

Sipekne'katik



Human Resources Policies and Procedures Manual

This Manual replaces previous versions

HUMAN RESOURCES POLICY AUTHORIZATION

This policy was approved by Council on XXX, 2021, Council Resolution number _____ and comes into effect on XXXXXXX.

HUMAN RESOURCES ADMINISTRATIVE PROCEDURES AUTHORIZATION

These procedures were approved by Council on _____, Council Resolution number _____ and comes into effect on [Date].

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OVERSIGHT OF HUMAN RESOURCES POLICY

Human Resources Committee

Responsibilities:

- To review and recommend changes to this Policy and Procedures at least annually;
- To address and resolve all discipline related matters that cannot be settled through an informal process as detailed in this policy;
- To approve the termination of non-managers and recommending terminations to Chief and Council for all Managerial, Officer and Director positions;
- To approve significant revisions to job descriptions;
- To review recommended changes to the policy and related salary guidelines;
- To address any other HR matters the Director of Administration or HR Manager requires further input/support on; and
- To support all other duties and responsibilities as outlined in this policy.

The Committee is comprised of the Director of Operations, Director of Administration, Band Solicitor, HR Manager, Executive Finance Officer and Chief (ex-officio). Other guests may be invited when deemed necessary (e.g. elders, subject matter experts, other managers with specific HR issues, etc.). The Committee reports to Chief and Council.

Observance of Policies

All employees are bound by this HR Policy and are expected to abide by the policies herein. Failure to comply with these Policies will result in disciplinary action.

Severable

Council may amend this Human Resources Policy at any time. If amended, all employees will be informed in writing that changes have been approved. Employees will be informed where they can at any time, review a copy of the Policy (revised and amended).

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

Legislation

It is the intent of Sipekne'katik to, at a minimum, meet all federally legislated requirements with regards to employment. If there is a conflict between this policy and federal legislation, federal legislation will prevail.

1. DEFINITIONS

“Acting”	Means temporarily covering the responsibilities of a managerial or more senior position.
“Arrears”	Unpaid, overdue debt, or an unfulfilled obligation.
“Assign”	Transfer of duties or functions from one person to another where the former person (the assignor) retains responsibility for ensuring the activities are carried out.
“Budget”	An approved plan or outline of revenues and expenditures over a specified period.
“Canada Labour Code”	The <i>Canada Labour Code</i> is an Act of the Parliament of Canada that defines the rights and responsibilities of workers and employers in federally regulated workplaces.
“Chain of Command”	Official hierarchy of authority that dictates who is in charge of who and of whom permission must be asked. An example of a chain of command is when an employee reports to a manager who reports to a Director.
“Committee”	Group of people appointed by Council for advising Council or conducting decision-making activities assigned by Council until or unless they are suspended, resign or disbanded by Council.
“Conflict of Interest”	Situation of personal gain, or perceived personal gain, at the expense of others. This includes a situation where an employee’s personal or professional activities negatively impact the best interest of Sipekne’katik or as a result of the potential for an employee to receive financial or personal benefits.
“Contract”	Legally binding agreement between two parties.
“Contractor”	Means an individual or company that has been awarded a contract by Sipekne’katik to deliver specific services and/or goods.
“Corrective Actions”	Steps taken to deal with job-related behavior that does not meet communicated performance expectations or is not in compliance with this HR policy.
“Cost”	Amount to be paid in cash or in kind in order to obtain an asset, something that has future value.
“Council”	Elected or appointed official representatives of Sipekne’katik that includes Chief, Councilors and the equivalent terminology used by Sipekne’katik elected pursuant to the Indian Act.
“Direct Supervisor”	Employee responsible for managing and overseeing the

work and development of other staff.

Director of Administration (DOA)

means the member of the Senior Management Group who leads the day-to-day administration of the Sipekne'katik and is the direct supervisor of department managers. This position is the link between the Director of Operations and Managers as well as Sipekne'katik members.

"Director of Finance (DOF)"

means the member of the Senior Management Group responsible for overseeing the day-to-day responsibilities of the finance department, including supervision of finance employees. This position reports to the Executive Finance Officer.

Director of Operations (DOO)

means the most senior member of the Senior Management Group who directly reports to Chief and Council. This position leads the vision, mission and strategic priorities of Sipekne'katik. The Director of Operations works closely with and may delegate responsibilities to the Director of Administration.

"Employee"

Means any person(s) employed by Sipekne'katik, to perform services on a full time, part time, or casual basis.

"Employer"

Means Sipekne'katik.

"Employment Status"

Employment Status	Example	Employment Term	Hours of Work	Approval to Hire	Vacation	Group Benefits	Timesheet/ Salaried
On-Call	Security, Gas Bar, VLT Clerk, janitorial coverage	No guarantee of hours or continued employment	Paid for actual hours worked	DOA	Paid out 4% or as legislated	No	Timesheet must be submitted
Short-term Hourly Employee (Invoiced)	Casual, Seasonal such as Deck Hands or student	Temporary hire 0-6 months	Paid for actual hours worked	DOA	Paid out 4% or as legislated (see 14.5)	No	Timesheet must be submitted
Long-term Hourly Employee (Invoiced)	Security, Gas Bar, VLT Clerk, Homecare Worker	More than 6 months, with a regular schedule	Paid for actual hours worked	DOA	Accumulate at 4% or as legislated (see 15.4)	No	Timesheet must be submitted
Term Employee	Maternity Leave Contract, Temporarily Funded position	6-18 months with definite end date	As per contract	C&C	Pro-rated as per leave section	No (unless employee is likely to become regular full-time)	Salaried
Regular Full-time Employee	Administrative Assistant, Finance Clerk, Program Manager	Full-time position (new employees start with 1 year contract)	25 hours or more per week	C&C for Manager & above, DOA for non-management	Accrued and pro-rated based on HR Policy	Yes	Salaried
Regular Part-time Employee	Can be in any department	Part-time position (new employees start with 1 year contract)	Less than 24 hours per week	C&C for Manager & above, DOA for non-management	Accrued and pro-rated based on HR Policy	No	Salaried

Notes:

- Chart above lists generalized terms; specific terms of employment will be listed in each employment agreement or contract.
- Group Benefits include medical/dental insurance, life insurance, short term disability, long-term disability, and Pension.

“Executive Finance Officer (EFO)”	means the most senior finance employee who is a member of the Senior Management Group and who is responsible for overseeing the financial activities of Sipekne’katik with signing authority as approved by Council. The Executive Finance Officer works closely with and may delegate responsibilities to the Director of Finance.
“Financial Administration Law”	A Financial Administration Law (FAL) is a set of governance and finance practices that helps Councils and staff make informed decisions and run their First Nation well. A Nation that lives by its FAL commits to good governance and finance practices over the long-term.
"Fiscal Period"	Means the fiscal period commencing on the April 1 st of a calendar year up to and including March 31 st of the following calendar year.
"Human Resources Committee"	Means a standing committee responsible for the management and oversight of the HR Policy, including addressing appeals, reviewing HR matters, and providing recommendations to Chief and Council. Also referred to as HR Committee.
"Human Resources file"	Means the confidential file created for each employee which is held in the Human Resources Department.
"Human Resources Manager"	A member of the senior management group who is responsible for oversight, management and implementation of the HR Policy set out herein and who reports to the Director of Administration.
"Immediate Family"	Means the employee's: <ul style="list-style-type: none"> • spouse by marriage or any other formal union recognized by law; • father and mother and the spouse or common-law partner of the father or mother; • child(ren) and the child(ren) of the employee's spouse or common-law partner; • grandchild(ren); • brothers and sisters; • grandfather and grandmother of the employee; • father, mother, brother(s) and sister(s) of the spouse or common-law partner of the employee; • any step relation is considered to be immediate family as well; or • relative of the employee who resides permanently with the employee or with whom the employee permanently resides.
“Information”	Knowledge received and any documented material regardless of source or format.
“Invoiced”	Employee is paid actual hours worked as per the approved timesheet. Referred to as “hourly employee”.

"Line of Authority"	As set out in Sipekne'katik Organizational Chart.
"Local Revenues"	Term used to describe property taxes under the <i>First Nations Fiscal Management Act</i> .
"Manager"	An employee who supervises staff and/or is in charge of a specific budget or division and who has a management role as outlined in Policy.
"Misconduct or Wrongdoing"	Breach of Sipekne'katik's Financial Administration Law including conflict of interest provisions, code of conduct, Council-approved policies and administrative procedures.
"Officer"	means an employee of Sipekne'katik designated by Council to perform official duties as outlined in the Sipekne'katik Financial Administration Law and is limited to such duties assigned to the Director of Operations, Director of Administration, Executive Financial Officer, Tax administrator and any other employee of Sipekne'katik designated by Council to perform similar duties.
"Organizational Chart"	Visual representation of the different positions in Sipekne'katik that clearly shows reporting relationships (who reports to who). Chief and Council approval required for changes.
"Overtime Hours"	Means any hours worked in excess of 8 hours in a day or 40 hours in a week.
"Overtime Pay"	Pay for approved Additional Hours or Overtime Hours that are in an employee's Banked Time Off that are not used within 90 days and automatically paid out.
"Performance Improvement Plan"	Plan developed by an employee's direct supervisor, in consultation with the employee, to address the areas for improvement/development identified during the performance review process.
"Personal Information"	Information about a specific individual. In addition to common items such as an individual's name, address, contact information, identification, and file numbers - it also includes criminal, medical, financial, family and educational history as well as evaluative information and other details of an individual's life.
"Professional Development"	Conferences, informal learning opportunities, formal coursework, etc. that an employee undertakes to earn or maintain professional credentials and/or improve their skills/knowledge to perform their job requirements.
"Program Director"	Means a person who has a Manager(s) reporting to them and oversees and administers a program or department for Sipekne'katik.
"Record"	Information created, received, and maintained by Sipekne'katik for operational purposes or legal obligations. A record may be digital, or hardcopy paper based.

“Procedure”	Means a step-by-step sequence of activities on how we implement the policy; that may be amended from time to time.
“Risk”	Possibility of a loss or other negative event that could threaten the achievement of Sipekne’katik’s goals and objectives.
“Senior Management Group”	Means the group consisting of the Director of Operations, Executive Financial Officer, Director of Administration, Human Resources Manager and Director of Finance.
“Sipekne'katik”	Means Sipekne'katik and sometimes is referred to as Indian Brook First Nations or Shubenacadie Band Council.
“Staff”	Means all non-management employees.
“Tax Administrator”	Person responsible for managing the local revenues and local revenue account on a day-to-day basis, if Sipekne’katik is collecting local revenues.
“Travel Expenses”	Amount of money spent on transportation, accommodation, meals, hospitality, or incidentals, to be paid back (reimbursed).
“Years of Full-Time Employment”	Means each consecutive 12-month period starting on an employee’s first day of full-time employment, when vacation time starts accruing, with no breaks in service (other than as legislated).

2. Human Resources Policies and Procedures

POLICY

Purpose

The purpose of this policy, including the approved procedures, 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 Sipekne'katik. The policy describes the terms and conditions of employment and expected general working conditions.

The Employer wishes to ensure that all reasonable measures are provided for the occupational health and safety of its Employees.

The Employer strives to promote the well-being and productivity of its Employees to serve its members effectively and efficiently. Accordingly, the Employer is determined to establish an effective working relationship and environment for all the Employees.

Scope

This policy refers to and is applicable to any employee including all managers and staff (non-manager), full time, part time, and hourly (casual), ongoing (permanent), temporary (term) employees and any individual. Some sections of this policy may apply to elected officials of Sipekne'katik or a company contracted to provide services and/or goods to Sipekne'katik.

Revision of Policy

Sipekne'katik reserves the right to modify the policies herein as determined necessary. Any amendments shall be posted on the Sipekne'katik website and email notification provided to all employees. Managers are expected to inform their employees of any amendments. From time to time, Sipekne'katik policies may require revision. The HR Committee may, on an annual basis, review and revise these policies as required. Any amendments to this policy manual does not give any basis for compensation increases for any employee. Amendments shall be effective from the time of their approval by Chief & Council.

Statement of Employee & Employer Rights

Sipekne'katik believes that it is important to identify and protect both employee and employer rights. As such Sipekne'katik believes:

- All employees are entitled to fair and just treatment.
- Employees are entitled to carry out their job without fear of harassment or retaliation. Sipekne'katik 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 as per this policy and Sipekne'katik Information Policy.
- No employee shall intimidate, retaliate, threaten, or cause an employee to abandon or modify a complaint or grievance or refrain from exercising a right to present a dispute, as provided in the conditions of employment.
- Sipekne'katik will recognize the work of employees. However, any work done by an employee for Sipekne'katik, belongs to Sipekne'katik. Sipekne'katik owns the right to use and revise, any or all artistic, recorded or written work that an employee created for Sipekne'katik during their period of employment without monetary compensation but acknowledgement of the contribution and effort may be rightfully accorded the employee at the discretion of

Sipekne'katik.

Short Title

This policy may be cited as the "HR Policy".

3. SIPEKNE'KATIK ORGANIZATIONAL CHART

POLICY

Policy Statement

It is Council's responsibility to establish the process around creating and maintaining the organizational chart that makes clear who reports to who in Sipekne'katik's administration.

Purpose

The purpose of this policy is to show the organizational reporting relationships within Sipekne'katik's departments and positions to support accountability and performance management.

Scope

This policy applies to Council and all persons having a role and responsibilities in the organizational structure of Sipekne'katik.

Responsibilities

Council is responsible for:

- Approving changes to the organizational chart;
- Ensuring that financial resources are available to put in place and maintain the organizational structure; and,
- Making sure that the organizational chart clearly shows Sipekne'katik's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration, and to each participant in the systems including committees.

The Director of Operations is responsible for:

- Making sure that the organizational chart is prepared, recommended to Council for approval, and kept current;
- Making sure that the roles and responsibilities and reporting relationships are effectively communicated to all those affected by the organizational chart and as required by the Financial Administration Law; and,
- Filing, communicating and distributing the organizational chart to all employees and affected persons.

ADMINISTRATIVE PROCEDURES

3.1 Organizational Chart

Employees will be expected to respect the chain of command by communicating their requests or concerns to their supervisor or manager at the lowest level on the organization chart before escalating the issue to upper-management employees. Not only does this enable effective and timely decisions but it also reduces miscommunications, strained relationships, and uninformed decisions.

The Director of Operations will prepare an organizational chart that clearly shows Sipekne'katik's governance, administrative and financial management functions. The organizational chart will identify the roles assigned to each level of governance and administration, including committees. This will be prepared by the Director of Operations and submitted to Council for approval.

The Director of Operations will make sure each role identified in the organizational chart is clearly defined with a job description. The Director of Operations will update the organizational chart annually for changes in personnel and addition of new positions and will submit recommendations to Council for approval.

See APPENDIX B (Organizational Chart)

4. CODE OF CONDUCT & CODE OF ETHICS, OATH OF CONFIDENTIALITY, CONFLICT INTEREST

POLICY

Policy Statement

It is Council's responsibility to establish the basic obligations of all employees, their relationship as employees, and their interactions with co-workers, managers, Council and the public, including stakeholders and Members. Sipekne'katik is dedicated to providing its employees, members, partners, and funders with the highest ethical standards in accordance with this policy.

Purpose

The purpose of this policy is to ensure that employees are aware of their rights and responsibilities under this policy.

Scope

This policy applies to all Sipekne'katik employees.

Responsibilities

Council is responsible for:

- Acting in an ethical manner and adhering to their responsibilities under Sipekne'katik Governance Policy;
- Fostering an ethical and safe working environment; and,
- To uphold the spirit and intent of the HR Policy.

The Director of Operations and Director of Administration is responsible for:

- Acting in an ethical manner and adhering to their responsibilities under Sipekne'katik Governance Policy and HR Policy;
- Fostering an ethical and safe working environment; and
- Reviewing and maintaining the documentation required for all new employees.

The Executive Financial Officer is responsible for:

- Acting in an ethical manner and adhering to their responsibilities under Sipekne'katik Governance Policy and HR Policy;
- Complying with the professional code of conduct for any professional organization they are a member of; and,
- Fostering an ethical and safe working environment.

The Human Resources Manager is responsible for:

- Meeting with all new full-time employees before commencement of their employment to complete benefit enrollment forms and new hire kits as well as HR Policy review/sign-off:

Program Directors and Managers are responsible for:

- Providing a department or role-specific orientation to their new employees;
- Completing new hire kits for short term hourly employees as pre-approved by Director of Administration;
- Signing and submitting bi-weekly timesheets to Finance;
- Ensuring the Code of Conduct, Code of Ethics, Oath of Confidentiality and Conflict of Interest as well as any other pertinent documentation is signed and submitted to HR for all hourly and temporary employees.
- Ensuring employees are adhering to their responsibilities under this policy; and,
- Escalating any concerns as required to the Human Resources Manager and/or Director of Administration.

Employees are responsible for:

- Adhering to their responsibilities under this policy;
- Adhering to any employment related professional organization standards / Code of Conduct;
- Ensuring they read, understand and sign the Code of Conduct, Code of Ethics, Oath of Confidentiality and Conflict of Interest; and
- Ensuring they read, understand and initial every page of this HR policy at the time of hire and as required.

ADMINISTRATIVE PROCEDURES

4.1 Documentation

The Human Resources Department will include the Code of Conduct & Code of Ethics, the Oath of Confidentiality, the Conflict of Interest Disclosure Statement, the Agreement of Understanding of Human Resources Policy, the HR Policy, and the Finance Policy as appendices to the contract that is provided to the successful applicant hired in a full-time position.

The Human Resources Manager, or designate, will ensure that the following forms are signed and received back from the successful applicant prior to commencement of employment or inclusion of their name on the hourly (casual) On-Call List:

- Code of Conduct & Code of Ethics;
- Oath of Confidentiality; and
- Conflict of Interest Disclosure Statement.

Provide authorization to the hiring manager that the employee is authorized to commence employment duties once all required documentation is received.

If a potential employee refuses to sign any of the above forms, advise the individual and the hiring manager that the Offer of Employment has been revoked. There will be a 48-hour grace period provided to the applicant to reconsider.

The Human Resources Department will ensure that they receive a copy of the HR Policy and Finance Policy with each page initialed by the new employee during the new employee orientation session.

4.2 Code of Conduct & Code of Ethics

Prior to commencement of employment (or upon identification that the form is missing from the employee's Human Resources file) all employees will be required to sign the Code of Conduct & Code of Ethics which will remain in effect throughout employment with Sipekne'katik. A breach of the Code of Conduct & Code of Ethics may result in discipline, including dismissal from employment with cause. Employees acknowledge that the Code of Conduct & Code of Ethics may be modified from time to time. All amendments must be reasonable and lawful.

CODE OF CONDUCT & CODE OF ETHICS

- (1) During work hours, employees must devote themselves exclusively to their duties of employment; be prompt and courteous in their performance; as well as adhere to the policies and procedures of Sipekne'katik and work to promote Sipekne'katik, its vision, goals and objectives.
- (2) Employees must act in complete compliance with all Sipekne'katik policies and Sipekne'katik Financial Administration Law. A breach of any Sipekne'katik policy may result in progressive

discipline in accordance with this policy.

- (3) Employees shall carry out the duties of their positions conscientiously, loyally and honestly, remembering that the primary work task is to serve Sipekne'katik and its members. Financial integrity is a fundamental obligation of any employee and failure to comply in any manner to manage the financial accounts of the Sipekne'katik may result in disciplinary action, up to and including immediate termination for just cause.
- (4) Employees shall respect the integrity and dignity of the organization, its programs, staff and all other affiliated agencies.
- (5) Employees shall conduct themselves, while on and off duty, in person and on all social media platforms, as outlined in the Social Media Section, in a manner that will continue to reflect positively upon their employment, be a credit to themselves, their department, and Sipekne'katik. Any conduct which negatively impacts the reputation of Sipekne'katik will not be condoned and may be subject to disciplinary action, up to and including immediate termination for just cause.
- (6) Employees shall work continuously towards self-improvement through self-evaluation and training.
- (7) Information received by employees while on the job from any source is absolutely confidential and shall not be disclosed to any other person except in accordance with these policies.
- (8) Punctuality of employees is a fundamental obligation of the job. In the event of tardiness, the employee must contact the immediate supervisor before the commencement of the workday and provide an expected time of arrival.
- (9) Employees shall use their initiative to find ways of doing their work more efficiently and economically.
- (10) Employees shall follow job related directions attentively and cooperate with their Manager/Program Director.
- (11) Employees shall maintain a satisfactory standard of dress and general appearance appropriate to their duties.
- (12) Employees shall use equipment, property or supplies, which are owned, leased or rented, by Sipekne'katik for authorized purposes only.
- (13) Employees shall protect and care for all Sipekne'katik property entrusted to them and report to their relevant Manager any missing equipment or faulty equipment that requires repair.
- (14) Employees shall not engage in any public criticism of Sipekne'katik, Chief and Council, employees, or the approved policies or decisions of Sipekne'katik.
- (15) Employees are encouraged to recommend to their Manager, within their sphere of responsibility, changes of policy which they believe appropriate. Employees will bring forward any concerns regarding decisions, actions, etc., according to policies and procedures.
- (16) Employees shall not be impaired by alcohol or substances at any time while on duty. Employees must notify their supervisor if their medical treatment impedes their ability to work safely or to meet expectations with good judgement. This includes potential side effects of any medical treatments.
- (17) Employees shall ensure that any fee, gifts or other tangibles offered to them in reward for duties performed by virtue of their appointment are within compliance with Sipekne'katik's Financial Administration Law Schedule – Avoiding and Mitigating Conflicts of Interest.
- (18) Employees will not participate in, or condone any behavior that is intended to harass, degrade, humiliate, intimidate, or cause fear to any other employee, member, client, volunteer of Sipekne'katik.
- (19) Employees will respect the culture, traditions, and teachings of the Mi'kmaq nation and act accordingly.
- (20) Employees will treat others with fairness and respect and be open to other's opinions, personal preferences, gender identifies, disabilities and cultural differences that may be different than their own as outlined in the Charter of Rights and Freedoms as well as Human Rights Legislation. (Refer to Equal Employment Opportunity 5.2.)

