



Band Administration

Human Resources Policy Manual

Effective: April 1, 2025



## ADOPTION OF THE HUMAN RESOURCE MANUAL


The Chief and Council of the Wagmatcook First Nation adopts the following Human Resources (HR) Policy Manual on the 4<sup>th</sup> day of March 2025. This manual is to be implemented under the direction of Council. It is the responsibility of the Band Manager / Chief Executive Officer (CEO) to apply, enforce, review, and propose updates of the manual as required. Changes to the HR Manual requires the approval of Council. The Band Manager / Chief Executive Officer (CEO) may make changes to the procedures located in this HR Policy Manual and will ensure any such change is consistent within the manual.

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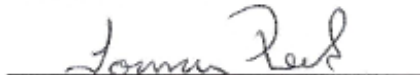
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## **Welcome Message from Wagmatcook First Nation Chief and Council**

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To be added.



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## Section One: Preamble

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### 1.1 Purpose of Human Resources Manual

The purpose of this Human Resources Policy Manual (the “HR Manual”) is to maintain a harmonious and mutually beneficial relationship between the Employer (Chief and Council) and the Employees and to ensure the integrity and efficiency of Wagmatcook First Nation (“WFN”). The HR Manual provides employees with essential information regarding recruitment, training, performance review and compensation, while also covering areas such as working conditions, health and safety. All employees are expected to become familiar with the contents of this HR Manual as it is an essential part of helping the employee know what is expected of them, with respect to standards of behaviour and performance.

WFN prides itself on being an employer who provides a rewarding and challenging work environment. WFN supports the development of its employees to achieve both the goals of WFN as well as the employee’s professional goals. Should an employee have any questions regarding any aspects of this HR Manual, the employee should discuss them with their supervisor or the Human Resource Manager.

WFN is committed to full compliance with the leave provisions prescribed under the *Canada Labour Code* (the “Code”) and, in many cases, exceeds the statutory requirements to support the well-being of its employees. Unless expressly stated otherwise in an individual employment agreement, the leave provisions set out in WFN’s policies do not form part of any contract of employment and are subject to modification at WFN’s sole discretion. In the event of a conflict between an employee’s individual employment agreement and WFN’s leave policies, the terms of the employment agreement shall prevail, provided they meet or exceed applicable legislative requirements.

It is important to note that leave benefits and entitlements, whether under the *Canada Labour Code* or WFN’s internal policies, are subject to change at any time due to legislative amendments or organizational considerations. WFN reserves the right to modify, update, or enhance leave provisions in accordance with evolving legal standards and business needs. Employees are encouraged to consult the most current version of the applicable policies or seek clarification from Human Resources to ensure they have up-to-date information on their benefits and entitlements.

From time to time, WFN policies may require revision. Any amendments to this policy manual shall not constitute grounds for compensation. Amendments shall be effective from the time of their approval and publication.

## 1.2 WFN Vision, Mission, and Values

Our community vision, mission and value statements came from the community planning process and have been carried forward. The spirit and intent of the community values and vision are enduring and deeply rooted in Wagmatcook.

### Vision Statement

Teli-pkijek ula maljewe'jk tle'k utanminaq, lukutitesnen kulaman nutqo'ltite'wk Waqmitkuk tajiko'ltitaqq, wl-lukutitaqq aq klu'titew kina'matnewey kekunm'itij.

*(Translation)*

Because they are the future of our community, we will work to ensure that the young people of Wagmatcook are healthy, productive, educated individuals.

### Mission Statement

In our life and work, we embrace Mi'kmaw culture, language and traditions in all things we do.

### Value Statement

#### Culture:

We have a strong and vibrant history. It is important to recognize and enhance our culture.

#### Education:

Education is accessible and available to community members both formally and informally.

#### Health:

A healthy community is made of up of healthy people.

#### Environment:

We protect mother earth to provide for future generations.

#### Transparency and Accountability:

Open discussion and involvement in decision making is crucial to a prosperous community.

#### Self-reliance:

We encourage self-reliance for all community members and the community itself.

## 1.3 Definitions

### 1.3.1 Employment Status Definitions

This defines employment status for purposes of distinguishing terms and conditions of employment and eligibility for specific employment related benefits. Employment status is set out in writing at the time of hire and revised as changes to employment occur throughout the employee's service with WFN.

#### Regular Full-Time Employee (Ongoing)

An individual who is hired on a permanent basis and who works thirty (30) or more hours per week. This is an employee who is hired on a continuous basis and is also considered an "ongoing employee." There is no preset end date to employment.

Employees in this classification shall be eligible for enrolment in the Group Benefits Plan and Registered Pension Plan, offered by WFN following the waiting period of three (3) months established under each benefit. There is an option to waive Pension Plan participation, but it is not generally encouraged. A percentage offset (in lieu of non-participation) will not be added to gross salary.

### **Regular Part-Time Employee (Ongoing)**

An individual who is hired on a permanent part-time basis and who works less than thirty (30) hours per week. Employees who have been employed for two (2) consecutive years and have reached the minimum requirements under the Group Benefits plan may be eligible for benefits. Employees should consult with the Human Resources Manager to determine if they qualify.

### **Term Employee and Seasonal Employee**

An employee hired for a specific start and end date for either full-time or part-time hours, but usually for no more than six (6) months.

### **Casual Employee**

An employee who is called in to work as needed and has no guarantee of hours. Casual employees are not obligated to accept shifts. Three (3) lists will be for filling three types of positions: general administrative support, general labourer, special trades.

### **Contractor / Consultant**

An individual or company contracted by WFN retained to deliver specific services. Contractors/Consultants are not employees and are not bound by the terms and conditions in the HR Manual. Contractors/consultants are required to have applicable insurance to provide services.

## **1.3.2 General Definitions**

<i>WFN</i>	Abbreviation for Wagmatcook First Nation
<i>Anniversary Date</i>	The annual day from the first day an employee reports to work. An employee's Anniversary Date is used to compute various conditions and benefits described in this HR Manual. WFN uses a common anniversary date of April 1st when calculating any leave for on-going employees and a prorated calculation for employees in their first year of employment.
<i>Council</i>	The Chief and Councillors of the WFN elected pursuant to the WFN "Declaration of Custom with Respect to the Election of the Tribal Council."
<i>Supervisor</i>	An employee in charge of a specific area within a business unit of WFN. This includes the C-suite, managers, directors and supervisors.
<i>Employee/Employees</i>	A/all person/s employed by WFN.
<i>Employer</i>	Means Wagmatcook First Nation.
<i>Fiscal Period</i>	The fiscal period of the Wagmatcook First Nation, that is, the period commencing on the April 1 <sup>st</sup> of a calendar year to and including March 31 <sup>st</sup> of the following calendar year.
<i>Human Resource Committee</i>	Comprised of designated WFN employees and complies with the regulations in the Financial Administration Law (FAL).

<i>Human Resource File</i>	The employee file created for each employee which is held by the Human Resources Manager. These records will be held in confidence and will include both Human Resource and finance records. May also be referred to as personnel file.
<i>HRIS</i>	Referred to as the online human resources information system which maintains all employee records (personal details, job history, benefits). It is also used for time and attendance tracking, recruitment, onboarding, performance management, and tracking training and development.
<i>Year of Employment</i>	A period of twelve (12) consecutive months commencing the first day of the fiscal period following the commencement date of employment or the completion date of the probationary period, if applicable.

#### **1.4 Organizational Chart**

The most current organizational chart is available in the online human resource management information system (HRIS). Employees can also request a copy from their supervisor.

#### **1.5 Employee & Employer Rights**

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##### **Policy**

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WFN believes that it is important to identify and protect both employees and employer rights. WFN believes:

- All employees are entitled to fair and just treatment.
- Employees are entitled to carry out their job without fear of harassment. WFN has the responsibility of preventing and actively discouraging harassment in the workplace.
- All employee files and information should be kept with great care to protect the privacy and confidentiality of the individual's records.
- No person who is employed in a managerial or confidential capacity shall, by intimidation, threat of dismissal or any other type of threat, cause an employee to abandon a complaint or grievance or refrain from exercising a right to present a dispute, as provided in the conditions of employment.
- Any employee may use the grievance procedure described in this Policy to dispute a management decision with regard to the performance of that employee's duties.
- WFN will own the right to use and revise, free of charge, any or all artistic, recorded or written work that an employee created during and after the period of employment at the organization.



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## Section Two: Staffing Procedures

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### 2.1 Job Descriptions

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#### Policy

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This policy outlines the process for creating, updating, and maintaining job descriptions for all positions within WFN. It ensures that every role is clearly defined and that job descriptions are used for various organizational and employment decisions.

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#### Procedure

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##### Creation and Access to Job Descriptions

- Job descriptions are created for all positions within WFN.
- Employees can access copies of their job descriptions through the human resource information management system and/or their supervisor.

##### Contents of Job Descriptions

Every job description will include the following:

- Position title: The official name of the role.
- Reporting structure: The line of authority, indicating the title of the position the employee reports to.
- Responsibilities: A detailed description of the tasks and duties associated with the position.
- KSAs: The knowledge, skills, and abilities required for the position.
- Work environment: The mental, physical, and environmental conditions this position will be exposed to.
- Qualifications: Required educational background, licenses, and certifications.

##### Use of Job Descriptions

Job descriptions are used to:

- Guide employee selection and recruitment.
- Set job expectations and requirements.
- Conduct employee evaluations.
- Define the organizational structure and reporting lines.
- Support other HR-related activities as needed.

##### Review and Updates

- Job descriptions may be reviewed and revised periodically
- The employee's supervisor will provide an updated written job description if changes are made.

### *Employee Acknowledgment*

- The employee must sign the most recent version of their job description.
- The signed copy is stored in the employee's Human Resource file.

## **2.2 Position Authorization**

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### **Policy**

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Before a new position can be posted, two (2) types of approval are required:

1. Budget Approval:

The Finance Department must provide budgetary approval for any **new** position or positions that have been vacant for greater than two (2) years.

2. Posting Approval:

The supervisor must give permission to post the position.

If a previously approved position becomes vacant, a supervisor can re-post it, if the budget for the position is still available.

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### **Procedure**

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The supervisor identifies and has a discussion with the Human Resources Manager about hiring needs. Supervisors are responsible for preparing the necessary documents, which should include:

- Job description
- Reasons for the position
- Employment duration
- Budgetary support details

The documents and recommendations are to be submitted to the HR Manager for review. The CEO/Band Manager and/or Finance approval may be required.

## **2.3 Recruitment & Selection**

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### **Policy**

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WFN ensures that all individuals can access a fair, transparent, and effective recruitment and selection process. The policy of WFN is to attract and hire qualified individuals who meet the organization's needs, values, and strategic goals.

This policy applies to all recruitment and selection activities for permanent, temporary, full-time, part-time, and contract positions within the organization.

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## Procedures

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### 2.3.1 Posting Job Vacancies

#### *Job Posting for All Positions:*

All types of positions, whether permanent (ongoing) or temporary (term), will be posted to allow opportunities for:

- Internal transfers
- Promotions and advancements
- Short-term replacements
- External applicants

#### *Posting and Advertising Requirements:*

- Postings will remain open for at least five (5) working days.
- The Supervisor may seek permission from the Human Resources Manager under emergent/urgent circumstances to have the discretion to move to the selection and hiring of a candidate without going through the normal posting/interviewing process. This shall only be used for temporary/urgent appointments. Selection of all ongoing positions must follow the proper procedure.

#### *Job Posting Requirements:*

Standard job postings must include the following details:

- Qualifications required for the position
- Job duties and responsibilities
- Date the position was posted
- Application deadline
- Expected interview date
- Any other information requested by the Human Resource Manager and Supervisor.

If no suitable applicant is identified, or there are insufficient applications, WFN may repost the job.

### 2.3.2 Internal Employee Application Process

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#### Policy

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WFN encourages employees to apply for opportunities that will advance their knowledge, skills, and abilities.

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#### Procedure

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Supervisors should first consider promotion from within the organization to determine if an existing employee can fill the position. However, if no suitable internal applicant is identified the position may be advertised locally, regionally and/or nationally.

Internal applicants will be required to submit a formal application, will be formally interviewed by an interview committee if qualified, and if appointed, undergo a probationary period in the new role.

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*Cross-Reference With:*

- Section 2.12: Probationary Period

### **2.3.3 Screening and Interviewing**

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#### **Policy**

The hiring supervisor and Human Resource Manager will jointly review all applications to determine if candidates meet the minimum qualifications. For manager-level positions and higher, the CEO/Band Manager will designate individuals to participate in the review process.

WFN reserves the right to not fill a position if they determine that there are no qualified applicants.

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#### **Procedure**

Only job-related questions or those assessing a candidate's experience, skills, training, and personal suitability will be asked. After the interviews, the Human Resource Manager will notify all interviewed candidates about the decision regarding their application.

If a member of the interview panel is in a conflict of interest, they must declare it to the Human Resource Manager and they will be replaced for that job competition. The remaining members of the Committee shall appoint the temporary replacement. The member once replaced will abide by the decisions made by the reconfigured hiring panel.

### **2.3.4 Aptitude and Ability Tests**

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#### **Policy**

Some positions require specific skills, such as typing, computer applications, or data entry. In these cases, the candidates may be asked to complete a job-related exercise to demonstrate their abilities. All candidates who are interviewed will be given the same exercise, and all test results will remain confidential.

### **2.3.5 Preferential Hiring Practice**

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#### **Policy**

The intention in all hiring is to recruit the best-qualified candidate. When two or more candidates are deemed to be equal in terms of "best qualified," then preference will be given to the candidate of Aboriginal ancestry in accordance with the Aboriginal Employment Preferences Policy of the Canadian Human Rights Commission.

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#### **Procedure**

Applicants can self-identify at two (2) stages in the recruitment process:

1. when applying to a posted competition; or
2. when hired for the position.

