



# Malahat Nation

STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

**Policy#** SPP-HR

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**Effective Date:** March 2, 2023



# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

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## 1. DEFINITIONS

<b>“Assign”</b>	transfer of duties or functions from one person to another where the former person (assignor) retains responsibility for ensuring the activities are carried out
<b>“Assignee”</b>	individual to whom a task, duty or responsibility has been assigned by the Chief Administrative Officer, Director of Finance, or Council, as applicable under FAL
<b>“Authorization and Delegation Table”</b>	a table approved by Council specifying the delegation and assignment authorities over decisions or activities related to the Malahat Nation’s financial administration
<b>“Budget”</b>	a plan or outline of expected money and spending over a specified period
<b>“Casual Employee”</b>	an individual hired by the Malahat Nation on a casual basis who works when required to complete a specific assignment or task, and is not a regularly scheduled or permanent employee
<b>“Classification”</b>	Determination of a role as assigned to the salary grid
<b>“Chairperson”</b>	head of a meeting, department, committee, or board. The vice-chairperson acts as the head when the chairperson is not there
<b>“Chief Administrative Officer”</b>	or CAO, person who is responsible for leading the day-to-day administration or management of the Malahat Nation and who is appointed by and reports directly to Council
<b>“Code of Conduct Declaration”</b>	statement that Council, committee members, employees, and contractors must sign on an annual basis that states they understand and agree to the Malahat Nation government’s code of conduct
<b>“Committee”</b>	group of people appointed by Council for advising Council or conducting decision-making activities assigned by Council until or unless they are suspended or disbanded by Council
<b>“Common-law”</b>	a person with whom an individual cohabits in a conjugal relationship for a duration meeting or exceeding a minimum of twelve (12) months continuous duration.



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<b>“Conflict of Interest”</b>	a perceived, potential, or actual situation of personal gain at the expense of the Nation
<b>“Contract”</b>	legally binding agreement between two parties
<b>“Contractor”</b>	an individual who is not an employee, and with whom the Malahat Nation enters into a contract to perform duties for a specific project for a specific period of time
<b>“Control”</b>	policy, procedure, or process put in place to manage a Malahat Nation government’s administration
<b>“Corrective Action”</b>	steps taken to deal with behavior, including job-related behavior, that does not meet agreed upon and communicated performance expectations
<b>“Cost of Living Adjustment (COLA)”</b>	The annual adjustment to the salary grid, and applied to all existing employee wage or salary annually each year on the effective date of July 1, as approved by the CAO (and Council in instances of Officer adjustments). The COLA is provided in an attempt to acknowledge the economic environment in which Malahat operates, and external factors such as inflation impacting employees and Officers
<b>“Council”</b>	elected or appointed official representatives of the Malahat Nation that includes Chief, Councillors and the equivalent terminology used by the Malahat Nation
<b>“Defamation”</b>	the action of damaging the reputation of someone by means of slander (verbal defamation) or libel (defamation via print, pictures, email, recording, etc.)
<b>“Delegation”</b>	transfer of specific responsibilities from one person to another
<b>“Director of Finance”</b>	person responsible for the day-to-day management of the Malahat Nation’s finances
<b>“Dismissal”</b>	the involuntary end of appointment or employment with Malahat Nation as decided by CAO, or Council in the instances of Officers
<b>“Employee”</b>	an individual hired by the Malahat Nation as an employee and provided remuneration to perform a job, service, duty, role or responsibility, who is not a contractor, nor member of Chief and Council



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<b>“Employee Personnel File”</b>	the confidential Human Resources (HR) record file that is created upon commencement of appointment, employment, or contract, maintained as necessary for the duration of appointment, employment, or contract, and retained in accordance with relevant policies
<b>“Employer”</b>	Malahat Nation
<b>“Executive Leadership”</b>	refers to the employees and Officers whose positions have been assigned to the Executive Leadership Salary Grid, as approved by Council upon creation of an Executive Leadership position job description
<b>“Finance Policy”</b>	the collection of finance-related policies approved and implemented by the Malahat Nation Chief & Council
<b>“Financial Benefit”</b>	monetary, material, or any other direct or indirect financial advantage received or perceived to be received by an individual, beyond benefits normally provided
<b>“Full-Time Employee”</b>	an employee or Officer regularly working 24 hours per week or more
<b>“Fiscal Year”</b>	twelve-month period used for tax or accounting purposes, beginning April 1 and ending March 31 each year
<b>“Fraud”</b>	intentional wrongful or criminal act or acts usually done for personal or financial gain
<b>“Governance Policy”</b>	the collection of governance-related policies approved and implemented by the Malahat Nation Chief & Council
<b>“Health &amp; Safety Committee (HASC)”</b>	committee established under this and other relevant policies for the purposes of implementing, monitoring and improving health and safety policies, practices and procedures at Malahat Nation
<b>“Health Care Practitioner”</b>	a person lawfully entitled, under the laws of a province, to provide health services in the place in which they provide those services
<b>“Human Resources (HR) Policy”</b>	the collection of human resources-related policies approved and implemented by the Malahat Nation Chief & Council



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**“Immediate Family”**

means familial relationships including current, former, adopted, step, and foster relationships as follows:

- (i) the employee’s spouse;
- (ii) the employee’s child;
- (iii) the employee’s child’s biological parent;
- (iv) the employee’s grandchild;
- (v) the employee’s parent;
- (vi) the employee’s spouse’s parent;
- (vii) the employee’s grand and great-grandparent;
- (viii) the employee’s spouse’s grand and great-grandparent;
- (ix) the employee’s sibling;
- (x) the employee’s spouse’s sibling;
- (xi) the employee’s immediate aunt or uncle;
- (xii) the employee’s immediate niece or nephew;  
and
- (xiii) the employee’s first cousin.

**“Immediate Supervisor”**

employee responsible for managing and overseeing the work and development of other staff. The person to whom an employee or Officer reports

**“Information”**

knowledge received and any documented material regardless of source or format

**“Information Management Policy”**

the collection of information management-related policies approved and implemented by the Malahat Nation Chief & Council

**“Information Security”**

the way the Malahat Nation government protects information from unauthorized access, use, modification, or destruction

**“Misconduct or Wrongdoing”**

Inappropriate acts such as breach of the Malahat Nation’s Financial Administration Law including conflict of interest provisions, code of conduct, Council-approved policies and administrative procedures

**“Non-permanent Employee”**

an employee or Officer who is not hired on a permanent basis. Non-permanent employees have a contract duration of less than 24 months. May also be described as a term employee

**“Officer”**

Chief Administrative Officer, Director of Finance, Tax Administrator or any other employee of the





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Malahat Nation government designated by the Council as an Officer

**“Organizational Chart”**

visual representation of the different positions in a Malahat Nation government that clearly shows reporting relationships (who reports to whom)

**“Overtime”**

hours worked in excess of eight (8) hours per day, or in excess of forty (40) hours per week

**“Parent”**

a person who is the parent, including adoptive parent, of a child, or who has parental authority over a child, or who is the guardian of the child, or who has decision-making responsibility under the *Divorce Act* when it comes to the child, or who is prescribed to be the parent of a child

**“Parental Leave”**

refers to a period of leave from employment or appointment totalling up to 63 weeks for birth mothers following maternity leave, and/or eligible fathers and adoptive parents

**“Part-time Employee”**

an employee or Officer regularly working less than 24 hours per week

**“Perceived Conflict of Interest”**

occurs if a reasonably well-informed person would perceive that an individual’s ability to exercise a power or perform a duty or function of their office or position would be affected by the individual’s private interests

**“Performance Improvement Plan”**

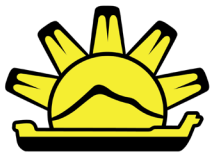
plan developed by an employee’s immediate supervisor, in consultation with the employee, to address the areas for improvement/development identified during the performance review process

**“Permanent Employee”**

an employee or Officer who is hired on a permanent basis. Permanent employees have a contract duration of 24-months or longer. Permanent employees may have indefinite employment terms

**“Personal Information”**

information about a specific individual. In addition to common items such as an individual’s name, gender, physical characteristics, address, contact information, identification and file numbers - it also includes criminal, medical, financial, family and educational history as well as evaluative information and other details of an individual’s life



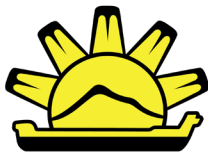
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<b>“Privacy Protection”</b>	rules the Malahat Nation government puts in place to collect, create, use, share/disclose, retain, protect and dispose of the Personal Information that it needs for its administration
<b>“Private Interests”</b>	interests as defined in the Malahat Nation Financial Administration Law (FAL) Schedule: Mitigating and Avoiding Conflicts of Interest
<b>“Probationary Period”</b>	the three (3) month period to which all employees are subjected upon commencement of hiring during which time the employee or Officer may be terminated without cause or notice at the discretion of the CAO, or Council in the instances of Officers
<b>“Red Circled”</b>	an employee or Officer whose existing salary falls at or above the maximum allowed under the Malahat Nation Salary Grid per their assigned grid level
<b>“Record”</b>	information created, received, and maintained by the Malahat Nation government for operational purposes or legal obligations. A record may be electronic, or hardcopy paper based
<b>“Recordkeeping”</b>	how an organization creates, obtains, and manages records
<b>“Relative”</b>	individual with whom an employee or Officer has a familial relationship, including by blood, marriage, adoption, or cohabitation
<b>“Resignation”</b>	written notice provided voluntarily by an employee or Officer to advise the employer that the employee intends to terminate employment with the Malahat Nation
<b>“Risk”</b>	possibility of a loss or other negative event that could threaten the achievement of the Malahat Nation government’s goals and objectives
<b>“Salary Grid”</b>	the structure implemented by Council to ensure equal pay for equal work, and to facilitate fair and transparent remuneration procedures
<b>“Social Media”</b>	social networking sites including but not limited to Facebook, Instagram, TikTok, Snapchat, Twitter, Flickr, Tumblr, LinkedIn, Google+, YouTube, Reddit, Pinterest, LiveJournal, BlogSpot, web forums,



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newsgroups, chat rooms, or any other online sites that permit users to create and/or share content

**“Spouse”**

means the current husband, wife, or common-law partner of an employee, Officer, or Council member.

**“Standing Committee”**

committee that has an ongoing purpose

**“Termination”**

is the voluntary or involuntary end of appointment or employment with the Malahat Nation

**“Terms of Reference”**

outline of the purpose and structure of a project, committee, meeting, or negotiation

**“Training Plan”**

refers to the component of the annual employee planning and performance assessment document related to training

**“Travel Status”**

pre-approved travel on official Malahat Nation government business by an individual’s immediate supervisor; Travel Status begins from the individual’s place of work (e.g. the Malahat Nation government office) to the approved destination and ends once they return to their place of work

**“Virtual Private Network”**

VPN is a way to use public telecommunication infrastructure, such as the internet, to provide remote offices or individual users with secure access to the Malahat Nation government’s virtual network

**“Workplace”**

includes all areas from which an employee or Officer performs work, including work from home. Workplace also includes company-sanctioned events off-site at a specific gathering location



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## 2. Employee Manual Policy

### **Policy Statement**

It is Council's policy to establish and maintain an employee manual which documents and communicates various aspects of employment to the employees and Officers of the Malahat Nation.

If any provision of this policy is found to be unenforceable by a court of competent jurisdiction, the remainder of this policy will not be affected and will remain in full force and effect to the extent permitted by law.

The content of this policy is subject to any and all applicable federal and jurisdictional laws and regulations. At any point where this policy conflicts with these laws and regulations, the policy shall be deemed to be amended in order to ensure compliance.

### **Purpose**

The purpose of this policy is to set expectations of employment for both the employees and Officers of the Malahat Nation, as well as the employer.

### **Scope**

This policy applies to employees, Officers, contractors, and agents of the Malahat Nation, and Council.

### **Responsibilities**

Council is responsible for:

- Reviewing and approving updates to the Employee Manual Policy on a periodic basis; and
- Ensuring updates to this policy are completed when required as new legislation is enacted.

The Chief Administrative Officer (CAO) is responsible for:

- Ensuring an open and ethical working environment is established and maintained for the employees and Officers of the Malahat Nation;
- Recommending updates to the Employee Manual Policy to Council for review and approval as necessary (can assign);



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- Ensuring this policy and any updates thereto comply with any applicable legislation, guidelines, and laws (can assign);
- Ensuring all employment contracts issued on behalf of the Malahat Nation comply with the terms of this policy; and
- Ensuring employee orientation is completed for all incoming employees and Officers (can assign).

The Director of Finance (DOF) is responsible for:

- Recommending updates to the Employee Manual Policy to Council for review and approval as necessary.

The Immediate Supervisor is responsible for:

- Adhering to the terms and procedures described in this policy to facilitate effective supervision of reporting employees.

Employees and Officers are responsible for:

- Upon commencement of employment or appointment and as often as the policy is updated, reading this policy and completing the acknowledgement form to indicate receipt and understanding of the terms and procedures outlined therein; and
- Adhering to the terms and procedures described in this policy in performance of all employment-related duties and responsibilities.

## **Procedures**

### **2.1 General Hiring Principles & Practices**

Malahat Nation is committed to achieving equality in the workplace so that no individual feels denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfillment of that goal, to correct the conditions and disadvantages in employment experienced by Indigenous Peoples, women, individuals with disabilities, and members of racialized groups (the “four designated groups” under the *Employment Equity Act*).

In accordance with the *Employment Equity Act*, the Malahat Nation shall identify and eliminate employment barriers against persons in the four designated groups that result from the employer’s employment systems; and make reasonable accommodations to ensure that persons in designated groups achieve a degree of representation in each occupational group in the



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employer's workplace that reflects their representation in those segments of the Canadian workforce that are identifiable by qualification, eligibility, or geographical location and from which the employer may reasonably be expected to draw employees.

Subject to the *Canadian Human Rights Act* and the *Employment Equity Act*, the Malahat Nation shall provide employment opportunities in order of preference to: qualified Malahat Nation membership; other qualified Indigenous individuals; or all other qualified candidates.

The Malahat Nation shall not hire a child under sixteen (16) years of age without a permit issued by the Director of Employment Standards in BC and written consent of the child's parent or guardian. The employer shall hire youths only in accordance with the *Employment Standards Act*.

All procedures related to job posting, conducting interviews, and hiring will be carried out in accordance with the *Hiring Policy*, found in the *Human Resources (HR) Policy*.

## **2.2 Employee Orientation**

The intent of an orientation is to establish a good employee-employer relationship and open communication, and to develop a sense of team and reduce anxiety. During the first two (2) weeks of employment, the CAO or assignee shall undertake at minimum the following with the new employee:

- Facilitate the introduction of the new employee to other Officers, employees and Council;
- Familiarize the new employee with their immediate supervisor and the reporting structure of the Malahat Nation, including review of the organizational chart;
- Provide the employee with background information regarding the programs and services provided by the Malahat Nation, Malahat lands and culture, and indigenous law;
- Introduce Malahat Nation's Financial Administration Law (FAL), other laws and policies;
- Review and sign new hire documentation and administration forms;
- Review and sign this policy document; and
- Ensure compliance with program and job-specific operating procedures, and safe work procedures.

## **2.3 Probationary Period**

All new employees and Officers must undergo a three (3) month probationary period, beginning



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on the individual's first paid working day. At any time during the probationary period, the employer may dismiss the employee or Officer without notice and without cause.

Prior to the end of the probationary period, the probationary employee will undergo a written progress assessment by their immediate supervisor. After this assessment is completed, the employer shall provide written notice to continue the employment of the individual, pursuant to the terms of the employment agreement.

#### **2.4 Hours of Work**

The offices of the Malahat Nation are open Monday through Friday, 9:00am to 4:00pm each day, excluding statutory holidays in accordance with this policy. The offices are closed to the public from 12:00pm to 1:00pm each day for an unpaid lunch break. As such, Malahat Nation office hours are 30-hours per week.

Employees and Officers shall be provided a regular working schedule. The schedule shall encompass all working hours, which may or may not differ from office hours. Employees and Officers must be present and available during all working hours unless otherwise specified in a documented leave request or documented agreement under the *Work from Home Policy*. Non-executive employees are required to take a minimum  $\frac{1}{2}$  hour unpaid break for every 5 hours worked. Where a non-executive employee is required by the immediate supervisor to be available during a break, the break must be paid (for example, boat days where employees are confined to the boat during provided breaks). Employees must be provided a minimum eight (8) hour rest period in between shifts. Immediate supervisors are responsible for ensuring employees take breaks as required under the *Canada Labour Code*.

Employees and Officers on the Executive Leadership salary grid must work a minimum average of 7 hours per day to meet the minimum required 35-hours per week. Executive Leadership employees and Officers are overtime exempt; EL salary grid remuneration includes all hours worked, up to a maximum of 48-hours per week. Employees and Officers are not permitted to work in excess of 48-hours per week, except in rare and limited emergency situations where there is risk of imminent threat to the life, health or safety of community members or Malahat Nation assets.

Employees on the Non-Executive Employee salary grid shall be provided a work schedule that is consistent and indicative of their assignment to the 30-hour per week or 35-hour per week grid. Employees are not permitted to work outside of their regular work schedule, except in circumstances where a modified schedule has been provided by the immediate supervisor in advance, or limited circumstances where overtime has been approved in advance via Lieu Agreement in accordance with section 2.13 of this policy. Employees are required to be present and available during all scheduled working hours, unless otherwise specified in a documented leave request or documented agreement under the *Work from Home Policy*.



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Hourly employees shall be provided a work schedule that is indicative of their assigned hours. Hourly employees are required to complete and submit timesheets in a timely manner to their immediate supervisor for each pay period, and must accurately indicate all hours worked during the period.

Flexible work arrangements may be granted in accordance with the *Malahat Nation's Work from Home Policy* and the *Canada Labour Code*.

#### **2.5 Office Closures**

Malahat Nation offices may close from time to time for reasons including but not limited to inclement weather, power outages, etc. Malahat Nation is committed to providing sufficient notice of office closures to all staff to the extent possible.

