

Kingsclear First Nation



Human Resources Policy

Administrative Policy and Procedure Manual

**Approved by Chief and Council March 26, 2018
Implementation date April 13, 2018**

KINGSCLEAR FIRST NATION

This Human Resources Policy replaces (previous versions)

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1 Human Resources Policy

1.1 Short Title

This policy may be cited as the “HR Policy”.

This policy refers to and is applicable to any Employee working for Kingsclear First Nation which includes all managers and staff (non-manager), full time and part time, ongoing (permanent) and temporary (term) employees.

1.2 Definitions

“Kingsclear First Nation” is also known as Kingsclear.

“Director of Operations/Nation Administrator” is the most senior staff position within the Nation. The Director of Operations/ Nation Administrator reports directly to Council.

“Anniversary Date” means the annual day from the first day an employee reports to work. An employee’s Anniversary Date is used to compute various conditions and benefits described in this HR Policy. Kingsclear uses a common anniversary date of April 1st when calculating any vacation and other leave for on-going employees and a prorated calculation for employees in their first year of employment.

“Casual Employee” is an employee who is placed on a casual On-Call List. Specific On-Call Casual Lists will be created and maintained annually. Three lists will be used for filling three types of positions: general administrative support, general laborer and special trades.

“Council” means the Chief and Councillors of Kingsclear, elected pursuant to the Kingsclear “Declaration of Custom with Respect to the Election of the Tribal Council.”

“Contractor” means an individual or company that has been retained by Kingsclear to deliver specific services. Contractors are not employees and are not covered by this HR Policy. Contractors are required to have WCB and other insurance coverage to provide services.

“Manager” refers to an employee in charge of a specific area within a business unit of Kingsclear First Nation.

“Employee/Employees” refers to a/all person/s employed by Kingsclear, whether they are on a monthly, daily, or weekly wage and whether they work full time and/or part time on an ongoing, Seasonal, or temporary basis.

- “Ongoing Employee” is an employee hired by Kingsclear in a regular position whose appointment is continuous from year to year.
- “Term Employee” is an employee hired by Kingsclear for a specified period of time, usually no more than six (6) months. This includes but is not necessarily limited to Seasonal and Summer Student Employment Program hires.
- “Full time Employee” is an employee hired by Kingsclear to work full time as outlined by their department
- “Part time Employee” is an employee hired by Kingsclear for work that is less than 15 hours per week
- “Seasonal Employee” is an employee hired for term employment consistent with seasonal requirements or nature such as fishing, construction, logging etc. Seasonal work is generally of a reoccurring nature, however there is no express or implied guarantee that individuals hired for one season will be rehired in subsequent years.
- “Summer Student” is an employee hired temporarily over a period of April through September for programs or projects which provide youth recreational opportunities in the absence of regular school, or for other short summer-oriented enterprises.

“Employer” – means Kingsclear First Nation

“Fiscal Period” – means the fiscal period of the Nation, that is, the period commencing on April 1st of a calendar year and ending March 31st of the following calendar year.

“Human Resources Committee” is a standing committee consisting of: the Chief as a non-voting chair, Director of Operations (vote), community elder (vote), Human Resource Manager (vote), Director of Health (vote) Education Director (vote), and Head of Financial Department (vote). The Committee reviews and recommends to Council changes to the HR policy and procedures. The Human Resources Committee is responsible for addressing and resolving Human Resources disciplinary issues and grievances, approving any revisions to job descriptions, reviewing recommended changes to the salary guideline ranges, and interviewing applicants for all senior management positions with the Kingsclear First Nation, as well as being responsible for all other duties and activities outlined in the HR Policy. The Human Resources Committee reports to Chief and Council.

“Human Resources File” is the employee file created for each employee which is held by the Human Resources Officer. These records will be held in confidence and will include both Human Resources and finance records.

“Human Resources Officer” is the employee who is responsible for the coordination and provision of all human resources related support required by employees and Council. The Human Resources Officer works closely with the Nation Administrator, Director of Finance, the Department Directors and the Human Resources Committee.

“Immediate Family” for the purposes of this HR Policy, immediate family is defined as: the employee's spouse or common-law partner; the employee's father and mother and the spouse or common-law partner of the father or mother; the employee's child(ren) and the child(ren) of the employee's spouse or common-law partner; the employee's grandchild(ren); the employee's brothers and sisters; the grandfather and grandmother of the employee; the father, mother, brother(s) and sister(s) of the spouse or common-law partner of the employee and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

“Line of Authority” as per Kingsclear Organizational Chart.

“Program Director” means a person who oversees and administers a program or department for Kingsclear First Nation. All Program Directors report to the Director of Operations.

“Social Media” is the creation, sharing and exchange of social interactions and media among people in virtual communities and networks. It takes on many forms, including the innocent sharing of photo album and forwarding of jokes, witticisms and images but also includes damaging slander, cyber bullying and worse. There are numerous websites which are used for social media; some of the most commonly known include: Facebook, Twitter, Instagram, LinkedIn and MySpace.

“Staff” refers to all non-management employees.

“Nation” means the Kingsclear First Nation

“One Year of Employment” means a period of twelve (12) consecutive months commencing the first day of the fiscal period following the commencement date of employment or the completion date of the probationary period, if applicable.

1.3 Kingsclear First Nation Organizational Chart



The organizational structure of Kingsclear is outlined in the Organizational Chart

2 Purpose of Policy

The purpose of this policy, including the approved procedures hereunder, 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 Kingsclear. 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 safety and occupational health of its Employees.

Kingsclear desires to promote the well-being and productivity of its Employees, and to serve its clients well and efficiently. Accordingly, the Employer is determined to establish an effective working relationship and environment for all the Employees.

From time to time, Kingsclear policies may require revision. The Human Resources Committee may, on an annual basis, review and revise these policies as required. Any amendments to this policy manual shall not constitute grounds for compensation, nor will they be considered as changing the essential terms of any Employee's contract of employment. Amendments shall be effective from the time of their approval and publication.

2.1 Declaration and Commitment Forms

Kingsclear First Nation is dedicated to providing the best services possible for its Nation members. As such, all employees will be required to agree to abide by the established Code of Ethics, Code of Conduct and Code of Confidentiality.

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

All employees will be required to sign a *Conflict of Interest* Form and update it regularly should his/her personal circumstances change. The purpose of the Form is to inform Kingsclear First Nation of any real or potential Conflict(s) of Interest that an employee may have and to protect the organization from harm.

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

Employees that are found to be in violation of their commitment to providing Ethical and Confidential performance and/or not abiding by established Kingsclear First Nation policies may be subject to disciplinary action.

2.2 Code of Conduct & Code of Ethics

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

While the Code of Ethics and Conduct may not cover every situation, it will serve to guide to the conduct of Employees engaged in the everyday, normal or regular types of interactions they will likely encounter whilst performing job functions. It is expected that all Employees will act in accordance with the following guidelines.

1. During work hours, employees must devote themselves to their duties of employment; be prompt and courteous in their performance; and adhere to the policies and procedures of Kingsclear.
2. Employees shall carry out the duties of their positions conscientiously, loyally and honestly, remembering that the primary work task is to serve Kingsclear, its members, clients, and other stakeholders.
3. Employees shall respect the integrity and dignity of the organization, its programs, staff and all other affiliated agencies.
4. Employees shall conduct themselves, while on duty and in public, in a manner that will be a credit to themselves, their department, and Kingsclear First Nation.
5. Employees shall work continually towards self-improvement through self-evaluation and training.
6. Employees shall use information obtained on the job for the Employer's intended purpose only, not for their own personal interests or those of other persons
7. Employees shall be on the job punctually each day unless there is a valid reason for absence or lateness, in which case the employee shall contact his/her immediate Manager at the start of the working day and give an indication of when s/he expects to return to work.
8. Employees shall use their initiative to find ways of doing their work more efficiently and

economically.

9. Employees shall follow instructions attentively and cooperate with their 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 Kingsclear for authorized purposes only.
12. Employees shall protect and care for all Kingsclear property entrusted to them and report to their relevant Manager any faulty equipment that requires repair.
13. Employees shall not engage in public criticism of other employees, the elected leaders or the approved policies of Kingsclear.
14. Employees may recommend to their Manager, within their sphere of responsibility, changes of policy which they believe appropriate.
15. Employees will not be intoxicated or under the influence of drugs while on duty.
16. Employees will respect the confidentiality of all records, materials, and communications obtained or viewed in the course of their employment and disclose information acquired through employment only when authorized by the relevant Manager.
17. Employees shall refuse any fee, gifts or other tangibles offered to them in reward for duties performed by virtue of their appointment, with the exception of cultural offerings.
18. Employees shall not receive travel or other reimbursements for the same meeting or other employment-related activity from two agencies.
19. Employees shall serve members, their clients and all stakeholders with loyalty, determination and the maximum application of professional skill and competence.
20. Employees will not participate in, or allow any behavior that is intended to degrade, humiliate, intimidate or cause fear to any community member, client, volunteer, or other employee.
21. Employees will respect the culture, traditions and teachings of the Nation and act accordingly.