Self-identification of Mi'kmaq (or Canadian Indigenous) ancestry is voluntary. As with any competition, there are serious consequences for people who misrepresent themselves, such as termination of employment.

## **2.4 Equal Employment Opportunity**

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### **Policy**

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The WFN provides equal employment opportunity for everyone regardless of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or past criminal convictions if a pardon or record suspension has been granted.

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### **Procedure**

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This procedure applies to all employment-related activities including recruitment, hiring, training, promotion, compensation, benefits, disciplinary actions, and termination.

Individuals who believe they have been subjected to discrimination can file a complaint with HR, either verbally or in writing. Human Resources will promptly and thoroughly investigate complaints. The investigation will include interviewing the involved parties and reviewing any relevant documentation. Based on the findings, appropriate action will be taken. WFN aims to create an inclusive and respectful workplace for everyone.

## **2.5 Temporary (and Acting) Positions**

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### **Policy**

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This policy outlines the guidelines and procedures for the assignment of temporary employment positions, either on a project basis or for a specific term, and the associated compensation for employees filling higher-level positions on a temporary basis.

Temporary positions may be assigned on either a project-based or term-specific basis as determined by the supervisor. Temporary assignments lasting less than three (3) months do not require a competitive job posting process.

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### **Procedure**

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#### Supervisor's Responsibility

A supervisor requesting to fill a temporary position must submit the rationale for making the position temporary and for waiving the competitive job posting process to Human Resources. The rationale must include: 1) Justification for the temporary nature of the position; and 2) Explanation of why the position does not require a competitive process.

#### Finance Department Notification

The Finance Department must be informed of the decision, including the duration of the temporary employment assignment, to ensure proper financial and payroll management.

### Letter of Appointment

The employee selected for the temporary position must receive a formal letter of appointment signed by the supervisor. This letter shall outline:

- The specific term of the temporary assignment.
- The assigned duties.
- Conditions of employment.
- Any additional pay or compensation associated with the assignment.

## **2.6 Casual Positions for On-Call List**

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### **Policy**

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To enable the administration to hire individuals to fill short term positions, each department has been allowed to establish an On-Call Casual List.

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### **Procedure**

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Each department must seek approval from the HR Manager to identify specific positions that can be filled through an On-Call List.

Once approved, the HR Manager will keep each Department List and must follow established hiring protocol (advertising, interviewing and selection) to fill the On-Call List. The frequency of posting to fill the On-Call List (and to keep it current) will be at the discretion of the department. Individuals from the On-Call List may be hired for a few hours, a few days and or a few weeks. The letter of offer will meet the requirements as set out in the Offer of Employment policy.

Employees hired through the On-Call process will be placed on the regular payroll and expected to abide by all the conditions of this Policy.

Three (3) types of casual On-Call Lists will be established:

- (1) for general administrative and clerical support type positions.
- (2) for general labourer (inside and outside) positions.
- (3) for specialized trades which require specific training and or certification.

Each "On-Call List" will have a clear job description including a general description of duties, required skills and qualifications. Only individuals from an On-Call List will be eligible for hiring for temporary/term positions of this type.

Contracts with Independent Contractors will only be used to complete special projects and/or to deliver specific/specialized professional services. Contractors are not employees and contract positions must be filled through proper established WFN purchasing procedures.

## **2.7 Employment References and Background Checks**

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### **Policy**

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Employment references are conducted to verify the accuracy of the job applicant's employment history, work performance, and conduct.

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## Procedure

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The HR Manager will be responsible for conducting all relevant background checks for job applicants. An applicant's, or employee's, failure to comply with this policy may result in the withdrawal of a job offer or termination of employment. All background checks will be conducted in accordance with applicable privacy and employment laws.

- A minimum of two (2) work-related references will be requested from the applicant during the hiring process.
- References should be from previous supervisors or managers who have direct knowledge of the applicant's work experience.

The hiring supervisor or HR Manager will conduct reference checks before offering a position. Documentation of reference checks will be maintained in the employee's personnel file.

An employee must immediately notify the Human Resource Manager should their status change while employed with WFN.

## 2.8 Verification of Licenses, Certifications, and Education

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### Policy

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To confirm that the job applicant holds the necessary credentials and educational qualifications required for the position, supporting documentation may be requested.

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### Procedure

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- The applicant will provide original documentation of all licenses, certifications, diplomas, degrees, and relevant qualifications prior to the interview or prior to being hired.
- HR will verify the authenticity of the provided documents by contacting the issuing institution or through online verification systems.
- Copies of the original documents will be retained in the employee's Human Resource file, and originals will be returned to the employee after verification.
- Employment offers will be contingent upon the successful verification of all required credentials.

## 2.9 Criminal Records and Vulnerable Sector Checks

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### Policy

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Criminal and vulnerable background checks are conducted to ensure that individuals in positions of trust, particularly those working with children or managing cash, have no criminal history that would disqualify them from such employment.

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### Procedure

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All new hires working with children, vulnerable populations, or handling cash must provide a valid and current Criminal Record Check and, where necessary, a Vulnerable Sector Check as a condition of employment. The check must be no older than six (6) months from the date of submission.

Employees who are required to undergo these checks will not begin work until clearance is obtained, unless approved by the HR Manager.

The Criminal Record Check will be kept confidential and stored in the employee's Human Resource file. If the background check reveals a conviction that could affect the employee's ability to perform their job, the hiring supervisor and HR will assess the situation on a case-by-case basis, following relevant legal guidelines.

## **2.10 Verification for Immigration & Work Visas**

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### **Policy**

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To ensure that the job applicant is legally authorized to work in the country, applicable documentation may be requested. Applicants may be asked to provide proof of their legal right to work, such as a valid work visa, permanent residency, or citizenship documents, before employment is finalized.

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### **Procedure**

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The HR Manager will verify these documents through the appropriate government agency or online portals. Documentation confirming the right to work will be stored securely in the employee's personnel file. Employees with time-limited work visas will be required to provide updated documents before the visa's expiration date. Failure to do so may result in termination of employment.

## **2.11 Offer of Employment**

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### **Policy**

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All new employees, or employees who are accepting another position in the organization, shall be given a Letter of Offer. To accept the offer of employment, the employee must sign it, and it must be signed by both the HR Manager (or CEO/Band Manager) and the hiring supervisor.

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### **Procedure**

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A letter of offer will include, at minimum, the following information:

- a) the names of the employer and employee.
- b) the job title of the employee and a brief description of their duties and responsibilities.
- c) the address of the regular place of work.
- d) the date on which the employment begins.
- e) the term of the employment.
- f) the duration of the probationary period, if any.
- g) a description of the necessary qualifications for the position.
- h) a description of any required training for the position.
- i) the hours of work for the employee, including information on the calculation of those hours and rules regarding overtime hours.
- j) the rate of wages or salary and the rate of overtime pay.
- k) the frequency of pay days and the frequency of payment of any other remuneration.
- l) any mandatory deductions from wages.
- m) information about how the employee can claim reimbursement of reasonable work-related expenses.
- n) other related terms and conditions of employment (e.g. confidentiality, termination of employment, etc.)

## **2.12 Probationary Period**

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### **Policy**

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A probationary period is used to assess an individual's suitability for the position and to ensure a mutual fit between the employee and the organization. This policy applies to all new employees of WFN as well as employees promoted or transferred to new roles within the organization.

All newly hired, promoted, or transferred employees will serve a probationary period of three (3) months, during which time their performance, conduct, and overall suitability for the role will be evaluated. Promoted and transferred employees will be considered continuous employees for the purpose of entitlements, benefits, and termination provisions.

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### **Procedure**

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An employee who accepts a promotion/new position within the WFN will be assessed for a three (3) month probationary period to determine suitability. Existing benefits (e.g. years of service, vacation, etc.) shall be continued if there has been no break in employment prior to moving into the new role. Should the promoted employee fail the probationary period all reasonable efforts will be made to place them in a position similar to the one they vacated. However, no guarantees will be made.

Chief and Council will evaluate a CEO/Band Manager and CFO during their probationary period. The CEO/Band Manager will evaluate all probationary supervisors and all other direct reporting employees. Each supervisor will evaluate all probationary employees within their department. In the case where an employee reports to two supervisors, both will jointly conduct the evaluation.

Employment of new employees may be terminated during the probationary period without notice.

New probationary employees shall not be entitled to any retroactive wages or retroactive benefit increases.

## **2.13 Employee Orientation**

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### **Policy**

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It is the responsibility of both the Human Resource Manager and the new employee's direct supervisor to establish good employee-employer relations, open communications and reduce anxiety regarding the new work environment and to begin to make the employee feel part of the team.

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### **Procedure**

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All new employees will be provided with a comprehensive orientation process. The Human Resource Manager will review the HR Policy and conditions for their probation and explain all other relevant documents. The new employee will then be asked to sign all the required forms including the declaration of understanding (which indicates that they have received a copy, understands and agrees to follow all WFN policies).

## **2.14 Human Resource File and Information Package**

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### **Policy**

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A confidential employee file (Human Resource file) will be created for each new employee.

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## Procedure

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All employees will have access to their own records upon request and appointment. The CEO/Band Manager and the HR Manager will have access to staff members' records. The HR Manager will be present during any request to access personal HR files. No files will be removed from the Human Resource Office. The Human Resource Manager and/or CEO/ Band Manager will maintain a log of persons accessing the files. The files will always be locked.

No information relating to an employee's performance shall be placed in their file unless a copy has also been given to the employee.

### **2.15 Duty to Accommodate**

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## Policy

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WFN is committed to protecting employees and its duty to accommodate. WFN will not discriminate against any employee with regard to age, ancestry, birthplace, colour, conviction for an offence unrelated to employment, family status, marital status, mental disability, physical disability, political belief, race, religion, sex or sexual orientation.

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## Procedure

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### **Employer's Role in Accommodation for Injured Employees**

WFN has a primary obligation to search for and accommodate any of its employees needing special accommodation. This means, that WFN, as the employer must first take the necessary steps to inform itself of the nature of employee's:

- Medical prognosis; and
- Capabilities for alternative work

WFN is required to assess an employee's qualification and if deemed necessary, to provide training for an alternative position.

A continued (on-going) assessment may be carried out by WFN in order to monitor the employee's changing health conditions with an attempt to modify any accommodations over time. This assessment will be carried out by WFN to determine if something can be done to the existing job to enable the employee to perform their job. WFN may make use of external professional expertise to make this determination.

### Employee's Role in Accommodation

Employees are responsible

- for identifying their need for an accommodation,
- to provide relevant information to inform WFN's accommodation efforts,
- to act reasonably and otherwise compromise by accepting a reasonable yet imperfect accommodation. (WFN reserves the right to discharge its duty to accommodate should a reasonable accommodation be proposed by WFN and rejected by the employee).

WFN has the right to obtain sufficient information relating to an employee's limitations to properly fulfill the duty to accommodate. This information cannot be obtained should it violate the privacy rights of the employee. Requests for information shall be clearly communicated in writing and the employee will be provided with details as to what specific information is required and why. Information should first be solicited from an employee's own doctor prior to an independent medical exam.

If it is either a physical or mental disability, WFN is entitled to know the prognosis of the illness/disability and any job restrictions, but not the diagnosis. However, if it is neither a physical nor mental disability, WFN shall consider carefully where to obtain the required information. WFN shall keep written notes on file for all accommodations that are either requested, considered and/or implemented.

Accommodation techniques to be considered by WFN may include, but are not limited to the following:

- Provide a graduated return to work.
- Modifying an employee's existing job or move employee to another job within the organization
- Alter the workplace (e.g. wheelchair access)
- Train the employee to work in a different job
- Alter work schedules, including time off for medical treatment, religious ceremony, etc.
- Provide part-time work
- Provide adaptive technologies or equipment

Individual accommodations may not be granted should they impose undue hardship on the individual employee or on WFN, whether these hardships are health, personal/public safety and/or cost. Financial cost, safety and the actual impact on the rights of other employees shall be considered by WFN before granting any accommodations.

## **2.16 Code of Ethics, Code of Conduct, and Code of Confidentiality**

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### **Policy**

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WFN provides the best services possible for its clients and the Band. As such, all employees will be required to agree to comply with the established Code of Ethics, Code of Conduct and Code of Confidentiality.

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### **Procedure**

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All employees will be required to sign a *Code of Ethics* form which will remain in effect throughout and following employment with the WFN. The *Oath of Confidentiality* is binding on all employees during and after employment with the WFN. A breach of confidentiality can result in legal proceedings and/or immediate dismissal.

To ensure that all employees are completely aware and informed of the core WFN policies and procedures, each new employee will have the HR Policy explained to them and will be given a copy of the Policy during their orientation. All employees will be required to sign a *Declaration of Understanding* indicating that they have been informed and received a copy of the HR Policy and all other relevant documents and that they will abide by these during their employment with WFN.

Employees that are found to be in violation of their commitment to providing Ethical and Confidential performance and/or not abiding by established WFN policies may be subject to disciplinary action, up to and including dismissal.



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## Section Three – Work Schedules

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### 3.1 Hours of Work

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#### Policy

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The standard hours of work will be determined based on operational requirements and may be site-specific, job-specific, or a combination of both. Employees will be informed of their regular working hours in their employment agreement, which will outline expectations regarding schedules, shifts, and any applicable variations. A thirty (30) minute unpaid break is provided to employees every five (5) hours of work. Additional two (2) fifteen-minute paid breaks are scheduled each workday. Breaks are at the discretion of the supervisor and based on operational demands. Any changes will be communicated in advance whenever possible. Employees are expected to be flexible in adapting to these adjustments to support business and service continuity.

Requests for paid or unpaid time off must be approved by the supervisor.

Employees who are unable to attend work must notify their supervisor, and/or designate, before their regularly scheduled shift.