In instances of inclement weather, the Malahat Nation offices shall observe a closure commensurate with closures announced by School District 79. In these instances, all staff regularly scheduled to work on the day of the closure shall be paid a regular working day. Essential staff who are required by their immediate supervisor to work during the closure, where safe to do so or able to work from home per a Work from Home Agreement, shall bank an additional half hour for every hour worked during the closure. Staff shall only bank time where they have been directed by their immediate supervisor to work during the closure. Banked time must be reported to Finance via Lieu Agreement as described under this policy.

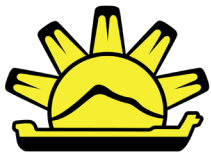
Malahat Nation offices observe a winter closure commensurate with the winter closure of School District 79. Typically, this closure is two (2) weeks in duration, scheduled at the end of each December. The CAO shall notify staff in advance of the exact closure dates each year. Employees employed and actively at work for at least 30 days preceding the winter office closure shall be paid their average working schedule for the duration of the closure. Employees actively at work for less than 30 days preceding the winter office closure shall not be entitled to pay for the duration of the closure, but may be permitted to work their regular schedule during the closure, or utilize available vacation pay, at the discretion of their immediate supervisor.

Essential staff who are required to work during the winter closure, where able to do so or able to work from home per a Work from Home Agreement, and are eligible to be paid during the winter closure in accordance with this policy shall bank an additional half hour for every hour worked during the closure. Staff shall only bank time where they have been directed by their immediate supervisor to work during the closure. Banked time must be reported to Finance via Lieu Agreement as described under this policy.

#### **2.6 Overtime**

Employees and Officers assigned to the Executive Leadership salary grid are not eligible for





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overtime. These roles are overtime exempt, and not permitted to work in excess of 48-hours per week.

Non-Executive employees are overtime eligible in accordance with this policy. Overtime must be documented, justified, and approved in advance by the immediate supervisor. Overtime should only be incurred in circumstances where it is unavoidable and required as directed by the immediate supervisor. For the physical and mental wellbeing of Malahat employees, overtime should be avoided to the extent possible. A modified work schedule should be provided to accommodate work on evenings and weekends which ensures overtime is not incurred in the week.

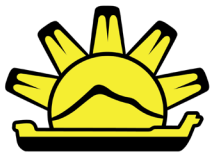
Where it is not possible to provide a modified work schedule, in the event that a non-executive salaried employee exceeds 8 hours in a working day, or 40 hours in a working week, overtime will be paid in the form of Time Off in Lieu at a rate of 1.5 hours of paid time off for every hour of overtime worked. Overtime in excess of 12 hours shall be paid in the form of Time Off in Lieu at a rate of 2 hours of paid time off for every hour worked in excess of 12 hours. The greater of the daily overtime and weekly overtime shall be used in determining time in lieu. Hourly employees shall be paid out overtime at the rates described above, rather than paid in the form of Time Off in Lieu.

Employees are not permitted to work in excess of 12-hours per day except in limited circumstances such as emergencies where there is a risk of imminent threat to life, health or safety of community members or Malahat Nation assets. Employees shall not incur overtime without prior approval of their immediate supervisor. Any such overtime approved by the immediate supervisor shall be documented in a Lieu Agreement and provided to the Finance Department to ensure payroll records are accurately maintained. If an employee under an existing Lieu Agreement terminates employment prior to taking the lieu time in full, the balance shall be paid out on the employee's final cheque. Lieu time may be claimed by submitting a leave request form.

## **2.7 Off-site Work, Travel**

Requests to work from home must be made in accordance with the *Malahat Nation Work from Home Policy*. While working from home, all employees must comply with the terms and procedures laid out in the *Work from Home Policy* and any other Malahat Nation policies and laws.

Employees working from home or any location other than the provided Malahat Nation offices are required to inform the immediate supervisor of their whereabouts for the duration of working hours. Any changes to work location must be communicated with the immediate supervisor with sufficient advance notice. Employees working from a location other than the Malahat Nation offices are expected to be available during working hours.



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Malahat Nation shall communicate expectations for safe work environments outside of Malahat Nation offices to all affected parties.

Employees and Officers may occasionally be required to travel for work-related purposes. Malahat Nation shall authorize such travel and ensure employees and Officers required to travel are paid and/or reimbursed for reasonable and justifiable travel expenses as outlined in the *Expenditure Policy*, found in the *Finance Policy*. All travel expense claims submitted must comply with the procedures of the relevant policy. Travel expenses ineligible for reimbursement include but are not limited to: fines related to parking tickets; speeding tickets; gas purchases for personal vehicle use. Malahat Nation has the right to refuse to pay any submitted expense claim that does not meet the guidelines outlined in the *Expenditure Policy*, found in the *Finance Policy*.

Employees and Officers travelling for work-related purposes on behalf of the Malahat Nation are required to comply with the *Code of Conduct Policy* and any other relevant policies or laws for the duration of their travel. Use of Malahat Nation vehicles shall be governed by the *Capital Asset Policy*, found in the *Finance Policy*. Personal vehicle use, as defined by the CRA, which includes driving a Malahat Nation vehicle to and from a place of personal residence, shall be included on the employee's T4 as a taxable benefit in accordance with the *Income Tax Act*.

Should an employee or Officer be required by the Malahat Nation to carry Business Insurance Coverage on their personal vehicle(s), the employer shall pay the difference in cost between the pleasure and business insurance coverage upon presentation of complete and sufficient documentation (i.e. receipt from ICBC). Should an employee or Officer resign or be dismissed from employment or appointment prior to the fulfillment of the insurance duration, the fee paid by Malahat Nation shall be recovered on a pro-rated basis from the employee or Officer's final pay.

## **2.8 Salary & Salary Adjustments**

All employees and Officers shall be assigned to the applicable salary grid and appropriate grid level in accordance with the *Hiring Policy* and the *Salary Grid Policy*. Cost of Living Adjustments (COLA) may be provided in accordance with the *Salary Grid Policy*. Performance-based adjustments may be provided in accordance with the *Employee Evaluation & Planning Policy*.

For the purposes of attracting and/or retaining candidates for a position that has high turnover, or has proven difficult to fill, a temporary market rate adjustment may be provided at the discretion of the CAO (or Council in instances of Officers). Non-Executive employee positions are eligible for a temporary market rate adjustment up to a maximum of five (5) grid levels above where the position would regularly be assigned to the salary grid. Executive Leadership positions may be provided a temporary market rate adjustment up to 15% above the relevant band rate. Temporary market rate adjustments must be documented, including rationale and supporting information, and approved by the CAO (or Council in instances of Officers). Temporary market rate adjustments are not salary protected, and may be revoked at the discretion of the CAO (or Council in instances of Officers).



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#### **2.9 Payroll, Deductions & Advances**

Employees shall be paid by Electronic Funds Transfer (EFT). Employees are required to submit a Direct Deposit Form or Void Cheque in completion of the required new hire documentation. Banking records are kept confidential and secure by the Finance Department. Employees are required to notify the Finance Department of any banking changes in a manner to allow sufficient time to update records prior to processing the proceeding payroll.

Salaried employees are paid on a semi-monthly basis. Paydays shall be the 15<sup>th</sup> and the last day of each month. In the event that payday falls on a statutory holiday, Saturday or Sunday, pay will be released on the closest business day prior.

Hourly employees are paid on a bi-weekly basis. Paydays are every other Friday. Unless otherwise approved by the immediate supervisor and Director of Finance (DOF), hourly employees are required to submit a completed timesheet approved by their immediate supervisor to the Finance Department no later than 10am on the Thursday preceding each payday. Timesheets must accurately reflect hours worked by the employee, timesheets submitted with missing or insufficient information shall be returned to the employee and shall not be processed until the missing or insufficient information is corrected.

Mandatory deductions such as income tax, Canada Pension Plan (CPP), Employment Insurance (EI), and court-ordered garnishments shall be deducted from an individual's pay upon commencement of appointment or employment. Individuals with income tax-exempt status as defined in the *Indian Act* are required to submit a TD-1N Form to the Finance Department upon commencement of appointment or employment to ensure income tax is not deducted.

Mandatory deductions for individuals enrolled in the Malahat Nation Benefits and Pension Plans shall be deducted from each paycheque. Monthly benefits premiums shall be deducted in the amount of half the total monthly cost from each paycheque.

Non-mandatory deductions shall not be taken unless the individual has signed an authorization. A signed authorization shall be required for each occurrence, and for any changes, updates or cancellations to a prior authorized deduction.

Payroll advances may be requested and approved in accordance with the *Lending, Guarantees and Indemnities Policy* which can be found in the *Finance Policy*. Payroll advances shall not be granted unless expressly approved by the DOF, or Council in the instances of Officers and members of Council.

#### **2.10 Benefits & Pension**

Permanent, full-time employees and Officers as defined in this policy are required to enroll in the



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The Malahat Nation Benefits Plan is a shared cost program. Employees and Officers are responsible for paying the premiums for Life Insurance, Dependent Life Insurance (if applicable), Accidental Death and Dismemberment (AD&D), and Long-Term Disability (LTD). Up to a maximum cost of 50% of the total monthly premium per employee, Malahat shall pay the premiums for Extended Health and Extended Dental coverage and Critical Illness (CI) benefit. Details of the plan and coverage are made available to all eligible employees.

An employee or Officer may choose to opt out of Extended Health and Extended Dental coverage only if they have insurance coverage through another plan (i.e. through a plan with a secondary employer, or a spouse's employer plan). Opting out of Extended Health and Extended Dental coverage does not relieve the employee of the responsibility for paying premiums for Life Insurance, Dependent Life Insurance (if applicable), Accidental Death and Dismemberment (AD&D), and Long-Term Disability (LTD).

The Malahat Nation Pension Plan is a matched contribution program. Upon successful completion of the three (3) month probationary period, Malahat Nation shall deduct 5.5% of the individual's gross earnings from each payroll, to be remitted to the pension on a monthly basis. Malahat Nation shall also contribute a matched 5.5% of the individual's gross earnings per payroll.

Employees and Officers taking leaves of absence in accordance with the provisions of this policy may choose to maintain or suspend benefits for the duration of their leave. Where an employee chooses to maintain benefits, the employee shall continue to pay the employee portion of costs for the duration of the leave. Where an employee fails to make the required payment, benefits may be suspended until the payment is received or the employee returns to work.

#### **2.11 Unapproved Absences & Lateness**

Timely and regular attendance is an expectation of all employees and Officers. If an employee or Officer is unable to report for work at the assigned time or may be late, they must inform their immediate supervisor as soon as possible to provide an explanation for not reporting for work, and no later than 30 minutes prior to the start time. The employee shall make every reasonable effort to inform their immediate supervisor of the time and/or date they expect to return to work.

Employees must request in writing all paid or unpaid leave. Any absence for which prior approval was not obtained by the immediate supervisor shall be considered an unapproved absence. If an employee or Officer chooses to take leave when the absence has not been approved in advance, the employee or Officer may be deemed to have abandoned their position, resigned, or may be subject to corrective action up to and including dismissal for insubordination.



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All lateness and unapproved absences shall be documented by the immediate supervisor and retained in the individual’s employee personnel file. Should the immediate supervisor not agree to a modified work schedule for the missed time to be made up by the employee, wages shall be paid only for the hours worked by the individual.

Repeated lateness and/or unexcused absences from work shall result in corrective action in accordance with the *Corrective Actions & Dismissal Policy*.

### **2.12 Paid Leave – Statutory Holidays**

Unless otherwise specified by an immediate supervisor or the CAO, employees are not required to work on statutory holidays. Malahat Nation offices are closed for statutory holidays as outlined below:

January:	New Year’s Day
February:	Family Day
March/April:	Good Friday <b>and</b> Easter Monday
May:	Victoria Day
June:	Indigenous People’s Day
July:	Canada Day
August:	B.C. Day
September:	Labour Day <b>and</b> Truth & Reconciliation Day
October:	Thanksgiving Day
November:	Remembrance Day
December:	Christmas Day <b>and</b> Boxing Day
	<i>** Please refer to section 2.5 of this policy in regards to winter office closure</i>

Hourly employees, and all employees who have been actively at work or employed for less than 30 days preceding the statutory holiday, will be paid stat pay in the sum of 1/20<sup>th</sup> of their gross wages earned in the 30 days preceding the statutory holiday. Salaried employees employed and actively at work for at least 30 days preceding the stat shall be paid stat pay equivalent to one (1) regular working day.

Employees may be required to work on a statutory holiday as directed by their immediate supervisor. In these instances, with prior direction and approval from the employee’s immediate supervisor, the employee is entitled to either:

- Stat pay of 1.5x regular wages for hours of the stat worked (hourly employees only); or
- Time off in lieu at a rate of 1.5x the hours worked.



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Notice of stat hours worked, including Lieu Agreement for any hours to be banked in lieu, must be provided by the immediate supervisor to the Finance Department prior to processing of payroll.

In the event that a statutory holiday falls on a Saturday or Sunday, the Malahat Nation offices shall observe the holiday on the following Monday.

In the event that a statutory holiday falls during a permanent employee's scheduled paid vacation leave, or any other type of paid leave, the day will be paid as a statutory holiday and shall not be deducted from the employee's vacation or other leave accrual.

### **2.13 Paid Leave – Banked Hours & Time in Lieu Agreements**

Non-Executive employees may work additional hours as requested by their immediate supervisor, up to a maximum of 48-hours per week. Executive Leadership employees and Officers are not permitted to bank time in lieu except in the instances of work completed at the direction of their immediate supervisor during statutory holidays and/or office closures.

Hourly employees are paid for the hours worked, and are eligible for overtime in accordance with section 2.6 of this policy. As such, hourly employees are not required to bank time in lieu.

Non-Executive salaried employees may be on a 30-hour or 35-hour per week schedule. These employees are eligible to bank time in lieu at a rate of 1 hour per hour worked beyond regular schedule up to 8 hours per day or 40 hours per week, 1.5 hours per hour worked beyond 8 hours per day or 40 hours per week, and 2 hours per hour worked beyond 12 hours per day. Employees may only work additional hours, including overtime, working on statutory holidays and/or office closures, at the direction of their immediate supervisor.

Where an employee is permitted to bank time in lieu in accordance with this policy, a Lieu Agreement form must be completed which documents the following:

- Date of additional time, statutory holiday, office closure, or overtime worked;
- Maximum hours requested and permitted to be worked;
- Estimation of banked time in lieu to be accumulated (“banked hours”);
- Date the employee intends to take accumulated time in lieu;
- Signature of approval by immediate supervisor; and
- Signature of approval by employee.

Lieu Agreements must be forwarded to the Finance and HR departments for processing and record-keeping. The Finance department must be notified of any changes to Lieu Agreements.

Employees must submit an Employee Leave Request form to claim use of banked hours. In the event that an employee terminates employment or appointment in advance of using banked





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hours, the banked hours must be paid out to the employee on their final paycheque.

#### **2.14 Paid Leave – Vacation**

In accordance with the *Canada Labour Code*, upon commencement of employment or appointment, all employees and Officers are entitled to vacation pay in the amount of 4% of their gross earnings (equivalent of 2 weeks paid time off).

Non-Executive employee positions start with the required 4% vacation per year. Executive Leadership positions receive an additional 2% vacation (equivalent of 1 additional week paid time off). Individuals internally promoted to an Executive Leadership position will receive the additional 2% increase to the rate in place at the time of their promotion. The Executive Leadership vacation provision will not negatively impact further rate increases provided for service duration as described below.

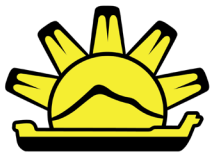
For every two (2) completed years of consecutive employment, employees and Officers are entitled to receive an increase in vacation rate of 1% (equivalent of 2.5 days). The maximum vacation rate allowable is 10% (equivalent of 5 weeks paid time off).

Permanent employees and Officers shall accrue vacation, to be taken as paid time off. Permanent employees may utilize their annual vacation in advance of accruing it with the understanding that, should employment be terminated before the used vacation value has accrued, the negative balance shall be deducted from the employee's final pay. Non-permanent employees shall have vacation pay paid out on every cheque (i.e. not accrued, not taken as paid time off).

Permanent employees and Officers must utilize accrued vacation within the fiscal year. No more than five (5) days vacation may be carried forward on March 31<sup>st</sup> to the next fiscal year. If an employee does not plan to take their allotted vacation days within the fiscal year, they shall be required to take vacation as directed by their immediate supervisor in accordance with the *Canada Labour Code*.

Permanent employees and Officers shall not be paid out unused vacation accrual except in the event of termination of appointment or employment, approved leave(s) of absence meeting or exceeding four (4) weeks in duration, or otherwise as approved by the CAO (or Council regarding Officers).

Employees and Officers are required to submit a completed Employee Leave Request Form to their immediate supervisor prior to taking leave. For extended vacation leave (longer than 3 days), it is requested that employees give notice no less than two (2) weeks in advance. Once approved by the supervisor, the completed form must be forwarded to the Finance Department to ensure accurate payroll processing.



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The immediate supervisor, in cooperation with the employee or Officer taking vacation leave, is responsible for ensuring continuity of duties and fulfillment of responsibilities for the duration of the employee's leave. The immediate supervisor must ensure that periods of leave by reporting employees and Officers do not negatively impact the operations of their respective department.

#### **2.15 Paid Leave – Wellness & Medical Leave**

Employees and Officers working five (5) days a week are entitled to the equivalent of ten (10) paid wellness days per fiscal year. Employees and Officers working less than five (5) days per week shall have wellness days prorated. Employees and Officers who are not actively at work for the entirety of the fiscal year shall be entitled to one (1) wellness day per month actively at work, up to an annual maximum of ten (10) days. Additional unpaid medical leave shall be provided in accordance with the *Canada Labour Code*.

Wellness days may be used for the following reasons:

- Sick time;
- Leave for medical appointments;
- Time off to attend medical appointments or care for a sick or injured spouse/partner, parent/guardian, or child/dependent; and
- Mental health days.