2.3 Code of Confidentiality

All employees of Kingsclear shall work to promote Kingsclear's vision, goals and objectives and to uphold the Nation bylaws and any other policies and procedures of Kingsclear First Nation.

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

The fundamental Principles of Kingsclear First Nation Confidentiality include:

1. All personnel working on behalf of Kingsclear First Nation will protect the confidentiality of any information acquired during the conduct of their duties.
2. Confidential information may be disclosed only when a member or client has authorized in writing such disclosure, or when there is some legal obligation to do so.
3. In any event, disclosure for legal reasons shall not occur before consultation with the Nation Administrator or other authorized personnel of the organization. Any possibility of legal disclosure must be made known to Kingsclear First Nation and approved by authorized personnel prior to such disclosure being made.
4. All personnel working on behalf of Kingsclear First Nation shall not speak or divulge any

information to the media regarding Kingsclear First Nation business unless instructed by the Chief and Council (or designate) as approved by motion.

Violation of the Code of Confidentiality will result in progressive discipline, suspension, and eventually termination of employment.

2.4 Conflict of Interest

For the purposes of this Policy, a “conflict of interest” is defined as a situation in which an Employee has competing loyalties and/or interests. The Employee has a duty of loyalty to Kingsclear and shall avoid real or apparent conflicts of interests in accordance with this policy.

It is critically important that no employee of Kingsclear shall engage in any conduct in the course of employment that may result in a personal benefit to that employee or a member of his/her immediate family to the exclusion of or in preference to other members of the First Nation or other relevant stakeholders. No employee shall participate in any decision which may specifically benefit or disadvantage the employee or a member of his/her immediate family in such a way that it will not necessarily benefit or disadvantage the community as a whole, regardless of the position or authority of that employee. No employee in authority shall influence or lobby another manager or director with respect decisions that for which the Employee is deemed to be in conflict of interest.

All decisions must be made with the intention of benefiting Kingsclear First Nation and its membership.

The fundamental Principles of Kingsclear First Nation with respect to Conflicts of Interest include:

1. If or when a conflict or a potential conflict of interest situation arises, the employee must immediately inform his/her 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;
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, in consultation with the Human Resources Committee, will determine whether there has been a conflict and if so, will follow Kingsclear Progressive Discipline process, up to and including dismissal. Any member of the Human Resources Committee should abstain from the decision if the conflict of interest is applicable to him/her.
5. At no time shall a Kingsclear employee also work or volunteer with an organization that actively seeks to detract from the integrity of Kingsclear or to compete directly with Kingsclear’s interests.
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 Kingsclear employee take considerable time away from their regular work hours with Kingsclear First Nation, the employee must seek written approval for involvement from the Director of Operations.

2.5 Statement of Employee & Employer Rights

Kingsclear First Nation believes that it is important to identify and protect both employee and employer rights. As such Kingsclear First Nation believes:

- Employees are entitled to fair and just treatment;
- Employees are entitled to carry out their job without fear of harassment. Kingsclear First Nation has the responsibility of preventing and actively discouraging harassment in the workplace.
- All employee files and information should be kept with great care to protect the privacy and confidentiality of the individual's records.
- No employee shall be suspended or discharged, with or without just cause unless there is written authority of the Human Resources Committee.
- No person who is employed in a managerial or confidential capacity shall, by intimidation, threat of dismissal or any other type of threat, cause an employee to abandon a complaint or grievance

or refrain from exercising a right to present a dispute, as provided in the conditions of employment.

- Any employee may use the grievance procedure described in this HR Policy to dispute a management decision with regard to the performance of that employee's duties.
- We will recognize the work of employees. However, any work done by an employee for Kingsclear, belongs to Nation. Kingsclear First Nation owns the right to use and revise, any or all artistic, recorded or written work that an employee created for Kingsclear during his/her period of employment without monetary compensation, but acknowledgement of the contribution and effort may be rightfully accorded the employee at the discretion of Kingsclear First Nation.

3 Employee Recruitment

3.1 Position Authorization

All new positions must receive Budgetary Authorization from the Department of Finance and Posting Authorization by the Director of Operations before the position can be posted. Any previously approved position that has become vacant, may be approved by the Director of Operations for re-posting (assuming budget is still in place).

Program Directors will prepare the documentation including the job description, rationale for the position and the budgetary support for presentation and recommendation to the Director of Operations and Human Resources Committee as required.

3.2 Equal Employment Opportunity

Kingsclear First Nation provides equal opportunity for everyone regardless of age, sex, color, race, creed, sexual orientation, national origin, religious persuasion, marital status, political belief, gender identification, or disability that does not prohibit performance of essential job functions.

3.3 Preferential Hiring Practice

The intention in all hiring is to recruit the best-qualified candidate. When two or more candidates are deemed to be equal in terms of "best qualified," then preference will be given to the candidate who is a member of Kingsclear First Nation and/or of Aboriginal ancestry.

3.4 Job Posting Procedure and Position Competition

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

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

All postings are to comply with established posting and interview procedures. Standard job postings shall include qualifications, duties, date of posting, application deadlines, anticipated interview date(s) and other relevant information related to the position, as deemed appropriate by the Human Resources Officer and Program Director. At the close of the competition, the Director of Operations/Human Resources Officer shall be responsible to review all applications and set up interviews as necessary.

3.5 Interview Committee Structure

The full Council or a specially appointed committee of council, shall be responsible for the interviewing, selection and hiring of the Director of Operations and Chief Financial Officer.

The Director of Operations along with at least one other member from the Band Council will have the responsibility for interviewing, selection and hiring of all Program Directors and senior manager positions. Whenever possible efforts should be made to have at least 2 members from the Band Council on all hiring

committees for Program Directors.

All other interview Committees must have:

- At least one member from the Band Council
- Applicable Program Manager
- Community Elder whenever possible

The interview committee shall be responsible for the interviewing candidate for each position within each Department. The Human Resources Officer/Director of Operations shall coordinate the interviews.

If a member of the interview committee is in a conflict of interest, he/she must declare it to the Committee and remove themselves from that conflicted interview. The Interview Committee members remaining will conduct that interview.

All interview results must be approved by the Chief and Council during a duly convened Band Council meeting in the form of a motion before the successful candidate is hired.

3.6 Initial Screening Applicants

Initial screening of all applications will be assessed by the Human Resources Officer and/or Director of Operations to determine the applicant's ability to meet the minimum stated qualifications. Second level screening of all applications for Director and Band Administrator level positions will be assessed by the Human Resources Committee and second level screening of all applications for positions of Manager and below will be assessed by the Director (or designate) and one (1) other member of the interview committee. All applications of qualified candidates received for a posting will be forwarded to the Human Resources Committee / Interview Committee, who will then determine which candidates will be contacted for an interview.

Only job-related questions or ones which assess the candidate's experience, skills, training and personal suitability will be asked. All candidates will be asked the same questions. If any potential candidate misses an interview, he/she may not be granted a second chance to be interviewed.

The Director of Operations may seek permission from the Human Resources Committee under emergent/urgent circumstances to have the discretion to move to the selection and hiring of a candidate without going through the normal posting/interviewing process. This shall only be used for temporary/urgent appointments. Selection of all employees for on-going positions must follow the proper procedure.

Kingsclear reserves the right to not fill a position if they determine that there are no qualified applicants, and/or if there is a change in spending priority.

3.7 Temporary Assignment

Positions for temporary employment may be offered on a specific or on a project-based basis as determined by the Program Director. Temporary staffing assignments of less than 3 months do not require job posting competitions. A Director wishing to fill a temporary position must provide the Human Resources Committee with the rationale for making the position temporary and for why it should be filled without competition. Department of Finance is to be informed of this decision as well as informed of the duration of the employment. A letter of appointment signed by the Director of Operations shall be given to an employee appointed to fill a temporary assignment outlining the specific term, duties, conditions of employment and pay or compensation. All temporary assignments must be approved by the Human Resources Committee.

3.8 Casual Positions for On-Call List

To enable the administration to hire individuals to fill short-term vacancies or to cover for employee absences, each Department is allowed to establish an On-Call Casual List. Each department must seek

approval from the Director of Operations and Human Resources Committee to create specific positions that can be filled through an On-Call List.

