

**Mamalilikulla
First Nation**

PERSONNEL POLICY

Amendments

The personnel policies and procedures contained in this Personnel Procedures Manual should be reviewed and can be amended periodically. The following policies and procedures are to be followed when amending financial policies.

- Amendments to these personnel policies and procedures require the quorum approval of the Chief & Council. Any such amendments shall be slated in a formal motion and appear in the meeting minutes and will take effect on the date of resolution.
- A member or majority of Chief & Council may make no motion or vote to amend personnel policies until that member has served a minimum of three months in office. This policy shall remain unalterable.
- Chief & Council shall assign the Administrator to review these personnel policies on an annual basis. This delegate/employee will report on any personnel policies that require modification or change.
- Recommendations to amend any part of these personnel policies and procedures must be submitted in writing to the Chief & Council. Chief & Council reserve the right to consult outside experts to review the impact or implication of any proposed amendment.
- The Administrator will ensure the personnel policies and procedures are updated in accordance with any motions to amend. He/she shall also ensure all staff is informed in writing of any changes to these personnel policies and procedures.
- Any change in federal statutory matters relating to employment insurance (EI), Canada Pension Plan (CPP), or statutory holidays will become effective on the date the statutory change come into effect. Changes to the Workers Compensation Act (WCB), Canada Labor Code and Canadian Human Rights Act will become effective on the date the legislation is legally amended.

Mamalilikulla First Nation Council

Objectives of Personnel Policies & Procedures

Clearly defined policies and procedures provide employees with direction and provide management with a working guide. The objectives of the Mamalilikulla First Nation Council Personnel Policies are to:

- increase the understanding of policies and procedures by management and employees
- ensure equity in treatment of all employees
- ensure uniformity and consistency on implementation

The MFN Manager is responsible for the management and administration of personnel policies and procedures as established by Chief & Council. The MFN Manager should ensure that adequate policies and procedures are maintained on a regular basis.

MAMALILIKULLA
PERSONNEL POLICY

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MAMALILIKULLA FIRST NATION

PERSONNEL POLICY

1.0 Purpose

The objectives of the Mamalilikulla First Nation (the "MFN") Personnel Policy are to:

- (a) promote an effective and efficient administration in order to provide a professional service to the community the MFN serves;
- (b) increase understanding of policies and procedures by management and staff;
- (c) eliminate personal bias decision making;
- (d) provide a fair and equal opportunity for employment to qualified applicants;
- (e) ensure uniformity and consistency on the implementation of personnel policies;
- (f) provide a working guide for management and staff for the daily administration of the MFN's personnel program; and
- (g) provide a safe and respectful work environment for all employees.

2.0 Responsibility

- (a) The MFN Chief and Council has the responsibility to establish a Personnel Committee in accordance with this Policy. The Personnel Committee will ensure that the objectives of the Personnel Policy are adhered to and that the Policy is implemented and maintained. The Personnel Committee will also review the Policy from time to time and make recommendations to the MFN Executive Committee for changes to the Personnel Policy.
- (b) The Administrator of the MFN has the responsibility for the management of personnel administration. The Administrator will work in conjunction with the Personnel Committee to ensure this Policy is implemented and maintained. It is the responsibility of each and every member of management to work co-

operatively and, in conjunction with the Administrator, to administer these policies and procedures in a consistent and impartial manner.

- (c) The Administrator will make available to each person employed by the MFN, a copy of this Policy. It is the responsibility of each employee to read and understand the provisions of the Personnel Policy and sign a statement to verify they have done so.

3.0 Application of the Personnel Policy

- (a) This Personnel Policy applies to all persons employed by the MFN.
- (b) Where this Policy refers to manager, management, employer or managerial level positions, this includes the Administrator.

4.0 Policy and Procedures

Procedures and practices in the area of personnel relations are subject to modification and further development in light of experience. All changes to this Policy manual will have prior approval by the MFN Council.

4.1 Job Description

- (a) All employee job descriptions will be developed by the Personnel Committee and will be approved by the MFN Council.
- (b) All employees will carry out their duties and responsibilities according to the job description as set out for the position they occupy.

4.1.1 Special Assignments

Each employee is hired for a certain position; however, he or she may be expected to perform special assignments from time to-time as directed by the employer.

4.1.2 Report Relationships

Each employee will carry out their duties and responsibilities according to the organization chart set out and approved by the MFN Council.