Employees and Officers are required to submit a completed Employee Leave Request Form to their immediate supervisor in advance of their absence, or immediately upon returning to work. Once approved, the completed form must be forwarded to the Finance Department to ensure accurate payroll processing. Where an employee or Officer is unable to submit an Employee Leave Request form in a timely manner, the immediate supervisor is permitted to submit the form on the employee/Officer's behalf.

Salaried employees shall have their full wellness entitlement available on April 1<sup>st</sup> of each year. Hourly employees shall accrue wellness time at a rate of 4% of hours worked, and may use wellness time in advance of accruing a sufficient balance at the discretion and approval of their supervisor. Wellness days shall not be carried forward to the following fiscal year. Wellness days are not paid out to the employee/Officer in the event that surplus days remain at the end of the fiscal year, nor if the employee/Officer ceases to be actively at work at any time during the fiscal year.

Wellness time may not be booked in advance for any purpose other than a scheduled medical appointment. If an employee requests five (5) or more consecutive wellness days, the employee must submit a certificate issued by a health care practitioner certifying that the employee was incapable of working for the period of time that they were absent from work due to medical reasons. If the employee is unable to obtain a note from a health care practitioner, the time off may be taken as vacation leave or personal leave (if available), or unpaid time off.





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With assistance from the Finance Department regarding remaining available leave, immediate supervisors are responsible for ensuring supervised employees do not exceed their wellness entitlement in a given fiscal year.

#### **2.16 Paid Leave – Personal Leave**

Upon successful completion of the three (3) month probationary period, Executive Leadership employees and Officers are entitled up to five (5) paid personal days per fiscal year. Upon successful completion of the three (3) month probationary period, Non-Executive employees are entitled to up to three (3) paid personal days per fiscal year.

Employees may use personal leave for the following purposes:

- Treating a personal illness or injury;
- Carrying out responsibilities related to the health or care of any of their relatives;
- Carrying out responsibilities related to the education of any relatives under the age of 18;
- Addressing any urgent matter concerning themselves or their relatives;
- Attending their citizenship ceremony; or
- Any other reason prescribed by regulation.

Where reasonable and practicable to obtain, an employee may be asked to provide documentation to support the reason(s) for leave taken under this provision.

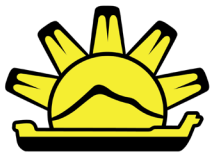
Personal days shall not be carried forward to the following fiscal year. Personal days are not paid out to the employee/Officer in the event that surplus days remain at the end of the fiscal year, nor if the employee/Officer ceases to be actively at work at any time during the fiscal year. Personal days reset on April 1<sup>st</sup> of every year.

With assistance from the Finance Department regarding remaining available leave, immediate supervisors are responsible for ensuring supervised employees do not exceed their personal day entitlement in a given fiscal year.

#### **2.17 Paid & Unpaid Leave – Leave for Victims of Family Violence**

Employees and Officers who are (i) victims of family violence, or (ii) a parent of a child who is a victim of family violence are entitled to ten (10) unpaid days of leave per fiscal year. Employees who have been employed for a minimum of three (3) consecutive months prior to leave may take the first five (5) days as paid leave.

This leave is intended to allow individuals the time: to seek medical attention for themselves or dependents in respect of a physical or psychological injury or disability; to obtain services from an organization which provides services to victims of family violence; to obtain psychological or



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other professional counselling; to relocate temporarily or permanently; to seek legal or law enforcement assistance or prepare for or participate in any civil or criminal legal proceeding; and/or to take any measures prescribed by regulation.

Employees charged with an offence related to an act of family violence are not entitled to take leave under this provision if the underlying reason for taking leave relates to that act.

Where reasonable and practical to obtain, an employee may be asked to provide documentation to support the reason(s) for leave. Information disclosed by an individual pertaining to requests for leave related to family violence shall be kept confidential and secure to the extent possible. While the type of leave being requested must be disclosed to the Finance Department to ensure accurate processing of payroll, no disclosure of supporting information regarding the request shall be required by the Finance Department in order to protect the privacy, emotional wellbeing, and safety of the employee.

#### **2.18 Paid & Unpaid Leave – Bereavement Leave**

In the event of the death of an immediate family member (as defined in this policy), or the death of a relative for whom the individual has been granted Compassionate Care Leave or Critical Illness Leave, employees and Officers are entitled to take up to five (5) paid days of bereavement leave after three (3) consecutive months of continuous employment. Employees and Officers may choose to take an additional five (5) days unpaid bereavement related to the death of an immediate family member.

Malahat Nation acknowledges and respects family ties, including current, former, adopted, step, and foster relationships. In the context of these relationships, immediate family is defined as follows:

- The employee's spouse, including common-law spouse;
- The employee's child;
- The employee's child's biological parent;
- The employee's grandchild;
- The employee's unborn child (miscarriage) – health care practitioner's note required;
- The employee's parent;
- The employee's spouse's parent;
- The employee's grandparent and great-grandparent;
- The employee's spouse's grandparent and great-grandparent;
- The employee's sibling;
- The employee's spouse's sibling;
- The employee's immediate aunt or uncle;
- The employee's immediate niece or nephew; and
- The employee's first cousin.



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In the event of the death of a relative not meeting the definition of immediate family per this policy, employees and Officers shall be granted up to one (1) paid day of bereavement leave after three (3) consecutive months of employment.

In instances of bereavement, employees and Officers are required to submit a completed Employee Leave Request Form to their immediate supervisor as soon as practicable, indicating the familial relationship to the deceased. Immediate supervisors are permitted to submit such forms on behalf of a supervised employee. Once approved, the completed form must be forwarded to the Finance Department for processing.

Bereavement leave requested beyond the provisions of this policy may be granted as unpaid leave at the discretion of the CAO. Employees and Officers may choose to utilize available vacation leave, wellness or personal days instead of unpaid leave for additional bereavement.

#### **2.19 Paid Leave – Time Off for Voting**

Employees and Officers who are Canadian citizens and over the age of 18 are entitled to have three (3) consecutive hours off on Election Day to vote in the instances of a Provincial, Federal, Municipal, and/or Malahat Nation election. If an employee/Officer's regular schedule does not allow for three (3) consecutive hours off within this period, the Malahat Nation must provide the minimum amount of paid time necessary to meet the required three (3) consecutive hours.

For clarity, if an employee is scheduled to work 9am to 4pm on Election Day, the employee is not entitled to paid time off to vote if the polls close at or after 7pm.

#### **2.20 Paid Leave – Short-Term Education & Training Leave**

Subject to immediate supervisor approval, employees and Officers may be granted paid education and/or training leave for short-term educational and training opportunities that are related to the employee's current position with Malahat Nation. Paid leave for short-term education and training must not exceed one (1) month in consecutive duration, and may be cumulative up to a maximum of one (1) month per fiscal year.

To be eligible for paid short-term education and/or training leave, the education/training must be incorporated into a supervisor-approved work planning or performance improvement plan document per the *Employee Evaluation & Planning Policy*. The employee or Officer seeking leave must enter into a contract which states at minimum:

- Name and description of education or training program;
- All costs associated, including travel and accommodation;



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- Rationale supporting how the program will benefit or improve the employee's ability to accomplish existing duties and responsibilities;
- Duration of program; and
- Requirements to attend and/or complete the program, including clauses that may require the employee or Officer to reimburse related costs including wages to the Malahat Nation if unable to successfully attend and/or complete the program.

Any such contract shall be signed by the employee or Officer, the immediate supervisor, and a representative from the Human Resources department as assigned by the CAO, the original of which shall be retained in the employee's personnel file and a copy provided to the employee.

Employees and Officers granted paid short-term education and/or training leave shall be required to submit documentation confirming enrollment in the program. Employees and Officers may be required to show proof of completion of education/training program.

Employees and Officers are required to submit a completed Employee Leave Request Form to their immediate supervisor. Once approved, the completed form must be forwarded to the Finance Department to ensure accurate payroll processing.

### **2.21 Unpaid Leave – Canada Labour Code Leave Provisions**

In accordance with the *Canada Labour Code*, employees and Officers are entitled to the following types of unpaid leave:

- Maternity-related reassignment and leave (paid while the request is processed);
- Maternity leave and parental leave;
- Compassionate care leave;
- Leave related to critical illness;
- Leave related to death or disappearance of a child;
- Leave for traditional Aboriginal Practices ("Cultural Leave");
- Leave for court or jury duty;
- Bereavement leave;
- Medical leave;
- Leave related to Covid-19; and
- Leave of absence for members of the reserve force.

The Canada Labour Code establishes minimum requirements for these types of unpaid leave. Employees and Officers taking unpaid leave in accordance with the Canada Labour Code shall not be penalized, dismissed, suspended, laid off, demoted or disciplined for taking such leave in accordance with this policy and the Code.



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Further information regarding unpaid leave provisions of the Canada Labour Code may be accessed here:

<https://www.canada.ca/en/services/jobs/workplace/federal-labour-standards/leaves.html>

Questions regarding unpaid leave can be directed to the Human Resources department.

#### **2.22 Unpaid Leave – Temporary Leave of Absence**

Employees may make a request in writing to the CAO (or Council in the instance of Officers) to take a Leave of Absence without pay for up to four (4) weeks. Where possible, the employee must provide a minimum of thirty (30) days notice from the date they intend to begin leave.

Requests for temporary Leave of Absence longer than four (4) weeks in duration shall be addressed on a case-by-case basis at the discretion of the CAO (or Council in the instances of Officers).

#### **2.23 Unpaid Leave – Long-Term Education & Training Leave**

Employees may be granted unpaid education leave for up to one (1) year for the purpose of attending and completing a job-related training or education program, subject to approval of the CAO, or Council in the instances of Officers. Employees and Officers granted unpaid Education & Training Leave are provided protection against dismissal, lay off, suspension, demotion, and/or discipline because of absence due to approved unpaid Education & Training Leave.

To be eligible for unpaid education and/or training leave, the education/training must be incorporated into a supervisor-approved work planning document per the *Employee Evaluation & Planning Policy*. The employee or Officer seeking leave must enter into a contract which states at minimum:

- Name and description of education or training program;
- Rationale supporting how the program will benefit or improve the employee's ability to accomplish existing duties and responsibilities;
- Duration of program and intended absence; and
- Requirements to complete the program, including clauses that may require the employee or Officer return to work immediately if unable to successfully complete the program.

Any such contract shall be signed by the employee or Officer, the immediate supervisor, and the CAO (or Council in the instance of Officers), the original of which shall be retained in the employee's personnel file and a copy provided to the employee.



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Employees and Officers granted unpaid education and/or training leave shall be required to submit documentation confirming enrollment in the program. Employees and Officers may be required to show proof of completion of education/training program for which leave has been granted.

#### **2.24 Unpaid Leave – Other**

Additional unpaid leave for medical/sick time may be granted at the discretion of the immediate supervisor should an individual exhaust their wellness and personal day entitlements and still require further time off for medical reasons as evidenced by a certificate from a health care practitioner stating the individual is unable to work.

Other unpaid leave may be granted at the discretion of the CAO (or Council in the instances of Officers) in accordance with the Canada Labour Code guidelines.

#### **2.25 Commencement of Leave, Return to Work**

An employee/Officer will not be terminated, suspended, laid off, demoted, or disciplined after applying for a leave or for the duration of their leave. Once the employee's final pay prior to leave has been processed, the Finance Department will issue a Record of Employment (ROE) for all types of leaves of absence as required under the *Canada Labour Code*. Employees can apply for EI benefits through Service Canada using their ROE once issued. Eligibility requirements vary depending on the type of leave requested; benefits such as EI cannot be guaranteed by the Malahat Nation.

Service seniority will continue to accumulate during the entire period of an employee's approved leave for the following types of paid or unpaid leave:

- Maternity/parental leave;
- Compassionate care leave;
- Bereavement leave;
- Jury duty;
- Critical illness and injury leave;
- Leave respecting domestic or sexual violence;
- Short-term education leave;
- Short-term illness leave (duration not exceeding sixteen (16) weeks).

When an employee or Officer returns to work, they are entitled to be reinstated in the position that they were in prior to the leave. If Malahat Nation has a valid reason the employee/Officer cannot be reinstated to their previous position, the employee will be provided a position that is considered comparable with the same wages and benefits and in the same location.



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## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **2.26 Appeals of Leave Decisions**

In the event that an employee or Officer disagrees with their immediate supervisor's decision regarding requested paid or unpaid leave, the employee may follow the steps outlined in section 2.27 of this policy.

#### **2.27 Grievances, Reporting of Misconduct**

It is expected that whenever possible, employees and Officers shall attempt to resolve issues of conflict or concern informally by explaining the problem to the person with whom the employee has a conflict or concern. If the circumstances are such that the individual is not comfortable approaching the person with whom they have a conflict or concern, they may choose to seek the support of their immediate supervisor, employees of the HR Department, or the CAO in resolving the matter.

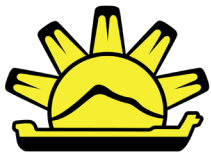
In instances of conflict that are serious in nature, employees and Officers are required to complete and submit an Incident Report Form to their immediate supervisor, the HR Department or the CAO. Incident Report Forms may be submitted anonymously, and shall be kept confidential and secure to the extent possible. All subsequent information received regarding an Incident Report shall be treated as confidential and shall only be shared with a third party on a "need to know" basis in instances where such disclosure is appropriate to resolve the grievance. Employees and Officers shall be notified when such disclosures have been made.

Conflicts and grievances shall be dealt with in accordance with the *Human Resources (HR) Policy* and/or the *Reporting of Breaches & Financial Irregularities Policy*, which may be found in the *Governance Policy*. Every effort shall be made to address conflicts and grievances in a fair and timely manner, ensuring the integrity of the organization and the employees' trust in the organization remains intact.

In accordance with the Malahat Nation's FAL and the *Reporting of Breaches & Financial Irregularities Policy*, found in the *Governance Policy*, all members of Council, Officers, employees, contractors, agents and volunteers of the Malahat Nation have the responsibility to report instances of misconduct to the CAO or Chairperson of the Finance and Audit Committee. Employees are required to read and comply with the *Reporting of Breaches & Financial Irregularities Policy*, found in the *Governance Policy*. Questions regarding this policy should be directed to the HR Department, CAO and/or Director of Finance.

The identity of individuals who report misconduct will be protected from disclosure to the extent practicable in the circumstances. Individuals who report in good faith shall be protected from reprisals and persons against whom an allegation of misconduct is made will be treated fairly. Allegations of misconduct will be fully investigated as efficiently as possible and resolved as appropriate.





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## **2.28 Critical Risk Prevention – Alcohol & Illicit Substances**

Alcohol and/or illicit substances, excluding medications for which an individual has a valid prescription from a health care practitioner, shall not be consumed by employees or Officers during work hours, regardless of location of work. Any employee or Officer who contravenes this clause or who is found to be impaired by alcohol or drugs on the job shall be temporarily suspended from their duties until they are fit to return to work. Corrective action may follow in accordance with the *Corrective Actions & Dismissals Policy*. Employees/Officers may be asked to complete follow up testing after treatment, and/or provide a note from their assigned Substance Abuse Expert (SAE) or medical practitioner stating that they are fit to return to work.

Employees and Officers with an identified alcohol or drug dependency shall be encouraged to seek a leave of absence for the purpose of treatment. The Malahat Nation will accommodate an employee or Officer with a drug and/or alcohol dependency up to the point of undue hardship. An employee or Officer shall not be terminated for coming forward to seek help for an addiction or dependency. At the discretion of the CAO, the employee/Officer may be offered unpaid, job-protected leave to seek rehabilitation treatment. In such instances, the Malahat Nation reserves the right to request medical evidence supporting the dependency prior to approving the leave of absence. Employees/Officers granted such leave will be asked to report their progress throughout treatment and maintain reasonable contact with the Malahat Nation.

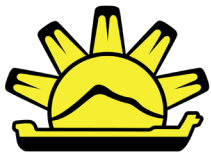
Employees and Officers are only protected under the *Canadian Human Rights Act* if their drug or alcohol use is determined to be a dependency or addiction (i.e. not recreational use).

## **2.29 Critical Risk Prevention – Fraud, Criminal Activities**

Employees and Officers who are proven to have defrauded the employer shall be subject to dismissal in accordance with the *Corrective Action & Dismissals Policy*. If financial fraud is discovered, the employer may pursue legal action against the discharged employee or Officer. In accordance with relevant policies, employees and Officers against whom an allegation of fraud has been made may be placed on paid suspension for the duration of the investigation at the discretion of the CAO, or Council in the instances of Officers.

A criminal conviction of an employee or Officer shall result in suspension or dismissal from employment if, in the opinion of the CAO or Council in the instances of Officers, the conviction: seriously impairs the employee or Officer's ability to perform expected job duties or fulfill responsibilities; has serious detrimental effect on the employer; or seriously undermines the image of the employer as a role model to program participants or members of the Malahat Nation community.





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### *Human Resources (HR) Policy*

#### **2.30 Critical Risk Prevention – Harassment & Violence Prevention**

Malahat Nation is committed to maintaining a work environment that is free from discrimination and any form of harassment. Employees have the right to a workplace that is free from harassment and violence, including sexual harassment. The Malahat Nation has a zero-tolerance policy for harassment and violence, including sexual harassment, against staff, Council, committee members, and community members. Complaints and grievances may be filed in accordance with this policy and the *Reporting of Breaches & Financial Irregularities Policy*, which may be found in the *Governance Policy*.

All Malahat Nation Officers, employees, members of Council, committee members, contractors, agents and volunteers are expected to conduct themselves so as to maintain a work environment free of harassment and violence, behaving in a respectful way to ensure the work environment encourages the inclusion of everyone. Harassment by an individual is a serious form of misconduct for which corrective action may be taken, up to and including dismissal.

Harassment is any behaviour that demeans, humiliates, intimidates, instills fear or embarrasses a person, and that a reasonable person should have known would be unwelcome. It can include actions (e.g. touching, pushing, socially excluding or isolating a person), comments (e.g. jokes, name-calling, sexual comments, malicious gossiping or rumour-spreading), or displays (e.g. posters, cartoons, offensive material of a sexual nature). A single incident may constitute harassment, or harassment may continue over time.