Once approved, the Human Resources Officer and/or Director of Operations will keep each Department List and must follow established hiring protocol (advertising, interviewing and selection) to fill the On-Call List. The frequency of posting to fill the List (and to keep it current) will be at the discretion of the Department. Individuals from the On-Call List may be hired for a few hours, a few days and or a few weeks, but, unless there are exceptional circumstances, a casual employee will not be hired to work for more than three weeks at a time.

The letter of offer will specify the job title, the Manager/Supervisor, the duties, the hours of work, length of employment and the rate of pay. Employees hired through the On-Call process will be placed on the regular payroll and expected to abide by all the conditions of this Policy.

Three types of On-Call Lists will be established: (1) for general administrative and clerical support type positions, (2) for general laborer (inside and outside) positions, and (3) for specialized trades which require specific training and or certification. Each On-Call List will have a clear job description including a general description of duties, required skills and qualifications. Only individuals from an On-Call List will be eligible for hiring for casual positions of this type.

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

3.9 Seasonal Employee Re-Hiring Procedure

Program Directors for programs whose requirements vary substantially by season (e.g. Fishery, Logging or Lumber) are approved to re-hire employees that were previously hired to fulfill seasonal tasks. These positions will have been established and approved by the Human Resources Committee at a time prior to the start of the re-occurring season, whether that be the lobster, other fisheries, timber cutting or hauling season, etc. The respective Program Director has authority to make offers of employment in advance of each period for which laborers or workers are required. The offer will include details such as who the supervisor is, proposed length of season (subject to change), pay rate and shift expectations. Seasonal Employees will receive a new Letter of Offer in advance of each season for which they are being hired, which Letter of Offer shall be signed by the Director of Operations and the applicable Program Director.

3.10 Aptitude and Ability Tests

Some positions require skills for which a known level of competence exists, i.e., keyboarding, computer applications, writing, and data entry. 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.

3.11 Verification of Previous Employment & Reference Checking

The Human Resources Officer and/or Director of Operations will be responsible for verification of employment information provided by the applicants for all positions. Kingsclear may contact references and previous employers for top candidates being considered for the position either before or after the interview process has been completed.

3.12 Verification of Licenses, Certification and Education

Candidates will be responsible for providing original verification of his/her licenses, certification and educational background, including confirmation of the successful completion of all certificates, diplomas, licenses, degrees, etc. The successful candidate will be asked to produce original documentation of all

accreditation before the interview. Some positions require licenses or certification level (fork lift operator, boat handling, radio operation, etc.) and proficiency or qualification documentation must be produced upon initial orientation for these types of employment. Documents will be placed in the employee Human Resources file.

3.13 Criminal Record Check and Vulnerable sector

Criminal Record checking will be a condition of employment or service for persons applying for certain positions in the organization, including but not necessarily limited to all teachers, sports and recreation coaches, managers and/or team captains and spiritual leaders or religious designates (if not already sanctified criminally by affiliation through their head organization), those working with children and those responsible for handling cash.

A new employee who is subject to the Criminal Record Check requirement must provide a copy of a current criminal record check.

Employees are required to maintain a clean criminal record while employed with Kingsclear First Nation. Any employee must immediately notify his/her Director and the Human Resources Officer should he or she be convicted of a criminal or regulatory offence while employed with Kingsclear First Nation.

All employees will be required to provide an updated criminal record check every three years. These are provided to the Human Resources Officer and/or Director of Operations and kept in the Employee's Human Resources File.

4 New Employee Appointment and Orientation

4.1 Letter of Appointment

All new employees shall be given a Letter of Appointment signed by the Human Resources Officer and/or Director of Operations. The Letter shall outline the job title, Manager/Supervisor, start date, (and term end date, for term positions), salary placement and length of probationary period. The Letter of Appointment will also include any special conditions of employment, such as outstanding education and certification requirements, professional membership requirements, etc. Attached to the Letter will be the Job Description.

4.2 Employee Orientation

It is the responsibility of both the Human Resources Officer and/ or Director of Operations and the new Employee's direct Manager/Supervisor to establish good employee-employer relations, open communications and reduce anxiety with regard to the new work environment and to begin to make the employee feel part of the team.

All new Employees will be provided with a comprehensive orientation process. The Human Resources Officer and/or Director of Operations will review the HR Policy and conditions for his/her probation with the Employee and explain all other relevant documents. The new Employee will then be asked to sign all the required forms including the declaration of understanding (which indicates that he/she has received a copy, understands and agrees to abide by all Kingsclear First Nation policies, including this HR Policy).

4.3 Human Resources File

A confidential employee file (Human Resources file) will be created for each new employee. All employees will have access to his/her own records upon request and appointment. The Director of Operations and/or Manager will have access to their staff members' records. The Human Resources Officer and/or Director of Finance will have access to all records. The Human Resources Officer and/or Director of Finance will be present during all access to Human Resources files. No files will be removed from the Human Resources Office and/ or Director of Operations office. The Human Resources Officer/ Director of Operations and/or Director of Finance will maintain a log of persons accessing the files. The files will be locked at all times.

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

5 Job Descriptions and Probation

5.1 Job Descriptions

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

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 at the request of or by the Human Resources Committee. The Manager/Supervisor will provide the employee with a written copy of a new/updated job description.

A current written copy of the employee's job description must be signed by the employee and kept in his/her Human Resources file.

5.2 Probation Period

All new employees will be placed on a six (6) month probation period.

An employee who accepts a promotion / new position within Kingsclear First Nation will be given a six (6) month probation period. Should the promoted staff member fail the probationary period all reasonable efforts will be made to replace him/her in a position similar to the one he/she vacated. However, no guarantee will be made.

Chief and Council will evaluate a probationary Director of Operations and Chief Financial Officer. The Director of Operations will evaluate probationary Directors and all other employees which report directly to the Director of Operations. Each Director will evaluate all probationary employees within his/her department. In the case where an employee reports to two Directors, both will jointly conduct the evaluation.

Upon the expiry of an employee's probation period, the individual(s) completing an evaluation will outline in writing to the Director of Operations / Human Resources Committee his/her/their recommendations for continuation or termination of the employee's appointment, together with a statement of the reasons in support of this position. Probationary employees who fail to meet the overall performance criteria and standards laid out in the Employee Evaluation process will not be recommended for further employment in that position.

At any time during the probation period the Director of Operations / Human Resources Committee may terminate the employee's employment without notice or any pay in lieu thereof, with or without cause, in the Employer's sole discretion.

The same Performance Appraisal process and forms used for the annual evaluation shall be used during the probationary evaluation.

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

6 Hours of Work

6.1 Regular Hours of Operation

REGULAR OPERATION HOURS

The regular work hours are from 9:00 a.m. to 4:30 p.m Monday to Thursday. On Fridays work hours are from 9:00am to 12:00pm. A one (1) hour paid 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 coffee breaks are scheduled each workday, one occurring in the morning, the other in the afternoon.

SUMMER OPERATION HOURS

Summer operations hours will begin the day after our community school breaks for summer, and will end the following Friday after school resumes for the fall. The regular work hours are from 9:00 a.m. to 4:30 p.m Monday to Thursday. On Friday the Band will remain closed. 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 coffee breaks are scheduled each workday, one occurring in the morning, the other in the afternoon. During summer operation hours there will only be one coffee break on Friday and lunch break will not be granted.

The Director of Operations may, on specific occasions, 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.

All employees shall have their attendance recorded by the receptionist and Human Resources, as the case may be upon reporting to work. All employees shall sign in or call in the band administration each day.

6.2 Seasonal, Casual and On-Call Schedules

Seasonal, on-call and shift workers shall be scheduled to work by the Manager/Supervisor responsible for the work area. Those employees hired for fishing or forestry labor will have their hours determined according to the demands of the conditions under which this work is carried out. It will at times be difficult to accurately predict or schedule and long hours or extreme circumstances may prevail.

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 the fishery and forestry. All hours worked will be at straight hourly rates without compensation or calculation of overtime hours worked. As per employment contracts as long as there is work to perform, i.e. lobster or fish are plentiful and able to be caught, daylight hours and/or weather conditions are favorable, seasonal workers will be scheduled to work.

6.3 Absence or Lateness

If an employee is unable to report for work at the assigned time or will be late, he/she must contact the Receptionist, his/her Manager/Supervisor and / or the Director of Operations immediately. Repeated lateness or tardiness will be subject to disciplinary action.

Kingsclear First Nation employees who expect that they will be late or absent from work, must notify their Manager/Supervisor within fifteen (15) minutes of 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 Kingsclear First Nation will be considered a voluntary abandonment of position.

6.4 Overtime

Overtime is only permitted in exceptional circumstances. Any request for overtime must be approved in advance by the Director of Operations.

6.5 Compensation for Overtime

Where a non-seasonal employee works pre-approved overtime, Kingsclear First Nation will provide compensation for such overtime in the form of time off in lieu of overtime pay, in accordance with the applicable laws and regulations.

