed.

Any records concerning employees will be maintained in accordance with all applicable laws and regulations. Both the Complainant and the Respondent are eligible to obtain copies of hearings or of their own statements made throughout the course of the sexual harassment remediation process.

6.3 Anti-Harassment and Anti-Violence Policy

6.3.1 Purpose

UNB is committed to building and preserving a safe and healthy working environment for its employees. In pursuit of this goal, UNB does not condone and will not tolerate acts of harassment and/or violence against or by any UNB employee. As such, this policy prohibits physical or verbal threats – with or without the use of weapons – intimidation, or violence in the workplace to minimize risk of injury or harm resulting from violence to UNB employees.

It is also a violation of UNB's Anti-Harassment and Anti-Violence Policy for anyone to knowingly make a false complaint of harassment or violence, or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment.

6.3.2 Harassment Definition

Harassment is defined as any interaction between individuals that can be characterized as unwelcome, intimidating, bullying, violent, or any form of misconduct. UNB rejects and entirely disapproves of all harassment based on the grounds of: race (i.e. color, ethnicity, origin, nationality, and descent), sex, marital status, age, sexual orientation, gender history, religious beliefs, political convictions, disability, or medical condition. Such acts include:

- 1) Inappropriate physical conduct;
- 2) Creating an intimidating or offensive working environment; or
- 3) Creating a degrading, humiliating, or hostile work environment.

6.3.3 Violence Definition

Violence is defined as any interaction or act of aggression or hostility between individuals that involves: causing physical injury to another person; the utterance of threatening remarks; creation of a reasonable fear of injury; subjecting another individual to emotional distress; damaging employer or employee property; the possession of

a firearm or dangerous weapon while on UNB property or while conducting UNB business; harassing surveillance (such as stalking); bringing weapons into the workplace.

6.3.4 Threats Definition

Threats of violence or harassment are considered serious and will be treated accordingly. Threatening behaviour includes, but is not limited to: throwing objects at another person; verbal prediction of harm directed towards another individual or his/her property; making threatening or menacing gestures; obsessive behaviour (e.g. unprofessional and/or excessive unwelcome romantic interest); any such behaviour indicating that the individual may be irrational or mentally ill and poses a danger to him/herself or others; escalation of unacceptable behaviour within the workplace (e.g. behaviour triggered by personal circumstances such as an impending divorce, custody battle, etc.).

6.3.5 Weapons

The following items are considered dangerous weapons and are strictly prohibited in the workplace or while conducting UNB business:

- 1) Firearms such as pistols, revolvers, shotguns, rifles, that are not required for the performance of job duties
- 2) Knives, crossbows, bear spray or any other potential weapon, such as axes, machetes, etc. that are not required for the performance of job duties
- 3) Any explosive or explosive devices
- 4) Sling shots, baseball bats, clubs, or blunt objects
- 5) Metal knuckles
- 6) Air guns, pellet guns, and blow guns
- 7) Any replica of the above items

The above list is not intended to be exhaustive.

6.3.6 Anti-Violence Policy and Procedures

UNB employees are prohibited from engaging in any violent or harassing behaviour towards others. Any physical, verbal, or visual act – with or without a weapon, as defined above – that threatens, intimidates, creates fear, or has the purpose of interfering with an employee's job duties, or similarly creates an intimidating, hostile, or offensive work environment, is forbidden.

- 1) Managers, supervisors, or the Band Administrator will take immediate action to resolve any situation that involves harassment or violent behaviour. This includes, but is not limited to, calling 911 for immediate police assistance.
- 2) Incidents that constitute criminal acts (whether indictable or summary) will be referred to the local police department or other policing agency.
- 3) Complainants are encouraged to file a complaint immediately after an alleged incident of harassment or violence. Nevertheless, UNB is aware that such a timely response may not always be possible, due to humiliation or fear.
- 4) The Band Administrator or the Director of External Relations will assist employees, managers, and supervisors, in investigating and preparing documentation for acts and incidents of harassment or violent behaviour.

- 5) This policy encourages employees to freely express – in a responsible and orderly fashion – their thoughts, opinions, and feelings regarding harassment or violence complaints. In no case shall any employee who reports threats or acts of violence be retaliated against through disciplinary action by UNB or the Respondent. Acts of retaliation include (but are not limited to) interference, coercion, threats, physical restraint, workload reassignments, denial of promotion, or any other manner of retribution. Any acts of retaliation must be reported immediately to the Band Administrator.
- 6) Should an employee be harassed or threatened by an individual from outside the workplace, and have reason to believe this person may harm them in any way, the employee is required to report concerns to his or her supervisor.
- 7) Should an employee have a legal court order (e.g. restraining order, or “no-contact” order) against another individual, the employee may be required to notify his or her supervisor, and to supply a copy of that order to the Band Administrator. This will be required in instances where the employee feels that the aggressor may attempt to contact that employee at UNB, in direct violation of the court order. Such information shall be kept confidential.
- 8) If any visitor to the UNB workplace is seen with a weapon (or is known to possess one), or makes a verbal threat and/or assault against an employee or another individual, employee witnesses are required to immediately contact the police, emergency response services, their immediate supervisor, and the Human Resources Department.
- 9) All records of harassment and violence reports, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. UNB will do everything it can to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully. UNB will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law.
- 10) This Anti-Harassment and Anti-Violence Policy must never be used to bring fraudulent or malicious complaints against employees. Any complaint made in bad faith, if demonstrated as being such through convincing evidence, will result in disciplinary or corrective action being taken against the individual lodging the fraudulent or malicious complaint.
- 11) In cases where criminal proceedings are forthcoming, UNB will assist police agencies, attorneys, insurance companies, and courts to the fullest extent.
- 12) Disciplinary or corrective action may be taken, up to and including suspension of duties or termination of employment, for any violations of this policy.



PERSONNEL

Policy #: **7.Network Policy**

Date Approved:

Dates of Amendment:

Cross Reference: Information Management Policies

UNB is responsible for the actions of its staff and the legal implications of unethical use of its hardware, software, network, e-mail and internet connection (herein referred to as "Systems").

The purpose of this policy is to provide guidelines so that UNB Staff may use these resources in ways that maximize employee productivity, are responsible and respectful of all legal issues and avoid network disruptions.

7.1 General

UNB acknowledges that these Systems are an efficient means of completing their objectives. These Systems may only be used by authorized individuals and primarily to accomplish tasks related to their jobs. Occasional and reasonable use for personal reasons is permitted, provided it does not interfere with work performance and deadlines.

The use of the Systems for personal gain, personal business, and to commit fraud or to display or transmit any materials that are discriminatory, defamatory, harassing, insulting, offensive, pornographic or obscene is strictly prohibited.

7.2 Internet Usage

The internet is a massive global network offering access to unlimited information and resources. The internet is not controlled by any one organization and the source of information obtained cannot always be guaranteed.

Accessing, downloading or saving materials from the internet must be in accordance with internal policies and must adhere to all copyright restrictions.

7.3 Email Usage

Email is an efficient and prompt communication tool provided to staff to assist them in conducting day-to-day business on behalf of the Band. All email must be professional in nature and comply with all related policies.

No one may solicit, promote or advertise any other organization, product or service through the use of email or anywhere else using the Systems. All email sent externally shall have the standard disclaimer automatically attached. The following is the standard footer for all UNB emails.

"This email and any files transmitted herein are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender. Any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Upper Nicola Band. The UNB accepts no liability for any damage caused by any virus transmitted by this email."

7.4 Chat, Newsgroups, ListSrvs and Forums

The use of such services is restricted. Chat rooms, newsgroups, ListSrvs, forums, and similar mediums of communication should only be accessed and used within the limits of this policy, the employee's job description, and UNB's mandate.

7.5 Instant Messenger Services (IMS)

IMS is becoming an ever-increasing means of communication, both personal and business related. The use of such systems is allowed for business use only.

Screen names must be professional in nature and IMS must only be used according to internal policies.

7.6 Peer to Peer Applications (P2P)

P2P software is not to be used under any circumstances; although many materials have been placed on P2P networks with a creator's consent, much of the material had been duplicated from copyrighted materials and goes against internal policy.

7.7 Right to Access

Management has the right to access or monitor all electronic data or records created, received or stored on UNB Systems without prior notification. This includes but is not limited to, internet traffic, email, instant messaging and P2P applications. All information generated, replicated, processed and stored by staff for the duration of the employment relationship with the Band becomes the property of the UNB.

In the event access is required all managers must get prior approval from the Band Administrator.

7.8 Data Ownership and Protection

UNB is the sole owner of the data prepared or acquired by a staff member while carrying out their job duties for the Band.

Staff will ensure adequate protection and control procedures for data to which they have been granted the ability to create, modify, view, copy, download or delete.

7.9 Data Access

Only individuals with proper authorization may access data pertinent to their work. Staff requiring access to additional data must ensure they have prior appropriate authorization from their manager.

7.10 Data Backup

The ongoing availability of data is vital to the successful delivery of our programs and services. Data can be destroyed by various means such as systems malfunctions, accidental or even intentional means. Adequate scheduled backups will allow data to be readily recovered as necessary. In order to minimize possible loss or corruption of data, we must ensure that data is adequately backed up by performing at least a minimal data backup periodically using external hard drives, CD-ROMs or other means of offsite storage. Copies of your backup will be stored in a secure location separate from the primary location where the data is stored.

7.11 Security

UNB is responsible for the actions of its staff and the legal implication of unethical use and access of its systems.

The purpose of this policy is to provide guidelines so the UNB staff may utilize these resources in ways that maximize employee productivity and minimize security gaps.

UNB has realized that to effectively protect their Systems from unauthorized access, alteration, disclosure or destruction and to guarantee that data and programs are readily available to all authorized members of the staff; they require a level of protection. UNB also realizes that while no procedures will provide total security, all staff has the responsibility to minimize the risks.

7.12 System Access

Employees may have access to information for which they have authorization including, but not limited to, data and e-mail.

To ensure an employee's workstation is secure in his or her absence, logging off, a password protected screensaver, or turning off the monitor should be considered on leaving his or her office.

To protect against loss of data due to power surges, power outages, etc. employees are urged to turn their computers off at the end of each working day.

7.13 Passwords

In cases where a password is important such as email systems or workstation access, including screensavers, individuals should ensure the passwords are difficult to guess but easy to remember.

If a password has been assigned, the employee must change it before continuing use to the system. To aid in the creation of a password guidelines include:

1. Use five or more characters, including upper and lower case characters
2. Deliberately misspell words
3. Take the first letter for each word of a phrase
4. Include at least two numbers, or substitute numbers for letters (e.g., substitute 3 for E).

Individuals should make sure their password is safe, this includes making sure not to write passwords down or let anyone see you entering your password. Change the password every few months and never reuse an old password.

7.14 System Updates

Whenever possible, the installation of approved software updates must be performed. This may be set up as an automated feature and it should be set to be completed outside office hours to minimize any disruptions.

7.15 Virus Protection

Virus protection is most effective if every workstation and server in the office has up to date antivirus software installed and is actively monitoring all incoming and outgoing activities to help control infection.

Viruses are able to enter the computer in various ways including email, downloading from the internet and removable media (CD, DVD, floppy).

Computer systems owned by UNB will run up to date anti-virus software that must remain active at all times. The primary user of a computer system is responsible for keeping the computer system up to date.

7.16 Identity Misrepresentation

Identity theft is a serious offence and will not be tolerated by UNB. Any employee who is found to have misrepresented themselves as another individual will be subject to disciplinary action up to and including termination of employment.

7.17 Software use

UNB is responsible for the action of its staff and the legal implication of unethical use of software. The purpose of this clause is to provide guidelines so the UNB staff may use software in ways that are responsible and respectful of all legal issues.

UNB has purchased relevant fully licensed copies of software from an array of authorized sources to help staff members complete their day-to-day work effectively. Software is only to be installed on Band hardware and is bound to licensing agreements that must be adhered to in all aspects and may not be used otherwise. Software obtained from any other source which could present security and legal threats is strictly prohibited.

7.18 Backup Copies of Software

Backup copies of legitimate software can be made in accordance with licensing agreements. Backup copies may not leave Band premises or be installed in contravention of the original licensing agreement.

7.19 Acquisition of Software

UNB will make available adequate copies of legally acquired software to meet all justifiable requirements of staff's day-to-day work. This software will be provided in a timely fashion for all of our computers.

Software purchases must be pre-approved and follow within organizational guidelines. Shareware, demonstration or trial versions of software may not be installed without prior approval and must be installed according to their licensing agreement.

Only licensed software may be utilized on UNB computers and communication devices. No employee shall introduce any form of unlicensed software, shareware, or other software without the prior and express consent of the Band Administrator. Any employee who is caught offending this provision will be subject to immediate dismissal for cause.

7.20 Potentially Offensive Materials

UNB is responsible for the actions of its staff and the legal implication of unethical use of its systems.

Using UNB'S systems to display or transmit any materials that are discriminatory, defamatory, harassing, insulting, offensive, pornographic or obscene is strictly prohibited.

7.21 Receiving Content

Discriminatory, defamatory, harassing, insulting, offensive, pornographic or obscene material received from any sources is strictly prohibited and must be disposed of immediately. If an employee receives any such material, they are directed to notify their supervisor or manager so that appropriate action may be taken such as blocking the offending source.

7.22 Audits and Enforcement

UNB has the authority to enforce this policy – this may include random audits, announced or unannounced, of hardware to ensure proper software use, and/or the use of open Domain Name Server (DNS).

In the event of employee violation of this policy, software found on UNB property for which a valid license or proof of license cannot be determined will be removed and disciplinary or corrective actions, up to and including termination, may result.

Failure to comply with these policies may result in disciplinary or corrective action, up to and including termination of employment.



PERSONNEL

Policy #:

8. Health and Safety Policy

Date Approved:

Dates of Amendment:

Cross Reference:

Council and Management recognize the need to promote and maintain a safe working environment.

Council and Band Administration will ensure that the UNB complies with all health and safety regulations and provisions of the Canada Labour Code Part II, the Canada Occupational Health and Safety Regulations, the B.C. Workers Compensation Act, the Workplace Hazardous Materials Information System (W.H.M.I.S.), and all other applicable legislation.

8.1 Joint Occupational Health & Safety Committee

A joint committee will be maintained in accordance with the current the Canada Labour Code Part II, the committee consists of:

- 1) At least 4 members or, if a greater number of members is required by regulations that greater number.
- 2) Have worker representatives and employer representatives.
- 3) A minimum of half of the members must be worker representatives
- 4) Must have 2 co-chairs, one selected by the worker representatives and the other selected by the employer representatives.

Selection of the committee members will follow Canada Labour Code Part II. The Committee shall report to the Band Administrator.

The Committee shall comply with, and enforce all health and safety regulations and provisions within the Canada Labour Code Part II, the Canada Occupational Health and Safety Regulations, the provisions under Workplace Hazardous Materials Information System (W.H.M.I.S.), and any other applicable legislation.

The Joint Committee must establish its own rules of procedure, including rules respecting how it is to perform its duties and functions. The committee must meet regularly at least once each month unless another schedule is permitted or required by regulation or order.