4.2 Employment Status

4.2.1 Hiring

- (a) All job openings will be posted and advertised for a full two-week period except when authorized otherwise by the MFN Council. All positions will be advertised in community newsletters and posted in public places and, where appropriate, in regional, provincial or national publications.
- (b) The Personnel Committee will assist in the hiring process.
- (c) The Personnel Committee will be comprised of members of the MFN Council, the Administrator and any other person the MFN Council determines to be appropriate, except in the circumstances of hiring the Administrator, it will be the MFN Council.
- (d) All applicants will be screened and interviewed by the Personnel Committee. The Personnel Committee will qualify applicants on the basis of demonstrated merit, ability, and physical and moral fitness, as ascertained through a fair and practical method of selection, and will make its recommendations to the MFN Council.
- (e) The MFN Council will be the body authorized to hire all employees.

4.2.2 Statement of Duties

The Personnel Committee will supply all candidates applying for vacant positions with a statement containing the duties and responsibilities assigned to the position he or she is applying to occupy.

4.2.3 Probation

- (a) All employees will have a probation period. The probation period will not exceed three months, except in the case of management employees it will not exceed six months, in which time the MFN Council will decide whether or not to confirm employment.
- (b) During this period, the employee will be given an introduction and an orientation to the organization and have the opportunity to demonstrate proper attitudes and abilities for the position for which he or she is hired.

- (c) Prior to end of the probation period, a review will be made of the employee's work by the appropriate personnel and a report will be written and submitted to the MFN Council. This report will constitute the first performance evaluation of that employee and be placed in the employee's personnel record file.
- (d) An employee or the MFN Council may, at any time during the probation period sever the relationship.
- (e) Employment will be confirmed by the MFN Council in a letter to the employee setting out the job description and terms of the employment. One copy will be signed by the employee and returned to the MFN Council and placed in the employee's personnel record file.

4.2.4 Resignation

- (a) All employees are requested to give at least two weeks written notice prior to their departure.
- (b) Any employee absent five consecutive working days without permission or reasonable cause will be regarded as a voluntary resignation.
- (c) Any employee elected to office with the MFN Council will be treated as a resignation.

4.2.5 Termination

- (a) An employee who has been employed for three months or more by the MFN, is entitled to at least two weeks' written notice of the employer's intention to terminate his or her employment or two weeks' wages at his or her regular rate of wages for regular hours of work in lieu of the notice, except where the termination is by way of dismissal for just cause.
- (b) The employer is deemed not to have terminated the employment of an employee where on or before ceasing to be employed, the employee is entitled to:
 - (i) a pension under a pension plan contributed to by the employer that is registered pursuant to the *Pension Benefits Standards Act*;
 - (ii) a pension under the *Old Age Security Act*; or
 - (iii) a retirement pension under the *Canada Pension Plan*.

4.2.6 Discipline of an Employee

- (a) A complaint against any person employed by the MFN will be in writing and brought directly to the attention of the Administrator.
- (b) A complaint against the employer will be in writing and brought directly to the attention of the MFN Council.
- (c) The Administrator or the MFN Council, as the case may be, and depending on the seriousness of the complaint, may appoint the Personnel Committee to undertake the investigation of the complaint and carry out the discipline process.
- (d) The Administrator, MFN Council or the Personnel Committee, as the case may be, will immediately conduct an investigation of the complaint to gather all pertinent information, notify the complainant of the investigation, notify the employee being investigated of the complaint, and require a written response to the complaint by that employee.
- (e) Each complaint will be treated as confidential and the investigation will not disclose any information about a complaint, except as necessary to investigate the complaint, take disciplinary action, or as required by law.
- (f) The investigation will conclude with a written report and the report will recommend that:
 - no further action will be taken against the employee; or
 - there are grounds for disciplining the employee.
- (g) Where the investigation concludes that no further action will be taken against the employee, the Administrator, MFN Council or the Personnel Committee, as the case may be, will notify the employee in writing of this decision, and a copy of the correspondence will be placed in the employee's personnel record file.
- (h) Grounds for Discipline include but are not limited to:
 - (1) insubordination;
 - (ii) excessive tardiness;
 - (iii) excessive absenteeism;
 - (iv) unsatisfactory job performance;
 - (v) drinking alcohol on the job;
 - (vi) using illegal drugs on the job;

- (vii) under the influence of alcohol or illegal drugs on the job;
 - (viii) improper use of employer's confidential information;
 - (ix) voluntary destruction of the employer's equipment or property;
 - (x) failure to adhere to the Personnel Policy (to include breach of the Code of Ethical Conduct or confidentiality provisions);
 - (xi) failure to perform the duties and responsibilities of the job in a professional manner;
 - (xii) defrauding the employer;
 - (xiii) harassment in the workplace;
 - (xiv) abuse of authority;
 - (xv) complaint made in bad faith;
 - (xvi) theft;
 - (xvii) conflict of interest;
 - (xviii) falsification of records; and
 - (xix) endangering the safety of other employees.
- (i) The Administrator, MFN Council or the Personnel Committee, as the case may be, and depending on the seriousness of the employee's misconduct, may take such measures, disciplinary or otherwise, to remedy the situation and may do one or more of the following:
- (i) a verbal reprimand;
 - (ii) a written reprimand;
 - (iii) suspension without pay
 - (iv) demotion;
 - (v) dismissal.
- (j) The employee will be notified of any discipline decision in writing, to include reasons.
- (k) The record of any subsequent disciplinary action will be placed in the employee's personnel record file.