Violence is any behaviour that harms or may be reasonably expected to harm a person. It can include actions (e.g. aggressive or threatening behaviour, physical assault), or comments (e.g. verbal threats or abuse, swearing or inappropriate language).

Harassment and violence does not include:

- Supervision of employees, including establishing performance expectations and providing constructive feedback regarding performance;
- Measures taken to correct performance deficiencies, such as placing an employee on a performance improvement plan;
- Taking reasonable corrective actions in accordance with Malahat Nation policy and procedure;
- Assigning work, including directing how and when work should be done;
- Requesting updates or status reports;
- Reasonable approval or denial of requests for leave;



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### *Human Resources (HR) Policy*

- Requesting work-related documents and Malahat Nation-owned information; or
- Requesting medical documents to support an absence in accordance with this policy.

The *Canadian Human Rights Act* protects people from harassment related to their race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability, or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Immediate supervisors are expected to communicate expectations surrounding this policy, promote awareness of this policy, and monitor their reporting employees and Officers to ensure compliance with this policy. Immediate supervisors must be sensitive to the climate in the work environment and address potential problems before they escalate.

The CAO or assignee shall investigate and resolve any complaint of harassment by an employee in accordance with requirements of the *Canadian Human Rights Act*, *Canada Labour Code*, and *Canada Occupational Health and Safety Regulations*. Investigations will comply with grievance procedures described in this document and the *Malahat Nation Corrective Action & Dismissal Policy*.

#### **Reference and Related Authorities**

- None

#### **Attachments**

- 1) Human Resources Policy Acknowledgement
- 2) Lieu Agreement Form
- 3) Listing of Existing Policies



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### *Human Resources (HR) Policy*

#### **Human Resources Policy Acknowledgement**

The HR Policy, including the Employee Manual Policy, provides employees, Officers, and contractors of the Malahat Nation with information regarding the guidelines, practices, responsibilities, and expectations of the Nation and its employees. Please read the policy carefully. If you have questions regarding the Nation’s policies, please consult the Human Resources Department or Director of Finance.

Upon completion of your review of the HR Policy, please sign the acknowledgement below and return it to the HR Department. Employment with the Malahat Nation is contingent on your acknowledgement of, agreement and compliance with all of Malahat Nation’s policies, bylaws, and laws.

By signing this document, I declare the following:

1. I have been provided with, and have read in its entirety, a copy of Malahat Nation’s Human Resources Policy, which outlines the guidelines, practices, responsibilities, and expectations of the Malahat Nation and myself as an employee, Officer, or contractor of the Nation. I confirm that the full text of the current version of the HR Policy is contained therein and is that which has been provided to me.
2. I understand that it is my responsibility to read and comply with the content contained within the policy, and any revisions thereto. I acknowledge, understand, accept, and agree to comply with the information contained in the policy. I understand that the HR Policy is not intended to cover every situation which may arise during my employment, but is a general guide to employment with the Malahat Nation.
3. I acknowledge that revisions to the HR Policy may occur. All such changes will be communicated through meetings, interoffice mail, memos or electronic communication such as email. Any such changes may come into effect without prior notice to me, i.e. as a result of legislative or ad hoc law changes that supersede this policy. I understand that official notices and revised information may supersede, modify, or eliminate existing policies.
4. I acknowledge and agree that any violation of Malahat Nation’s policies, bylaws, or laws may result in corrective action, up to and including with cause dismissal from employment with the Malahat Nation.

---

Printed Name

Signature

---

Title

Date



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# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **Time in Lieu Agreement**

**Date:** \_\_\_\_\_

Employees and Officers are not permitted to work outside their regular schedule (including overtime hours, statutory holiday hours, and hours during office closures) except under the explicit direction from their immediate supervisor. Executive Leadership employees and Officers are not eligible for overtime, but may be permitted to bank hours in instances of work completed at the direction of their immediate supervisor during statutory holidays and/or office closures. Where possible, employees and Officers must be provided a modified work schedule to avoid the occurrence of overtime hours.

Where permitted to bank time in lieu in accordance with the *Human Resources Policy*, a Time in Lieu Agreement must be completed and approved in advance. Once completed, the agreement must be sent to the HR and Finance Departments for recordkeeping and payroll processing.

<b>Date(s) of Additional Hours Worked:</b>	
<b>Purpose:</b>	
<b>Category:</b> (select all applicable)	Additional Hours <i>(hours to be banked at a rate of 1:1)</i>
	Statutory Holiday Hours <i>(hours to be banked at a rate of 0.5:1)</i>
	Office Closure Hours <i>(hours to be banked at a rate of 0.5:1)</i>
	Overtime <i>(hours to be banked at a rate of 1.5:1)</i>
	Overtime in Excess of 12 Hours* <i>(hours to be banked at a rate of 2:1)</i>
<b>Maximum Hours Permitted to be Worked:</b>	
<b>Estimated Hours to be Banked</b> (see rates above):	
<b>Intended Date(s) for Use of Banked Time:</b>	

\* Overtime in excess of 12 hours a day is only permitted in limited circumstances such as emergencies where there is a risk of imminent threat to life, health or safety of community members or Malahat Nation-owned assets.

Banked hours are calculated on a weekly basis, Sunday through Saturday. Overtime is incurred on hours worked in excess of 8 per day, or 40 per week (higher of). Hours worked during statutory holidays and/or office closures will be banked at a rate of half hour per hour worked. Calculation of banked hours will be reviewed and confirmed by the Director of Finance. In the event that the employee or Officer is unable to use banked time prior to termination of employment, the banked hours will be paid out in accordance with the *Canada Labour Code*.



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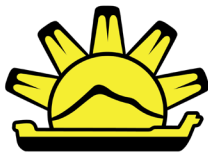
### *Human Resources (HR) Policy*

Schedule of Approved Bankable Hours								
Month, Year								
Day	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Total
Date								
Start Time								
End Time								
Unpaid Break(s)								
Hours Worked								
Regular Schedule								
Additional Hours								
Stat/Closure Hours								
OT Hours								
Banked Time								

By signing this agreement, the immediate supervisor confirms that the additional hours worked as described above have been requested solely at the discretion of the immediate supervisor.

By signing this agreement, the employee or Officer confirms that they have been directed to work additional hours by their immediate supervisor, agree to work the additional hours as described above, and agree to use the banked time as intended. If banked time will not be used as intended, the employee or Officer agrees to update the immediate supervisor, HR and Finance Departments as soon as practicable of any changes to this agreement. Employees are required to complete an *Employee Leave Request Form* to indicate usage of banked hours.

Authorization	
Supervisor (Print)	Signature
Employee (Print)	Signature
Director of Finance (Print)	Signature



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# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **List of Existing Policies**

*The Malahat Nation Policies are updated on a regular basis. Please ensure you have access to the most current and up-to-date version of each policy.*

<b>SPP-HR Human Resources Policy</b>	
Employee Manual Policy	
Organizational Chart Policy	
Salary Grid Policy	
Recruitment & Hiring Policy	
Employee Evaluation & Planning Policy	
Corrective Actions & Dismissals Policy	
Social Media Policy	
Work from Home Policy	
Occupational Health & Safety Policy	
Human Resources Records Management Policy	
<b>SPP-FIN Finance Policy</b>	
Annual Planning & Budgeting Policy	
Financial & Operational Reporting Policy	
Financial Institution Account & Cash Management Policy	
Credit Card Policy	
Purchasing & Procurement Policy	
Expenditures Policy	
Borrowing Policy	
Lending, Guarantees & Indemnities Policy	
Investments Policy	
Capital Assets Policy	
Insurance Policy	
Risk Management Policy	
Emergencies & Operations Continuity Policy	
Financial Management System Improvement Policy	
<b>Governance Policies</b>	
Policy & Procedures Policy	SSP-02
Delegation & Assigned Responsibilities Policy	SPP-01
Code of Conduct Policy	SPP-12
Committee Establishment & Disbandment Policy	SPP-04
Finance & Audit Committee Policy	SPP-05
Appointment of First Nation Officers Policy	SPP-06
External Audit Policy	SPP-25
Reporting of Remunerations & Expenses Policy	SPP-03
Reporting of Breaches & Financial Irregularities Policy	SPP-29
<b>Information Management Policies</b>	
Information Technology Policy	SPP-24
Records Information Management Policy	SPP-26
Information Privacy Policy	SPP-30
<b>Non-FAL Policies</b>	
Housing Policy	
Daycare Policy	
Post Secondary Program Policy	



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*Human Resources (HR) Policy*

## 3. Organizational Chart Policy

### Policy Statement

It is Council's policy to establish and maintain a documented organizational structure that specifies the hierarchy and reporting relationship between various functions and levels of the Malahat Nation administration.

### Purpose

The purpose of this policy is to depict the organizational reporting relationships within Malahat Nation departments and positions to support accountability and performance management.

### Scope

This policy applies to Council, and to all persons that have a role and responsibilities in the organizational structure of the Malahat Nation.

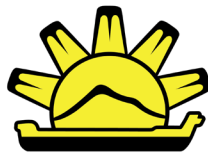
### Responsibilities

Council is responsible for:

- Authorizing the creation and subsequent updating of the Organizational Chart;
- Approving the Organizational Chart on periodic basis;
- Ensuring that adequate delegated resources are available to implement and maintain the organizational structure as depicted in the approved Organizational Chart; and
- Ensuring that the Organizational Chart accurately depicts the Malahat Nation's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration, and to each participant in the systems including committees.

The Chief Administrative Officer (CAO), or assignee, is responsible for:

- Ensuring that the Organizational Chart is prepared, updated annually at minimum, and recommended to Council for approval; and
- Ensuring that the roles and responsibilities and reporting relationships are effectively communicated to all those affected by the Organizational Chart and as required by the Malahat Nation's Financial Administration Law.



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### *Human Resources (HR) Policy*

#### **Procedures**

##### **3.1 Chart Preparation & Maintenance**

The CAO, or assignee, will prepare an Organizational Chart that clearly shows the Malahat Nation's governance, administrative and financial management systems, and identifies the specific roles and responsibilities assigned to each level of governance and administration and to each participant in the systems including committees, and submit to Council for review and approval.

The CAO, or assignee, will ensure that the chart includes definitions of the positions affected by the organizational chart. The CAO, or assignee, will ensure each role identified in the organizational chart is clearly defined with a job description.

The CAO, or assignee, is responsible for filing, communicating and distributing the organizational chart to all employees and affected persons.

Periodically, but at least annually, the CAO, or assignee, will update the organizational chart for changes in personnel and will submit recommendations to Council for approval.

#### **References and Related Authorities**

FMB's Financial Management System Standards

- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards

- Standard 11.0 – First Nations Officers and Employees

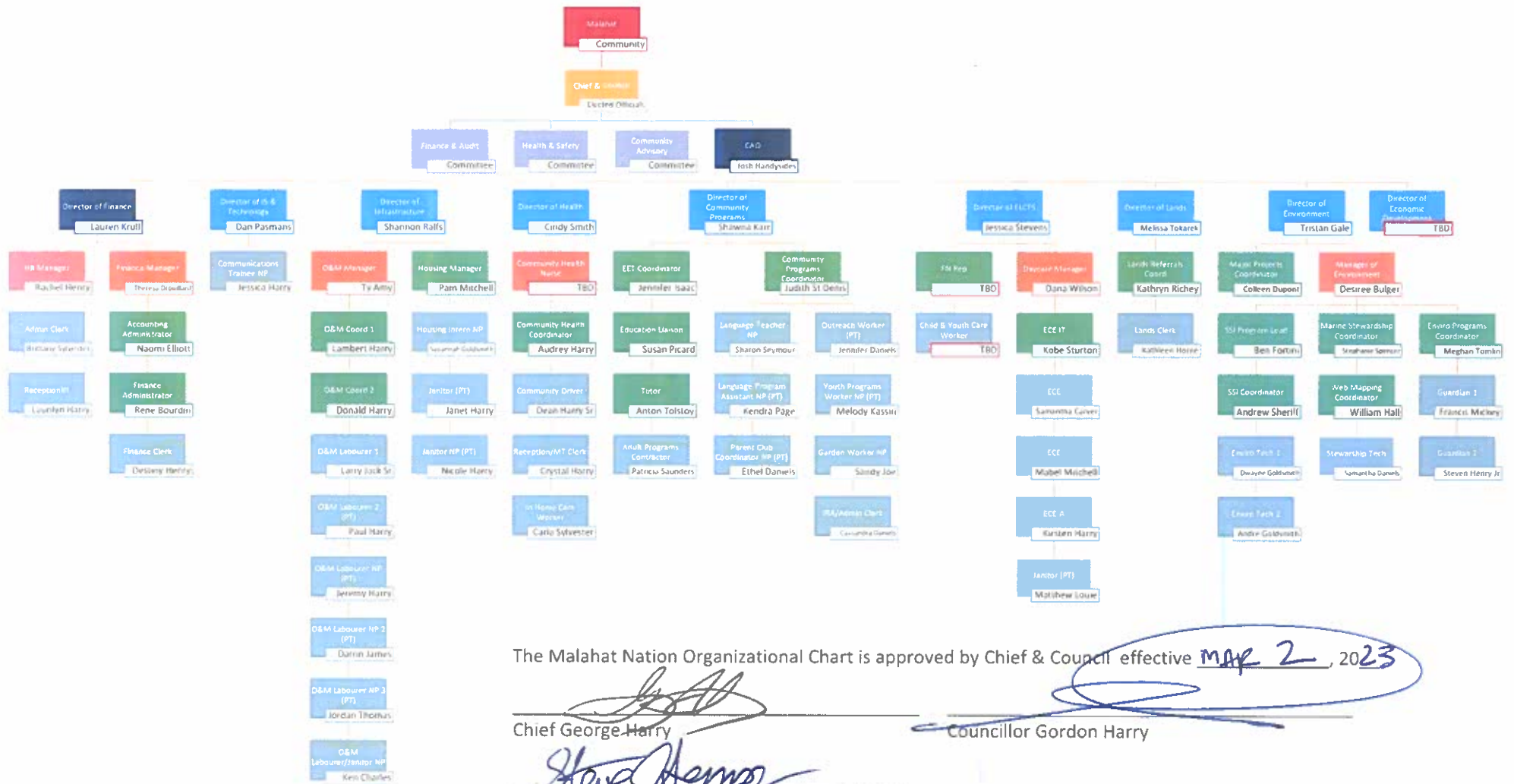
#### **Attachments**

- 1) Current Malahat Nation Organizational Chart



# Malahat Nation Organizational Chart

Titles and reporting relationships may vary



The Malahat Nation Organizational Chart is approved by Chief & Council effective MAR 2, 2023

*[Signature]*  
Chief George Harry

*[Signature]*  
Councillor Gordon Harry

*[Signature]*  
Councillor Steve Henry

*[Signature]*  
Councillor Cindy Harry



# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

## 4. Salary Grid Policy

### **Policy Statement**

It is Council's policy to establish a process regarding the fair and equitable remuneration of all Malahat Nation employees and Officers that is designed to meet the strategic and operational needs of the Malahat Nation.

### **Purpose**

The purpose of this policy is to provide for fair, transparent and unbiased remuneration practices that ensure employees and Officers receive equivalent pay for equivalent work.

### **Scope**

This policy applies to the remuneration provided to all employees and Officers of the Malahat Nation.

### **Responsibilities**

Council is responsible for:

- Authorizing the creation of the salary grid;
- Reviewing and approving Cost of Living Adjustments (COLA) to the salary grid, as recommended by the Chief Administrative Officer (CAO) and Director of Finance (DOF) on an annual basis; and
- Following the approved procedures for assigning all Officer positions to the salary grid, and approving any in-range adjustments to Officer remuneration thereafter.

The Chief Administrative Officer (CAO) is responsible for:

- Reviewing proposed updates to the salary grid as prepared by the DOF and recommending to Council for approval on an annual basis; and
- Following the approved procedures for assigning and/or reclassifying all non-Officer positions to the salary grid, and approving any in-range adjustments to employee remuneration, excluding Officers, thereafter.



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The Director of Finance (DOF) is responsible for:

- Developing proposed updates to the salary grid in collaboration with the CAO and recommending to Council for approval on an annual basis; and
- Developing recommendations regarding grid assignment for all newly created positions for approval of the CAO (non-Officer roles) and Council (Officer roles).

#### **Procedures**

#### **4.1 Salary Grid Preparation & Maintenance**

To facilitate good governance practices and transparency to the stakeholders of the Malahat Nation, all authorized positions must be placed on the salary grid attached as Appendix I of this policy.

Annually, the CAO and DOF will collaborate to prepare recommendations to Council regarding Cost of Living Adjustments (COLA) to the grid. Adjustments may be made in an effort to provide competitive wages and/or offset the rising costs of living and inflation. Council shall review and approve recommendations for adjustments to the grid in accordance with this policy. Council-approved COLA will be applied to the grid, and to Officer remuneration to the extent that adjustments are in-range.

Once a COLA has been approved to be applied to the salary grid by Council, the CAO shall approve the COLA to be applied to all non-Officer remuneration to the extent that adjustments are in-range. For clarity, employees and Officers are not eligible for adjustments that exceed the maximum rate for their relevant grid level.

Employees and Officers eligible for COLA in accordance with this policy, and performance management adjustments in accordance with the *Employee Evaluation and Planning Policy*, shall have both adjustments applied to the base salary in effect prior to any adjustment, and only to the extent that the sum of the adjustments is within range.

#### **4.2 Salary Grid Classification & Assignment**

Upon creation of any new position, the Director of Finance will recommend a grid and grid level assignment to be included in the development of a job description. Grid classification will be based on the nature of the proposed position; leadership positions shall be placed on the Executive Leadership Grid and all other positions shall be placed on the Non-Executive Employee Grid. Grid level assignment recommendations will be prepared in consideration of the skills and education required, and duties and responsibilities of the position, as well as grid assignment for existing or retired equivalent positions.

