



# TAKLA NATION

HEALTH ■ PROSPERITY ■ TRADITION

## TAKLA NATION Human Resource Policy

### Policy Statement

Takla Nation works together to rebuild and sustain a healthy and prosperous community that is grounded in our cultural heritage and respectful of our traditional lands. Council is responsible for the well-being of employees within the Nation's government and operations, and as an employer is responsible for adhering to all legislation and policies.

Takla Nation is built upon the seven fundamental teachings: love, respect, courage, honesty, wisdom, humility, and truth. Through these teachings, Takla Nation is committed to providing a workplace that upholds safety, acceptance, and trust. As an employer, Council is committed to ensuring transparency, fairness, and a healthy workplace.

We expect and hold all Takla Nation employees accountable to:

- Perform all duties conscientiously, loyally, and honestly. Be humble about mistakes, and demonstrate bravery in becoming a better person and employee;
- Be proud of our work and Takla Nation. Promote a positive work environment and communicate in a professional manner, demonstrating respect for community members, colleagues and leadership. Build a positive reputation for Takla Nation;
- Adhere to Takla Nation Policy and Procedures and support colleagues in strengthening the workplace;
- Engage in and contribute to the wisdom and vision of the Takla Nation. Respect Takla Nation's traditional knowledge and world view, and the cultures of all peoples;
- Ensure a safe and effective workplace. Adhere to all safety and health requirements. Work each day free from alcohol, illegal drugs or other intoxicants, and when representing Takla Nation;
- Take responsibility for actions, respond positively to constructive feedback. Be accountable within the Takla Nation team, providing quality services to members and each other.

Specific Human Resources procedures, amended from time to time, will include:

1. Employee classification
2. Position classification
3. Hiring and orientation
4. Hours of work and schedules
5. Compensation
6. Benefits
7. Professional and employee development
8. Leaves
9. Employee performance management, including dismissal
10. Resignation, retirement, termination
11. Grievances

12. Takla Nation property and use of systems, including social media
13. Copyright
14. Management of employee files and information
15. Employment outside the Nation's government

The Nation's Respectful Workplace Policy and Procedures is a separate policy document.

The Nation's Conflict of Interest Policy and Procedures is a separate document.

The Nation's Occupational Health and Safety Policies and related procedures are separate documents.

### **Purpose/Rationale**

This policy and the related procedures set out the terms and conditions of employment with Takla Nation (TN). The procedures are designed to be a working guide for all. The policy and procedures provide for:

- Clear employment policy guidelines at TN
- Recognition of the traditional ways of the Takla people as part of HR procedures
- Consistency and fairness in employment related matters
- Consideration for flexibility to meet employee needs while ensuring the work is done well
- Compliance with employment related legislation and standards, as they may change from time to time

### **Principles**

TN will manage and administer its Human Resource practices to encourage and promote:

1. Transparency within the constraints of the law
2. Fairness and consistency of process
3. Equity
4. A healthy, respectful workplace that upholds respectful relationships between TN employees, elected officials, and members, 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;as well as the values outlined in Takla Nation: Our Ways.
5. A healthy, 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;
6. Support for Takla Nation members as strong and effective employees within their Nation's government;
7. Efficient use of resources on behalf of the Nation.

Takla Nation Council and employees have developed a code of ethics and conduct, Our Ways,

which is integrated in this policy. Council has an approved Alcohol and Drug Use standard. Takla Nation makes this information readily available throughout the workplace and requires all employees to make themselves familiar with and abide by these codes.

#### **Scope/Limitations**

These policy and procedures are not intended to address every specific employment situation or related issue. They establish principles and general guidelines for all TN employees. Takla Nation and individual employees may address specific situations using alternative approaches, within the principles of this policy and legal requirements.

The procedures related to this policy incorporate and adhere to the Canada Labour Code. Any procedures that are inconsistent with or fall below Canada Labour Code standards shall be null and void and the Canada Labour Code shall take precedence.

It is the responsibility of all employees to read and understand the policies and procedures of the Nation. Specific questions regarding the policy and procedures should be initially directed to an employee's immediate supervisor, who will seek guidance from Human Resources as required.

Revisions to policy and procedures will be made as required to comply with changes to employment-related legislation and standards, and to update the direction and standards of Takla Nation as an employer. Legally required amendments will be communicated to all employees by the HR Department. Employees will be consulted on substantive changes to policy and/or procedures. Approved amended policies and procedures supersede and replace all earlier versions of the related policies and procedures.

#### **Definitions within the Policy and Procedures**

**Calendar Year:** a calendar year is a one-year period that begins on January 1 and ends on December 31.

**Canada Labour Code:** the Canada Labor Code Act, R.S.C. 1985, C. L-2 and the Regulations enacted thereunder, as amended from time to time.

**Council:** the duly elected governance body of Takla Nation. Unless otherwise specified, any decision or directive of Council under this Policy Manual must be a decision or directive issued at a duly convened Council meeting with a quorum of Council present at that meeting.

**Employee:** an individual who is hired for employment through formal terms and conditions of employment.

**Employment year:** for each employee, the twelve-month period commencing from the date an employee is hired, and each twelve-month period thereafter.

**Equity:** the quality of being fair and reasonable in a way that gives equal treatment to everyone.

**Fairness:** impartial and just treatment or behavior without favoritism or discrimination.

**Fiscal year:** a 12-month period that an organization uses to report its finances, Takla Nation's Fiscal year runs April 1 through to March 31 (each year).

**Manager:** any manager, director or other position with hiring and dismissal authority within the organization structure and has substantial oversight responsibility for planning and monitoring specific functions or departments of the organization

**Network Administrator:** The individual or company retained by the Nation to provide

information technology services.

**Professional Employee:** A non-management employee who is required to hold a professional designation for his/her work i.e. teacher, accountant, forester, biologist, planner, social worker.

**School Year:** a school year is a 10-month period that begins in September and ends in June

**Senior Manager:** the most senior employee at TN, who reports directly to Chief and Council with respect to the operations of the Nation.

**Supervisor:** a designated employee who directs the work of another employee on a regular basis, schedules hours, participates in employee evaluations.

**Takla Nation or TN:** the elected Council and appointed administration of Takla Nation as a government entity under the Indian Act.

**POLICY APPROVAL SUMMARY**

Approved by:                   Takla Nation Council  
Original approval date:      October 4, 2019  
Latest approval date:         March 31, 2021

## Human Resource Procedures

In conjunction with the Human Resources policy and legislation, laws and other Takla Nation policies, these procedures outline how Takla Nation (TN) will manage its human resource operations.

Definitions are found within the over-arching Human Resources Policy.

### 1. Employee Classification

The Human Resources Department manages the employee classification system in consultation with the Senior Manager.