4.2.7 Appeal

- (a) An employee who has been employed for three months or more by the MFN, may appeal a discipline decision of the Administrator, MFN Council or the Personnel Committee, as the case may be, except a discipline decision to terminate employment by way of dismissal for just cause.

- (b) The appeal must be submitted in writing to the MFN Council within 10 days of the date of the letter informing the employee of the discipline decision.
- (c) The appeal letter must outline in specific terms the basis of the appeal and where possible, an indication of the action anticipated as a result of the appeal.
- (d) The MFN Council or the Personnel Committee, in the case of a discipline decision of the Administrator, will conduct a hearing of the appeal within 30 days of receipt of the employee's letter of appeal.
- (e) Where the appeal involves a discipline decision of the MFN Council, the MFN Council will identify a third-party appeal committee with a membership of not less than three impartial individuals who are not directly involved in dealing with the employee who is appealing. The appeal committee will conduct a hearing of the appeal within 30 days of receipt of the employee's letter of appeal.
- (f) All appeals will be treated as confidential.
- (g) The MFN will not be responsible for the employee's costs associated with the appeal process.
- (h) All decisions rendered by the MFN Council, Personnel Committee or the third-party appeal committee, as the case may be, are final.

4.3 Employee Benefits

- (a) All persons employed by the MFN will be subject to employee deductions of employment insurance, Canada Pension Plan and income tax. Status Indians as recognized by the *Indian Act* R.S.C. 1985, c. 1-5, can rely on the tax exemption in section 87 of the *Indian Act* and may be exempt from Canada Pension Plan contributions in certain circumstances.
- (b) All employees who participate in the employer's disability, life and extended health insurance plan if the plan is available to employees, will authorize the employer to deduct from their pay cheque their contribution to this Plan.
- (c) All employees who participate in the employer's registered pension plan if available, will authorize the employer to deduct from their pay cheque their contribution to this Plan.

- (d) The "employment year" is the period beginning on the date an employee is hired, or on any anniversary of that date, and ending 12 months later.

4.3.1 (a) Designated Paid Holidays

- | | |
|----------------------------|---------------------|
| (i) New Year's Day | (ii) Good Friday |
| (iii) Easter Monday | (iv) Victoria Day |
| (v) Aboriginal Day | (vi) Canada Day |
| (vii) British Columbia Day | (viii) Labour Day |
| (ix) Thanksgiving Day | (x) Remembrance Day |
| (xi) Christmas Day | (xii) Boxing Day |

Other days may be designated a holiday by the MFN.

- (b) To be entitled to the holiday with pay, an employee must have worked 30 days after the date they are hired.

4.3.2 Leave General

- (a) The employer will include all employee leave matters in the employee's personnel record file.
- (b) During any period of leave, an employee's benefits continue during the leave period, provided the employee pays any contributions he or she would normally have paid.
- (c) Where an employee chooses not to pay normal contributions to any employee benefits, these benefits may lapse during the leave period, but the employment upon reinstatement is considered to be continuous with employment before the leave, for purposes of calculating future benefits.
- (d) The employer will pay at least the same share of contributions as if the employee were not on leave, unless the employee does not pay his or her contributions.
- (e) During any period of leave, an employee is entitled to receive information about opportunities for training and job openings from the employer, provided the employee has written to the employer for such information.

4.3.3 Vacation Leave

- (a) An employee earns but is not entitled to receive vacation leave during his or her probation period.

- (b) An employee is entitled to the following annual paid vacation leave:
- (c)
- | | |
|---------------------------------|---------|
| after 1 year employment | 2 weeks |
| 2 to 3 years employment | 3 weeks |
| 4 to 6 years employment | 4 weeks |
| 7 to 10 years employment | 5 weeks |
| after 11 years employment | 6 weeks |
- (d) All employees are required to take their annual vacation no later than 10 months after completion of the employment year for which the employee became entitled to vacation. Carry-over of vacation entitlements will only be granted in special circumstances. The employer will make every reasonable effort to grant to an employee, the period of vacation leave requested.
- (e) All employees must submit a written request for leave at least two full weeks prior to commencement of vacation, which must be approved by the employer.
- (f) The employer may choose the timing of an employee's vacation leave. In such cases, the employer will give at least two weeks' notice of when the employee's annual vacation is to begin.
- (g) An employee may by written agreement with the employer waive his or her annual vacation leave. In such cases, the employer will pay within 10 months after completion of the employment year, the vacation pay to that employee. Vacation pay is calculated as a percentage of the gross wages an employee earns during his or her employment year.