If an employee leaves the work premises for non-work purpose, the responsibility is on the employee for all personal liability, and workers compensation will not apply.

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#### Procedure

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#### 3.1.1 Call-in and Approval

Employees who are called in and report for work are entitled to at least three (3) hours of work at their regular rate of wages, whether or not the employee performs any work after so reporting.

If an employee volunteers to work additional time and is not requested to report to work for additional aspects by management, this is not considered a “call-in” or “overtime” and the employee is not entitled to be paid for the three (3) hours of work as the employee was not “called in.”

#### 3.1.2 Shift Scheduling and Shift Changes

##### Shift Schedules

WFN must provide employees with their schedule in writing at least 96 hours before their next shift. Employees with the band administration may refuse to work shifts that start within 96 hours of receiving their schedule. Shift changes/additions require 24 hour written notice.

##### Shift Change Approval

To change shifts with another employee approval must first be granted by the Supervisor.

### 3.1.3 Recording of Time

- All employees shall record their attendance in accordance with the practice for the work area and/or via the human resource information management system (HRIS)
- Employees that are away from the office during the workday must complete the required form which documents the purpose of their absence or enter their absence in the HRIS. These forms must be submitted along with timesheets for the calculation of the biweekly payroll.
- All employee wages shall be calculated pursuant to the time recorded on their timesheets.
- Any entries on the timesheet for overtime, personal leave, other leave and/or vacation must be accompanied by the supervisor's approval.
- Employees are responsible to record all time both worked and absent for various reasons with their respective supervisor.

## 3.2 Flexible Work Arrangement

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### Policy

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In accordance with the Canada Labour Code, the goal of the Flexible Workplace Arrangement is to support employees in achieving a better balance between work and home life while ensuring operational effectiveness. This policy applies to all employees who have completed six (6) months of continuous employment.

A flexible work arrangement is a change to an employee's terms and conditions of employment, including:

- Work location (e.g., remote work, satellite office)
- Work schedule (e.g., modified work hours, split shifts)
- Number of work hours (e.g., part-time, job sharing, reduced hours)

Eligible employees may request a flexible work arrangement in writing, subject to the following conditions:

1. The employee has completed six (6) months of continuous employment.
2. The request pertains to:
  - Number of work hours
  - Work schedule
  - Location of work

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### Procedure

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#### Submitting a Request

Employees must submit a written request to their immediate supervisor, including the following details:

- Name
- Date of request
- Description of the requested flexible work arrangement
- Proposed start and end dates
- Expected effects on WFN's operations

### WFN Response

Upon receiving a request, WFN will review it and respond in writing within thirty (30) days with one of the following decisions:

- Approve as requested
- Approve with modifications
- Propose an alternative arrangement
- Deny the request (with reasons provided)

### Considerations for Approval

When evaluating a request, WFN will consider:

- Operational requirements and feasibility
- Potential impacts on productivity and service delivery
- Employee's job responsibilities and performance

### Request Denial

WFN may deny a request for one or more of the following reasons:

1. the requested change would result in additional costs that would be a burden on WFN
2. the requested change would have a negative impact on:
  - the quality or quantity of work and the ability to meet demand, and/or
  - the performance of the employee's workplace
3. WFN cannot reorganize work among existing employees or hire more employees to manage the requested change
4. there would not be enough work available for the employee if the requested change was granted
5. the requested change does not meet the criteria mentioned in the policy.

This procedure will be reviewed periodically to ensure compliance with legislative updates and organizational needs. For questions or assistance with flexible work arrangements, employees should contact their immediate supervisor or the Human Resources Manager.

## **3.3 Overtime**

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### Policy

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All overtime and lieu time must be pre-approved.

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### Procedure

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The following applies to overtime:

- In accordance with the Canada Labour Code, at the employee's request, the supervisor and employee may agree (in writing) to time off in lieu of overtime pay at a rate of 1.5 hours for each hour of overtime worked in excess of forty (40) hours per week.
- Lieu time must be taken within three (3) months of the end of the pay period in which it was earned, unless a longer period is agreed to as part of a written agreement with the employee. The longer period cannot be more than twelve (12) months, after which all outstanding time off must be paid out (at a rate of 1.5 times the employee's regular wage rate) within thirty (30) days.

### Right to Refuse Overtime

Employees have the right to refuse overtime to carry out family responsibilities related to:

- the health or care of any of the employee's family members, or
- the education of any of family member(s) who are less than 18 years of age.

Before refusing overtime, the employee must first take reasonable steps to deal with these family responsibilities in some other way. If despite these efforts, the employee is still required to meet family responsibilities during the overtime period, only then the employee can refuse overtime.

#### Exception:

An employee cannot refuse to work overtime if it is necessary due to a situation that the employer could not reasonably anticipate and that presents or could reasonably present any of the following imminent or serious threats:

- to the life, health or safety of a person
- of damage to or loss of property, or
- of serious interference with the normal operation of the employer's establishment.

### **3.4 Severe Weather and Emergency Closing**

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#### Policy

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Supervisors will notify their employees of severe weather and/or emergency closures.

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#### Procedure

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WFN will not close except under unusual circumstances. In the event of severe weather or other emergencies, if WFN must cancel operations or close, information will be made available as quickly as possible through a variety of communication channels (e.g. email, text, online)

Employees are expected to be at work, unless WFN is officially closed. Employees are expected to exercise judgment regarding their ability to travel safely to and from work. However, employees that choose not to travel for work on a day when WFN has not been closed for weather related purposes must make alternate arrangements with their supervisor or use personal leave.



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## Section Four – Pay Administration and Benefits

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### 4.1 Wages and Salaries

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#### Policy

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WFN is committed to transparency and compliance with employment standards regarding employee compensation. To ensure clarity and accuracy in wage payments, all employees will receive a written pay statement at the time wages are paid.

Each pay statement will include the following details:

- The period for which the payment is made.
- The number of hours for which the payment is made.
- The rate of wages.
- A breakdown of deductions made from the wages; and
- The net amount received by the employee.

### 4.2 Pay Days and Submission of Timesheets

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#### Policy

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WFN pay days shall occur every two (2) weeks for all employees and include the two-week period prior to that pay day. Pay stubs will be emailed to employees. Employees who do not have access to email can contact the finance department to make alternate arrangements to receive their pay stub.

Each employee is expected to sign in and out daily. Supervisors are to approve, prepare, and finalize all timesheets for processing by the Finance Department (payroll).

### 4.3 Payroll and Payroll Deductions

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#### Policy

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WFN adheres to all applicable employment legislation and tax regulations in processing employee payroll.

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#### Procedure

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##### Payroll

All WFN employees will submit their hours, including any time off taken, overtime worked, or lieu time accrued, to their immediate supervisor for approval no later than the last Friday of the pay period. Supervisors will review hours for approval and will submit to payroll no later than the Monday after the pay period ends.

All WFN employee pay cheques will be deposited by the WFN directly into the employee's bank account every second Thursday. All employees will be required to provide necessary banking information during their onboarding, or when a change in their banking information occurs, to the Human Resources Manager or the Finance Department to ensure that their pay cheque is deposited into the correct banking account.

#### Payroll Deductions

The Finance Department will make all applicable mandatory deductions from a WFN employee's gross wages, where applicable. This includes, court-ordered garnishments, Federal and Provincial Income Tax, Canada Pension Plan, Employment Insurance premiums and any other legislated deductions, as well as any mandatory employee benefits plan contributions.

Every employee must fill out and sign a federal withholding allowance certificate (TD-1) on or before their first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out and submit a new TD-1 at any time to Human Resources or the Finance Department when their circumstances change.

Every employee will receive a T-4 for the preceding year by the end of February following the tax year. Any employee who believes that their deductions are incorrect for any pay period, or on the T-4, should contact the Finance Department immediately.

#### Overpayments and Corrections

If an overpayment occurs, WFN reserves the right to recover the excess amount through payroll adjustments. Employees will be notified in advance, and repayment terms will be arranged as necessary.

### **4.4 WFN Benefits**

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#### Policy

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WFN has an optional voluntary benefit package for all its on-going full-time employees. These benefits include but are not limited to Life Insurance, Disability Insurance, Health Insurance and Dental Insurance. Information on the entire benefit package is available through Human Resources. Employees choosing to opt-out of the benefits must sign a release/waiver.

### **4.5 Pension**

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#### Policy

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All ongoing employees with WFN are eligible to enroll in the Pension program. Employees must contact the Human Resource Manager after the completion of probationary period for enrollment or waiver of pension plan as established by the Nation. Currently WFN has a program whereby 2-8% of gross pay is deducted from employee payroll which is matched by WFN and the total amount then remitted to pension fund.

Employees can opt to waive participation in the pension plan, but it is not generally encouraged. A percentage offset (in lieu of non-participation) will not be added to gross salary.

## 4.6 Staff Bonuses

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### Policy

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The WFN Council may approve an annual bonus(es) to acknowledge the efforts and dedication of employees. The bonus is contingent upon the employee's hours worked during the calendar year or fiscal year and their active employment status at the time of distribution. The bonus(es) is/are subject to annual approval by the WFN Council.

#### Eligibility:

To qualify for the full staff bonus employees must:

- be actively employed at the time of the bonus distribution.
- have worked a minimum of **960 hours** within the calendar or fiscal year.

Employees who remain employed but have not met the **960-hour** requirement will receive a prorated bonus based on the following schedule:

<u>Hours Worked</u>	<u>Bonus Amount</u>
240+ Hours	25%
480+ Hours	50%
720+ Hours	75%
960+ Hours	100%

Fishers are not eligible for this bonus. However, they may qualify for the Fishery Bonus, which is specifically designed for those individuals.

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### Procedure

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The finance department will verify employee eligibility and process the bonuses accordingly and ensure timely disbursement of the bonus amount approved by Chief and Council.



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## Section Five – Leaves of Absence

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### 5.1 Bereavement Leave

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#### Policy

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Consistent with our Mi'kmaq culture and traditions of helping others, WFN recognizes the emotional impact caused by the death of a family member and that employees may require time off for bereavement.

**Definition of Family Member:** A family member is defined in this policy as follows:

- the spouse or common-law partner of the individual.
- a child of the individual or a child of the individual's spouse or common-law partner.
- a parent of the individual or a spouse or common-law partner of the parent.
- a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent.
- a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent.
- a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild.
- the spouse or common-law partner of the individual's child or of the child of the individual's spouse or common-law partner.
- a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner.
- the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent.
- a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner.
- an uncle or aunt of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's uncle or aunt.
- a nephew or niece of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's nephew or niece.
- a current or former foster parent of the individual or of the individual's spouse or common-law partner.

- a current or former foster child of the individual or the spouse or common-law partner of that child.
- a current or former ward of the individual or of the individual's spouse or common-law partner.
- a current or former guardian of the individual or the spouse or common-law partner of that guardian.
- a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the individual considers to be like a close relative or who considers the individual to be like a close relative.

#### **Bereavement Leave Entitlement:**

- Employees are eligible for up to five (5) days of regular paid and (5) days unpaid bereavement leave upon the death of a family member (see payment eligibility below).
- For employees with varying hours or payment structures, the regular wage rate will be calculated based on average earnings (excluding overtime) for the 20 days immediately before the leave.

#### **Community Funeral:**

- As a sign of respect for the passing of a community member, WFN may establish site-specific procedures for openings, closures, and/or modified work schedules. Employees will be provided with details by their supervisor.

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#### **Procedure**

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#### **Notice Requirements:**

- Employees must provide written notice to their supervisor as soon as possible regarding the beginning and length of the bereavement leave.
- The leave may be taken in 1-2 periods from the date of death to six weeks after the latest of either the day of the funeral, burial, or memorial service.
- If the employee is on vacation, the day may be used as a bereavement day instead.
- In case of unforeseen circumstances, employees are encouraged to communicate promptly and keep their supervisor informed of any changes to the initially provided information.
- WFN may request additional documentation, such as a death certificate or obituary, to validate the need for bereavement leave.

## **5.2 Child Death and Disappearance Leave**

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#### **Policy**

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WFN acknowledges the emotional distress caused by the death or disappearance of an employee's child due to a crime. This policy outlines the provision of unpaid leave for eligible employees facing such tragic circumstances.

#### Eligibility

This policy applies to all eligible employees who experience the death or disappearance of their child due to a crime.

All employees are eligible for unpaid leave under this policy if their child, defined as any person under 25 years of age, dies or disappears due to a crime.

#### Leave Entitlement

- Eligible employees are entitled to a maximum of 156 weeks (3 years) of unpaid leave.
- The leave may be taken in one or more periods, each not less than one (1) week in duration.
- Aggregate leave for the death or disappearance of the same child is capped at 156 weeks.

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#### Procedure

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#### Notification

- Employees must inform their supervisor in writing as soon as possible after the occurrence of the child's death or disappearance.
- Written notice should include the reasons for and the intended duration of the leave.

#### Termination of Leave

- The leave will end if it becomes unlikely that the death or disappearance was due to a crime.
- If the child is found during the leave period:
  - The leave will end fourteen (14) days after the child is found if found within the 156-week period (but no later than the end of the 156-week period).
  - For cases where the child has died, the leave will end after 156 weeks from the date of disappearance.

#### Updates

- If there are any changes to the initially intended leave duration, employees must promptly provide written notice to their supervisor.

#### Documentation

- WFN reserves the right to request supporting documentation to substantiate the need for the leave.

### **5.3 Compassionate Care Leave**

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#### Policy

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WFN honours and respects Indigenous family, community, and caretaking values. We acknowledge the significance of supporting our employees in caring for a loved one with a critical medical condition. The Compassionate Care Leave outlined in this policy embodies our commitment to upholding these values.

#### Leave Entitlement

Employees are entitled to take up to twenty-eight (28) weeks of unpaid leave to care for a family member diagnosed with a terminal illness, certified by a medical professional, as likely to pass away within twenty-six (26) weeks. This leave can be taken in one continuous period or divided into multiple periods, each lasting no less than one week.