- 1.1. Permanent full-time: an employee hired for an on-going position working at least thirty-five (35) hours per week;
- 1.2. Permanent part-time: an employee hired for an ongoing position generally scheduled to work fewer than thirty-five (35 hours per week);
- 1.3. Probationary employee: anyone who has not satisfactorily completed the terms of his or her probationary period;
- 1.4. Casual employee: an employee who works full- or part-time for fewer than three (3) months. A casual employee is not eligible for enrollment in the TN Benefits Plan or the Employee Pension Plan;
- 1.5. Fixed term employee: a full- or part-time employee hired for the specific term of a project or specific task, or on a temporary basis to replace an employee on leave. Fixed term employees are hired for a minimum of three (3) months to a maximum of twelve (12) months. Fixed term employees are eligible for benefits as per the Nation's benefits agreement(s) and are eligible for severance or working notice as per the Canada Labour Code;
- 1.6. Fixed term elected official: Takla Nation elected officials are elected by the membership to specific terms of office. During that fixed term (with identified start and end dates as defined by the Takla Nation Election Code) the elected official is considered an employee of the Nation, either full- or part-time;
- 1.7. To meet operating requirements, a manager may recommend to the Senior Manager the following changes to a current employee's employment status:
  - from part-time to full-time, or
  - from fixed term to permanentprovided that the incumbent occupies the same position with the same work duties prior to the change in employment status. The employee must be offered and accept a new employment agreement for the change in status. If the employee does not accept a change in status required to meet operating requirements, the employee may be terminated on a without-cause basis and provided with applicable termination entitlements.
- 1.8. Any other recommendations for altering a current employee's employment status based on existing operating requirements (i.e. from full-time to part-time) must be reviewed by the HR Manager and the Senior Manager and may be subject to other sections of this policy i.e. termination.

**Independent contractors:**

Takla Nation may from time-to-time hire persons or companies on a written contractual basis. Individuals hired as contractors are not employees of Takla Nation and are not subject to deductions. Takla Nation follows the Canada Revenue Agency definition of contractors.

## **2. Position Classification**

- 2.1. Within employee classifications the Nation's pay equity model differentiates levels of responsibility, decision-making impact, and other compensable factors. The differentiation impacts pay scales for employees within and between pay grades;
- 2.2. Supervisor: designated positions with specific responsibility for guiding and monitoring the work of other employees, without additional management functions;
- 2.3. Management: all designated positions that supervise other employees and have substantial oversight responsibility for planning and monitoring specific functions or departments of the organization;
- 2.4. A position may be reclassified if the job expectations and/or job qualifications change significantly and the job description is modified to reflect the changes;
- 2.5. An employee shall not be reclassified into a position for which s/he does not meet the minimum qualifications. If a position is reclassified and the employee in the original position does not meet the minimum qualifications, the employee shall be given reasonable time to meet the minimum qualifications. The employee shall remain at the lower classification until such time as s/he meets the minimum qualifications for the position. If an employee is not able to meet the minimum qualifications of the reclassified position, the employee will be terminated as per this policy;
- 2.6. A position shall not be reclassified because an individual within a specific position is exceeding expectations for that position. It is the position, and not the individual, which is reclassified when required by the organization;
- 2.7. If an employee believes the position s/he occupies is improperly classified for pay purposes, s/he may request a review by the immediate supervisor, either in writing or in person. The supervisor consults with Human Resources, which will consider and compare similar positions as per the pay equity guidelines established by the Nation.
- 2.8. The Nation's position development and pay equity models may include positions that allow for incremental increases of responsibilities and pay over a period of time, for the same employee, as s/he develops skills to the level required for position. These positions do not need to be re-posted.

## **3. Hiring and Orientation**

Takla Nation's goal is to hire the best available candidates. Recruitment and selection processes identify the candidates who possess the knowledge, skills and abilities required to carry out the work responsibilities effectively and to achieve the Nation's goals as part of a team.

In its recruitment and selection process, Takla Nation is guided by the following principles:

- To build Nation capacity, employment preference will be given to qualified Indigenous applicants;
- To ensure the traditional culture of the Takla people and the cultural commitments of the Takla Nation are priorities for employees;

- To support both TN members and current employees in successful development within the Nation, succession planning and training positions will be developed as opportunities become available; this ensures qualified employees are developed and retained when employment within the Nation becomes available;
- The recruitment process will be cost efficient, transparent, timely, and fair.

### **3.1. Job Description**

3.1.1. A job description will be developed for each position by the immediate supervisor and approved by the Manager of Human Resources to ensure it is consistent within the Nation's structure;

3.1.2. The job description includes:

- the position title and classification
- the duties and responsibilities
- the reporting structure, and if applicable, the positions supervised
- the desired and minimum qualifications and skills required for that position, including requirements for knowledge/understanding of Indigenous history, political and social context
- the personal attributes required, including those required to work in a First Nation environment
- any other requirements (e.g. use of own vehicle, criminal record check)
- the date on which the job description was approved or revised
- the signature of the senior department manager and the Human Resources Manager

3.1.3. Job descriptions are reviewed approximately every two (2) years.

### **3.2. Approval for Hiring**

3.2.1. Prior to recruitment and hiring, the immediate supervisor and the senior department manager will:

- determine the need for the position
- define the type of position (permanent, fixed term or casual)
- ensure the job description is current, or update the job description
- identify the wage through the pay equity process, with Human Resources
- identify and secure the budget for the position
  - complete the necessary HR forms to confirm budget availability and coding, position description, wage etc.

3.2.2. Prior to recruitment and hiring, Chief and Council may determine that recommendations for hire for certain positions are to be brought to Council for input prior to the hiring manager making the decision.

### **3.3. Posting and Recruitment**

3.3.1. All positions other than casual will be posted except as identified under Section 3.8;

3.3.2. Casual positions may be posted to establish a pool of available workers;

3.3.3. Appointments may be made on a temporary basis until a permanent selection

can be made;

- 3.3.4. Posting does not preclude pro-active recruitment processes that support development, particularly of Indigenous individuals and/or for hard-to-fill positions.

#### **3.4. Interview Process and Selection**

All posted positions will use a standard interview process, guided by Human Resources:

- 3.4.1. Standard processes include:

- Interview panel including the supervisor and at least two other employees, ideally one of whom does similar work to the posted position;
- Development of interview questions/presentations and a scoring model prior to reviewing any applicant information or shortlisting. Scoring models should reflect the principles outlined in this policy;
- All shortlisted applicants will be interviewed in the same way;
- Notes from all panel members will be gathered and kept in the competition file held by Human Resources;
- Consensus on the best qualified applicant, including assessment of fit with the organization, Indigenous heritage, and potential for growth with Takla, is desirable. In the absence of consensus, the hiring Manager will determine the successful applicant;
- Prior to any job offer, a minimum of three (3) relevant references will be checked by the hiring manager or, occasionally, by HR staff. All references must be documented using the HR Department standard form and/or through additional notes, dated and signed. All reference materials are to be included with the competition file held by Human Resources.

- 3.4.2. Competition file

Position and interview information, interview notes, resumes of short-listed applicants, and reference documentation are kept in a secure and confidential file in Human Resources, separate from personnel files.