The Joint Committee has the following duties and functions in relation to the workplace:

- 1) To identify situations that may be unhealthy or unsafe for workers and advise on effective systems for responding to those situations;

- 2) To ensure that adequate records are maintained on work accident, injuries, health hazards and complaints;
- 3) To consider and expeditiously deal with complaints relating to the health and safety of workers;
- 4) To consult with workers and the employer on issues related to occupational health and safety and occupational environment;
- 5) To make recommendations to the employer and the workers for the improvement of the occupational health and safety and occupational environment of workers;
- 6) To make recommendations to the employer on educational programs promoting the health and safety of workers and compliance with this part of the regulations and to monitor their effectiveness;
- 7) To advise the employer on programs and policies required under the regulations for the workplace and to monitor their effectiveness;
- 8) To advise the employer on the proposed changes to the workplace or the work processes that may affect the health or safety of workers;
- 9) To ensure that accident investigations and regular inspections are carried out as required by this Section and the regulations;
- 10) To participate in inspections, investigations and inquiries as provided in this part and the regulations;
- 11) To review its own effectiveness as a committee on an annual basis as required by regulation.
- 12) To carry out any other duties and functions prescribed by regulations.

8.2 Responsibilities of Employees

Employees are responsible for taking all reasonable and necessary precautions to ensure their own safety and health and that of anyone affected by their work, including reporting all hazardous or unsafe working conditions to the appropriate supervisor.

- 1) Employees shall comply with employer instructions concerning safety and health.
- 2) Employees shall report any hazards and accidents in the workplace to their manager.
- 3) Employees shall use safety materials, equipment, devices and/or clothing either furnished by the employer or prescribed by a Regulation.

8.3 Responsibilities of the Employer

The employer shall be responsible for reviewing and acting on the recommendations of the Safety Committee.

- 1) The employer shall provide a safe and healthy work environment, including first aid and supplies, appropriate safety equipment and clothing, protective devices for machinery, tools and equipment and the proper level of ventilation, lighting and noise.
- 2) The training and education of employees (i.e. safety orientation, hazardous materials, fire and emergency procedures and the safe operation of equipment and tools).
- 3) The employer shall develop a program to manage work place hazardous material.

8.4 Fire/Emergency Procedures

In the event of an emergency alarms will sound. This is the signal to evacuate the building. Please leave the building via your department's fire exits and follow the direction of your safety committee members.

Proceed in a calm, orderly fashion to the parking lot and wait for further instructions.

8.5 WCB Claims

In the event of a workplace injury all approved WCB payments are paid directly to the employee. The employee is responsible to ensure all policy premiums are paid so there is no disruption to the benefits coverage during the injury period.



PERSONNEL

Policy #: **9.Working Alone Policy**

Date Approved:

Dates of Amendment:

Cross Reference:

9.1 Policy Intent

UNB is committed to providing a safe workplace and if our employees are required to work alone or in isolation such as in working in circumstances where assistance would not be readily available to the employee a) in case of emergency or b) in case the employee is injured or in ill health, the intent of this policy is to ensure that:

1. Employees are physically capable of performing their duties in a manner that does not jeopardize the safety of any person and/or property;
2. This Policy addresses both in case of emergency situations and in case the employee is injured or in ill health;

This Policy Shall:

- Outline UNB policy on Working Alone;
- Detail behavior that is prohibited by the Band;
- Discuss UNB policy regarding Working Alone;
- Provide management and employees with a set of expectations;
- Provide procedures for checking the well-being of employees working in isolation

9.2 Policy Statement

The employees of UNB are our most valuable resource, and for that reason, their health and safety are of paramount concern. UNB will not tolerate any employee, after being made aware of this policy and possible assistance available, continuing to work alone unsafely. UNB will be in compliance with any statutes that regulate workplace safety procedures. The general duties of an employer/supervisor to workers include the duty to ensure the health and safety of all workers working for that employer. In the situation where UNB requires the employee to work alone, the employer must do a hazard assessment where there is a risk of injury to workers from hazards or violence and take the necessary steps to eliminate or minimize those risks.

9.3 Prohibited Behaviour

If this policy is not followed, the offending employee and their supervisor may incur disciplinary action up to, and including termination of employment, and any legal ramifications consistent with the necessary involvement of law enforcement agencies.

9.4 Discussion of UNB Policy of Working Alone

At no time will an employee be permitted to work alone without a written safety plan in place. Some points that workers and their supervisors need to ask are;

- Presence of others- Are other people in the vicinity?
- Awareness- Will other persons capable of providing assistance be aware of the worker's need?
- Willingness- Is it reasonable to expect those other persons will provide assistance?
- Timeliness- Will assistance be provided within a reasonable period of time?
- Communication Systems- What means of communication can be provided to the employees? i.e. phone, radio or personal alarm

9.5 Set of Expectations

UNB will ensure that all employees that Work Alone and their supervisors have read and understand this policy. Specific identified duties are outline below;

9.5.1 Management

- Hazard Identification- Before the worker is assigned to work alone or in isolation, the employer/supervisor must identify any hazards to the worker
- Before a worker starts a work assignment with a hazard identified under subsection (1), the employer/supervisor must take measures
- The employer/supervisor must either eliminate, or if not possible, minimize the risk from the hazard
- The employer/supervisor must minimize the risk from the hazard to the lowest level practicable using engineering controls, administrative controls or a combination of engineering and administrative controls. Engineering controls are physical arrangement, design or alteration of workstations, equipment, materials, production facilities or other aspects of the physical environment. Administrative controls are the provision, use and scheduling of work activities and resources in the workplace including planning, organizing, staffing and coordinating for the purpose of controlling risk.
- The risk assessment process is a step-by-step process that identifies the nature and type of hazard which is then followed by an assessment of the likelihood of such hazards occurring. This assessment will help the employer/supervisor set priorities and identify tasks to ensure that effective controls can be implemented.

a. Risk Assessment Process

- Gather information on previous incidents and experiences within the last 3 years
- Determine the hazard control measures already in place
- Obtain staff and Joint Occupational Health and Safety committee input
- Inspect the workplace for hazards
- Analyze the information

Factors to be considered;

- Occupations and locations that are higher risk
- Type of task may carry greater risk
- Type of foreseeable interactions may place workers at greater risk
- Workplace layout, location, plants and wildlife, climate, age, training and physical health of worker, type of equipment, tools, supplies may present a risk

9.5.3 Employees

- 4) All employees are expected to abide by the provisions of this policy.
- 5) All employees are expected to report hazardous situations to their supervisor immediately.

9.6 Procedures for checking the well-being of employees working in isolation

The employer must develop and implement a written procedure for checking the well-being of a worker assigned to work alone or in isolation. This procedure must include the time interval between checks and the procedure to follow in case the worker cannot be contacted, including provision for emergency rescue. A person must be designated to establish contact with the worker at predetermined intervals and the results must be recorded by that person. Also, a check at the end of the work shift must be done. Time intervals for checking a worker's well-being must be developed in consultation with the employee assigned to work alone or in isolation. Check-in methods include;

- Call in systems
- Externally monitored panic alarm devices
- Internally monitored panic alarm devices

Check in methods for remote workers include;

- Wireless satellite hand-held alerting and tracking devices
- Satellite phones
- Radio transmitters
- Crew contact

This contact practice must be limited to employees only as using non-workers to do check ins, such as family members, raises issues given that these individual are not accountable to WorkSafeBC/OHS or the employer.

9.7 Legal Compliance

The Provisions of this policy are subject to any federal, provincial or local laws that may prohibit or restrict their applicability.



PERSONNEL

Policy #: **10. Working Conditions**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

10.1 Employee Classifications

- 1) **Permanent Full Time** – Employee scheduled to work a minimum of 32 hours a week on an ongoing basis
- 2) **Permanent Part time** – Employees scheduled to less than 32 hours a week on an ongoing basis.
- 3) **Temporary/Casual/Project** – Employees scheduled to work full-time or part- time hours for a predetermined period of time. Temporary/Casual/Project employees are primarily employed as vacation relief, sick leave relief, maternity/parental leave relief, temporary workload relief or for a specific task or project. Temporary employees are not categorized as Contractors.

Employees – a written agreement in which an employee agrees to work on a full-time, part-time or temporary basis for an employer for a specific or indeterminate period of time, in return for salary or wages. The employer has the right to decide where, when and how the work will be done. In this type of relationship a contract of services exists. All employees are paid through payroll.

Contractors – an individual or organization who has a verbal or written agreement in which the individual or organization agrees to perform specific work for a payer in return for payment. There is no employer or employee. The issuer of the contract does not decide where, when or how the work will be done. The self-employed individual generally does not have to carry out all or even part of the work themselves. In this type of relationship, a contract for services exists. Contractors are suppliers of services and not paid through payroll but must submit invoices. Contractors require WCB numbers and are responsible for their own coverage. This requirement should be included in any contract with a contractor.

10.2 Attendance

UNB is committed to providing quality service. It is important for every employee to work as a team to attain this goal. Consistent and regular attendance, punctuality and timely return from scheduled breaks will help ensure UNB succeeds.

Employees are encouraged to attend work, as scheduled and on time, minimize absences and to take personal responsibility for their attendance. UNB approaches attendance issues or concerns in a positive and concerned manner, based on the following expectations:

- 1) Employees must contact their supervisor or manager if they are unable to come to work or expect to be late for any reason. Employees are to call as early in the workday as possible.
- 2) If an employee is unable to reach their supervisor/manager, employees are to leave a message detailing the attendance issue and notify reception they will not be in.

Excessive or repeated and unexcused absenteeism or tardiness may result in corrective action up to and including termination of employment.

Barring extenuating circumstances, if an employee does not contact a supervisor for a period of three (3) consecutive workdays, the employee will be deemed to have abandoned their position and considered to have resigned.

10.3 Normal Hours of Work

Hours of work may be set from time to time by means of memorandum to all staff members by the Band Administrator and shall not exceed eight (8) hours a day or forty (40) hours a week as per the Canada Labour Code.

Some employees by nature of their work may be required to work flexible hours, if required this arrangement will be made in writing. These employees must structure their time to meet the normal work week hours.

Employees who work in the school, pre-school program, as bus drivers, or janitorial services, have unique hours of work that will meet the special circumstances of their duties. They will be advised in writing of their hours of work.

Employees are entitled to eight consecutive hours free from work between each shift. Employees with medical needs or who are nursing are entitled to unpaid breaks necessary to fulfill those needs.

10.4 Shift Work

- 1) For shift work a Department/Program Manager must display hours of work notices in each workplace in designated locations where the notices can be read by all workers.
- 2) An hours of work notices must include:
 - a. When work starts and ends.
 - b. When the meal breaks are scheduled during the shift.
- 3) The employer must give an employee 24 ~~48~~-hours' notice in writing of a change in shift unless:
 - a. As a result of the change the employee will be entitled to overtime wages.
 - b. The shift is extended before it ends.
- 4) Employers must provide employees with their schedule in writing at least 96 hours in advance. Exceptions apply for circumstances an employer could not have foreseen, such as imminent threats to health and safety.

10.4.1 Split Shifts

The employer must ensure that an employee working a split shift completes the shift within 12 hours of starting work. An employee is entitled to have eight hours off between shifts unless required to work because of an emergency.

Breaks Shift Length	Paid Break	Unpaid Break
Four (4) Hours	1 – 15 Minute	None

Five (5) Hours	1 – 15 30 Minute(if no coverage)	1 – 30 (if coverage available)
Six (6) Hours	1 – 15 Minute	1 – 30 Minute
Seven (7) Hours	1 – 15 Minute	1 – 30 Minute
Eight (8) Hours	2 – 15 Minute	1 – 30 Minute

10.5 Minimum Hours of Work - Reporting Pay

If an employee (excluding Managers) reports for work on any day as required by the employer, the employer must pay the employee for:

- 1) At least the minimum hours for which the employee is entitled to be paid in accordance with any applicable legislation.
- 2) If longer than the entire period the employee is required to be at the workplace, then the employer will pay the employee for the total amount of time worked.

If an employee is requested to report to work for an unscheduled shift, s/he is entitled to be paid for a minimum of:

- 1) Three (3) hours at the regular wage.
- 2) Three (3) hours at the regular wage in any other case unless the employee is unfit to work or fails to comply with the standards in the applicable legislation.

10.6 Maximum Hours of Work

10.6.1 Non-Management Office Personnel

All non-management office employees working in excess of eight (8) hours in a day and forty (40) hours in a week shall receive time off equivalent to the rate of 1.5 hours off in lieu of each overtime hour worked³.

Any “extra” hours worked (i.e. above the employee’s normal hours but below 8 hours in a day or 40 hours in a week, will be banked or paid at the regular hourly rate.

All hours are to be pre-approved before being worked. Lieu hours will be scheduled at a time that is mutually agreeable to the employee and UNB.

Employees may “cash out” any banked lieu time by providing UNB with written notification of their desire to be paid out. UNB will ensure that employees who “cash out” banked lieu time will be provided with overtime pay for the banked hours they are cashing out on their next regularly scheduled pay. Employees may choose to “cash out” banked lieu time not more often than once per month.

10.6.2 Hours worked on a Designated Statutory Holiday

³ <https://www.canada.ca/en/employment-social-development/programs/laws-regulations/labour/interpretations-policies/hours-work.html>

All non-management employees who are required to work on a general holiday shall be paid, in addition to the holiday pay for that day, at a rate equal to one and one-half times their regular rate of wages for the time worked on that day.

10.6.3 Management Personnel

- a.) Department Managers and Program Managers, required to work in excess of regular hours in a day or on statutory holidays shall receive equivalent time off (hour for hour). In the case that Management is required to work on a designated Statutory Holiday, he/she will get a day off with pay.
- b) Senior Managers, by definition, do not qualify for overtime hours. Senior Managers determine their own schedule and hours as required and defined within the Senior Managers Employee Agreement to complete their assigned duties.

10.6.4 Chaperone Compensation

From time to time, if an employee's job requires them to Chaperone groups for overnight functions, they will receive an additional three (3) hours regular rate pay.

If during the night(s) away employees are required to attend to a group member(s) for more than two (2) hours during the night they can claim the hours spent attending to the group member over the two (2) hours to a maximum of 8 hours.

All chaperone pay will be at the regular rate of pay.

10.6.5 On-Call

Employees on-call over the holidays will be paid minimum wage for hours "on-call" (as defined in section 1.5). If the employee is called in to work, their regular rate will resume for hours worked.

10.7 Fish, Wildlife and Agriculture Exemptions

Where the successful management of fish, wildlife and agriculture are dependent upon seasonal patterns of fish and animal behavior or weather, and to which the employer has little or no control, the employer may elect to average the hours of work in accordance with the Canada Labour Code, and its regulations, or to be exempt from certain employment standards provisions.

The employer must:

- 1) Not expect the employee to work any more than 12 hours per day
- 2) Allow the employee to bank overtime, for any work which exceeds regular scheduled work day hours
- 3) Provide the employee with 8 hours' notice to go to work unless weather requires shorter notice.

10.8 Inclement Weather

UNB is open on all normally recognized business days during the year to serve our customers. Even in inclement or severe weather, the facilities are open for work.

Employees are encouraged to exercise judgment based on travel and family circumstance. However, employees are expected to make every reasonable effort to come to work. At the discretion of the employees' supervisor, late reporting for work may be excused. If unable to attend work due to inclement or severe weather, employees have the option to use a leave day, vacation day or time off without pay.

10.9 Travel Time Regulations

The purpose of this policy is to create and enforce all guidelines and procedures for the travel-related expenses of UNB employee for business purposes. It is this policy's intent to ensure that employees who travel on behalf of UNB business are reimbursed for reasonable travel expenses. This policy is also meant to ensure the fair and equitable treatment of employees by preventing the loss of personal financial funds, as well as protecting UNB from abuse of organizational funding or business-related travel.

