



TAKLA LAKE FIRST NATION Respectful Workplace Policy

Policy Statement

At Takla Lake First Nation (TLFN) we acknowledge that all employees and elected officials have the right to work in a safe and respectful environment, free from harassment. Employees and officials also have the right to seek assistance if they believe they are being treated in a way that does not align with our Respectful Workplace Policy.

The Respectful Workplace Policy does not limit the right of TLFN, as an employer, from exercising its management and supervisory rights appropriately and in good faith, including managing employee performance.

Purpose/Rationale

Linked to the Takla Lake First Nation Code of Conduct, which establishes shared expectations of behaviour, this policy outlines TLFN's commitments, and provides related procedures to handle complaints, resolve issues, and remedy situations when bullying and harassment, or discrimination occur.

This policy and related procedures are intended to:

- Provide guidance on what makes a respectful workplace, based on the TLFN Code of Conduct, the Canadian Human Rights Act, the Canada Labour Code, WorksafeBC regulations, and the BC Human Rights Code;
- Provide a process for reporting, investigating, and resolving complaints;
- Promote an understanding of TLFN's diversity and culturally appropriate behaviour.

Principles

TLFN is committed to providing a respectful workplace that complies with legislative and regulatory responsibilities, including but not limited to the Canadian Human Rights Act, the Canada Labour Code, WorksafeBC regulations, and the BC Human Rights Code.

TLFN is committed to providing a workplace that upholds respectful relationships between TLFN members, employees, and elected officials, with trust and integrity. This includes the traditional values of:

- Accepting differences, as demonstrated throughout the Nation, the Balh'ats and ceremony;
- Respecting differences, as demonstrated through knowledge transfer and shared teaching for shared learning;
- Generosity of spirit and a commitment to understand one another;
- Ensuring all visitors and guests are treated with respect and are safe.

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TLFN is committed to:

- A positive, respectful working environment free of bullying and harassment, or discrimination as defined in this policy;
- Supporting individuals in managing workplace differences;
- Striving to prevent and/or address instances of bullying and harassment, or discrimination in the workplace;
- Treating all allegations of bullying, harassment, or discrimination as serious and responding appropriately under our procedures;
- Preserving the confidentiality of all individuals involved in a complaint process;
- Resolving interpersonal issues at the earliest opportunity and with the least formality given the specifics of each situation.

Scope/Limitations

This Policy applies to all elected officials and employees. It can also be used by TLFN members, the general public, contractors, suppliers, and guests of the Nation, within the scope of the TLFN workplace. As an employer, TLFN is accountable for ensuring a safe and respectful workplace. TLFN cannot exercise authority outside of the workplace, though the workplace extends to work functions and work trips.

Individuals are responsible for reporting any policy violations to their supervisor, Human Resources, or an elected official as per the procedures, and for participating in any investigation. Employees and elected officials are responsible for participating in any remedies to improve respect in the workplace.

TLFN has the right to investigate an incident or complaint, with or without the person's consent, where there are concerns about alleged disrespectful conduct or discrimination, and the impact on a respectful workplace.

These policies and procedures cover subsidiary organizations and businesses of Takla Lake First Nation, including Sasuchan Development Corporation.

Definitions

Respectful workplace: is characterized by courtesy, civility, consideration, and compassion. A difference of opinion is not itself disrespectful.

Bullying and harassment: Harassment includes any inappropriate conduct or comment that the person knows or reasonably ought to have known would cause the recipient to be humiliated or intimidated. Bullying is any repeated or systematic behaviour, physical, verbal, or psychological, including shunning, which would be seen by a reasonable person as intending to belittle, intimidate, coerce, or isolate another person. It does not include actions occurring through the exercise in good faith of management's rights for bona fide operational requirements or progressive corrective discipline in a manner that is respectful of those involved.

Discrimination: means discrimination based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, genetic characteristics, age, or criminal conviction unrelated to the person's employment. Discrimination includes sexual harassment, as defined

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below.

Elected official(s): means an individual or group of individuals duly elected to office as TLFN Chief or Council Member under the TLFN election process, whether undertaking duties as part of their elected responsibilities (i.e. political leadership) or undertaking assigned duties in their role as 'working councilor' with administrative as well as political responsibilities. Councilors may hold one or both roles as defined by the current Chief and Council.