4.3.4 Leave of Absence

- (a) A leave of absence may be with pay or without pay.
- (b) Any employee requesting a leave of absence will submit a letter to the employer. The letter must include a reason for the leave and a time period for the absence.
- (c) A leave of absence may or may not be granted to the employee.
- (d) The Administrator may approve an employee's request for a leave of absence:
- (i) with pay, not to exceed five working days; and

- (ii) without pay, not to exceed one month.

Any other employee request for a leave of absence must be approved by the Personnel Committee.

- (e) The Personnel Committee must review and may approve any leave of absence requested by the Administrator.
- (f) The terms of the leave of absence must be confirmed in writing and agreed to by the employee and placed in the employee's personnel record file.

4.3.5 Maternity-Related Job Modification, Reassignment and Leave

- (a) An employee who is pregnant or nursing may, during the period from the beginning of the pregnancy to the end of the 24th week following the birth, request the employer to modify her job functions or reassign her to another job if, continuing any of her current job functions may pose a risk to her health or that of the foetus or child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided in order to eliminate the risk.
- (b) The employer will examine the request in consultation with the employee and where reasonably practicable, modify the employee's job functions or reassign her.
- (c) Where the employee has made such a request and is unable to fulfill her current job requirements, she will be given a leave of absence with regular pay until she is reassigned or her job is modified or until the employer informs her in writing that it cannot reasonably reassign her or modify her job.
- (d) Where the reassignment or job modification is not reasonably practicable, an employee may take an unpaid leave of absence for the duration of the risk as indicated in the medical certificate.
- (e) An employee whose job functions have been modified, who has been reassigned or who is on a leave of absence, must give at least two weeks' written notice to the employer of any change in the duration of the risk or in the inability as indicated in the medical certificate, unless there is a valid reason why that notice cannot be given, and such notice must be accompanied by a new medical certificate.

436 Maternity Leave

- (a) An employee who has been employed for six months or more by the KDC will be entitled to maternity leave without pay where she provides the employer:
- (i) at least four weeks' written notice;
 - (ii) indicates the length of her absence; and
 - (iii) a certificate from a qualified medical practitioner stating that she is pregnant.
- (b) Maternity leave consists of up to 17 weeks, commencing not earlier than 11 weeks prior to the estimated date of delivery and ending not later than 17 weeks following the actual day of delivery.
- (c) An employee must provide at least four weeks' written notice to the employer of any change in the length of leave intended to be taken, unless a valid reason exists for not doing so.
- (d) On return to the organization, the employee will assume her position of employment held prior to the maternity leave, or be given a comparable position.

4.3.7 Parental Leave

- (a) An employee who has been employed for six months or more by the KDC will be entitled to parental leave without pay where he or she provides the employer:
- (i) at least four weeks' written notice;
 - (ii) indicates the length of the absence; and
 - (iii) has or will have the actual care and custody of a newborn or adopted child.
- (b) Parental leave consists of up to 37 weeks within the 52 weeks following the child's birth or the time the child actually comes into the parent's custody and must be taken in one block of continuous time.
- (c) The total parental leave taken by employees in relation to the birth or adoption of a child will not exceed 37 weeks.
- (d) Where an employee takes both maternity and parental leave, the total duration of the maternity and parental leaves must not exceed 52 weeks.

- (e) An employee must provide at least four weeks' written notice to the employer of any change in the length of leave intended to be taken, unless a valid reason exists for not doing so.
- (f) On return to the organization, the employee will assume his or her position of employment held prior to the parental leave, or be given a comparable position.

4.3.8 Bereavement Leave

- (a) All employees will be entitled to bereavement leave with pay not to exceed three working days in the event of a death in the employee's immediate family.
- (b) immediate family means:
 - (i) the spouse of the employee, including a common-law spouse;
 - (ii) the father and mother of the employee and the spouse of the father or mother, including a common-law spouse;
 - (iii) the grandfather and grandmother of the employee and the spouse of the grandfather or grandmother, including a common-law spouse;
 - (iv) the children of the employee, including an adopted or foster child, and the spouse of the child, including a common-law spouse;
 - (v) the grandchildren of the employee, including an adopted or foster grandchild, and the spouse of the grandchild, including a common-law spouse;
 - (vi) the brothers and sisters of the employee and the spouse of the brother or sister, including a common-law spouse;
 - (vii) the nephew, niece, uncle, aunt or first cousin of the employee;
 - (viii) the father-in-law and mother-in-law of the employee and the spouse of the father-in-law or mother-in-law, including a common-law spouse; and
 - (ix) any relative of the employee who resides permanently in the employee's household or with whom the employee permanently resides.