4.3 Oath of Confidentiality

Prior to commencement of employment (or upon identification that the form is missing from the employee's Human Resources file) all employees will be required to sign the Oath of Confidentiality which will remain in effect throughout employment with Sipekne'katik. A breach of the Oath of Confidentiality may result in discipline, including dismissal from employment with cause.

OATH OF CONFIDENTIALITY

- (1) Confidential information received by employees while on the job from any source shall not be disclosed in any form of communication to any other person except as required to fulfill their job responsibilities, this policy and Sipekne'katik Information Management Policy;
- (2) Confidential information shared in the ordinary course of business must follow the prescribed line of authority;
- (3) All personnel working on behalf of Sipekne'katik will protect the confidentiality of any information acquired during their employment;
- (4) Confidential member information may be disclosed only when a Member has authorized in writing such disclosure, or when it is required by Law;
- (5) In the event of a legal request, the matter must be presented to the Director of Operations who shall be responsible for dealing with the disclosure;
- (6) All personnel employed by Sipekne'katik shall not speak or divulge any information to the media regarding Sipekne'katik issues unless expressly authorized by the Director of Operations;
- (7) A breach of confidentiality may result in progressive discipline, up to and including termination with just cause;
- (8) The obligation to maintain confidentiality extends beyond the termination of employment, contract, or association with Sipekne'katik. Confidentiality of health, personnel, or financial information are binding forever;
- (9) Implied Collaboration/confidentiality – employees will be informed if the information they are sharing needs to be shared with a circle of care (e.g. potential for harm to oneself or others) in a confidential manner;
- (10) All employees must be cognizant of photos being taken and released to the public where at times a photo disclosure release may be required (e.g. posting photos of children at community events);
- (11) If an employee is unsure about the confidential nature of any information, or whether information can be disclosed, they must discuss the matter with their immediate supervisor.

4.4 Conflict of Interest

Prior to commencement of employment (or upon identification that the form is missing from the employee's Human Resources file) and throughout employment as required, all employees will be required to sign a Conflict of Interest Declaration to identify any conflicts of interest or perceived conflicts of interest.

Conflict of Interest:

- (1) No employee of Sipekne'katik shall act in any manner or fashion, which is in a conflict of interest, or a perceived conflict of interest, to Sipekne'katik as per this policy and/or Sipekne'katik Financial Administration Law, Schedule – Avoiding and Mitigating Conflicts of Interest. A matter which is of a benefit to the entire Sipekne'katik membership or all employees shall not be deemed to be a conflict of interest.
- (2) A fundamental condition of employment of all employees of Sipekne'katik is that they shall not engage in a conflict of interest or a perceived conflict of interest. No employee of Sipekne'katik shall engage in any conduct in the course of employment that may result in a personal benefit to that employee, a member of their immediate family, or a close relationship.
- (3) No employee shall participate in any decision which may benefit the employee or a member of his/

her family, regardless of the position or authority of that employee. No employee in authority shall influence or lobby another Manager or Director for decisions that are deemed to be in conflict of interest or perceived conflict of interest.

- (4) A conflict of interest or perceived conflict of interest occurs when an individual acts to their own benefit or the benefit of immediate family members or close acquaintances.
- (5) All employees must always act in the best interest of Sipekne'katik.
- (6) Dealing with a Conflict of Interest or a Potential Conflict of interest:
 1. If or when a conflict, potential conflict, or a perceived conflict of interest situation arises, the employee must immediately inform their Manager that a conflict or potential conflict has arisen and the nature of the conflict;
 2. The employee must take no further part in discussions or decision making regarding the matter or make any further efforts to influence the decision;
 3. If an employee is found to be in a conflict situation and did not declare the conflict, the employee will immediately be referred to the HR Committee for review;
 4. The Director of Operations and Director of Administration, in consultation with the Human Resources Committee will determine whether there has been a conflict, or a perceived conflict and if so, will follow Sipekne'katik discipline process up to and including dismissal. Any member of the Human Resources Committee should abstain from the decision if the conflict, or perceived conflict of interest shall be applicable to him/her.
 5. At no time shall a Sipekne'katik employee also work or volunteer with an organization that actively seeks to undermine or negate in any manner or fashion, the interests of Sipekne'katik.
 6. If an employee has been asked to support (spend time), volunteer and or sit on a Committee for another agency or organization and the request will require that Sipekne'katik employee take considerable time away from their regular work hours with Sipekne'katik, the employee must submit a written request that includes enough information needed to make an informed decision to the HR committee for review and which will be brought to Council for approval.

See Appendices

APPENDIX C Code of Conduct & Code of Ethics

APPENDIX D Oath of Confidentiality

APPENDIX E Conflict of Interest Declaration

APPENDIX F Agreement of Understanding of the Human Resources Policy

5. EMPLOYEE RECRUITMENT

POLICY

Policy Statement

It is Council's responsibility to establish a process around the steps and standards for the hiring of Sipekne'katik's employees, consultants, and contractors.

Purpose

The purpose of this policy is to provide for fair, transparent, and unbiased hiring practices that make sure employees have the skills, experience, qualifications and competencies necessary to perform their role and allow Sipekne'katik to meet its objectives.

Scope

This policy applies to the hiring of all employees including the Senior Management Group and Tax Administrator.

Responsibilities

Council is responsible for:

- Appointing each of the Director of Operations, Director of Administration, Executive Financial Officer, and Tax Administrator as an "Officer";
- Following the approved hiring policy and procedures as it relates to the hiring of all Officers and Management positions;
- Approving the hiring of all managers and above based on recommendations from the Interview Committee or Recruitment Firm, unless delegated by Council; and
- Approving all new positions added to the Organizational Chart.

The Director of Administration is responsible for:

- Approving the hiring of employees, excluding any Officers, on a temporary basis for three months or less with first preference going to band employees to fill full-time vacant positions (e.g vacancies);
- Approving the hiring of all employees, excluding managers and above (based on recommendations from the interview committee), with the option to seek Council approval where deemed necessary (e.g. conflict of interest); and,
- In conjunction with the HR Manager, overseeing the hiring process for all employees, excluding Officers.

The Director of Finance and/or Executive Finance Officer is responsible for:

- Providing budgetary approval for all new positions, including the source of short and long-term funding for the position.

ADMINISTRATIVE PROCEDURES

5.1 Position Authorization

All new positions must receive Budgetary Authorization from the Executive Finance Officer or Director of Finance before being brought forward to Council for approval. All new positions or positions for the Director of Operations, Director of Administration, Executive Financial Officer or Tax Administrator must be identified and approved by Council. Any previously approved position that has become vacant, may be approved by a Director of Administration for re-posting (assuming budget is still in place).

Program Directors and Managers, with the assistance of the Director of Administration, Executive

Financial Officer, and the Human Resources Manager, will prepare the documentation including the job description, rationale for the position and the budgetary support for presentation and recommendation to Council.

5.2 Equal Employment Opportunity

As legislated, Sipekne'katik provides equal 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 and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

5.3 Preferential Hiring Practice

The intention in all hiring is to recruit the best-qualified candidate. We are an equal opportunity employer, however, qualified indigenous applicants will be given priority in accordance with the Indigenous Employment Preference Policy of the Canadian Human Rights Commission. Sipekne'katik reserves the right to post jobs internally when a pool of sufficiently qualified employees have been identified.

5.4 Job Descriptions

Job Descriptions are required for all positions within Sipekne'katik. Copies of Job Descriptions are available from the Human Resources Department. The Program Director/Manager, Director of Administration and Human and Resources Manager, will review and update the job description for the position being recruited for to make sure it accurately describes the duties, functions and responsibilities of the position, and it accurately identifies the skills, experience, qualifications and competencies necessary to fulfill the position.

All Job Descriptions shall include the following:

- Position title;
- Accountability or reporting structure, including line of authority;
- Responsibilities: nature and scope of work, including regular duties;
- Experience, abilities, knowledge and skills required;
- Qualifications: educational background and training, licenses, certificates required;
- Description of any physical, environmental and/or special requirements for the position; and
- Revision or creation date.

Job descriptions will be used to determine employee selection, job requirements, employee evaluations, organizational structure and for such other purposes as determined by the Human Resources Committee. From time to time Job Descriptions may be reviewed and revised by the Human Resources Committee at the request of Program Director, Manager with employee input. The Manager/Supervisor will provide the employee with a written copy of a new/updated job description.

Job Descriptions are not exhaustive and will include the expectation of performing other related duties. All other related duties will be based on operational needs, will be reasonable, relevant to the position, and approved by their immediate supervisor.

5.5 Probation Period

All new employees in a management position (Director of Operations, Director of Administration, Executive Financial Officer, Tax Administrator, Program Directors, Managers) will be placed on a six (6) month probation period. All other new full-time employees will be placed on a three (3) month probation period. Any employee hired on a temporary basis (under "*Temporary Assignment*" subsection below) will be placed on a probationary period for the entire duration of their contract. New employees hired on a part-time or hourly (casual) basis will be placed on a probation period equivalent to a full-time 3-month probation (e.g. sixty (60) shifts).

At any time during the probationary period Sipekne'katik may terminate an employee without cause and without notice.

Council will evaluate, during the probationary period, the Director of Operations. The Director of Administration will evaluate probationary Program Directors, EFO and Managers. Each Program Director, EFO or Manager will evaluate all other employees in their department. In the case where an employee reports to two Program Directors or Managers, both will jointly conduct the evaluation.

An employee who accepts a lateral transfer within Sipekne'katik will be treated like any new employee and given a three (3) month probationary period.

At the discretion of the HR Committee, if it is determined that the employee has not passed the original probationary period, the probation period may be extended up to an additional three (3) months where circumstances are deemed appropriate.

If an employee begins at a training rate of pay and is increased to the regular rate of pay for their position after successful completion of the probationary period, the employee shall not be entitled to any retroactive wages or benefit increases for the period of their probation.

5.6 Job Posting Procedure and Position Competition

All positions, both Ongoing and Term, will be posted to provide a transparent opportunity for transfers, promotions, advancements, short term replacements and external applicants.

All positions will be posted and advertised as directed by the Director of Administration and/or Human Resources Manager with the approval of Department of Finance. Generally, all postings will be open for a minimum of 10 working days.

All job postings shall include qualifications, duties, date of posting, application deadlines, and other relevant information related to the position as determined by the Human Resources Manager and Program Director or Manager.

External recruitment firms will be utilized for all Manager and above positions and as determined by Chief and Council.

5.7 Initial Screening Applicants

Must have three (3) applicants to proceed with the screening process; otherwise, the posting will be extended by at least one week. If three (3) applicants do not apply after the extension the Human Resources Manager will consult with the Director of Administration to proceed with the interview process.

Screening of all applications will be performed by the Human Resources Manager and the appropriate Program Director / Manager to determine the applicant's ability to meet the minimum posted qualifications. All applications of qualified candidates received for a posting will be forwarded to the Interview committee. All candidates will be asked the same questions.

If any candidate misses a confirmed interview, they will not be granted a second chance to be interviewed. The Human Resources Manager or independent recruitment firm will notify in writing, all candidates who have been interviewed of the Nation's decision in relation to their candidate's application.

Individuals involved in active litigation against Sipekne'katik will not be considered for employment.

5.8 Emergency Hiring

The Director of Administration, under urgent circumstances involving health and safety related issues, has the authority to select and hire a candidate without going through the normal posting / interviewing process. In executing this appointment, the Director of Administration will provide notification to the Chief and Council and the HR Committee.

Selection of all on-going positions must follow the full assessment and interview procedure.

5.9 Interviews

The Interview committee shall be responsible for interviewing each applicant selected for an interview within each Department as outlined below.

If a member of the Interview committee is in a conflict of interest, they must declare it to the Committee and shall be replaced and have no role in the selection of any candidate. The member once replaced will abide by the decisions made by the reconfigured Committee.

5.10 Interview Committee Structure

Director of Operations, Director of Administration, Executive Finance Officer, and Tax Administrator positions

The Interview Committee will be facilitated by the HR Manager and will include:

- An independent recruitment firm;
- Member(s) of the Senior Management Group; and,
- Other subject matter expert(s) and/or elder may be appointed.

The ultimate decision with respect to the appointment of the Director of Operations, Director of Administration, Tax Administrator and the Executive Financial Officer will be the exclusive jurisdiction of the Council of Sipekne'katik.

Program Director / Manager position

The Interview Committee will be facilitated by the Human Resources Manager and will consist of the following:

- An independent recruitment firm;
- Director of Administration or member(s) of Senior Management Group;
- Immediate supervisor (if applicable); and
- A third-party subject matter expert and/or elder may be appointed.

Remainder of Hires

The Interview Committee will be facilitated by Human Resources Manager, or designate, and will consist of the following:

- Member(s) of the Senior Management Group;
- Immediate supervisor(s); and
- A third-party subject matter expert and/or elder may be appointed.

5.11 Short-Term Hourly (Casual or Invoiced) Employees

Positions for short-term hourly employment may be approved as determined by the Director of Administration. The Director of Finance or Executive Finance Officer are required to provide budgetary approval in compliance with subsection 5.1 "Position Authorization" above.

The Program Director or Manager wishing to fill a short-term hourly position must provide the Director of Administration and/or HR Manager with a job description and the rationale for requesting the temporary position. All short-term hourly hires must be approved by the Director of Administration in advance. Short term staffing assignments of less than 3 months (with a potential extension not to exceed an additional three months) may not require job posting competitions as determined by the Director of Administration on a

case-by-case basis. Notice of the approval to hire someone on a hourly (casual) basis must be provided to the Human Resources Manager who will ensure the hiring department has completed on paperwork (e.g. new hire kit for temporary hires).

If the casual assignment is due to a vacancy in an existing position and recruitment efforts have been unsuccessful, the Director of Administration is required to seek an extension, if beyond six months, from Chief and Council.

Long-Term Hourly (Casual or Invoiced) Employees

Long-Term hourly (e.g. gas bar, gaming, security) employees who have been working full-time hours for 2 or more years will be considered for a change in employment type, as a salaried with benefits, as determined and approved by the HR Committee. Department Managers will be responsible for recommending these changes based on the employee's performance meeting all expectations.

5.12 Acting Position

In the event of a vacancy in the Director of Operations, Director of Administration, Executive Financial Officer, Tax Administrator, Program Director, Manager or Assistant Manager positions, an employee may be identified to cover the vacant manager's position on an "Acting" basis. They may be required to cover the responsibilities of a vacant management position on a temporary basis in addition to their own responsibilities during the "Acting" role. In this situation where an employee is in an "Acting" manager role, it must be:

- Approved by Council; for Director of Operations, Director of Administration, Tax Administrator and EFO positions;
- Approved by Director of Administration; and
- Accepted by the employee.

Each situation will be reviewed on a case-by-case basis. The employee may be eligible for "Acting" pay up to an additional 12% of their regular pay for the whole duration of the temporary position

Notification of these assignments must be provided to the Human Resources Manager for appropriate documentation to be provided to the Finance Department.

The employee's pay level will return to their original amount once he/she returns back to their original position.

5.13 On-Call List

To enable Department Managers to hire qualified individuals to fill short term positions (e.g. to fulfill a short term operational need or to cover a short term vacancy such as vacation leave, sick leave), each Department is allowed to establish an On-Call List as approved by the Director of Administration and HR Manager.

Once approved, the Human Resources Department will keep an On-Call List for Sipekne'katik and must follow an established hiring protocol or screening process to fill the On-Call List.

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. Sipekne'katik reserves the right to terminate a short-term hourly position at any time without notice.

On-call employees, once screened and identified, are required to complete all paperwork and standard employee orientation processes, including an acknowledgement that being on an on-call list provides no guarantee of hours, shifts or employment of any kind.

5.14 Seasonal Employee Re-hiring Procedure

The Director of Administration is authorized to re-hire employees that were hired in the previous season based on consultation with the Department Manager. Each letter of Offer is to be signed by the Director of Administration.

5.15 Fisheries Hiring Process

The Fisheries Department will use a points-based system for determining which Sipekne'katik members are most qualified to work as deckhands for the Sipekne'katik Commercial Fishery based on the established procedures in the *Commercial Deck Hand Employment Strategy*. Each Letter of Offer is to be signed by the Director of Administration.

5.16 Aptitude and Ability Tests

Some positions require skills for which a known level of competence exists, i.e., keyboarding, computer applications, data entry, and equipment operation. Under these circumstances the Interview committee may request applicants to demonstrate skills by completing an exercise involving a job-related work sample. All interviewed applicants must be given the same exercise. All test results will be confidential.

5.17 Verification of Previous Employment & Reference Checking

The Human Resources Department will be responsible for verification of employment information provided by any candidate for any position. References from previous employers and record checks concerning overall employment performance will be conducted by the Human Resources Department in the complete discretion of Sipekne'katik. The Band reserves the right to contact the supervisor of an internal candidate for a reference check.

5.18 Verification of Licenses, Certification and Education

Candidates will be responsible for providing original verification of their licenses, certification, and educational background, including confirmation of the successful completion of all certificates, diplomas, licenses, degrees, etc., or a letter of good standing from a professional organization. The successful candidate may be asked to provide original documentation of all accreditation before the interview. Some positions require licenses or certification level (equipment operator) and proficiency or qualification documentation must be produced upon initial orientation for these types of employment. Appropriate documentation on skills in accordance with the direction through the Human Resources Manager or is contained in a job posting shall be produced upon request.

Memberships in professional organizations that are required for an individual's position or are meeting a demonstrated need of Sipekne'katik will be reimbursed provided that the appropriate immediate supervisor has approved each membership.

5.19 Criminal Record Checks/Vulnerable Sector Check and Child Abuse Registry

Criminal Reference Checks/Vulnerable Sector Check and Child Abuse Registry may be a condition of employment or service, as legislated, for persons applying for any position at Sipekne'katik.

Presentation of a criminal record check/Vulnerable Sector Check and Child Abuse Registry shall be at the expense of the applicant and may be required prior to the appointment to a position. Any successful applicant may be required to produce criminal record checks and/or child abuse registry checks at intervals determined by the Director of Administration or Director of Operations. The Program Director/Manager is responsible for follow up on any further Criminal Record Checks and/or Vulnerable Sector Check after the initial check completed during the recruitment process and submit the required checks to the Human Resources Department for review and addition to the employee's file.

5.20 Interview Committee Recommendation

After the interviews have taken place, a recommendation will be presented to Council to seek approval for the new hire. If the Interview/Screening Committee has not identified a qualified applicant and is not prepared to make a recommendation to move forward with one of the potential applicants.

Sipekne'katik reserves the right to not fill a position if a suitable candidate is not identified warranting an extended job posting.

The Human Resources Manager will maintain a record of the selection and evaluation process.

See APPENDIX G (Declaration of Confidentiality for Interview Committee)

5.21 Maximum Employment Hours

The Chief or a Councilor will not be permitted to work any hours, for which they receive pay, in an employment position with Sipekne'katik.

Except in exceptional circumstances and with pre-approval by the Director of Administration, an employee may not be permitted to work more than 35 hours per week (or 80 hours bi-weekly for certain designated positions) with Sipekne'katik.

An employee may be permitted to hold more than one short-term hourly and/or part-time position with Sipekne'katik on the condition that the total combined hours do not exceed 35 hours per week and it is approved by the Director of Administration first. Each situation will be reviewed on a case-by-case basis.

Contracted Services (which is different than being an employee) may be considered on a case-by-case basis through the Senior Management Group to ensure no conflict of interest.

In some circumstances, an employee may be required to cover the responsibilities of a vacant position on a temporary basis:

- If the vacant position is a manager position, an individual will be identified to cover the vacant manager's position on an "Acting" basis (see "Acting Position" section above). Each situation will be reviewed on a case-by-case basis. The employee may be eligible for "Acting" pay in compliance with Sipekne'katik Pay Grid.
- If the vacancy is for a non-managerial role, responsibilities of the vacant position will be shared by other employees in that department as part of their regular course of duties. Compensation will not be altered or reviewed in this circumstance.

5.22 New Employee Appointment and Orientation

In an attempt to reach agreeable terms and conditions, all successful candidates may be given a non-binding Letter of Offer signed by the Director of Administration. The Letter shall outline:

- The job title;
- Proposed start date, (and termination date, for term positions);
- Reporting structure;
- Salary and Benefits;
- Appropriate probationary period;
- Disclosure that the Letter of Offer is non-binding and is dependent upon reaching mutually agreeable terms and conditions of employment.

Employment Contract,

All successful candidates will be provided with an employment contract that outlines the details surrounding the terms of employment. The contract must be signed by the individual and returned to the Human Resources Manager before commencing work or first day of employment. If an individual refuses to sign the contract, that indicates agreeable terms and conditions of their employment have not been met, the individual cannot commence employment and the offer is revoked.