6.6 Severe Weather & Emergency Closing of Kingsclear

Kingsclear will not close except under unusual circumstances. In the event of severe weather or other emergencies the Chief or the Director of Operations will make the decision on closure of Kingsclear offices and operations. When Kingsclear has to cancel operations or close, information will be made available as quickly as possible through a variety of communications mediums.

Employees are expected to be at work, unless Kingsclear is officially closed. Employees are expected to exercise judgment regarding their ability to travel safely to and from work.

The Director of Operations and/or Chief will re-assess weather and road conditions to determine if a delayed opening is possible. A delayed opening announcement will be emailed and posted to the Band's website, social media, and email by or before 10:00am. If staff are travelling far to get to work, they are expected to contact their manager requesting accommodation during these severe weather events.

7 Performance Measurement Process

7.1 Employee Work Plans

Annually, each employee shall meet with his/her direct Manager/Supervisor to develop an Annual Work Plan which outlines anticipated goals, specific program and project service objectives and to specify tasks and responsibilities that he/she will deliver over the coming year. Every supervisor/Program Manager shall meet with his/her regular and term Employees to review, discuss, revise and/or create:

- Current list of Job Functions and Responsibilities;
- Employees' work performance to targeted goals and objectives;
- Establish new work expectations, targets and goals;
- Training requirements and development opportunities;
- Gather feedback from the employee regarding his/her supervisor's effectiveness; and
- Any other matter that requires attention to enhance the employee's performance and or development.

Employee performance will be assessed annually relative to the employee's completion of his or her approved Annual Workplan, and in accordance with the Evaluation Criteria outlined below.

7.2 Annual Employee Evaluation Criteria

Each ongoing employee shall be evaluated by the Program Director with input and involvement from his/her direct Manager/Supervisor using the established Performance Appraisal systems and forms. A term employee who works for Kingsclear First Nation for a period longer than six months shall be evaluated using the established Performance Appraisal systems and forms. The Human Resources Officer/Director of Operations shall ensure that each employee has an employee evaluation completed annually on or before the first day of the fiscal year.

The Human Resources Officer will inform each Director of the employees within his/her department to be evaluated.

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

7.3 Performance Management

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

Documented employee performance evaluations are communication tools that ensure the Manager and his/her 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 goals of employee performance evaluation are to provide an effective employee evaluation and an overall performance measurement process to ensure the employee and the Manager are clear about the employee's goals, required outcomes or outputs for the year as documented in the Annual Work Plan, as well as how each employee's successes and contributions will be assessed.

The employee performance evaluation process is focused on employee development and organizational improvement. 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 he/she has contributed and improved the functioning of his/her job or the department in which they work. Upon reflection on the year passed, an employee may understand better the personal development that they require or the areas in which there is room for improvement. The act of writing down goals takes the employee one step closer to accomplishing those goals.

Since goals, deliverables and measurements are negotiated in an effective employee performance evaluation, the employee and the Manager are committed to achieving those goals. The written personal development goals represent a commitment from the organization to assist the employee to grow in his or her career.

Through the employee performance evaluation process employees are actively involved in understanding the requirements of their jobs and their performance, especially when that evaluation begins with the employee's input as to what organizational improvement has been driven by them (the self-assessment).

Chief and Council shall conduct and approve the performance evaluation for the Director of Operations and Director of Finance. The Director of Operations shall conduct and approve the performance evaluations for the Program Directors. The Program Directors will review and approve the performance evaluations for all employees in their departments.

The Process for conducting the annual Performance Appraisal is as follows:

Chief and Council / Director of Operations / the Program Directors will:

- Request that the employee within a mutually agreed-upon time frame carry out a self-assessment for the period of the review (usually the last year).
- Conduct the review of the employee's performance against the work plan and the "Employee Performance Review."
- Have a meeting with the employee to compare the two (2) assessments and evaluation forms. In the event of an inconsistent review, the evaluation conducted by the Program Director will stand.
- Both the employee and Program Director shall sign both completed forms. The employee will sign signifying acknowledgement/agreement with the assessment. If the employee does not agree with the Performance Review, he/she may ask for the appraisal process to be reviewed by the Director of Operations / Human Resources Committee.

In the event of a disagreement, the Director of Operations and Human Resources Committee will:

- Review both forms as completed by the employee and the Director and may meet either individually or together. Once the Director of Operations / Human Resources Committee have completed the assessment their findings will be presented to the employee and Director. The findings of the Director of Operations / Human Resources Committee will be final.

8 Workplace Professionalism and General Policies

8.1 Dress Code / Personal Appearance

All employees are expected to dress and groom in accordance with professional standards. The Director of Operations and the Human Resources Committee are responsible for establishing a dress code appropriate to the various jobs performed within the organization. Employees are expected to be clean and well-groomed and dressed in a manner that adheres to safety guidelines.

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

Kingsclear First Nation is a scent free workplace; employees are not to wear any perfumes, colognes and/or body spray while working or attending meetings on behalf of Kingsclear First Nation.

8.2 Smoking Policy

In compliance with local and provincial regulations, Kingsclear First Nation offices, office buildings and all Kingsclear First Nation vehicles are designated non-smoking (including vapour, e-cigarettes, etc.)

8.3 Telephone, Mail and Fax Policy

No long-distance personal calls are allowed. Personal local calls may be made if they are for emergency purposes.

The Kingsclear First Nation administration addresses are not personal mailing address. Employees are not permitted to put personal mail in the stacks that are to be run through the postage meter.

Faxes are not to be used for personal use.

8.4 Cellular Phone Use

Cell phones and other devices provided Kingsclear First Nation are only to be used for approved Kingsclear business. Employees are not to use a Kingsclear 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, surf and download from the Internet, or for any other non business-related purposes.

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, 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.

Additionally, employees are not to use their cell phones during regular business hours for any other purpose than those related to his/her employment; the business; our clients; our vendors/suppliers; or other Nation responsibilities performed for or in the name of the Kingsclear First Nation; or any other Kingsclear First Nation related activities not named here.

Kingsclear First Nation prohibits employee use of cellular phones (whether personal or company supplied) while driving, unless a hands-free device is used. The prohibition on the use of cell phones or similar devices while driving includes: receiving or placing calls, text messaging, surfing the Internet,

receiving or responding to email, checking voicemail messages.

Employees who violate this policy may be subject to disciplinary actions, up to and including termination of employment.

8.5 Software Access and Update Procedure

All Kingsclear First Nation computers must use authorized anti-spy and anti-virus software. Employees need to inform their Manager if this software is not functioning and/or about to expire.

Software needed, in addition to the Microsoft Office suite of products, must be authorized by the Department of Finance. Only an individual designated within Kingsclear First Nation may conduct the download. If an employee needs access to software not currently on the organization network, prior approval from the Department of Finance must be sought.

8.6 Internet and Email Use

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 Kingsclear First Nation require access to the Internet and the use of software in addition to the Microsoft Office suite of products. Only people appropriately authorized for organization purposes may use the Internet or access additional software.

Employees are not to engage on the internet in any personal political activity that is outside the mandates of Kingsclear First Nation and guidelines set by Council. The person responsible for Communications is permitted in limited circumstances when necessary to use the internet or World Wide Web for purposes that directly relate to Kingsclear and its communications strategy.

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

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 Kingsclear computers and/or email systems.

Please keep this in mind when considering forwarding non-business emails to associates, family or friends. Non-business-related emails waste time and attention.

Employees must not use Kingsclear supplied email addresses for non-work-related postings to chat groups, discussion groups, online auctions, Facebook, Twitter, MySpace, Instagram, Usenet groups or web pages, or other social media platforms.

Employees must not circulate extraneous email chain letters, jokes, etc. on Kingsclear devices or using Kingsclear email addresses.

Internet use is only to be conducted during work hours and only for work related activities. Internet use brings the possibility of breaches to the security of confidential organizational information. Internet use also creates the possibility of contamination to the Kingsclear system via viruses or spyware.

Spyware allows unauthorized people, outside the organization, potential access to Kingsclear First Nation 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 Kingsclear 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 Kingsclear computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, unethical, or non-business-related Internet sites. Doing so will lead to disciplinary action up to and including termination of employment.

8.7 Inappropriate or Discriminatory Emails and Internet Use

Viewing pornography, or sending pornographic jokes or stories via email, is considered sexual harassment as is defined in the Information Technology, Information Management and Computer Use Policy and will be addressed according to Kingsclear Harassment Policy. .

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy. These emails are prohibited at Kingsclear First Nation. Sending or forwarding non-business emails will result in disciplinary action up to and including termination of employment.