The Compassionate Care Leave period ends upon the death of the family member or within fifty-two (52) weeks from the start of the leave, beginning from the first day of the week the medical certificate was issued or when the leave began, whichever is earlier.

### Eligibility

All employees are eligible for Compassionate Care Leave to care for a family member as defined in this policy. There is no minimum service period required for eligibility.

### Definition of Family

In line with Indigenous principles and Service Canada Employment Insurance Regulations, family extends beyond biological ties. It encompasses kinship networks, including but not limited to:

- the spouse or common-law partner of the individual.
- a child of the individual or a child of the individual's spouse or common-law partner.
- a parent of the individual or a spouse or common-law partner of the parent.
- a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent.
- a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent.
- a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild.
- the spouse or common-law partner of the individual's child or of the child of the individual's spouse or common-law partner.
- a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner.
- the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent.
- a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner.
- an uncle or aunt of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's uncle or aunt.
- a nephew or niece of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's nephew or niece.
- a current or former foster parent of the individual or of the individual's spouse or common-law partner.
- a current or former foster child of the individual or the spouse or common-law partner of that child.
- a current or former ward of the individual or of the individual's spouse or common-law partner.
- a current or former guardian of the individual or the spouse or common-law partner of that guardian.
- a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the individual considers to be like a close relative or who considers the individual to be like a close relative.

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## Procedure

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### Requesting Leave

Employees must inform their supervisor or HR in writing about their intention to take Compassionate Care Leave as soon as possible, providing details on the reasons and expected duration. Any changes to the initially specified duration must be communicated to the supervisor or HR in writing.

### Documentation Requirement

WFN reserves the right to request documentation supporting the need for the leave, including a copy of the medical certificate.

Failure to comply with the notification or documentation requirements may affect the approval or continuation of the leave.

The information provided by the employee regarding the need for Compassionate Care Leave will be handled confidentially and only shared with individuals involved in the approval process or as required by law.

## 5.4 Critical Illness Leave

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### Policy

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Critical Illness Leave is designed to support employees who need to care for a critically ill family member. This policy applies to the following categories of family members as defined by Service Canada's Employment Insurance Regulations:

**Definition of Family Member:** A family member is defined in this policy as follows:

- the spouse or common-law partner of the individual.
- a child of the individual or a child of the individual's spouse or common-law partner.
- a parent of the individual or a spouse or common-law partner of the parent.
- a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent.
- a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent.
- a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild.
- the spouse or common-law partner of the individual's child or of the child of the individual's spouse or common-law partner.
- a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner.
- the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent.

- a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner.
- an uncle or aunt of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's uncle or aunt.
- a nephew or niece of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's nephew or niece.
- a current or former foster parent of the individual or of the individual's spouse or common-law partner.
- a current or former foster child of the individual or the spouse or common-law partner of that child.
- a current or former ward of the individual or of the individual's spouse or common-law partner.
- a current or former guardian of the individual or the spouse or common-law partner of that guardian.
- a person, whether or not related to the individual by marriage, common-law partnership, or any legal parent-child relationship, whom the individual considers to be like a close relative or who considers the individual to be like a close relative.

#### **Eligibility and Duration:**

- Employees are eligible for unpaid Critical Illness Leave without any eligibility period.
- Employees can take up to thirty-seven (37) weeks of unpaid leave (or a shorter period specified in a medical certificate) when caring for a critically ill child under the age of eighteen (18).
- Employees can take up to seventeen (17) weeks of unpaid leave (or a shorter period specified in a medical certificate) when caring for a critically ill adult.

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#### **Procedure**

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#### **Leave Periods:**

- Employees may take Critical Illness Leave in one or more periods, with each period being not less than one week in duration.

#### **End of Leave:**

- The leave ends upon the death of the family member, or within fifty-two (52) weeks of the first day of the week the medical certificate was issued or the leave commenced.

#### **Notification and Documentation:**

- Employees must inform their supervisor in writing as soon as possible when they intend to take Critical Illness Leave. This notification should include the reasons for and the intended length of the leave.
- In case of a change in the length of the leave, the employee must provide written notice to WFN.
- WFN reserves the right to request documentation in support of the leave.

### Sequential Leaves:

- No employee may take Compassionate Care Leave before the end of a Critical Illness Leave in respect of the same family member.

## 5.5 Domestic and Sexual Violence Leave

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### Policy

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WFN acknowledges the impact of family violence on its employees and their dependents. To support affected individuals, the organization provides ten (10) days of leave (paid and unpaid) each calendar year for employees or their children (under age 18) who are victims of family violence. This leave enables individuals to seek medical attention, counselling, victim services, legal assistance, or to relocate from harmful situations.

#### Eligibility:

Employees are eligible for ten (10) days family violence leave unless they are charged in relation to the family violence or if it is likely or probable that they committed the act.

#### Leave Entitlement:

After completing three (3) consecutive months of employment, **the first five (5) days of family violence leave are paid**. For employees with varying work hours, the regular wage rate for the leave period will be determined based on the average earnings (excluding overtime) for the twenty (20) days immediately prior to the leave.

#### Notification and Documentation:

Employees must inform their supervisor or Human Resources in writing as soon as possible about their intention to take family violence leave, specifying the reasons and the expected duration. If there are changes in the length of the leave, the employee is required to provide written notice to their supervisor.

WFN may request documentation to support the need for leave. Employees are expected to provide such documentation if it is reasonably practicable for them to obtain and provide it.

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### Procedure

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- Employees intending to take family violence leave must submit a written request to their supervisor or HR, including details of the intended leave period and the reasons for it. WFN will review the request and, if necessary, request additional documentation to support the leave.
- Upon approval, the supervisor and employee will agree on the terms of the leave, including the duration and compensation if applicable.
- The employee is expected to adhere to the agreed-upon leave period and promptly notify their supervisor of any changes.
- Employees returning from family violence leave will resume their duties as scheduled, and their return will be managed in a supportive and confidential manner.

- Please note: Any misuse or fraudulent claims related to family violence leave may result in disciplinary action, up to and including termination, following appropriate investigation and review.

## 5.6 Holidays

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### Policy

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This policy outlines the guidelines and procedures regarding statutory and non-statutory holidays and provides a framework for employee compensation and scheduling during these periods.

#### **Statutory Holidays (as per Canada Labour Code)**

WFN recognizes and observes the following statutory holidays:

- New Year's Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- National Day for Truth and Reconciliation
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day

#### **Non-Statutory Holidays (at the discretion of WFN)**

In addition to the statutory holidays noted above, **WFN** provides the following non-statutory holidays with pay to employees:

- Nova Scotia Heritage Day (third Monday in February)
- Easter Monday
- National Indigenous Day (June 21)
- Feast of St. Anne (Friday & Monday of Mission Weekend *only*)
- Treaty Day

#### **Additional Holidays**

- Paid Christmas holidays (non-statutory) are to be determined annually by the Chief and Council by November 30<sup>th</sup>.
- WFN services considered to be essential may have a modified Christmas break schedule. Supervisors will provide site-specific or role-specific details.
- Additional non-statutory days may only be determined by the Chief & Council.

#### **Eligibility**

All **WFN** employees are eligible for statutory and non-statutory holidays.

#### **Important Notes**

If a holiday falls on a Saturday or Sunday, WFN will be closed on the following Monday.

(Subject to operational demands)

### **Compensation for Statutory and Non-Statutory Holidays**

#### *Salaried Employees*

Salaried employees are entitled to their regular wage rate for statutory and non-statutory holidays. Employees who are required to work on a statutory holiday are entitled to 1.5 times for time in lieu for each hour worked on that day. Time in lieu will be granted for a minimum of three (3) hours.

#### *Hourly Employees*

Hourly employees are entitled to the average earnings for twenty (20) days immediately before the statutory or non-statutory holiday. Employees who are required to work on a statutory or non-statutory holiday are entitled to 1.5 times their wage rate for each hour worked on that day.

### **Unpaid Leave of Absence or Long-Term Disability**

Employees on an unpaid leave of absence or receiving Long Term Disability (LTD) or Worker's Compensation benefits are not eligible for paid holidays.

### **Holiday While on Vacation**

A holiday occurring while an employee is on vacation leave will not be counted as a vacation day.

### **Sick on Designated Holiday**

If an employee is sick on the day designated as a holiday, the day must be taken as a holiday and not a sick day. This means that the holiday cannot be taken at a later date by an employee.

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#### *Cross-Reference With:*

- Vacation Leave Policy

## **5.7 Indigenous Cultural Leave**

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### **Policy**

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WFN recognizes the cultural significance of Indigenous practices and values the opportunity for eligible employees to engage in them through the Indigenous Cultural Leave. This **unpaid leave** allows employees to engage in Indigenous practices, including hunting, fishing, and harvesting, for up to 5 days per calendar year. The leave may be taken in one or more periods, but WFN may require a minimum length of one (1) day.

#### **Eligibility**

- Indigenous Cultural Leave is available to employees of Aboriginal descent.
- Employees can take unpaid Indigenous Cultural Leave after completing three (3) consecutive months of employment with the organization.

**Leave Entitlement:**

- Eligible employees can take up to five (5) days of Indigenous Cultural Leave per calendar year.
- This leave can be taken in one or more periods, subject to the WFN's minimum length requirement of 1 day per leave period.

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**Procedure**

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**Requesting Leave:**

- Employees must advise their supervisor in writing as soon as possible when they intend to take Indigenous Cultural Leave.
- The written notice should include the reasons for the leave and the length of the intended leave period.
- If the length of the leave changes after the initial request, the employee must provide written notice to their supervisor.

**Documentation Requirement:**

- WFN has the right to request documentation supporting the Indigenous Cultural Leave.
- Employees shall provide such documentation if it is "reasonably practicable for the employee to obtain and provide it."

**5.8 Jury Duty and Court Leave**

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**Policy**

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WFN recognizes the importance of fulfilling civic duties and supporting our employees in their responsibilities as witnesses, jurors, and participants in jury selection processes. As such, we allow employees to take leave for these purposes. This policy outlines the conditions and procedures for requesting and granting such leave.

**Paid Leave:** Employees attending court for work-related cases will receive regular pay.

**Unpaid Leave:** Employees attending jury duty or court for personal matters will receive unpaid leave.

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**Procedure**

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**Leave Request:**

- **Eligibility:** All WFN employees are entitled to request leave to act as witnesses or jurors or participate in jury selection.
- **Timely Notice:** Employees must advise their supervisor in writing as soon as possible when they intend to take leave for any reason. The notice should include the reasons for the leave and the expected duration.

**Changes in Leave Duration:**

- **Notification:** If the expected length of leave changes, the employee must provide written notice to their supervisor as soon as the change becomes known.
- **Approval:** Any changes to the leave duration will be subject to WFN's approval.

**Documentation:**

- WFN reserves the right to request documentation supporting the leave.

**5.9 Organ/Tissue Donor Leave**

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**Policy**

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WFN is committed to supporting our employees in making organ and tissue donations. We recognize the importance of allowing employees to take leave for this honourable cause.

- Employees are entitled to a maximum of 17 weeks of unpaid leave for organ or tissue donation.
- Employees on organ/tissue donation leave may use their personal, sick, or unpaid leave. Eligible employees may also qualify for sick leave under Employment Insurance (EI) Sickness Benefits.
- All employees are eligible for organ/tissue donation leave.
- This leave is available to employees donating their organs/tissues.

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**Procedure**

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**Requesting Organ/Tissue Donation Leave:**

- Employees must give written notice to their immediate supervisor at least four weeks before the intended leave start date of their intention to take organ/tissue donation leave. If they are unable to give four weeks' notice due to the urgency of the situation, they should notify their supervisor as soon as possible.
- The written notice should include the following information:
  - The start date of the leave.
  - The anticipated length of the leave.
  - If the length of the leave changes, the employee must provide written notice to their supervisor as soon as possible.

**Medical Certificate Requirement:**

- After the employee has been on organ/tissue donation leave for three (3) days, WFN may require the employee to provide a medical certificate confirming the donation process. The medical certificate should be provided to the immediate supervisor.

**5.10 Personal and Medical Leave**

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**Policy**

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WFN recognizes that personal and medical situations can sometimes overlap. Therefore, this policy, which offers a combined approach to paid personal and medical leave, is designed to benefit employees at WFN. It ensures compliance with the Canada Labour Code regarding medical leave entitlement while offering flexibility for personal needs. The key benefits of this policy include:

### **Personal Leave (8 days):**

*(Note: the Canada Labour Code has a provision for 5 days of personal leave)*

1. Employees are entitled to eight (8) days of personal leave effective every April 1<sup>st</sup> (the beginning of the fiscal year).
2. A new employee must have completed three (3) consecutive months of continuous employment with WFN to be eligible for leave.
3. If the employee's earnings vary, the average of the 20 days worked immediately before the first day of leave will be used to calculate earnings (exclusive of overtime).

Leave can be used for situations to:

- Take care of health obligations for any member of the employee's family or care for them.
- Take care of obligations related to the education of any family member under age 18.
- Manage any urgent situation that concerns the employee or a family member.
- Attend the employee's citizenship ceremony under the *Citizenship Act*.

### **Medical Leave (10 days):**

*(Note: the Canada Labour Code has a provision for 10 days of medical leave)*

1. All continuously employed employees, including part-time, casual, and fixed-term contract employees, are entitled to medical leave with pay.
2. New WFN employees earn paid medical leave after completing an initial 30-day qualifying period of continuous employment with WFN. After completing the initial 30-day qualifying period, employees will earn their first 3 days of medical leave with pay. Afterwards, an employee will earn 1 day of medical leave with pay at the beginning of each month **following** a completed month of employment, up to ten (10) days per year.
3. Employees are entitled to three (3) days of paid medical leave effective every April 1<sup>st</sup> (the beginning of the fiscal year) and an additional one (1) day of leave accrued monthly up to a maximum of 10 days per year.