- 3.4.3. Credential and license verification

- Human Resources will ensure new employees provide proof of all required degrees, diplomas, credentials and licenses as a condition of employment. All offers of employment are conditional upon the verification of such credentials;
- The original documentation will be stored in the personnel file of the employee.

#### **3.5. Human Rights**

- 3.5.1. No employee or prospective employee will be subjected to any questions or queries regarding personal aspects of their lives. Any person who feels that he/she has been discriminated against in the interview and selection process can file a Grievance Complaint as set out in the policy, or through the appropriate Human Rights protection systems. The Canadian Human Rights Act and the BC Human Rights Code protect against discrimination based on race, national or ethnic origin,

colour, religion, age, sex, sexual orientation, gender identify or expressions, marital status, family status, disability, political beliefs, and conviction for which a pardon has been granted;

- 3.5.2. Takla Nation shall at every opportunity when hiring employees give special consideration to applicants of Indigenous ancestry. This consideration is based on the need and request of the TN membership, and federal legislation.

### **3.6. Employee oaths and agreements**

All job offers are conditional on the prospective employee signing and returning to Human Resources the Takla Nation Oath of Confidentiality. This signed oath will be kept in the personnel file of the individual employee.

All employees will be oriented to and are required to follow the conduct outlined in Takla Nation: Our Ways and the Takla Nation Alcohol and Drug Use Standards.

### **3.7. Orientation**

- 3.7.1. The Manager is responsible for ensuring all new Employee paperwork required by administration and/or the department is completed and signed as required by the Employee and Manager;
- 3.7.2. The Manager is responsible for the orientation of all new Employees in his or her department, including Casual Employees. Orientation includes occupational health and safety requirements, attendance and reporting, job duties;
- 3.7.3. The HR department provides orientation information that spans all areas of the Nation, including and orientation to Takla culture, Respectful Workplace policy and procedures, Takla Nation: Our Ways, and employee benefits.

### **3.8. Exceptions:**

3.8.1. Appointment to position: Notwithstanding the other provisions of this policy and in extenuating circumstances, TN may appoint an individual to a position without a competition. This requires the written rationale and approval of the Senior Manager or, in the case of the Senior Manager, agreement by a majority of Council.

3.8.2. Acting assignments:

3.8.2.1. An acting assignment (moving current employees temporarily to a different position) may be approved by the Senior Manager when an incumbent is temporarily absent but returning to work, or an employee is required to temporarily occupy a vacant position during the recruitment process. Such an appointment will not exceed three (3) months. The Senior Manager has the discretion to consider a further extension;

3.8.2.2. Acting assignments will be compensated at the rate of pay of the position being filled.

3.8.2.3. An acting assignment of fewer than five (5) consecutive business days will not be compensated at a higher rate of pay. Certain situations i.e. teachers and classroom aides acting in other roles for fewer than five (5) days may be compensated at a higher rate of pay, following approval by the HR Manager and Senior Manager.

## 4. Hours of Work and Schedules

### 4.1. Hours of Work

- 4.1.1. Regular hours of work are defined by the operational needs of the Nation;
- 4.1.2. All employees (exempting Takla Nation school staff – see subsection 4.1.13) working a minimum seven-hour (7 hour) day are entitled to an unpaid hour for meal break each day, and to two (2) 15-minute paid breaks, either as established break times, or the equivalent time being used for ad hoc non-work related activities such as texting, phoning family and friends, arranging non-work related activities, or smoking;
- 4.1.3. All eligible employees are entitled to unpaid breaks due to medical reasons or for nursing purposes in accordance with the Canada Labour Code. Eligibility for unpaid medical or nursing breaks shall be determined in accordance with the Canada Labour Code.
- 4.1.4. All employees working overtime are entitled to 30-minute paid break after working 2.5 hours of overtime immediately before or after their scheduled daily hours (Break 1). If overtime goes beyond 2.5 hours as a continuous schedule, they are entitled to an additional 30-minute paid break four hours after the end of Break 1 (Break 2), and an additional 30-minute paid break three hours after the end of Break 2;
- 4.1.5. Certain positions such as field-based positions require averaging of hours over a period of time. Such positions and the arrangements for a modified or averaged work schedule will be in accordance with the Canada Labour Code and will be clearly outlined in the employment letter of offer;
- 4.1.6. An employee who works more than three (3) hours but fewer than five (5) consecutive hours per day is entitled to one fifteen (15) minute paid break and no meal break
- 4.1.7. Some positions are part-time or require irregular or flexible hours. Positions with such needs will be identified in the hiring process, and the requirements and schedules clearly outlined in the letter of offer;
- 4.1.8. Lunch and other breaks will be scheduled to accommodate the operational needs of the organization;
- 4.1.9. Changes to scheduled hours of work are done by the supervisor, not the employee;
- 4.1.10. Employees are encouraged to arrange medical and other personal appointments at times that will cause the least disruption at work. If it is not possible to schedule such appointments during non-work hours, the employee shall provide a written request to his/her supervisor for the desired time off. Such allowance for personal appointments will be made in accordance with the procedures for Leaves;
- 4.1.11. Travel time: subject to overtime requirements, hours spent traveling during regular work hours are straight time hours, and employees are required to work any remaining hours during that day, as assigned. Pre-approved travel outside of regular work hours or when unavoidable due to schedules or travel conditions, is overtime (as per 4.2.4);
- 4.1.12. At its discretion, Council may determine that certain or all groups of employees will receive consistent scheduled group time off with pay or through

flexing hours during the week to make up for scheduled group time off (i.e. alternate Friday afternoons for Takla Landing employees, relating to travel from the community on paydays). Council will review these decisions during the budget process annually. Council will strive to support equity of work hours for all employees.

- 4.1.13. As per Industry standards, Takla Nation school staff working a minimum seven-hour (7 hour) day are entitled to a paid 30-minute meal break each day, and to two (2) 15-minute paid breaks.

#### **4.2. Overtime**

- 4.2.1. The working of overtime hours is discouraged, unless deemed necessary by a supervisor for a specific purpose and assigned by the supervisor in writing prior to the overtime work being undertaken;
- 4.2.2. Subject to any averaging agreements and statutory holidays which may affect the calculation of overtime entitlements, all overtime hours worked in excess of eight (8) hours per day or forty (40) hours per week shall be compensated in accordance with the Canada Labour Code.
- 4.2.3. Casual employees who are requested to work beyond their regularly scheduled work hours are compensated at a rate of straight time up to eight (8) hours in a regular workday or 40 hours in a regular workweek. Subject to any averaging agreements and statutory holidays which may affect the calculation of overtime entitlements, overtime hours worked in excess of eight (8) hours per day or 40 hours per week are compensated in accordance with provisions of the Canada Labour Code.
- 4.2.4. Casual employees are paid out their overtime as part of their regular payment schedule.
- 4.2.5. Managers and professionals are exempt from overtime compensation as per the Canada Labour Code.