New positions must have an initial salary within the relevant starting range established in the salary grid. Candidates with higher education, experience, and skills relevant to the position may be provided an initial salary at the top of the starting range. Initial placement of a position shall



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not exceed the starting range of the band/grid level, so that Malahat Nation has the ability to progress the successful candidate through the grid level based on performance.

Job descriptions shall be approved in accordance with the procedures described in the *Recruitment & Hiring Policy* which can be found in the *Human Resources (HR) Policy*.

#### **4.3 Salary Grid Reclassification**

Employees and Officers may be eligible for reclassification to a different grid and/or a different grid level after the employee/Officer has been in their existing position for no less than twelve (12) months. Employees and Officers whose job duties and responsibilities have changed significantly may be eligible for reclassification. No position may be reclassified more than once in a period of twelve (12) months. Existing executive leadership positions may not be reclassified by more than one (1) band level per twelve (12) month period. Existing non-executive employee positions may not be reclassified by more than three (3) grid levels (Advancement Reclassification), or ten (10) grid levels (Growth Reclassification), per twelve (12) month period. Non-Officer positions may only be reclassified as Officers under the authority of Chief and Council and in accordance with the *Appointment of Officers Policy* found in the *Governance Policy*.

Council shall review and approve any proposed reclassification of Officer positions. The CAO shall review and approve any proposed reclassification of non-Officer positions.

Employees may submit a request for reclassification to their immediate supervisor, or directly to the Human Resources department. Immediate supervisors may submit a request for reclassification for their reporting employees to the Human Resources department. In all instances, requests for reclassification must be documented and well-supported, including rationale for reclassification. Documentation regarding reclassification will be maintained in accordance with the *Human Resources Records Management Policy* which may be found in the *Human Resources (HR) Policy*. At minimum, this documentation shall include:

- Proposed updated job profile and description, highlighting the increased duties and responsibilities justifying reclassification;
- Organizational chart of reporting structure which includes all positions directly and indirectly reporting to the proposed reclassified position;
- Proposed grid level for reclassification; and
- Any other supporting rationale and documentation.

Once a request for reclassification is submitted, all documents will be reviewed by the representative of the Human Resources department (as assigned by the CAO), the DOF, and the immediate supervisor. Once a reclassification has been reviewed, it may be recommended to the CAO for approval (Council in the instances of Officers). Once the reclassification has been approved as necessary in accordance with the *Authorization and Delegation Table*, found in the *Governance Policy*, the CAO or assignee will prepare a notice of reclassification to the attention



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of the employee/Officer, the immediate supervisor, the Finance Department, and the Human Resources Department.

For additional clarity, a reclassification of position means an existing employee has been reclassified to a new grid level or to a new grid (e.g. leadership versus non-leadership grid), given a new job description, and their prior position may or may not be retired in accordance with Section 4.4 of this policy.

#### **4.4 Reclassification Compensation Guidelines**

The following guidance is provided to determine appropriate reclassification salary adjustments:

<b>Action</b>	<b>Definition</b>	<b>Pay Consideration</b>
<p>Advancement Reclassification</p>	<p>Movement to a higher position based on changing duties and responsibilities, where a competitive hiring process has not been followed and where the previous existing position will be retired. Maximum movement of 1 Band Level on the EL grid, and maximum movement of 3 Grid Levels on the NEE grid.</p>	<p>Starting salary should be in the starting range of new grid level.</p> <p>Where the employee's wage already exceeds the minimum grid level, a salary adjustment up to 5% may be appropriate (up to a limit of the maximum of grid level).</p>
<p>Growth Reclassification (Non-Executive Grid Only)</p>	<p>Movement to a higher grid level than allowed under Advancement Reclassification, up to a maximum of 10 Grid Levels, tied to the completion of a minimum 1-year training/education program resulting in a certificate, diploma, degree, or professional designation, where the previous existing position may or may not be retired.</p>	<p>Starting salary once the program has been completed should be in the starting range of the new grid level.</p> <p>A Growth Reclassification Plan must be completed and must include a timeline for completion of the program, and responsibilities and commitments of both the employee and the Malahat Nation. If the employee is unsuccessful in the program, an involuntary demotion will be implemented to return the employee to their previous position and grid level.</p> <p>Wage increases may be tied to progress in the program against established milestones. For example, the employee may receive 50% of their wage adjustment upon completion of 50% of the program, with the remaining 50% provided upon successful completion.</p>



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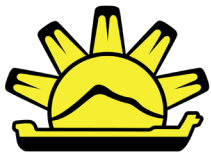
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Lateral Transfer Reclassification	Movement to another position in the same or equivalent grid level, where a competitive hiring process has not been followed and where the previous existing position may or may not be retired.	Starting salary should be the existing salary of the laterally transferred employee/Officer.
Voluntary Demotion Reclassification	Employee/Officer initiated a reduction in duties and responsibilities resulting in justification of compensation at a lower grid level.	Starting salary should be in the starting range of the new grid level.  Where the employee's wage already exceeds the maximum of the new grid level, a salary protection process must be completed
Involuntary Demotion Reclassification	Malahat Nation initiated movement to another position at a lower grid level as a measure to correct performance which fails to meet expectations after sufficient opportunity for improvement has been provided.	Starting salary must be within the new grid level.  If demotion results in the employee/Officer being paid above the new grid level maximum, a salary protection process must be completed
Temporary Assignment Reclassification	Employee/Officer has been formally assigned to act in the interim for a minimum duration of one (1) week – requires a formal, documented assignment of acting duties approved by the CAO. The acting duties assigned must encompass most or all of the duties of the assigning party to the extent possible under FAL.	Employee/Officer receives adjustment to the higher of: <ul style="list-style-type: none"> <li>• 10% increase to existing salary; or</li> <li>• Adjustment to the minimum of the grid level assigned to the acting role's job description</li> </ul> <p>The employee/Officer shall return to the previous existing salary upon conclusion of the acting assignment, adjusted for provision of COLA or performance-based adjustments as applicable.</p> <p>At the discretion of the CAO (Council re: Officers), employees in an acting role for minimum twelve (12) months consecutive duration may be awarded the permanent position should the employee previously in that role resign or request accommodation reclassification upon return to work. If the acting role is less than twelve (12) months in duration, a competitive hiring process must be completed in accordance with the <i>Recruitment &amp; Hiring Policy</i>.</p>





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For clarity, advancement reclassification must result in retirement of the previous existing position. Where the previous existing position will not be retired, the action is not eligible as advancement reclassification in accordance with the policy. In these instances, a competitive hiring process must be completed in accordance with the *Recruitment & Hiring Policy*.

#### **4.5 Salary Protection**

Salary protection normally occurs when an employee/Officer involuntarily moves into a position with a lower grid level relative to their previous position. The salary protection process involves a reduction of an employee/Officer's compensation to within the grid level range for their new position over a period of twelve (12) months. Where an employee/Officer has been voluntarily or involuntarily demoted and is paid above the new grid level maximum, the salary will be adjusted to the new grid level maximum under this salary protection process.

Where an employee/Officer's salary will be reduced as a result of a voluntary or involuntary demotion, the CAO will provide written notice to the employee confirming that the existing salary rate will be maintained for the first six (6) months, and a 50% reduction will take effect for the remaining six (6) months. Twelve (12) months from the date of the notice, the new salary will take effect. If the employee/Officer voluntarily moves to another position through reclassification or a competitive hiring process, the salary protection ends effective the start date in the new position.

#### **References and Related Authorities**

FMB's Financial Management System Standards

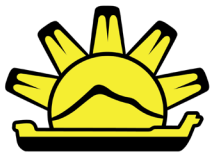
- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards

- Standard 11.0 – First Nations Officers and Employees

#### **Attachments**

- 1) Current Malahat Nation Salary Grid



**Malahat**

# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### Human Resources (HR) Policy

#### Appendix I – Malahat Nation Salary Grid

Based on the procedures described in the HR Policy, each authorized position shall be assessed for alignment with the following salary grid. Executive leadership positions shall be aligned with the Executive Leadership Grid; all other positions shall be aligned with the Non-Executive Employee Grid.

<b>Malahat Nation Executive Leadership Grid – 35+ hours/week</b>			
<b>Band</b>	<b>Starting Range</b>		<b>Maximum</b>
1	\$59,405.13	\$65,676.98	\$84,492.55
2	\$69,522.57	\$76,671.95	\$98,120.10
3	\$80,672.69	\$89,009.28	\$114,019.05
4	\$96,158.73	\$104,030.77	\$127,646.89
5	\$111,747.93	\$119,413.44	\$142,410.00
6	\$128,472.69	\$135,647.87	\$157,173.39

*Effective March 2, 2023*

<b>Malahat Nation Non-Executive Employee Grid – A: 35 Hours/week, B: 30 Hours/week</b>				
<b>Grid</b>		<b>Starting Range</b>		<b>Maximum</b>
0.5	A	\$30,453.49	\$31,367.09	\$37,969.36
	B	\$26,158.70	\$26,943.47	\$32,600.88
1	A	\$37,118.09	\$38,064.31	\$41,565.81
	B	\$31,815.51	\$32,625.75	\$35,627.84
2	A	\$38,064.31	\$39,042.57	\$42,659.06
	B	\$32,626.56	\$33,465.06	\$36,564.93
3	A	\$39,042.57	\$40,052.35	\$43,789.26
	B	\$33,465.06	\$34,330.58	\$37,533.65
4	A	\$40,052.35	\$41,095.80	\$44,958.49
	B	\$34,330.58	\$35,224.97	\$38,535.85
5	A	\$41,095.80	\$42,174.80	\$46,164.62
	B	\$35,224.97	\$36,149.83	\$39,569.67
6	A	\$42,174.80	\$43,289.90	\$47,411.96
	B	\$36,149.83	\$37,105.62	\$40,638.83
7	A	\$43,289.90	\$44,442.16	\$48,702.13
	B	\$37,105.62	\$38,093.28	\$41,744.68
8	A	\$44,442.16	\$45,631.59	\$50,033.78
	B	\$38,093.28	\$39,112.78	\$42,886.09
9	A	\$45,631.59	\$46,863.03	\$51,411.48
	B	\$39,112.78	\$40,168.31	\$44,066.98
10	A	\$46,863.03	\$48,133.81	\$52,833.09
	B	\$40,168.31	\$41,257.55	\$45,285.50
11	A	\$48,133.81	\$49,447.94	\$54,302.91
	B	\$41,257.55	\$42,383.95	\$46,545.35
12	A	\$49,447.94	\$50,805.45	\$55,822.29
	B	\$42,383.95	\$43,547.53	\$47,847.68





Malahat

# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

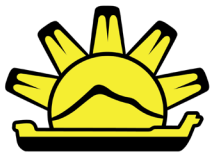
### Human Resources (HR) Policy

13	A	\$50,805.45	\$52,208.20	\$57,392.30
	B	\$43,547.53	\$44,749.88	\$49,193.41
14	A	\$52,208.20	\$53,657.29	\$59,014.04
	B	\$44,749.88	\$45,991.96	\$50,583.46
15	A	\$53,657.29	\$55,155.11	\$60,690.99
	B	\$45,991.96	\$47,275.82	\$52,020.85
16	A	\$55,155.11	\$56,704.13	\$62,423.42
	B	\$47,275.82	\$48,603.53	\$53,505.78
17	A	\$56,704.13	\$58,302.96	\$64,212.41
	B	\$48,603.53	\$49,973.97	\$55,039.21
18	A	\$58,302.96	\$59,956.74	\$66,079.78
	B	\$49,973.97	\$51,391.50	\$56,639.82
19	A	\$59,956.74	\$61,664.67	\$68,028.51
	B	\$51,391.50	\$52,855.43	\$58,310.15
20	A	\$61,664.67	\$63,429.96	\$70,042.94
	B	\$52,855.43	\$54,368.54	\$60,036.81
21	A	\$63,429.96	\$65,258.82	\$72,126.33
	B	\$54,368.54	\$55,936.13	\$61,822.57
22	A	\$65,258.82	\$67,182.49	\$74,275.72
	B	\$55,936.13	\$57,584.99	\$63,664.90
23	A	\$67,182.49	\$69,169.19	\$76,499.59
	B	\$57,584.99	\$59,287.87	\$65,571.64
24	A	\$69,169.19	\$71,222.42	\$78,798.03
	B	\$59,287.87	\$61,047.78	\$67,541.17
25	A	\$71,222.42	\$73,344.05	\$81,171.78
	B	\$61,047.78	\$62,866.33	\$69,575.81
26	A	\$73,344.05	\$75,536.26	\$83,625.53
	B	\$62,866.33	\$64,745.37	\$71,679.03
27	A	\$75,536.26	\$77,802.00	\$86,159.53
	B	\$64,745.37	\$66,687.42	\$73,851.03
28	A	\$77,802.00	\$80,143.42	\$88,779.45
	B	\$66,687.42	\$68,694.36	\$76,096.68
29	A	\$80,143.42	\$82,562.14	\$91,486.92
	B	\$68,694.36	\$70,767.55	\$78,417.36
30	A	\$82,562.14	\$85,061.41	\$94,283.81
	B	\$70,767.55	\$72,909.78	\$80,814.69
31	A	\$85,061.41	\$87,645.24	\$97,232.88
	B	\$72,909.78	\$75,124.49	\$83,342.46
32	A	\$87,645.24	\$90,375.87	\$100,279.99
	B	\$75,124.49	\$77,465.03	\$85,954.27
33	A	\$90,375.87	\$93,196.46	\$103,424.87
	B	\$77,465.03	\$79,882.68	\$88,649.89

Effective March 2, 2023

Part-time and/or hourly employees shall be paid at an hourly rate consistent with the salary structure set out in the Non-Executive Employee Grid.

Grid level 0.5 is only to be used in circumstances where employment is of limited duration and for training purposes (e.g. summer students, interns, trainees, etc.)



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# Malahat Nation

STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## 5. Recruitment & Hiring Policy

### Policy Statement

It is Council's policy to establish a process regarding the steps and standards for the recruitment and hiring of Malahat Nation employees, consultants and contractors.

### Purpose

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

### Scope

This policy applies to the hiring of all employees, including appointment of Officers, of the Malahat Nation. This policy does not apply to reclassification of positions, which shall be addressed in accordance with the *Salary Grid Policy*.

### Responsibilities

Council is responsible for:

- Authorization the creation of any new employee and Officer positions, and approving related job descriptions for new positions including assignment to the salary grid;
- Appointing all Officers of the Malahat Nation in accordance with the *Governance Policy*; and
- Following the approved hiring policy and procedures for the hiring of all Officer positions, including CAO and DOF.

The Chief Administrative Officer (CAO) is responsible for:

- Supervising the hiring of all employees (can assign);
- Supervising the hiring of all Officers other than the CAO position;
- Approving the hiring of all employees, excluding Officers whose positions must be appointed by Council in accordance with the *Governance Policy*; and
- Maintaining Human Resource (HR) records in accordance with the *Human Resource*



**Malahat**

# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

*Records Management Policy* which is contained within the *Human Resources (HR) Policy* (can assign).

The Director of Finance (DOF), or assignee, is responsible for:

- Ensuring that new hire documentation required for payroll purposes is completed by the employee and processed by the Finance Department in a timely manner; and
- Ensuring that termination documentation, including Record of Employment (ROE) is processed in a timely manner upon receipt of resignation or notice of dismissal.

### **Procedures**

#### **5.1 Position Authorization**

All new positions, including employees and Officers, must be identified and approved by Council. Existing Officer positions will be authorized to be filled by Council.

Existing positions, excluding Officers, will be authorized to be filled by the CAO

#### **5.2 Job Descriptions**

Job descriptions for new positions, including assignment to the salary grid, shall be created by the CAO or assignee in collaboration with the DOF, and reviewed and approved by Council prior to posting the position.

Job descriptions for existing Officer positions will be reviewed and approved by Council prior to being posted. Job descriptions for existing non-Officer positions will be reviewed and approved by the CAO.

The CAO, or assignee, will update the job description for the existing position being recruited to ensure it accurately describes the duties, functions and responsibilities of the position, and it accurately identifies the skills, experience, qualifications and competencies necessary to fulfill the position. If updates to the job description result in support for reclassification, the procedures described in the *Salary Grid Policy* must be completed prior to the position being posted.

At minimum, each job description shall include:

- Position Title;
- Salary Grid Assignment;
- Accountability or reporting structure, line of authority;
- Responsibilities: nature and scope of work, including duties;
- Experience, abilities, knowledge and skills required; and
- Qualifications: education, training, licenses, certificates required, etc.



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# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **5.3 Job Posting**

Prior to filling a vacant position, the position will be posted for a specified period of time on the Malahat Nation website. External recruitment advertising may be used at the discretion of the CAO or assignee.

Officer positions shall be posted to the website for a minimum of fifteen (15) business days. Permanent positions shall be posted to the website for a minimum of ten (10) business days. Non-permanent positions shall be posted to the website for a minimum of five (5) business days.

#### **5.4 Selection & Evaluation Process**

The CAO, or assignee, will maintain a record of the selection and evaluation process for all hiring.

Records shall be maintained in accordance with relevant Malahat Nation policies. At minimum, this record will contain:

- Approved job description;
- Selection criteria and weighting methodology to be used in the selection and evaluation process;
- Results of screening process used to select applicants for interviews;
- Interview questions for each interviewed candidate;
- Reference checks for each short-listed candidate; and
- Selection summary report approved by CAO or Council as applicable, which includes:
  - Listing of all applicants interviewed;
  - Name of selected candidate;
  - Rationale for selecting that candidate; and
  - Proposed starting date and remuneration (proposed remuneration must not exceed maximum for grid level per job description).

The CAO, or assignee, will form a hiring working group for each position posted that must include at minimum:

- The CAO or assignee;
- The position's intended immediate supervisor (or department representative); and
- A member of Council.

Where conflicts of interest arise, the CAO or assignee will ensure the conflicted party is replaced in the hiring working group with another employee, Officer or Council member.