- (C) An employee must submit a bereavement leave request in writing to the employer, stating the relationship between the employee and the deceased. Where additional time is required for purposes of the leave, the leave request must include the number of additional days and the reason for the additional time. In such circumstances, the employee may request that earned vacation or compensatory time be credited against the additional time away from work or request a leave of absence.
- (d) The employer will immediately respond in writing to the employee's request for bereavement leave.

4.3.9 Training Leave

- (a) An employee who has been employed for six months or more by the MFN may apply for training leave with pay not to exceed 10 working days in any employment year.
- (b) An employee must submit a training leave request in writing to include:
- the name of the institution offering the training;
 - full details of the training course;
 - the course costs;
 - the travel costs, if applicable;
 - the time period for the leave; and
 - a statement which describes how the training course will benefit the employee and the KDC.
- (C) A training leave request must be complete and in writing, submitted to the Employer in sufficient time for the employer to make a decision and, where possible, at least one month prior to the commencement of the training course.
- (d) The Administrator may approve an employee's request for training leave. In the case of a training leave request by the Administrator, the application must be submitted to the Personnel Committee for approval.
- (e) The Administrator or the Personnel Committee, as the case may be, may or may not grant training leave. All decisions will be confirmed in writing.

- (f) Where training is deemed necessary for an employee by the employer, the employer may require an employee to take training leave to attend a course, provided that:
- the employer pays all the training costs and travel expenses for the employee;
 - the employee is not required to be away overnight, except with their consent;
 - the leave period does not exceed five consecutive working days at any given time; and
 - the employee receives their full pay for the training period.

4.3.10 Compensatory Leave

- (a) Employees will be eligible for compensatory leave with pay where they have earned compensatory time for overtime worked in excess of 35 hours per week.
- (b) Compensatory leave must be requested in writing by the employee and approved in advance by the employer.
- (c) Employees who are categorized at management levels are not eligible for compensatory leave.

4.3.11 Cultural Leave

Employees are encouraged to take part in their cultural traditions, i.e.: Potlatches, food fishing, etc. Therefore a maximum of 3 cultural days are permitted with pay. Anything exceeding 3 days will be considered exceptional circumstances and are at the discretion of the administrator.

4.3.12 Sick Leave

- (a) An employee who has been employed for three months or more by the MFN, will be entitled to earn sick leave credits at the rate of 1.5 days per month up to a maximum of 18 days. Unused sick leave credits will be forfeited upon resignation or termination of employment.
- (b) An employee will be granted sick leave with pay when he or she is unable to perform the duties and responsibilities of the job because of illness, injury or quarantine up to a maximum of 18 days.
- (c) An employee's absence from work to attend a Doctor, Dentist or other qualified medical practitioner's appointment for themselves or to assist an immediate family member, will also be considered sick leave.

- (d) The employee must provide a certificate from a qualified medical practitioner after three consecutive days' absence from work, certifying that the employee was incapable of working due to illness, injury or quarantine for the period the employee was absent.
- (e) Where an employee's absence from work exceeds the number of sick leave credits accumulated, there is no provision for borrowing against future unearned credits and the employee's pay will be adjusted accordingly. However, an employee, in such circumstances, may request that earned vacation or compensatory time be credited against the additional time away from work or request a leave of absence.
- (f) Where an employee's absence from work exceeds the number of sick leave credits accumulated, the employee will be entitled to sick leave without pay, not to exceed 12 weeks.
- (g) Each day the employee is absent from work due to illness, injury or quarantine, the employee must telephone the MFN Office at 8:00 a.m. to report the absence, except where they have previously provided a medical certificate in accordance with this section.
- (h) On return to work, the employee must complete the necessary sick leave form and submit it to the employer.

On return to work, the employee will assume his or her position of employment held prior to the sick leave.

- (i) Where an employee who, after an absence due to illness or injury, is unable to perform his or her job requirements, the employer may assign the employee to a different position with different terms and conditions of employment.

4.3.13 Work-Related Illness and Injury Leave

- (a) An employee who has suffered a work-related illness or injury will be entitled to work-related illness and injury leave without pay.
- (b) The employer will apply to the Workers' Compensation Board of British Columbia for employee compensation during his or her recovery period.
- (c) On written notice to the employer and in accordance with the Workers' Compensation Board of British Columbia criteria, stating that the employee is fit to return to work with or without qualification, the employer will, where

reasonably practicable, return the employee to work in his or her position of employment held prior to the employee's absence.

- (d) Where the employee returns to work, after an absence due to work-related illness or injury, and is unable to perform his or her job requirements, the employer may assign the employee to a different position with different terms and conditions of employment.
- (e) Where it is not reasonably practicable for the employer to return an employee to work, the employer will notify the employee of the reasons in writing within 21 days of the date on the prescribed notice referred to in paragraph (c).
- (f) The employer's obligation to return an employee to work ends 18 months from the date on the prescribed notice referred to in paragraph (c).