All employees are entitled to this leave to attend to:

- Illness or injury.
- Organ or tissue donation.
- Attending medical appointments.
- Quarantine.
- Manage any other situation prescribed by regulation.

### **Procedure**

#### **Requesting Leave**

Employees should request leave in advance whenever possible. Approval for leave should be obtained from the employee's supervisor.

#### **Documentation**

For medical leave, employees may be required to provide a medical certificate to support their request for leave.

Employees hired **BEFORE** April 1, 2025:

Employees hired **before April 1, 2025**, can bank up to seventy-five (75) days of unused combined personal and medical leave. This benefit allows employees to accumulate and use personal leave for future needs. Regular full-time employees shall accumulate 1.5 days per month, probationary employees are not entitled to take personal leave, however, begin accumulating upon employment.

If an employee who has previously accumulated leave separates from their employment and is rehired at a future date, the banking of leave will be waived. This means that any unused leave will not be carried forward, and the employee will be subject to the new provisions for banking leave (effective on or after April 1, 2025)

Banking of leave has no cash value.

Employees hired **ON OR AFTER** April 1, 2025:

Employees hired **on or after April 1, 2025**, shall be allowed to carry forward up to eighteen (18) days of combined personal and medical leave.

## 5.11 Pregnancy and Parental Leave

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### Policy

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Congratulations on starting or expanding your current family unit! Employees are entitled to pregnancy leave:

- starting no earlier than 13 weeks before the due date; and
- ending no later than 17 weeks after the birth date.

Additionally, employees are eligible for 63 weeks of parental leave within 78 weeks of the child's birth or adoption. The total leave for pregnancy and parental combined cannot exceed 78 weeks per employee. Employees must consult with Service Canada to determine eligibility for Employment Insurance during their leave.

If the child requires hospitalization, the duration of pregnancy and parental leaves may be extended by the number of weeks equivalent to the hospitalization period, up to a maximum of 52 weeks for pregnancy leave and 104 weeks for parental leave. Parental leave may be interrupted or extended due to various circumstances such as child death/disappearance, compassionate care, critical illness, reservist leave, absence due to sickness, or workplace injury.

There is no eligibility period for employees to qualify for pregnancy or parental leave.

Employees must notify their supervisor in writing at least four weeks before commencing a pregnancy or parental leave or as soon as possible with a valid reason for a shorter notice period. Employees retain the right to adjust the duration of their leave or interrupt it by providing written notice. A medical certificate certifying the pregnancy is required.

#### Additional Comments:

1. Pregnant employees may request modified job duties or reassignment if their current job poses health risks to either the mother or child until the end of the 24th week following birth. A medical certificate is necessary to support this request. If modification or reassignment is not feasible, the employee is entitled to a leave of absence for the duration of the risk.

2. WFN will not instruct an employee to take a leave solely because of pregnancy. However, if there are indications the employee cannot perform an essential job function and no alternative job is available, the employee may be required to take a leave during the period when they are unable to perform the essential function.

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## Procedure

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### Notification and Documentation

Employees must provide written notification to their supervisor at least four (4) weeks before the start of pregnancy or parental leave. In case of a valid reason for shorter notice, employees should inform their supervisor as soon as possible. A medical certificate certifying the pregnancy is mandatory.

### Leave Duration and Modification

Employees can adjust the duration of their leave or interrupt it by providing written notice to WFN.

### Request for Modified Job Duties or Reassignment

Pregnant employees requesting modified job duties or reassignment due to health risks must provide a medical certificate to support their request. If modification or reassignment isn't feasible, an unpaid leave of absence will be granted.

## 5.12 Reservist Leave

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### Policy

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This policy outlines the guidelines and procedures for **unpaid leave** granted to WFN employees who are members of the Canadian Forces Reserves to engage in Canadian Forces operations, training activities, and related duties in accordance with the National Defence Act.

- Employees are eligible for reservist leave after completing three consecutive months of employment with WFN.
- Employees may take reservist leave for a maximum of 24 months within a 60-month period, except for leave related to a national emergency, which has no predefined time limit.

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### Procedure

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#### Requesting Reservist Leave

- Employees must submit a written request for reservist leave to their immediate supervisor at least four weeks in advance unless there is a valid reason for not doing so.
- Employees may be required to provide proof of their reservist leave upon request. Such proof must be submitted within three weeks of the leave beginning unless a valid reason for delay is provided.

### Notice of Return

- If the employee does not provide at least four weeks' notice of the end of the leave, WFN reserves the right to postpone the employee's return for up to four weeks after being informed of the employee's return date.

## **5.13 Vacation Leave**

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### Policy

WFN values our employees' well-being and work-life balance. Our vacation leave policy supports and encourages time away from work, recognizing the importance of rest, rejuvenation, and personal commitments. This policy outlines the procedures and guidelines for requesting and taking vacation leave, fostering a culture where employees can recharge and return to work energized and motivated.

Vacation will be accrued based on the fiscal year, starting on April 1<sup>st</sup> and ending on March 31<sup>st</sup> of the following year. If an employee is not able to take their vacation, they are permitted to carry forward two weeks to be used by April 30<sup>th</sup> (of the new fiscal year).

WFN may designate when employees take their annual vacation leave.

### **Entitlement Criteria**

#### Permanent Full-Time and Permanent Part-Time Employees (Salaried)

After completion of the probationary period permanent full-time employees are entitled to prorated vacation time (and permanent part-time employees are entitled to pro-rated vacation) as follows:

##### Employees hired **BEFORE** April 1, 2025:

<u>Years of Employment</u>	<u>Vacation Entitlement</u>
1 & 2 years	2 weeks (4%)
3 & 4 years	3 weeks (6%)
5 to 7 years	4 weeks (8%)
8 to 14 years	5 weeks (10%)
15 years and more	6 weeks (12%)

##### Employees hired **ON OR AFTER** April 1, 2025:

<u>Years of Employment</u>	<u>Vacation Entitlement</u>
1 & 2 years	2 weeks (4%)
3 & 4 years	3 weeks (6%)
5 years and more	4 weeks (8%)

### Hourly and Term Employees

Hourly and term employees shall have vacation pay, as outlined above, paid out and added to their regular pay cheque. Employees are encouraged to set aside this pay for time off from work.

### Illness During Vacation

If an employee becomes ill during a vacation period and the employee's physician certifies that the employee would be unable to report to work, the employee may be granted sick leave, and their vacation credits will be restored to the extent of sick leave.

### Vacation During Paid and Unpaid Leaves of Absence

When an employee is on leave with pay, their employment status does not change, and benefits accumulate as if they were at work. In addition, the employee continues to earn vacation time during the leave period.

When employees are on leave without pay, their seniority continues to accumulate, and vacation entitlement is calculated only based on wages earned during the year of employment.

The leave of absence does not change the date on which you become eligible for additional weeks of vacation and an increase in vacation entitlement.

### Unused Vacation

Unused annual accrued vacation will only be paid out upon termination of employment.

### Break in Employment

Where an employee has a voluntary or involuntarily separation of employment from WFN in excess of three (3) months and is subsequently re-hired at a future date, vacation entitlement will be reset and based on April 1, 2025, calculations.

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## Procedure

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### Requesting Vacation Leave

Whenever possible, employees shall provide their immediate supervisor with 30 days' advanced notice of their vacation plan, recognizing that there will be extenuating situations where the employee cannot provide 30 days. Employees will be notified when their leave request has been approved.

Failing to request approval for vacation leave in advance will not be tolerated and may be subject to progressive discipline.

### Timing of Vacation

Employees in the same department or business are expected to work out their vacation leave together. Where agreement cannot be reached among employees in the same work area or unit, seniority will be used as the deciding factor.

Supervisors are responsible for scheduling available vacation leave and may defer a vacation request to another time due to operational needs.



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## Section Six– Performance Management

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### 6.1 Employee Work Plans

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#### Policy

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Employee performance will be assessed annually based on how each employee met, did not meet, and/or exceeded their approved Annual Workplan.

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#### Procedure

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Annually, each employee shall meet with their direct supervisor to develop an Annual Work Plan which outlines anticipated goals, specific program and project service objectives and to specify tasks and responsibilities that the individual will deliver over the coming year.

Each month, the employee and their supervisor will meet to discuss the status of activities the previous month and any changes and or alterations that need to be incorporated in the following month. Each employee shall be responsible for maintaining a current copy of their own workplan and providing their supervisor with any updates as discussed and approved by the supervisor.

### 6.2 Annual Employee Evaluation Criteria

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#### Policy

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Each ongoing employee shall be evaluated by the Program Manager with input and involvement from their direct supervisor using the established evaluation systems and forms. A term employee who works for the WFN for a period longer than six months shall be evaluated using the established Performance Appraisal systems and forms. The Human Resource Manager shall ensure that each employee has an employee evaluation completed annually on or before the first day of the fiscal year.

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#### Procedure

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The Human Resource Manager will inform each supervisor of the employees within their department to be evaluated. Upon completion of the Annual Performance Appraisal, a signed copy of the forms (signed by both the employee and their direct supervisor) will be placed in the employee's Human Resource file. The employee shall be given a copy of the forms.

### 6.3 Performance Management

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#### Policy

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The employee performance evaluation process, including goal setting, performance measurement, regular performance feedback, employee recognition, and documentation of employee progress, ensures the success of our organization. The performance evaluation process—done with care and understanding—helps employees see how their jobs and expected contributions fit within the bigger picture of WFN.

Documented employee performance evaluations are communication tools that ensure the supervisor, and their reporting employees are clear about the requirements of each employee's job. The employee performance evaluation also communicates the desired outcomes or outputs needed from each employee's job and defines how these will be measured.

The goals of employee performance evaluation are to provide an effective employee evaluation and an overall performance process to ensure the employee, and the supervisor are clear about the employee's goals, required outcomes or outputs for the year as documented in the Annual Workplan, as well as how each employee's successes and contributions will be assessed. The employee performance evaluation helps employees accomplish both personal development and organizational goals.

Employee performance evaluation provides legal, ethical, and visible evidence that employees were actively involved in understanding the requirements of their jobs and their performance. The accompanying goal setting, performance feedback, and documentation ensure that employees understand their required outputs/performance expectations.

Chief and Council shall conduct and approve the evaluation for the CEO/Band Manager and Chief Financial Officer. The CEO/Band Manager shall conduct and approve the evaluations for the management team. Supervisors will review and approve the evaluations for all employees in their departments. The process for conducting the annual Performance Appraisal is as follows:

Chief and Council / Chief Executive Officer / Supervisors will:

- request that the employee within a mutually agreed-upon time frame carry out a self-assessment for the period of the review (usually the last year).
- conduct the review of the employee's performance against the work plan and the "Employee Performance Review."
- have a meeting with the employee to compare the two (2) assessments and evaluation forms. In the event of an inconsistent review the evaluation conducted by the supervisor will stand.
- Both the employee and supervisor shall sign both completed forms. The employee will sign signifying acknowledgement/agreement with the assessment. If the employee does not agree with the Performance Review, they may ask for the appraisal process to be reviewed by the CEO/Band Manager.

### 6.4 Disciplinary and Reprimand Procedures

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#### Policy

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WFN seeks to establish and maintain a safe and productive work environment and to establish effective and efficient operational and administrative practices and procedures. Failure by an employee to adhere to these established policies and procedures may result in disciplinary action. It is the responsibility of each employee to know and understand the terms and conditions of WFN's policies, procedures, including the HR Policy and other established rules.

WFN subscribes to the principles of progressive and corrective discipline. If an employee is felt to be in violation of any of the WFN's policies, procedures or other established regulations, they will be subject to the following Progressive Reprimand Process.

The CEO/Band Manager and/or Human Resources is responsible for all disciplinary procedures. The CEO/Band Manager may follow the progressive disciplinary process described below, and/or in the case of a serious violation move immediately, but temporarily, to suspend an employee pending investigation, before moving through the reprimand process.

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## Procedure

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### **Progressive Reprimand Procedure**

#### Verbal Warning

The first violation by an employee will be addressed with a verbal warning. The supervisor with input from the direct supervisor (or the CEO/Band Manager in the case of a matter with a manager), as appropriate, will initiate any verbal warnings. An employee will be given a verbal warning in a private meeting with the supervisor/ and or direct supervisor. The employee will be told what action will be taken if another violation occurs. A record of this meeting will be placed in the employee's Human Resource file, which shall be maintained by the Human Resource Manager.

#### Written Warning

The second violation by an employee will be addressed with a written warning. The supervisor and/or CEO/Band Manager with input from the direct supervisor, as appropriate, will initiate the written warning. An employee will be given the written warning in a private meeting with the supervisor and/or CEO/Band Manager (or designate). The employee will be told what action will be taken if another violation occurs. Documentation of the meeting will be prepared by the supervisor and/or CEO/Band Manager and include a statement of the facts and a copy of the written warning given to the employee. A record of this meeting will be placed in the employee's file, which shall be maintained by the Human Resource Manager who will attend all meetings and take minutes. Two (2) written letters of warning in an employee's file may result in termination of employment.

#### Disciplinary Suspension and Immediate Dismissal

The Chief Executive Officer/ Band Manager may suspend (after following the above progressive discipline process) an employee immediately for a period of up to one week, without pay, for any of the reasons outlined in the following sections. Such a suspension shall be noted in the employee's Human Resource file. Reason for suspension or dismissal can be for:

1. non-performance or inadequate performance of employment
2. non-compliance with established WFN policies and procedures
3. attendance issues (e.g. frequent and inexcusable absences, tardiness)
4. performance or action that is either disrespectful or brings disrespect to the Nation
5. other valid disciplinary reason as determined by the Manager in conjunction with the Human Resource Manager

In certain instances, immediate dismissal may be warranted without following the progressive discipline steps. Reasons for immediate dismissal can be for, but not limited to:

1. gross misconduct - violation of rules, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, theft, falsifying records, attendance at work under the influence of intoxicating substance, negligence.
2. threats or violence - where an employee threatens, or causes, physical harm to another employee, to a member of Council, or to any other person.