Orientation – Human Resources

All new full-time employees will be provided with an orientation process with the Human Resources Department on their first day of work. Department Managers will be responsible for the orientation process on their short-term hourly employees. The Human Resources Manager, or designate, will review the HR Policy and conditions for their probation and explain all other relevant documents. To ensure that all employees are completely aware and informed of Sipekne'katik policies and procedures, each new employee will have the HR Policy and Finance Policy explained to them. The Human Resources Manager will ensure the following signed documents are received at this orientation:

- Acknowledgement of Understanding of HR Policy;
- Human Resources Policy – initial every page;
- Finance Policy – initial every page;
- Certified document required for automatic deposit'
- Payroll documentation;
- Benefits documentation (if applicable); and
- Pension documentation (if applicable).

If the new employee refuses to sign any of the above forms, that indicates that agreeable terms and conditions of their employment have not been met and the individual cannot commence employment.

Orientation – Hiring Department

Following the Human Resources orientation, the new employee will meet with the hiring department for an orientation of their department. The hiring department will be responsible for going through the new employee checklist located on the staff website.

See APPENDIX H (New Hire Orientation Checklist – for Supervisors to use)

See APPENDIX I (Waiver of Liability for Emergency Care)

6. HR RECORDS MANAGEMENT

POLICY

Policy Statement

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

Purpose

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

Scope

This policy applies to Council, the Director of Operations, Director of Administration, the Executive Financial Officer, Tax Administrator (if applicable), Director of Finance, and the Human Resources Manager.

Responsibilities

Council is responsible for:

- Ensuring a HR Records management system is established and implemented.

The Director of Administration is responsible for:

- The leadership, planning, overall policy and the general oversight of the HR Records management, storage and retention system (refer to Information Management Policy), and for ensuring the security and integrity of that system.

The Human Resources Department is responsible for:

- The implementation and the operational management of the HR Records management, storage and retention system.

ADMINISTRATIVE PROCEDURES

6.1 Record Management

Management of HR Records will follow the general record management procedures of Sipekne'katik, including Sipekne'katik Information Management Policy.

6.2 Human Resources file and Information Package

A confidential employee file (Human Resources file) will be created for each new employee and will include the following HR records:

- a) resume with experience and qualifications;
- b) results of all background checks (i.e. reference checks, criminal background check, credit check, education check);
- c) Letter of Offer and/or contract;
- d) performance plans and results of performance evaluations;
- e) current job description;
- f) leave and attendance records;
- g) salary adjustments;
- h) enrolment information for benefits plans;
- i) Medical leave information;
- j) Correspondence related to employee;
- k) Training records;
- l) Pertinent Council Motions (e.g. motion to hire, to increase pay, to grant leave, etc.);

Initials _____

- m) Signed Code of Conduct & Code of Ethics;
- n) Signed Oath of Confidentiality;
- o) Signed Conflict of Interest Disclosure Statements;
- p) Signed Agreement of Understanding of HR Policy;
- q) Initialed HR Policy; and
- r) Initialed Finance Policy.

All employees will have access to their own records upon request (48 hours' notice required) of an appointment. The HR Department staff and the Director of Administration will have access to all records. Program Director/Managers will have restricted access to their staff members' records based on the professional judgement of the Human Resources Manager. No files will be removed from the Human Resources Department without the Human Resource Manager's permission. The Human Resources Manager and/or another member of the Senior Management Group will be present during all access to Human Resources files. From time-to-time HR Records may be accessed / viewed by Sipekne'katik auditors and / or legal counsel. The Human Resources Manager will maintain a note of persons other than the Human Resources Department employees accessing the files on each individual employee file. The files will be locked at all times.

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

Sipekne'katik recognizes the obligation to keep the information and material of employee files confidential and it should not be subject to review or observation by any person who is not otherwise authorized. The information shall be kept under lock and key. Sipekne'katik acknowledges its obligations to abide by the provisions of the Federal *Freedom of Information and Protection of Privacy Act*.

7. HOURS OF WORK

POLICY

Policy Statement

It is Council's responsibility to establish hours of work.

Purpose

The purpose of this policy is to provide clarity around hours of work.

Scope

This policy applies to all staff employed by Sipekne'katik.

Responsibilities

Council is responsible for:

- Establishing all hours of work.

The Director of Administration, in collaboration with the Chief, is responsible for:

- Making the decision on a delayed opening or closure of Sipekne'katik offices and operations in the event of severe weather or other emergencies; and
- Advising and making recommendations to Council on changes to hours of operation when necessary.

ADMINISTRATIVE PROCEDURES

7.1 Regular Hours of Operation

REGULAR BAND OPERATION HOURS

The regular office work hours are from 8:00 a.m. to 4:00 pm Monday to Thursday. Friday's work hours are from 8:00am to 3:00pm. A one (1) hour unpaid lunch break is scheduled each weekday from 12:00 noon until 1:00 pm. In addition to the lunch break, two (2) fifteen-minute paid breaks are scheduled each workday, one occurring in the morning, the other in the afternoon.

Some departments may require employees to work staggered or longer hours (e.g. 8 hour day) based on operational requirements. Sipekne'katik reserves the right to change its employees' hours of work during a state of emergency (e.g. essential workers).

SUMMER OPERATION HOURS

Summer office operations hours will begin on the third Friday in June and end on the last Friday in August. The regular work hours are from 8:00 a.m. to 4:00 pm Monday to Thursday. On Friday's work hours are from 8:00am to 12:00noon. A one (1) hour unpaid lunch break is scheduled each weekday from 12:00noon until 1:00pm. In addition to the lunch break, two (2) fifteen-minute paid breaks are scheduled each workday, one occurring in the morning, the other in the afternoon. During summer operation hours there will only be one break on Friday and lunch break will not be granted.

ALTERATION OF HOURS

The Director of Administration may make alterations to the hours of work for a particular day or work period for some or all departments. Independent contractors (who are not covered by this HR policy) shall work such hours as are specified in their contracts.

7.2 Seasonal or Short-term Schedules

Seasonal, on-call and shift workers shall be scheduled to work by the supervisor responsible for the work area and the schedule may change from day to day. Those employees hired for fishing labor will have their hours determined according to the demands of the conditions under which work is carried out. It will

be difficult to accurately predict or schedule exact hours and long hours in certain occupations of Sipekne'katik, including, but not limited to fishing. Conditions and availability of work or resources will determine the exact times that work will be performed for some positions, especially in the resource intense departments such as fishery.

7.3 Absence or Lateness

If an employee is unable to report for work at the assigned time or will be late, he/she must contact immediately their Manager/Supervisor first. If the supervisor cannot be reached, they must contact the designated admin support for their department. Repeated lateness or tardiness may be subject to progressive discipline.

Sipekne'katik employees who expect that they will be late or absent from work, must notify their Manager/Supervisor within fifteen (15) of before the start of the workday. The employee will provide a valid reason for their absence/lateness and give indication of when they expect to be available to work.

Absence from work for three (3) consecutive days without notification to Sipekne'katik will be considered a voluntary abandonment of position.

7.4 Attendance Monitoring

All employees will have their attendance monitored by the Department Manager / Supervisor using a Daily Sign-In/Sign-Out Book, where each employees' attendance shall be recorded on a daily basis. On a bi-weekly basis, each Department Manager will submit all their staff leave records to the HR Department by going through the book to ensure that each employee has an approved Leave Form for every absence. The Approved Request for Leave Forms will be sent to the HR Department. The Daily Sign In/Sign Out Books will be forwarded to the Human Resources Department at the end of each month for periodic audit purposes only. The HR Coordinator/Officer will send out leave balance updates on a regular basis to the managers to ensure the records are accurate.

The employee's Supervisor will email the HR Department, Director of Administration and the Finance Department when they know their employee has, or is, running out of leave to ensure timely payroll deductions.

See APPENDIX J (Request for Leave Form)

7.5 Overtime and lieu time

Overtime is not permitted anywhere in Sipekne'katik except in exceptional circumstances. If overtime is required it must have prior approval by the Director of Administration and requested through the employee's supervisor using the pre-approval form (appendix K) or via email.

If overtime is not pre-approved, overtime will not be paid out or banked.

7.6 Compensation for Overtime and banked Lieu time

Any overtime hours must be approved in advance by the Director of Administration.

Overtime will be compensated for hours worked in excess of 8 hours per day or 40 hours per week, as long as it is pre-approved, in writing, by the Director of Administration through the Supervisor's request.

The Senior Manager Group reserves the right to deem certain positions exempt from the pre-approval of the overtime process (e.g. positions that deal with after hour emergencies).

Regular Salaried employees must work more than 40 hours/week in order to be paid an overtime rate at time

and one half (1.5). Otherwise, they will be compensated time for time up to the first 40 hours.

For short-term and long-term employees, overtime would apply after working 40 hours in a week. In a week in which a holiday occurs overtime would apply after 32 hours; therefore, any time worked on a holiday is not included in calculating overtime entitlements.

The overtime rate for employees who do shiftwork will have their overtime averaged and paid out or banked as legislated

All employees, who are pre-approved to work overtime, may be compensated in two ways that is decided at the time their overtime is being approved:

1. To be paid at time and one half for each overtime hour worked; or,
2. To have the time banked at time and one half. The employee and employer must agree in writing and the time off must be taken within 90 days.

Earned overtime will be paid out at least once a month.

If the employee does not take all or part of the time off within 90 days, the employee's supervisor shall notify Finance, **within 30 days after the day on which that period ends**, to pay the employee's wages for the overtime for which the time off was not taken, at a rate of wages not less than one and one-half times the employee's regular rate of wages on the day on which they worked the overtime.

Sipekne'katik will determine a course of action for dealing with any banked overtime prior to April 1, 2021.

Certain senior management positions within Sipekne'katik may be given additional vacation time, in lieu of receiving overtime, as established in their employment contract.

The Monitoring of Overtime Use

Managers and the Director of Administration must:

- Monitor and limit recommendations for employee overtime to only what is necessary to prevent budget overages and employee burnout (as legislated);
- Ensure their staff are able to use their overtime and keep accrued levels to a minimum;
- Schedule mandatory time off for staff to use lieu time off when accrued levels reach eighty (80) hours;
- Identify situations where their department is consistently experiencing excessive overtime and submit a recommendation that identifies the staffing constraints and the need for additional human capital to support a request for a new position; and,
- Anticipate seasonal busy periods and budget for seasonal staff to reduce the need for overtime hours accrued by permanent staff.

See APPENDIX K (Request for Lieu or Overtime)

7.7 Standby Pay

There will be no standby pay provided.

7.8 Severe Weather & Emergency Closing of Sipekne'katik

Sipekne'katik will not close except under unusual circumstances. In the event of severe weather or other emergencies the Chief or the Director of Administration will make the decision on a delayed opening or early closure of Sipekne'katik offices and operations. When Sipekne'katik has to cancel operations or close, information will be made available as quickly as possible through a variety of communications mediums including but not limited to email, social media and signage at the buildings. The Director of Administration or Operations, in collaboration with the Chief, will make every effort possible to email staff no later than 6:30 am if there is to be an office closure or delayed opening that day. Managers will be responsible for communicating office closures to any of their employees who do not have access to

band's email. If a delayed opening is determined staff will be informed of the opening no later than 10:00 am.

Employees are expected to be at work, unless Sipekne'katik 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 their work location has not been closed for weather related purposes, may either use available vacation time or a personal day, or take the day off without pay.

From time to time, some Sipekne'katik operations may temporarily cease due to funerals, emergencies, weather related instances, power outages, etc., as determined by the Director of Administration and in collaboration with the Chief (it is possible that some Sipekne'katik operations temporarily cease while others continue). Employees whose duties require them to work during these closures are not eligible for compensation time or time and a half.

Short-term and long-term hourly employees will get paid for hours they were scheduled and ready to work on the day of a temporary closure.

7.9 Working From Home

If appropriate, an employee may negotiate the ability to work from home for a fixed period of time, and must receive prior written approval from the Director of Administration. Requests to work from home that exceed five (5) business days are required to be approved by the HR Committee.

In the event that there is a work interruption (e.g. power outage, severe weather), there may be some employees that may be able to work from home due to the nature of their positions. This time will be considered regular work hours and will not qualify towards overtime hour calculations. Prior approval from the Director of Administration is required.

This does not include any health-related emergency pandemics. Please refer to Emergency Management plan.

8. Performance Measurement Process

POLICY

Policy Statement

It is the HR Committee's responsibility to establish a process for evaluating employee performance that can assist management to recognize individual contributions to Sipekne'katik and identify areas for development.

Purpose

The purpose of this policy is to set out a process for employee performance reviews and development that links the performance and development of individual staff to performance measures that align with the goals and objectives of Sipekne'katik.

Scope

This policy applies to all staff employed by Sipekne'katik.

Responsibilities

The Council is responsible for:

- Evaluating the performance of the Director of Operations, Director of Administration, Executive Financial Officer and Tax Administrator
- Establishing and implementing a plan for any training for the Director of Operations, Director of Administration, Executive Financial Officer, Tax Administrator required to meet Sipekne'katik's future needs and requirements, after taking into account any anticipated changes in Sipekne'katik's activities.

The Director of Administration is responsible for:

- Evaluating the performance of the Department Managers/Directors or other positions under his/her supervision (e.g. Business Development Officer, Membership clerk);
- Evaluating the performance of the Executive Finance Officer and Tax Administrator with input from Chief and Council; and,
- In collaboration with the HR Manager, monitoring and reviewing the implementation of the evaluation process and ensuring the policy and procedures are complied with during the performance evaluation process.

The HR Committee is responsible for:

- Establishing and implementing a documented process to:
 - measure the skills and competencies of the individual Sipekne'katik's employees against their assigned employment responsibilities;
 - determine the training requirements for those employees;
 - adjust their duties and responsibilities as necessary to reflect their respective skills and competencies; and,
 - make Council recommendations for significant job or organizational changes
- Establishing and implementing a plan for any training for the Director of Operations, Executive Financial Officer, Tax Administrator and employees required to meet Sipekne'katik's future needs and requirements, after taking into account succession and any anticipated changes in Sipekne'katik's activities.

ADMINISTRATIVE PROCEDURES

8.1 Employee Work Plans

Program Directors/Managers will make sure that each reporting employee has an accurate and up-to-date job description.

Annually, employees shall meet with their direct Program Director /Manager to develop an Annual Work Plan (if applicable) which outlines anticipated goals, specific program and project service objectives and to specify tasks and responsibilities that they will deliver over the coming year. Every Program Director / Manager shall meet to review, discuss, revise and/or create:

- Current list of Job duties and Responsibilities (current Job Description);
- Employees' work performance to targeted goals and objectives;
- Establish new work expectations, targets and goals;
- Training requirements and development opportunities;
- Review the employee's Self-assessment form;
- Give the employee an opportunity to provide feedback regarding their work environment; and
- Any other matter that requires attention to enhance the employee's performance and or development.

Workplans may not be necessary for certain Sipekne'katik positions with ongoing routine or repeat tasks (e.g. Gaming and Gas Bar Workers) as determined by the Program Director/Manager. At a minimum, all Program Managers and Supervisors are expected to develop a work plan.

Employee performance will be assessed at least annually based on how each employee met, did not meet, and/or exceeded expectations and their approved Annual Work plan. Each Employee shall sign a copy of the Work Plan and receive a copy for their own files. The original signed copy, along with any associated documents, will be submitted to the HR Department to be filed in the employee's personnel file.

The Program Director / Manager and employee-should identify the training and development needs to achieve the performance goals, taking into consideration the resources needed.

The Director of Administration will ensure that Program Directors / Managers review and approve all training plans to make sure future training needs and requirements for the financial management system and operations of Sipekne'katik is aligned with those needs and requirements.

8.2 Annual Performance Evaluation

Documented employee performance evaluations are communication tools that ensure the Program Director/Manager and their reporting staff members 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 employee performance evaluation helps employees accomplish both personal development and organizational goals. By initiating the process with a self-assessment, the employee has the perfect opportunity to demonstrate the ways that they have contributed and improved the functioning of their job or department in which they work.

Performance evaluations will be completed as follows:

- Chief and Council shall conduct and approve the evaluation for the Director of Operations
- The Director of Operations (or designate) shall conduct and approve the evaluations for the Director of Administration.
- The Director of Administration shall conduct and approve the evaluations for the Executive Financial Officer and Program Directors / Managers who report directly to them; and
- The Program Directors/Managers will conduct and approve the evaluations for all employees in their departments with input/participation from their direct supervisor if applicable.

If the direct supervisor has not had at least six months of direct supervision of the employee being evaluated, the supervisor will consult with the Human Resources Manager and/or Director of Administration to determine additional sources of feedback to be used in the Performance Evaluation where required.

The Program Directors/Managers, will ensure that each employee be evaluated at least annually, on or before the first day of the fiscal year, using the established evaluation systems and forms and be assessed against each goal agreed to at the beginning of the performance cycle. The HR Manager will provide support and track the evaluation review process.

The performance evaluation will:

- Recognize the accomplishments made by the employee throughout the year;
- Establish new goals and objectives that align with the strategic plan as approved by Council and department goals for the upcoming year as approved by the Supervisor;
- Identify additional training to develop the employee's skills so they may achieve their full potential within the organization;
- Provide the employee with an opportunity to give optional feedback regarding their own performance and career aspirations;
- Identify the suitability of the employee for additional responsibilities or future career advancements; and
- Establish the need for a performance improvement plan for an employee who needs to work on competencies that are not meeting expectations.

The supervisor will be expected to maintain a performance log with specific examples that supports the ratings given in the performance evaluation, especially if there are gaps in expected performance.

Upon completion of the Annual Performance evaluation, a signed copy of the forms (signed by both the employee and their Program Director / Manager) will be placed in the employee's Human Resources file. The employee shall be given a copy of the forms.

It is expected that the Director of Administration, Director of Operations, Program Directors / Managers will address any performance issues at the time of occurrence, the performance review is not the time to address new issues that have not yet been addressed previously. If the direct supervisor will be delivering a negative performance review, they must first consult with the Human Resources Manager and/or Director of Administration.

The supervisor is encouraged to include a witness (e.g. Other Program Director / Manager / Assistant Manager or HR Manager) to sit in on the performance evaluation meeting with the employee, especially if there are performance gaps to address.

The Process for conducting the annual performance evaluation is as follows:

The individual conducting the performance evaluation will:

- Request that the employee within a mutually agreed-upon time frame carry out a self-assessment for the period of the review (typically the past year);
- Complete the Employee Performance Review for the employee under evaluation;
- Have a meeting with the employee to review and discuss the self-assessment and evaluation forms; and
- Both the employee and evaluator shall sign both completed forms. The employee will sign signifying acknowledgement that the meeting has taken place. The employee's signature on the evaluation does not necessarily mean he/she agrees with the Supervisor's feedback, rather confirms the delivery of the performance evaluation.

If the employee has concerns with the performance evaluation they may submit, in writing, their concerns that will be forwarded to the HR Committee. The findings of the Human Resources Committee will be final.

8.3 Performance Management

Unsatisfactory performance will lead to the direct supervisor developing a performance improvement plan. This plan will outline performance expectations, resources available to the employee, and a schedule of completion and re-evaluation.

Direct supervisors will closely monitor employee progress in achieving the performance improvement plan and will conduct formal and regular performance evaluations until the end of the performance improvement schedule as well as maintain performance logs (Consult with HR Manager) to show how the manager assisted the employee with their performance expectations. The HR Manager will review the performance log with the Supervisor to determine if it warrants further progressive actions.

If progress is not satisfactory at end of the performance improvement schedule, the direct supervisor can initiate a progressive corrective approach within the relevant policy that requires HR Committee support/agreement.

9. WORKPLACE PROFESSIONALISM AND GENERAL POLICIES

POLICY

Policy Statement

It is Council's policy to establish general policies for acceptable workplace behaviors.

Purpose

The purpose of this policy is to establish boundaries, guidelines, and best practices for acceptable behavior in the workplace.

Scope

This policy applies to all elected officials and staff employed by Sipekne'katik.

Responsibilities

Council is responsible for:

- Establishing and implementing policies that guide expected behaviour in the workplace, including the removal of any individuals that potentially inhibit the safety of everyone.
- Lead by example in creating a safe workplace.

The Director of Administration is responsible for:

- In conjunction with the HR Manager or HR Committee, when required, address any concerns raised about an employee under this policy, to determine the appropriate course of action.

ADMINISTRATIVE PROCEDURES

9.1 Dress Code/ Personal Appearance

All employees are expected to dress and groom in accordance with professional standards. An employee is expected to dress in more formal business attire when participating in business activities on behalf of Sipekne'katik. Employees are expected to be clean and well-groomed and suitable to their position. The Director of Administration and the HR Committee are responsible for determining if an employee's dress is appropriate when concerns are raised.

All employees whose job requires the wearing and use of safety equipment or certain clothing will be informed upon hiring and/or if circumstances or regulations change. Employees who fail to properly wear personal safety equipment (including boots, hard hats, safety eyewear and/or other articles) as required by the Employer will be subject to disciplinary action. Safety equipment required by the Employer will be provided at no cost to the employee. All safety equipment will remain the property of Sipekne'katik and must be returned upon the employee vacating the position.