4.3.14 Workers' Compensation

- (a) The MFN is an employer registered with the Workers' Compensation Board of British Columbia.
- (b) An employee's eligibility for workers' compensation coverage is determined by the Workers' Compensation Board of British Columbia.
- (c) All employees will be given a booklet prepared by the Workers' Compensation Board, explaining the workers' compensation benefits.

4.3.15 Advances

- (a) Pay advances may be made to employees only in special circumstances and only with the approval of the employer.
- (b) Travel advances will be made according to the travel policy.

4.3.16 Severance Pay

- (a) An employee who has completed at least 12 months of employment with the MFN and is terminated from his or her employment is entitled to severance pay, except where the termination is by way of dismissal for just cause.
- (b) Severance pay is the equivalent of two days' pay at the employee's regular rate of wages for regular hours of work for each complete employment year, with a minimum benefit equivalent to five days' wages.

4.3.17 Disability, Life and Extended Health insurance Benefits

- (a) The MFN at present does not provide for its employees a disability, life and extended health insurance plan.
- (b) Employee eligibility for coverage is determined by the Plan's criteria.
- (c) All employees will be given a booklet prepared by the insurer, explaining the Plan and its benefits.

4.3.18 Retirement Benefits

- (a) The MFN does not provide for its employees a pension plan.
- (b) The MFN pension plan is registered pursuant to the *Pension Benefits Standards Act*.
- (c) Employee eligibility for coverage is determined by the Plan's criteria.
- (d) All employees will be given a booklet, explaining the Plan and its benefits.

5.0 Employee Records

- (a) The employer will keep a separate personnel record for each employee during their term of employment.
- (b) The Administrator will ensure all employee personnel records are maintained and include all matters relating to the employee's job description, employment status, employee benefits, performance evaluation, and any other matter required by law.
- (c) Employee personnel records will be treated as confidential.
- (d) An employee may request in writing to the Administrator to review their personnel record file.
- (e) The Administrator will make every reasonable effort to accommodate the employee's request to review their personnel record file.

6.0 Grievance Procedure

Any employee who feels he or she is not being fairly treated or has a concern regarding their work environment, may take the following action:

- (a) discuss the problem or grievance with the Administrator. The Administrator may conduct an investigation and will make reasonable efforts to satisfactorily resolve the matter. If, however, the matter is not resolved to the satisfaction of the employee,
- (b) the employee alone, or together with the Administrator, may take the matter to the Personnel Committee or, where appropriate, to the MFN Council, for a resolution.

7.0 Hours of Work

7.1 Daily/Weekly Hours of Work

- (a) The normal day for employees will be seven hours per day, to commence at 9:00 a.m. and end at 4:30 p.m., Monday through Friday inclusive, to a maximum of 35 hours per week, subject to other arrangements with the employer, unless the employee:
 - (i) is hired on an hourly basis to perform temporary work;
 - (ii) is engaged in work which requires the employee to be on call to provide specific services;
 - (iii) is hired on a part-time basis as set out in the employer's letter stating the employment terms and conditions agreed to by the employee; or
 - (iv) is an employee engaged in work which requires irregular hours due to seasonal or other factors.
- (b) An employee who is late to work must telephone the MFN Office at 8:30 am. to report the lateness.
- (c) Employees who are categorized at management levels will be expected to perform the normal duties and responsibilities of their positions before and after normal working hours, such as attendance at meetings, public relations, travel and other such matters associated with the position.

7.2 Break Periods

- (a) Lunch break will be one hour from 12:00 noon to 1:00 p.m., subject to other arrangements with the employer.

7.3 Overtime

- (a) Employees may be expected to work overtime as directed by the employer.
- (b) Any overtime that is expected to occur will have the prior written authorization of the employer.
- (c) Overtime is considered work in excess of 35 hours per week.
- (d) Overtime pay is calculated at a rate of one and one-half times the employee's regular rate of wages. An employee may request compensatory time off in lieu of overtime pay. For example, if an employee works one hour overtime, that employee earns one and one-half times his or her hourly rate of wages or one and one-half hours' compensatory time off.
- (e) Overtime benefits are not available to employees who are categorized at management levels.
- (f) A record of all employee overtime matters will be placed in the employee's personnel record file.

7.4 Pay

Each employee is entitled to be paid for the work performed in the position hired at the pay rate specified.

7.4.1 Pay Periods

Employees will be paid on a bi-weekly basis and pay cheques will be available to employees every second Friday.

8.0 Travel Policy

- (a) Employees may be expected to travel in furtherance of their duties and responsibilities.