Sexual harassment: Sexual harassment includes offensive or humiliating behaviour of a sexual nature that creates an intimidating, hostile, or a poisoned work environment, or that could reasonably ought to put sexual conditions on a person's job or employment opportunities. The TLFN acknowledges that sexual harassment disproportionately impacts women and members identifying as LGBTQ+. Complaints based on sexual harassment will be dealt with in a timely and gender-sensitive manner. Situations involving physical and sexual assault are against the law and will be referred to law enforcement authorities immediately.

POLICY APPROVAL SUMMARY

Approved by:	TLFN Council
Original approval date:	December 4, 2017
Latest approval date:	December 4, 2017

Respectful Workplace Procedures

In conjunction with the Respectful Workplace Policy and the TLFN Code of Conduct, these procedures outline how Takla Lake First Nation will handle complaints, resolve issues, and remedy situations when bullying, harassment, or discrimination occur.

These procedures provide:

- a process for informal resolution of complaints for employees and elected officials;
- a process for reporting and investigating complaints for employees and elected officials;
- a process for appeal;
- a process for complaints or respondents other than by employees or elected officials;
- an outline of employee and elected official orientation and training.

Definitions

Complainant(s): The person(s) making a complaint that a violation of this policy has occurred.

Respondent(s): The person(s) alleged to have committed a violation of this policy.

Investigator: An internal or external investigator, appointed or engaged by TLFN to conduct an investigation in relation to these procedures.

Procedures for complaint

1. Options for reporting and resolving disrespectful conduct and behaviour

Incidents or complaints should be addressed and/or reported as soon as possible, and ideally within six (6) months of the incident. The unique circumstances of each complaint will determine the appropriate steps to take in resolving the complaint in a fair, constructive, and respectful manner.

Throughout the process, complainants can seek the assistance of their manager, Human Resources, or a trusted support person from within the organization.

People involved in the complaint process are encouraged to keep a written record of the dates and steps taken to resolve the issue.

Most investigations will be conducted internally by the manager or Human Resources. In some situations, an external investigator may be asked to conduct the investigation.

2. Informal conversation

If you believe you have been treated disrespectfully, or experienced discrimination, you are encouraged to have a clarifying conversation or conversations with the other person(s) to identify and resolve the concerns. The earlier the issue is addressed and discussed, the better chance of it being resolved and any inappropriate behaviour stopped. Contact Human Resources, or check the resources on the TLFN website, for ideas on how to have this conversation.

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Be specific in the discussion: identify dates, and the actual behaviours that concern you. This will help the other person to remember and understand what occurred.

3. Report to manager and informal process

If concerns remain, contact your manager or Human Resources, who will assess the complaint to determine if the incident can be resolved informally. The manager or Human Resources will discuss the situation with the complainant and with the respondent, with the goal of finding a mutually agreeable solution in a timely manner. Informal procedures could also include mediation. Any and all informal procedures are voluntary and confidential.

If a third-party mediation is undertaken, the parties should agree on the choice of a neutral, skilled mediator.

At any time during an informal process, the complainant may decide to undertake formal procedures instead.

If the situation cannot be resolved informally, the complainant will be supported in submitting a formal complaint.

4. Formal investigation process

If you have tried other options, or the circumstances are extreme, complex or sensitive, a formal complaint and investigation may be appropriate. The complainant must provide documented details about the incidents, including when and where they occurred, how often they occurred, who else was present, and the impacts of the harassment.

Your formal complaint is submitted to the senior Band administrator or Human Resources, who will advise the respondent that a complaint has been filed against him/her. Human Resources is responsible for appointing an appropriate and qualified investigator.

The investigator will interview the complainant and respondent as soon as possible, interview any witnesses, document the situation, and provide a report on his/her findings to Human Resources.

Investigations will:

- Be undertaken promptly, and will be as thorough as necessary given the circumstances;
- Be fair and impartial, providing both the complainant and the respondent equal treatment in evaluating the allegations;
- Be focused on finding and assessing facts and evidence;
- Incorporate requests for assistance and support from the complainant or respondent throughout the process.