#### **4.3. Stand-by and call-out time**

- 4.3.1. An employee who is on “stand-by” is away from the workplace and accessible to the employer when needed. The employee is required to be within range of communications, though not necessarily at their residence, and must continue to be available to the employer and be able to attend work within a reasonable time period if called in;
- 4.3.2. If employees are on stand-by and must remain at a specific location, the employees must be paid wages because they are still under the employer's direction and not free to pursue their own interests. Additional work may be assigned to employees in this situation, other than their regular duties.
- 4.3.3. If as required by an employer an employee reports for work on any scheduled work day, the employer must pay the employee for a minimum of (3) hours at the regular wage whether or not the employee starts work, unless the employee is unfit to work.

#### **4.4. Time sheets**

- 4.4.1. Each hourly employee is responsible for completing in full and signing his/her

time sheet and providing it to the supervisor who is responsible for reviewing, verifying and signing;

4.4.2. The supervisor submits the timesheet and any required documentation to Payroll on the dates determined by Payroll;

4.4.3. Salaried employees do not submit timesheets unless documenting approved overtime or use of banked hours.

**4.5. Notification of absence from work site, absence from work, or lateness**

4.5.1. Employees who are unable to report to work at the scheduled time must advise their supervisor a minimum of thirty (30) minutes prior to their scheduled start time. Failure to do so may result in disciplinary action;

4.5.2. All absences from work or lateness not made up within the week must be documented on the appropriate leave of absence form and signed by the supervisor. If banked time is used for such absences it must be documented on a timesheet and signed by the supervisor.

## **5. Compensation**

Takla Nation strives to ensure fair compensation for its employees. Takla Nation uses a pay equity process to identify compensable factors, establish pay scale and pay grades and compensation equivalent to other positions in Northern BC. From time-to-time Human Resources and Council may update the pay equity model.

**5.1. Pay and increments**

5.1.1. Takla Nation pays employees either salary or hourly wages, as outlined in the letter of employment. Hours of work per day or per week or per pay period must be stated in the letter;

5.1.2. The starting salary or wage and any subsequent increments (if applicable) will be determined in accordance with the TN Pay Scale, as amended from time to time;

5.1.3. Increments are based on:

5.1.3.1. Cost-of-living increases for all employees, approved at the discretion of Chief and Council; and/or

5.1.3.2. Years in a position, to the maximum identified in the Pay Scale and requiring satisfactory performance reviews; and/or

5.1.3.3. Occasional adjustments approved by Council, based on specific and unusual circumstances for a specific position and/or the individual employee;

5.1.4. All employees will be paid bi-weekly;

5.1.5. Any changes in payment of salary or wages will be reflected in a written amendment to the employment agreement with each employee.

**5.2. Deductions**

5.2.1. Where applicable, the Payroll Department will deduct from each employee's gross earnings Income Tax, Canada Pension Plan and/or Employment Insurance premiums, Group Benefits Plan and Pension Plan, in accordance with federal and/or provincial statutes and regulations;

5.2.2. Employees may request that Payroll make additional, specific deductions from regular wages, through processes identified by Payroll. This may include housing

maintenance fees in Takla Landing, or Takla Trading Post accounts.

### **5.3. Bonuses**

- 5.3.1. Chief and Council and/or the Senior Manager of the Nation have the right to offer signing or retention bonuses for attracting and retaining specialized workers i.e. teachers, Managers based in Takla Landing, technical specialists. The Human Resources Manager will provide information about documented regional norms for similar positions.

### **5.4. Payroll advances**

- 5.4.1. An advance on an employee's salary may be made only with written pre-approval from the Senior Manager, and shall only be approved in unusual/emergency situations;
- 5.4.2. Once a repayment of the advance has been agreed and signed the original repayment agreement must be adhered to by the employee and TN.

## **6. Benefits**

- 6.1. Eligible employees and other employees authorized in their employment agreement can apply for any benefit plans made available by TN to its employees. All employees applying for benefits are subject to the decisions of the carrier. Detailed information regarding benefits can be obtained from the HR department;
- 6.2. All eligible employees may participate in TN's Pension Plan as per the Nation's benefits agreement conditions and conditions of the employee's letter of employment. Detailed information regarding the Pension Plan may be obtained from the HR department;
- 6.3. An employee accepted for Long-Term Disability by the benefits provider shall continue to receive all benefits (except pension) s/he is entitled to for a maximum period of twenty-four (24) months. During that 24-month period the employee may, if s/he is able to do so, return to his/her position. After 24 months the position is deemed vacant and the employee no longer has rights to a position with Takla Nation unless s/he applies and is hired for a position.
- 6.4. An employee that is absent from work due to an illness or disability will be offered the opportunity to continue their group life and health benefits for up to 17 weeks by paying their portion of the premiums (by monthly post-dated cheques). The employee will be required to provide a physician statement documenting their inability to work. At the end of the 17 week period, employees may continue their group life and health benefits by paying 100% of the premiums (by monthly post-dated cheques). Alternatively, they can choose to have these benefits suspended until return to work. After two years of Long-Term Disability, the group benefits will be permanently suspended.

## **7. Professional and Employee Development**

Takla Nation supports the on-going professional development of employees, subject to equity of access amongst employees and departments, and available resources. Professional development includes enhancing employee understanding of Indigenous culture, and specifically the traditional and current ways of the Takla Nation. The Nation supports succession planning across

the organization and encourages employees to plan for a future with the Nation's government.

### **7.1. Special initiatives**

From time-to-time Council may determine that certain activities are beneficial to the overall development of the Nation and may direct that some or all employees be included in such activities. When this occurs, the department organizing the activities must coordinate with all other departments to ensure the regular responsibilities and services of the Nation's government are not disrupted. Employees cannot be released for activities without prior approval of their manager. The organizing department (not the affected departments) will cover all employee replacement costs required to ensure Nation services are maintained while employees participate in such activities.