- 1) All staff travel must be authorized by the department managers, or Band Administrator or Director of External Relations and travel for the Band Administrator must be approved by Chief and Council.
- 2) Employees who are required to travel on UNB business must be appropriately insured, and will be granted allowances for expenses incurred, at the rates established from time to time by Chief and Council.
- 3) Staff who are required by the UNB to use their own vehicle in the performance of their duties will be reimbursed for mileage at the rate established by the Chief and Council (See Appendix A) and for any increase to insurance costs (with proof they have been paid) for premiums to cover business use of personal vehicle.
- 4) The employee must travel by the most direct route and must travel via public transportation and only economy class shall apply.
 - a. The equivalent airfare, if it is the lesser, will be paid if a traveler chooses to utilize other modes of transportation.
 - b. the most economical method of travel must be chosen and that reimbursement for that mode of transportation will be provided.
- 5) An employee planning an out of town trip will be required to submit:
 - a. Request for Travel Authorization form itemizing estimates for accommodation, transportation, meals, incidentals, etc.
 - b. Travel Expense Report form confirming actual travel expenses with supporting invoices/receipts attached. Failure to complete the Travel Expense Report could cause future requests to be delayed/denied. Failure to submit a Travel Expense Report within 30 days of expenditure could cause future travel requests to be delayed/denied.

Employees who are required to travel during hours outside their normal working hours will be compensated at regular rate of pay for travel time.

Where travel is being directly paid by an outside agency the UNB is to be reimbursed, and in the event that the rates differ from the established UNB Rates, the UNB rate will be used.

All such reimbursement will be made payable to the Band.

If an Honorarium is paid, the employee must choose either to be paid the Honorarium or their regular wages. Employees cannot claim and accept both payments.

Refer to the travel expense policy within the UNB Finance Policy for specific allowances and rates related to travel.

10.10 Daycare

If an employee is required to travel to attend work functions such as meetings or training and incurs additional daycare costs the Band will provide a reimbursement of additional cost upon receipt of expense claim showing

the normal daycare costs and the additional costs incurred to a maximum rate as determined by the Band Administrator and as per Finance Policy.

10.11 Flexible Work Arrangements

Employees with six months of service may request in writing a change to schedule or location. In writing, the employee must include:

- Employee's name
- Date of request
- Description of requested arrangements
- Requested start and end dates
- Expected effects on employer

Employers must respond to the request in writing, whether they approve or deny the request. The reasons for the denial may be based on one of the following decisions:

- The requested change would result in additional costs that would be a burden on the employer The requested change would have a negative impact on the quality or quantity of work and/or the ability to meet customer demand or performance in the employee's workplace
- The employer cannot reorganize work among existing employees or hire more employees to manager the requested change

There would not be enough work available for the employee if the requested change was granted. The employer has 30 days to respond and provide one of 4 possible responses in writing:

- Approve as isApprove in part
- Propose an alternative
- Deny

If the request is denied, justification should be included in the response to the employee.



PERSONNEL

Policy #: **11. Hiring Process and Terms of Employment**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

11.1 Purpose

The UNB employs hiring practices that are fair and equitable and which will ensure, as far as possible, that all positions are filled with the most appropriate candidate.

It is the responsibility of the Band Administrator and/or Director of External Relations to hire, or delegate authority to hire, all employees of the UNB. It is the policy of the UNB to hire or reassign employees, who are the most qualified and competent employees for any vacant position. Further, it is UNB policy not to consider hiring or reassigning applicants who do not meet the requirements of the job description to be filled through hire.

11.2 Authority to Hire

Authority to hire all personnel into existing permanent full-time, permanent part-time and temporary or contract positions is the responsibility of the Band Administrator and/or Director of External Relations. Council is responsible for hiring the Band Administrator, and the Director of External Relations. While the Chief Financial Officer is hired by the Band Administrator, the role is appointed by Council.

It is the responsibility of the Principal to hire, or delegate authority to hire, all employees of the N'Kwala School in conjunction with the Band Administrator.

The Band Administrator does not have the authority to hire a band member indebted to the Band unless that person has made arrangement to have a mutually acceptable amount deducted through payroll deductions by completing a payroll deduction form.

The Band Administrator and the Director of External Relations has the authority to promote or reassign a permanent employee to fill a full-time position vacancy or a permanent part-time position. Staffing updates will be provided to Chief and Council for information.

11.3 Coordination of Hiring

Each department manager, in conjunction with the Human Resources Manager, shall coordinate the hiring process for hire within their department. This includes the review/development of the job description; drafting of the selection criteria; advertising; recommendations of salary or wage placement and the development of written offer of employment.

11.4 Posting and Advertising

All permanent job postings that become available with UNB shall be posted using internal notices, websites, newspapers, internet, mail outs or bulletin boards.

Temporary positions under three (3) months in duration may or may not be posted and open for competition depending on the circumstances and discretion of the Band Administrator. All positions three (3) months or longer in duration must be posted through at least one of the above channels.

All job postings, both permanent and temporary, will be posted internally for one (1) week prior to posting to external sources, unless there is an emergency situation as determined by the Band Administrator. External postings will be implemented when it is not possible to hire internally.

All competitions should be open for a minimum period of at least ten (10) working days. However, if circumstances warrant, and at the discretion of the Band Administrator, shorter periods are permissible.

11.5 Hiring Committee

The Hiring Committee shall be established by the Band Administrator or Director of External Relations and shall include the relevant Department Manager and the Human Resources Manager. The composition of the committee shall respect the principles of fairness and equity. The role of the Hiring Committee is to identify and recommend the most qualified candidate for hiring to the Band Administrator unless the latter participates in the Hiring Committee in which case the Committee makes the selection.

To ensure equality in the recruiting process if the candidate list includes an immediate family member (see definitions) member, managers and/or councilors are required to excuse themselves from the process and recommend a suitable replacement.

11.6 Hiring Criteria

The successful candidate will be the person most qualified and suitable to fulfill the requirement of the position.

When two equally suitable applicants are identified for the vacancy, the following consideration (in the order listed) may be applied to make the final decision on hiring:

- i. Current employees of the Upper Nicola Band
- ii. An Indigenous person.

The School requires that all teachers provide proof of teacher certification prior to working at the School. The school requires that all staff, including volunteers, substitutes and on-call staff undergo and pass a criminal record check and reference checks prior to working at the School.

11.7 References

References are to be provided by all candidates interviewed and shall be contacted after the interview process but prior to an employment offer.

11.8 Hiring Former Employees

Depending on the circumstances, former employees may be considered for re-employment subject to pre-employment procedures and approval from the Band Administrator.

11.9 Promotions and Internal Applicants

An important part of our philosophy is to provide UNB staff opportunities to grow and succeed. Therefore, UNB prefers to encourage internal applicants wherever appropriate. All applications are assessed on merit (that is ability, performance, experience, training, education and potential to master increased responsibilities,) as determined by the managers and Band Administrator /Director of External Relations.

If employees are interested in being considered for a new position, the employee must:

- 1) Have achieved a satisfactory level of performance
- 2) Meet the basic qualifications of the position
- 3) Submit a resume and covering letter for the position
- 4) Employees are strongly urged to advise their current supervisor/manager
- 5) Have passed their probationary period in their current position
- 6) Have a three (3) month probationary period in their new role.

Upon receipt of the employee's resume a review of his or her performance history will be conducted by the Department/Program Manager. If a suitable candidate for the current position, the employee's current supervisor will be advised of the employee's application.

When the hiring decision is finalized and the successful candidate has been notified, the Hiring Committee will notify the remaining candidates. If an employee applied and is not selected, the employee will be informed.

The current supervisor/manager and the new supervisor/manager will negotiate a start date. Start dates do not normally exceed four (4) weeks from the date the offer is extended, except in extenuating circumstances. The current supervisor/manager will complete a Change Form and forward to Payroll.

11.10 Waiver of Process

The processes above may be waived if the position is to be filled for a special project of three months (3) or less. At the end of that time, the procedure set out in above is to be followed if the job is to be continued.

11.11 Relocation Allowance

For management and specialist hard-to-fill positions, moving expenses shall only be considered if the successful candidate is not currently residing within 300 km of Merritt. Where the Hiring Committee recommends and the Band Administrator or Director of External Relations approve a payment, up to 50% of moving costs may be paid on an equal monthly basis over the full probationary period.

11.12 Resignation/Retirement

An employee who wishes to resign in good standing shall provide the employer with the following notice of resignation:

- 1) Management shall provide the employer with at least one (1) month written notice.
- 2) All other employees shall provide the employer with at least ten (10) working days written notice.

Employees may resign in good standing on giving less than required notice, providing the employee has obtained the prior written consent from the Band Administrator or Director of External Relations. Each employee resigning from the UNB will have the opportunity to provide resigning comments and recommendations to the Band Administrator or his/her designate. Employees retiring from UNB are required to give three (3) months' notice. This requirement is to ensure the smooth transition for the employee to receive pension benefits and to ease the transition for the UNB to ensure an ideal replacement staff is in place.

11.13 Termination of Employment

In the event that the services of an employee are no longer required, other than involuntary termination for just cause, the employee shall be notified in writing, following the chart below, prior to the termination of employment.

An employee may be terminated without prior notice during their probation period if it is determined that they are not qualified or unsuitable for the position.

After the probationary period the UNB must provide notice as outlined below. In the event that proper notice cannot be provided, the employee shall be entitled to pay-in-lieu of notice in an amount which combined with the length of notice shall equal the following unless other provisions or conditions were entered into between the employer and the employee:

Employment Service	Notice Period
0 to 3 Months	0 Weeks
3 Months to 12 Months	2 Weeks
1 year to 3 years	3 Weeks
3 years to 4 years	4 Weeks
5 Years to 6 Years	5 Weeks
6 Years to 7 Years	6 Weeks
7 Years to 8 Years	7 Weeks
8 Years or More	8 Weeks

Final Pay will be processed including:

- 1) All hours worked and not previously paid.
- 2) All vacation dollars accrued and not taken
- 3) Any banked time earned and not taken
- 4) Any severance pay, if applicable
- 5) Any other amount as determined by the Band Administrator or as required by legislation.

All amounts will be recorded in the applicable section on the Record of Employment.



PERSONNEL

Policy #: **12. Performance Management**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

All employees shall receive an orientation package including all new hire forms, employee benefit forms, Personnel Policy with the General Working and Employment conditions and information covering such topics as history of the Band; Band Membership and Culture.

12.1 Job Descriptions

It is the employer's responsibility to provide clarity to the employee in relationship to his/her job responsibilities and duties. This is done in 3 ways:

- 1) Job Descriptions
- 2) Performance Appraisals
- 3) Ongoing supervision and guidance.

Each employee on UNB is to have a written job description. The job description must include:

- 1) Position Title
- 2) Department
- 3) Term (i.e. permanent, temporary etc.).
- 4) Who the employee reports to
- 5) General statement of organizational responsibilities
- 6) Duties/tasks required to carry out the responsibility
- 7) An inventory of knowledge, skill and abilities to carry out the responsibilities and duties
- 8) Necessary training and experience to carry out the responsibilities and duties

The development, administration and distribution of all job descriptions will be undertaken between the Band Administrator/Director of External Relations and the applicable department manager with final approval from the Band Administrator/Director of External Relations.

Position descriptions shall be formally reviewed every year during the annual performance review and updated whenever there are significant changes in responsibilities.

All employees upon commencement of employment shall receive a copy of their position description. The immediate supervisor shall insure that all employees understand their position responsibilities and level of authority, and have signed off on a copy of the current position description.

The Principal, or his/her designate, may reassign any employee to a new or existing position at any time by providing an appropriate period of notice of the change. Any other employee of Upper Nicola Band School

who was employed and potentially affected at the time of the reassignment may, in writing, appeal the reassignment through the UNB dispute resolution process.

12.2 Probation

The probation period is designed to assist the employee attain the performance level required for the position while giving UNB time to evaluate the employee's suitability for the position. For better understanding, the employee will not only be assessed based upon his or her capability but also on his or her suitability in the position. All probation periods must be completed by continuous employment, if employee is on a leave exceeding a 2-week period, upon returning to work the probation period will start on the return to work date.

All permanent full-time and permanent part time employees shall first commence his/her employment with a period of probation as defined in the Employment Offer.

The Band Administrator, Director of External Relations and Department Managers shall serve up to a six (6) month probationary period.

Administrative and Support Staff shall serve up to three (3) months probationary period.

12.2.1 Performance Appraisals during Probation

The competence and progress of the employees on probation shall be monitored by the employee's supervisor, with written Performance appraisals and secondary reviews until the successful completion of the probationary period (See Operations Manual for forms). In the position that is termed "On-Call", performance reviews will be completed after either 60 hours worked by the employee or 6 months employment served.

12.2.2 Extension of Probation

If the required performance levels are not attained, or if problems which have been brought to the attention of the employee have not been corrected, the employee shall have the probationary period extended for the same period as the initial probation, or shall have his/her employment terminated.

12.3 Employee Performance Appraisal

Chief and Council is responsible for evaluating the performance of the Band Administrator and Director of External Relations.

Performance appraisal is a documented, interactive process involving the Management and the employee. The purpose is to provide an objective assessment of employee performance of specific tasks, measured against criteria established for such assessments. Performance appraisals are considered in employee advancement, termination, salary adjustments and other related areas.

UNB believes that performance appraisals are a valuable tool to provide the following:

- 1) Enhancing or improving performance;
- 2) Setting goals;
- 3) Fostering self-development;
- 4) Identifying responsibilities an employee is performing well;
- 5) Identifying responsibilities an employee should improve upon;
- 6) Providing information for the development of an employee training and development plan;
- 7) Determining an employee's eligibility for salary increments and promotions;

- 8) Providing information to administer employment terminations.

The performance appraisal is designed to assist both UNB and the employee. The appraisal not only gives UNB an overall view of the employee's contributions, work ethics and standards, it also provides a forum for open discussion for performance and future goals.

Performance appraisals are based on the employee's performance and how it affects the performance of the employee's department. Employee's work is evaluated on an ongoing basis as they perform the job.

Performance appraisals will use performance-based criteria based upon competency-based job descriptions for each position.

- 1) Each employee will be required to complete, with his/her supervisor(s), an employee appraisal annually. Appraisals will be completed at the end of January of each year.
- 2) This appraisal is a joint process and the employee has the opportunity and is encouraged to participate fully.
- 3) The results of the employee appraisal will help to determine the employee's training needs, salary levels and increases, direction of supervision and in extreme cases, the employee's future with the Upper Nicola Band Administration.
- 4) In addition to the annual performance appraisal, the employee's supervisor may schedule reviews at any time. A performance review provides the employee with an opportunity to discuss any aspect of their job with their supervisor.
- 5) Once the performance appraisal has been completed, both the employee and the supervisor must then sign it. Signatures are acknowledging receipt not agreement. Originals are placed in the employee's personnel file and a copy is given to the employee.

When there is a discrepancy between the actual performance of the employee and the criteria for the competent job performance, the employee and supervisor will develop a remedial plan. In most cases the discrepancy will determine the objectives for staff development activities.

12.4 Professional Development and Training

The employer recognizes the value of professional development and training of employees and authorizes its management to create an appropriate training budget and administer, in consultation with the Band Administrator, the following:

Professional Employee Development and Training Defined – generally means, the enrollment of an employee in short-term programs, courses or workshops for the purpose of improving a specific skill or a set of skills: with the employee performance appraisal being the primary process to determine training and development needs.