3. breach of confidentiality - where an employee breaches the confidentiality without written permission from the client and or the organization, or if an employee breaches any of the terms and conditions of the Code of Conduct, Code of Confidentiality or the Conflict of Interest policy.
4. misrepresentation or falsification of information on application for employment including but not limited to information regarding previous work and educational history, medical status, criminal record, valid driver's license.
5. conviction of a criminal offence that would have a direct and or detrimental impact on the operation and reputation of WFN.

In the case of a disciplinary suspension and/or dismissal the employee will be called to a meeting with the Chief Executive Officer/Band Manager and given the opportunity to state their case. A decision will be made to impose suspension and/or dismissal as recommended by the supervisor and/or the Chief Executive Officer/Band Manager. A written letter of the reasons for suspension and/or dismissal shall be provided to the employee.

#### Discontinuation of Employment

Chief and Council have the final authority and responsibility for the dismissal and or termination of an employee in a position of Manager and above.



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## Section Seven: Standards of Conduct

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### 7.1 Code of Conduct & Code of Ethics

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#### Policy

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The Wagmatcook First Nation is dedicated to serving its members and clients as well as its partners, funders and other First Nations. It is important that all employees are aware of their responsibilities to members, clients, organizations, fellow employees and WFN. Therefore, all WFN employees shall comply with the following guidelines pertaining to conduct and ethics.

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#### Procedures

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

1. During work hours, employees must devote themselves to their duties of employment; be prompt, courteous and temperate in their performance; as well adhere to the policies and procedures of WFN.
2. Employees shall carry out the duties of their positions conscientiously, loyally and honestly, remembering that the primary work task is to serve WFN, its members, clients, and other stakeholders.
3. Employees shall respect the integrity and dignity of the organization, its programs, staff and all other affiliated agencies.
4. Employees shall conduct themselves, while on duty and in public, in a manner that will be a credit to themselves, their department, and WFN.
5. Employees shall work continually towards self-improvement through self-evaluation and training.
6. Employees shall use information obtained on the job for the Employer's intended purpose only, not for their own personal interests or those of other persons.
7. Employees shall be on the job punctually each day unless there is a valid reason for absence or lateness, in which case the employee will contact their immediate supervisor at the start of the working day and give an indication of when they expect to return to work.
8. Employees shall use their initiative to find ways of doing their work more efficiently and economically.
9. Employees shall follow instructions attentively and cooperate with their supervisor.
10. Employees shall maintain a satisfactory standard of dress and general appearance appropriate to their duties.
11. Employees shall use equipment, property or supplies, which are owned, leased or rented by WFN for authorized purposes only.
12. Employees shall protect and care for all WFN property entrusted to them and report to their relevant supervisor any faulty equipment that requires repair.
13. Employees shall not engage in public criticism of other employees or the approved policies of WFN.
14. Employees may recommend to their supervisor, within their sphere of responsibility, changes of policy which they believe appropriate.
15. Employees will not be under the influence of alcohol or drugs while on duty.

16. Employees will respect the confidentiality of all records, materials, and communications and disclose information acquired through employment only when authorized by the relevant supervisor.
17. Employees shall refuse any fee, gifts or other tangibles offered to them in reward for duties performed by virtue of their appointment, with the exception of cultural offerings.
18. Employees shall not receive travel or other reimbursements for the same meeting from two agencies.
19. Employees shall serve members, their clients and all stakeholders with loyalty, determination and the maximum application of professional skill and competence.
20. Employees will not participate in, or allow any behaviour that is intended to degrade, humiliate, intimidate or cause fear to any community member, client, volunteer, or other employee.
21. Employees will respect the culture, traditions and teachings of the Nation and act accordingly.
22. Employees shall maintain electronic copies of all documents on WFN server, all files from removable disk or other medium should be made available on the server for authorized personnel.

## **7.2 Code of Confidentiality**

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### **Policy**

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All employees of WFN shall work to promote WFN, its vision, goals and objectives and to uphold the WFN bylaws and any other policies and procedures. At all times employees are to keep information confidential with regards to the Nation, members and clients.

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

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### **Procedures**

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The fundamental Principles of WFN Confidentially include:

- All personnel working on behalf of WFN will protect the confidentiality of any information acquired during the conduct of their duties.
- Confidential information may be disclosed only when a member or client has authorized in writing such disclosure, or when there is some legal obligation to do so.
- In any event, disclosure for legal reasons shall not occur before consultation with the CEO/Band Manager or authorized personnel of the organization. Any possibility of legal disclosure must be made known to WFN.
- All personnel working on behalf of WFN shall not speak or divulge any information to the media regarding WFN business unless instructed by the Chief and Council (or designate) as approved by motion.

Violation will result in progressive discipline, up to and including dismissal.

## **7.3 Conflict of Interest**

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### **Policy**

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It is critically important that no employee of WFN shall engage in any conduct in the course of employment that may result in a personal benefit to that employee or a member of their family. No employee shall participate in any decision which may benefit the employee or a member of their family, regardless of the position or authority of that employee, or no employee in authority shall influence or lobby another supervisor for decisions that are deemed to be in conflict of interest.

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

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#### Procedures

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All decisions must be made with the intention of benefiting Wagmatcook First Nation (its membership) and the organization.

As the employer-employee relationship is founded on trust and commitment to strive for mutual benefits, it is expected that the employee's time/labour/skill and attention will be devoted to the business of the WFN as specified by the employment arrangement.

WFN property, materials and services will be utilized only as requested or authorized by the arrangement.

Participation of an employee in other business, organizations or activities that compromise the employment relationship or disadvantage the WFN may be considered a conflict of interest.

Supervisors shall be responsible for identifying potential conflict of interest activities to employees.

Where an employee persists in activities that may disadvantage the WFN, the supervisor is to be informed. Employees must consult with their supervisor prior to engaging in any activities that may seem as conflict of interest, such as, but limited to:

- having a vested interest in an external business which may provide materials or services to the WFN.
- being offered services or materials as a result of employment or position with the WFN.
- making use of a position with the agency to solicit services or materials for personal gain.
- utilizing WFN equipment, services or materials for an external business.
- pursuing personal gain over the wellbeing or needs of people supported.

Employees who fail to honour the provisions of this policy will be considered to be in breach of their employment arrangement with the WFN and violation will result in disciplinary action as suspension or dismissal.

### **7.4 Workplace Harassment and Violence Prevention**

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#### Policy

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Wagmatcook First Nation Band Administration is committed to providing a work environment in which all individuals are treated with respect and dignity. Wagmatcook First Nation Band Administration will take proactive measures to prevent workplace harassment and violence. Wagmatcook First Nation Band Administration will take whatever steps are appropriate to protect our employees from potential risks associated with workplace harassment and violence.

Workplace harassment and violence will not be tolerated by anyone in the workplace, regardless of your position. Any act of harassment or violence committed by or against any employee is illegal pursuant to the *Canada Labour Code*. These unacceptable behaviours will be subject to Wagmatcook First Nation Band Administration's discipline policy and/or legal action.

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#### Procedure

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This policy applies to all employees and contractors of Wagmatcook First Nation Band Administration who are engaged in work, work-related activities and/or work-related relationships both on WFN property and outside of WFN property, including full and part-time employees, casual employees, dependent contractors, permanent and temporary employees, and any employee with a defined contract.

All employees of WFN are expected to follow this policy on WFN premises or while an employee is conducting WFN business at other locations. This policy applies to all incidents of workplace harassment and violence, including sexual harassment and sexual violence, family violence, and third-party violence.

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## Definitions

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Per subsection 122(1) of the Canada Labour Code, harassment and violence is defined as “any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.”

For the purpose of this policy, violence includes but is not limited to:

- The use of (or attempt to use) physical force by a person against an employee while in the workplace or while conducting company business, that causes or threatens to cause physical injury.
- Any threat, behaviour, or action directed at an employee that could reasonably be interpreted to carry the potential to harm or endanger the safety of an employee.
- This includes threats of or actual violence outside of the workplace (for example, domestic violence) that may create a risk of danger to the affected employee or other employees within the workplace.

Workplace violence examples:

- Hitting, shoving, pushing, kicking.
- The use of threatening language.
- Shaking fists.
- Spitting at a person.
- Destroying property.
- Throwing objects.
- Assault with any type of weapon.
- Rape; and
- Homicide.

For the purpose of this policy, harassment includes but is not limited to:

- **Harassment:** The use of vexatious comments or engagement in conduct against an employee, in the workplace or while conducting company business, that is known, or ought to be reasonably known, to be unwelcome. This includes unwelcome words or actions that are known or should be known to be offensive.
- **Sexual harassment** is the use of vexatious comments or engagement in conduct against an employee, in the workplace or while conducting company business, because of sex, sexual orientation, gender identity, or gender expression that is known or ought to be reasonably known to be unwelcome. It is also making a sexual solicitation or advance against a person to confer, grant, advance or deny an employment benefit and where it is known, or ought to be reasonably known, that the solicitation is unwelcome.

Examples of harassment may include, but are not limited to:

- Physically or verbally offending or humiliating someone.
- Spreading rumours or gossip about an individual or group.
- Unwelcome discriminatory jokes or comments.
- Sexual conditions in exchange for a job or employment benefits.
- Unwelcome behaviour of a sexual nature.
- Socially excluding or isolating someone.
- Offensive gestures.

- Vandalizing or tampering with someone's work, equipment or personal belongings.
- Impeding a person's work in any deliberate way.
- Threats or intimidation.
- Public ridicule or disrespect.
- Abusing authority.
- Cyberbullying, or harassment that takes place online; or
- Engaging in any of the actions, conduct and comments listed above because of the target's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or any of the other prohibited grounds that are listed in the Canadian Human Rights Act.

#### **Examples of what workplace harassment is not:**

- Reasonable management actions to carry out the day-to-day operations of the business, such as attendance monitoring, the assignment of tasks, reference checks, progressive discipline actions, and dismissals.
- Workplace conflict itself does not constitute harassment.
- Difficult conditions of employment; and
- Consensual social relationships between colleagues. This includes consensual workplace jokes, banter and interactions unless these interactions are based on hurtful and/or offensive remarks.

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#### **Roles and Responsibilities**

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Wagmatcook First Nation Band Administration is responsible for ensuring a violence and harassment-free workplace. All employees are expected to comply with this policy and the associated workplace harassment and violence programs and to report any concerns, incidents, or complaints.

#### **Designated Recipient:**

A work unit in a workplace (that is, a team of individuals), or an individual within the workplace, that is designated by the employer to receive harassment and violence complaints. The Designated Recipient is identified on the Notice of Occurrence form.

#### **Applicable Partner:**

The Applicable Partner is a general term used to describe the company's Health and Safety Representative. The Applicable Partner is identified on the Notice of Occurrence form.

#### **Occurrence:**

An incident of workplace harassment or violence.

#### **Principal Party:**

An employee or employer who is the object of an occurrence.

#### **Responding Party:**

The person who is alleged to have been responsible for an occurrence of workplace harassment or violence.

#### **Witness:**

A person who witnessed an occurrence of workplace harassment or violence, or a person who is informed of an occurrence by the principal party or the responding party.

**Workplace:**

Any place where an employee is engaged in work for their employer, as per section 122(1) of the Canada Labour Code.

***WFN is responsible for:***

- Taking all reasonable and appropriate measures to protect against and prevent workplace harassment and violence.
- Fostering a workplace culture that is harassment and violence-free and setting an example of appropriate workplace behaviour.
- Ensuring legislative compliance with all governing laws, including but not limited to the Canada Labour Code and the Canadian Human Rights Act, in applying the policies and procedures outlined in the Workplace Harassment and Violence Prevention Policy.
- Ensuring the company has established Health and Safety practices and representation, compliant with Part II of the Canadian Labour Code.
- Ensuring the company has assigned an Applicable Partner and Designated Recipient.
- Providing the appropriate budgets and resources to provide a safe workplace.
- Effectively distributing this policy to all employees.
- Ensuring employees are trained on and understand this policy and its associated employment procedures and practices.
- Ensuring this policy is applied in a timely, consistent and confidential manner.
- Determining what corrective action is appropriate where a harassment complaint has been investigated and substantiated; and
- Establishing, communicating and arranging appropriate recourse and support measures.

***The Designated Recipient is responsible for:***

- Receiving and handling complaints related to workplace harassment and violence.
- Responding to all notices of an occurrence within 7 days of receiving the notice.
- Initiating negotiated resolution with the principal party within 45 days after the day on which the notice of an occurrence is received.
- Making every reasonable effort to resolve an occurrence of harassment and violence for which a notice of an occurrence is provided.
- Conducting a review of every notice of an occurrence with the principal party and determining whether or not allegations of harassment are substantiated, as evaluated against the definition of harassment and violence provided for under subsection 122(1) of the Canada Labour Code.
- Engaging with third parties to conduct investigations; and
- Cooperating with any persons carrying out a duty imposed under the Regulations/Canada Labour Code.

***The Health and Safety Representative is responsible for:***

- Jointly, with the Employer: developing, implementing and maintaining this policy.
- Jointly, with the Employer: reviewing and updating this policy, as required (and at least once every three years).
- Jointly, with the Employer: completing a workplace assessment that identifies risks of harassment and violence in the workplace, and ensuring on-going monitoring and updating as required (and at least once every three years).
- Jointly, with the Employer: developing and/or implementing preventive measures for any identified risks.
- Informing employees of identified risks.
- Jointly, with the Employer, identifying or developing workplace harassment and violence training programs that suit WFN's training needs and updating training plans at least once every three years (or as required).
- Jointly, with the Employer, developing a roster of qualified investigators.