Sipekne'katik is a scent reduced workplace; employees are not to use or wear any perfumes, colognes and/or body spray, or use strongly scented moisturizers, detergents, soaps, deodorants, while working or attending meetings on behalf of Sipekne'katik.

9.2 Tobacco

All Sipekne'katik buildings and vehicles prohibit the use of tobacco products. Employees are prohibited from smoking/vaping/using e-cigarettes/chewing tobacco inside these locations.

9.3 Substance Misuse Prevention (Prescription and Non-Prescription)

Sipekne'katik is committed to providing a safe work environment for all employees, volunteers and contractors. We have a responsibility to keep all people working with us through various capacities

Employees are expected to report to their shift fit for work (Mentally and physically). Impairment in the workplace affects the ability of employees to do their job safely and effectively. Employees shall not be impaired by any substances that impairs their ability to perform their job duties safely and effectively at any time while on duty. Employees must notify their supervisor if their medical treatment impedes their ability to work safely or to meet job expectations with good judgement. This includes potential side effects of any medical treatment.

Being under the influence of substances that impair an employee's ability to do their job in any way, is not an acceptable behaviour in the workplace. If you are on any kind of medical treatment that may impede your ability to do your job, it is your responsibility to disclose this information to your supervisor.

Sipekne'katik supports treatment efforts. Please contact Human Resources or the Sipekne'katik Health Centre for more information.

If an employee has concerns about their own or a fellow employee's substance use, they are required to inform management or Human Resources immediately.

9.4 Telephone, Mail and Fax

Sipekne'katik property is to be used for Sipekne'katik business only and not for personal use. Telephones are to be used for business purposes and not for personal use. No long-distance personal calls are allowed. Personal local calls may be made if they are for emergency purposes. Acceptance of collect calls is not allowed.

Sipekne'katik's address is not a personal mailing address. Sipekne'katik mailing address is for Sipekne'katik business only and not for personal use. The postage meter shall only be used for Sipekne'katik mail and not for personal mail.

Faxes are not to be used for personal use.

9.5 Cellular Phone Use

Corporate cell phones are provided to Chief and Council, Director of Administration, Director of Operations, Executive Financial Officer, Director of Finance, Tax Administrator, Program Directors / Managers and other employees as determined by the HR Committee. Sipekne'katik will be responsible for costs up to \$200 per month for Chief and Council and \$125.00 per month for all others. Any costs in excess of this amount are the responsibility of the employee, and if necessary, will be recovered from their pay cheque.

Cell phones and other devices provided by Sipekne'katik are only to be used for approved Sipekne'katik business. Employees are not to use a Sipekne'katik cellular phone or other device to make or receive personal phone calls, send personal text messages, read and respond to personal e-mails, leave messages and, surf and download from the Internet.

Council and employees are required to monitor the use of data on their cell phones. Whenever possible council and employees are encouraged to access wifi to minimize the use of data. Council and employees are also informed that video messaging, hot spots, watching videos, streaming music, etc. are a use of data and should be monitored and minimized. Council and employees are responsible for the cost of data usage in excess of the amounts identified above.

Sipekne'katik is aware that employees utilize their personal cellular phones during work time. At the same time, cell phones are a distraction in the workplace. To ensure the effectiveness of meetings, employees are asked to leave cell phones at their desk or to put on mute. On the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting on vibrate mode.

Sipekne'katik, prohibits employee use of cellular phones (whether personal or company supplied) while driving during work hours and/or while travelling for Sipekne'katik business, unless a hands-free device is used.

This prohibition of cell phone or similar device used while driving includes but is not limited to: receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages. Additionally, employees are not to use their cell phones during regular business hours for any other purpose than those related to their employment; the business; our clients; our vendors/ suppliers; or other Sipekne'katik responsibilities performed for or in the name of Sipekne'katik; or any other Sipekne'katik related activities not named here.

9.6 Internet and Email Use

Email is also to be used only for work related business purposes. Confidential information must not be shared outside of the organization, without authorization. There shall be no personal usage of Sipekne'katik computer and/or email systems. Work emails are not to be forwarded to a personal email or copied to a backup drive.

Voice mail, email, and Internet usage assigned to an employee's computer or telephone extensions are solely for the purpose of conducting business. Some job responsibilities at Sipekne'katik require access to the Internet and the use of software in addition to the Microsoft Office suite of products. Only Sipekne'katik employees are appropriately authorized for organizational purposes may use the Internet or access additional software using Sipekne'katik resources.

Employees are not to engage on the internet or in person in any political activity that is outside the mandates of Sipekne'katik and guidelines set by Council. The Information Technology Manager, with approval from the Director of Administration, is permitted in limited circumstances when necessary to use the internet or World Wide Web for political purposes that directly relate to Sipekne'katik and its communications strategy.

Employees are only permitted to use Sipekne'katik assigned emails. No personal email addresses can be used by employees during work to conduct Sipekne'katik business. Note: if an employee uses their personal email during work and/or to conduct Sipekne'katik business, those emails automatically become the property of Sipekne'katik.

Employees must not use Sipekne'katik supplied email addresses for non-work related postings to chat groups, discussion groups, online auctions, Facebook, Twitter, My Space, Usenet groups or web pages, or other social media platforms.

Employees must not circulate extraneous email chain letters, jokes, etc. on Sipekne'katik workstations.

Internet use is only to be conducted 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 Sipekne'katik system via viruses or spyware.

Spyware allows unauthorized people, outside the organization, potential access to Sipekne'katik passwords and other confidential information. Removing such programs from the network requires IT staff to invest time and attention that is better devoted to progress. For this reason, and to ensure that work time is being used appropriately, all employees are asked to limit Internet use.

Individuals using Sipekne'katik 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 Sipekne'katik 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 immediate termination with just cause.

All employees shall also refer to the Sipekne'katik Information Management Policy.

All information with respect to Sipekne'katik computers is the property of Sipekne'katik. Employees are advised that anything personal on the computers and all activity on the computer will be monitored and reviewed by Sipekne'katik. Employees have no right to any information contained on a Sipekne'katik computer.

Any employee on administrative leave, suspension, etc. will have access to their work email suspended immediately. There may be cases where the Program Manager/Director will allow email access to continue during a leave (e.g. maternity leave). This will be assessed on a case by case basis.

9.7 Emails and Internet Sites that Discriminate

Using Sipekne'katik computers to send harassing or negative comments to other employees or officials is strictly forbidden.

Viewing pornography, or sending pornographic jokes or stories via email, is considered sexual harassment and will be addressed according to Sipekne'katik Harassment policy as well as is defined in Sipekne'katik Information Management Policy.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, as identified in the Canadian Human Rights Act or Canadian Charter of Rights and Freedom, will be dealt with according to the harassment policy. These emails are prohibited at Sipekne'katik. Sending or forwarding non-business emails will result in disciplinary action that may lead to employment termination.

9.8 Sipekne'katik Owns Employee Email

Keep in mind that Sipekne'katik owns any communication sent via email or that is stored on Sipekne'katik computer equipment. Management and other authorized staff have the right to access any material including employee emails or information stored on any computer. Please do not consider electronic communication, storage or access to be private if it is created or stored at work.

9.9 Social Media, Professional and Personal Considerations

Conduct on social media can be a reflection of Sipekne'katik. Any comments posted on social media that negatively impact Sipekne'katik, its government, its administration, its employees, or its Members, is strictly forbidden. Any commentary on social media that discusses confidential information of

Sipekne'katik is strictly forbidden. Any commentary on social media regarding Sipekne'katik or that is not in compliance with *Sipekne'katik's Code of Conduct & Code of Ethics*, whether on a work or personal computer or handheld device, whether at work or off duty, is strictly forbidden.

Employees should always remember that they are bound by the confidentiality and privacy clauses of this policy in all instances and at all times. This effectively means that there can be no expectation of maintaining a private life or private attitudes that are completely consequence free when they are shared in a public forum. Employees are reminded that electronic communications are easily copied, recorded, and may exist and remain visible indefinitely. As such they are encouraged to manage their communications in compliance with this policy to prevent the need or risk of being disciplined.

Inappropriate use of social media that negatively impacts your employment or the reputation of Sipekne'katik may be grounds for discipline, up to and including termination for just cause.

9.10 Media Inquiries

Any inquiries from the media (e.g. television, radio, etc.) are to be referred to the Director of Operations or the Chief for a response. No employees are authorized to speak to the media on behalf of Sipekne'katik.

9.11 Office Master Keys, Fobs, and Security Code

Only authorized employees shall be issued office door keys, fobs, and security codes.

Employees issued office keys and fobs shall be listed on the security system call list and be taught how to operate the buildings' alarm systems. The Security Manager will be responsible for maintaining an inventory of office keys, fobs and employee access to restricted locations.

Employees are not to share their keys, fobs, security codes or passwords with others.

In the event that an office key or fob is lost or stolen, the Employee is responsible for reporting it to their Manager and the Security Manager immediately. The Employee will be responsible for the cost of replacing key and change of lock.

Upon termination from employment, the Employee must return their keys and fobs to their supervisor.

Supervisors are responsible for ensuring that all band owned property is returned upon an employee's departure from Sipekne'katik, and notifying the Security Manager that the employee is no longer employed at Sipekne'katik.

9.12 Care and Use of Sipekne'katik Property, Equipment, and Inventory

Misuse of Sipekne'katik property or equipment is strictly prohibited.

Any equipment, tools, machines, computers, cellular telephones and supplies that are used by employees are to be tracked and monitored by their supervisor, particularly when such items are taken off site for use.

Program Directors / Managers are responsible for:

- Managing/monitoring equipment and inventory, reconciling inventory; and
- Collecting any Sipekne'katik equipment from an employee when the employment relationship ends.

The IT Manager is responsible for determining the purchases of electronic devices (computers, servers, scanners, cell phones, tablets, printers, etc.) and should maintain a log of who has been given specific items.

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 discretion of Sipekne'katik.

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

9.13 Restricted Areas and Building Security

In the interest of safety and security all employees will be advised as to which areas they are permitted to use throughout Sipekne'katik offices and other facilities.

Employees are responsible for locking their own computers and turning off their office lights at the end of each day. The last employee leaving the building must ensure that all doors and windows are locked and the security alarm set.

If an employee accidentally sets off an alarm, they must turn the alarm off if possible, notify their Manager and the Security Manager.

9.14 Use of Vehicles for Work and During WorkHours

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

Operating a vehicle while under the influence of substances or alcohol while conducting work related activities **will** result in progressive discipline up to and including immediate termination.

9.15 Sipekne'katik Owned Vehicle

In order to drive a Sipekne'katik vehicle, the employee must be on Sipekne'katik insured list. For an employee to be added to this list, their Director/Manager must send a copy of the employee's driver license (front and back), to the Executive Financial Officer. The Executive Financial Officer will forward the driver's license with the request to add the employee to the list of insured drivers to the insurance company. A satisfactory driver abstract may be requested for certain positions.

The employee must not drive any Sipekne'katik vehicles until they have received notice from the Executive Financial Officer that they have been added to the list of insured drivers.

Only Sipekne'katik employees and/or clients / authorized passengers may travel in a Sipekne'katik vehicle.

Sipekne'katik vehicles may only be used by designated employees when on Sipekne'katik business and only for Sipekne'katik business. In the event that a Sipekne'katik vehicle is not available, the employee may seek travel mileage under *Sipekne'katik Travel policy*. If the employee wishes to use their own personal vehicle for Sipekne'katik business and a Sipekne'katik vehicle is available, no travel mileage will be compensated.

9.16 Private Vehicle

Certain positions, as determined by the Director of Administration, may require the employee to have access to a suitable vehicle (inspected, insured and permitted) and to maintain their driver's license

at all times. Failure to do so may result in termination.

Employees seeking to use their own vehicle must first have prior approval of their Manager and must sign a waiver releasing Sipekne'katik of any liability or insurance.

Employees using a private vehicle for work related travel are responsible for ensuring they have the minimum insurance coverage legally required for work related use by their province or territory of residence. If an individual will be transporting anyone for work related purposes, the minimum liability coverage required is \$2,000,000. When travelling on Sipekne'katik business, individuals are not permitted to carry any passengers that are not required for Sipekne'katik business purposes. Sipekne'katik is not responsible for reimbursing premiums for any insurance coverage for private vehicles.

Sipekne'katik's travel reimbursement rates for mileage is meant to help cover the cost of fuel, maintenance, insurance (including \$2,000,000 liability coverage), and other operating costs. The cost for all repairs and maintenance for personal vehicles (including but not limited to flat tires, worn tires, wear and tear, and broken windshields, etc.) are the responsibility of the Employee.

Tickets for Parking and Other Traffic Violations

Parking and other traffic violations will be the responsibility of the employee, regardless of whether the employee was using a personal vehicle or a Sipekne'katik vehicle.

9.17 Accidents

In case of an accident:

- Where the employee was using their personal vehicle, they are responsible for the insurance deductible and/or increase in any insurance premiums and any vehicle repairs not covered by their insurance plan; and,
- Where the employee was using a Sipekne'katik vehicle, Sipekne'katik will be responsible for the insurance deductible.

9.18 Political Activity and Voting

Sipekne'katik encourages all employees to be interested and involved politically. Employees have the rights listed below:

- a) Join and fully participate in the political party of their choice and to be involved in other political activity; provided that the participation in the party or other political activity does not adversely affect the employee's performance or compromise the duties and responsibilities of their position.
- b) Vote in elections of Sipekne'katik when registered as a member of Sipekne'katik and to vote in federal, provincial and municipal elections.
 - Every employee is entitled, during voting hours on polling day, to have four (4) consecutive hours for the purpose of casting their vote. Employees are encouraged to take the opportunity to vote either at the beginning or the end of the period the polls are open;
 - Any employee who runs for political office shall not campaign during working hours; and
 - No employee shall campaign for a candidate for Band Council during working hours or use Sipekne'katik resources as part of their campaign.

9.19 Running For Office

Sipekne'katik supports its employees to run for public office in a way which encourages transparency and accountability of government. Any employee who is entered into a race for election to any political position may use media for campaigning purposes during the campaign.

Any employee who:

- a) Seeks election to Sipekne'katik Council will:
 - If elected as Chief or to Council immediately tender, in writing, a letter of resignation of their employment effective on the date of the confirmed election result.
- b) Seeks election at the Federal, Provincial, or Municipal level will:
 - If the employee is elected to Public Office they will immediately tender a letter of resignation, in writing, of their employment which will be effective on the date of the confirmed election results.
- c) Seeks election to the Board or Executive of an associated or affiliated association, organization or corporation:
 - As part of their employment responsibilities is permitted to do so providing it does not adversely affect the employee's performance or compromise the duties and responsibilities of their position. Director of Administration's written approval is required.
 - As part of their personal interests outside the scope of their employment responsibilities – is permitted to do so providing it does not affect the employee's performance, compromise the duties and responsibilities of their position, and the values of the organization do not conflict with those of Sipekne'katik. The employee is encouraged to submit a note to the HR Department to be included in their HR Records.

Under no circumstances will campaign material be promoted on any Sipekne'katik building/property locations, nor shall employees running for a political position use propaganda that affects the credibility of Sipekne'katik. Employees remain bound by the Sipekne'katik Code of Conduct while they are running for a political position.

10. DISCIPLINE, LAYOFFS & DISMISSALS POLICY

POLICY

Policy Statement

It is Council's responsibility to use a progressive corrective approach for dealing with job related behavior that does not meet expected and communicated performance standards and to ensure employees are given a fair and reasonable opportunity, where appropriate, to correct performance issues as they arise.

Purpose

The purpose of this policy is to set out a process to correct and discourage unacceptable conduct, behaviour or performance. This policy will provide flexibility to Council to deal with a wide range of circumstances in employees overcoming performance problems and failing that, use progressive corrective actions to fairly, with due process and with substantial documentation, terminate the employment of employees, who are ineffective and or unwilling to improve.

Scope

This policy applies to all employees of Sipekne'katik. At the discretion of the HR Committee, this section may not apply to employees who have not yet passed their probationary period.

Responsibilities

Council is responsible for:

- The corrective actions and dismissal of the Director of Operations; and,
- The approval of dismissals of all management level positions.

The Director of Administration has responsibility for:

- The discipline of the Executive Financial Officer, Tax Administrator, Directors and/or Managers;
- The approval of dismissal of all non-managerial level employees;
- Recommend the dismissal of all management level employees to Chief and Council (with HR Committee support); and,
- In the event the direct supervisor is unable to deal with the conduct, behaviour or performance of an employee, the Director of Administration will assume the responsibility for corrective actions.

The Director of Administration, with the approval of Council, share in the responsibility for:

- The dismissal of the Executive Financial Officer, Tax Administrator, Directors and Managers. It is a requirement that both parties agree to the dismissal.

The direct Supervisor is responsible for:

- Corrective actions and performance improvement plans for their employees.

The Human Resources Manager and Human Resources Committee will be responsible to:

- Consult on and provide recommendations to address serious disciplinary matters where necessary; and,
- Provide a written report / case study to Chief and Council with supporting documentation, legal review where required, and details to support dismissal recommendations.

ADMINISTRATIVE PROCEDURES

When an employee performance issue arises supervisors will be expected to provide an employee with a fair and reasonable opportunity to correct or improve the performance issue through further coaching and/or training.

10.1 Termination or layoff Notice

Termination or lay off may be necessary due to redundancy, lack of funding or elimination of positions and/or completion of projects. Positions may be made redundant or be eliminated entirely for reasons of budgetary constraint.

Employees must not assume that a seasonal position is there perpetually (into future years) simply due to the past history, no matter how long it has been in existence. Regardless of a position having been funded under any budget of the Finance Department of Sipekne'katik or other funding program, either of the Canadian Federal government or provincial this is no guarantee of longevity or continuance and it can be eliminated at any time. In the case of a termination for redundancy, an employee who has passed the probationary period shall be given a two (2) week notice and be eligible for an additional two days regular pay for each consecutive year of service.

10.2 Disciplinary and Reprimand Procedures

Violation of any provision of this Policy will result in discipline up to and including dismissal. Employees are required to familiarize themselves with this Policy and to govern themselves accordingly.

Sipekne'katik subscribes to the principles of progressive and corrective discipline where appropriate. If an employee is in violation of any Sipekne'katik policy, procedure or other regulation, the employee will be subject to progressive discipline where appropriate.

The Director of Administration is responsible for all disciplinary procedures. The Director of Administration will follow the progressive disciplinary process described below. However, the Director of Administration reserves the right, depending on the severity of the incident or in cases where in their judgment progressive discipline is not warranted, to move to immediate written warning, suspension or termination.

10.3 Progressive Reprimand Procedure

The stages of progressive discipline are:

A) Verbal Warning

A first occurrence of a policy violation or performance issue may be addressed with a verbal warning. The Director of Administration or the employee's direct supervisor may initiate any verbal warnings. An employee will be given a verbal warning in a manner appropriate as determined by the Director of Administration or his delegate. A record of the verbal warning will be provided maintained by the Manager. This log will assist the HR Manager or Director of Administration when further disciplinary action is required in future.

B) Written Warning

A second occurrence of a same or similar offense by an employee may be addressed with a written warning, or where the Director of Administration deems is advisable, a written warning may be applicable to that first violation. The Director of Administration will consult with any relevant person necessary. A record of the written warning will be provided to the employee and Human Resources to be placed in their personnel file.

Where performance issues of a similar nature continue to occur, the employee's direct supervisor or the Director of Administration, after consultation with the Human Resources Manager and/or HR Committee, may deem it appropriate to issue additional written warnings before escalating the matter to disciplinary suspension and immediate dismissal.

C) Disciplinary Suspension and Immediate Dismissal

The Director of Administration may suspend, with or without pay, for any period of time or

terminate an employee where, in the opinion of the Director of Administration, the actions of the employee warrant such discipline. (Note: Chief and Council must approve all dismissals and suspensions for Manager and Director positions).

In a case of a suspension or termination, the employee may be called to a meeting with the Director of Administration and given an opportunity to discuss the matter. After hearing the position of the employee, the Director of Administration will make further decisions with respect to the suspension or termination. All copies of suspension or termination letters will be placed in the personnel file of the employee.

Reasonable (just cause) immediate dismissal will depend on the specific facts of each case.

Situations which may result in just cause termination may involve:

- i. Gross misconduct including violation of rules, harassment, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, ongoing insubordination, theft, under the influence of alcohol or drugs while on the job, falsifying records etc.;
- ii. Threats of violence where an employee threatens to or causes physical harm to another employee, client or to the members of Council;
- iii. Conviction of a serious criminal code offence;
- iv. Demonstrating chronic absenteeism or lateness;
- v. Repeated unsuccessful progressive disciplinary attempts including verbal and written reprimands;
- vi. Misrepresentation or falsification of information on application of employment; or
- vii. Contravention of the employee's duties and obligations under Sipekne'katik's Financial Administration Law including codes of conduct and conflicts of interest; and,
- viii. Violation of Human Resources Policies and Procedures Manual.

Sipekne'katik encourages employees to proactively participate in the progressive reprimand process. If desired, any employee should respond in writing to clarify their interpretation of the events and/or dispute areas of the reprimand that they feel are false or unreasonable. Written responses should be submitted to the Human Resources Manager within five (5) business days of receiving the reprimand.

All corrective actions will be documented and placed in the employee's personnel file. Documentation should include information on the performance issue and previous disciplinary communications with the employee.

10.4 Discontinuation of Employment

Council has final authority and responsibility for the dismissal of the Director of Administration.