In addition to employer approved professional development, employees are encouraged to develop individual plans toward self-development.

Chief and Council will be responsible for the following as it relates to the Band Administrator and the Director of External Relations who in turn are responsible for as it relates to their direct reports:

- 1) Establishing and implementing a plan for any training of UNB's Officers or employees required to meet the UNB's future needs and requirements after taking into account succession and any anticipated changes in the UNB's activities;
- 2) Establishing and implementing a documented process

- a. to measure the skills and competencies of the individual UNB's employees against their assigned employment responsibilities
- b. to determine any training requirements for those employees, and
- c. to adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.

12.5 Training Related to Positions Responsibilities

When an employee is required to take training or courses by request of the Upper Nicola Band, costs shall be paid by the Upper Nicola Band.

When an employee requests to take training or courses, costs, at the manager's discretion, shall be reimbursed to the employee upon successful completion of the training or course.

If the training or course is during regular work hours and required for the job, the employee shall receive his/her regular pay for the period of training. Time spent on voluntary professional development (not required for the job) outside of the regular workday and regular work week will be compensated at the manager's discretion.

UNB will request that upon returning to work, the employee who has completed the training arranges with their manager to present an informational workshop about the training received to their co-workers.



PERSONNEL

Policy #: **13. Salary Administration**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

Chief and Council shall approve the annual budgets. Directors and managers are responsible for administering salaries as per the Salary Administration Policy, wage grid and approved budgets and all UNB administration policies.

Policy Intent

- 1) The UNB provides equal pay for work of an equal value and the goal is to have a total compensation program that is as comparable as possible to similar organizations of a similar size, within budgetary limitations.
- 2) All Wage and Salary costs will be contained within funding agreements and approved annual budgets.
- 3) The UNB will utilize a wage classification system and a wage grid designed for UNB, and as updated from time to time (ideally every five years).
- 4) The wage or salary structure will be based on a grading system providing a range of pay rates for each job classification and over a period of time.
- 5) The objectives of the wage grid are to:
 - 6) Provide a systematic and objective procedure for determining the wages of staff, and any subsequent increases.
 - 7) Be as equitable as possible, within available resources, and consistent with comparable employers in BC.
 - 8) Support positive recruitment and retention of quality and dedicated staff and allow for career progression.
 - 9) Each employee is responsible for complying with all legislation pertaining to their employment including payment of appropriate taxes.
- 10) The UNB does not provide salary advances.

13.1 Wage Grid Placement Procedures

- 1) The Band Administrator and Director of External Relations are responsible for the administration of the Wage Classification System and to ensure that all placements and increases are in accordance with policy.

- 2) All positions will be assessed by the Band Administrator and Director of External Relations and placed on the grid using the guidelines as developed.
- 3) New employees will be placed at the appropriate level on the grid, according to their qualifications and experience. Temporary employees will generally be paid on the minimum of the grid, unless their experience and responsibilities justify a different placement. The Band Administrator and Director of External Relations have the authority to approve additional compensation/benefits to secure the hiring of new, specialized employees where this is in the interests of the UNB and where extenuating circumstances warrant such a decision.
- 4) If the new employee has more than the required qualifications and/or related experience set out in the posting then they may in exceptional circumstances, be placed at higher step on the appropriate grid at the discretion of the Band Administrator and Director of External Relations. In so doing, consideration should be given to the status / wages of existing employees, parity and finances.
- 5) Employees may move up the wage grid to the maximum of their grade, based on the guidelines, but this may not be an annual adjustment.

13.2 Cost of Living Adjustments

Subject to budget availability and approval by the UNB Chief and Council, salary levels may be adjusted annually for cost of living at the regional consumer price index for the preceding year. Chief and Council will announce any Cost of Living adjustments by April 1 of each year. Any such adjustments normally take effect on April 1 of the year.

13.3 Reclassifying an Existing Position

- 1) If an existing position is reclassified (i.e. there has been a significant change (increase or decrease) in responsibility, the revised job description will be re-evaluated. As a result, the potential outcomes include:
 - i. the wage grade and grid may remain the same;
 - ii. the position may be reclassified to a higher grade and the wage will be adjusted accordingly;
- 2) If the position is a grade lower, the employee will be "red circled" i.e. there are no increases until the appropriate wage rate is in line with the position.
- 3) Reclassified employees will be placed on the grid at their present year, and will receive increments on the anniversary of them moving to the new year.

13.4 Remedial Increase

A remedial increase is used only for employees who are paid below the minimum of their pay grade when the grid is updated. The size of such an adjustment is dependent upon the individual's current wage in relation to the minimum of the pay grade.

13.5 Acting Pay

In the event of an extended absence longer than two (2) days, the Band Administrator or Director of External Relations may appoint a staff member as “Acting” in the position of the employee that is absent, and increase that staff person’s salary to the Minimum Level of the 2019 UNB Wage Grade of the position of the employee that is absent , until the staff person can return to their regular duties.

13.6 Extra Time and Overtime

UNB follows the Canada Labour code Standards of overtime, overtime rates are applicable after eight (8) hours in a day or forty (40) hours in a week. Employees may refuse to work overtime if the refusal is based on a need to perform family obligations as specified in the CLC.

13.6.1 Extra Time

An employee may be required by their supervisor to work more than regularly scheduled hours. Unless the total hours worked exceeds the overtime provisions, extra time will be taken in lieu or if approved by the manager, paid at regular rate. Such time will be tracked on the appropriate form.

13.6.2 Authorization of Overtime

Overtime will be required by and pre-approved in writing by management using the appropriate form. Overtime is only allowed in extenuating circumstances, or when a supervisor has scheduled it i.e. Staff working a statutory holiday. Staff choosing to work extra time on their own without authorization may be subject to disciplinary action. By written agreement with the employer, employees may take 1.5 hours of time off with pay for each overtime hour worked in lieu of overtime pay. this time must be taken within three months of being earned or else paid out in accordance with overtime pay provisions. Exemptions can be made to this policy with written approval from the employees manager and the Band Administrator.

Overtime by non-salaried Directors and Managers requires pre-approval by the Band Administrator or Director of External Relations.

13.6.3 Non-Management Personnel

An employee that is granted overtime may take time in lieu of overtime pay if they have signed a lieu time agreement. One hour of overtime will equal one and a half hours (1.5x) of in-lieu time. The maximum amount of in lieu (or banked) time an employee may accrue is 64 hours. Any in lieu (banked) time over 64 hours will be paid out.

Employees may request to have banked lieu time paid out as overtime pay once per month. Lieu time must be used in the period laid out in the lieu time agreement between the employee and UNB, which shall not exceed one year. If lieu time is not used within the specified period, UNB will pay out any banked lieu time as overtime pay.

The provisions for hours worked in a work day exceeding 12 only apply to emergency situations, fish and wildlife, resources management and/or agricultural activities.

13.6.4 Emergency Work

The maximum hours in a work week, may be exceeded, but only to the extent necessary to prevent serious disruption with the ordinary working maintenance or social programs which create a hardship for the membership.

13.6.5 Limitations on Overtime

Regular travel time to and from work does not constitute work or overtime.

13.7 Procedures for the Payment of Wages

- 1) Each employee will be paid bi-weekly one week in arrears.
- 2) In the event an employee leaves employment before the end of their regular pay period, their pay will be calculated at their hourly rate multiplied by actual hours worked.
- 3) Managers whose positions have been designated as “salaried” will be paid a set salary per each pay period, regardless of hours worked. It is the manager’s responsibility to manage his/her time to undertake the work required, prioritizing as necessary.
- 4) The Finance Office will deduct from each employee's earnings such deductions as Income Tax, Canada Pension Plan, Employment Insurance, Group Benefits contributions, and other deductions as agreed by the UNB and the employee, in accordance with Federal and/or Provincial statutes and regulations.
- 5) All new employees are required to be paid by direct deposit and must therefore provide bank account details upon hiring. Payroll deposits into the employee’s bank account will be made on every second Friday afternoon for services performed for the two-week period ending on the previous Friday.
- 6) Upon termination of employment, employees will receive full payment for accrued wages or salary, including regular pay, accrued vacation pay and any other monies owing, by or on, the next regularly scheduled pay period, not exceeding thirty days or as required by the Canada Labour Code.



PERSONNEL

Policy #: **14. Benefits**

Date Approved:

Dates of Amendment: March 16,. 2020

Cross Reference:

14.1 Group Insurance Benefits

For a full summary of Benefits please refer to Benefits Handbook.

14.2 Eligibility

All permanent full-time and permanent part-time employees whose regular hours are a minimum of twenty-four hours per week and who have successfully completed their probationary period, shall participate in the mandatory Group Insurance Program or as determined by the Group Insurance Plan. The Band Administrator or Director of External Relations may waive the qualification period and commence an employee upon hiring, at her/his sole discretion. Only those employees who have permanent positions qualify for Group Insurance Benefits.

Date of Enrollment - three months after employment start date or upon successful completion of their probation period (unless otherwise determined by the Band Administrator or Director of External Relations).

14.3 Payment of Benefit Premiums

The total cost of benefit premiums shall be shared equally between the employer and the employee (50%/50%). This clause is applicable to those employees at the N'Kwala School who are temporarily unemployed during the closure of the N'Kwala School over the summer months.

The employer's share of premiums shall be deemed applied to the following Benefits:

1. Life Insurance
2. Long Term Disability

14.4 Group Pension Benefits

1. The Group Pension Plan is governed by the Registered Pension Plan contract.
2. The Group Pension Plan is mandatory for all eligible employees, effective immediately upon start of employment with Upper Nicola Band, or as permitted by the Group Pension Plan contract.
3. All eligible employees are required to contribute either 2% or 5.5% of all gross earning determined at the end of each pay period and Upper Nicola Band is required to match this contribution equally at the end of

each pay period. Any eligible employee may make additional voluntary contributions to their Group Pension Plan but this voluntary contribution is not matched by Upper Nicola Band.

4. All contributions to the Group Pension Plan are fully vested in the employee's name and any withdrawals from the Group Pension Plan are subject to the Plan contract.

14.5 Continuation of Benefits While on Sick Leave or Maternity Leave

The following applies to an employee who is actively a member of Group Insurance Benefits, Extended Health Benefits, Group Pension Plan and their continued employment with Upper Nicola Band when that employment is disrupted due to sickness, injury or maternity or parental leave.

The Group Insurance Benefits, the Extended Health Benefits, Group Pension Plan and the seniority of an employee who is absent from work due to illness, injury or on maternity or parental leave shall be deemed continuous during the period of the absence. The employee must provide to their Department Manager supporting documentation from a recognized Medical Practitioner that the employee is ill or has been injured and is required to be away from their employment and that they are not capable of performing any modified or light duties. An employee requesting a maternity or parental leave is also required to provide to their Department Manager supporting documentation from a recognized Medical Practitioner confirmation of the maternity or parental leave request.

14.6 Contributions by Employee

Contributions are required from an employee in order for the employee to be entitled to Group Insurance, Extended Health Benefits and Group Pension Plan. The employee is responsible for and must make arrangements with the UNB Finance Department, within ten working days to pay those contributions for the period of any absence due to illness, injury or maternity or parental leave unless, at the commencement of the absence or within ten working days, the employee notifies the Finance Department [in writing] of the employee's intention to discontinue contributions during that period.

14.7 Contributions by Employer

UNB shall continue to pay UNB's portion of contributions during an employee's absence due to illness, injury or maternity or parental leave in the same proportion as if the employee were not absent, unless the employee does not make arrangements or fails to keep the arrangements made. This clause is applicable to those employees at the N'Kwala School who are temporarily unemployed during the closure of the N'Kwala School over the summer months.

14.8 Failure to Pay Contributions

For the purposes of calculating the Group Insurance, Extended Health Benefits and Group Pension Plan contributions of an employee in respect of whom contributions have not been paid, the benefits shall be suspended during the absence. This clause is applicable to those employees at the N'Kwala School who are temporarily unemployed during the closure of the N'Kwala School over the summer months.

14.9 Other Terms

All other terms and conditions are defined by the insurance provider and may be amended from time to time.

14.10 Personal Vehicles

The mileage allowance as defined in the Finance Policy is intended to provide the employee with the basic compensation for the use of their vehicle for Band business and to offset costs such as fuel, financing, depreciation and insurance.

Distance between residence and principal place of work do not qualify for the allowance, unless the employee is driving directly to a job site that is not the normal place of work.

The manager is responsible to approve the business use of the personal vehicle and to ensure the employee submits documentation by completing a monthly travel claim form for approval for payment to Accounts Payable.

Employees are responsible for insuring their vehicle within the laws and regulations of the Province. It is recommended employees meet with their insurance advisor and review the usage of their vehicle for personal and business use to ensure they have proper coverage. UNB may provide additional compensation to an employee to cover the difference between their personal insurance cost and the cost of added business insurance, subject to the employee providing appropriate documentation of the increase in cost.

14.11 Vehicle Allowance

Applicable as defined in individual contract clauses. Employee should be aware any vehicle allowance is a taxable benefit and will be added to their annual T4.

14.12 Travel

See the Finance Policy for details regarding travel.



PERSONNEL

Policy #: **15. Vacation**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

Vacation leave is provided to permit an employee the opportunity to enjoy rest and recreation away from their work place. Employees should consider taking their vacation in periods of at least two weeks at any one time, however, employees may take vacation in more than one period.

Vacation time must be taken within ten months after the year it is earned with the exception of the first year of employment. New employees may take up to five days paid vacation after six months of employment. However, if employees take vacation time six months within their first year of employment, that vacation amount is deducted from their accrual amount for the following year.

15.1 Full Time and Part Time Employees

Full time and part time employees are eligible for the following vacation entitlements:

Years of Service	Vacation Pay	Vacation Time
0 to 5 years	6%	3 weeks
5 to 10 years	7%	3 weeks + 3 days
More than 10 years	8 %	4 weeks

Vacation entitlements are based on a common vacation entitlement year running from January 1 to December 31,. Employees will have their vacation entitlement prorated in their first year of employment to align them with the shared vacation entitlement year. Vacation entitlements will then reset each January 1 to align with the employee's completed years of service.

All Permanent Full Time and Permanent Part Time Employees must request at least two weeks of their Vacation leave by the end of January of every year. Supervisors will need to approve by the second week of February every year.

For additional vacation leave employees can request this at any time of the year. Determination of vacation leave will be limited to vacation dollars accrued. Permanent employees are not permitted to trade in their vacation time for cash.

15.2 Casual Employees

Casual employees are entitled to the following vacation entitlements:

Years of Service	Vacation Pay	Vacation Time
0 to 6 Years	4%	2 weeks
Over 6 years	6%	3 weeks

15.3 Scheduling of Vacation Entitlements

All vacation leave must be approved by the immediate supervisor and the Band Administrator/Director of External Relations. The vacation leave for the Band Administrator/Director of External Relations must be approved by Chief and Council.

All vacation earned during a fiscal year must be taken during the following -calendar year from ~~April 1 to March 31~~ January 1 to December 31. Vacation days will not be carried forward to the next calendar year. To facilitate this, the Band Administrator, Director of External Relations and/or the Department/Program Manager may schedule unused vacation time not booked by January 1 each year.