At the conclusion of the investigation, the complainant and respondent will be advised of the investigation findings. If necessary, corrective or disciplinary action will be taken. A record of the investigation and findings will be kept by Human Resources.

5. Appeals

If either the complainant or the respondent believes the procedures outlined here, or the

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Respectful Workplace Policy, were not followed through the investigation process, s/he may appeal to Chief and Council. The specific lapses of policy and/or procedure must be clearly documented. The appeal must be submitted within 10 working days of the respondent or complainant receiving the investigation findings. Chief and Council will respond to the appeal within 15 working days.

6. Other resolution processes

Individuals who believe they have a complaint that is not appropriately addressed through this Policy and Procedures may choose to seek remedies as appropriate under the Canadian Human Rights Act, the Canada Labour Code, WorksafeBC standards, and the BC Human Rights Code.

7. Responses to disrespectful conduct and behaviour

Any employee or elected official found to be disrespectful and/or discriminatory at work or at work-related events may be subject to remedial and/or disciplinary action up to and including termination of employment, revocation of contract, and/or revocation of privileges with TLFN's authority. Remedial interventions may include but are not limited to:

- Communication skills training
- Anger management training
- Education on diversity and respect
- Counselling through the Employee Family Assistance Plan
- Cultural training

8. Disrespectful behaviour towards employees or elected officials

TLFN members, general public, contractors, suppliers, and guests who engage in disrespectful behaviour towards employees or elected officials, as defined in this policy, are subject to investigation and official remedy up to and including suspension of services, and/or termination of contract, and/or refusal of access to TLFN business premises. This is at the discretion of the senior Band administrator or Chief and Council. The affected respondent has the right to appeal.

9. Bad faith complaints

An employee or elected official who files a formal complaint, which would be seen by a reasonable person to be frivolous or vindictive may be subject to disciplinary action.

10. Retaliation

TLFN does not tolerate acts of retaliation (i.e. threats, intimidation, reprisals, or adverse employment action) against a person who has filed a complaint or participated in a bullying, harassment, or discrimination investigation.

11. Confidentiality

It is difficult to come forward with a complaint, and it is difficult to be the respondent to a complaint. TLFN is committed to protecting the privacy and interests of everyone involved in a complaint. Complaints cannot be anonymous, as the person accused must be given an opportunity to respond to specific allegations. Depending on the issue, it may also be necessary to involve witnesses in the process.

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Every effort will be made to maintain confidentiality throughout the process, and everyone involved will be asked to do so as well. TLFN commits that the process and information relating to the complaint will only be disclosed to the extent necessary to carry out these procedures, and to enforce any disciplinary action that may result. Complainants are not usually informed of specific disciplinary action that may be taken as a result of the complaint, as that information is generally confidential to the respondent and TLFN.

12. Records

All written material will be kept in confidence by Human Resources. No record of a complaint, investigation, or decision will go in the complainant's employee file if the complaint was made in good faith. If there is no finding of evidence to support the complaint, no documentation regarding the complaint will be placed in the respondent's employee file.

If there is a finding to support the complaint, the incident and corrective/disciplinary action will be recorded in the respondent's employee file as appropriate. In the case of bad faith complaints, the incident and corrective action will be recorded in the complainant's employee file as appropriate.

Orientation and Training

1. All current and new employees and elected officials will receive an orientation to the TLFN Respectful Workplace Policy and Procedures, and to the Code of Conduct. Designing orientation materials and tracking orientation completion by each employee will be the responsibility of Human Resources.
2. All employees and elected officials will participate in Respectful Workplace training as at least every second year, and will have their participation documented through their Department, to Human Resources.
3. Managers, supervisors, and elected officials will receive training in how to manage and support informal and formal complaints through this Policy and Procedure.
4. Orientation and training will include a cultural orientation to Takla Lake First Nations' various traditions, and will include commonly used Carrier, Sekani, and Gitksan terms within the Takla community, and their meaning and use.

PROCEDURE APPROVAL SUMMARY

Approved by:	Chief and Council
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