The Director of Administration, with the approval of Council, share in the responsibility for the dismissal of the Executive Financial Officer, Tax Administrator, Directors and/or Managers. It is a requirement that both parties must agree to the dismissal.

The Director of Administration, with HR Committee support, has final authority and responsibility for dismissal of all employees except the Executive Financial Officer, Tax Administrator, Directors and/or Managers.

The Human Resources Manager and/or Human Resources Committee will be consulted prior to the termination of any employee.

11. RESIGNATION AND RETIREMENT

POLICY

Policy Statement

It is Council's policy to establish policies and procedures around the departure of an employee who has resigned or retired.

Purpose

The purpose of this policy is to establish procedures around the departure of an employee who has resigned or plans to retire.

Scope

This policy applies to all employees of Sipekne'katik.

Responsibilities

Council is responsible for:

- Approving any requests from employees for a modified work schedule in anticipation of retirement.

Director of Administration is responsible for:

- Accepting any notice of resignation and advising Council and the Human Resources Manager; and
- with the assistance of the Human Resources Department, to anticipate future human capital requirements, including planning for future retirement schedules and ensure that employees receive cross-training opportunities where appropriate.

ADMINISTRATIVE PROCEDURES

11.1 Resignation

Employees will be allowed two (2) full business days to rescind their resignation following the date that the resignation was submitted.

Employees resigning from the organization shall provide a minimum two (2) weeks written notice to their Director. Program Directors/Managers resigning from the organization shall provide a minimum three (3) weeks written notice to the Director of Administration.

11.2 Return of Sipekne'katik Property

Any Sipekne'katik property issued to an employee, such as computer equipment, cell phones, briefcases, product samples, tools or uniforms, must be returned to Sipekne'katik at the time of termination, lay off, dismissal or resignation. Each employee is responsible for paying for any lost or damaged items.

On the final day of employment, the employee's supervisor must receive all keys, ID card, and Sipekne'katik property from the employee before the final payroll cheque will be issued.

11.3 Succession Planning

Sipekne'katik believes in the development of employees that will not only enhance their skills in their

current positions, but also develop them for future career opportunities within their department. The Director of Administration, Program Directors/ Manager, with the assistance of the Human Resources Department, are responsible to anticipate future human capital requirements, including planning for future retirement schedules within their department. As such they should ensure that employees receive required/appropriate training and are cross-trained.

11.4 Retirement Planning

New employees are encouraged to sign up for the pension plan.

Employees wishing to modify their work schedules in anticipation of retirement are required to submit a request in writing to the HR Committee. HR Committee will review their request and provide their recommendation to Council. Approval of Council is required.

12. WORKPLACE RESPECT POLICY

POLICY

Policy Statement

Sipekne'katik values respect, diversity, inclusion, integrity, accountability and the well-being of everyone in our workplaces. Demonstrating respect towards others is an expectation of every employee and individual who interacts with Sipekne'katik employees.

All employees have the right to work in a healthy and safe workplace. This includes having a workplace that is free of disrespectful behaviour (including, but not limited to, gossiping, bullying, intimidation, social isolation, harassment, lateral violence, and insubordination). This policy supports a respectful workplace that is productive, rewarding, and enjoyable for all.

All employees share the responsibility to uphold Sipekne'katik's values, which includes the responsibility to treat each other and those who enter the workplace, with respect and dignity. This shared responsibility includes good faith participation in efforts to resolve concerns regarding disrespectful behaviour.

Purpose

This policy is to:

- recognize the right of all employees to work in an environment that is free of disrespectful behaviour;
- establish the shared responsibility to maintain a respectful workplace;
- provide expectations of respectful workplace behaviour and create awareness of the impact of behaviours that do not meet these expectations; and,
- provide support, tools and mechanisms to address disrespectful workplace behaviour and to resolve workplace conflict that arises as a result.

Scope

This policy applies to all employees, elected officials, contractors and members of Sipekne'katik.

Responsibilities

Council is responsible for:

- Ensuring this policy and procedure is followed.
- Acting as a role model that demonstrates respectful workplace behaviors.

The Director of Administration, in collaboration with HR Manager, is responsible for:

- Supporting a safe, supportive, inclusive, and respectful workplace for all employees.
- Determining appropriate actions in response to individuals who are in violation of this policy.
- Promoting consistent, fair, and transparent application of this policy, guidelines, and associated processes.
- Overseeing the development and delivery of Respectful Workplace training or any other related learning opportunities such as cultural awareness training.

The HR Committee is responsible for:

- Responding to escalated complaints brought forward by the Director of Administration or HR Manager.
- Determining a suitable course of action to address policy violations as outlined in Sipekne'katik's Workplace Harassment Policy.

Managers/Supervisors are responsible for:

- Modeling respectful behaviour and fostering a supportive and considerate work environment.

- Informing employees of the content of this policy, including the responsibility to comply with employee accountabilities, and advise of available resources to address concerns.
- Responding to potential policy violations and concerns raised within ten (10) business days in a manner appropriate with the circumstances. This may include requesting the assistance of the HR Manager or Director of Administration.

Employees are responsible for:

- Being aware of this policy and associated guidelines, including directing questions or required clarification to a manager, as needed.
- Treating others respectfully and considering the impact of actions, inactions, words, and behaviour, regardless of intent.
- Addressing concerns or potential violations under this policy promptly and in a manner appropriate with the circumstances.
- Participating in good faith with processes intended to address concerns under this policy.
- Completing Respectful Workplace training as determined by the Supervisor.

ADMINISTRATIVE PROCEDURES

12.1 Examples of Disrespectful Behaviour

Disrespectful Behaviour

Behaviour that is inconsistent with acceptable workplace Behaviour as outlined by this policy and in Sipeknekatik’s associated HR policies that include Code of Conduct and Code of Ethics Policy, Workplace Professionalism Policy and Harassment Policy, as well as outlined in legislation.

Disrespectful behaviour covers a spectrum of potential conduct that will impact the workplace. All human behaviour happens on a continuum, ranging from respectful and courteous behaviour to clearly unacceptable conduct. Disrespectful behaviour will range from the simply inappropriate to the clearly offensive and harmful. Clearly offensive behaviour includes inappropriate comments, conduct, actions or inactions that create an uncomfortable, hostile, or intimidating work environment. The behaviour may occur as a single incident or as a pattern. It can be overt or covert.

Clearly disrespectful behaviour includes bullying, discrimination, harassment, and sexual harassment, as defined below. All forms of disrespectful behaviour will not be tolerated in the workplace.

Bullying

A form of harassment (See workplace violence policy). Typically, it is a repeated, targeted pattern of behaviour that is intended to, or ought to reasonably be known to cause fear, intimidation, humiliation, distress or other forms of harm. The impact may be physical or mental, damaging a person’s body, feelings, self-esteem, reputation or property. Bullying may be obvious or subtle, direct or indirect, and can occur in person, in writing, or through the use of technology such as social media, text or email.

Discrimination

Discrimination occurs when a person makes a distinction, whether intentional or not, based on a protected characteristic, actual or perceived, as set out in Section 5 of the Nova Scotia Human Rights Act, that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits

“Ought Reasonably to be known”

An objective assessment of how a specific behaviour might generally be received. The objectively reasonable person would understand the behaviour to be inconsistent with the definition of respectful behaviour.

Respectful Behaviour

Behaviour which recognizes the value in each person and treats others with fairness and dignity. This includes acting and

12.2 Policy Directives

- All employees are required to be respectful in the workplace.
- All employees are prohibited from participating in any form of disrespectful behaviour in the workplace.
- Reports of policy violation must be made within 12 months of the most recent incident of the behaviour at issue. In extenuating circumstances, reports may be considered beyond 12 months.
- Reports of policy violations must be made in good faith.
- Retaliation is prohibited against anyone who has participated in any process under this policy.
- A breach of this policy, including retaliation, may result in disciplinary action, up to termination depending on the circumstances.
- Nothing in this policy restricts management’s authority and responsibility to manage performance of employees, take appropriate disciplinary action when necessary, or take immediate action to ensure a safe work environment, including one that is free from disrespectful behaviour.

12.3 Procedural Fairness

Procedural fairness shall govern all activities related to reports of policy violation. This means following processes that are consistent, transparent, without bias or conflict of interest and ensuring all necessary information is gathered prior to determinations, including an opportunity for those involved to respond as appropriate.

12.4 Confidentiality

Information related to inquiries and reports of disrespectful behaviour are to be kept confidential, with the following exceptions:

Disclosure necessary to review the matter, determine appropriate process to address and to carry out resolution processes.

As required by legal subpoena or other legal authority and directives.

To ensure the health, safety, and security of individuals.

Information related to Respectful Workplace processes will be maintained in accordance with the *Freedom of Information and Protection of Privacy Act*.

Information related to Respectful Workplace processes will be separate from an employee’s personnel record.

If a letter of expectation or disciplinary action results from a Respectful Workplace matter, this will be held on an employee’s personnel record, in accordance with the Employee Personnel Record Policy and appropriate collective agreement or the *Civil Service Act*, as applicable.

Information related to Respectful Workplace processes may be used for policy evaluation, audit, or review. All personal information will be protected.

12.5 Handling Allegations of Disrespectful Workplace Violations

The handling of disrespectful workplace interactions will be taken seriously and addressed in a similar manner as outlined in section 13 of Sipekne’katik’s Workplace Harassment Policy.

13. HARASSMENT POLICY

POLICY

Policy Statement

Sipekne'katik believes in promoting a harmonious, safe work environment and has zero-tolerance towards harassment, both in person and through virtual means (examples include but are not limited to: humiliation, social exclusion, sexual harassment, sexualizing, threats, gossiping, lateral violence, swearing, ostracizing, bullying, racism, homophobic remarks, cyber bullying, religious discrimination, etc.). This may also include actions, gestures or comments, intended or not, made to another person and/or witnessed by others that creates an intimidating, demeaning or offensive work environment.

Chief and Council, supervisors, managers, directors and the Director of Administration are role models for staff and must maintain and enforce appropriate workplace behavior. However, each employee has the responsibility to treat others (fellow employees / contractors / members / students) with respect and has the right to speak up, to the appropriate person, if they or someone else is being harassed or treated disrespectfully in the workplace.

Purpose

This policy is intended to protect employees from harassment (as stipulated in the Human Rights Code of Canada) based on any of the following: race, national or ethnic origin, social origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation. Further, all harassment no matter its basis is unacceptable and not permitted and will not be tolerated.

Scope

This policy applies to all Chief and Council, employees, contractors, members of Sipekne'katik.

Responsibilities

Council is responsible for:

- Ensuring this policy and procedure is followed; and
- Ensuring that the person who has brought forward a formal complaint is protected from any discrimination, threats, retaliation or harassment.

The Director of Administration is responsible for:

- Addressing complaints, about or from elected officials, that includes seeking the advice of other subject matter experts such as a suitable elder(s) in the community.

The Director of Administration and/or the Human Resources Manager is responsible for:

- Providing support to an employee when requested during an informal process to resolve a dispute;
- Receiving a formal complaint from an employee;
- Providing support to an employee who has made a formal complaint in guiding them through the established process;
- Forwarding a formal complaint to the HR Committee;
- Imposing discipline upon the Complainant if the investigator determines the complaint is false and/or exaggerated and was made in bad faith;
- Determining the most suitable solution that includes respectful workplace training for the accused, talking circles, mediators or other traditional indigenous practices such as brining in an elder advisor; and
- Seeking legal advice when a complaint cannot be reasonably dealt with inhouse or when there are legal implications.

The HR Committee is responsible for:

- Following up on any complaints received, including determining if an investigation is warranted, and if so, appointing the person to conduct the investigation; and
- Imposing a penalty based on the results of the investigation.

Employees are responsible for:

- Attempting to resolve disputes on an informal level first;
- Bringing any unresolved complaints forward in a formal manner in accordance with these procedures; and
- Reporting any instances of intimidation.

ADMINISTRATIVE PROCEDURES

13.1 Definitions

Sipekne'katik acts in accordance with federal legislation.

The Human Rights Code defines harassment as "vexatious (distressing) comments or conduct that is known or ought reasonably to be known to be unwelcome". It is any behavior which embarrasses, demeans or humiliates a person. This may also include actions or comments that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment. Harassment can be a series of actions repeated over some period of time or it can also be a single incident.

For further clarification, off duty employees accessing Sipekne'katik programs or services continue to be bound by the HR Policy and are expected to conduct themselves appropriately and support an environment free of harassment.

As this is an evolving field, new grounds for discrimination may be defined as case law develops. Examples of harassment include, but are not limited to:

"Humiliation" - purposefully intended belittling or diminishing negative comparison or references that is witnessed by others that the victim wishes to be thought of highly by (e.g. co-workers, friends)

"Physical contact or intimidation" is unwanted physical contact, gestures, violence, or the threat of physical contact or violence

"Political discrimination" discrimination or disdain on the basis of a person's political beliefs or affiliations

"Professional exclusion" is purposefully and intentionally leaving the victim out, for no obvious reason, from conversations or activities that would be within their scope of duties. This would include exclusion from meetings or correspondence, withholding information, encouraging others to withhold information or bypass the individual

"Social exclusion" purposeful and intentional leaving out of the victim for no obvious reason from conversations or activities, this could also be demonstrated by the immediate shut down of a discourse when the intended victim comes within earshot, or the cessation of fun antics as the victim approaches.

"Sexual harassment" this is fully detailed in the sections below on "Sexual Harassment"

"Threats" use of language (written, verbal or social media) or body language (suggestive motions) that implies either overtly or implicitly how damage or destruction will be perpetrated upon the victim or on property belonging to the victim

"Gossiping" relaying personal information without consent and/or the discussion of events or happenings that the victim does not want repeated or spoken of and/or the making of judgmental suggestions of, or about, a person or persons

"Swearing" is the use of profanity, speaking offensively or derogatorily, using a "potty mouth"

"Ostracizing" see social exclusion above, encouraging others to exclude the victim from normal interaction

"Bullying" the use of any and/or all of the above techniques to temporarily elevate oneself or one's needs above that/those of the intended victim, to use the techniques to accomplish a benefit to the perpetrator

"Racism" to hold in contempt any aspect or any individual, government or group consisting of persons from a culture, nationality, class or race of persons different from one's own

"Homophobic remarks" remarks or statements made regarding any aspect of the preferences or demeanor of anyone whose sexuality lies outside of heterosexuality

"Religious discrimination" discrimination or disdain on the basis of a person's religious or secular beliefs

"Cyber-bullying" bullying which is aggravated by the use of electronic mediums such as email, blogging and social media platforms

13.2 Lateral Violence

"Lateral violence" describes that way that people in positions of powerlessness covertly or overtly direct their dissatisfaction or frustration inward toward each other, towards themselves and toward those less powerful than themselves. It is when people act out in rage, anger and frustration against members of our Nation, our co-workers or our family. It manifests as ugly competition among members, co-workers and families. It presents in numerous ways such as jealousy, blaming, put-downs, shaming, envy, sarcasm, bickering, whining, ignoring, excluding or freezing people out, undermining staff or co-worker activities, blocking requests for promotion or training and backstabbing.

Sipekne'katik encourages its employees to try and turn their anger and frustration into helpful and constructive action which will rebuild the community. While Sipekne'katik understands the basis for this anger and frustration, lateral violence is a form of harassment and Sipekne'katik will not tolerate lateral violence against any of its employees.

13.3 Outline of Non-harassing Behaviour

Performance reviews, discipline (that is warranted and just), delegation of duties, mentoring or counseling, and direct physical demonstration of job competencies, are not considered harassment. Sipekne'katik encourages a fun and relaxed workplace and understands that its

employees will joke and banter. These actions are not considered harassment as long as this form of social interaction is welcome and appreciated by all the people involved or a witness to the actions.

Before making potentially offensive remarks or actions, employees should consider: Is this behavior compliant with the wishes of their co-workers? Is it encouraged by employees or frowned upon or has not met the approval of one or more of the group?

13.4 Workplace Harassment

Protection from harassment in the workplace encompasses all places that an employee can or is required to be for the purposes of work or work related activities, including all verbal and written forms of communication. This also includes all travel while on Sipekne'katik business whether that is doing deliveries, fishing at sea, meetings in all locations, attendance at conferences, trade shows or educational trips.

13.5 Sexual Harassment

Sexual harassment is an extension of the general harassment section of this policy.

'Sexual harassment' is any conduct, comment, gesture or contact of a sexual or personal nature that is likely to cause offence or embarrassment to a person; or that might, on reasonable grounds, be perceived by an employee as placing a pressure of a sexual nature on the chance of further employment, training or promotion.

Every employee is entitled to an employment environment free of sexual harassment. Sexual harassment can occur between any members of a workplace including: between co-workers, manager to subordinate, employee/client, employee/vendor, employee/contractor, employee/customer, prospective candidate and an employee involved in hiring decisions, members of either the same or opposite genders.

Sipekne'katik takes incidents of sexual harassment very seriously and will endeavor to protect all employees from any form of harassment. Any employee suspected of and/or is causing sexual harassment will be duly investigated and punished and/or reprimanded.

13.6 Workplace Sexual Harassment

Sexual harassment is deemed to be "employment related" at any time that it occurs while the victim is at work or is in a situation related to their employment requirements. This means that sexual harassment that occurs while on business of Sipekne'katik, no matter where that is, is still sexual harassment. This includes any connection to official business of Sipekne'katik including travel for conferences, education, deliveries, off-site meetings and while performing duties related to the fishing or any other industrial or retail interests of the Nation. Further, this includes any connection to any official business of Sipekne'katik, including travel for conferences, education, deliveries, meetings, on site or off site and while performing any duties related to fishing, industrial, or retail interests, or the operation or administration of Sipekne'katik.

13.7 Types of Sexual Harassment

Sexual Harassment creates a hostile work environment. Sexual Harassment often falls into one of two categories; 'sexual coercion' or 'sexual annoyance'.

'Sexual Coercion' is sexual harassment which has a direct consequence on the victim's employment and may include, but is not limited to; either an open or implicit offer regarding the

job security or job promotion of a person.

Some examples of 'sexual coercion' may include, but are not limited to, a manager or person of authority who:

- a) Demotes or punishes an employee who rebuked the manager's sexual innuendos;
- b) Discusses the job security the employee would enjoy by being in a relationship with the manager;
- c) In a private meeting, placing a hand on an employee's knee and suggesting the employee's performance evaluation would improve if the employee were "nicer"; or
- d) An employee threatening disclosure of confidential information in relation to another employee in return for sexual favors.

'Sexual annoyance' is harassment where a hostile environment is created. It is a demeaning and unwelcome sexually related behavior that is offensive, hostile or intimidating to the victim

Examples of 'sexual annoyance' include, but are not limited to, an employee who:

- a) Makes sexual remarks towards or about a co-worker;
- b) Touches a co-worker in an unwelcome manner;
- c) Sends unwelcome sexually explicit e-mails to a co-worker;
- d) Makes catcalls as a co-worker walks by;
- e) Repeatedly inquiring about an co-workers sex life or sexual history;
- f) Constantly pesters a co-worker for a date; or
- g) Implies that a co-worker only got their job or promotion because of their appearance, sex or sexual history.

13.8 Distinction between sexual harassment and casual flirtation

Consensual relationships, flirtation and banter, if the individuals involved or present are not embarrassed or humiliated, will not be considered sexual harassment. However, it is often difficult to ascertain if a person is feeling embarrassed or humiliated. If in doubt about a person's feelings towards an action or comment, stop immediately. Individuals are to be cognizant of who is in the room or listening in that may have different expectations of behaviours considered embarrassing or humiliating to others.

13.9 Grievances and Disputes Between Employees

Work related problems can arise between employees in the work place. We expect individuals will try to reconcile differences on an individual basis. Should it not be possible to resolve a problem quickly and fairly, Sipekne'katik has the following process in place to assist disputing employees:

- 1) If an employee has a problem with another employee (non-managerial), they should notify their Director/Manager informally and attempt to resolve the matter directly with the individual(s). Most difficulties can be settled promptly.
- 2) If the matter cannot be settled directly, an employee shall notify their Director/Manager in writing. The Director/Manager shall respond in writing within five (5) days of meeting with both involved.
- 3) If the problem is still not resolved to the employee's satisfaction, or if the matter involves a managerial employee, the employee may go to the Human Resources Manager or Director of Administration and submit the problem in writing. If the circumstance requires, the Human Resources Manager / Director of Administration will conduct an investigation and/or involve the HR Committee. Following their investigation, the Director of Administration will respond in writing within thirty (30) days of completing the investigation to the grievance (note: the investigation may take a few months to complete). The Director of Operations shall render a decision on the grievance after hearing all sides. If no investigation is required, the Director of Administration will provide a written response to

the employee within thirty (30) days of the complaint.

As an organization dedicated to healing and wellbeing, Sipekne'katik also encourages employees to take a more culturally relevant approach to resolving conflict in the workplace. Sipekne'katik is supportive of employee requests to use another approach such as bringing in an Elder Advisor and/or implementing a healing circle to resolve a grievance.

13.10 Handling a Harassment Allegation

Document

As soon as any form of harassment begins, Employees are encouraged to maintain detailed records. Note taking or a diary should be started to complement any complaint. Some of the Items that are particularly relevant are as follows:

- Name, title(s) of the offender(s);
- Target of the harassing and nature of it;
- Time(s), date(s) and place(s) of the incident(s);
- Name(s) of any witness(es) observing the offensive behavior; and
- Any other distinguishing points or observations that may have a bearing on the evidence.