- Jointly, with the Employer, determining which recommendations proposed by an investigator are appropriate to implement following a workplace investigation; and
- Jointly, with the Employer, ensuring emergency protocols are established and updating these procedures as required.

***Supervisors are responsible for:***

- Upholding the standards and intentions set forth in this policy and supporting programs.
- Fostering a workplace culture that is harassment and violence free and setting an example of appropriate workplace behaviour.
- Communicating the process for investigating and resolving workplace violence and harassment complaints.
- Alerting the Designated Recipient or the Employer to any violent persons or hazardous situations.
- Diligently dealing with workplace harassment and violence situations immediately upon becoming aware of them.
- Taking appropriate action during a workplace harassment and violence investigation, including separating the parties and determining alternate work arrangements, if needed.
- Maintaining the confidentiality of anyone involved in a workplace harassment or violence incident or details of such incident, if aware; and
- Ensuring employee participation in the required training.
- Adhering to all roles and responsibilities of employees

***Employees are responsible for:***

- Complying with this policy and all related procedures for both their personal protection and the protection of others within the workplace.
- Immediately reporting any incidents or threats of harassment or violence in the workplace that the employee has either witnessed or been directly involved in, to the Designated Recipient, to the supervisor, or to the Employer.
- Towards resolving instances and preventing incidents, (and in instances where it is safe and appropriate to do so), informing a perpetrator of harassment and violence that their actions are inappropriate and/or unwelcome.
- Informing management of any identified potential or real workplace risks or hazards.
- Cooperating to resolve complaints during the resolution process and/or fully cooperating with any investigation of complaints or incidents of workplace harassment or violence.
- Refraining from retaliatory behaviour against the principal party, responding party, witnesses and any other individuals who are involved in the resolution process for an occurrence.
- Respecting the confidentiality of the information shared throughout the resolution process of an occurrence; and
- Treating others with respect in the workplace and refraining from perpetrating harassment and violence in the workplace.

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**Risk Assessment**

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Wagmatcook First Nation Band Administration, together with the Applicable Partner, will carry out a workplace risk assessment in accordance with the legislative requirements outlined in the Canada Labour Code.

This comprehensive risk assessment will take into consideration the following:

- the culture, conditions, activities and organizational structure of the workplace.
- circumstances external to the workplace, such as family violence, that could give rise to harassment and violence in the workplace.
- any reports, records and data that are related to harassment and violence in the workplace.
- the physical design of the workplace; and
- the measures that are in place to protect psychological health and safety in the workplace.

Wagmatcook First Nation Band Administration will identify internal and external risks to be present:

Wagmatcook First Nation Band Administration will review or update the workplace assessment every 3 years. An update may occur sooner if there is a change to any risk factors or to the effectiveness of any preventative measures. It will also be reviewed if the resolution process is stalled or ended by the complainant before resolution takes place or if the responding party is not an employee or the employer.

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### Employee Training

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At a minimum, the training should include the following:

1. Elements of the workplace harassment and violence prevention policy.
2. The relationship between workplace harassment and violence and the prohibited grounds of discrimination under the Canadian Human Rights Act.
3. How to recognize, minimize and prevent workplace harassment and violence.

Developing and/or identifying harassment and violence prevention training, reviewing, and (if necessary) updating training is a joint responsibility shared by the employer and the Applicable Partner.

Wagmatcook First Nation Band Administration is committed to creating a safe workplace and to equipping employees with the knowledge and information required to successfully prevent and navigate instances of workplace harassment and violence. As such, Wagmatcook First Nation Band Administration, along with all employees and Designated Recipients, will undergo training in accordance with the Workplace Harassment and Violence Prevention Regulations. Employees will receive training within three months of commencing employment with Wagmatcook First Nation Band Administration and at least once every three years afterward.

Employees will receive additional training following any training updates or upon assignment to a new activity or role for which there is an increased or specific risk of workplace harassment and violence.

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### Emergency Procedures

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If an emergency situation arises that poses an immediate danger to an employee, or where there is a threat of such an occurrence, below are the emergency procedures to follow:

- Chief Executive Officer/Band Manager (1-902-919-7800)
- Human Resources Manager (1-902-578-7492)
- For immediate emergency related matters call 911

Following any situation in which emergency procedures are implemented, Wagmatcook First Nation Band Administration's Applicable Partner, together with senior leaders, will jointly review the emergency procedures and update them if necessary.

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### Reporting Occurrences

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#### How to Report:

Complaints about a workplace harassment or violence incident can be made in person, by phone or in writing to Wagmatcook First Nation Band Administration's Designated Recipient as identified on the Notice of Occurrence form.

When reporting a complaint in writing, employees should use Wagmatcook First Nation Band Administration's Notice of Occurrence form. If reporting in person or by phone, the Designated Recipient will complete the complaint form.

When reporting an incident, employees will be asked to reveal:

- The name of the principal party (the person who is the object of the occurrence).
- The date of the occurrence.
- The name of the responding party (the person alleged to have been responsible for the occurrence).
- Any witnesses to the occurrence; and
- A detailed description of the occurrence.

Employees filing a complaint may also submit any related evidence.

A witness may provide notice of an occurrence anonymously. Occurrences that are reported anonymously by a witness will be treated with the same seriousness as other complaints. However, employees should note that to proceed with the resolution process, it is mandatory to provide the name of the principal party who was involved in the occurrence. If the name or identity of the principal party is not provided, the occurrence will not be reviewed further.

Wagmatcook First Nation Band Administration is prohibited from revealing the identities of the parties involved in the resolution process to the Applicable Partner without the consent of the parties. The identities of parties to the complaint may be revealed to each other as part of the resolution process.

#### When to Report:

Employees are encouraged to report an incident promptly so that the incident can be effectively responded to and addressed.

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#### Resolution Process

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Wagmatcook First Nation Band Administration is committed to meaningfully addressing employee complaints regarding workplace harassment and violence and to participating in negotiated resolution, conciliation, and/or investigation processes, as appropriate. The goal is to make every meaningful effort to resolve complaints in a respectful, collaborative, and timely manner in accordance with the Workplace Harassment and Violence Prevention Regulations.

Within seven days of receipt of the notice of an occurrence, the principal party or witness who submitted the notice of occurrence form and the accused will be contacted. The resolution process will begin as promptly as possible but no later than 45 days after the day on which notice is provided.

The resolution process at Wagmatcook First Nation Band Administration is a progressive process that is inclusive of the following steps:

- Negotiated Resolution
- Conciliation
- Investigation

Representation: An employee may be accompanied or represented by a friend, partner, colleague, or person of their choosing, at any time during the resolution process.

Negotiated Resolution: Negotiated Resolution involves a process by which the principal party meets with the employer or the Designated Recipient to discuss the occurrence and to attempt to reach a resolution to the complaint. The employer and Designated Recipient will review the details of the occurrence to assess the conflict and determine if the occurrence meets the definition of harassment and violence, as defined by section 122(I) of the Canada Labour Code.

If both the employer and/or the Designated Recipient and the principal party agree that the occurrence does not meet the definition of workplace harassment and violence as set forth under the Canada Labour Code, then the occurrence will be determined to be resolved.

If the employer and/or the Designated Recipient and the principal party are not able to agree as to whether the occurrence meets the definition, the principal party may still continue with the resolution process if they choose to do so. The principal party reserves the right to proceed with a negotiated resolution, conciliation and/or a formal investigation.

If the principal party wishes to continue with negotiated resolution, they must inform the employer and/or the Designated Recipient. At this point, a series of meetings with the principal party (and, where applicable, the responding party) will be scheduled to discuss the occurrence and attempt to reach a resolution. The responding party does not have to be informed of the principal party's notice of occurrence or be involved at this stage of the resolution process if the principal party does not wish for them to be notified and/or involved.

Every reasonable effort will be made to resolve an occurrence through negotiated resolution by way of individual discussions with involved parties or facilitated discussion between parties.

Conciliation: If an occurrence cannot be resolved in the negotiated resolution stage, parties will be asked to participate in a conciliation. A principal and responding party may also engage in conciliation at any time over the course of the resolution process. However, conciliation can only proceed prior to an investigator providing their final investigation report. Conciliation is voluntary and confidential and is intended to support a mutually acceptable resolution to the occurrence.

Both the principal and responding parties must both agree to participate in the conciliation process and on a person to facilitate it.

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## Investigation

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The principal party may request an investigation at any point during the complaint resolution process. Alternatively, upon determining that neither negotiated resolution, nor conciliation can resolve the occurrence, an investigation will begin, and the following steps will take place:

- The principal and responding parties will be advised by the Designated Recipient or the employer that an investigation will be carried out and they will receive monthly updates on the status of the investigation.
- The investigator will be selected from a pre-determined list of qualified investigators. Within 60 days, all parties must agree on the choice of the investigator.
- The investigator will be provided with any relevant information collected by the employer to date.
- The investigator will interview the principal party, the responding party, and any witnesses to the occurrence. Individuals interviewed will have the ability to review their statements to ensure accuracy.
- The employer has one year after the day on which the notice of occurrence is provided to complete the resolution process.

Upon conclusion of the investigation, the investigator will prepare a report that ensures the individual identity of the principal and responding parties are not revealed and that outlines:

- A general description of the occurrence.
- The investigator's conclusions, including those related to the circumstances in the workplace that contributed to the occurrence; and
- Their recommendations to eliminate or minimize the risk of a similar occurrence.
- The employer and the Applicable Partner will jointly determine which of the recommendations outlined in the report will be implemented.
- The report will be provided to the principal party, the responding party, and the Applicable Partner.

### Resolution Process Conclusion:

The resolution process concludes when:

- The identity of the principal party is unknown.
- Any required updates to the workplace assessment are carried out.
- The occurrence is resolved.
- The investigator's recommendations (as applicable) are implemented.

### Substantiated Occurrences:

Should an occurrence be substantiated, resolution for the principal party may include:

- An apology.
- Compensation for lost time.
- Medical or mental health support.

Corrective action for an employee found to have engaged in workplace harassment or violence will be consistent with Wagmatcook First Nation Band Administration's progressive discipline policy and practices and may include immediate dismissal.

Notices Submitted in Bad Faith: Notices of harassment and violence that are identified as having been made in bad faith may be subject to disciplinary action.

Recourse: If either party believes that the complaint is not being handled in accordance with this policy, the Canada Labour Code or the Workplace Harassment and Violence Prevention Regulations, they should contact the Human Resources Manager.

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### Privacy & Confidentiality

Wagmatcook First Nation Band Administration will make every effort to ensure the privacy of any persons involved in an occurrence, or the resolution process for an occurrence, by:

- Limiting the number of persons who have access to the specifics of incidents.
- Ensuring any information shared about the incident does not allow for identification of persons involved in the incident or the investigation.
- Ensuring all parties who participate in an investigation are aware of their obligation to maintain confidentiality.
- Removing any personal identifiers from reports.

To ensure compliance with the Workplace Harassment and Violence Regulations, Wagmatcook First Nation Band Administration will retain all records related to workplace harassment and violence investigations for a period of 10 years.

Should Wagmatcook First Nation Band Administration be required to disclose any personal information as a result of a legal investigation arising from a workplace harassment and violence incident, Wagmatcook First Nation Band Administration will comply with all Provincial and Federal Laws, including the Criminal Code and Personal Information Protection and Electronic Documents Act.

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### Support

Wagmatcook First Nation Band Administration is dedicated to ensuring that employees are receiving support following any instances of workplace harassment and/or violence. As such, Wagmatcook First Nation Band Administration will provide employees affected by workplace harassment and/or violence with the following support:

- Information about medical, psychological, or other support services, that are available within the geographical area are available from the employee's supervisor and/or on the human resource information system (HRIS)

Employees who are victims of workplace violence or harassment are encouraged to seek assistance through these programs or others. Any resources provided or referred support will remain completely confidential.

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## Reprisals

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This policy prohibits reprisals against employees, acting in good faith, who report incidents of workplace harassment or violence or who are involved in an investigation. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further harassment and violence. Employees who experience any form of workplace retaliation, or threat of retaliation, from any individual within or outside of the workplace are encouraged to inform the employer, a supervisor, or the Designated Individual immediately.

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## Policy Review and Distribution

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Wagmatcook First Nation Band Administration is committed to distributing the policy, emergency procedures, and training materials to all employees and to reviewing and updating the Policy, workplace assessment, emergency procedures and all other relevant elements of its workplace harassment and violence prevention program if deemed necessary, annually, but no less than once every three years.

## 7.5 Dress Code / Personal Appearance

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### Policy

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All employees are expected to dress and groom in accordance with professional standards and appropriate to the various jobs performed within the organization. Employees are expected to be clean and well-groomed and dressed in a manner that adheres to safety guidelines.

All employees whose job requires the wearing and use of safety equipment will be informed upon hiring and/or if circumstances or regulations change. Employees who do not comply with the requirement to properly wear personal safety equipment (including boots, hard hats, safety eyewear and/or other articles) will be subject to disciplinary action.

## 7.6 Smoking Policy

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### Policy

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In compliance with local regulations the WFN offices, office building and all WFN vehicles are designated non-smoking.

## 7.7 Substance Use Policy

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### Policy

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WFN is committed to the health and safety of its employees and has adopted this policy to communicate its expectations and guidelines surrounding substance use, misuse and abuse.

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks both to themselves and their fellow employees. To help ensure a safe and healthy workplace, Wagmatcook First Nation reserves the right to prohibit certain items and substances from being brought on to or present on company premises.