### **7.2. Professional/training development**

- 7.2.1. Professional development and training will be consistent with the needs of the employee's position or the Nation generally, and is determined by the financial resources available in the department budget or the HR budget, and the approval of the Manager;
- 7.2.2. Whenever possible, Supervisors will collaborate across departments to provide shared opportunities for multiple employees to develop and upgrade their skills while maximizing Nation resources;
- 7.2.3. Permanent employees are entitled to a minimum of five (5) days of employee-initiated professional development or training (including conference or seminar participation, and short courses/workshops) per fiscal year, or as identified in the employment contract. The supervisor grants such requests within fiscal and organizational constraints and as part of a development plan identified through the performance review process;
- 7.2.4. Employee professional development is tracked through Finance and/or Human Resources.
- 7.2.5. Employee-initiated PD or training of more than 10 days in a fiscal year will be reviewed by the HR Manager and the supervisor(s) for relevance to operational needs, succession planning, and cost benefit for the Nation;
- 7.2.6. Employee-initiated professional development or training, taken during work time, may require that funding for travel, accommodation or portion of the tuition be covered by the employee;
- 7.2.7. If an employee identifies activities s/he wishes to take during regular work hours, s/he must provide information and registration forms for the event to the immediate supervisor for approval at least two (2) weeks prior to the event;
- 7.2.8. If the training is required for employee certification, or to meet identified needs of the employer, all costs including travel time will be carried by the employer and the scheduling of the training is at the full discretion of the department;
- 7.2.9. Following completion of development activities or training paid for by the Nation (either directly or through release from regular duties), the employee will provide a written report to his/her manager and will share information with other employees at the direction of his/her manager;
- 7.2.10. Training not required or supported by the employer will be taken on the employee's time and at the employee's expense;

7.2.11. Overtime is not provided for any employee-initiated PD or training. Only PD or training activities required by the employer will be eligible for overtime, as approved by the supervisor prior to the PD or training starting;

### 7.3. Educational leave

7.3.1. Where development or training cannot reasonably be undertaken during work hours, the employee may apply for "educational leave". See the Leaves section of this policy.

### 7.4. Payment of professional fees

- 7.4.1. Where the employer requires an employee to be registered with a professional association or maintain standing with a professional or technical association, annual dues and fees will be budgeted by the department and paid by the Nation;
- 7.4.2. When the employee resigns or is terminated from his/her position the employee is required to pro-rate the annual fees and pay the Nation for the outstanding annual balance.

## 8. Leaves

### 8.1. Paid holidays

8.1.1. All employees eligible under the Canada Labour Code are entitled to statutory holidays with pay. The following are designated as paid holidays:

- New Year's Day
- Family Day
- Good Friday
- Easter Monday
- Victoria Day
- National Indigenous Peoples Day
- Canada Day
- BC Day
- Labour Day
- National Day of Truth and Reconciliation
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day

8.1.2. All employees eligible under 8.1.1 above will receive the three non-statutory days between Christmas and New Year's Day as additional paid holidays granted by Takla Nation Council;

8.1.3. Any other day proclaimed as a statutory holiday by the Federal, Provincial, or Band governments for the locality in which the employee works shall also be a paid holiday;

8.1.4. If the paid holiday falls on a Saturday or Sunday, Council will determine which workday is deemed to be the holiday;

8.1.5. If an employee is on vacation leave and a day of paid holiday falls within that leave

period, the paid holiday is not counted as a vacation day.

### 8.2. Vacation

- 8.2.1 All employees (exempting Takla Nation school staff -- see 8.2.14) accrue vacation time and vacation pay calculated from the employee's date of employment;
- 8.2.2 Employees may apply for and take accrued vacation with the approval of the Manager any time after six months of employment;
- 8.2.3 Vacation leave is computed as follows unless otherwise negotiated in the employment contract:

<b>Number of years employed</b>	<b>Number of paid vacation days per year</b>
0 – end of 2nd year	10 days
3 – end of 5 <sup>th</sup> year	15 days
6 – end of 8 <sup>th</sup> year	20 days
9 – end of 11 <sup>th</sup> year	25 days
12 or more years	30 days

- 8.2.4 During the probationary period an employee may not use any vacation leave, but will accumulate vacation leave during that period;
- 8.2.5 Casual employees will receive vacation pay in lieu of paid vacation leave, calculated at 4% of the gross earned salary. A casual employee takes time off without pay or uses banked time in lieu of paid vacation. Supervisor approval is required for the time off.
- 8.2.6 If an employee other than a casual employee leaves employment with Takla Nation for any reason, his or her unused accrued vacation leave will be paid out; casual employees will need to be paid any accrued vacation pay that has not yet been paid at the time the employment terminates.
- 8.2.7 Part-time employees, other than casual employees, will accrue vacation leave at a pro-rated value compared to a full-time employee;
- 8.2.8 Five (5) vacation days may be carried over from one (1) year to the next without written approval. Carry over of more than five (5) vacation days requires written approval of the Senior Manager;
- 8.2.9 Vacation leave shall not be taken in advance of accrual of that leave, except with the prior written approval of the Senior Manager, to a maximum of five (5) days. Any exception requires approval of the Chief;
- 8.2.10 Managers will schedule vacations in accordance with operational requirements, prior to March 31<sup>st</sup> each year. The wishes of the employee will be made known to the manager as far in advance as possible and will be considered in the schedule. If there are conflicts with requests and operational needs, operational needs take priority. If there are conflicts between employee requests for vacation times, the employee with greater seniority will have priority for his/her requested time or a modified option of that request, at the discretion of the manager;

- 8.2.11 A current record of earned vacation leave is maintained for all employees;
- 8.2.12 Paid vacation leave is not accrued on unpaid leaves, but unpaid vacation time continues to accrue on unpaid leave;
- 8.2.13 For vacations that exceed three (3) consecutive working days, a minimum ten (10) days' notice is required.
- 8.2.14 As per industry standards, and the school year consisting of a 10-month period, Takla Nation school staff are eligible to receive their regular bi-weekly salary amount during Christmas and Spring break; and are not eligible to receive further vacation time or vacation accrual.

**8.3 Personal leave:**

- 8.3.2 All employees who have worked more than three (3) consecutive months may access a maximum of five (5) paid personal leave days within a Calendar year. These days are available for employees to use for family responsibilities, cultural or community responsibilities, or for other personal use;
- 8.3.3 Personal leave days tracked within the payroll system;
- 8.3.4 Personal leave days require as much notice as possible, recognizing that employees may use the time to manage family illnesses and similar emergent situations. Scheduling of non-emergency personal days is at the discretion of the supervisor/manager, based on the needs of the Nation;
- 8.3.5 Personal leave is not carried forward and is zeroed out each Calendar year.

**8.4 Paid Sick leave/medical leave**

- 8.4.2 All employees other than casual employees may access paid sick leave for physical, emotional and psychological ailments that could sufficiently impair work ability;
- 8.4.3 Full-time employees are entitled to 1.5 days/month annually. Part-time employees accrue paid sick leave on a pro-rated basis based on the hours worked;
- 8.4.4 \*An employee's sick leave bank can accrue to a maximum of 18 days. Any accrued sick leave up to 18 days can be carried over each fiscal year;
- 8.4.5 There is no 'borrowing' of potential future sick leave;
- 8.4.6 An employee who leaves Takla Nation for any reason is not entitled to payout of accrued sick leave;
- 8.4.7 The employee must provide a medical professional's note after three (3) consecutive workdays missed due to illness. The note must indicate the reason for the employee to be off work, and must provide start and end dates;
- 8.4.8 The employer reserves the right to require the employee to provide a physician's note or, for employees in Takla Landing a nurse's note, as proof of illness;
- 8.4.9 If there is concern about the information provided in the note, the employer may follow up with the medical professional;
- 8.4.10 The employer reserves the right to require the employee to provide a medical professional's assessment of functional abilities related to documented illness, using the forms provided by Human Resources. The intent is to support successful return to work by determining reasonable workplace

accommodations;

- 8.4.11 An employee will contact his/her supervisor no later than thirty (30) minutes prior to the start of the workday, if he/she will be absent due to illness;
- 8.4.12 For extended sick leaves the employee is entitled to pay and benefits according to the Employment Insurance Act and/or short-term and/or long-term medical disability provisions and/or the Canada Labour Code provisions;
- 8.4.13 An employee failing to comply with all of the terms in Section 9.4 will be deemed to have taken a special leave of absence without pay and a payroll deduction will result. Alternatively, the employee may be deemed to have abandoned his/her job.