The CAO or assignee will perform initial screening to assess each applicant's ability to meet the minimum stated standards. Applications of qualified candidates will be forwarded to the hiring working group. The hiring working group, lead by the CAO or assignee, will determine which of the qualified candidates shall be interviewed.

The interview process will be consistent for all applicants. The CAO or assignee will review the results of the interviews to determine the short-listed candidates. The CAO or assignee will perform reference checks, as well as any other required checks, for all short-listed candidates.



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## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

Once the reference check process is complete, the CAO or assignee will prepare a Selection Summary report indicating the recommended candidate and rationale for selection for the approval of the CAO for all non-Officer positions, or Council for all Officer positions.

#### **5.5 Hiring**

Once the Selection Summary Report has been approved by the CAO or Council as applicable, the CAO or assignee will prepare an employment agreement. At minimum, the agreement shall include:

- Position title;
- Job description;
- Starting date;
- Contract duration;
- Hours of work;
- Remuneration, including grid assignment, and benefits as applicable;
- Probation period;
- Acknowledgement of the requirement to abide by the Malahat Nation's policies and procedures, including Financial Administration Law, code of conduct, conflict of interest, and confidentiality; and
- Termination clause (with cause, without cause, and resignation).

The employment agreement will be signed by the CAO, or assignee on behalf of the CAO where the CAO has approved and signed the Selection Summary Report, and filed in accordance with relevant policies and procedures.

#### **5.6 New Hire Documentation**

Upon receipt of the duly signed employment agreement, the DOF or assignee shall create a new employee personnel file which includes the duly signed agreement. The DOF or assignee will provide new hire documentation to all new employees and Officers, and ensure the forms are completed and returned in a timely manner.

Documentation required for payroll processing, including employment agreement, Employee Info form, tax and banking documents must be completed and submitted to the Finance Department no later than three (3) days prior to the next payroll processing date.

New employees and Officers will be notified by the DOF or assignee of any missing required documentation. Failure to provide required documentation after notice may result in corrective action in accordance with relevant policies and procedures.

Employee personnel files will be maintained by the CAO or assignee as described in the *Human Resources Record Management Policy*.



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STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## **5.7 Termination of Employment**

The immediate supervisor will ensure that documentation communicating resignations tendered by reporting employees is provided to the Finance Department in a timely manner.

The CAO will ensure that documentation communicating dismissals made under the *Corrective Actions and Dismissals Policy* found in the *Human Resources (HR) Policy* is provided to the Finance Department in a timely manner.

The DOF or assignee will ensure terminated employees are paid all monies owed in a timely manner and that a ROE is processed for each terminated employee, with the original retained in the employee's personnel file and a copy provided to the employee.

### **References and Related Authorities**

FMB's Financial Management System Standards

- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards

- Standard 11.0 – First Nations Officers and Employees

### **Attachments**

- 1) Job Description Template
- 2) Interview Questions Template
- 3) Reference Questions Template
- 4) Selection Summary Report
- 5) Approval of HR Action Form
- 6) Employee Information Form



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# Malahat Nation

STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## JOB DESCRIPTION TEMPLATE

<b>JOB TITLE</b>		<b>DEPARTMENT</b>	
<b>SUPERVISOR</b>		<b>SALARY/WAGES</b>	
<b>PURPOSE</b>	Reporting to the [INSERT SUPERVISOR], the [INSERT JOB TITLE] will provide . .... This position is a PT or FT term / permanent position that works remotely, in the office, with minimal local travel as required.		
<b>RESPONSIBILITIES:</b>			
<ul style="list-style-type: none"> <li>-</li> <li>- Other duties as required</li> </ul>			
<b>EDUCATION AND EXPERIENCE:</b>			
<ul style="list-style-type: none"> <li>- Education Required</li> <li>- Years of Experience</li> <li>- Experience working in a First Nations community and a willingness to learn about Malahat culture, customs, and traditions is an asset</li> <li>- Criminal Record Check (CRC) required</li> <li>- Valid BC Driver's License and reliable vehicle required</li> </ul>			
<b>SKILLS, KNOWLEDGE, AND ABILITIES:</b>			
<ul style="list-style-type: none"> <li>- Strong organizational skills</li> <li>- Time management with the ability to multitask different tasks simultaneously</li> <li>- Excellent written, oral, and interpersonal communication skills</li> <li>- Knowledge of Malahat Nation programs and processes</li> <li>- Knowledge of Malahat Nation internal departments and programs an asset</li> <li>- Knowledge of Microsoft Office Suites programs</li> </ul>			
<b>EMPLOYEE SIGNATURE</b>			
_____		_____	
Signature:		Date:	

**APPROVAL/ AUTHORITY:**

_____	_____
Immediate Supervisor:	Date:
_____	_____
Human Resources Representative:	Date:
_____	_____
Chief Administrative Officer:	Date:



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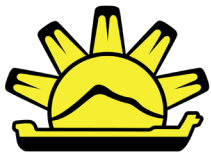
## Interview Questions Template

[Position Title, PT/FT, Permanent/Non-Permanent, Grid Level]			
Date		Interviewer	
Job Posting		Applicant	

*The interview shall begin with an introduction of the interview panel. On behalf of the Malahat Nation, Chief & Council would like to extend a warm welcome to you and thank you for expressing interest in working with the Malahat Nation. The interview process will be comprised of a series of question, and the candidate will have the opportunity to ask questions at the end.*

Question	Scoring
1. Please start by telling us why you applied for this position, and what interests you about working for the Malahat Nation?	/5
2. Please tell us your background, education and experience related to this role	/5
3. Tell us how you plan, organize and prioritize your tasks	/5
4. Tell us about a time when you disagreed with a colleague or supervisor. How did you handle the situation?	/5
5. How do you handle confidentiality in your work?	/5
6. Job-specific question	/5





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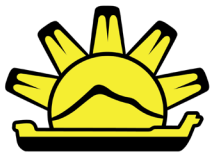
# Malahat Nation

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7. Job-specific question	/5
8. Job-specific question	/5
9. Job-specific question	/5
10. Job-specific question	/5
<b>Total</b>	<b>/50</b>

<b>Closing Questions</b>			
Do you have a valid Class 5 BC Driver's License?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Do you have current and valid First Aid?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
What is your salary/wage expectations?			
If you are the successful candidate, when can you start?			
Is your schedule flexible for occasional work required on evenings and weekends?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Do you give consent for Malahat Nation to contact your references?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Do you have any additional questions or comments?			



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## Reference Check Template

<b>[Position Title, PT/FT, Permanent/Non-Permanent, Grid Level]</b>	
Check Completed By	
Applicant	
Date	

<b>Reference</b>	
Company	
Name of Reference	
Title of Reference	

<b>Question</b>
1. How do you know [candidate], and in what capacity? (i.e. what was the relationship, employment: co-worker, supervisor, job title, etc., or personal)
2. What were [the candidate's] main duties, responsibilities and key functions in their role?
3. Why did [the candidate] leave the position/company?
4. What are [the candidate's] strengths?
5. What are [the candidate's] weaknesses?



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6. What was it like to supervisor/work with [the candidate]?
7. Was [the candidate] punctual? Were there any issues with tardiness or absenteeism?
8. Did [the candidate] successfully meet deadlines?
9. Please describe [the candidate's] organizational, budget management and/or reporting skills? (or other job-related skills specific to the position being hired)
10. In your professional experience with [the candidate], how would you describe their communication skills, both verbal and written?
11. Would you re-hire [the candidate] if provided the opportunity?
12. Please provide any additional information about [the candidate] that you would like to share



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*Human Resources (HR) Policy*

## Selection Summary Report

Position:	Date:
Report Completed By:	

### Applicants Interviewed:

Name	Date Interviewed

<b>Name of Selected Candidate:</b>
<b>Rationale for Selection:</b>

### Background Checks Completed: (attach further documentation where possible)

<b>Reference Check</b>		<b>Criminal Record Check</b>	
<b>Education/Credentials</b>		<b>Other:</b>	

<b>Proposed Start Date</b>	
<b>Initial Compensation</b>	
<b>CAO Approval</b>	
<b>Date</b>	



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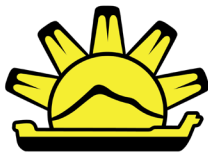
# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### Human Resources (HR) Policy

Request for Approval of Human Resources Action		
<b>Type of Adjustment</b> (select all that apply)	<input type="checkbox"/>	New Hire (attach Selection Summary Report)
	<input type="checkbox"/>	Reclassification (specify type per HR Policy)
	<input type="checkbox"/>	Change in Supervisory/Reporting Structure
	<input type="checkbox"/>	Contract Extension
	<input type="checkbox"/>	Temporary Suspension/Layoff
	<input type="checkbox"/>	Termination (including notice of end of contract)
	<input type="checkbox"/>	Wage Adjustment (Permanent)
	<input type="checkbox"/>	Wage Adjustment (One-time)
<b>Summary</b> (describe the nature leading to the requested action)		
<b>Recommendation</b> (describe recommended outcome)		
<b>Recommended By</b> (signature)		
<b>Name, Title</b>	Rachel Henry, HR Manager	Lauren Krull, Director of Finance (required for wage impacts only)
<b>Date</b>		
<b>Approved By</b> (signature)		
<b>Title</b>	Josh Handysides, Chief Administrative Officer	
<b>Date</b>		

*This document is only for internal use by the Malahat Nation Human Resource Department. All information must be kept confidential to the extent possible.*



**Malahat**

# Malahat Nation

STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## Employee Information Form

New employees and Officers shall not be added to payroll until this form has been completed and submitted to the Human Resources (HR) Department

Select One	New Employee	<input type="checkbox"/>	Info Update	<input type="checkbox"/>
<b>Position Information</b> To be completed by the Human Resources Department				
Title			Grid	
Department				
Immediate Supervisor				
Start Date				
Probation End Date				
Pay Type (select one)	Hourly	<input type="checkbox"/>	Salary	<input type="checkbox"/>
Rate				
Profit Centre(s)				
<b>Employee Information</b> To be completed by the Employee				
Employee Name				
TD1N Status	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Address				
Telephone				
Email Address				
SIN Number				
Date of Birth				
<b>Emergency Contact Information</b> To be completed by the Employee				
Name of Contact				
Relation to Employee				
Contact Number				
Name of Contact				
Relation to Employee				
Contact Number				

Control Document: February 2023



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# Malahat Nation

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*Human Resources (HR) Policy*

## 6. Employee Evaluation & Planning Policy

### Policy Statement

It is Council's policy to establish a process for evaluating employee performance that can assist immediate supervisors in recognizing individual contributions to the Malahat Nation, and identifying areas for development.

### Purpose

The purpose of this policy is to set out an effective process of employee performance review and development, which links the performance and development of individual staff to the performance measures that align with the goals and objectives of the Malahat Nation.

The evaluation and planning process is intended to: help employees and Officers better understand performance expectations and how well stated expectations are being met, highlight employee strengths, help identify and provide support for skill and performance deficiencies, and assist the CAO (or Council, in the instances of Officers) in making decisions regarding performance-based salary adjustments and opportunities related to training and education.

### Scope

This policy applies to employees and Officers of the Malahat Nation.

### Responsibilities

Council is responsible for:

- Establishing the process and performance measures by which Officers and employees will be evaluated;
- Evaluating the performance of Officers reporting directly to Council, and reviewing and approving performance-based adjustment rates for Officers in accordance with this policy;
- Establishing and implementing a plan for any training of Officers as required to meet the Malahat Nation's future needs and requirements, taking into account succession and anticipated changes in Malahat Nation activities; and
- Establishing and implementing a documented process:
  - To measure the skills and competencies of Malahat Nation employees against their assigned employment duties and responsibilities;



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# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

- To determine the training requirements for those employees; and
- To adjust their duties and responsibilities as necessary to reflect their respective skills and competencies.

The Chief Administrative Officer (CAO) is responsible for:

- Monitoring and reviewing the implementation of the evaluation process and ensuring policy and procedures are complied with during the process (can assign);
- Evaluating the performance of all employees and Officers of the Malahat Nation, except Officers reporting directly to Council (can assign, except for evaluation of employees and Officers directly reporting to the CAO);
- Providing general training for employees to optimize performance and evaluation (can assign); and
- Establishing annual performance-based adjustment rates for non-Officer positions, and approving adjustments for each non-Officer position on an annual basis in compliance with the procedures of this policy.

Immediate Supervisors are responsible for:

- Monitoring employee performance on a day-to-day basis;
- Engaging in the performance planning and evaluation processes of supervised employees; and
- Based on the outcomes of the annual performance assessments, preparing a summary report assessing each reporting employee as: new, red circled, performance below expectations, performance meeting expectations, or performance exceeding expectations.

Employees and Officers are responsible for:

- Participating fully in the performance assessment process.

## **Procedures**

### **6.1 Performance Planning**

The immediate supervisor will ensure that each reporting employee or Officer has an accurate and up-to-date position job description, which will serve as the basis for performance management.





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No later than March 31 each year, the immediate supervisor will schedule a performance planning session with each reporting employee or Officer to set performance goals for the next fiscal year and to review performance over the prior fiscal year. The outcomes of the performance planning session will be documented and signed by the employee/Officer and the immediate supervisor, the original kept in the employee's personnel file and a copy provided to the employee.

The immediate supervisor shall identify training and development needs to achieve performance goals, taking into consideration the resources needed and constraints of the Council-approved budget. Education and training requiring significant time (e.g. greater than 1 day away from work) or resources (e.g. training expense greater than \$500) must comply with the procedures described in the *Employee Manual Policy*.

The CAO or assignee shall review and approve all performance and training plans to ensure future needs, including training and succession, for the financial management and governance systems of the Malahat Nation is aligned with the content of the performance and training plans.

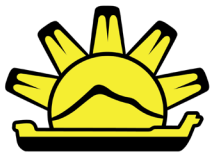
## **6.2 Performance Review**

No later than September 30 each year, the immediate supervisor will schedule a mid-point performance check in to ensure progress against established goals is achieved by March 31. An annual performance review will be completed at the performance planning session as described in section 6.1. If at any point performance is below expectations, the immediate supervisor will follow the procedures described in section 6.3.

In preparation of performance check-ins and annual reviews, the immediate supervisor will prepare an evaluation which provides an assessment against each goal agreed to at the beginning of the performance cycle, identifying any successes and opportunities for improvement during the period. The employee will prepare a self evaluation against each goal agreed to at the beginning of the period.

At minimum, the performance assessments shall include:

- Establishment of objectives and goals for the employee/Officer collaboratively established with the immediate supervisor, and related performance indicators and/or measures;
- Assessment of progress towards any previously identified objectives and goals using established performance indicators and/or measures;
- Communication of developed or improved skills, knowledge, and abilities;
- Identification of any skills, knowledge, or abilities the employee/Officer seeks to develop or improve;
- Delivery of constructive feedback and reflection on employee performance;
- Discussion of challenges existing in the work environment and development of plans to address identified challenges; and



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- Training or education required or requested, in accordance with this policy.

Once the assessments have been reviewed and discussed, the immediate supervisor and employee shall each sign the performance planning document, the original of which will be kept in the employee’s personnel file and a copy provided to the employee.

If the employee does not agree with the performance evaluation, the employee can request a meeting with the immediate supervisor and CAO or assignee to resolve any issues. Should the issue(s) not be resolved in the requested meeting, the employee can decide not to sign off on the performance evaluation, which will be retained in the employee’s personnel file including notes of the meeting with the CAO or assignee.

### **6.3 Performance Management**

To address unsatisfactory performance, the immediate supervisor shall develop a performance improvement plan (PIP) in collaboration with the reporting employee. This plan will outline the performance expectations, resources available to the employee, and a schedule of completion and re-evaluation.

The Immediate supervisor will closely monitor employee progress in achieving the PIP, and will conduct formal and regular performance evaluations until the end of the PIP. If progress is not satisfactory at the end of the PIP, the immediate supervisor can initiate a progressive corrective approach in accordance with the *Corrective Actions and Dismissals Policy*.

All original documentation related to PIP and PIP-related evaluations will be retained in the employee’s personnel file, with a copy provided to the employee.

### **6.4 Performance-Related Compensation**

Based on the outcomes of the annual performance assessments, the immediate supervisor will prepare and submit to the CAO or assignee, a summary report assessing each reporting employee as: performance below expectations, performance meeting expectations, or performance exceeding expectations. Performance adjustment rates shall be set annually by the CAO for all non-Officer positions and Council for Officer positions under the following guidelines:

<b>Type of Adjustment</b>	<b>New or Red Circled</b>	<b>Performance Below Expectations</b>	<b>Performance Meeting Expectations</b>	<b>Performance Exceeding Expectations</b>
Percentage of Salary Increase	N/A	0%	Up to 3%	Up to 5%
Estimated % of staff receiving adjustment	As applicable		85%	15%

The effective date of performance-based, in-range adjustments is July 1 each year.



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### *Human Resources (HR) Policy*

Subject to approval of the CAO (or Council in the instances of Officers), performance management compensation rates will be set annually as follows:

- Employees whose performance falls below expectations receive a 0% salary adjustment;
- Employees whose performance meets expectations receive up to 3% salary adjustment; and
- Employees whose performance exceeds expectations receive up to 5% salary adjustment.

New employees and Officers (service duration of less than 9 months at March 31) are not eligible for performance adjustments. Red circled employees (employees paid at or above the maximum of their relevant grid line) are not eligible for performance adjustments.

Immediate supervisors are expected to reasonably assess the performance of reporting employees. Where assessments do not appear reasonable, the immediate supervisor may be required to provide additional documentation and support for their assessment. Assessments that are insufficiently supported shall be rejected.

For clarity, the following additional guidance is provided:

- Increases are contingent upon employee's performance within the most recent fiscal year;
- Employees must have been in the position for a minimum of nine (9) months to be eligible for proper performance assessment. As such, employees with less than 9 months service duration at March 31 are not eligible for performance-based adjustments;
- Employees whose performance cannot be assessed due to one of the following permitted extended absences will receive an in-range adjustment of performance meeting expectations upon their return to work:
  - Maternity/parental leave;
  - Compassionate care leave;
  - Bereavement leave;
  - Jury duty;
  - Critical illness and injury leave;
  - Leave respecting domestic or sexual violence;
  - Short-term education leave;
  - Short-term illness leave (duration not exceeding sixteen (16) weeks).
- Employees and Officers paid at or above the maximum of their grid level (red circled) are not eligible for performance-based adjustments.