For the purposes of calculating vacation leave entitlements, employment is considered continuous if an employee is on a protected leave of absence or short-term disability. Vacation entitlement will be calculated the same as if the employee had worked during the absence.

In the event an employee leaves employment before the end of the calendar year,

- 1) If an employee has taken any vacation days over and above those earned at the time their employment with UNB ends, the employee will be asked to voluntarily sign an agreement allowing the UNB to deduct the overage from the employee's final pay cheque.
- 2) Any vacation days earned and not taken before termination date will be paid out with their final pay cheque.

All Vacation pay shall be subject to regular statutory deductions.

15.4 Statutory Holidays during Vacation

If a Statutory Holiday falls or is observed during an employee's vacation period, the employee shall take that Statutory Holiday at the end of the employee's vacation period.

15.5 Approved Leave during Vacation

15.5.1 Illness Leave

If an illness occurs to the employee during his/her vacation period, the employee shall be granted elective leave in lieu of vacation for the period of sick leave covered by a Doctor's certificate.

15.5.2 Bereavement Leave

If bereavement leave is approved by the employer during the employee's vacation period, the employee shall be granted bereavement leave in lieu of vacation for the period of bereavement leave.



PERSONNEL

Policy #: **16. Statutory Holidays**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

The following days are designated as paid holiday for all employees;

New Years Day	B.C. Day (1st Monday in August)
Family Day	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
National Indigenous Day	Boxing Day
Canada Day	

Any other day either the Federal or Provincial Government proclaims as a paid holiday will also be honoured as a paid holiday.

Statutory holidays that fall on a Saturday will be observed on the preceding Friday as a day off with pay.

Statutory holidays that fall on a Sunday will be observed on the next working day as a day off with pay.

When a statutory holiday falls on the weekend or in the middle of the week and where the UNB and a majority of affected one employee agrees in writing, another day off may be substituted for the statutory.

In the case of a substitution applicable to several employees, consensus must be by at least 70% of the employees concerned. The employer must post the substitution notice for at least 30 days before it takes effect.

16.1 Compensation for a Paid Holiday

Employees who meet the Canada Labour Code requirements for statutory holidays, shall receive Holiday Pay as per the Canada Labour Code. Employees are now entitled to holiday pay for a general holiday that occurs in the first 30 days of employment.

Full time employees, who qualify as per Canada Labour Code , will receive his/her regular rate of pay for the holiday.

Where the employee works the Holiday, the employee shall be entitled to re-scheduled time, calculated at time and one-half plus one day off with pay for each holiday day worked. Therefore, the employee effectively receives two and one-half time the hours worked as lieu time.

16.2 Christmas Holiday Closure

UNB will be closed annually from December 24 to the first work day following January 1 inclusive. UNB pays all staff regular pay for the normal work days.



PERSONNEL

Policy #: **17. Leaves**

Date Approved:

Dates of Amendment: March 16, 2020

Cross Reference:

17.1 Elective Leave Definition

Elective Leave is an earned paid leave that permanent employees may use at their discretion, subject to approval from either the Band Administrator or the Director of External Relations. Permanent employees can schedule off up to five days of leave at one time (first three are paid after three months of service) to attend to personal responsibilities, including:

1. Medical appointments
2. Dental appointments
3. Marriage
4. Illness or injury of family member
5. Traditional responsibilities such as hunting, fishing, and harvesting
6. Family responsibilities not covered under Parental Leave
7. Addressing a personal or family emergency
8. Attending their own citizenship ceremony
9. Responsibilities related to education for a family member under the age of 18.

17.2 Qualification Period

Permanent Employees will earn, but will not be eligible to exercise, the benefits of elective leave until they have successfully completed their probationary period.

17.3 Allotments

All Permanent Full-time employees who have successfully completed their probationary period will earn elective leave.

Elective leave pay will accumulate each pay period at 6% of the regular payroll dollars earned, to a maximum of equivalent to 15 days of pay at the employee's rate of pay at the time of calculation.

17.4 Scheduling of Elective leave

Permanent employees wishing to utilize their elective leave days must provide their immediate supervisor with written notice, at least 5 working days prior to the intended commencement of the leave, whenever possible.

The granting of elective leave will be at the option of the employee's immediate supervisor and approval or rejection of the request will be based solely on the needs of the UNB.

An employee may not use more than 15 days of elective leave in any given 12-month period or more than five (5) days of elective leave in a row unless that additional leave is used as a result of an illness that is supported by a medical doctor's letter. In that case, the amount of elective leave used is limited only by the number of days accumulated by the employee. If an employee is absent due to illness in excess of 10 days, they will be expected to apply for Medical Employment Insurance.

Elective leave will not be granted (except in the case of illness supported by a medical doctor's letter) when such leave is coincidental with the commencement or conclusion of an employee's annual vacation leave.

The employer will not require proof that the leave is for one of the purposes set out in Section 16.1 above unless the leave is for sickness that lasts longer than five (5) days or where the absence meets one of the conditions set out in Section 16.10.

17.5 Managing Elective Leave

Advances of unearned elective leave days will not be given under any circumstance.

Any absence from work (other than for illness) for a period longer than three (3) months will not be counted as "days worked" for the purpose of elective leave accumulation.

Employees are responsible for scheduling their elective leave days in a manner that will meet their needs throughout the year. If an employee uses up all of his or her elective leave early in the year, further absences will be without pay.

If an employee has unused elective leave at the end of the year in which it was earned, it will be rolled over to the following year(s) up to a maximum of 30 days. Although the choice is the employee's it is recommended that all employees consider establishing a reserve of accumulated elective leave for use in the event of a serious accident or illness requiring an extended absence from work.

Where an employee has been absent due to illness, the employer reserves the right to require a doctor's letter confirming that the employee is fit to return to work. The employee must provide the certificate to their supervisor immediately upon the employee's return to work, if requested.

Under no circumstances, will elective leave pay be paid out without a corresponding absence from work.

17.6 Bereavement Leave

- 1) All temporary and permanent employees shall be entitled to a leave of absence with pay in the case of a death in the immediate family.
- 2) Members of the immediate family shall include:
 - the employee's spouse or common-law partner;
 - the employee's father and mother and the spouse or common-law partner of the father or mother;
 - the employee's children and the children of the employee's spouse or common-law partner;
 - the employee's grandchildren;
 - the employee's brothers and sisters;
 - the grandfather and grandmother of the employee;
 - the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and
 - any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.
- 3) No Bereavement Leave will be approved unless it is in writing issued by the Band Administrator or the Director of External Relations on or before the time taken by the employee for such purposes.

- 4) In the case of the Band Administrator or Director of External Relations, approval must be given by Chief and Council.
- 5) Bereavement leave with pay shall not exceed five consecutive days for the funeral of a member of the employee's immediate family, two days for the funeral for a member of the employee's extended family, and one day up to three times per year for the funeral of any other individual not covered under the immediate or extended family member provisions.
- 6) For immediate family, in the event travel (more than 5 hours) is involved, two additional consecutive days with pay may be negotiated at the discretion of the Band Administrator or Director of External Relations.
- 7) Consecutive days are not interrupted by weekends or normally unscheduled days. Where any part of time off for bereavement includes non-work days, these days will not be paid.
- 8) Employees attending a funeral for someone who is not considered immediate family will be compensated for the day if they attend the funeral.
- 9) If Chief and Council decides to close the office on the day of a funeral, all staff will be compensated for a normal day's pay.

17.7 Court Leave

Upon application to the Band Administrator or Director of External Relations, regular employees (full-time and part-time) shall be granted court leave without loss of pay to appear in court subject to the following:

- 1) to serve on a jury
- 2) be available for jury selection
- 3) subpoenaed as a witness

Former employees who are required to attend court on UNB's behalf shall receive pay for the duration of the actual attendance in court as if they were still employed by UNB (at UNB rates).

17.7.1 Employee Responsibilities

An employee must give a copy of the duty summons to his or her manager as soon as possible so that the manager may make arrangements to accommodate the employee's absence.

Employees being paid for days at court by the Band are required to remit to the Band any per diem or other compensation paid by the court.

Employees are also expected to receive a release from the court and to turn it in to their manager upon return to work.

Employees are expected to report to work after release from the court, or between intervals, when reasonably possible.

17.8 Maternity and Parental Leave

17.8.1 Definition

Maternity and parental leaves are unpaid leaves of absence. The entitlement for and length of the leave allowed under the law is determined by Federal Employment Standards legislation.

17.8.2 Maternity Leave

The entitlement for and length of the leave allowed under the law is determined by Federal Employment Standards Legislation.

17.8.3 Parental Leave

Maternity and parental leaves are considered as two separate leave periods under federal employment standards legislation. The date the individual leave period begins determines the length of leave to which the employee is entitled. The entitlement for and length of the leave allowed under the law is determined by Federal employment standards legislation.

17.8.4 Notice of Maternity and Parental Leave

Every employee who intends to take a maternity and or parental leave of absence shall give at least four (4) weeks' notice in writing to the Band Administrator. The written notice must state the date of commencement and the date of return and be accompanied by a doctor's note stating the employee is pregnant.

17.8.5 Benefits during Maternity Leave and Parental Leave

For the maternity leave and parental leave periods, the employment of the employee will be considered continuous for the purpose of pension and/or health disability benefits. In such a case, the employer shall continue to pay the employer portion of the premiums.

17.9 General Leave of Absence

The Band Administrator, after consultation with the department manager, may grant a regular employee a short-term leave of absence without pay for up to one (1) year for personal or other reasons, providing:

- 1) There is a good and sufficient cause;
- 2) Operational requirements permit;
- 3) No reduction or change expected in the position.
- 4) The employee has taken all earned vacation and banked time;
- 5) The employee does not accept other employment while on leave;

Requests for leave of absence shall be presented to the Band Administrator in writing. Approval decision on Leave of Absence required will be processed within fourteen (14) working days of receipt of leave request.

17.10 Newly Elected Chief or Council Leave

Subject to the provisions of the Upper Nicola Band Custom Election Regulations, an employee elected to Council is entitled to a leave of absence while serving on Council, and an additional year after the anniversary following the departure as an elected official.

17.10.1 Employee and/or Contractor

- 1) No candidate shall be ineligible for nomination by reason only of his or her employment with the Upper Nicola Band or by reason of contractual relations then ongoing with the Upper Nicola Band.
- 2) In the event that the candidate is elected to the office of councilor, he or she shall have forty-eight (48) hours within which to decide whether or not to take office, by notice to the Electoral Officer.
- 3) In the event that the candidate declines to accept his or her election, the Electoral Officer shall declare the next most successful candidate, amongst all those who ran for councilor.
- 4) In the event that the candidate elects to take office, as elected then;
- 5) He or she shall resign his or her employment with the Band or with the Band owned entity; upon the first of these situations to occur at either the earliest reasonable time or the Band owned entity successfully finding a suitable replacement.
- 6) He or she shall apply for and the Band shall grant or cause to be granted to him or her, a leave of absence from employment with the Band or the Band owned entity for the period commencing upon the earliest reasonable time for commencing the leave and finding a suitable replacement and ending upon the first anniversary following the councilor's departure as an elected official.
- 7) He or she shall finish up and complete all contracts then in place with the Band or the Band owned entity and shall not engage in any further contracts with the Band during the term of election and
- 8) He or she shall finish and complete any and all contracts that he or she may have with the contractors supplying goods or services to the Band and shall not engage in any further contracts with any person supplying goods or services to the Band during the term.

17.11 Public Duties Leave

A regular employee is entitled up to ninety days leave without pay to run for election to the federal parliament, provincial legislature or a municipal government or school board or to provide support to their community during a crisis.

Employees are responsible for notifying the Band Administrator/Director of External Relations of their intention to run for public office as soon as practicable and to apply for their Leave of Absence.

Employees who are nominated for office are responsible for notifying the Band Administrator /Director of External Relations of their intention to run for public office (within one week of being nominated).

The Band Administrator /Director of External Relations have responsibility for approving Public Duties Leave for employees intending to run for public office.

An employee who returns to work after a leave of absence under this policy will be placed in his or her former position or a position of comparable classification and pay.

An employee wishing to apply for unpaid leave to help support their community in a crisis should initially apply to their Supervisor who will then make the recommendation to the Band Administrator /Director of External Relations for consideration.

17.12 Secondment

The Band Administrator, after consultation with the department manager, may approve an employee's request for an unpaid Secondment up to one (1) year.

17.13 Participation in Group Benefits

Subject to the policy of insurance held by the Band from time to time, Permanent employees on any type of leave of absence may continue their participation in Group Benefits for a period of up to two years (after which time they would be eligible for federal long-term disability benefits) except that:

- 1) Any employee of the N'Kwala School who shall pay, in advance 100% of all applicable benefit premiums.
- 2) That employee must maintain his or her participation in all benefits in which he or she was enrolled prior to the leave.
- 3) This policy applies to those employees employed on a 10-month basis at N'Kwala school.

17.14 Return to Employment

Every employee who takes, or is required to take a leave shall be reinstated into the same position at the same wage rate, or when that is not possible, reinstatement in a comparable position with the same wages and benefits.

17.15 Compassionate Care Leave

All employees, without exception, are entitled to up to 28 weeks of job-protected, unpaid time off work to provide care and support to a gravely ill family member. Employees requesting this leave should provide a certificate from a qualified medical practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks. If more than one employee employed by UNB requires the leave for the same family member, the total amount of leave that may be taken is 28 weeks.

Note: Leave granted under this clause shall be counted for the calculation of continuous employment for the purpose of calculating benefits (other than pension, health, and disability benefits).

17.16 Leave Related to Critical Illness

Every permanent employee under the employ of UNB for at least six (6) consecutive months who is the parent or family member of a critically ill person is entitled to a leave of absence in order to provide care for or support to that family member.

If the critically ill person is a child, the employee is entitled to a leave of absence up to 37 weeks.

If the critically ill person is an adult, the employee is entitled to a leave of absence up to 17 weeks.

For both a critically ill child or adult, the leave will be granted where a qualified medical practitioner provides a certificate that:

- States that the child or adult is critically ill and requires the care or support of one or more family members; and
- Outlines the period of time for which the child or adult requires the care or support.

The period when the leave of absence may be taken by the employee begins on the first day of the week in which the medical practitioner issues the medical certificate, or the medical practitioner certifies that the family member is critically ill (prior to issuing a certificate).

The leave must end on the last day of the week in which the child or adult dies, or at the end of 52 weeks after the leave began.

Note: Leave granted under this clause shall be counted for the calculation of continuous employment for the purpose of calculating benefits (other than pension, health, and disability benefits).

17.17 Leave Related to Death or Disappearance

Every employee under the employ of UNB for at least six (6) consecutive months is entitled to a leave of:

- 52 weeks if their child has gone missing as the result of a crime; and
- 104 weeks if their child has died as the result of a crime.

If both parents are employed by UNB, they are both entitled to share the leave. In this instance, both parents are entitled to a combined total of either 52 or 104 weeks.

Note: Leave granted under this clause shall be counted for the calculation of continuous employment for the purpose of calculating benefits (other than pension, health, and disability benefits).

17.18 Medical Leave Protection

“Sick leave” is now “medical leave,” and lasts up to 17 weeks. This leave may be taken for personal illness or injury, organ or tissue donation, or medical appointments during working hours. Employers may require evidence from a health care practitioner in case of a leave lasting at least three days.