#### **8.5 Paid Bereavement leave**

- 8.5.2 All employees other than casual employees are eligible for five (5) days leave with pay upon the death of an employee's "immediate family" member. Further leave may be granted without pay, with the approval of the Senior Manager, for an additional five (5) days;
- 8.5.3 "Immediate Family" is defined under the Canada Labour Code as: spouse or common-law partner; father and mother and the spouse or common-law partner of the father or mother; child(ren) and the child(ren) of the employee's spouse or common-law partner; grandchild(ren); brothers and sisters; grandfather and grandmother of the employee; the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides;
- 8.5.4 "Common-law partner" means a person who has been cohabiting with an individual in a conjugal relationship for at least one year, or who had been so cohabiting with the individual for at least one year immediately before the individual's death;
- 8.5.5 In the case of a death occurring in a region far from the employee's home, the paid leave may be extended for up to three (3) days for travel time;
- 8.5.6 If an employee requests leave related to the death of someone not included in the definition of "immediate family", the employee may use banked time, vacation time, personal leave days, or apply to the Senior Manager for special leave with or without pay.

#### **8.6 Maternity and parental leave**

- 8.6.2 Takla Nation provides maternity, parental and compassionate leave in accordance with the provisions of the Canada Labour Code.
- 8.6.3 If an employee on approved maternity, parental or compassionate leave maintains coverage for medical, extended health/life insurance or dental plans, the Nation shall pay the employer's share of these premiums for the period covered by the provisions of the Canada Labour Code.
- 8.6.4 Upon return to work, the employee shall be reinstated to the former position and shall receive the current rate of pay.

### **8.7 Leaves for compassionate care, critical illness and other**

- 8.7.2 Takla Nation provides leaves related to compassionate care, critical illness, or death and disappearance in accordance with the provisions of the Canada Labour Code.

### **8.8 Leave for traditional Aboriginal practices**

- 8.8.2 Specific events for some Indigenous employees may require time off for participation. These events are generally known in advance and are referred to as custom or traditional events. Employees may use vacation, personal leave days, banked time, or if they have worked for the Nation for more than three (3) consecutive months, may request leave without pay for up to five (5) days, for these events.

### **8.9 Educational leave**

- 8.9.2 Employees , other than casual employees, may be granted up to one (1) year of educational leave without pay for purposes of professional development, education, or skill upgrading;
- 8.9.3 The educational program for which leave is granted must be related to the work performed in the position held by the employee, or future work within Takla Nation as recognized by the employer;
- 8.9.4 An employee must submit a written request for educational leave to the immediate supervisor, outlining the details of the leave, including the training institute, courses, etc. The Senior Manager will approve the leave based on the recommendations of the immediate supervisor/department manager and equity within the organization;
- 8.9.5 Upon return to work, the employee shall be reinstated to the former position and shall receive current rate of pay.

### **8.10 Special leave**

- 8.10.2 An employee who desires a special leave of absence may apply with as much notice as possible in writing to their immediate supervisor, the immediate supervisor will submit for approval from the Senior Manager. The leave application will state the reason for, and the length of the desired leave;
- 8.10.3 A special leave of absence may or may not be granted at the discretion of the Senior Manager. The decision will be in writing to the employee making the request;
- 8.10.4 The leave of absence may or may not be granted with pay, depending upon the decision of the Senior Manager and the circumstances surrounding the request (e.g. an employee summoned for jury duty shall continue to receive regular pay and shall return to work immediately upon completion of jury service). The Canada Labour Code provisions apply as a minimum standard.

## **9 Employee performance support and management**

### **9.2 Probationary period**

- 9.2.2 All new employees, except casual employees, are subject to a probationary period of three (3) months unless otherwise stipulated in the letter of employment;
- 9.2.3 All employees who have changed employment status (i.e. part-time to full-time) or moved to a new position are subject to a probationary period in the new position of three (3) months;
- 9.2.4 A written performance review will be completed before the end of the probationary period, using standards established by Human Resources;
- 9.2.5 Employees who do not successfully complete the three (3)-month probationary period in the new position may be returned to their former position if that position has not yet been filled;
- 9.2.6 During the probationary period of up to three (3) months the employer can terminate employment without written notice or pay in lieu
- 9.2.7 A written notice shall be given to an employee retained after the probationary period stating classification has been changed to permanent or fixed term employee, and that employment is deemed to have begun at the date of hire.

### **9.3 Performance Reviews**

- 9.3.2 An annual written performance review on the form required by Human Resources will be completed by the immediate supervisor and filed with HR;
- 9.3.3 If circumstances require, performance appraisal may occur more than once in a year;
- 9.3.4 Input from colleagues and team members is permitted, with care taken to ensure confidentiality and fairness;
- 9.3.5 The appraisal process is intended to be a mutual review between employees and supervisors;
- 9.3.6 Both the employee and the supervisor completing the review will sign the review form. If the employee chooses not to sign that will be noted and the form filed with HR;
- 9.3.7 In the case of the Senior Manager, the Chief will conduct the performance review and may choose to engage external, independent assistance to support the process;
- 9.3.8 An appraisal report shall not be changed without the knowledge of the employee after the form has been acknowledged and signed by the employee.

### **9.4 Attendance Management (new)**

- 9.4.2 The Attendance Management Plan (AMP) is a proactive process managed by an employee's supervisor, administered by the Human Resources department, and is intended to address perceived excessive absence or sick leave use;
- 9.4.3 An employee whose non-vacation absence exceeds eighty-four (84) hours in any given 12-month period or whose absence or sick leave seems to be of a consistent pattern may be directed to the AMP by the supervisor;
- 9.4.4 The Human Resources Manager and the Supervisor will meet with the employee to review the information available and discuss circumstances related to absence or sick leave. This review can include patterns of absence or sick leave, information from the employee, and appropriate steps that might be

- taken towards the development of an appropriate AMP for the employee, if required;
- 9.4.5 If the absence or sick leave use is determined by TN to be valid and appropriate, no further action will be taken in relation to an AMP and the determination will be documented in the employee file to the date of the review;
- 9.4.6 If TN determines that the employee is absent unreasonably or has made inappropriate use of sick leave, or the sick leave use is invalid, such as where inappropriate or unsupported reasons for sick leave are discovered, an AMP will be developed with input from the employee, his/her supervisor and the Human Resources Manager. This process does not prevent the employer for terminating an employee for cause;
- 9.4.7 Once developed, the AMP is managed by the employee's Supervisor and reviewed regularly with the employee;
- 9.4.8 While using an AMP, an employee's absences and sick leave use will be monitored on a regular basis. If after implementation of an AMP, there is no improvement in attendance, disciplinary action may be taken in accordance with policy;
- 9.4.9 Takla Nation and the employee may agree to alternative arrangements to support the employee regaining or achieving health through rehabilitation and a structured return-to-work action plan.