#### **Reference and Related Authorities**

FMB's Financial Management System Standards

- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards



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*Human Resources (HR) Policy*

- Standard 11.0 – First Nations Officers and Employees

## **Attachments**

- 1) Employee Work Planning Document
- 2) Employee Evaluation Document
- 3) Performance Summary Report Template
- 4) Performance Improvement Plan (PIP) Template



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*Human Resources (HR) Policy*

## **Annual Employee Work Planning Document**

The employee work planning process includes the following:

- *Planning & goal setting for next fiscal*
- *Performance indicators & measures for future performance review*
- *Identifying target education/training to be completed in next fiscal*

When setting goals, try to ensure your goals are SMART:

- S – Specific** Be clear and concise when identifying work goals  
**M – Measurable** Progress towards the goal can be measured  
**A – Achievable** The goal is realistic  
**R – Relevant** The goal is relevant to the job purpose and organizational strategy  
**T – Time Sensitive** The goal can be completed/progress measured within the year

Employee Work Planning			
Employee Name		Title	
Supervisor Name		Planning Period	

Goal 1	KPI/Measure	Timeline for Achievement
[insert]	[insert]	

Goal 2	KPI/Measure	Timeline for Achievement
[insert]	[insert]	

Goal 3	KPI/Measure	Timeline for Achievement
[insert]	[insert]	

## **Work Planning – Job-specific Duties for Performance Assessment**

For the purposes of assessing performance in the coming year, outline 3-5 key duties and/or responsibilities of the employee’s position based on the job description.

Duty/Responsibility	Description of Expected Performance



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### **Work Planning – Target Education & Training**

Please identify all training required for the employee’s role, including any training made available to all staff. Training and education supported by the Malahat Nation must be directly related to the employee’s existing position within the organization.

When identifying training and education needs, please ensure compliance with all relevant policies, including the *HR Policy* in regards to short-term and long-term education and training leave, and the *Finance Policy* in regards to the budgeting process. Training and education included in the work planning document which does not comply with relevant policies will be denied support by the Malahat Nation.

<b>Education/Training</b>	<b>Rationale</b>	<b>Estimated Date</b>
[insert]	[insert]	[insert]

---

Employee Name                                  Employee Signature                                  Date

---

Supervisor Name                                  Supervisor Signature                                  Date



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## Annual Employee Evaluation Document

The employee evaluation process includes the following:

- Mid-year review & year-end review
- Self-assessment & supervisor assessment
- Prior year work planning goals review
- General skills & duties assessment
- Job-specific duties & responsibilities assessment

In performing assessments during the evaluation process, consider the following:

- **Does not meet expectations:** the employee has failed to meet communicated and/or expected standards of performance
- **Meets expectations:** the employee meets the communicated and/or expected standards of performance
- **Exceeds expectations:** the employee exceeds the communicated and/or expected standards of performance

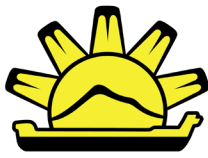
Employee Evaluation			
Employee Name		Title	
Supervisor Name		Evaluation Period	Apr 1, 20XX – Mar 31, 20XX
Type (select one)	<input type="radio"/> Self-Assessment	<input type="radio"/> Supervisor Assessment	

## Current Work Planning Document Review

Goal 1	Mid-Year Progress	Year End Outcome
[insert]		
KPI/Measure		
[insert]		

Goal 2	Mid-Year Progress	Year End Outcome
[insert]		
KPI/Measure		
[insert]		

Goal 3	Mid-Year Progress	Year End Outcome
[insert]		
KPI/Measure		
[insert]		



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### Human Resources (HR) Policy

#### General Skills & Duties Assessment

All employees and Officers are assessed on the following criteria:

<b>Communication</b> – the employee communicates internally (with their supervisor and other staff) and externally (to community members, funders, etc.) in a manner that is appropriate. Communication includes verbal and written.			
<b>Mid-Year Progress</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			
<b>Year-End Outcome</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			

<b>Organization</b> – the employee is organized in their duties. This includes physical organization of work space and work documents, and organization such as scheduling meetings and workflow, ensuring time is prioritized as needed to accomplish tasks.			
<b>Mid-Year Progress</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			
<b>Year-End Outcome</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			

<b>Productivity</b> – the employee is productive at work, and is able to accomplish the tasks required by the Supervisor and laid out in the job description in a timely manner. The output produced by the employee is of sufficient quality and quantity.			
<b>Mid-Year Progress</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			
<b>Year-End Outcome</b>			
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations
<input type="radio"/>		<input type="radio"/>	Exceeds expectations
Explanation:			





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### *Human Resources (HR) Policy*

<b>Punctuality</b> – the employee arrives at work on time every day, and in rare instances where the employee is unexpectedly unable to arrive to work on time, provides sufficient notice to the Supervisor					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					

<b>Teamwork &amp; Safety</b> – the employee engages and collaborates with colleagues in a positive, respectful manner. The employee demonstrates willingness to work as a team and contribute to a positive working environment. The employee prioritizes safety for themselves and other individuals at all times when working.					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					

### **Job-specific Duties & Responsibilities Assessment**

Highlight the 3-5 key duties and/or responsibilities of the employee's position based on the job description

<b>Duty</b> – [describe]					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					



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<b>Duty – [describe]</b>					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					

<b>Duty – [describe]</b>					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					

<b>Duty – [describe]</b>					
<b>Mid-Year Progress</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					
<b>Year-End Outcome</b>					
<input type="radio"/>	Does not meet expectations	<input type="radio"/>	Meets expectations	<input type="radio"/>	Exceeds expectations
Explanation:					



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<b>Duty – [describe]</b>		
<b>Mid-Year Progress</b>		
<input type="radio"/> Does not meet expectations	<input type="radio"/> Meets expectations	<input type="radio"/> Exceeds expectations
Explanation:		
<b>Year-End Outcome</b>		
<input type="radio"/> Does not meet expectations	<input type="radio"/> Meets expectations	<input type="radio"/> Exceeds expectations
Explanation:		

*Areas of Strength*

*Opportunities for Improvement*

*Other Comments*

---

Employee Name                      Employee Signature                      Date

---

Supervisor Name                      Supervisor Signature                      Date





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*Human Resources (HR) Policy*

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STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## 7. Corrective Actions & Dismissals Policy

### Policy Statement

It is Council's policy to use a progressive corrective approach for dealing with job-related behaviour that does not meet expected and communicated performance standards.

### Purpose

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

### Scope

This policy applies to all employees and Officers of the Malahat Nation.

### Responsibilities

Council is responsible for:

- Implementing corrective actions for Officers in accordance with this policy (can assign to immediate supervisor in the instance of an Officer not reporting directly to Council); and
- The final authority and responsibility for dismissal of Officers.

The Chief Administrative Officer (CAO) is responsible for:

- The final authority and responsibility for dismissal of all employees; and
- Assisting the immediate supervisor in implementing corrective actions for employees as needed (can assign).

The immediate supervisor is responsible for:

- Implementing corrective actions for reporting employees; and
- In the event that the immediate supervisor is unable to deal with the conduct, behaviour, or performance of a reporting employee, requesting the CAO or assignee assume responsibility for corrective actions.



# Malahat Nation

## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **Procedures**

##### **7.1 Corrective Action**

The immediate supervisor shall inform reporting employees of unacceptable conduct, behaviour, or performance prior to implementing corrective action, and allow the employee opportunities for improvement. However, the CAO (or Council in the instances of Officers) may dismiss an employee without following the progressive corrective action process if there is just cause for dismissal. The CAO (or Council in the instances of Officers) may also immediately but temporarily suspend an employee with pay pending investigation before moving through the corrective process.

The CAO or assignee may consult external legal counsel prior to any dismissals or moving through the corrective process.

If an employee or Officer is felt to be in violation of the Malahat Nation's expected conduct, behaviour, or performance, and initial efforts for corrective action have not been successful, the employee will be subject to the progressive corrective action process described in this policy.

All corrective actions will be documented and placed in the employee's personnel file.

##### **7.2 Verbal Warning**

The first violation by an employee will be addressed with a verbal warning.

The immediate supervisor will initiate any verbal warnings in a private meeting with the employee. The immediate supervisor may request the attendance of the CAO or assignee.

The employee will be provided explanation of when and how the behaviour or action took place and will be given an opportunity to explain their situation and actions. The employee will be informed that further corrective action, up to and including dismissal, will follow if unacceptable behaviour continues.

The immediate supervisor will inform the Human Resources Department that the verbal warning took place via electronic communication (email).

##### **7.3 Written Warning**

Further violations of the same nature will be addressed with written warning(s).

The immediate supervisor will initiate the written warning(s) in a private meeting with the employee. The immediate supervisor may request the attendance of the CAO or an employee of the Human Resources Department.

The employee will be given a written warning during the meeting to address undesirable behaviour or action in the event that the behaviour or action had either been discussed in a previous verbal warning, or the behaviour or action was serious in nature.



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### *Human Resources (HR) Policy*

The employee will be provided explanation of when and how the behaviour or action took place and will be given an opportunity to explain their situation and actions. The employee will be informed that further corrective action, up to and including dismissal, will follow if unacceptable behaviour continues.

The employee will be provided a copy of the warning with the original copy sent to the Human Resources Department, and notified that the original will be placed in the employee's personnel file. The employee may choose to document a rebuttal to the warning, which will be placed in the employee's personnel file.

The immediate supervisor may seek suspension in accordance with section 7.4, or dismissal in accordance with section 7.5, for employees receiving multiple written warnings of the same nature.

#### **7.4 Suspension**

At the discretion of the CAO (or Council in instances of Officers), an employee may be placed on temporary suspension with pay in circumstances including but not limited to those where an investigation is required into allegations of misconduct against the employee.

The immediate supervisor will initiate a suspension in a private meeting with the employee and the CAO.

The employee will be given an opportunity to explain the situation and their actions. If the decision is made to impose a suspension, the employee will be given a written notice of suspension that will include:

- The effective date of suspension;
- The duration of the suspension;
- The reason(s) for the suspension;
- A clause requiring the employee to return all Malahat Nation-owned items (e.g. keys, equipment, computer, etc.) for the duration of the suspension; and
- A clause reflecting that repetition of the behaviour or action will result in further corrective action, up to and including dismissal.

The written notice of suspension will be retained in the employee's personnel file, along with any documentation related to the suspension meeting.

#### **7.5 Investigation into Allegations of Misconduct or Wrongdoing**

Investigation into allegations of misconduct or wrongdoing shall be handled in a manner which protects the confidentiality of all affected parties to the extent possible, and which is compliant with the *Reporting of Breaches & Financial Irregularities Policy* found in the *Governance Policy* as applicable.





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### *Human Resources (HR) Policy*

Where allegations are serious in nature, the CAO (or Council in instances of Officers) may seek external counsel or expertise in performing the investigation and/or handling any required corrective actions resulting from completed investigations.

Employees against whom allegations of misconduct or wrongdoing have been made shall not be subject to corrective action beyond suspension as described in section 7.4 until the investigation is complete supporting the need for further corrective action. Employees reporting suspected misconduct or wrongdoing shall be protected from reprisals. Employees reporting in bad faith may be subject to corrective action at the discretion of the immediate supervisor or CAO (Council in instances of Officers).

#### **7.6 Dismissals**

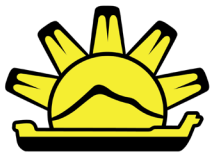
The CAO (Council in instances of Officers) may terminate employment by providing a written notice of dismissal that details the undesirable conduct, behaviour, or performance leading to and justifying the dismissal.

Just cause for immediate dismissal includes but is not limited to:

- Gross misconduct, including violation of rules, harassment, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, fraud or theft, falsifying records, etc.;
- Threats of violence where an employee threatens to or causes physical harm to another employee, Officer, member of Council, community member, or visitor;
- Conviction of a serious criminal code offence;
- Abandonment of position, meaning 3 consecutive days of unplanned/unexcused absence without notification or prior approval;
- Repeated unsuccessful progressive corrective attempts including verbal and written reprimands;
- Misrepresentation or falsification of information on application of employee; and
- Contravention of the employee's duties and obligations under the Malahat Nation's Financial Administration Law or any other Malahat Nation law or policy, including the code of conduct and conflict of interest.

Documentation for dismissals shall include information on the offence and previous corrective communications with the employee and be retained in the employee's personnel file in accordance with the *Human Resources Records Management Policy*.

Severance shall be approved in accordance with the *Delegation & Authorization Table* and paid in accordance with applicable laws at minimum where required.



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STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

## **References and Related Authorities**

FMB's Financial Management System Standards

- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards

- Standard 11.0 – First Nations Officers and Employees

## **Attachments**

- 1) Incident Report Form
- 2) Written Warning Form



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STATEMENT OF POLICY AND PROCEDURE

*Human Resources (HR) Policy*

**Incident Report Form**

<b>Date and Time of Incident:</b>
<b>Location of Incident:</b>
<b>Name of Individual Reporting Incident:</b>

Name(s) of all persons involved in the incident:

--

Name(s) of other witness(es):

--

In detail, please describe the incident:




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**Did physical violence or damage to property occur?**                      YES    NO

**Was the safety of a person endangered?**    YES    NO

**Any evidence from the incident (e-mails, photos, etc.)?**                      YES    NO

If yes, describe:

--

<b>Report Submitted by:</b>	
<b>Printed Name</b>	<b>Signature</b>
<b>Date</b>	
<b>Submitted to:</b>	



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## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **Corrective Action Document – Written Warning**

Date of Warning: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

<b>Prior Verbal Warning Provided</b>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<b>Prior Written Warning Provided</b>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

<b>Overview of Meeting Discussion:</b>

By signing this written warning document, the Immediate Supervisor confirms that a written warning has been provided in regards to the employee or Officer's conduct, behaviour, or performance.

Further, the Immediate Supervisor has explained that should the conduct, behaviour, or performance continue, further disciplinary action may be taken, up to and including dismissal from employment or appointment with the Malahat Nation.

The employee or Officer has been provided a copy of this written warning, and notified that the original will be retained in their confidential employee personnel file in accordance with relevant Human Resources (HR) and Information Management policies and procedures. The employee or Officer has been given the opportunity to submit a written rebuttal to this warning to be placed in the employee personnel file.

\_\_\_\_\_  
Supervisor Name

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date



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*Human Resources (HR) Policy*

## 8. Social Media Policy

### Policy Statement

It is Council's policy to establish guidelines and requirements for the appropriate use of social media on behalf of, in reference to, or in representation of the Malahat Nation.

### Purpose

The purpose of this policy is to ensure employees, Officers, and Council members understand their personal and professional responsibilities regarding confidentiality, privacy, and acceptable use of social media on behalf of, in reference to, or in representation of the Malahat Nation.

### Scope

This policy applies to employees, Officers, and Council.

### Responsibilities

Council is responsible for:

- Establishing and implementing policy and procedures regarding the appropriate use of social media on behalf of and representing Malahat Nation.

The Chief Administrative Officer (CAO) is responsible for:

- Communicating this policy to all affected persons;
- Approving the creation of Malahat Nation social media accounts;
- Ensuring information communicated through the use of social media complies with relevant laws, regulations, policies and other requirements for use of such information (can assign); and
- Ensuring the use of social media in a manner that directly or indirectly has a negative effect on the Nation's interests, reputation, or relationships, is dealt with in accordance with the *Corrective Actions & Dismissals Policy*.

Employees, Officers, and Councillors are responsible for:

- Maintaining personal and professional conduct while using social media on behalf of, in reference to, or in representation of the Malahat Nation, in accordance with relevant policies and procedures.



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## STATEMENT OF POLICY AND PROCEDURE

### *Human Resources (HR) Policy*

#### **Procedures**

#### **8.1 Social Media Use**

Employees and Officers are not permitted to use social media during working hours unless required under their job description to perform duties related to use of social media on behalf of, in reference to, or in representation of the Malahat Nation.

Employees and Officers required to perform duties related to the use of social media must adhere to the code of conduct and relevant policies and procedures at all times in performance of these duties. Employees and Officers must not use obscene, profane, or otherwise inappropriate language on any social media platform on behalf of, in reference to, or in representation of the Malahat Nation

Employees, Officers, and Councillors must ensure that information concerning the Malahat Nation, its employees, Officers, Councillors, members, operations and clients is kept in the strictest confidence. Employees must not disclose any confidential information on social media regardless of its source and whether or not it is a matter of public record.

Employees, Officers, and Councillors must not engage in any actions using social media that is intended to, or might reasonably have the effect of discriminating against, disparaging, defaming, harassing, humiliating, bullying, threatening or intimidating anyone, including members of Council, other employees and Officers, and members of the community.

Employees and Officers are not permitted to speak or purport to speak on behalf of the Malahat Nation when using social media, except where required by job description and approved by the CAO (or Council in the instance of Officers) in advance.

#### **8.2 Social Media Accounts**

A social media account shall not be created in Malahat Nation's name, or linked to Malahat Nation in any way, without the prior authorization of the CAO.

Access to social media accounts in Malahat Nation's name shall be restricted to those employees and Officers required under their job description to perform duties related to use of social media on behalf of, in reference to, or in representation of the Malahat Nation.

An employee, Officer, or Councillor's access to social media accounts in Malahat Nation's name shall be terminated as soon as practicable upon termination of employment or appointment, or completion of term in Office. An employee or Officer's access to social media accounts in Malahat Nation's name shall be temporarily suspended as soon as practicable upon taking leave of absences in excess of two (2) weeks. The access will be reinstated once the employee or Officer returns to work.



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## **8.3 Monitoring of Social Media**

The Malahat Nation reserves the right to monitor workplace computers and other electronic devices issued to employees, Officers, committee members, and members of Council, including workplace e-mail, internet browsing history, and social media websites.