17.19 Work-Related Illness and Injury

Any employee who has suffered a work-related illness or injury is entitled to a leave from the workplace. The employee who is absent from work may be entitled to wage replacement through Employment Insurance or the workers’ compensation board. If the employee cannot perform their job duties upon their return from the leave, they may be assigned to a different position with the same hourly wage.

17.20 Leave of Absence for Members of the Reserve Force

Employees who are military reservists may take a leave of absence without pay from their civilian employment in order to take part in:

- Annual training (prescribed period of up to 15 days);

- Activities set out within regulations;
- Training and other duties as required under the *National Defence Act*; and
- Certain operations in Canada or abroad, as designated by the Minister of National Defence or the *National Defence Act*.

Employees must have been continuously employed for six (6) months with UNB and where possible should provide four (4) weeks' notice for the leave, including their return-to-work date.

17.21 Leave for the Victims of Family Violence

UNB Employees are eligible for 10 days of leave (five days paid) for employees who are or are parent to a victim of family violence, in order to seek help or obtain services



PERSONNEL

Policy #: **18. Cell Phones**

Date Approved:

Dates of Amendment:

Cross Reference: Information Management Policies and Operations Manual

18.1 Policy

UNB acknowledges the need for cellular phones and wireless services to certain employees to assist in the operations of UNB business. Wherever possible, employees with personal cell phone will receive a Cell Phone allowance as follows:

Band Administrator , Director of External Relations and other managers as approved.	\$75.00 a month
All other approved staff	\$60.00 a month

Employees should be aware that if they receive a stipend for their personal cell phone, their cell phone number will become public to staff and UNB members.

18.2 Use of Cell Phone While Driving

UNB is committed to promoting highway safety by encouraging the safe use of cellular telephones by its employees while they are on UNB business. UNB recognizes that there will often be a business need to use cellular phones and safe practices must be the first priority.

Employees are expected to comply with current legislation, if any, in all jurisdictions as it relates to cellular phones. Any tickets and/or fines received by employees due to using a UNB cell phone while driving are the sole responsibility of the employee.

18.3 Cellular Phone Security

While cellular phones are convenient, they are not secure. Employees should use discretion in their cellular phone conversations, texting, photographs and sharing on social media of any information relating to UNB business. Discussions of a confidential nature and sharing of information should be postponed until a secure landline is available. Before discussing or relaying information, an employee should ask him or herself what the consequences might be if an outside party overhears your cell phone conversation or has access to materials stored on the phone or shared via social media.



PERSONNEL

Policy #: **19. Vehicle Policy**

Date Approved:

Dates of Amendment:

Cross Reference:

19.1 Band Vehicles

This policy outlines the guidelines, procedures and general information regarding the applications and administration of vehicle usage. This policy is not to be construed as a contract and the Band reserves the right, in its sole discretion, with or without notice, to make changes in the policy or its application, as deemed appropriate.

The Vehicle Policy applies to all locations and personnel that utilize a personal vehicle for work or are assigned Band vehicles.

The primary goal of this policy is to assist in understanding the options and responsibilities, outline the procedures and guidelines to administrate, maintain Band vehicles and outline procedure and guidelines to Administer Vehicle Allowances.

Band vehicles are primarily supplied to employees to conduct their day-to-day duties. Employees are required to follow the guidelines outlined below and discuss any concerns with their manager. Failure to follow these guidelines will result in an evaluation up to and including suspension of the use of Band vehicles.

19.2 Driver

Employees are required to operate all vehicles legally and safely. Only UNB employees are insured to operate UNB owned vehicles. In the event a person not employed by UNB is required to drive a Band vehicle a copy of their driver license and a signed authorization is required to be on file.

As a condition of employment the employee is required to maintain a valid driver's license at all times, and to provide a Driver's Abstract upon request.

The Band will reimburse Employees for parking fees on submission and approval of appropriate receipts and expense reports.

Any traffic violations are the sole responsibility of the employee. The Band will not cover the cost of traffic violations or parking tickets or any related legal costs incurred by the employee. Use of the Band vehicle is restricted to the assigned employee only.

Family members are not allowed to be insured to operate the vehicle, except in extenuating circumstances and having a Designated UNB Drivers form completed.

All Band vehicles must be parked and secured at the designated location of UNB after office hours including weekends, except if out of town on UNB business.

19.3 Vehicle Care & Appearance

Vehicles are to be kept clean both inside and out. Regular car washes are to be done, and receipts submitted for reimbursement.

The Band supports a No Smoking policy in all facilities. As an extension of this policy, a courtesy for future drivers of the vehicles and to maintain market values for its vehicles, smoking is not allowed in Band vehicles.

No attachments are to be installed on or inside the vehicles, including the installation of a radio, antennae, cellular phone, stereo, CB, etc. where permanent and visible alterations are necessary.

Bumper stickers, signs etc. are not to be affixed to vehicles except those authorized and issued by the Band or required by federal, provincial or local law.

Vehicles are not to be used to tow trailers, boats etc. for personal use. Trailers to transport Band equipment may be permitted in some instances where warranted and approved in writing by the Manager.

19.4 Band Vehicles Insurance

The Band vehicles are insured within the laws and regulations of the Province, however the Band insurance does not cover personal items that are stolen or damaged while in a Band provided vehicle or authorized rental vehicle. The Band shall not be held responsible for damage or loss of such personal items. Employees should check with the home insurance provider for coverage and claims for personal items.

19.5 Accident Reporting/ Break In & Theft

All accidents, break-ins or theft must be reported verbally to the UNB immediately, and followed up with a written report. Emergency services (RCMP, Ambulance, and Fire) will be contacted as legislated by ICBC.

19.6 Accident Repairs

In the event of an accident, damage assessment and repairs are to be carried out under the direction of the UNB. If the incident occurred as a result of negligence by the employee or designated driver, UNB may take measures against the employee/driver including but not limited to disciplinary action, recovery of costs etc.



PERSONNEL

Policy #: **20. Use of Band Vehicles**

Date Approved:

Dates of Amendment:

Cross Reference:

20. Use of Band Vehicles

The following conditions apply to band owned or leased vehicles:

1. Band owned or leased vehicles are not for personal use of any persons, but only for band business authorized by the Band Administrator, Director of External Relations or a Departmental Manager.
2. The use of vehicles is authorized in writing during regular business hours, i.e., Monday through Friday, 8:00 a.m. to 4:30 p.m. (time may change based on written authorization). Authorization for the use of band vans and buses is done on the Authorization Form (*Authorization Form for Use of Upper Nicola Band Vehicle XX*) and the scheduled booking of the vehicle use written in the Receptionists' calendar at the UNB Administration office and UNB Health Centre.
3. When a band owned vehicle is not in use, the vehicle keys are the responsibility of a Department Manager or an employee delegated for the vehicles' use.
4. Before a band vehicle is used and returned, the driver must fill out a pre-trip and post- trip inspection form (*Upper Nicola Band Trip Inspection Report Form 32*).
5. The driver of a band vehicle and the Departmental Manager who authorized the vehicle use must ensure that the vehicles gas tank is full both before and after use.
6. The driver of a vehicle must fill out the Upper Nicola Band Vehicle Use Log Sheet for each trip. (*Upper Nicola Band Vehicle Use Log Form XX*).
7. All the conditions stated in Policy 18 - Vehicles Policy apply to the use of band owned or leased vehicles.
8. Use of band vehicles is for Upper Nicola Band members and staff, and for events sponsored and supervised by Upper Nicola Band. Use of vehicles for Upper Nicola Band members takes priority over all other uses.
9. Use of band vehicles by other organizations or communities is subject to a rental fee to be approved in advance by Chief and Council.

10. When a band van or bus is used for transportation to a funeral, it must not be diverted to any other use.
11. Any person driving a band vehicle must have his/her driver's abstract on file with the appropriate Department Manager authorizing use of the vehicle.
12. No smoking or alcohol is allowed in band vehicles.
13. A copy of this policy is kept in each band vehicle at all times.



PERSONNEL

Policy #:

21. Conflict Resolution Policy

Date Approved:

Dates of Amendment:

Cross Reference:

21.1 Policy Intent

UNB is committed to providing a workplace free of conflict, where employees are treated with fairness, dignity and respect. UNB has instituted this policy to provide employees with an outlet to raise concerns regarding any conflict in the workplace or dissatisfaction with respect to issues related to their employment in an open and fair manner with provisions made to ensure their prompt and reasonable resolution. Under no circumstance should any employee fear discrimination or reprisal in the workplace as a result of the filing of a complaint.

This Policy Shall:

- 1) Provide definitions of the types of conflict that may arise;
- 2) Outline the procedures for the filing of a complaint regarding a workplace conflict;
- 3) Determine the responsibilities of employees regarding conflict resolution;
- 4) Discuss the possible resolutions to workplace conflicts;
- 5) Present a warning regarding the dangers of false and/or frivolous complaints.

21.2 Conflicts

The following conflicts should be reported, and UNB shall strive to address them with reasonable resolutions.

- 1) Disputes with co-workers or managerial staff with unwanted and unresolved consequences.
- 2) Perceived unfair or inequitable treatment.
- 3) Harassment whether sexual, discriminatory, or personal in nature.
- 4) Abuse of authority.
- 5) Administration of Band policies.

21.3 Conflict Reporting Procedure

Discussion

- 1) Employees are encouraged to discuss the unwanted behavior or actions with the offending party as the situation dictates.
- 2) Under ideal circumstances, the two parties shall reach a reasonable resolution without the necessity of the filing of a formal complaint.
- 3) In the event that a discussion is not feasible or fails to reach a reasonable resolution, a formal complaint may be filed.

Reporting

- 1) Complainants should record the details of the unwanted circumstance(s), the names of any applicable witnesses, and any attempts made to resolve the issue.
- 2) Formal complaints stemming from unresolved employee or managerial conflicts shall be submitted in writing with any pertinent documentation, to either a department manager, or the Band Administrator.
- 3) Formal complaints shall be reviewed and investigated.
- 4) Formal complaints must be submitted in writing within 14 days from the date of the alleged incident(s).
- 5) In all cases where formal complaints have been lodged, it is important to maintain a policy of strict confidentiality between the complainant and the responder. For investigative purposes, the offending party will be notified.
- 6) Anonymous complaints shall not be reviewed.

21.3.1 Employees

- 1) Employees are required to fully comply with the Conflict Resolution Policy.
- 2) Shall be treated fairly throughout the process, as either a complainant, or alleged offending party.
- 3) Shall be responsible for maintaining confidentiality regarding their involvement, and the complaint itself.
- 4) Shall co-operate with any investigations in relation to complaints.

21.3.2 Management

- 1) Management shall be responsible for enacting preventative measures to ensure a workplace that is free from harassment, and for the communication of policy and procedures contained herein.
- 2) Management shall receive and address properly filed complaints in an appropriate fashion.
- 3) In the event that the complainant and the offending party are engaged in a subordinate-supervisor relationship, they may be physically removed from each other on a temporary basis, and may require a change in their reporting relationship.
- 4) Investigate, or co-investigate any complaints, claims and documentation therein.
- 5) Attempt to reach a reasonable resolution to the conflict.
- 6) Inform the complainant and the respondent of possible resolutions available.

21.4 Resolutions

- 1) If an apology is made by the offending party, and the complainant accepts the apology, this may be viewed as a reasonable resolution.
- 2) All attempts shall be made to reach a reasonable resolution through mediation of the complaint with both parties involvement.

21.4.1 Where the complaint is substantiated:

In the event that a complaint is substantiated and a reasonable solution to halt the unwanted behavior or action through mediation is not possible, the offending party will be subject to progressive discipline.

21.4.2 Where the complaint is not substantiated

In the event that a complaint is not substantiated due to lack of evidence or other reasons, both parties shall be informed with the rationale used. The complainant shall be notified first.

Both parties should be reminded that an unsubstantiated complaint does not necessarily mean that it was filed under false or frivolous pretenses.

A complainant may request that the investigation be re-opened in the event that pertinent new evidence can be provided, or a reprisal due to the allegation has occurred.

21.5 Records

UNB shall keep on file all formal complaints, and the accompanying documentation, and the findings of any investigation. These formal complaints and accompanying documentation will be retained in the employee's Human Resources file for a period of up to two (2) years. If there is no recurrence of infractions, the complaints and accompanying documentation will be destroyed.

Information from a previous investigation resulting in a substantiated complaint may be used for review and consideration purposes in the event of a new allegation.

21.6 False or Frivolous Complaints

Employees should be cognizant of the fact that a formal complaint against another employee is a serious allegation with repercussions.

Where a complaint is found to be either false or frivolous, or where supporting documentation for a complaint has been falsified, the complainant or witness may be subject to disciplinary measures up to and including termination of employment.



PERSONNEL

Policy #: **22. Grievance Policy**

Date Approved:

Dates of Amendment:

Cross Reference:

22.1 Policy Intent

UNB has instituted this policy to provide employees with an outlet to express any dissatisfaction with respect to issues related to their employment. In order to foster better employer / employee relations, UNB has established a grievance review system to resolve any issues that may arise.

This Policy Shall:

- 1) Outline the Grievance review policy and procedures;
- 2) Provide employee responsibilities;
- 3) Detail restrictions that apply to the Grievance review process.

22.2 Policy and Procedures

The Grievance review portion of this process is designed to address employee dissatisfaction regarding conditions of employment, or tangible job actions such as:

- 1) Wages
- 2) Working conditions
- 3) The administration of Band policies
- 4) Perceived unfair or inequitable treatment
- 5) Written or final warning
- 6) Demotion
- 7) Termination

It is important to note that grievances relating to workplace harassment (sexual, or racial), should be reported as outlined in the Workplace Harassment Policy.

22.3 Grievance Review Steps:

- 1) Director or Manager*
- 2) Band Administrator.

**In the event that a manager's performance or conduct is the subject of the employee's grievance, the employee may begin the process at step two rather than step one.*

22.4 Employee Responsibilities

- 1) The grievance may be raised initially through a verbal discussion. However, if an investigation is required, the employee shall submit a detailed written letter of grievance to their manager or the Director and attach any pertinent documentation.
- 2) A written letter of grievance shall generate a written response from the reviewer, and shall be received within a reasonable timeframe, typically inside of 30 days from the reception of the written letter of grievance.
- 3) Written letters of grievance pertaining to the termination of employment shall garner a written response within 10 business days after receipt of the letter.
- 4) Persons other than the affected employee may not represent or file a grievance on behalf of the affected employee(s). Employees must assume responsibility for their own concerns.
- 5) For a grievance to be considered, it must discuss specific incidents or circumstances which have directly affected the employee, and suggest or request improvements which are both reasonable, and within the control of UNB.
- 6) Anonymous grievances shall not be reviewed.
- 7) No employee shall be disciplined for using the Grievance review process.

22.5 Directors and Managers

Each Manager in the grievance review process is required to consider the specific concerns raised, and determine the eligibility of the grievance under review.

- 1) Does the grievance meet the definitions established to qualify for review?
- 2) Is the grievance specific to the employee involved?
- 3) Does the resolution of the grievance fall within the scope of authority of the Manager.
- 4) If the grievance meets the eligibility criteria, the Manager shall respond to the employee in writing within 30 days following receipt of the grievance. For Grievances pertaining to termination of employment the response shall be made within 10 business days of the receipt of the grievance.

If the grievance does not meet the first two criteria for eligibility, the Manager shall notify the employee that the grievance does not qualify for review, and the reasons for the determination.

If the grievance meets the first two eligibility requirements, but does not meet the third, the Manager shall notify the employee that their grievance has been forwarded to a higher authority to help resolve the grievance review process.