- (b) All travel must be authorized in writing by the employer at least five working days prior to departure.
- (c) The employer will ensure that the most cost effective and efficient means of travel is utilized by employees.
- (d) MFN rates for employee travel will be determined by the MFN Council and distributed to all employees from time to time.
- (e) Where an employee operates his or her vehicle on employer business, the employee undertakes to maintain the vehicle in an appropriate and safe working condition with business insurance coverage and no less than \$2,000,000.00 liability coverage. The employer will reimburse, upon receipt, the employee the difference between business insurance coverage and pleasure insurance coverage.
- (f) Where a rental vehicle is authorized for employee travel, the employee must ensure the vehicle is insured for business use and no less than \$2,000,000.00 liability coverage. The employee must comply with the rental agency policy and only use the vehicle for official business purposes. Any breach of the rental agency contract by the employee will be the personal liability of that employee.
- (g) Where a MFN vehicle is authorized for employee travel, the employee must comply with the MFN Vehicle Policy and the vehicle must only be used for official business purposes. Any breach to the MFN Vehicle Policy by the employee will be the personal liability of that employee.
- (h) Travel advances for eligible travel expenses are available to employees at the discretion of the employer. Travel advance requests must be submitted in writing at least 10 working days prior to departure.
- (i) Subject to other arrangements with the employer, travel expense claims must be completed and submitted by the employee to the employer within five working days on return to the organization.
- (j) All travel expense claims must be signed by the employee and must include all original receipts for the expenses being claimed. The employer will review all travel expense claims and authorize each claim for reimbursement or repayment by signing it.
- (k) The employer will maintain and keep a record of all travel matters for each person employed by the MFN.

9.0 Behaviour and Conduct

- (a) All MFN's business, such as correspondence, conversations, information concerning policies, office records, operational statistics, and the same are to be treated as confidential, and are not to be divulged.
- (b) Designated employees will be the only persons that will have access to all keys for the offices, vehicles, safe, files and records, with the approval of the employer.
- (c) The use of the employer's equipment, such as, telephones, photocopies; fax machines, computers, and vehicles, will be restricted to employees and to members of the MFN Council. However, requests to use the same will be granted to others upon approval of the employer.
- (d) All persons employed by the MFN will promote good will toward the MFN, its administration and its members. A professional image of appropriate dress, good conduct and behaviour will also be a requisite for all employees.

9.1 Code of Ethics

- (a) All employees will be expected to adhere to the employer's Code of Ethical Conduct in the performance of their duties and responsibilities.
- (b) The employer's Code of Ethical Conduct requires employees to:
 - perform their duties conscientiously and according to the highest standards of personal integrity;
 - (ii) support and work towards the stated aims and objectives of the MFN;
 - (iii) accept their responsibilities to the community and perform their duties to the best of their ability;
 - (iv) carry out their duties and responsibilities in consideration of the best interests of the MFN and the community and without regard to personal interests;
 - (v) not engage in public criticism of the MFN Council, Personnel Committee, management or co-workers; and
 - (vi) reject and report immediately all forms of discrimination, harassment, fraud or mismanagement of funds to the employer.

9.2 Anti-Harassment Policy

The employer is committed to providing a safe and respectful work environment for all its employees and the community it serves.

9.2.1 Definition of Harassment

Harassment is any unwanted physical or verbal conduct that degrades, demeans, humiliates or embarrasses a person.

9.2.2 Against the Law

The *Canadian Human Rights Act* prohibits harassment related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

9.2.3 Sexual Harassment

Sexual harassment includes any unwanted behaviour which is offensive or humiliating that is related to a person's sex, as well as behaviour of a sexual nature that creates an intimidating, unwelcome, hostile, or offensive work environment.

9.2.4 Employee's Responsibilities

All employees have the responsibility to treat each other with respect, and to speak up if they or someone is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint. All employees have a responsibility to co-operate in the investigation of a complaint.

9.2.5 Managers Responsibilities

Each manager and supervisor is responsible for fostering a safe work environment, free of harassment. Managers will set an example for appropriate workplace behaviour, and will deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint.

9.2.6 Employer's Responsibilities

The employer has a responsibility to be aware of what is happening in the workplace. The employer will treat all incidents of harassment seriously and undertakes to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly. The employer will ensure appropriate discipline measures are taken against anyone who has harassed a person or group of people or who retaliates in any way against anyone who has complained of harassment, given evidence in harassment investigations or been disciplined for harassment. The employer will discipline managers who do not act properly to end harassment.