### **9.5 Progressive Discipline**

Takla Nation supports the use of traditional dialogue and problem-solving models such as direct conversations, talking circles and the use of Elders or traditional knowledge holders to assist with resolution.

Takla Nation follows a progressive discipline approach with employees when discipline is required. Progressive discipline focuses on identifying specific employee behaviour and working with the employee to implement supportive action to re-align with Takla Nation's principles and policy.

Progressive discipline should be viewed as a development tool, where employees can choose to improve their behaviour and performance, with support. Progressive discipline relates to managing on-going absenteeism as well as other situations. The use of the progressive discipline model as a preferred approach does not negate in any way the employer's right to take strong action to address serious situations, including dismissal for cause.

Should formal discipline be required, the following procedures are used:

- 9.5.2 Step One: Verbal warning. The verbal warning involves an informal meeting where the issues of work performance are stated clearly. The supervisor tells the employee that this is part of the progressive discipline model and provides the relevant policy/procedure information. The supervisor clearly outlines future expectations and improvements within a specific timeframe. At the verbal warning stage, a written notice is not recorded in the official personnel file of the employee. However, the Manager will record the verbal warning for

- his/her own records;
- 9.5.3 Step Two: Written Warning. If there is no improvement in work performance related to the issues identified in a verbal warning, or if the employee repeats the same behaviour for which a verbal warning was given (e.g. tardiness), the next step is a more formal meeting in which the supervisor clearly states that the employee is receiving a written warning for a specific behaviour or behaviours. The supervisor and the employee discuss ways to improve work performance. The supervisor writes and gives the employee the letter of written warning, which includes: the specific behaviour that needs addressing, including when it has been observed or identified, and the next steps and expectations for worker performance improvement. The written warning is placed in the employee's personnel file in Human Resources and remains on file for a maximum of two (2) years, unless further disciplinary action occurs in which case the written warning remains on file permanently.
- 9.5.4 The Chief is informed of all discipline that reaches Step 2;
- 9.5.5 Appeal Procedure Step Two: The employee may appeal the disciplinary process at Step Two. The appeal is made in writing to the Supervisor, copied to the Human Resources Manager, within ten (10) working days of the supervisor's written decision. The supervisor and HR Manager will review the situation and respond to the employee either upholding the Step Two decision or adjusting the decision;
- 9.5.6 Step Three: If there is no improvement in work performance related to the issues raised in a written warning, or if the employee repeats the same behaviour for which a written warning was given, the next step is either paid or unpaid suspension with a warning that any further issues will lead to dismissal, or dismissal. Suspension or immediate dismissal is determined by the severity and frequency of the situation and the employee's history as an employee. The Senior Manager and Human Resources Manager are involved in all Step Three disciplines, except for the Senior Manager or Human Resources Manager positions;
- 9.5.7 Council is informed prior to any and all discipline that reaches Step 3;
- 9.5.8 For Senior Manager Step Three disciplines, a majority of Council members must agree in a duly convened Council meeting on a Step Three discipline for the suspension or dismissal to be valid;
- 9.5.9 For any executive positions Step Three disciplines, the Senior Manager will determine suspension or dismissal, and will consult with Chief and Council prior to the discipline being finalized.

## 9.6 Dismissal

- 9.6.2 Dismissal may become necessary if the employee fails to discharge the responsibilities of the position, for lack of suitability, or for acts contrary to the ethical standards of the employer;
- 9.6.3 An employee may be dismissed without notice where there are just causes for dismissal. Just cause, which is an egregious breach of the employee/employer relationship, includes but is not limited to:
- theft

- gross insubordination
  - serious misconduct
  - excessive and unsubstantiated absenteeism
  - violation of the standards of conduct outlined in Takla Nation: Our Ways
  - falsification of records
  - discipline in accordance with this policy and procedure
  - reporting to or participating in a TN work-related activity while under the influence of alcohol or illegal drugs
  - a breach of the Respectful Workplace Policy,
  - a breach of a material term or condition of employment
  - breach of the TN Oath of Confidentiality
  - assault committed on anyone during employment,
- 9.6.4 Council is informed of all pending dismissals. For key positions notice is provided by email, text and a phone call. For all other dismissals notice is provided by email;
- 9.6.5 Dismissal of the Senior Manager will be made by Council.

### **9.7 Failure to report for duty**

An employee who fails to report for duty for three (3) consecutive working days without informing the employer of the reason for his/her absence shall be presumed to have abandoned his/her position. An employee shall be afforded the opportunity to rebut such presumption and demonstrate that there was just cause for not informing the employer. If just cause can be shown by the employee, the employee shall return to his/her position.

### **9.8 Severance pay**

- 9.8.2 The employer will provide notice or pay in lieu of notice in accordance with the provisions of the Canada Labour Code or the employment contract;
- 9.8.3 TN will not provide notice or pay in lieu of notice to an employee who:
- has been dismissed for just cause;
  - has not completed three (3) months of continuous employment;
  - was employed as a casual employee, for less than 3 months;
  - voluntarily ended his or her employment.

### **9.9 Review procedure for dismissal or termination**

- 9.9.2 An employee whose employment has been involuntarily ended and who is not satisfied with the reasons provided may appeal the process within five (5) working days of the dismissal or termination by meeting with the Manager of Human Resources and the Senior Manager to review those reasons.
- 9.9.3 The HR Manager and the Senior Manager may:
- 9.9.3.1 reverse the decision;
  - 9.9.3.2 vary the amount of notice or time in lieu of notice given;
  - 9.9.3.3 uphold the decision.
- 9.9.4 Should the HR Manager and Senior Manager uphold the decision to dismiss or terminate, the employee may appeal to Council in writing within five (5) working days of the written and dated response from the Senior Manager;

- 9.9.5 Council will review the process undertaken in the dismissal or termination and will only consider the case if the process was not followed or was clearly flawed.

## **10 Resignation, retirement, termination**

### **10.2 Resignation**

- 10.2.2 If an employee resigns, s/he will give a minimum of two (2) weeks' written notice to her/his manager, with a copy to Human Resources;
- 10.2.3 If a manager resigns, s/he will provide at least one (1) month written notice to the supervisor, with a copy to Human Resources;
- 10.2.4 If an employee has a required notice period of longer than two (2) weeks' in her/his employment letter s/he will provide the notice agreed to in the letter;
- 10.2.5 If feasible, the Human Resources Manager will conduct an exit interview with the employee and will summarize information annually to provide to relevant administration and/or Council;
- 10.2.6 The supervisor will ensure that all material, resources and assets belonging to TN is returned and documented by the proper authority as being returned.