Make it Known – Employee to address unwelcome behavior directly with person

Sipekne'katik hopes employees will try to resolve complaints on the individual, informal level before further action is taken. Often the first step towards a resolution is simply making the other party aware that their/their behavior is unwelcome or unacceptable. By letting the person/ people know their behavior is bothering others, many issues can be resolved, and often a simple, sincere, apology and commitment not to re-offend will suffice. Should an employee(s) feel they/they are unable to deal with the person directly, they may approach, depending on the circumstances, their direct supervisor to initiate an informal intervention. Employees may ask their direct supervisor to deal with the issues on the employee's behalf, or to be present when the employee (complainant) confronts the alleged offender (respondent).

Take Complaint to the HR Manager or Director of Administration

In the absolute discretion of the Complainant, the informal process of resolution may include support from the HR Manager or Director of Administration. If this is not successful the process may process to a formal process.

Make a Formal Complaint

When all of the informal and private methods of dealing directly with the person/ people perpetrating the harassing behavior have failed, or if the incident(s) is very serious, a formal complaint may be put forward. In order to file a formal complaint, employees must contact any of their Manager/Supervisor/ Director of Administration or the Human Resources Manager. The person whom the employee(s) has contacted will ensure the employee(s) is/are aware of the process that will be involved in pursuing the complaint to its logical or legal conclusion.

If the complaint is of a criminal nature then the police must also be contacted.

Should the victim wish to proceed with filing a formal complaint, the victim shall provide a letter in writing to the Human Resources Manager which shall outline in detail, all of the facts and allegations surrounding the complaint. The details shall include, if possible, but not limited to, date, place, time, the incident, the people involved. The HR Committee will determine if an investigation is warranted.

It should be noted that the person who has had a complaint made against them may be entitled to

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review the details of the allegations and be given an opportunity to respond.

Investigation of Allegation(s)

The Investigation of the complaint will be conducted by a person appointed by the HR Committee. Such person shall have experience or training for handling matters. Where necessary, the Director of Administration or Human Resources Manager, at the recommendation of the HR Committee, has the authority to outsource the investigation to a qualified, independent third party.

The person appointed to complete the harassment investigation and shall comply with the following procedures:

- a) Review the complaint as written and presented by the HR Committee.
- b) Provide notice to the Respondent with copies of written materials in the Complaint and require a reply in writing within ten (10) business days.
- c) Conduct interviews with the parties and witnesses. Parties may be accompanied by legal counsel or an advisor.
- d) All statements provided to the investigator from the parties and witnesses shall be reduced to writing and signed by the party or witness.
- e) After meeting with the witnesses, the investigator shall make a Report and recommendation to the HR Committee outlining the findings of the investigator and the recommendation for penalty, if any.
- f) The Report of the investigator and any decision by the HR Committee shall make a final decision on what, if any, remedies shall be applied to the Respondent.
- g) The Report of the investigator and the decision of the HR Committee shall be placed in the file of the Complainant and the Respondent.
- h) The Report of the investigator and the HR Committee shall be retained in the file of the Complainant and Respondent in accordance with the Sipekne'katik Information Management Policy.

Mediation

If both parties are in agreement then it may be possible to resolve the complaint using mediation. Mediation is only appropriate and binding if both parties have agreed without being pressured by anyone, for any reason. If the complainant or the respondent does not desire to use mediation to resolve a complaint then mediation will not be part of the process.

If both parties agree to resolve the complaint using mediation then a qualified mediator, from outside Sipekne'katik, will be used to resolve the complaint. If an appropriate person from outside Sipekne'katik cannot be found a person within Sipekne'katik can be used as long as both parties are in agreement with the appointment.

Conclusion of Investigation

The HR Committee may impose any penalty which they believe fit in light of the conclusions of the investigator. These penalties include everything from verbal reprimand, up to and including, termination of employment.

If the penalty includes a recommendation for termination of the employment relationship, the HR Committee will notify Council and follow procedures outlines in the *Discipline & Dismissals Policy*.

Dependent on the nature of, type, and seriousness of the harassment, Sipekne'katik and/or the consultant contracted to oversee the investigation/hearing will prescribe appropriate methods of reconciliation to the victim.

In circumstances where there is not sufficient proof, on the balance of probabilities, that harassment has

taken place, the investigator will recommend a complete dropping of all reference to the matter. Sipekne'katik will consider the matter closed.

13.11 Dissatisfaction with process / appeals

Notwithstanding the internal process as determined in accordance of this Policy, either party may file a Complaint with the Canadian Human Rights Commission and be subject to the determination of jurisdiction as set out by the Canadian Human Rights Commission.

13.12 Retaliation

Any person involved in a complaint will receive fair and unbiased treatment throughout the investigative process. Council will make sure that the person is protected from any discrimination, threats, retaliation or harassment. Any contravention or suspected contravention of the prohibition against reprisals will be reported to the HR Committee and may be disciplined in the discretion and authority of the Director of Administration in consultation with legal counsel.

Employees have a responsibility to address harassment in a timely manner. Filing a complaint in response to another complaint will may be considered retaliation.

13.13 False or Exaggerated Accusations

In the event that an investigator should determine that the substance of the Complaint is false and/or exaggerated and was made in bad faith, then discipline may be imposed upon the Complainant by the Director of Administration in his discretion.

13.14 Access to Information or Public Disclosure

All parties involved in a complaint (Complainant, Respondent, Witnesses, HR Committee and any Councilor/Supervisors/ Managers/ Directors/ Director of Operations/Director of Administration) shall keep all information concerning the complaint confidential. The circumstances of the complaint will not be disclosed to any person(s) except where disclosure is necessary for the purpose of the investigation. Any breach in confidentiality will be dealt with severely by Sipekne'katik.

The confidentiality of all parties shall be respected and strictly observed. To speak of any aspect of a harassment allegation is itself harassment (see above - definitions specifically gossiping, bullying etc.) and as such will be punished in a similar manner.

The circumstances and material in a complaint and the report of the investigator or mediator shall remain confidential and not be disclosed to any person, at any time, except as outlined in the process herein. The circumstances of the Complaint shall never be disclosed except as required by law. Failure to keep matters confidential will result in discipline to be imposed by the Director of Administration in his absolute discretion.

13.15 Statute of Limitations (time)

The time limit to file for a formal complaint is 1 Year from the last incident, which gives rise to the complaint in compliance with the Nova Scotia Human Rights Act. During any part of the investigation, the complainant has the right to drop their complaint without any penalty.

Sipekne'katik recognizes that experiences with harassment can be difficult for all parties involved and is devoted to providing support, information and opportunities on how to cope. The Human Resources Manager can provide support to staff, as well as further education and information on conflict resolution skills.

14. WAGES, SALARIES, PAYDAY AND BENEFITS

POLICY

Policy Statement

It is Council's policy to establish policies and procedures around compensation and benefits for employees that are internally equitable and financially feasible.

Purpose

The purpose of this policy is to comply with legal requirements, and communicate the compensation, benefits, and deductions for employees.

Scope

This policy applies to all employees of Sipekne'katik.

Responsibilities

Council is responsible for:

- Reviewing and approving all pay grids;
- Approving the salaries of all Officers and Directors; and,
- Approving the benefits providers.

The Executive Financial Officer and/or Director of Finance are responsible for:

- Maintaining salary grids;
- Final approval of all timesheets;
- Ensuring all remittances are complete;
- Monitoring all payroll transactions;
- Completion and submission of all T4s; and
- Submission of ROEs.

The HR Committee is responsible for:

- Reviewing all recommendations for compensation changes in the pay grid for non-officers; and
- Approving any salary changes/step increases.

The HR Manager, in collaboration with the Finance Department and HR Committee, is responsible for:

- Conducting salary reviews.

Human Resources Manager is responsible for:

- Completing the new hire kit and going through all the documentation with full-time employees;
- Submitting pay documentation to the Finance Department; and
- Communicating to the Finance Department details of new hires, approved pay/benefit changes.

Directors, Managers and Supervisors are responsible for:

- Approving and submitting timesheets.
- Recommending pay increases based on employee performance.

ADMINISTRATIVE PROCEDURES

14.1 Pay Grid (scale)

Sipekne'katik uses approved Pay scales that determine the pay rates for all employees. These pay scales are reviewed annually and updated, if appropriate, effective April 1 each year. When appropriate, and based on Sipekne'katik's financial ability, the Pay Scales (or grids) may be adjusted for inflation.

Under no circumstances will the pay for a new employee be dictated by a document other than the Pay Grid (e.g. approved funding proposal).

14.2 Annual Wages and Salaries

As budgetary conditions permit, it is Sipekne'katik policy to award increases to employees for outstanding performance as determined during the Annual Performance evaluation process. Granting of an increase in salary is based on individual performance and granted on an individual basis.

Every employee is eligible for consideration for a step increase; however, step increases are not automatic. Following the completion of all annual Performance evaluations, Directors (with input from Managers) may submit a request for specific individual increases to the Human Resources Committee.

They shall consider all recommended increases and will grant, as budget and performance allows, subject to overall financial position of Sipekne'katik and within the scope of the wage grid as established for the position. Approval of the annual budget will not automatically result in an increase in wages of employee(s).

14.3 Salary Administration

Sipekne'katik will strive to maintain levels of compensation that are internally equitable and financially feasible. The Director of Operations, Director of Administration and Executive Finance Officer will have salaries negotiated and approved by Council in lieu of being placed on a grid.

There is an approved Sipekne'katik Salary Scale (or grid) that will be reviewed and approved on an annual basis by the Senior Management Team, in collaboration with the Human Resources Committee. Consideration will be given for regional market rate changes. Cost of living increases must be approved by Council.

Each position will be placed on the salary grid by the Human Resources Committee

- Education;
- Experience; and
- Responsibilities
- Funding

Step movements upwards on the salary grid require a performance review, recommendation by their immediate supervisor and approval by the Human Resources Committee. Approval by the Human Resources Committee on supervisor recommendations for wage increases are not guaranteed and will be reviewed based on consideration of the following factors:

- Performance (e.g. attendance, initiative, meeting work plan goals, etc.);
- Achieving personal and departmental goals and objectives;
- Additional upgrading of relevant skills, training, certification;
- Years of service;
- Assumption of additional responsibilities, exceeding the basic duty requirements;
- Funding;
- Participation in special projects; and
- Contributions to the community.

Other than minimum wage increases, there will be no increases for temporary hourly or term employees unless explicitly stated in their contract.

14.4 Pay Advances

Under no circumstances shall any employee receive an advancement of wages or payout of any leave benefits, except for Fisheries Mobilization Advances for fishermen/fisherwomen.

14.5 Fisheries Mobilization Advances

Employees whose employment is seasonal, who are required to travel over 250 kilometers (one way from Sipekne'katik) to their place of employment, and whose compensation is performance based may be eligible for a \$500 Mobilization Advance at the beginning of their contract.

The request to access this benefit must be made to their manager who will bring the request to the Finance Committee on their behalf for review and approval. Repayment of the advance will be required in full upon the employee's first pay cheque related to the applicable employment contract.

14.6 Pay Days and Submission of Time Sheets

All hourly (invoiced) Sipekne'katik employees are required to submit bi-weekly time sheets for the two week period ending on a Sunday. The Bi-weekly Timesheets are to be approved by the employees' immediate supervisor or, alternatively, if the immediate supervisor is not available, the Director of Administration.

All salaried employees are required to have leave sheets (available on Sipekne'katik website or HR Department) approved by their direct supervisor. Once approved, the leave sheets are required to be submitted to the Human Resources Department for tracking purposes. The Director of Administration is required to have their leave sheets approved by the Director of Operations, or designate.

Bi-weekly Pay dates are as follows:

- Wednesdays – all salaried employees
- Thursdays - timesheet (invoiced) employees
- Fridays (in summer) – summer students

The Director of Finance must receive Timesheets no later than noon on the Tuesday of each payroll week. They may be emailed to Director of Finance or delivered to Finance Department.

Leave sheets (e.g. requests for vacation, sick, etc.) must be submitted by the Program Managers / Supervisors to the HR Department no later than noon on the Monday of each payroll week.

14.7 T-4s

Every employee will receive a T-4 for the preceding year on or before February 28th or March 1 if the 28th falls on a weekend. Any employee, who believes that their T-4 is incorrect, should check with the Department of Finance immediately.

14.8 Employee Payroll & Benefits Deductions

All mandatory deductions will be made from every employee's gross wages where applicable.

The Human Resources Manager will review any applicable documentation with the employee to obtain their signature and forward to the Finance Department for processing.

Payroll deductions, and as set out in legislation, include:

Mandatory for all employees:

- Employment Insurance (EI), Canada Pension Plan (CPP), federal income taxes; and
- Garnishments (eg. spousal support, tax arrears)

Mandatory for all full-time employees in permanent positions:

- Employee portion of the group health and dental benefits (unless covered elsewhere);
- Life insurance;
- Short-term and long-term disability;
- AD&D;
- Employee Utility Assistance repayments (if an advance has been received); and

Optional:

- Group health and dental benefits are optional for Chief and Council;
- Participation in the Christmas party fund; and
- Employee portion of Sipekne'katik pension plan (for all full-time employees in a permanent position).

Employees aged 65 and older who elect to stop contributing to the Canada Pension Plan are required to complete Form CPT30 and submit to the Human Resources Manager and/or the Director of Finance.

Any employee who believes that his/her deductions are incorrect for any pay period should check with the Department of Finance immediately.

14.9 Pension

All employees with Sipekne'katik may enroll in the Pension Plan and complete all necessary documentation as provided by the Finance Department. Employees are eligible as of their first day of work. The current Plan is a Group RRSP Plan where both the Employer and the Employee contribute 5.5% of wages to Sipekne'katik Pension Plan.

Pension contributions are remitted once per month to the pension provider.

Employees who elect not to enroll in the Pension Plan must sign the Pension Plan Waiver Form.

14.10 Employee Group Insurance Benefits

Sipekne'katik has a mandatory benefits package for all its regular full-time employees as defined under Employment Status definitions. All Employees must participate in Sipekne'katik Benefit Plan. These benefits provide for benefits, including, but are not limited to:

- Life Benefits (Disability - short term and long term, Accidental Death and Dismemberment, Life insurance)
- Health and Dental (may be waived with proof of coverage from another source, such as being covered under a spouse's plan)

Information on the entire benefit package is available through the Human Resources Manager. The insurance provider will be reviewed periodically.

14.11 Twenty-five (25) Year Service Award

Employees who have 25 years of cumulative service will be paid a one-time \$2,500 benefit. Sufficient documentation confirming an employee's years of service is required. If the HR Department can not verify the cumulative service (limited personnel records), the onus will be on the employee to provide evidence; otherwise, the request may be forwarded to the HR Committee for Consideration.

15. AVAILABLE LEAVE

POLICY

Policy Statement

It is Council's policy to establish statutory and non-statutory leave available to Sipekne'katik employees.

Purpose

The purpose of this policy is to comply with federal legal requirements and to provide adequate annual leave entitlements to ensure a healthy work/life balance while also ensuring employees are available to meet Sipekne'katik's operational requirements.

Scope

This policy applies to all employees of Sipekne'katik.

Responsibilities

The Council is responsible for:

(a) Approval of operational closures (e.g. Christmas shutdown).

The Director of Administration is responsible for:

(b) Communicate approved operational closures; and,

(c) In consultation with the Chief, approve and communicate any temporary office closures (e.g. storm closure).

ADMINISTRATIVE PROCEDURES

15.1 Statutory and Non-Statutory Holidays

Sipekne'katik compensates employees based on federal legislation for the following federal, provincial and Sipekne'katik holidays:

1. New Year's Day (January 1)
2. Heritage Day (third Monday in February)
3. Good Friday (not fixed date – any time between March 22 and April 25)
4. Easter Monday (not fixed date – any time between March 22 and April 25)
5. Victoria Day (third Monday in May)
6. National Indigenous Day (June 21)
7. Canada Day (July 1)
8. Saint Anne's Day (July 26)
9. Civic Holiday (first Monday in August)
10. Labour Day (First Monday in September)
11. National Day for Truth and Reconciliation (Sept 30)
12. Treaty Day (October 1)
13. Thanksgiving (second Monday in October)
14. Remembrance Day (November 11)
15. Christmas Day (December 25)
16. Boxing Day (December 26)

Should a designated non-statutory holiday fall in the middle of the work week, Sipekne'katik reserves the right to shift it to either the beginning or end of the same week.

Sipekne'katik may declare other non-statutory holiday days during a given year.

Salaried employees

Salaried employees will be paid for holidays that they do not work as a regular day. Salaried employees required to work on a designated holiday must receive pre-approval by their supervisor and will receive time and a half pay and will be given another day off in lieu. At the time of pre-approval, the employee must identify the date in which the lieu day will be taken (must be within 30 days of the holiday). Regular Part-time employees who are not regularly scheduled to work on a holiday will be given another regularly scheduled shift off in lieu of the holiday on a pro-rated basis.

When a holiday falls on a non-working day that is a Saturday or Sunday, the employee is entitled to a holiday with pay on the day immediately before or after the holiday, as determined by the employer.

Hourly (Timesheet- driven) Employees

Employees paid based on timesheets who work on a designated holiday will be paid as per the Canada Labour Code. Employees paid based on timesheets who are not scheduled and do not work the holiday are entitled to holiday pay as legislated.

15.2 Sipekne'katik Office Closures

Sipekne'katik may choose to close work-sites temporarily throughout the year for various reasons, including:

- Christmas Break - as determined by Chief and Council. Exact dates, in addition to the legislated statutory holidays, will be approved annually by Chief and Council. Employees will be paid as per legislation for the statutory holidays (December 25, 26, January 1) and paid as identified in the chart below for any additional work-site closure dates:

Employment status	Paid for statutory holidays (December 25, 26, January 1)	Paid for additional Christmas Break work-site closure days
On Call	As per legislation	Only paid for hours worked
Short-term Hourly	As per legislation	Only paid for hours worked
Long-term Hourly	As per legislation	Only paid for hours worked
Term	Yes	Paid their regularly scheduled hours
Regular Full-time	Yes	Paid their regularly scheduled hours
Regular Part-time	Yes	Paid their regularly scheduled hours

- Severe Weather (eg. work-sites are closed for a day due to a blizzard. At the discretion of the Director of Administration and in collaboration with the Chief. Note: if the work-sites remain open and an employee chooses not to drive in to work, please refer to procedures in section 7.

Employment status	Paid for work-site closure
On Call	Only paid if they were scheduled to work
Short-term Hourly	Only paid if they were scheduled to work
Long-term Hourly	Only paid if they were scheduled to work
Term	Paid their regularly scheduled hours
Regular Full-time	Paid their regularly scheduled hours

Regular Part-time	Paid their regularly scheduled hours
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- Emergency Closing (e.g. power outage, water interruption)
If there is an emergency situation, the Director of Administration will determine which work-sites are affected and attempt to find out the timing it will take for the emergency situation to be resolved prior to making a decision as to any temporary work-site closures. The work-site(s) may be closed for the remainder of the day or for only a specified period of time (in which case employees may be required to return to work for the remainder of the day).

Employment status	Paid for work-site closure
On Call	Only paid if they were scheduled to work
Short-term Hourly	Only paid if they were scheduled to work
Long-term Hourly	Only paid if they were scheduled to work
Term	Paid their regularly scheduled hours
Regular Full-time	Paid their regularly scheduled hours
Regular Part-time	Paid their regularly scheduled hours

- Funerals
Out of respect and based on common practice of Sipekne'katik, the Director of Administration may temporarily close some work-sites for a community funeral.

Employment status	Paid for work-site closure
On Call	Only paid if they were scheduled to work
Short-term Hourly	Only paid if they were scheduled to work
Long-term Hourly	Only paid if they were scheduled to work
Term	Paid their regularly scheduled hours
Regular Full-time	Paid their regularly scheduled hours
Regular Part-time	Paid their regularly scheduled hours

15.3 Vacation Leave for Regular and Term Employees

Sipekne'katik provides regular and term employees (both part time and full time) with paid vacation leave. Annual vacation entitlement for full-time employees is calculated based on years of continuous service from their full-time start date working for Sipekne'katik and granted as follows:

<u>Years of Full-Time Employment</u>	<u>Vacation Entitlement*</u>	<u>Earned Monthly</u>
1 st and 2 nd Year	10 days	0.83 days
Year 3 to 6	15 days	1.25 days
Year 7 to 24	20 days	1.67 days
25 years plus	25 days	2.08 days

Notes:

- Leave Requests will be in hours (7-hour or 8-hour days);
- Entitlement will be pro-rated for new, term and/or part-time employees;
- Vacation is advanced to the employee April 1st of each year. Vacation is earned and accrued monthly so if an employee takes all their vacation and ceases employment prior to the end of the year, the employee will be required to pay back a portion of their vacation;
- Employees are required to use their vacation within the year it is earned. Employees may be entitled to carry forward a maximum of five (5) days of accrued vacation time from one fiscal year to the next, and those days must be used within the next fiscal year. Requests for a carry-over of more than 5 days will be assessed by the HR Committee through the employee's

Manager. Any accrued vacation over five (5) days remaining at the end of the fiscal year will be automatically paid out. An employee cannot carry over vacation days two years in a row. Managers must monitor vacation balances to ensure their staff are able to use their vacation and may schedule mandatory time off for staff to use vacation time as operational requirements permits;

- For the purpose of vacation entitlement, years of paid full-time employment must be consecutive (with the exception of legislative leaves – health, maternity, etc).