9.2.7 What Is Harassment?

Harassment includes actions, comments or displays. It may be a single incident or continue over time. Some examples of harassment include:

- (a) unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- (b) unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- (c) displays of sexual explicit, sexist, racist, or other offensive or derogatory material;
- (d) written or verbal abuse or threats;
- (e) practical jokes that embarrass or insult someone;
- (f) leering (suggestive staring) or other offensive gestures;
- (g) unwelcome physical contact, such as patting, touching, pinching or hitting;
- (h) patronizing or condescending behaviour;
- (i) humiliating an employee in front of co-workers;
- (j) abuse of authority that undermines someone's performance or threatens his or her career; vandalism of personal property; or physical or sexual assault.

9.2.8 Personal Harassment

Disrespectful behaviour known as personal harassment is also covered in this Policy. Personal harassment is any unwelcome behaviour that demeans or embarrasses an employee, not based on one of the protected grounds named in the *Canadian Human Rights Act*.

9.2.9 Parties to Harassment

Harassment can take place between co-workers, between a manager and employee, between people of the opposite sex or of the same sex, between an employee and a client, or between an employee and a job applicant.

9.2.10 What Isn't Harassment?

Consensual banter or romantic relationships where the people involved agree with what is happening, is not harassment. Appropriate performance reviews, counselling or discipline by a supervisor or manager is not harassment.

9.2.11 Where Harassment Happens

Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is some way connected to work. For example, employees (and clients) will be protected from harassment during delivery trips, off-site meetings, business trips, and any other event or place related to employment or when the employee is attending a training course.

9.2.12 Complaint Procedures

- (a) Any employee who believes they are being harassed must inform the person that such behaviour is unwelcome and ask that it stop.
- (b) An employee must report any and all harassing behaviour in writing directly to the attention of the Administrator.
- (c) A harassment complaint against the Administrator must be in writing and brought directly to the attention of the MFN Council.

- (d) The Administrator or the MFN Council, as the case may be and depending on the seriousness of the complaint, may appoint the Personnel Committee to undertake the investigation of the complaint and carry out the discipline process in accordance with section 4.2.6.

9.2.13 Employee Rights

Nothing in this Policy interferes with an employee's right to make a complaint under the *Canadian Human Rights Act*.

9.3 Outside Employment

An employee may have other employment outside the organization, provided that such employment does not interfere with the efficient performance of that employee's duties and responsibilities for the MFN.

9.4 Political Activity

Employees will not participate in political activity during the working day or at any time during which the employee is on official business, unless authorized in advance by the MFN Council.

10.0 Confidentiality

All persons employed by the MFN will treat information received or gained in the performance of their duties and responsibilities as confidential information, and is not to be divulged unless authorized to release it.

10.1 Incoming Correspondence

Incoming correspondence will be received and opened by the secretary. In the event of urgent matters of a confidential nature, the secretary will notify the Administrator and will treat the matter only as directed and instructed. All other correspondence will be distributed by the secretary for normal processing.

10.2 Outgoing Correspondence

Outgoing correspondence will be treated with discretion and all confidential matters will be kept within the confines of the organization:

- (a) letters relating to policy matters, complaints, negotiations of all forms, press releases, inquiries and approvals for projects, correspondence with senior officials will be under the signature block of the Administrator or such person the Administrator designates; and
- (b) letters relating to routine inquiries, accounts receivable, accounts payable, personnel matters pertaining to the MFN administration, follow-up matters, research and any matters pertaining to the day-to-day office routine will be under the signature block of the appropriate management personnel.

10.3 Telephone Conversations

Telephone conversations of a confidential nature will be treated as such.

11.0 Coming into Effect of Personnel Policy

The Personnel Policy will come into effect when accepted by resolution of the MFN Council or such date as specified in the resolution.

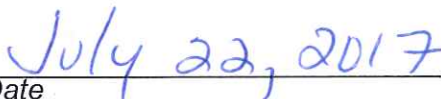
12.0 Amendments

- (a) Any change in federal statutory matters relating to employment insurance, Canada Pension Plan or statutory holidays will become effective on the date the statutory change comes into effect. Changes to the *Workers Compensation Act*, *Canada Labour Code* and the *Canadian Human Rights Act* will become effective on the date the legislation is legally amended. Any other changes to the Personnel Policy will be made by resolution of the MFN Council and will take effect as of the date of the resolution, or such date as specified in the resolution.
- (b) All employees will be informed of any changes to the Personnel Policy in - writing by the employer and the affected sections of the Personnel Policy will be revised accordingly.

MAMALILIKULLA FIRST NATION



 Name (Title)



 Date

Mamalilikulla First Nation Employee/Council Statement

I, _____ have had the opportunity to read the Mamalilikulla First Nation Employee/Council Personnel Policy and I understand its provisions.

I will adhere to the Personnel Policy, including the Code of Ethical Conduct, and confidentiality provisions, in the performance of my duties and responsibilities.

(Signature of employee/Council member)

(Date)