8.8 Kingsclear First Nation Band Owns Employee Email

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

8.9 Social Media, Professional and Personal Considerations

Regardless of whether, at home or at work, on personal time or during business hours, the employee must refrain from Social Media interactions that include any commentary about their Employer (Kingsclear First Nation) including all individuals elected to council, or anyone else employed by the Nation, its partners, suppliers, clients, members and any other organization affiliated with Kingsclear. Employees must never post or forward defamatory or derogatory comments, postings, pictures, graphics or other such messages on any Social Media site.

Employees must at all times, including online, avoid conducting themselves in a manner that may call in into question their ability to conduct the duties of their position in a professional and impartial manner.

Employees should always remember that they are bound by the confidentiality and privacy clauses of this policy in all instances and at all times.

Employees violating this policy may be subject to disciplinary action that may include termination of employment.

8.10 Office Master Keys and Security Code

Only designated employees shall be issued office door keys.

Employees issued office keys shall be listed on the security system call list and be taught how to operate the buildings' alarm systems.

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

Only Employees who have successfully completed their probationary period shall receive keys to the office or passwords for the security system.

8.11 Care and Use of Kingsclear Band Property and Equipment

Misuse of Kingsclear property or equipment will lead to disciplinary action.

Any Kingsclear equipment, machines, computers, cellular telephones and supplies that are used by employees are to be signed out with the Manager, particularly when such items are taken off-site for use. A copy of the applicable authorization forms will be placed in the employee's Human Resources file.

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

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

8.12 Restricted Areas and Building Security

In the interest of safety and security, all new employees will be advised as to which entrances and exits they are permitted to use throughout Kingsclear First Nation 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 the alarm, he/she must turn the alarm off, call the appropriate security system immediately and state his/her name and secret password. Managers should be made aware of the incident.

8.13 Use of Vehicles for Work and During Work Hours

Kingsclear First Nation vehicles may only be used by employees when on Kingsclear First Nation business and only for Kingsclear First Nation business. In the event that a vehicle is not available, the employee may use his or her own vehicle for business purposes, and seek travel mileage under the existing travel policy. If the employee wishes to use his/her own personal vehicle for Kingsclear business and a Kingsclear vehicle is available, no travel mileage will be compensated.

Employees driving, either his/her own vehicle or a Kingsclear vehicle, must have a valid Driver's License.

Any Employee seeking to use his/her own vehicle must first have prior approval of his/her Manager and must sign a waiver releasing Kingsclear First Nation from any liability or insurance obligations.

Only Kingsclear First Nation employees and/or clients/authorized passengers may travel in a Kingsclear Band vehicle.

Kingsclear First Nation requires that there is sufficient business insurance coverage for employees required to use their own personal vehicle when using it for Kingsclear purposes. Prior to using their own vehicle for business purposes, employees must first verify with their Manager or the Human Resources Officer that their vehicle insurance is sufficient.

Parking and other traffic violations will be the responsibility of the employee. In case of an accident the employee is responsible for the insurance deductible.

Operating a Kingsclear vehicle, or any other vehicle in the course of employment, while under the influence of drugs or alcohol will result in immediate dismissal.

8.14 Political Activity and Voting

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

- i. 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
- ii. Vote in elections of Kingsclear First Nation when registered as a member of Kingsclear and to vote in federal, provincial and municipal elections
 - Every employee who is an elector is entitled, during voting hours on polling day, to have four (4) consecutive hours for the purpose of casting his/her vote. Employees are encouraged to

take the opportunity to vote either at the beginning or the end of the period the polls are open.

8.15 Running For Office

Kingsclear First Nation 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:

- i. Seeks election to the Kingsclear First Nation Chief & Council will:
 - If elected as Chief or to Council, immediately provide the Director of Operations a conflict of interest disclosure.
- ii. Seeks election at the Federal, Provincial, or Municipal level will:
 - If elected to Public Office, immediately tender a letter of resignation, in writing, of their employment which will be effective on the date of the confirmed election results.
- iii. Seeks election to the Board or Executive of an associated or affiliated association, organization or corporation;
 - An employee who decides to run for a position on a Board or Executive of an association, organization or corporation is permitted to do so providing it does not adversely affect the employee's performance or compromise the duties and responsibilities of their position.

9 Discipline Policy

9.1 Disciplinary and Reprimand Procedures

Kingsclear seeks to establish and maintain a safe and productive work environment and effective and efficient operational and administrative practices and procedures. It is the responsibility of each employee to know and understand the terms and conditions of Kingsclear policies and procedures, including the HR Policy and other established policies as proclaimed from time to time by the Director or the Kingsclear First Nation Chief and Band Council. Failure by an employee to adhere to the any Kingsclear First Nation policies and procedures may result in disciplinary action

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

The Director of Operations is responsible to provide oversight for all disciplinary procedures. The Director of Operations will follow the progressive disciplinary process described below. However, the Director of Operations reserves the right in cases where in his/her judgment progressive discipline is not warranted to move directly to immediate suspension or termination.

9.2 Progressive Reprimand Procedure

A) Verbal Warning

A first violation by an employee may be addressed with a verbal warning. The Director of Operations or his/her delegate may initiate any verbal warnings. An employee will be given a verbal warning in a manner deemed appropriate by the Director of Operations or his delegate. A record of the verbal warning will be provided to the employee and maintained their personnel file.

B) Written Warning

A second violation of a same or similar offense by an employee may be addressed with a written

warning, or where the Director of Operations deems it advisable, a written warning may be applicable to that first violation. The Director of Operations will consult with any relevant person necessary. A record of the written warning will be provided to the employee and maintained in their personnel file.

9.3 Disciplinary Suspension and Immediate Dismissal

The Director of Operations may suspend, with or without pay, for any period of time an employee where, in the opinion of the Director of Operations, where (a) previous steps in the progressive discipline process have been unsuccessful in resolving the conduct issue, or (b) where the Director of Operations and/or Chief and Council consider the disciplinary issue, misconduct, and/or breach of policy, procedure, or regulation to be sufficiently serious to ground suspension.

In a case of a suspension the employee will be called to a meeting with the Director of Operations and given an opportunity to respond to any allegations. After hearing the position of the employee, the Director of Operations will make a final decision with respect to suspension or termination. All copies of suspension or termination letters will be placed in the personnel file of the employee. Chief and Council will be notified in writing via email when any employee has been suspended from their employment position.

9.4 Dismissal

The Director of Operations and Kingsclear Chief and Council have the joint authority and responsibility for the dismissal of any employee that is considered a Manager within the Band. The Director of Operations will be authorized to dismiss any employee that is not considered a Manager.

10 Grievance Policy for Disputes Between Employees (Not Including Disputes with Management)

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

1. If an employee has a problem with another employee (non-managerial), he/she should notify his/her Manager informally and attempt to resolve the matter directly with the individual(s). Most difficulties can be settled promptly. Where an informal, verbal, resolution has failed, the employee shall notify his/her Program Director in writing no later than 10 days after the incident. The Director shall respond in writing within five (5) days of meeting with both involved. The decision of the Director shall be final and binding.
2. If the problem is still not resolved to the employee's satisfaction, he/she may go to the Human Resources Committee, provided the challenge is outlined clearly in writing. This step must be taken within five (5) working days following the Program Director's decision or within 30 days of the incident giving rise to the grievance, whichever is later. If the circumstance requires it, the Human Resources Committee will conduct an investigation. Following their investigation, the Human Resources Committee will respond in writing within five (5) days of completing the investigation to the grievance. The Human Resources Committee shall render a final decision on the grievance after hearing all sides.

As an organization dedicated to healing and wellbeing, Kingsclear also encourages employees to take a more culturally relevant approach to resolving conflict in the workplace. The Human Resources Committee would be happy to support an employee who wishes to use another approach such as bringing in an Elder Advisor and/or implementing a healing circle to resolve a grievance. The decision of the Committee will be final and binding on all parties.

11 Harassment Policy

Kingsclear First Nation believes in promoting a harmonious, safe work environment and has zero-tolerance policy towards harassment (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.).

Chief and Council, supervisors, managers, directors and the Director of Operations 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.

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.

11.1 Lateral Violence

“Lateral violence” is a learned behavior which for many Aboriginal people is deeply rooted in our past. It stems from the oppression that many First Nation people have felt for so many generations. 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.

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

11.2 Definitions

The Human Rights Code defines harassment as “vexatious (distressing) comments or conduct that are known or ought reasonably to be known to be unwelcome”. Harassment includes any behavior which embarrasses, demeans or humiliates a person. Harassment can be a series of actions repeated over some period of time and it can also be a single incident. For the purposes of this section, certain relevant terms are defined below:

“Humiliation” – purposefully intentioned belittling or diminishing negative comparisons or references witnessed by others that the victim wishes to be thought of highly by (e.g. co-workers, friends,);

“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 a grouping involved in some lighter or harmless interaction between co-workers

“Sexual harassment” - see definition set out in section 12 below

“Threats” use of language (written or verbal) 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 belief

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

11.3 Outline of Non-Harassing Behaviour

Performance reviews, discipline (that is warranted and just), mentoring or counseling, and direct physical demonstration of job competencies, are not considered harassment. Kingsclear First Nation 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.