22.6 Grievance Review Restrictions

Grievances regarding harassment (racial, sexual, etc.) or illegal discrimination should be reviewed immediately pursuant to the Workplace Harassment Policy. Filing a grievance with the Human Rights Commission or any similar agency shall not preclude an employee's use of the UNB Grievance Policy. Employees shall not be disciplined or receive any form of retaliation for utilizing the grievance review process.

UNB cannot guarantee that an employee's specific grievance will be resolved in the manner he/she requested, or his/her satisfaction with the resolution.



PERSONNEL

Policy #:

23. Progressive Discipline Policy

Date Approved:

Dates of Amendment:

Cross Reference:

23.1 Policy Intent

UNB has adopted a policy of Progressive Discipline to ensure that employees have the opportunity to correct any performance or behavioral problems that may arise. UNB has established a set of reasonable rules and guidelines for employees to follow. These have not been put in place to restrict the freedoms of our employees, but rather they are in consideration of their safety, and the overall protection of UNB employees, property, and our business practices.

Supervisors and Managers have the responsibility to ensure that employees know what the expected standards of performance and behaviour are, and must ensure monitoring practices (including annual evaluations) are in place. Wherever appropriate, support and training will be provided to facilitate achieving the required standards.

23.2 Policy

- 1) An employee who breaches any policy of the UNB may be subject to discipline ranging from a verbal or written warning, up to and including dismissal.
- 2) In the case of inappropriate behaviour, which is subject to discipline, employees will typically be written up a maximum of three times, before being terminated. However, where the severity of the offence warrants it, any step in the procedure may be omitted.
- 3) Supervisors are delegated to write up employees for a first warning. Managers must write up employees for a second warning. Only the Band Administrator and Director of External Relations are authorized to terminate an employee.
- 4) The final level of management for the purposes of disciplinary action is the Band Administrator and Director of External Relations. Council has no authority in relation to discipline, unless the allegations are against the Band Administrator, Director of External Relations or Chief Financial Officer.
- 5) The UNB will ensure that any discipline rendered is commensurate with the infraction.

23.2 Progressive Discipline Procedure

The following procedure will apply in the event of an allegation or incident that may warrant disciplinary action.

- 1) When it is felt that discipline is required to ensure fair and equitable treatment between employees, the Supervisor should immediately discuss the issue with the Band Administrator, Director of External Relations and the HR Manager⁴ who will be involved throughout the process.
- 2) The Supervisor will obtain as much information as possible from all sources, which may include members of the community, staff, colleagues, and the employee against whom the allegations are made. This stage will be undertaken as quickly as possible, and the staff member will be advised that this is happening.
- 3) The information will be evaluated, and the Supervisor will determine whether any action is to be taken against the staff member.
- 4) Written warnings will be retained on the employee's personnel file for two years (at the discretion of the Band Administrator or Director of External Relations). Upon the request of the employee, records pertaining to discipline will be removed from the file, as long as there have been no further infractions in the two-year period.
- 5) Records of all meetings during the investigation will be maintained, and staff are entitled to have access to the notes of meetings they attend.
- 6) Appeals: If the employee wishes to appeal against any decision, this must be put in writing to the Band Administrator, Director of External Relations, together with reasons for the appeal.

23.3 Termination of Employment

- 1) Termination of employment with UNB may occur following an employee committing multiple violations of policy, after the steps for progressive disciplinary action have been taken.
- 2) Termination of employment may be necessary, and immediate following a severe violation of policy.

⁴ Once hired, the HR Manager will oversee this process

23.4 Guideline re Potential Infractions

This table offers a guideline and may not be all-inclusive.

Type of Infraction
Attendance
<ul style="list-style-type: none"> i. Fails to properly record absences. ii. Is late for work without explanation. iii. Is absent without permission. iv. Fraudulently obtains documentation for leave. v. Is absent without approved leave or is tardy.
Personal Conduct
<ul style="list-style-type: none"> i. Interferes with the work of others in a disruptive manner. ii. Is discourteous or rude to members of the public or employees of other departments or agencies in the performance of his/her normal work duties. iii. Fails to disclose a conflict of interest as contained in the <i>"UNB Code of Conduct."</i> iv. Engages in conduct detrimental to UNB during working or while at UNB-related or sponsored events during non-working hours v. Makes any public statement or participates in an activity that may be detrimental to UNB, or its reputation, including statements and activities that disparage, defame or embarrass UNB, its policies, principles or programs. vi. Breach of confidentiality. vii. Insubordination viii. Theft ix. While in the UNB workplace, intimidates, harasses, bullies or assaults another UNB employee or another UNB stakeholder, including members of the public x. While in the UNB workplace or at UNB- related or sponsored events, behaves in a manner which may bring discredit to UNB. xi. Reports to work impaired or is unfit for work due to the use of drugs or alcohol. xii. Sends, receives, displays, prints, or otherwise disseminates material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating or defamatory or discloses personal information without consent.
Work Performance
<ul style="list-style-type: none"> i. Improperly engages the private services of another employee during working hours or uses UNB property at any time for other than work-related activities. ii. Does not follow acceptable work procedures. iii. Fails to account for, improperly withholds, misappropriates or misapplies UNB assets, cash, or property. iv. Knowingly causes waste, damage or destruction of UNB public property. v. Demonstrates a pattern of cumulative disciplinary action leading to a complete loss of trust.



PERSONNEL

Policy #: **24. Organizational Chart**

Date Approved:

Dates of Amendment:

Cross Reference:

24.1 Policy Intent

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

The purpose of this policy is to depict the structure of the UNB departments and their various working relationships between one another.

This policy applies to Council and all persons having a role and responsibilities in the UNB organizational structure.

24.2 Responsibilities

22.2.1 Council is responsible for:

- 1) authorizing the creation and update of the organization chart;
- 2) approving the organization chart with a recorded vote in the Council minutes;
- 3) ensuring that adequate delegated resources are available to implement and maintain the organizational structure;
- 4) ensuring that the organizational chart accurately depicts UNB'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.

24.2.2 The Band Administrator is responsible for:

- 1) ensuring that the organizational chart is prepared, recommended to Council for approval, and kept current;
- 2) 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.

24.3 Protocols

- 1) The Band Administrator or a designate, as authorized and instructed by Council, will prepare an organizational chart that accurately depicts the UNB's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration and to each participant in the systems including committees and submit to Council for approval.
- 2) The Band Administrator will ensure that the chart includes definitions of the persons or classes of persons who are affected by the organization chart. The Senior Manager will ensure each role identified in the organizational chart is clearly defined as evidenced by a job description in accordance with applicable Human Resource policies or other such policy that requires job descriptions to be in prepared and approved.
- 3) The Band Administrator is responsible for centrally filing the organizational chart so that it can be located and retrieved as soon as practicable by all persons affected by it, and will disseminate the approved organizational chart to all those affected and/or make it readily available by other means normally used by the UNB.
- 4) The Band Administrator, on request, will provide a copy of the chart to a group of listed people.
- 5) Periodically, but at least annually, the Band Administrator will update, as necessary, the organizational chart for changes in personnel and will submit recommendations, as necessary, to Council for approval, to revise roles, responsibilities, or reporting relationships.

See Appendix A for the Upper Nicola Band Organizational Chart.



PERSONNEL

Policy #: **25. HR Records Management**

Date Approved:

Dates of Amendment:

Cross Reference:

25.1 Policy

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

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

This policy applies to Council, the Band Administrator, Director of External Relations and the Chief Financial Officer.

25.2 Responsibilities

- 1) Council is responsible for ensuring a HR Records management system for HR files and payroll files is established and implemented.
- 2) Subject to the UNB's 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.
- 3) The HR employees are responsible for the implementation and the operational management of the HR Records management, storage and retention system.

25.3 Protocols

- 1) Management of HR Records will follow the general record management procedures of the UNB.
- 2) Job competition files will clearly and transparently document the evaluation and selection process and will include, at a minimum, the following:
 - a. approved Recruitment and Selection Plan;
 - b. job advertisement;
 - c. external recruitment firm agreement (if applicable);
 - d. job description and required qualifications and skills;

- e. interview notes; and
 - f. selection results.
- 3) A confidential employee file will be created for each new employee and will include the following HR Records:
- a. résumé with experience and qualifications;
 - b. results of all background checks (i.e. reference checks, criminal background check, credit check, education check);
 - c. offer letter of employment or contract;
 - d. performance plans and results of performance appraisals;
 - e. current job description;
 - f. leave and attendance records;
 - g. salary adjustments; and
 - h. enrolment information for benefits plans.
- 4) 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. The employee will need an appointment to be set up for the file review. To review the personnel file, an employee will be required to submit a request for access. UNB reserves the right to produce the file within one (1) week from initial request. The employee will not be allowed to remove any documents from the file. However, UNB will make copies of documents from the personnel file if requested by the employee.
- 5) Upon employee termination, HR Records for that employee will be retained for a minimum of two (2) years following the date of termination. In the event of litigation, the destruction of HR Records should be suspended until the investigation, audit, or litigation is complete.
- 6) Payroll records will be retained for a minimum of six years after the end of the year to which they pertain in accordance with Canada Revenue Agency guidelines.



PERSONNEL

Policy #: **26. Reporting of Breaches and Financial Irregularities**

Date Approved:

Dates of Amendment:

Cross Reference: FAL

26.1 Policy

Subject to the Financial Administration Law which will govern, all Councillors, Officers and employees of UNB and all contractors and agents engaged in financial administration activities have the responsibility to report instances of misconduct to the Band Administrator as the person responsible for implementation of the FAL 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.

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

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

26.2 Responsibilities

26.2.1 Council is responsible for:

- 1) Ensuring that this policy is communicated to all affected and interested persons as delegated within the FAL;
- 2) Investigating reported misconduct concerning members of the Finance and Audit Committee;
- 3) 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;
- 4) Approving policies and procedures required in the Financial Administration Law in respect of such matters; and
- 5) Supporting and fostering an ethical environment.

26.2.2 The Finance and Audit Committee is responsible for:

- 1) 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;
- 2) 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;
- 3) 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;
- 4) Making recommendations to the Council on how to address and remediate reported instances of wrongdoing; and
- 5) Supporting and fostering an ethical environment.

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

- 1) 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;
- 2) 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;
- 3) 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
- 4) Reporting to Council any contravention or suspected contravention of the prohibition against reprisals.

26.2.4 The Band Administrator (or delegated manager) is responsible for:

- 1) Communicating the Reporting of Breaches and Financial Irregularities Policy to all affected and interested persons;
- 2) 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;
- 3) Providing a confidential reporting procedure(s) to report violations;
- 4) 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;
- 5) 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;
- 6) 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;
- 7) Reporting to Council any contravention or suspected contravention of the prohibition against reprisals.

- 8) Securing related records; and
- 9) Fostering an open and supportive ethical environment.

26.3 Protocols

- 1) Fostering an open and ethical working environment
 - a. The Band Administrator will communicate this policy to all employees.
 - b. Each individual employed or contracted with, or acting as an agent for UNB in respect of the financial administration of UNB will sign-off on all UNB policies at the commencement of their employment, acknowledging that they have read, understood and accepted its contents before employment or appointment begins.
 - c. On an annual basis, all employees and consultants will sign and date the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities.
 - d. The identity of any person who raises a concern of wrongdoing will remain confidential to the extent practically possible.
 - e. A person reporting a breach in good faith will receive fair and unbiased treatment throughout the investigative process and will be protected from reprisals. Council will ensure that the person is protected from any discrimination, threats, retaliation or harassment.
 - f. A person against whom a report has been made will receive fair and unbiased treatment. Where a preliminary inquiry into a report indicates a possible finding of misconduct, the person against whom the report has been made will be given an appropriate opportunity to answer the allegation in a manner consistent with the other provisions of this policy.
 - g. On an annual basis, the Finance and Audit Committee will provide Council with a report on the effectiveness of this policy and the Code of Conduct policy. Statistics regarding the number of cases reported, investigated, resolved and outstanding will be included in the report, as well as any lessons learned or proposed changes to the policies.
- 2) Methods to report suspected wrongdoing
 - a. Council has established the following procedures to receive, retain, investigate and act on complaints and concerns of councillors, Officers, managers, employees, contractors and agents of UNB regarding instances of misconduct or wrongdoing.
 - b. The Band Administrator will ensure that the procedures noted above will be included in the contracts of contractors and the appointment of agents and committee members.
 - c. Both the Band Administrator and the Chair of the Finance and Audit Committee are authorized to receive and inquire into reports of misconduct or wrongdoing.
 - d. The Band Administrator and the Chair of the Finance and Audit Committee will report their respective findings of an inquiry into a report of misconduct or wrongdoing that they receive.
 - e. The Finance and Audit Committee is authorized to inquire further into any findings reported to it by the Band Administrator and the Chair of the Finance and Audit Committee.
 - f. Any report received by a UNB Officer, manager, employees, contractors or agents from any source inside or outside UNB should be immediately forwarded to the Chair of the Finance and Audit Committee Chairperson. Councillors should report directly to the Chair of the Finance and Audit Committee.

g. UNB Officers, managers, employees, contractors or agents should forward their reports to the Band Administrator or the Chair of the Finance and Audit Committee.

h. Instances of wrongdoing can be reported directly to the Chair of the Finance and Audit Committee in the following ways:

- i. In writing to the attention of the Chair of the Finance and Audit Committee
- ii. Via email:
- iii. Via telephone to the Chairperson of the Finance and Audit Committee.
- iv. Anonymously in writing to the Chairperson of the Finance and Audit Committee.

i. Instances of wrongdoing can be reported directly to the Band Administrator the following ways: (the same information needs to be in place for the Senior Manager given that he has the same role)

3) Inquiring into reported wrongdoing

a. Promptly upon receipt of a report, the Band Administrator, or Chair of the Finance and Audit Committee, as the case may be, will:

- i. Confirm in writing to the party who has reported an alleged misconduct that the report has been received
- ii. Ensure that the identity of the person(s) making the report is kept confidential to the extent possible and that individuals who report in good faith are protected from reprisals;
- iii. Include the report on a confidential written docket, summarizing in reasonable detail:
 - a) The nature of the report (including specific allegations made and the names of the persons involved);
 - b) The date of receipt of the report;
 - c) The current status of any inquiry;
 - d) The report made to the Finance and Audit Committee;
 - e) Any final resolution of the reported wrongdoing.
- iv. Decide upon the appropriate action to be taken when conducting the inquiry and start the inquiry as soon as possible. The inquiry should seek to confirm or refute the facts presented;
- v. When the alleged incident is of significant risk (to the operations, reputation, etc. of the UNB), related to potential criminal acts by individuals, or of high financial value to the First Nation, the Band Administrator or the Chair of the Finance and Audit Committee may retain external expertise to conduct the inquiry;
- vi. Within a period of eight weeks from the moment the report has been received, inform the party who reported the alleged irregularity of the status of the inquiry and steps that have been taken or will be taken following the results of the inquiry;
- vii. If the inquiry cannot be completed with the eight-week time frame, inform in writing the person who reported the alleged irregularity and indicate a new time frame for the conclusion of the inquiry;
- viii. Report on the progress of current inquiries at each Finance and Audit Committee meeting; and

- ix. Upon completion of the inquiry, report to the Finance and Audit Committee on the conduct of the inquiry and the result of the inquiry and recommend actions to be taken.
 - b. Upon receipt of the report from the Chair of the Finance and Audit Committee or the Band Administrator, the Finance and Audit Committee will determine if it will conduct any further inquiry into the matter but in any event will make a report to the Council of the circumstances reporting to the Committee including the Committee's recommendations if any.
 - c. The Finance and Audit Committee will actively monitor inquiries to ensure they are conducted in accordance with this policy.
 - d. If the reported wrongdoing concerns a member of the Finance and Audit Committee, the Council will inquire into the matter or retain external expertise to conduct the inquiry.
- 4) Responding to wrongdoing and initiating remedial actions
- a. After considering the final report of the results of an inquiry, the Finance and Audit Committee will recommend a course of action to Council which will make a decision to resolve the issue as soon as practical.
 - b. Resolution actions will be commensurate with the severity of the wrongdoing incurred, and can include reprimands, leave without pay, termination, revocation of appointment or other remediation as determined by the Council.
 - c. Police will be contacted if activities of a criminal nature are identified.
 - d. Recovery of UNB 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).