Employees are responsible to submit vacation requests to their immediate supervisor. The employer has the authority to deny vacation requests if it conflicts with operational requirements. Monitoring vacation entitlement is the responsibility of the Program Director/Manager. Employees are responsible for planning ahead for vacation, and working out a complete schedule with their Manager/Supervisor.

All leave must be documented on an approved leave form. Vacation leave is required to be pre-approved a minimum of two weeks before the time off requested.

Vacation leave requests should be submitted to their direct Manager/Supervisor, once approved, Managers/Supervisors are required to submit approved and completed leave requests to the Human Resources Department for monitoring and tracking purposes on a bi-weekly basis. We encourage Managers/Supervisors to plan and anticipate vacation schedules in advance as much as possible to minimize disruption of services. Leave will be granted to all members of a department in a fair and equitable manner. However, if vacation leave requests conflict with another employee in the same department, leave will be granted to the employee who requested it first or with the most seniority.

Leave records should be submitted to the Human Resources Department by the Manager/Supervisor immediately upon approval.

Employees are expected to utilize their hours of work to perform assigned Sipekne'katik duties and not to conduct personal business. An employee wishing conduct personal business during regular work hours will be required to use vacation or lieu time.

15.4 On-Call and Hourly Employee Vacation Leave Entitlement

Employees who submit timesheets will have vacation pay calculated and accrued or paid out, depending on their Employment Status, as a percentage of their gross wages calculated at:

0-5 years of service	6-10 years of service	11 + years of service
4% of wages*	6% of wages*	8% of wages

*wages earned by employee during the year of employment in respect of which the employee is entitled to vacation

Short-term Hourly and On-Call employees will have their vacation pay paid out on each pay cheque.

Long-term Hourly employees will have their vacation pay accrued in the band's payroll system and will be paid out when the employee takes approved vacation. The employee cannot be paid more vacation that what they have accrued in their bank (they can take additional unpaid vacation time if approved by their immediate supervisor).

Accrued vacation time will only be dispersed for scheduled vacation time off and will not be paid out in a lump sum.

15.5 Personal Leave

All employees are entitled to unpaid leaves of absence for up to five days in a calendar year for the reasons listed below (a) to (g).

For employees that have completed three consecutive months of continuous employment with the employer, the employee is entitled to the first three days of the leave with pay at their regular rate of wages for their normal hours of work, and such pay shall for all purposes be considered to be wages.

All employees are entitled to and shall be granted a leave of absence from their employment for up to five days annually , for:

- a. treating their illness or injury;
- b. carrying out responsibilities related to the health or care of any of their family members;
- c. attending the funeral of a loved one who is not defined as "immediate family";
- d. carrying out responsibilities related to the education of any of their family members who are under 18 years of age;
- e. addressing any urgent matter concerning themselves or their family members;
- f. attending their citizenship ceremony under the Citizenship Act; and
- g. any other reason prescribed by regulation.

15.6 Unpaid Leave for Traditional Indigenous Practices

Every employee who is an Indigenous person and who has completed three consecutive months of continuous employment with an employer is entitled to and shall be granted an unpaid leave of absence from employment of up to five days in every calendar year, in order to enable the employee to engage in traditional Indigenous practices, including:

- (a) hunting;
- (b) fishing;
- (c) harvesting; and
- (d) any practice prescribed by regulation.

The leave form must be submitted with advance notice and approved by their immediate supervisor. The leave of absence may be taken in one or more periods, but must be taken in a minimum of one full day increments. Sipekne'katik reserves the right to request confirmation/documentation for the absence.

15.7 Medical (sick) Leave for Regular and Term Employees

Sipekne'katik provides regular and term salaried employees with fifteen (15) days (pro-rated for new, term and/or part-time employees) of paid "Medical Leave" throughout the year for use for the purposes of:

- When the Employee is sick or has medical appointments;
- Someone with whom the employee regularly resides (e.g. child, parent) is sick; and
- Personal care appointments for someone with whom the employee regularly resides and/or is involved in their care.

Medical leave is advanced to the employee April 1st of each year. Medical leave accumulates at the rate of

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1.25 days (recorded into hours based on 7 or 8 hour work day) per month to a maximum of 15 days (pro-rated for new, term and/or part-time employees) so if an employee uses all their medical leave and ceases employment prior to the end of the year, the employee will be required to pay back a portion of their medical leave;

After three consecutive days of absence from work due to medical/sick reasons the employee may be asked to provide a medical note to their Supervisor confirming the need for utilization of medical leave along with estimate of return to work date and possible workplace accommodations. Sipekne'katik reserves the right to request a medical note for periods of less than three days.

An employee must contact their Manager / Supervisor no later than 30 minutes after the start of the work day, should they be taking Medical Leave.

Unused Medical Leave is not paid out upon termination of employment.

Once an employee has used all of their Medical Leave they will be required to use vacation, unpaid leave, and/or short term illness for future absences until the accruals reset at the start of the next fiscal year.

Employment status	Paid / Not paid
On Call	Not paid
Short-term Hourly	Not paid
Long-term Hourly	Not paid
Term	Paid (pro-rated)
Regular Full-time	Paid
Regular Part-time	Paid (pro-rated)

Every employee is entitled to and shall be granted a medical leave of absence from employment of up to 17 weeks as a result of:

- (a) personal illness or injury;
- (b) organ or tissue donation; or
- (c) medical appointments during working hours.

15.8 Return to Work and Work Place Accommodations

As protection for both the employee and Sipekne'katik, an employee who has been absent from work because of serious illness, surgery, or injury will be required to obtain a medical note specifically stating that the employee is capable of performing their normal duties and regular assigned work. In the event that a gradual return to work is required, the Employee, their medical practitioner, the employee's supervisor and the HR Manager shall agree on the return-to-work program in advance of the Employee returning to a gradual return to work.

Employee requests for Workplace Accommodations should be raised to their direct supervisor to bring forward to the HR department and/or Director of Administration.

15.9 Bereavement Leave

Regular Employees are entitled to paid bereavement leave for the death of an immediate family member, provided the employee has worked for Sipekne'katik for 3 consecutive months. If they have not, they are entitled to leave without pay. Employees are responsible to submit leave forms to their immediate supervisor.

The relationship of the family member to the employee will determine the number of days of paid bereavement leave to be provided:

Deceased Person	Time to be Granted
Spouse (including common-law), child, step-child, parent, sibling or step-sibling	5 consecutive working days paid immediately following the death*
Grandparents, father-in-law, mother-in-law, son-in-law, daughter-in-law or grandchild	3 consecutive working days paid immediately following the death*

* If the funeral / burial / celebration of life will be held at a future date, the employee may elect to save one day from their Bereavement Leave granted to be used at the future date to attend the service. Alternatively, the employee may elect to use one of their personal days or any other paid leave they have accrued. An employee can request additional bereavement leave, each request will be forwarded and reviewed by the HR Committee.

All other employees (hourly) will be entitled to **unpaid** bereavement leave as legislated. All employees are entitled to five days of unpaid bereavement leave in the event of the death of a member of their immediate family, as per section 210(1) of the *Canada Labour Code*.

15.10 Maternity Leave - Without Pay

The general guidelines for maternity leave are outlined below. Sipekne'katik follows all applicable legislation.

Eligibility

As per legislation, all female employees are entitled to up to 17 weeks of unpaid maternity leave.

Maternity Leave

An employee who is eligible for Maternity Leave shall be entitled to 17 weeks of unpaid leave. Maternity Leave may be taken any time during the period that begins 13 weeks before the expected date of delivery and ends 17 weeks after the actual delivery date. If employees do not take early maternity leave, maternity leave begins the day the child is born.

Notice

Any employee who intends to take Maternity Leave must provide their Supervisor at least four weeks' notice in writing before the day on which the leave is to begin, with the realization that the due date is subject to change. The employee must inform their direct supervisor (and copy Human Resources) in writing of the length of leave intended to be taken.

Maintenance of Group Benefits

Sipekne'katik will maintain group insurance benefits, at the employer's expense throughout an employee's Maternity Leave.

Maintenance of Pension Benefits

The employee has the option to continue their pension contributions during their leave. If the employee elects to continue, they must provide the HR Department with post-dated cheques prior to the commencement of their leave to cover the duration of their leave. If cheques are not provided, or a cheque is returned as non-sufficient funds, the employee will be considered to have waived their decision to continue pension contributions during the remainder of their leave.

Continuous Service for Vacation Entitlement and Leave Accruals

The service of an employee who is absent from work for Maternity Leave is deemed to be continuous for the purpose of the vacation entitlement and notice of termination. The employee will not be eligible for vacation or sick leave accruals during the period of absence, and will be prorated upon return to work.

Change in Length of Maternity Leave

Every employee who intends to take or who is on Maternity Leave shall provide Sipekne'katik with notice in writing of at least four (4) weeks of any change in the length of leave intended to be taken, unless there is a valid reason why that notice cannot be given, in which case the employee shall provide Sipekne'katik with notice in writing as soon as possible

Notice of Intention not to Return to Work

An employee on Maternity Leave must give Sipekne'katik at least two (2) weeks' notice of her intention not to return to work (resignation) before completion of her maternity leave.

Legislative Changes

Length of leave may change from time to time based on legislation. Refer to Canada Labour Code.

15.11 Parental Leave - Without Pay

This leave is for either parent, natural or adoptive, who is requesting unpaid leave to care for a newborn or newly adopted child.

Entitlement

Every employee is entitled to and shall be granted parental leave.

Parental Leave

Natural and adoptive parents are eligible for up to 63 weeks of parental leave as set out in legislation. This leave must be taken during the 78 week period after the child is born or comes into the care of the employee.

Duration of Combined Maternity and Parental Leaves

The total duration of the Maternity and Parental Leaves must not exceed 78 weeks for a single employee, or 86 weeks where leave is taken by more than one employee.

If both Parents Employees of Sipekne'katik

Should both parents be employees of Sipekne'katik, combined Parental Leave should not exceed 71 weeks.

Notice

Unless there is a valid reason for not doing so, any employee who intends to take Parental Leave must provide Sipekne'katik at least four (4) weeks' notice in writing to the before the day on which the leave is to begin and must inform Sipekne'katik in writing of the length of leave intended to be taken.

Change in Length of Parental Leave

Every employee who intends to take, or who is on Parental Leave, shall provide Sipekne'katik with notice in writing of at least four (4) weeks of any change in the length of leave intended to be taken, unless there is a valid reason why that notice cannot be given, in which case the employee shall provide Sipekne'katik with notice in writing as soon as possible.

Maintenance of Group Benefits

Sipekne'katik will maintain group insurance benefits, at the employer's expense throughout an employee's Paternal Leave.

Maintenance of Pension Benefits

The employee has the option to continue their pension contributions during their leave. If the employee elects to continue, they must provide the HR Department with post-dated cheques prior to the commencement of their leave to cover the duration of their leave. If cheques are not provided, or a cheque is returned as non-sufficient funds, the employee will be considered to have waived their decision to continue pension contributions during the remainder of their leave.

Continuous Service for Vacation Entitlement and Leave Accruals

The service of an employee who is absent from work for Parental Leave is deemed to be continuous for the purpose of the vacation entitlement and notice of termination. The employee will not be eligible for vacation or sick leave accruals during the period of absence, and will be prorated upon return to work.

Legislative Changes

Length of leave may change from time to time based on legislation. Refer to Canada Labour Code.

15.12 Compassionate Care Leave - Without Pay

An employee may take up to twenty eight (28) weeks of unpaid compassionate care leave to provide care and support to a gravely ill family member. A medical note is required from a qualified medical practitioner stating that the family member has a serious medical condition with a significant risk of death within 26 weeks. If an employee is sharing the provision of compassionate care with another individual, the total leave is still twenty eight (28) weeks.

15.13 Leave related to critical illness – Without Pay

An employee, who is a family member of a critically ill child (18 years and younger) or adult (18 years and older) is eligible to take up to 37 weeks of leave to provide care or support to the child and up to 17 weeks of leave to provide care or support to the adult. If two or more children of an employee are critically ill, the employee is eligible for separate leaves of 37 weeks with respect to each affected child. The employee must provide Sipekne'katik with a medical note to state that the child or adult is critically ill or injured and requires the care or support of one or more of their family members. The leave can start on the first day the medical note is issued.

If both Parents Employees Work for Sipekne'katik

Should both parents be employees of Sipekne'katik, combined Critical Illness Leave should not exceed 37 weeks within a 52 week period for a child, and 17 weeks within a 52 week period for an adult.

For further information on this leave please see Canada Labour Code.

15.14 Other Legislated Leave

Sipekne'katik will provide any other legislated leave not defined in this policy.

15.15 Special Leave and Extended Unpaid Leaves of Absence

All requests for paid special leave (e.g.. tending to an immediate family member during their last few days of life, customary care, victims of family violence, leave related to death or disappearance, leave related to COVID-19, unexpected or unusual emergencies, etc.) or extended unpaid leaves of absences will be assessed, on a case by case basis, for regular (full and part time) and long-term hourly employees as follows:

- By the Director of Administration for leave requests up to ten (10) days. The Director of Administration may refer any leave request up to ten days to the HR Committee at his/her discretion.
- By the HR Committee for leave requests of eleven (11) to thirty-one (31) days. The HR Committee may refer any leave request to Council if necessary; and
- By Council for leave requests of over thirty-one (31) days.

Special Leave is not intended to be used in place of medical days. Unpaid leave, as outlined in legislation and EI benefit programs, will be applied, such as unpaid compassionate care and critical illness;

15.16 Special Leave for Significant Life Events

An employee is entitled to up to two (2) days paid special leave to attend the birth of their child; and/or upon receiving into the household a newly adopted child;

An employee is entitled to up to one (1) days paid special leave for their wedding.

Other significant life events will be considered by the Director of Administration and/or HR Committee upon request.

15.17 Court Leave

To prevent undue hardships to an employee when they are required to fulfill mandatory civic duty including jury duty or to be a witness in a case as a result of a court order or subpoena involving either a personal (non-work related) or work related case, paid court leave will be granted to a Sipekne'katik employee. An employee who serves jury duty or serves as a witness, shall be entitled to leave with pay for a maximum of five days. Time off beyond the five days shall be without pay. If jury duty falls on a scheduled day off, the employee shall not be entitled to additional time off. Such leave of absence shall not constitute a break in seniority of service.

Notification

Upon receipt of notification of court duty, the employee shall immediately complete a "Request for Leave" form advising their supervisor when the court duty is scheduled and the expected duration, and attach a copy of the notification of jury duty or a copy of subpoena or summon to their supervisor.

Plaintiff or Defendant

An employee who is a plaintiff or defendant in a court proceeding is not considered to be a witness and therefore Court Leave does not apply. An employee may request to use available vacation leave, overtime, or leave without pay for the purpose of attending court.

Payment for Acting as a Witness or Jury Duty

If payment for testifying or for jury duty is received for days in which the employee is being compensated with full pay, the employee is not permitted to retain the payment/honorarium, and is required to provide a copy of the payment documentation to Sipekne'katik finance department. Employees must reimburse Sipekne'katik for these amounts by cheque or by payroll deduction. If an employee is compensated for their travel/meal expenses, they may keep the compensation.

Employment status	Paid / Not paid
On Call	Not Paid
Short-term Hourly	Not Paid
Long-term Hourly	Not Paid
Term	Yes
Regular Full-time	Yes
Regular Part-time	Yes

15.18 Unpaid Educational Leave

Sipekne'katik encourages all employees to continue with their formal education. Sipekne'katik's regular full and part time employees who have worked for the organization for more than two (2) continuous year may apply for unpaid full-time educational leave, granted, the employee's position, seniority and pay rate shall be protected. However, benefits will be cancelled until the employee returns to work on a full-time basis.

Only education leave requests for programs relevant to the employee's current position and/or department will be considered for up to a two-year Unpaid Education Leave. All requests require approval by the HR Committee and will take into consideration the employee's employment history (including performance) as well as operational requirements. The current position may be filled after two (2) years by Sipekne'katik in order to meet operational requirements, and not held for the employee.

Note: Sipekne'katik employees who are members of Sipekne'katik may be eligible to apply for educational funding. Employees are encouraged to seek advice from the Post-Secondary Education Coordinator (this assumes funding is coming from the Post-Secondary program).

Employment status	Eligible
On Call	No
Short-term Hourly	No
Long-term Hourly	No
Term	No
Regular Full-time	Yes
Regular Part-time	Yes

Homework During Work Hours

If an employee is pursuing additional education while working in a full-time position with the band they are required to complete all school related work outside of work hours. Any time missed (e.g. exams), will require the use of vacation leave, comp time or unpaid leave.

If an employee is pursuing professional development as a requirement of their position, they may be permitted to complete some of their school related work during work hours, as approved by their immediate supervisor, and depending on operational requirements.

15.19 Training and Professional Development Leave

Sipekne'katik believes that employees should actively engage in life-long learning and continually strive to enhance their credentials or professional designation. Professional Development dollars will be budgeted for each department as required, which are to be managed by the Program Director / Manager. Program Directors / Managers, at their discretion, will determine the needs of their staff and the professional development training plan for their department. Professional Development requests will be considered based on:

- Last learning event employee attended compared to others in similar position;
- How beneficial training will be for employee;
- Job requirements;
- Budget availability; and
- Impact on time away from job.

Where training is either a condition of employment or a requisite to continued employment, employees must successfully complete the required training within the allotted time-frame and employees will be paid their regular wages to complete the training. Proof of attendance and successful completion must be provided by the employee to their Manager/Supervisor. Copies of all certificates, licenses, etc. will be

filed in the employee's Human Resources file.

Whenever possible, Directors will attempt to create in-service opportunities for employees to develop and upgrade their skills for the positions they occupy or for positions for which they may wish to be trained.

Professional Development not required by Sipekne'katik will normally be at the employee's time and expense.

Employees requesting Training and Professional Development leave greater than five (5) business days must be approved by the Human Resources Committee.

15.20 Business Seminars, Conferences and Meetings

To ensure that Sipekne'katik has representatives at essential business conferences, seminars and key external meetings, each Director with input from his/ her Managers, shall identify which conferences, seminars and meetings should be attended by members of the Department. In the interest of continual improvement for all staff, Directors/Managers shall assign appropriate opportunities for all employees to participate. Upon returning from Business Seminars, Conferences and Meetings, employees will be expected to share with the other staff in their Department all relevant information obtained at the conference or seminar.

All employees including Program Directors must seek approval to attend business conferences, seminars and meetings. An employee must seek approval from their Director, and Directors from the Director of Administration. The employee is expected to provide a written or verbal report to their Director/Manager within five (5) days following the meeting.

As conferences can be expensive, if three or more individuals want to attend the same event, it must be approved by the Finance and Audit Committee.

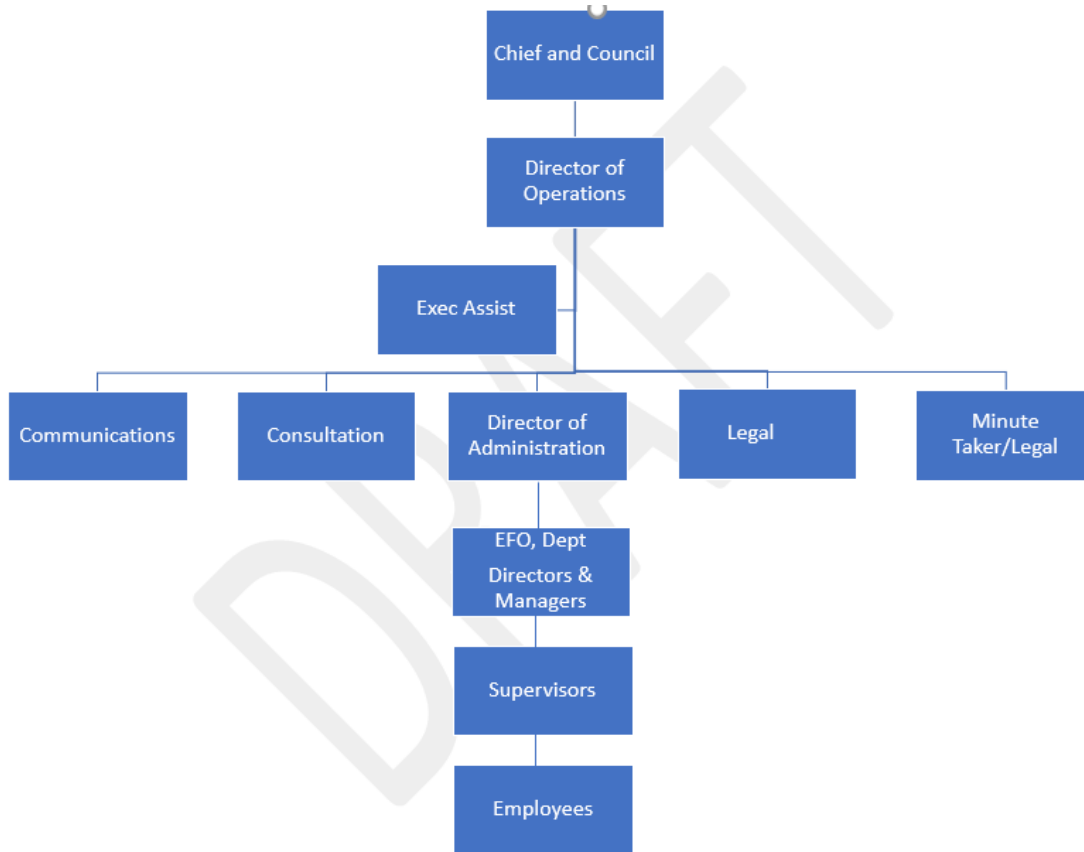
See APPENDIX L (Request for Training/Professional Development)

16. APPENDICES

APPENDIX A	Job Description
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APPENDIX B Organizational Chart



*Detailed organizational chart of all position maintained on the band website.