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?

11.4 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. This includes all travel while on Kingsclear business whether that is doing deliveries, fishing at sea, meetings in all locations, attendance at conferences, trade shows or educational trips.

12 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, prospective candidate and an employee involved in hiring decisions, members of either the same or opposite genders.

Kingsclear takes incidents of sexual harassment very seriously and will endeavor to protect all employees from any form of harassment. All allegations of sexual harassment by an employee will be duly investigated and any employee found to have engaged in sexual harassment will be subject to discipline, up to and including termination of employment.

12.1 Workplace Sexual Harassment

Sexual harassment is deemed to be “employment related” if it occurs while the victim is at work or is in a situation related to their employment requirements. Sexual harassment that occurs while on business of Kingsclear or engaged in work-related activities constitutes workplace sexual harassment, regardless of the physical location in which such harassment takes place. This includes any connection to official business of Kingsclear 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.

12.2 Types of Sexual Harassment

Sexual Harassment creates a hostile work environment. Sexual Harassment often falls into one of two categories; ‘sexual coercion’ which is often perpetrated by a person in authority on an employee or ‘sexual annoyance’ which can be perpetrated by anyone.

‘Sexual Coercion’ is sexual harassment which has a direct consequence on the victim’s employment; where either an open or implicit offer in keeping a job or getting a promotion is made by a person in a position of power or influence in exchange for sexual favors

Examples of ‘sexual coercion’ include, but are not limited to, a manager or person of authority who:

- Demotes or punishes an employee who rebuked the manager’s sexual innuendos
- Discusses the job security the employee would enjoy by being in a relationship with the manager
- In a private meeting, placing a hand on an employee’s knee and suggesting the employee’s performance appraisal would improve if the employee were “nicer”

‘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::

- Making sexual remarks towards or about a co-worker
- Touching a co-worker in an unwelcome manner
- Sending unwelcome sexually explicit e-mails to a co-worker
- Making catcalls as a co-worker walks by
- Repeatedly inquiring about a co-worker’s sex life or sexual history
- Constantly pestering a co-worker for a date
- Implying that a co-worker only got their job or promotion because of their appearance, sex or sexual history

13 Handling a Harassment Allegation

13.1 Make it Known

Kingsclear First Nation 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 his/her/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 he/she/they are unable to deal with the person directly, they may approach any member of the Harassment Committee to initiate an informal intervention. Employees may ask the Committee to deal with the issues on the employee’s behalf, or to be present when the employee (complainant) confronts the alleged offender (respondent).

13.2 Take the Complaint to the Harassment Committee

However, sometimes the formal process of resolution is the most appropriate approach for resolving allegations or complaints of harassment .. The formal process may be implemented when the informal procedure fails, if the complainant believes the informal approach to be inappropriate, or if the respondent requests a formal investigation. In each of these cases, the Harassment Committee shall become involved and help to resolve the problems.

Kingsclear shall appoint a Harassment Committee that will be responsible for investigating and resolving complaints concerning instances of harassment that may arise in the organization. This Committee shall be composed of three (3) members:

- Community Elder
- Staff Member
- Management

All Kingsclear employees shall know who the members of the Harassment Committee are, should a problem occur. Furthermore, this Committee shall be reviewed and reappointed annually (members can be re-appointed for an unlimited number of terms).

In all circumstances, the Harassment Committee's determination of appropriate actions must take into account its duties under the applicable human rights and employment standards legislation and regulations.. Potentially criminal behavior (e.g. assault, sexual assault, death threats, etc.) should also be reported to the police. Where the Director of Operations and/or Chief and Council deems it appropriate, Kingsclear First Nation reserves the right to by-pass the Harassment Committee process and retain an unbiased third-party expert to investigate the harassment complaint and make recommendations based on their findings. The Director of Operations and/or Human Resource committee will be responsible for implementing recommendations made.

13.3 Documenting Harassment Complaints

As soon as any form of harassment is reported or alleged, detailed records, note-taking procedures, and/or a diary should be started. Items that are particularly relevant are:

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

13.4 Mediation

If both parties are in agreement, then it may be possible to resolve the complaint using mediation. Mediation is only appropriate if both parties have agreed to participate without being pressured by anyone, for any reason. If the complainant or the respondent would prefer not to use mediation to resolve a complaint then either party can refuse, and the complaint will be resolved in accordance with the other procedures set out in this HR Policy.

If both parties agree to resolve the complaint using mediation then a qualified mediator, from outside Kingsclear may be appointed to conduct the mediation and attempt to resolve the complaint. If an appropriate person from outside the Kingsclear cannot be found a person within Kingsclear can be used as long as both parties are in agreement.

The mediator is an independent third party and should not, at any time, take part in the investigation of the incident(s) and should not at any time be asked to represent the employer throughout the resolution

process.

13.5 Make a Formal Complaint

When all of the informal and private methods of resolving a complaint of harassment have failed, or if the incident(s) is very serious, a formal complaint or accusation may be put forward. In order to file a formal complaint, employees must contact either their Manager/Supervisor/Director/Director of Operations or the Harassment Committee. The person whom the employee(s) has contacted will ensure that the complainant understand and consents to participate in the formal complaint procedure.

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

Should the victim still wish to proceed with filing a formal complaint, all relevant notes and documentation will be collected, placed in a sealed envelope, and given to the Harassment Committee. The Harassment Committee will review the complaint and supporting documentation and determine if an investigation is warranted.

13.6 Investigation of Allegation(s)

Investigation will be conducted by either the appointed, senior position, staff that is trained for handling matters such as harassment or a qualified external consultant. In either case, the investigation will proceed as follows:

- The investigation begins with the collection and review of the documentation of the alleged incident(s).
- Next the person(s) accused of committing the harassment is put on notice that they are under investigation, with full details of the charges brought and the name(s) of the complainant. A response to the allegations is expected within a seven-day period, although the period may be extended if the investigator determines that further investigation is required in order to properly resolve the complaint;
- Interviews may be conducted as part of the investigation. If the incident is sexual harassment an interviewee may request that a friend, co-worker or family member also be present
- Any witnesses are asked to sign declared statements.
- The Harassment Committee reviews the results of the investigation and makes a decision as to whether the complaint is substantiated;
- Suggest remedial courses of action for the parties involved.
- If the complaint is substantiated, the Harassment Committee determines what rehabilitative and/or disciplinary measures are appropriate (recompense, form apology or plea for forgiveness, remedial therapies, etc.)
- A complete report or summary of the entire investigation from the description of the incident(s), through to the final verdict and compensation extracted, will be placed in all of the involved individual's HR files.

13.7 Summary of Findings

Once the investigation has concluded the investigator will submit a report to the Director of Operations as soon as possible and no later than 30 days after the conclusion of the investigation. Within the report will be a summary of the investigation. If the complaint is considered valid the report will also include suggestions of appropriate remedies and disciplinary action. The Director of Operations will decide the appropriate action to take and will provide a written decision to both parties as soon as possible, but no later than 30 days, after the report has been submitted.

All formal complaints shall be kept on record for seven (7) years by the Human Resources Officer. These files shall be secure and confidential, and after the seven-year period has elapsed they shall be destroyed. The provisions of the Freedom of Information/Protection of Privacy Act shall govern access to confidential files of formal complaints within Kingsclear.

13.8 Disciplinary and Remedial Measures

Outcomes for the respondent, if the complaint is upheld, may include a variety of approaches, ranging from counseling, training, transfer, up to dismissal with or without notice should the Harassment Committee and Kingsclear First Nation see fit.

In consideration of the scope and character of harassment, and the respondent's disciplinary record, the respondent(s) may be ordered to:

- Receive a written reprimand which is placed in their HR file
- Attend training or complete anger management, anti-harassment, and/or conflict issues counseling within a professional setting, led by certified therapists
- Take a period of suspension from duties (either paid or unpaid)
- Transfer departments or locations if it is deemed that proximity of the parties involved will lead to further tension and conflict
- Terminate employment (with or without notice)

13.9 The Victim's Recompense

Depending on the nature of, type and seriousness of the harassment, Kingsclear and/or the consultant contracted to oversee the investigation/hearing will prescribe appropriate methods of compensation. These may range from apologies to fines. Possible remedies include but are not limited to:

- Oral and/or written apology from the respondent and/or Kingsclear First Nation
- Replacement of what was lost as a result of the complaint (e.g. Wages)
- Compensation of any lost employment benefits such as sick leave

13.10 Dissatisfaction with process

If either party involved in a complaint is dissatisfied with the results of the investigation, they have the opportunity to file an appeal with an external mediator, provided they do so within sixty (60) days of receiving notice of the results of the investigation. The party seeking the appeal shall set out the reasons for his or her disagreement with the Harassment Committee or the External Consultant's decision in writing and submit them to the mediator.