#### *Expectations*

The following expectations apply to employees and management alike while conducting work on behalf of the company, whether on or off company property:

- Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard; employees must remain fit for duty for the duration of their shift
- Use, possession, distribution or sale of drugs or alcohol during work hours, including during paid and unpaid breaks, is strictly prohibited
- Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol
- Employees on prescription medication must communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment

#### Roles and Responsibilities

##### ***WFN is responsible for:***

- Clearly communicating expectations surrounding alcohol and drug use, misuse and abuse
- Maintaining a program of employee health and awareness
- Providing a safe work environment
- Reviewing and updating this policy on a regular basis

##### ***Supervisors are responsible for:***

- Identifying any situations that may cause concern regarding an employee's ability to safely perform their job functions
- Ensuring that any employee who asks for help due to a drug or alcohol dependency is provided with the appropriate support (including accommodation) and is not disciplined for doing so
- Maintaining confidentiality and employee privacy
- Adhering to all roles and responsibilities of employees

##### ***Employees are responsible for:***

- Abiding by the provisions of this policy and being aware of their responsibilities under it
- Arriving to work fit for duty, and remaining as such for the duration of shift
- Performing work in a safe manner in accordance with company established safe work practices
- Avoiding the consumption, possession, sale, or distribution of drugs or alcohol on company property and during working hours (even if off company property)
- When off duty, refusing a request to come into work if unfit for duty
- Reporting limitations and required modifications as a result of prescription medication
- Reporting unfit co-workers to management
- Seeking advice and/or appropriate treatment, where required
- Communicating dependency or emerging dependency

- Following after-care program, where established

### Suspicion of Impairment

The following procedure will be enacted if there is reasonable belief that an employee is impaired at work:

1. If possible, the employee's supervisor will first seek another supervisor's opinion to confirm the employee's status.
2. Next, the supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour that may include, but is not limited to, slurred speech, difficulty with balance, watery and/or red eyes, dilated pupils, and/or there is an odour of alcohol, the employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
3. If an employee is considered impaired and deemed "unfit for work" this decision is made based on the best judgment of two members of management and DOES NOT require a breathalyser or blood test. The employee will be advised that Wagmatcook First Nation has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The employee may be accompanied by a supervisor or another employee if necessary.
4. An impaired employee will not be allowed to drive. The employee should be advised if they choose to refuse Wagmatcook First Nation organized transportation and make the decision to drive their personal vehicle the company is obligated to and will contact the police to make them aware of the situation.
5. A meeting will be scheduled for the following workday to review the incident and determine a course of action which may include a monitored referral program as part of a treatment plan.

### Substance Dependency

Wagmatcook First Nation understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Wagmatcook First Nation promotes early diagnosis. Any employee who suspects that they might have an emerging drug or alcohol problem is expected to seek appropriate treatment promptly.

### Voluntary Identification

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort. All medical information shall be kept confidential by Wagmatcook First Nation, unless otherwise authorized by law.

### Agreement for the Continuation of Employment

Wagmatcook First Nation reserves the right to invoke an Agreement for the Continuation of Employment in accordance with an employee's commitment to become and remain alcohol and drug- free. The Agreement will outline the conditions governing the employee's return to the job and the consequences for failing to meet the conditions.

An Agreement for the Continuation of Employment may include a requirement for drug and alcohol testing.

### Substance Related Convictions

Any employee convicted of, or who pleads no contest to, any substance related offense must inform Wagmatcook First Nation 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, Wagmatcook First Nation will determine whether disciplinary action will be taken, including the appropriateness of continued employment.

In accordance with Wagmatcook First Nation's human rights obligations, consideration of the circumstances will be given on a case-by-case basis.

### Disciplinary Action

Employees will be subject to disciplinary action, up to and including termination of employment for failure to adhere to the provisions of this policy, including, but not limited to:

- Failure to meet prescribed safety standards as a result of impairment from alcohol and/or drugs; and
- Engaging in illegal activities (e.g. selling drugs and/or alcohol while on Wagmatcook First Nation premises).

## **7.8 Cellular Phone Use**

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### Policy

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WFN, in compliance with the new provincial regulations, prohibits employee use of cellular phones (whether personal or company supplied) while driving, unless a hands-free device is used. This prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages. WFN is aware that employees utilize their personal or WFN-supplied cellular phones for business purposes.

## **7.9 Internet and Email Use**

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### Policy

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Employees are only permitted to use WFN assigned emails for work related business purposes. Confidential information must not be shared outside of the organization, without authorization. There shall be no inappropriate personal usage of WFN computer and/or email systems.

Employees must not use WFN supplied email addresses for non-work-related postings.

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### Procedure

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Internet use is only to be conducted during work hours and only for work related activities. Internet use brings the possibility of breaches to the security of confidential organizational information. Internet use also creates the possibility of contamination to the WFN system via viruses or spyware. Spyware allows unauthorized people, outside the organization, potential access to WFN passwords and other confidential information.

Individuals using WFN equipment to access the Internet are subject to having activities monitored by system or security personnel. Use of this system constitutes consent to security monitoring, and employees should remember that most sessions are not private.

Additionally, under NO circumstances may WFN computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, unethical, or non-business-related Internet sites. Doing so will lead to disciplinary action up to and including termination of employment.

WFN owns any communication sent via email or that is stored on WFN computer equipment. The CEO/Band Manager, or their designate, has the right to access any material including employee emails or information stored on any computer.

#### **7.10 Social Media, Professional and Personal Considerations**

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##### **Policy**

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Social media is a broad term encompassing many electronic technological socially interactive or content creating activities. Social media can take on many forms. It can include the seemingly innocent enough photo album sharing and forwarding of jokes, witticisms, sayings or images altered using editing software of public persona so that they appear ridiculous or worse.

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##### **Procedure**

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Regardless of whether, at home, on personal time or at work the employee must refrain from social media interactions that breach the WFN harassment policy. This includes comments about their Employer (the WFN) including all individuals elected to council, or anyone else employed by WFN, its partners, suppliers, clients, members and any other organization affiliated with the WFN. Employees must never post or forward defamatory or derogative comments, postings, pictures, graphics or other such messages alluded to on a social media site.

Employees violating this may subject to disciplinary action.

#### **7.11 WFN Property and Equipment**

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##### **Policy**

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Inappropriate personal use of WFN property or equipment is not allowed and may result in disciplinary action. Any equipment, machines, and supplies that are used by employees are to be signed out with the supervisor, particularly when such items are taken off site for use.

Any equipment broken or destroyed while in the care of an employee (outside of normal wear and tear) will be the responsibility of that employee to repair or replace.

In the event of theft, the supervisor may review the circumstances to determine responsibility for replacement and to assess which notification procedures are required.

#### **7.12 Use of Vehicles for Work and During Work Hours**

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##### **Policy**

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WFN vehicles may only be used by employees only for WFN business purposes. If a WFN vehicle is not available, the employee may seek travel mileage under WFN Travel Policy. If the employee wishes to use their own personal vehicle for WFN business and a WFN vehicle is available, no travel mileage will be compensated.

Employees driving, either their own vehicle or a WFN vehicle, must ensure they have a valid Nova Scotia Driver's License.

Employees seeking to use their own vehicle must first have prior approval of their supervisor. Only WFN employees and/or clients/authorized passengers may travel in a WFN vehicle. WFN requires that there is adequate liability insurance coverage for employees required to use their own personal vehicle when using it for WFN purposes. WFN shall not be liable for personal use of vehicle or employees who choose to travel together.

Parking and other traffic violations will be the responsibility of the employee. Operating a vehicle while under the influence of drugs or alcohol will result in immediate dismissal.



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## Section Eight: Resignations, Layoff, Termination, and Retirement

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### 8.1 Resignation

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#### Policy

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WFN recognizes that employees may choose to resign from their positions for various reasons. To ensure a smooth transition and maintain operational continuity, employees are required to provide written notice of their resignation in accordance with the notice period specified in their employment contract or a minimum of two (2) weeks.

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#### Procedure

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An employee who is resigning from the organization shall provide a minimum two (2) weeks written notice to their supervisor. Management resigning from the organization shall provide a minimum three (3) weeks written notice to the CEO/Band Manager, unless otherwise stipulated in their employment agreement.

An employee transferring within WFN is regarded as a continuous employee for benefits and entitlements.

### 8.2 Retirement

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#### Policy

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WFN will pay a Retirement Award in the event an employee satisfies all the following three criteria:

- has retired.
- has completed a minimum twenty-five years of full-time continuous employment; and
- whose age and years of service equals 80.

This Retirement Award payment is calculated at the rate of one week of current salary for each year of full-time service. Employees will be paid for their unused annual vacation leave within five (5) days following their last day of work.

### 8.3 Long Service Award

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#### Policy

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WFN understands that at times a full-time employee may have to terminate employment, due to extenuating circumstances. WFN will pay a Long Service Award to a full-time permanent employee if the employee resigns due to:

- illness.
- incapacity; or
- domestic or other pressing necessity.

This Long Service Award will be calculated at the following rates:

- after 15 years of employment, \$300 / per year for each complete year of service
- after 20 years of employment, \$400 / per year for each complete year of service
- after 25 years of employment, \$500 / per year for each complete year of service
- after 30 years of employment, \$600 / per year for each complete year of service

#### **8.4 Deceased Employee**

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##### **Policy**

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In the case of a deceased employee, all outstanding payroll cheques, vacation pay and a final severance benefit, if eligible, is paid to the employee's estate. The employee must have worked a minimum of twelve (12) months to be qualified, with a minimum benefit equivalent to five (5) days wages.

The final severance benefit paid to a deceased employee is determined with the following criteria:

- Age and years of service equals 80 plus; five (5) days wages for each complete year of service
- Age and years of service equals 70 plus; four (4) days wages for each complete year of service
- Age and years of service equals 60 plus; three (3) days wages for each complete year of service
- Age and years of service is less than 60; two (2) days wages for each complete year of service

#### **8.5 Separation Benefit**

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##### **Policy**

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An employee, upon leaving employment, can only be qualified for one benefit for the same period of employment. Sick, Maternity and Parental absences are included in the continuity of employment and count in the years of service. An employee can only qualify for one of the following:

- Retirement Award (see 8.2 Retirement).
- Long Service Award (see 8.3 Long Service Leave); or
- Deceased Benefit (see 8.4 Deceased Employee).

#### **8.6 Termination or Layoff Notice**

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##### **Policy**

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Termination or lay off may be necessary due to restructuring, lack of funding, or elimination of positions and/or completion of projects.

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##### **Procedure**

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In the case of termination, an employee who has passed the probationary period shall be given a two (2) week notice and be eligible for an additional five days of regular pay for each consecutive year of employment with a minimum benefit of five (5) days. Severance will only be paid in cases where an employee's termination is not for "just cause."

WFN may lay-off employees for a short-term with the intention to recall the employee back to work.

Layoffs do not constitute termination of employment when the duration of the lay-off is three (3) months or less. A lay-off becomes a termination of employment if an employee does not return to work when recalled. If this occurs, the employee is considered to have terminated their employment.

## **8.7 Return of WFN Property**

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### **Policy**

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Any WFN property issued to an employee, such as computer equipment, cell phones, laptop bags, product samples, tools or uniforms, must be returned to the WFN at the time of termination, lay off, dismissal or resignation. Each employee is responsible for paying for any lost or damaged items. The value of any property issued and not returned may be deducted from the final payroll cheque.

On the final day of employment, the Human Resource Manager must receive all keys, work related passwords, and WFN property from the employee before the final payroll cheque will be issued.



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## Section Nine: Health and Safety

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### 9.1 Health and Safety Committee

Wagmatcook First Nation is committed to ensuring a safe and healthy work environment, with the objective of eliminating the possibility of injury or illness. It is recognized that the workplace may contain hazards, and all management and employees must share the responsibility for maintaining a healthy and safe workplace.

It is the responsibility of all supervisors to ensure that all persons under their direction are made aware of and comply with all applicable health and safety regulations, standards, codes and WFN policies and procedures. All supervisors are responsible for ensuring that all health and safety hazards or concerns brought to their attention are responded to and corrected in an effective and p70timely manner.

All employees are responsible for protecting their own health and safety by complying with all regulations, standards, and safe practices and procedures established by WFN. All employees are required to report all health hazards and unsafe conditions or practices to their supervisor for corrective action.

#### Accident and Incident Reports

- It is the responsibility of every employee to complete an Accident and Incident Report in the event of a health or safety violation that the employee has either caused or witnessed.
- Accident and Incident Reports should be filled out and submitted to management promptly to ensure the safety of other employees, and to remedy the problem as quickly as possible.
- Failure to report health or safety violations will be viewed as gross negligence, and may result in disciplinary action up to, and including termination.

Please refer to the WFN Health and Safety policies and procedures as they may be subject to change from time to time.

### 9.2 Return to Work After Serious Injury or Illness

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#### Policy

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As protection for both the employee and the WFN, an employee who has been absent from work due to serious illness, surgery, or injury may be required to obtain a medical certificate specifically stating that the employee is fit for duty.

### 9.3 Scent-Free and Allergen-Free Workplace

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#### Policy

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Due to the health concerns arising from exposure to scented products WFN has adopted this policy to provide a scent-free environment for all employees and members of the public.

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#### Procedure

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WFN is a scent-free environment. Employees are not to use scented products while reporting to work and while at work. The use of scented products will not be allowed within the building at any time.

Scented products (e.g. hairspray, perfume, cigarette smoke residue, etc.) can trigger adverse physical reactions such as respiratory distress and headaches. In our efforts to accommodate employee health concerns and minimize unnecessary workplace health and safety hazards everyone's cooperation is appreciated. Wherever possible, we encourage our staff and visitors to use unscented or fragrance-free products.

## Forms

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Employees can access all related HR forms from the human resource information system (HRIS) or from their supervisor.

## Amendments to HR Manual

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Record of Additions, Deletions and Amendments

Section	Addition, Deletion, or Amendment Subject	Date