APPENDIX C

Code of Conduct and Code of Ethics

During work hours, employees must devote themselves exclusively to their duties of employment; be prompt and courteous in their performance; as well as adhere to the policies and procedures of Sipekne'katik and work to promote Sipekne'katik, its vision, goals and objectives.

- (1) Employees must act in complete compliance with all Sipekne'katik policies and Sipekne'katik Financial Administration Law. A breach of any Sipekne'katik policy may result in progressive discipline in accordance with this policy.
- (2) Employees shall carry out the duties of their positions conscientiously, loyally and honestly, remembering that the primary work task is to serve Sipekne'katik and its members. Financial integrity is a fundamental obligation of any employee and failure to comply in any manner to manage the financial accounts of the Sipekne'katik may result in disciplinary action, up to and including immediate termination for just cause.
- (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 and off duty, in person and on all social media platforms, in a manner that will continue to reflect positively upon their employment, be a credit to themselves, their department, and Sipekne'katik. Any conduct which negatively impacts the reputation of Sipekne'katik will not be condoned and may be subject to disciplinary action, up to and including immediate termination for just cause.
- (5) Employees shall work continuously towards self-improvement through self-evaluation and training.
- (6) Information received by employees while on the job from any source is absolutely confidential and shall not be disclosed to any other person except in accordance with these policies.
- (7) Punctuality of employees is a fundamental obligation of the job. In the event of tardiness, the employee must contact the immediate supervisor before the commencement of the work day and provide an expected time of arrival.
- (8) Employees shall use their initiative to find ways of doing their work more efficiently and economically.
- (9) Employees shall follow job related directions attentively and cooperate with their Manager/Program Director.
- (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 Sipekne'katik for authorized purposes only.
- (12) Employees shall protect and care for all Sipekne'katik property entrusted to them and report to their relevant Manager any missing equipment or faulty equipment that requires repair.
- (13) Employees shall not engage in any public criticism of Sipekne'katik, Chief and Council, employees, or the approved policies or decisions of Sipekne'katik.
- (14) Employees are encouraged to recommend to their Manager, within their sphere of responsibility,

Initials _____

changes of policy which they believe appropriate. Employees will bring forward any concerns regarding decisions, actions, etc., according to policies and procedures.

(15) Employees shall not be impaired by alcohol or drugs at any time while on duty. Employees must notify their supervisor if their medical treatment impedes their ability to work safely or to meet expectations with good judgement. This includes potential side effects of any medical treatments.

(16) Gifts or Benefits

An officer or employee or a member of their family must not accept a gift or benefit that might reasonably be seen to have been given to influence the officer or employee in the exercise of their powers or performance of their duties or function.

Despite the paragraph above, a gift or benefit may be accepted if the gift or benefit

a) would be considered within

- Normal exchanges common to business relationships, or
- Normal exchanges common at public cultural events of Sipekne'katik;

b) Is given by a close friend or relative as an element of that relationship; or

c) Is a type that the policies or procedures of Sipekne'katik have determined would be acceptable if offered by Sipekne'katik to another person.

(17) Employees will not participate in, or condone any behavior that is intended to harass, degrade, humiliate, intimidate or cause fear to any other employee, member, client, volunteer of Sipekne'katik.

(18) Employees will respect the culture, traditions and teachings of the Mi'kmaq nation and act accordingly.

(19) Employees will treat others with fairness and respect and be open to other's opinions, personal preferences, and cultural differences that may be different than their own.

Name (printed)

Name (signature)

Date



APPENDIX E

Conflict of Interest Disclosure Form

A Council member, employee or contractor (“an individual”) has a “conflict of interest” when the individual exercises a power or performs a duty or function and at the same time knows or ought reasonably to have known that in the exercise of the power or performance of the duty or function there is an opportunity to benefit the individual’s private interests, otherwise known as personal gain at the expense of others.

Private interests are defined in the FAL Schedule – Avoiding and Mitigating Conflicts of Interests and include the interests of closely associated persons or entities.

An individual has a perceived conflict of interest if a reasonably well-informed person would perceive that the individual’s ability to exercise a power or perform a duty or function of their office or position is affected by the individual’s private interests.

All Council members, employees and contractors are required to declare any actual, potential or perceived conflict of interest to Sipekne’katik. Conflicts of interest could arise from “personal interests” which include:

- the individual’s spouse;
- a person under the age of eighteen (18) years in respect of whom the individual or the individual’s spouse is a parent or acting in a parental capacity;
- a person for whom the individual or the individual’s spouse is acting as guardian;
- a person, other than an employee, who is financially dependent upon the individual or the individual’s spouse or on whom the individual is financially dependent;
- an entity in which the individual or the individual in combination with any other person described in this section has a controlling interest;
- close family or personal relationships with persons in a position to influence the affairs of Sipekne’katik, or otherwise engaged in the affairs of Sipekne’katik; and
- close relationships with persons having an interest in information, competitive, intellectual or other interests of Sipekne’katik.

Declaration: I disclose the following actual, potential or perceived conflicts of interest:

Employee or Contractor name (print)

Employee or Contractor name (signature)

Title

Date

Initials _____



APPENDIX F

Agreement of Understanding of HR Policy

1, _____ have read Sipekne'katik Human Resources Policy and Procedure Manual, which is currently in effect for Sipekne'katik and available on the Sipekne'katik website. I do understand I must perform my work-related duties in compliance with the HR Policies.

I am signing below that I have been given a copy of the updated policy listed here, and have been given the opportunity to ask questions to the Human Resources Manager.

Name/Position Title

Signature

Date (dd/mm/yy)



APPENDIX G
Declaration of Confidentiality for
Sipekne'katik Interview Committee

I hereby acknowledge that as a member of the Interview Committee for the position of _____ for Sipekne'katik Office, I may be entrusted with knowledge and information of a personal, financial and business nature of Sipekne'katik, Sipekne'katik members, prospective employees, business opportunities, and I hereby undertake not to divulge any of this knowledge / information nor to discuss it at any time, or any place, with an unauthorized person, either during the term of my duties with Sipekne'katik Office, or thereafter, except in the course of my duties as a member of the staff of Sipekne'katik. I also understand that a breach of this undertaking may result in legal action.

Date

Committee Member's Signature

Date

Human Resources Manager's Signature



APPENDIX H

Check List for New Salaried Employees For Supervisor's Use

New Employee:	Position/Dept
Supervisor:	First Day of Work:

Prior to employees first day

- Notify ITsupport@sipeknekatik.ca with IT needs (email, computer equipment, website updates, telephone set up, cell, etc.).
 - Notify security with needs (keys, access cards, etc.).
 - Other, as determined by Supervisor (e.g order safety gear, supplies, etc.):
-

Employee's first day

- Tour of work site - introduce to fellow colleagues.
 - Review job description and job expectations with new employee.
 - Review OH&S Program and requirements specific to position.
 - Clarify Hours of Work (process for requesting time off, coffee & lunch breaks, etc.).
 - Review Training Requirements (e.g. First Aid, WHMIS, GHS, etc.).
 - Meet with HR Department (review contract, benefit enrollments, HR Policies, etc.).
 - Assign "buddy" employee(s) to answer general questions after first day.
 - Schedule follow-up 3 month check-in and probationary report.
 - Other, as determined by Supervisor (order business cards, supplies, list of key contacts etc.):
-

*Note: Supervisors may modify this checklist to assist them with the orientation of hourly or temporary employees



APPENDIX I Waiver of Liability & Emergency Care

Employee Name:	
Address:	
Phone/Cell:	
Email:	
Emergency Contacts Name: Relationship: Phone/Cell: Address:	
Emergency Contacts Name: Phone/Cell: Address:	
Optional Other details (e.g. special needs, allergies, medications taken regularly)	

EMERGENCY Authorization: (Emergency event: illness, distress, injury and other related)

Sipekne'katik has my permission to call my physician, Sipekne'katik Heath Center physician, 911, and/or send me to the Hospital, and the medical personnel have my permission to provide treatment that a physician deems necessary for my well-being. Sipekne'katik will make every attempt to contact the listed Emergency Contacts in the event of such an emergency.

Signature: _____ Date: _____



APPENDIX J Request for Leave Form

EMPLOYEE: _____ **DATE** _____ **Year:** _____

Leave Type	DATE TAKEN	FROM HOUR am/pm	TO HOUR am/pm	TOTAL Hours
Vacation or lieu taken (include times late for work):				
Medical: (Sick, Dr appts, Immediate family illness)				
Bereavement Leave:				
Personal Leave: (3 days/year max)				
Other: Any other leave not indicated above (e.g. special or unpaid leave) Please describe:				

Employee Signature: _____ Date: _____ 2021

Supervisor's Signature: _____ Date: _____ 2021

Director's Signature: _____ Date: _____ 2021

*Note: Director of Administration's signature required for all special and unpaid leave requests



APPENDIX K Request to Work Overtime

EMPLOYEE NAME: _____ **DEPARTMENT** _____

PRE-APPROVAL FOR WORKING OVERTIME

DATE(S) REQUESTED	DESCRIPTION OF WORK	FROM (hr)	TO (hr)	TOTAL
		am	am	
		pm	pm	
		am	am	
		pm	pm	

Supervisor's Signature

Date

Director of Administration's Signature

Date

ACTUAL HOURS WORKED

DATE(S) REQUESTED	DESCRIPTION OF WORK	FROM (hr)	TO (hr)	TOTAL
		am	am	
		pm	pm	
		am	am	
		pm	pm	

COMPENSATION TO BE BANKED

COMPENSATION TO BE PAID OUT

Employee's Signature

Date

Supervisor's Signature

Date

Director of Administration's Signature

Date



APPENDIX L

Request for Training/Professional Development

Steps for completing this form

1. Complete below fields and attach copy of course details/agenda where possible.
2. Submit to your Supervisor/Director for consideration.
3. If Approved, submit certificate/proof of completion/attendance.

Employee Name	Department:
Name of Course/Conference:	
Course Date(s) and times:	Location
Course Description (include how it will benefit employee):	
Complete mailing Address of Learning event:	

ANTICIPATED COSTS

Course/Conference Cost: _____

Travel: mileage: _____

Travel: meals: _____

Travel: accommodation: _____

Other: (e.g. Books): _____

TOTAL COSTS _____

Employee's Signature

Date

Supervisor's Signature

Date

Director's Signature

Date

Note: decision considerations include last learning event employee attended compared to others in similar position, how beneficial training will be for employee, job requirements, budget availability and impact on time away from job



APPENDIX M Employee Exit Checklist for Supervisors to Use

Employee Name:	Position/Dept
Supervisor:	Last Day of Work:

Notifications

- Updated Leave records sent to HR (for final pay)
- Written notice or resignation sent to HR (via letter or email)
- New Address provided to HR
- Notify ITsupport@sipeknekatik.ca to disable all computer excess
- Determine who to receive emails/calls until position is filled

Items to gather from Departing Employee

- Keys, security access card, etc.
- Computer equipment (e.g. laptops)
- Cell Phone
- Obtain any records/pertinent information from employee.
- Other (as determined by Supervisor): _____

Office Clean up

- Ensure employee's work space is cleared out and organized
- Arrange for janitorial services to wash/clean work space



APPENDIX N Employee Self Assessment

Employee Name:	Department:
Position:	Supervisor:
Review Period From:	To:

Please fill out this form with your honest assessment and to the best of your ability. This form will be used during your annual review and a copy will be attached to your annual performance evaluation.

1. Please list your top 3-5 job duties in your job description. <ul style="list-style-type: none"> • . • . • .
2. What work activities did you do during the past year that you are the proudest of? How did you go about creating these successes for yourself? <ul style="list-style-type: none"> • .
3. What do you think your strongest collaborative efforts over the past year were where you assisted others? Give an example. <ul style="list-style-type: none"> • .
4. For the upcoming year what areas would you like to improve upon or learn more about? <ul style="list-style-type: none"> • .
5. What do you believe your coworkers could do to aid in your performance? <ul style="list-style-type: none"> • .
6. How can your supervisor help you become more successful in your role? <ul style="list-style-type: none"> • .
7. What are your goals (attach workplan or projects) for the upcoming year? <ul style="list-style-type: none"> • .
8. Where do you see yourself in five years from now? <ul style="list-style-type: none"> • .
9. How would your colleagues describe you? (Strengths and Weaknesses) <ul style="list-style-type: none"> • .
10. Is there any additional information you would like to share? <ul style="list-style-type: none"> • .

Employee Signature: _____

Date: _____



APPENDIX O

Annual Performance Review

Employee Name:	Department:
Position:	Hire Date:
Supervisor:	Length of Time Supervising Employee:
Performance Period from:	To:

Performance Rating Definitions

Read and rate each key competency according to the below definition. There should be supporting comments to justify ratings of “Exceeds Expectations and “Below Expectations”. If an employee has a rating of “below expectations” be prepared to discuss an improvement plan with them or contact the HR Manager for additional assistance.

- | | |
|------------------------|---|
| Exceeds Expectations | Performance is above job requirements (90% of the time) |
| Meets Expectations | Performance is competent and dependable (70%-90% of the time) |
| Below Expectations | Performance is consistently unacceptable. (50% or less of the time) |
| No Rating at this time | Performance rating is unknown at this time, or not applicable.
Employee has not been doing a particular function long enough or the supervisor is new to the position. |

Performance Factors (use job description as a basis of this evaluation).

<p>Job Knowledge/Technical Skills Has full knowledge of job responsibilities and work routines. Possesses the necessary knowledge and technical skills to effectively perform job duties. keeps abreast of new trends, standards and regulations.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		
<p>Quality of Work Ensures that all work completed is professional, accurate and meets client's needs and quality standards with minimal error.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		
<p>Teamwork Achieves results through others. Openly shares information and knowledge. Willing to work with, and assist, others to accomplish goals and achieve results. Able to get along with others. Treats others with respect and fairness.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		
<p>Communications Effective in listening to others, expressing ideas, both orally and in writing, and providing relevant and timely information to managers, co-workers & clients.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		
<p>Decision Making/Problem Solving Analyzes problems by gathering information and evaluating situations. Makes timely, unbiased, practical and informed decisions or recommendations.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		
<p>Planning/Organizing Able to prioritize work to meet deadlines. Establishes goals to optimize the use of time and resources to ensure the effective completion of tasks.</p>	<p>Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>Comments:</p>		

Leadership Leads by example showing initiative and ambition. Proactively identifies opportunities and addresses issues. Acts Strategically. For those who supervise – effectively delegates and supports others.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		
Dependability Ability to perform and maintain his/her duties in routine circumstances as well as unexpected or unusual circumstances. Punctual for showing up to work and to meetings.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments		
Independent Action Measures effectiveness in time management; initiative and independent action within prescribed limits.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		
Flexibility/Adaptability/Managing Change Remains flexible and willing to learn additional duties and assist others when required. Shows ability to adapt and/or seek out changes in technology, work processes, etc. Supports changes made by Leadership.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		
Code of Conduct and Ethics Treats their employer, other staff and elected officials in a positive, respectful and supportive manner. (e.g. refrains from gossip/hearsay, respects confidentiality, prevents conflicts of interest, uses social media appropriately, etc.) Carries out duties according to Band policies and legislation.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		
Expense Management Measures effectiveness in establishing appropriate reporting and control procedures; operating efficiently at lowest cost; staying within established budgets.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		
Safety of Self and Others Works safely and abides by safety protocols, as well as legislation, as it applies to their position. Contributes to accident prevention, safety awareness & safety of others. Takes care of Band property and keeps work space safe and tidy.	Exceeds Expectations Meets Expectations Below Expectations No Rating at this Time	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Comments:		

Additional Key Competency List any other key competencies as it relates to this position. (e.g. public speaking, proposal writing, negotiation/consultation skills, technology, equipment, etc.)	Exceeds Expectations	
	Meets Expectations	
	Below Expectations	
	No Rating at this Time	
Comments:		

A	Summary of Overall Performance including accomplishments
B	Goals and Objectives established during last review
C	Goals & Objectives established for upcoming year (e.g. work plan, projects)
D	Employee Comments: (employee may attach additional documentation/workplan, notes)
E	Job Description Review (Please check appropriate box) <input type="checkbox"/> Employee job description has been reviewed during this evaluation with no recommended changes. <input type="checkbox"/> Employee job description has been reviewed during this evaluation and modifications have been proposed to the job description. The recommended changes are attached to this evaluation.

SIGNATURES:

Employee: _____ Date _____
(Signature indicates employee was given a copy of this review. It does not mean the employee necessarily agrees with the review).

Evaluated by: _____ Date _____
(Supervisor)

Reviewed by: _____ Date _____
(Department's Director)

Reviewed by: _____ Date _____
(HR Manager and/or Director of Administration)

*Attach this evaluation along with supporting documentation to HR Manager (e.g. workplan, job description, employee comments, etc.)



APPENDIX P

Probationary Employee Report – new employees

Employee: _____ Hire Date: _____

Supervisor: _____ Department: _____

1.	Job Knowledge: demonstrates acceptable level of job knowledge	YES	NO
2.	Quality of work: meets standards with minimal errors	YES	NO
3.	Dependability: meets deadlines and follows through on assigned tasks	YES	NO
4.	Initiative: self-starter, finds solutions, seeks opportunities	YES	NO
5.	Conduct: respectful, trustworthy, maintains confidentiality, stays positive	YES	NO
6.	Teamwork: gets along with co-workers, collaborates well with others	YES	NO
7.	Attendance: Are there any concerns about the employee's attendance? If yes, please explain.	YES	NO
7.	Safety: understands and abides by safety expectations	YES	NO
9.	Do you recommend this employee's employment to be continued?	YES	NO
10.	Other Comments:		

Supervisor's Signature:

Date:

Director's Signature:

Date:



APPENDIX Q

Addressing Written Employee Complaints Chart

1. Employee	Encouraged to have respectful dialogue with co-workers when indifferences/conflict arises (e.g. strong scents, loudness, hurtful comments, work processes, misunderstandings, non-work related conflicts)
2. Dept Supervisor(s)	<p>Receives written complaint (unless in conflict)</p> <ol style="list-style-type: none"> 1. Seeks further information on complaint before making any decisions on a further course of action. 2. addresses complaint with both parties – explains, educates, directs. 3. documents for future reference. <p>(e.g. inappropriate comments/behaviour, social media violation, lack of teamwork, Policy violation, safety concerns)</p>
3. Director of Administration and/or HR Manager.	<p>Not resolvable at Supervisor level</p> <ol style="list-style-type: none"> 1. Determine appropriate parties to notify (e.g. Supervisor, Director of Administration, Legal, HR Committee), with at least one other being notified, typically Director of Administration. 2. Investigate complaint. 3. Determine course of action and response. 4. Discuss with Supervisor 5. Notify complainant and Supervisor. 6. HR to Maintain supporting documentation and decisions. <p>Notes:</p> <ul style="list-style-type: none"> • Complaints from individuals who are not band employees go directly to Director of Administration. • The band administration reserves the right to limit communication with an employee who files legal actions against band. (Dept of Labour, Lawyer involvement).
4. HR Committee	<p>Not resolvable at HR/Director of Administration level</p> <ol style="list-style-type: none"> 1. HR Committee to meet to determine course of action and response. 2. Director of Administration/HR Manager to notify key parties. 3. HR to maintain supporting documentation.
5. Director of Operations	<p>Not resolvable at HR Committee level:</p> <ol style="list-style-type: none"> 1. Seek background information and/or briefing note. 2. Add to Council meeting agenda if unable to resolve at Director of Operations level.
6. Chief and Council	<p>Not resolvable at Director of Operations Level or serious allegation warranting escalated response (e.g. theft, violence):</p> <ol style="list-style-type: none"> 1. Add to Council Meeting agenda 2. Elected Officials in conflict of interest (e.g. family member) to stay removed from discussion. 3. HR Manager may be invited to Council meeting when deemed necessary. 4. Council to discuss and make council motion on decision along with further action to be taken. 5. Director of Operations notifies complainant of outcome. 6. Minute Taker to maintain supporting documentation and to send motions/council decisions to appropriate parties (e.g HR Manager for employee file). 7. Note: If employee complains directly to an elected official, the elected official is to notify Director of Operations who will ensure appropriate chain of command to address complaint is followed.



Sipekne'katik Band Council

522 Church St. Indian Brook 14, NS B0N 2H0

Employee: _____ Position/Department _____

Week of: _____

Day	Date	Morning In	Morning Out	Afternoon In	Afternoon Out	Evening In	Evening Out
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							
Saturday							
Sunday							
Day	Date	Morning In	Morning Out	Afternoon In	Afternoon Out	Evening In	Evening Out
Monday							
Tuesday							
Wednesday							
Thursday							
Friday							
Saturday							
Sunday							

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Initials _____

* Sipekne'katik's payroll begins on Mondays, every two weeks. Timesheets will not be accepted without supervisor signature.