See Appendix B for the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities.



PERSONNEL

Policy #: **27.Human Rights**

Date Approved:

Dates of Amendment:

Cross Reference:

27.1 Policy Intent

Upper Nicola Band (UNB) is committed to providing equal treatment with respect to employment according to the protected grounds established under the *Canadian Human Rights Act*. UNB has adopted this policy to ensure that employees are provided with ethical, fair, and meaningful employment, in compliance with all applicable employment and human rights legislation.

27.2 Guidelines

Our Human Rights Policy is in place to ensure we provide a working environment that fosters openness and tolerance for all employees. This policy is intended to ensure that the practices of UNB and its employees are free from direct and indirect discrimination. Under the Act, employers have the ultimate responsibility to ensure a healthy and inclusive work environment, including preventing and addressing discrimination and harassment.

27.3 Prohibited Grounds of Discrimination

The following are the prohibited grounds of discrimination under the Act:

- Race;
- National or ethnic origin;
- Colour;
- Religion;
- Age;
- Sex;
- Sexual orientation;
- Gender identity or expression;
- Marital status;

- Family status;
- Genetic characteristics;
- Disability; and
- Conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

27.4 Accessibility in Employment

UNB is committed to providing accessibility across all stages of the employment cycle by removing barriers and creating a workplace that is accessible to all job candidates and employees. Any applicant to UNB who communicates the need for accommodation shall be considered in a manner that is non-discriminatory and respects our human rights obligations.

27.5 Accommodation

UNB will support the accommodation of employees and job applicants who require workplace accommodation under any of the grounds described in the Act. We will work to achieve a workplace free from barriers by providing accommodation for the needs of those individuals covered by the Act, up to the point where it causes undue hardship for UNB. Every effort will be made so that any accommodation will not discriminate against another group protected by the Act.

UNB shall provide accommodation as appropriate, using a consultative approach that involves UNB, the employee, and any applicable, healthcare professionals or other third parties required to assist in the accommodation process as appropriate. UNB will work with the employee who requests accommodation to ensure that the measures taken are both effective and mutually agreeable. UNB encourages employees to make any needs for accommodation known to their immediate supervisor, and to work with them in addressing the issue.

Accommodation may be temporary or permanent based on the requirements of the employee.

27.6 Accommodation Plans

Any employee requesting accommodation must make a request to their manager or supervisor. The manager or supervisor is responsible for ensuring that a written description of the accommodation plan is prepared for any employee.

UNB shall create an accommodation plan and attempt to determine alternative methods of achieving the requirements for success in the position.

In the creation of an accommodation plan, UNB shall:

- Identify the need for accommodation;
- Determine objectives for and potential barriers to performance in the role;

- Obtain expert advice where necessary;
- Create a plan for alternatively achieving the objectives;
- Examine the options for accommodation and select the most appropriate avenue for accommodation;
- Implement the accommodation process;
- Provide training as appropriate; and
- Review and revise based on feedback.

27.7 Investment in Materials

Where the accommodation required necessitates an investment in materials or equipment or an increased budget for the position, requests for financing must be directed to the Band Administrator.

27.8 Job Redesign

If the accommodation requires a substantial change in the position, involving duties or hours, the position may be redesigned.

27.9 Complaint

If the employee requesting accommodation feels that their needs have not been reasonably met, they may file a written complaint. The complaint must be submitted to Band Administrator. UNB will respond to any received complaint within 10 days.

27.10 Inability to Accommodate

If an employee cannot be accommodated in their current position, it will be reasonable to accommodate an employee in another position. Management will attempt to place the employee in another available position. This may require the assistance of third parties with specialized expertise.

Where an employee is placed in an alternative position, UNB shall ensure that the employee:

- Has the requisite qualifications and skills necessary for success in the position;
- Can perform the tasks associated with the position; and
- Agrees that the alternative work is acceptable.

27.11 Undue Hardship

UNB shall work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where all options have been considered and it is established that no forms of appropriate accommodation exist, as accommodation would incur excessive costs or would create a health and safety hazard.

Where the provision of accommodation is found to cause undue hardship for the organization, UNB shall work to find a fair and equitable compromise that meets the needs of the employee and the organization to the greatest extent possible.

27.12 Reporting a Human Rights Issue

While UNB will follow the Act in all of its practices, it is essential that employees adhere to the Act as well. If any employee feels they are being discriminated against or that the Band is in violation of the Act, they may make a written complaint to the Band Administrator. If the complaint relates to the Band Administrator, the complaint may be made to Council. The written complaint must include the following information:

- The date and time of each incident the employee wishes to report;
- The name of the persons involved in each incident;
- The name of any persons who witnessed each incident; and
- A full description of what occurred.

27.13 Investigation

Once a written complaint has been received, UNB will complete a thorough investigation. If UNB determines discrimination (or another violation of the Act) has occurred, appropriate disciplinary measures will be taken immediately.

27.14 Confidentiality

All records of direct and indirect discrimination and harassment, reports filed, and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

27.15 False or Frivolous Complaints

It is important to realize that unfounded or frivolous allegations of discrimination may cause both the accused person and the Band significant damage. If the Band determines that any employee has knowingly made false statements regarding an allegation of discrimination, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal.



PERSONNEL

Policy #: **28. Employment Equity**

Date Approved:

Dates of Amendment:

Cross Reference:

28.1 Policy Intent

Upper Nicola Band (UNB) has adopted this policy to promote the full participation and advancement of members of the designated groups (women, indigenous peoples, members of visible minority groups, and persons with disabilities) under the *Canadian Human Rights Act* and *Employment Equity Act* in the UNB workforce.

28.2 Guidelines

UNB recognizes that Employment Equity is a value at the core of our mandate as a community leader and as an industry leading employer. UNB will take appropriate steps to ensure that, throughout the entire organization, representation rates of historically disadvantaged groups reflect their availability within the labour force of the external community.

All members of the community play a role in the success of Employment Equity. Final responsibility and accountability for UNB's Employment Equity Policy, however, rests with the Band Administrator.

28.3 Objectives

Under Employment Equity, UNB has the following objectives:

- a. To promote the full participation and advancement of members of the designated groups under the Canadian Human Rights Act and Employment Equity Act (women, indigenous peoples, members of visible minority groups and persons with disabilities) in the Upper Nicola Band workforce;
- b. Develop policies, programs, practices and traditions that facilitate the full participation and advancement of members of historically disadvantaged groups in Canada (indigenous peoples, visible minorities, ethnic minorities whose mother tongue is neither English nor French, persons with disabilities, women, and persons of minority sexual orientations and gender identities) by eliminating direct, indirect and systemic discrimination;

- c. To implement such special measures as are required to attract, retain and promote members of the designated groups and to ensure that individuals in positions to make or influence decisions regarding the status or working conditions of current and prospective employees are aware of such special measures and have received training in their application;
- d. To identify those areas of the UNB workforce wherein members of the designated groups are under-represented and to focus special measures to redress such under-representation and to ensure that individuals in positions to make or influence decisions regarding the status or working conditions of current and prospective employees are aware of such special measures and have received training in their application;
- e. To ensure that individuals in positions to make or influence decisions regarding the status or working conditions of current and prospective employees are aware of this policy and have received training in its meaning and application, that they implement its core values in all decisions and that they communicate and apply them to all members of staff;
- f. To collect and analyze workforce data, develop a formal employment equity plan and prepare an annual report which will contain specific recommendations for action to be undertaken by the senior officers of this organization and which will detail the progress of those recommendations.
- g. Recruit and retain staff on the basis of individual merit and achievement, while ensuring that all persons and, in particular, members of designated groups, will have genuine, open and unhindered access to employment opportunities free from artificial barriers;
- h. Achieve equality in the workplace so that no member of a designated group is denied employment opportunities or benefits for reasons unrelated to ability by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

In furtherance of these commitments, UNB will:

- i. Continue to build a diverse workforce that is representative of the pool of potential candidates with appropriate qualifications from designated groups, while retaining individual merit and achievement as the prime criterion for all staffing decisions;
- ii. Ensure that all employment related decisions are based on principles of individual merit and achievement (that is, on such matters as job performance criteria such as skills, knowledge, and abilities relevant to specific positions) and not on factors unrelated to a person's ability to do the job;
- iii. Ensure that UNB regulations, policies and practices do not have an adverse impact, direct or indirect, on the employment and advancement of members of designated groups;

- iv. Seek to increase the range of applicants for all staff positions to reflect the diversity of the pool of potential candidates with appropriate qualifications from designated groups;
- v. Ensure that, where candidates do not differ in merit, employment decisions are guided by the UNB policy on employment equity;
- vi. Seek to make reasonable adjustments for differences related to belonging to a designated group thereby enabling them to compete equally with others; and
- vii. Identify those sectors of the UNB workforce wherein members of the designated groups are under-represented and to develop measures to address such under-representation.

28.4 Implementation

UNB will ensure the implementation of this policy by:

- a. Developing an employment equity plan appropriate to each employee sector together with guidelines to assist those who make employment decisions in implementing the plan;
- b. Ensuring that these plans address equity in the hiring, promotion, and recognition in all sectors of the workforce;
- c. Ensuring that those in positions to make or influence employment decisions are aware of UNB's employment equity policy and the employment equity plan relevant to their sector;
- d. Ensuring that all "position requirements" constitute bona fides and necessary requirements for the position advertised;
- e. Requiring appropriate units to report on the status of employment equity within the unit; and
- f. Ensuring that the heads of units actively support Upper Nicola Band's initiatives in furtherance of the objectives of this Policy.

However, in its pursuit of employment equity it is understood that UNB will not:

- i. Engage in Reverse Discrimination - Employment equity works to change the composition of a workforce so it better reflects that of society. Employment equity is not reverse discrimination, which occurs when a less qualified candidate is hired over a better qualified one.
- ii. Impose Quotas - Employment equity does not involve the imposition of quotas for the hiring of members from designated groups. Rather, its goal is the enlargement of the pool of appropriately qualified candidates by encouraging applications from a broader range of persons, and all candidates within this pool then compete for the position.

Appendix A – Upper Nicola Band Organizational Chart

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

This is to acknowledge that I have received and read a copy of the UNB Reporting of Breaches and Financial Irregularities Policy. I understand that the integrity of the financial information and other information of the UNB is vital.

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

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

_____ Employee's/Contractor's Signature

_____ Employee's/Contractor's Name [printed]

_____ Date

Appendix C – Investigation Guidelines

These Guidelines have been developed to assist managers in the investigation of issues pertaining to Grievance, Workplace Harassment etc.

The Legal Framework

As an **employer**, the UNB has an obligation to:

1. Provide a harassment-free work environment
2. Take action when inappropriate work place behaviours occur
3. Implement a policy (or policies) and procedures and investigate complaints
4. Encourage and facilitate managers to implement the policy and all employees to follow policy
5. Take active steps to address complaints and prevent a repetition of the behaviour
6. Accept liability for the actions of employees while on UNB business.

The legal rights and obligations of the **Complainant and Respondents** include:

1. An obligation to follow the UNB Policy and Procedures
2. The right to a harassment-free workplace
3. The right to receive fair and equitable treatment
4. The right to file a complaint in a variety of forums (including through UNB Policy, the Human Rights Tribunal, the courts and/or WorkSafe BC).

The Roles and Responsibilities of an **Internal Investigator** comprise:

1. Acting in an unbiased, impartial manner
2. Understanding and following policy and procedures
3. Conducting the investigation fairly and respectfully.

As such, **the Investigator** should be:

1. Perceived by others as fair
2. Knowledgeable about the issues (e.g. human rights and harassment, grievances)
3. Skilled at interviewing and respectful of other people
4. Empathetic but impartial
5. Thorough and conscientious.

Therefore the Band Administrator or Director of External Relations will identify an appropriate person (a manager or external consultant) to investigate grievances and/or workplace complaints.

Issues to Consider

The Band Administrator or Director of External Relations, in conjunction with the Investigator, will determine if the employee accused of the wrongdoing (the Respondent) should be temporarily removed from the workplace, to enable a fair investigation. If so, they may be asked to work from a different location (i.e. they are not suspended from duty).

The Investigator:

1. The Investigator should act quickly to start the process, but ensure the parties are aware that these investigations may take time.
2. The role is to explain the process to the complainant and the respondents and explain their respective rights and obligations.

3. The Investigator will ensure this is a confidential process (be aware of the difference between confidential and anonymous), and will interview all relevant parties and allow the respondent to reply to the allegations.
4. The Investigator will collect, collate and analyse all relevant information and ensure the parties are kept apprised of the developments.
5. The Investigator will make a determination based on the *balance of probabilities*.

Investigation Process

Phase 1: Planning:

1. Review the complaint
2. Identify potential witnesses
3. Inform interviewees of the process and schedule their interviews (each witness separately); book rooms that allow privacy (avoid telephone interviews). Schedule the Complainant first.
4. Allow adequate time and appropriate location.
5. Prepare the questions for each witness, including the Complainant and the Respondent.
6. Determine the methodology for documenting the interviews and for obtaining other information (such as getting the witnesses to draw diagrams etc.).

Phase 2: The Interviews

1. Arrive early and prepare the room to create a comfortable but professional environment.
2. Provide water.
3. Ensure demeanour is professional but not intimidating
4. Ensure the witness is welcomed and the interview is opened appropriately.
5. Build a rapport by starting with easier questions (context etc.)
6. Avoid leading questions, keeping questions short and clear.
7. Be prepared to question answers that are unclear and/or contradictory.
8. Maintain control of the interview.
9. Be impassive to emotions and disclosures.
10. Determine if others can verify the witness' statements and ensure this is followed up.
11. Determine if independent documentary evidence is available and ensure it is considered in the decision.
12. In concluding the interview (a) ensure the witness knows how to contact you (b) remind the witness of the next steps/timelines (c) remind the witness of the need for confidentiality and obligations re non-retaliation and (d) thank the witness for their time and cooperation.

Phase 3: Determination

1. Review all materials and follow up with additional documentation as required.
2. Consider the credibility (including objectivity) of each witness and their information.
3. Assess the evidence and determine if the complaint is valid based on the balance of probabilities (and whether a reasonable and informed person would recognize as a reasonable decision).
4. Write a summary report for the Band Administrator or Director of External Relations, including recommendations.
5. The Band Administrator or Director of External Relations will make a decision regarding the recommendations and will ensure notification is made to the Complainant and the Respondent of the results of the investigation, the action that will follow and the timeline for monitoring the actions.