Participation in internal harassment complaint resolution procedures does not impact an employee's right to file a complaint with the applicable Human Rights Commission.

13.11 Retaliation

Any retaliation against any party involved in a complaint will not be tolerated by Kingsclear First Nation and will result in discipline.

13.12 Insufficient Evidence or Indeterminate Cases

In circumstances where there is insufficient proof, on a balance of probabilities, that harassment within the meaning of this Policy has taken place, the investigator will recommend that the complaint be closed with no further action to be taken. Neither party will be subject to any discipline or receive any remedy in such a case.

13.13 False Accusations

In the rare circumstance where it is revealed that a complaint was made in bad faith, appropriate actions may be taken against the complainant including discipline, up to dismissal. The same corrective or disciplinary action(s) may apply to anyone making a false accusation as would have been prescribed for the (now wrongly) accused party had the complaint been substantiated.

13.14 Confidentiality of Complaint Process

All parties involved in a complaint (Complainant, Respondent, Witnesses, Harassment Committee and any Councilor/Supervisors/Managers/Directors/Director of Operations) 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 or required by law. Any breach in confidentiality will be dealt with severely by Kingsclear First Nation.

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.

13.15 Time Limits

The time limit to file a formal complaint is 30 working days from the last incident. During any part of the investigation, the complainant has the right to drop his/her/their complaint without any penalty.

Kingsclear First Nation 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 Officer can provide support to staff, as well as further education and information on conflict resolution skills.

14 Wages, Salaries, Payday and Benefits

14.1 Annual Wages and Salaries

As budgetary conditions permit, it is Kingsclear policy is to award increases to employees for their contribution to the growth of the Kingsclear First Nation based upon:

- increase in assigned duties and responsibilities (expansion of job description), and / or
- for outstanding performance as determined during the annual Performance Appraisal 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 merit increase; however, merit increases are not automatic or guaranteed. Following the completion of all annual Performance Appraisals, Directors (with input from Managers) may submit a request for specific individual increases to the Human Resources Committee. The Human Resources Committee shall consider all recommended increases and shall determine which increased to grant, as budget and merit allow, subject to overall financial position of Kingsclear 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).

Under no circumstances shall any employee receive an advancement of wages.

14.2 Pay Days

Kingsclear First Nation pay days shall occur every one (1) week for all Employees and include the one-week period prior to that pay day.

14.3 Weekly Payroll

All Kingsclear Employee pay cheques will be released by the Nation's Finance Office on scheduled paydays.

No payroll advances will be made.

14.4 Pension

All fulltime ongoing employees who have successfully completed the probationary period with Kingsclear are eligible to enroll in the Pension program. Employees must contact the Human Resources Officer after the completion of probationary period for enrollment or waiver of pension plan as established by the Kingsclear First Nation. Currently Kingsclear has a program whereby 5.5% of gross pay is deducted from employee payroll which is matched by Kingsclear and the total amount then remitted to pension fund.

Kingsclear reserves the right to amend or eliminate the Pension program at any time in its sole and absolute discretion. In the event of a change to the Pension program, Kingsclear will endeavor to give Pension program participants reasonable notice of the upcoming change.

14.5 Payroll Deductions

The Human Resources Officer and/or Director of Operations will have all new Employees complete and sign applicable payroll forms including but not limited to: Federal Income Disclosure Form (T-1), Direct Deposit Authorization, and Payroll Deduction forms.

The mandatory deductions will be made from every employee's gross wages where applicable. These deductions include Federal and Provincial Income Tax, Canada Pension Plan, Employment Insurance, Group insurance plan premiums, and any other required legislated, departmental or Nation deductions, as well as any mandatory employee benefit plan contribution payments.

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

Every employee will receive a T-4 for the preceding year on or before February 25th. Any employee who believes that his /her deductions are incorrect for any pay period, or on the T-4, should check with the Department of Finance immediately.

Overpayments on travel shall be deducted as per the criteria as stated on the "payment request form."

Deduction to pay due to lateness or absences shall be made based on section 6.2 above.

14.6 Kingsclear Band Benefits

Kingsclear has a mandatory benefit package for all its on-going full-time employees. These benefits include but are not limited to Disability Insurance, Health Insurance, and Dental Insurance. Information on the entire benefit package is available through the Department of Finance.

The Human Resources Officer and/or the Director of Operations will inform employees about Kingsclear's Benefit Package and any particular benefits to which the Employee may be entitled. Kingsclear reserves the right to make changes to the Benefits Package available to employees in its sole and absolute discretion.

15 Work/Life Balance - Holidays, Vacation, Family & Other Leave

Kingsclear is committed to ensuring its employees maintain a healthy work/life balance and as such encourage staff to take entitled vacation days and to enjoy all designated holidays.

15.1 Statutory and Non-Statutory Holidays

The following statutory and non-statutory holidays shall be observed by Kingsclear:

New Year's Day
Treaty Day
Good Friday
Easter Monday
Victoria Day
National Indigenous Day
Canada Day
Labour Day
Thanksgiving
Remembrance Day
Christmas Day
Boxing Day
New Brunswick Day

When a day designated as a statutory/non-statutory holiday coincides with either a Saturday or Sunday and/or with the employee's normal day of rest, the holiday shall be moved to the Monday following the statutory holiday.

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

Employees are eligible to be paid for a statutory or non-statutory holiday only after working 30 days of continuous employment with Kingsclear First Nation prior to that holiday.

Kingsclear First Nation may declare other non-statutory holiday days during a given year.

15.2 Vacation Leave for On-going Full Time Employees

Kingsclear Band provides on-going employees (full time) with paid vacation leave.

Annual vacation entitlement (vacation days) for full-time employees is calculated based on years of service working for Kingsclear and granted as follows:

<u>Years of full-time Employment</u>	<u>Vacation Entitlement</u>
First and second year	2 weeks (0.83 per month)
Year three to six	3 weeks (1.25 per month)
Year six up to 24	4 weeks (1.67 per month)
24 years plus	5 weeks (2.08 per month)

Note: Vacation time is pro-rated at the rates provided above. Management has the authority to advance vacation time on a case by case basis. Vacation entitlement for part-time employees is pro-rated based on percentage of hours worked vs full-time hours.

In the first year of employment, vacation entitlement earned is pro-rated from date of employment to the first of the new fiscal year (to April 1st) in which the employee is working for Kingsclear.

The Director of Operations and / or Program Directors are responsible for scheduling vacations. Monitoring vacation entitlement is the responsibility of the Department of Finance. Employees are responsible for planning ahead for vacation, and working out a complete schedule with their

Manager/Supervisor.

Vacation leave requests should be submitted to his/her direct Manager/Supervisor and Human Resources by April 30th each year. To the extent possible; leave will be granted to all members of a department in a fair and equitable manner. However, if an employee's vacation leave requests conflict with those of another employee in the same department, leave will be granted to the employee with the most seniority. Employees wishing to request use of vacation entitlement must submit a "Request for Leave" form to his/her direct Manager/Supervisor and Human Resources.

15.3 Sick Leave - On-going Full Time Employees

Kingsclear provides on-going employees with fifteen (15) days of paid "Sick Leave" throughout the year for use for the purposes of sick, cultural, family, compassionate and/or other personal reasons. All employees shall accumulate Sick Leave at the rate of one and one quarter (1.25) days per month to a maximum of 15 working days in a year that can be banked throughout the year if unused. At any time an employee can have no more than 15 days in their sick leave "bank".

Probationary employees are not entitled to take paid Sick leave, but earned days begin accumulating upon employment.

After two consecutive days of absence from work due to medical/sick reasons the employee is required to provide a medical certificate. In the case of repetitive use of sick leave, Kingsclear reserves the right to request a certified medical letter indicating required use of leave.

An employee must contact his/her Manager/ Supervisor no later than 30 minutes after the start of the work day, should he/she be taking Sick Leave.

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

An employee will not be granted Sick Leave if he/she has no leave earned/banked.

Employees are expected to utilize his/her hours of work to perform assigned Kingsclear duties and not to conduct personal business. An employee wishing conduct personal business during regular work hours will be required to use vacation or personal leave time.

15.4 Term Employee Vacation Leave Entitlement

Term employees (hired on a set term with a specified start and end date) are entitled to vacation pay calculated at 4% of gross wages as outlined in the federal or provincial labour code. If a Term employee has worked continuously for Kingsclear for four or more years, paid vacation entitlement is calculated at 6% of gross wages.