Individuals issued workplace computers and electronic devices should have no reasonable expectation of privacy while using Malahat Nation-owned devices, workplace e-mail, the internet, and social media websites.

## **8.4 Instances of Non-Compliance**

Employees and Officers determined to be non-compliant with this policy and procedures will undergo corrective action, up to and including dismissal, in accordance with the *Corrective Actions & Dismissals Policy*. Non-compliance of Councillors shall be addressed in accordance with the *Chief and Council Policy*, found in the *Governance Policy*.

### **References and Related Authorities**

None

### **Attachments**

None





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## 9. Work from Home Policy

### **Policy Statement**

It is Council's policy to provide flexible working arrangements where possible in consideration of job descriptions and duties, in a manner which facilitates the achievement of Malahat Nation goals and objectives.

### **Purpose**

The purpose of this policy is to establish a process to develop and implement work from home agreements, including determination of eligibility.

### **Scope**

This policy applies to employees and Officers of the Malahat Nation.

This policy does not apply to requests for reasonable accommodation due to medical requirements. These types of requests shall be considered by the CAO (Council in the instances of Officers) on a case-by-case basis.

### **Responsibilities**

Council is responsible for:

- Establishing the process by which work from home agreements will be implemented; and
- Reviewing and approving any work from home agreement requests submitted by Officers reporting directly to Council in accordance with this policy.

The Chief Administrative Officer (CAO) is responsible for:

- Reviewing and approving any work from home agreement requests submitted by reporting employees and Officers deemed eligible;
- The final authority for decisions regarding work from home agreement requests denied by the immediate supervisor and appealed by the requesting employee;
- The final authority for decisions regarding temporary, short-term work from home agreements as described in section 9.1; and
- Maintaining a register and schedule of all permitted work from home agreements (can



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The Immediate Supervisor is responsible for:

- Reviewing and endorsing any work from home agreement requests submitted by reporting employees deemed eligible, ensuring all documentation is forwarded to the CAO or assignee in a timely manner; and
- Monitoring and managing the performance of reporting employees in work from home agreements in accordance with the *Human Resources (HR) Policy*.

Eligible employees and Officers are responsible for:

- Submitting a work from home agreement request, or updated request in the instance of a request to make a permanent change to an existing agreement;
- Notifying the immediate supervisor of any temporary changes to the work from home agreement in a timely manner;
- Complying with the terms of approved work from home arrangements;
- Ensuring all duties and responsibilities are maintained while working from home, including availability during working hours and maintenance of communication with the immediate supervisor; and
- Ensuring all Malahat Nation laws, policies and procedures are maintained and adhered to while under a work from home agreement.

## **Procedures**

### **9.1 Eligibility**

An employee or Officer shall be deemed eligible to apply for a work from home agreement if it can be demonstrated that the employee or Officer can perform job duties at the same or improved level while working from home, and that the employee or Officer's intended work from home location is safe, ergonomically suitable (meaning the employee/Officer must have a working and suitable desk and chair in the work from home space, these items will not be provided by the Malahat Nation unless accommodation is required for health reasons as evidenced by a health care practitioner's note), free from background noise or distraction, and conducive to working.

For clarity, employees and Officers whose role requires all or substantially all hours worked to be in a face-to-face manner, such as the provision of direct services to community members, are not eligible to apply for work from home agreements.



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Eligible employees and Officers may be granted up to two (2) regularly scheduled work from home days per week in accordance with this policy at the discretion of the immediate supervisor.

Temporary, short-term work from home agreements exceeding two (2) work from home days per week may be approved on a case-by-case basis at the discretion of the CAO or assignee.

## **9.2 Requests & Approval**

The employee or Officer must submit a work from home agreement request which includes:

- Intended effective date of work from home agreement;
- Proposed work from home schedule (maximum of two (2) regularly scheduled work from home days per week);
- Endorsement from the immediate supervisor stating that the employee/Officer is eligible for a work from home agreement; and
- Intended end date of work from home agreement (if applicable).

The immediate supervisor shall review and endorse the submitted request in the event that the employee or Officer has demonstrated eligibility. Approved requests shall be forwarded to the CAO or assignee, who will then prepare the work from home agreement.

The work from home agreement shall include, at minimum:

- Attestation that job duties will be performed at the same or improved level while working from home;
- Attestation that the intended work from home location is safe, ergonomically suitable, free from background noise or distraction, and conducive to working;
- Attestation that the employee or Officer intends to communicate fully and be accountable for whereabouts and availability to the immediate supervisor in the same manner as if the employee was working in-office;
- Confirmation of understanding that breaches or acts of non-compliance regarding the work from home agreement and/or this policy may result in corrective action, including termination of work from home agreement, and dismissal; and
- Duration of work from home agreement, and approved work from home schedule.

The work from home agreement shall be signed by the employee/Officer and the CAO. A copy shall be provided to the employee/Officer, the immediate supervisor, and the CAO or assignee for retention in the employee's personnel file. The CAO or assignee shall maintain a register and schedule of all permitted work from home agreements, updating as necessary.



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In the event that the employee or Officer must change or revoke the work from home agreement, a new request must be submitted, approved, and managed per the procedures described above.

#### **9.3 Working from Home**

While working from home, employees and Officers shall adhere to all Malahat Nation laws, policies and procedures. Policies and procedures described in the *Human Resources (HR) Policy*, including those in regards to hours of work, overtime, paid and unpaid leave, etc. are still in effect for employees and Officers working from home. Breaches or instances of non-compliance may result in corrective action in accordance with the *Corrective Actions & Dismissals Policy*.

Employees and Officers working from home are not permitted to use their residential address for receipt of any mail related to the operations of the Malahat Nation. Any such mail or correspondence must be delivered directly to the on-reserve offices of the Malahat Nation.

Employees and Officers working from home during work hours and while performing duties and responsibilities on behalf of the Malahat Nation in the designated work area of the home are covered by worker's compensation legislation.

Employees and Officers working from home must immediately report any hazards in the work from home space to the immediate supervisor. If at any time the employee/Officer is unable to demonstrate that the intended work from home location is safe, ergonomically suitable, free from background noise or distraction, and conducive to working, the work from home agreement may be terminated.

The immediate supervisor shall monitor the performance of the employee/Officer under the work from home agreement to ensure communicated expectations for the agreement are met on an ongoing basis. This includes require updates regarding the employee's whereabouts and activities during work hours. If at any time the immediate supervisor determines that performance does not meet expected levels, the work from home agreement may be terminated. Corrective action may be taken in accordance with relevant policies to address performance which does not meet expectations.

#### **9.4 Safeguarding & Use of Malahat Nation Assets & Information**

Employees and Officers shall be provided capital assets as required for the purposes of working from home, including but not limited to laptops, mice, keyboards, etc. Employees and Officers shall safeguard and care for these assets in accordance with the *Capital Asset Policy* found in the *Finance Policy*. Employees and Officers working from home are required to report issues, complications, or suspected instances of compromised information to the immediate supervisor as soon as practicable. Any provided capital assets must be returned to the Malahat Nation upon termination of the work from home agreement, or termination of employment or appointment.



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Where necessary, personal devices may be used for the performance of duties and responsibilities on behalf of the Malahat Nation. Malahat Nation maintains ownership and control over the information and work-related applications contained on personal devices as it pertains to the Malahat Nation, regardless of ownership of the device used. Employees/Officers may not store usernames, passwords, or other confidential information belonging to Malahat Nation on personal devices. Where a personal device must be used, the employee/Officer must ensure the device is password protected. Malahat Nation assumes no responsibility for any damage, loss, or wear and tear of an employee/Officer's personal device(s). Malahat Nation reserves the right to revoke access to Malahat Nation information and work-related applications contained on a personal device at any time.

Employees and Officers working from home are required to take reasonable steps to safeguard the confidentiality and security of Malahat Nation information while working from home. Employees/Officers are discouraged from using insecure, public Wi-Fi networks with Malahat Nation-owned assets unless absolutely necessary and connection is established through the Malahat VPN.

### **9.5 Termination of Agreement**

A work from home agreement may be terminated for several reasons, including but not limited to the following:

- The employee/Officer is no longer able to demonstrate that the intended work from home location is safe, ergonomically suitable, free from background noise or distraction, and conducive to working;
- The employee/Officer voluntarily revokes the work from home agreement;
- The immediate supervisor has determined that performance while working from home is not at a satisfactory level; or
- At the discretion of the CAO.

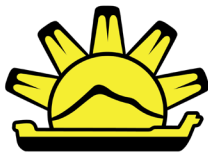
The CAO or assignee will communicate termination of agreement to all affected parties; ensuring documentation of the termination is retained in the employee's personnel file. The CAO or assignee will update the register and schedule of work from home agreements to reflect terminated agreements as soon as practicable.

### **References and Related Authorities**

None

### **Attachments**

- 1) Work from Home Agreement Template



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## **Work from Home Agreement Template**

<b>Request for Work from Home Agreement</b>	
Employee/Officer	
Immediate Supervisor	
Intended Effective Date	
Intended End Date (if applicable)	
Proposed Work from Home Schedule (max 2 days/week)	

*By signing this request, the employee/Officer confirms they have read, understood, and agree to comply with the procedures, terms and conditions outlined in the Work from Home Policy, found in the Human Resources (HR) Policy.*

*By endorsing this request, the Immediate Supervisor confirms the employee/Officer is eligible for a Work from Home Agreement in accordance with the Work from Home Policy. Requests for work from home agreements that do not comply with policy, or for employees/Officers for whom eligibility has not been demonstrated, shall be denied in accordance with policy.*

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Employee/Officer Signature

Date

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Immediate Supervisor Signature

Date

## **Work from Home Agreement**

In accordance with the Work from Home Policy, found in the Human Resources (HR) Policy, the employee/Officer and employer agree to enter into the following Work from Home Agreement.

By entering this agreement, the employee/Officer attests to the following:

- The employee/Officer shall perform all required job duties at the same or an improved level while working from home under this agreement;
- The employee/Officer shall maintain a work from home location that is safe, ergonomically suitable, free from background noise and distraction, and conducive to working;
- The employee/Officer shall communicate fully and be accountable for whereabouts, productivity, and availability to the immediate supervisor in the same manner as if the employee/Officer is working in-office;



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- The employee/Officer understands that breaches or acts of non-compliance regarding this work from home agreement and/or the Work from Home Policy, or any other relevant Malahat Nation policies, may result in corrective action, including termination of this work from home agreement, up to and including dismissal from employment or appointment with the Malahat Nation; and
- The employee/Officer agrees to notify the Immediate Supervisor of any requests for temporary or permanent changes to this agreement as soon as practicable, understanding that any such request may be accepted or denied on a case by case basis.

<b>Work from Home Schedule</b>						
<i>The employee/Officer is permitted to work from home on the following, regularly scheduled day(s), up to a maximum of 2 per week</i>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

This agreement may be terminated at any time for reasons including but not limited to:

- The employee/Officer is no longer able to demonstrate that the intended work from home location is safe, ergonomically suitable, free from background noise and distraction, and conducive to working;
- The employee/Officer voluntarily revokes the work from home agreement;
- The immediate supervisor has determined that performance and/or communication while working from home is not at a satisfactory level; or
- At the discretion of the CAO.

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Employee/Officer Signature

Date

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Chief Administrative Officer Signature

Date



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## 10. Occupational Health & Safety Policy

### Policy Statement

It is Council's policy to provide a safe and healthy working environment for all Malahat Nation employees and Officers by identifying and mitigating health and safety risks.

### Purpose

The purpose of this policy is to establish a process to implement, monitor and improve health and safety practices for the Malahat Nation.

### Scope

This policy applies to employees, Officers, contractors and agents, of the Malahat Nation, committees of Council, and Council.

### Responsibilities

Council is responsible for:

- Establishing a process to implement, monitor and improve health and safety practices for the Malahat Nation;
- Reviewing and acting on the recommendations of the Workplace Health and Safety Committee (WHSC) (can assign to CAO); and
- Providing a safe and healthy work environment, including provision of first aid supplies, appropriate safety equipment and clothing, protective devices for machinery, tools and equipment, and the proper level of ventilation, lighting and noise.

The Workplace Health and Safety Committee (WHSC) members are responsible for:

- Participating fully in all committee meetings and activities; and
- Complying with the committee Terms of Reference.

The Chief Administrative Officer (CAO), or assignee, is responsible for:

- Acting as Chairperson of the Health and Safety Committee;
- Ensuring records are maintained for the meetings and activities of the Health and Safety Committee in accordance with relevant policies and procedures;





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- Receiving, reviewing and addressing all incident reports filed under this policy; and
- Implementing ongoing training and education of employees regarding health and safety policies and procedures.

Employees, Officers, contractors, agents and committee members are responsible for:

- Taking all reasonable and necessary precautions to ensure their own safety and health, and that of anyone affected by their work;
- Complying with relevant laws, policies, and procedures concerning health and safety; and
- Reporting any hazards and/or accidents in the workplace to their immediate supervisor, including filing of WCB claims where necessary.

## **Procedures**

### **10.1 Occupational Health and Safety**

Malahat Nation is committed to providing a healthy and safe working environment for its employees, Officers, contractors, agents, and committees of Council. As the employer, Malahat Nation shall take every reasonable precaution to ensure the safety of its employees.

### **10.2 Workplace Health and Safety Committee**

A Workplace Health and Safety Committee (WHSC) shall be created in accordance with the *Committee Establishment & Dissolution Policy* found in the *Governance Policy*.

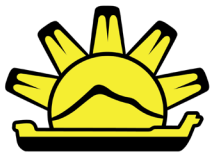
The WHSC shall comply with the Terms of Reference developed for the committee, and comply with and enforce all health and safety regulations and provisions within the *Canada Labour Code*, *B.C. Workers Compensation Act*, and the provisions under Workplace Hazardous Materials Information System (WHMIS).

### **10.3 Incident Reports**

Employees, Officers, contractors, agents, committee members, and members of Council are required to prepare and submit an incident report to notify the Malahat Nation of any hazards and/or accidents in the workplace.

Where a WCB claim must be filed, the employee, Officer, contractor, agent, or committee member are required to complete the employee claim form and notify the CAO or assignee so that an employer claim form may be submitted in support of the employee's claim.

Records of incident reports and WCB claims shall be maintained in accordance with the *Human Resources Records Management Policy*.



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#### **10.4 WHSC Functions**

In accordance with the WHSC Terms of Reference, the Committee must make all recommendations to the employer, Malahat Nation, in writing, separate from the minutes of a meeting and signed by the Chairperson and Co-Chairperson, with a written request for response from the employer within 21 days.

Council, or CAO as assigned, acting as the employer, is required to respond to recommendations made within 21 days of receiving written request, either by:

- Accepting the recommendations; or
- Providing reasons for not accepting the recommendations.

If the employer is unable to provide a timely response, the employer must provide written explanation for the delay including indication of when a response will be provided. If the WHSC is not satisfied with the explanation provided for the delay, the Chairperson or Co-Chairperson may report to WorkSafe BC, which may investigate the matter and may, by order, establish a deadline by which the employer must respond.

If the recommendations provided by the WHSC are not accepted, the Chairperson or Co-Chairperson may report the matter to Council, which may investigate and attempt to resolve the matter.

#### **10.5 Review of OHS Policy**

Annually at minimum, and as often as there are changes in legislation, the CAO or assignee shall review and draft updates to this policy as necessary. Draft policy updates shall be reviewed by the WHSC for feedback. Any and all updates to this policy shall be presented to Council for review and approval in accordance with the *Policies and Procedures Policy* found in the *Governance Policy*.

#### **References and Related Authorities**

None

#### **Attachments**

- 1) WHSC TOR



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## 11. Human Resources Records Management Policy

### Policy Statement

It is Council's policy establish a process around creating, managing, and protecting Human Resources (HR) records in accordance with applicable laws and Malahat Nation policy requirements.

### Purpose

The purpose of this policy is to provide guidance to effectively manage the creation, maintenance, and confidentiality of HR records of the Malahat Nation

### Scope

This policy applies to Council, employees and Officers of the Malahat Nation.

### Responsibilities

Council is responsible for:

- Ensuring a human resources records management system is established and implemented.

The Chief Administrative Officer (CAO) is responsible for:

- General oversight of the human resources records management, storage and retention system, ensuring the security and integrity of the system is maintained; and
- Delegating the operational management of the human resources records management system to an employee of the Human Resources Department.

### Procedures

#### 11.1 Human Resource Records Preparation & Maintenance

Management of the human resources records will comply with the procedures described in the *Record Information Management Policy* found in the *Information Management Policy*.

A confidential employee personnel file will be created for each new employee and Officer, and will include, at minimum, the following HR records:

- Resume with experience and qualifications;



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- Results of all background checks performed;
- Duly signed employment agreement or contract;
- Job description;
- Performance plans and evaluations, training plans, performance improvement plans;
- Documentation related to corrective action in accordance with policy;
- Confidential information related to absences (e.g. doctor's notes);
- Salary adjustments, job reclassifications, etc.;
- Copies of Benefits and pension enrollment forms, as applicable (original retained by the Finance Department); and
- Any other job-related documentation.

Employees shall be made aware of any documentation that is placed in their Employee Personnel File, and shall receive copies of said documentation if requested.

#### **11.2 Access to Human Resource Records**

Employee personnel files are kept confidential and secure subject to the *Information Privacy Policy* and the *Personal Information Protection and Electronic Documents Act*. Access to human resource records will be restricted to the CAO and HR department employees in performance of their job function. However, employees can access their personnel file upon request and in the presence of a HR department employee.

Under no circumstances shall an employee outside the Human Resources department be given access to another employee's personnel file.

Upon termination, the human resources records for that employee will be retained in accordance with the *Record Information Management Policy* found in the *Information Management Policy*.

#### **References and Related Authorities**

FMB'S Financial Management System Standards

- Standard 12.0 – First Nations Officers and Employees

FMB's Financial Administration Law Standards

- Standard 11.0 – First Nations Officers and Employees
- Standard 21.0 – Records and Information

#### **Attachments**

None