Employees have the option to accrue the vacation pay and have it paid out in a lump sum at the end of their term or to have it included proportionately with each pay cheque.

15.5 Bereavement Leave

An employee shall be entitled to bereavement leave when a member of the employee's immediate family dies (See definition in Glossary). The employee shall be entitled to bereavement leave for a period of five (5) work days.

15.6 Maternity Leave - Without Pay

An employee who has completed six consecutive months with Kingsclear is eligible to apply for Maternity leave.

An employee who is pregnant or nursing is eligible for 17 weeks of maternity leave. In addition, an employee who assumes actual care of a newborn or newly adopted child is entitled to parental leave of up to 37 weeks. However, the total duration of the maternity and the parental leaves must not exceed 52 weeks.

An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of the pregnancy to the end of the twenty-fourth (24th) week following the birth, on condition that she provides a medical certificate indicating she is unable to work and which indicates the duration of the inability.

An employee who is pregnant or nursing may request that her job functions be modified or that she be reassigned to another job if continuing any of her current job functions may pose a risk to her health or that of her fetus or nursing child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided in order to eliminate the risk.

Kingsclear will maintain medical or other benefit plans throughout an employee's maternity leave and will continue to make payments to the plan or plans in accordance to federal legislation and the regulatory terms of the benefit plan(s).

The services of an employee who is absent from work for maternity leave is deemed to be continuous for the purpose of vacation entitlement and notice of termination.

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

15.7 Paternal Leave – Without Pay

All employees are eligible for 17 weeks of unpaid parental leave. In addition, an employee who assumes actual care of a newborn or newly adopted child is entitled to parental leave of up to 37 weeks. However, the total duration of the maternity and parental leaves must not exceed 52 weeks. Should both parents work for Kingsclear combined parental leave should not exceed 37 weeks. Natural or adoptive parents must have completed six consecutive months of continuous employment with Kingsclear to be eligible for paternal leave.

15.8 Compassionate Care Leave – Without Pay

An employee may take up to eight (8) weeks of compassionate care unpaid leave to provide care and support to a gravely ill family member. A certificate 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 eight (8) weeks.

15.9 Birth/Adoptive/ Guardian Leave – With Pay

An employee is entitled to up to two (2) days paid leave to attend the birth of his/her child; and/or upon receiving into the household a newly adopted child; and/or to care for his/her family during this period; and/or for an employee who has taken legal responsibility for the Foster Care/Guardianship of a child. The employee must submit a "Request for Leave" form with his/her Manager.

15.10 Court Leave

Paid court leave will be granted to a Kingsclear employee who is required to appear as a witness in a case. A copy of the court order or subpoena must be supplied to the employee's direct supervisor when requesting time off.

Kingsclear will grant employees paid time off for mandatory Jury Duty or court appearances as a witness when the employee must serve or is required to appear as a result of a court order or subpoena involving a personal or private (non-work related) case. However, the employee will not be permitted to receive the jury duty pay/honorarium.

15.11 Educational Leave

Kingsclear encourages all employees to continue with their formal education. A Kingsclear employee who has worked for the organization for more than two (2) continuous year may apply for full-time educational leave, up to one year, without pay, if the program is deemed to be job related and beneficial to the organization. If leave is 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. If the request for unpaid leave is granted, the Human Resources Committee will decide if the employee's position will be remain vacant or filled with a term appointment.

An employee who is granted educational leave for a program of less than one (1) academic/calendar year may be eligible to return under the following conditions:

- the employee has successfully completed the educational program
- the time required to complete the program does not exceed the previously approved length of leave (approved leave time)
- the employee commits to, upon returning, remaining an employee with Kingsclear for an equivalent amount of time of the leave period

If an employee does not complete his/her training program, he/she may be required to formally resign from his/her position at Kingsclear First Nation.

Note: Kingsclear employees who are band members of Kingsclear 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).

15.12 Training and Professional Development Leave

Kingsclear First Nation believes that employees should actively engage in life-long learning and continually strive to enhance their credentials or professional designation. Annually, the Human Resources Committee will assess the overall professional development and training needs for the organization. Annually, each employee will develop and sign an approved Employee Performance Contract (as part of the annual performance appraisal process) which includes the individual work performance goals and objectives as well as his/her training or professional development plans for the year.

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. Proof of successful completion must be provided by the employee to his/her 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.

If an employee wishes to take short courses or workshops during regular working hours, he/she must apply in writing to his/her Program Director. The Director will submit all requests to the Director of Operations and Department of Finance who shall grant such requests as budgetary and organizational constraints allow.

Where professional development cannot reasonably be undertaken within working hours, the employee may apply for "Professional Development Leave" with or without pay at the discretion of the Director. Professional Development not provided by Kingsclear will normally be at the employee's time and expense.

15.13 Business Seminars, Conferences and Meetings

To ensure that Kingsclear 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 his/her 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 his/her Director, and Directors from the Director of Operations. The employee is expected to provide a written or verbal report to his/her Director/Manager within five (5) days following the meeting.

15.14 Special leave

Special Leave may be granted to Kingsclear employees by the Human Resource Committee for extenuating circumstances where the Human Resource Policy does not apply. This will be reviewed on a case by case bases. Special Leave may be approved with or without pay. The Human Resource Office and/or Director of Operations will inform the staff in writing as soon as special leave is approved.

15.15 Deductions for Excessive Leave

Employees that use all of their sick leave, vacation time, and other paid leave entitlements will be docked for the days missed. Excessive absences without a valid excuse will be subject to review by the Director of Operations and Human Resource Committee. Excessive leave may be subject to progressive discipline as outlined in this policy.

15.16 Return to Work after Serious Injury or Illness

As protection for both the employee and Kingsclear, an employee who has been absent from work because of serious illness, surgery, or injury may be required to obtain a medical certificate specifically stating that the employee is capable of performing his/her normal duties and regular assigned work.

An employee returning from a serious injury and or a stress related illness must provide the Human Resources Officer with a medical certificate indicating that he/she is ready to return to work. The employee must also provide a written "Plan of Action" approved and signed by a certified medical practitioner that shows how the individual will cope with or prevent any further incidence of injury and or stress in the future.

16 Resignation, Layoff, Termination and Retirement

16.1 Resignation

A staff member who is resigning from the organization shall provide a minimum two (2) weeks written notice to his/her Director. Management resigning from the organization shall provide a minimum three (3) weeks written notice to the Director of Operations. Employees who resign will be give two full business days to re-consider this position. A letter advising the reconsideration must be provided to the Director of Operations by the specified time. This letter must be stamped by one of the Band's administrative workers.

After the two days, the employee's resignation will be deemed final if no letter is submitted advising otherwise by within two days of the initial resignation notice.

16.2 Termination

Kingsclear may terminate an Employee's employment either with or without cause.

Where an Employee is terminated for just cause, Kingsclear will provide the Employee with a letter of termination stating the cause for dismissal. Employees who are terminated for cause will not receive notice of termination or pay in lieu thereof.

Where an Employee is terminated on a “without-cause” basis, their Letter of Termination will state this fact, and the Employee will be provided with notice of termination or pay in lieu thereof in accordance with the applicable legislation and regulations.

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 or term position is his/hers perpetually (into future years) simply due to the past history of it no matter how long it has been in existence. Regardless of a position having been funded under any budget of the Finance Department of Kingsclear 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. As soon as funding is withdrawn Kingsclear reserves the right to terminate an employee following the regular procedural protocol as outlined in this section. In the case of 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 employment. Severance will only be paid in cases where an employee’s termination is not for “just cause.”

16.3 Return of Kingsclear Property

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

On the final day of employment, the Director of Operations or designate must receive all keys, ID card, and Kingsclear property from the employee before the final payroll cheque will be issued.

17 Oversight of Human Resources Policy

17.1 Human Resources Committee

The Human Resources Committee reviews and recommends all changes to the HR policy and procedures. It is responsible for:

- addressing and resolving all Human Resources discipline and/or grievances,
- approving any revisions to the accountability framework and job descriptions,
- reviewing recommended changes to the policy and related salary guidelines,
- interviewing applicants for all senior management positions with Kingsclear; and
- all other duties and responsibilities as outlined in this policy.

The Committee reports to Chief and Council.

17.2 Violation of Policies

All employees are bound by this HR Policy and are expected to abide by the policies herein. Failure to do so will lead to appropriate disciplinary action as presented and defined in this HR Policy. This description is not to be considered exhaustive or all-inclusive. The Human Resources Committee reserves the right to interpret this Policy.

17.3 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.

Federal and Provincial legislation where applicable will supersede this policy.

18 Appendices

Supplemental Policies will be drafted for the Community school and Child Custody workers to match their current working conditions. These policies will be drafted with input from the respective managers .