### **10.3 Retirement**

- 10.3.2 Takla Nation does not impose a mandatory retirement age.

### **10.4 Termination**

- 10.4.2 The employer will provide as much notice of a termination as possible. The employee will, at minimum, receive the termination entitlements as required by the Canada Labour Code;

## **11. Grievances**

An employee or external individual who feels s/he has been treated unjustly is entitled to present a grievance. Grievances related to respectful workplace are treated separately, under the Respectful Workplace policy.

### **11.1 Employee grievance**

- 11.1.1 An employee will make every effort to resolve the grievance by meeting with the person with whom the employee has a conflict. It is advisable for both employees to be accompanied by another employee;
- 11.1.2 If the initial process is not successful the employee may request a meeting with his/her Supervisor (or the next Senior Manager if the grievance involves the supervisor), to discuss and resolve the issue before a formal grievance is initiated;
- 11.1.3 If attempts at informal resolution fails, the employee may file a written notice (accompanied by supporting argument) with his/her immediate supervisor and Human Resources, within twenty (20) working days of the occurrence of the grieved event;
- 11.1.4 The supervisor forwards his/her decision, supported by written argument and

the employee's documentation, to the Senior Manager and Human Resources. The Senior Manager arranges to meet with the complainant and other parties involved within ten (10) working days of receipt of notice. The Senior Manager may consult with Council, legal, or another outside source to assist in resolving the grievance. The Senior Manager renders a decision on the grievance after hearing from all parties;

- 11.1.5 The decision of the Senior Manager is the final level of appeal of grievance within the organization. The final decision will be communicated to Council;
- 11.1.6 If the griever is the Senior Manager, the matter will be brought before the Council. The Council organizes a hearing and renders a final decision.

### **11.2 External grievance**

- 11.2.1 Should a member of the community, a contractor or other external individual or organization have specific concerns regarding Takla Nation or its employees s/he shall inform the Senior Manager in writing of the grievance, including all specifics of the event or the information, dates, employees involved etc. within twenty (20) working days of the occurrence of the event. The Senior Manager will contact the grievance initiator for further clarification and will conduct similar investigation within the organization. If there is a potential for substantive risk to the Nation the Senior Manager informs the Council;
- 11.2.2 Within ten (10) working days, the Senior Manager will respond in writing to the grievance initiator with the outcome of the grievance, and outline the steps the administration may contemplate, if required. Should the initiator still feel aggrieved, the Senior Manager will provide a report to the Council, who may invite the individual to a Council meeting to address Council directly regarding the grievance. The Council, upon hearing all of the evidence and investigating further if required, makes a ruling. Its findings are final.

- 11.2.3

## **12. Takla Nation Property and Use of Systems**

Employer property and systems, including but not limited to computers, e-mail and internet services, mobile phones, radios and radio phones, vehicle, tools and equipment, can only be used by authorized employees for approved purposes. TN will train employees as required in the use of TN property to facilitate required job duties. The acceptable use of social media by employees is outlined here.

### **12.1 Keys**

- 12.1.1 Upon employment, Takla Nation will issue keys to employees for designated work areas. An employee is not permitted to duplicate keys. In the event, keys are not returned, lost or misplaced, the employee responsible for the keys may receive a penalty.

### **12.2 Telephone**

- 12.2.1 An employee requiring a mobile phone for Takla Nation business will be provided a phone by the employer or will have a portion of his/her monthly mobile phone bill paid by the Nation, as detailed in the

employment letter. Phones or phone bill coverage must be related to the specific requirements of the position i.e. access by colleagues and the public is required outside of office time, or because the employee must be out of his/her main office on a regular basis. The employer will regularly review which positions/employees have been granted this privilege to ensure consistency and fairness of practice;

- 12.2.2 Mobile telephone invoices will be reviewed by the Finance Department and forwarded to supervisors and/or individual users for review periodically;
- 12.2.3 TN is not liable for excessive or unauthorized telephone, cellular and/or data usage. An employee will indemnify TN against such usage and will take personal responsibility for all costs and charges applicable to excessive or unauthorized use described above;
- 12.2.4 Misuse of telephones and cellular phones may be grounds for discipline.

#### **12.3 Vehicle use**

- 12.3.1 Conditions for use of Nation-owned or personal vehicles for Nation business are covered under the Travel Policy and Procedures.

#### **12.4 Tools and equipment/Use of equipment**

- 12.4.1 Conditions for use of Nation-owned or managed capital equipment are covered under the Equipment Purchase, Use and Rental Policy;
- 12.4.2 TN-owned tools and equipment are for business use only, and not for the personal use of employees. Tools and equipment will not be used or stored at employee's homes or other places unless authorized by the senior department manager;
- 12.4.3 Equipment such as photocopiers are for business use and will be used only minimally by employees for personal use. Any excessive use of such equipment by an employee may be grounds for discipline.

#### **12.5 E-mail and internet**

- 12.5.1 The employer provides an e-mail system to facilitate business communications. This system may be subject to periodic unannounced inspections and should be treated as a shared filing system. The contents of e-mail communications are always accessible by the employer for any business purpose;
- 12.5.2 All e-mail messages are company records and subject to review. Employees should not assume that messages are confidential;
- 12.5.3 Only the Network Administrator will use unauthorized codes, passwords, or other means to gain access to e-mail belonging to others, at the direction of a senior authority of Takla Nation;
- 12.5.4 Employees must not disclose their codes or passwords to others;
- 12.5.5 Employees must follow virus protection or other security measures as advised by the Network Administrator;
- 12.5.6 Employees should be cautious when using the e-mail system to send sensitive information;

- 12.5.7 Employees will not use e-mail to solicit outside business ventures, personal parties, social meetings, charities, membership in any organization, political causes, religious causes, or other matters not connected to TN business;
- 12.5.8 Violation of these policies may lead to discipline, up to and including dismissal.

## 12.6 Social media use

Takla Nation is committed to the proper and effective use of social media by TN employees. All use should be consistent with and for purposes of furthering TN's goals and objectives, as well as TN's identity, integrity and reputation, while minimizing real or potential risk to TN, whether such use of social media occurs inside or outside of the workplace.

- 12.6.1 To the extent that such content relates in some way to Takla Nation or its employees, the content of an employee's messaging/posts must comply with all TN policies, including, but not limited to: Respectful Workplace policies, Code of Conduct, Oath of Confidentiality, and related TN laws, policies and applicable provincial or federal legislation;
- 12.6.2 TN employees and authorized users acknowledge that social media use, as it relates to TN, its business interests or employees, is not private, and that such information or material posted on social networking sites may be collected, used and disclosed where necessary. Such action(s) will respect applicable privacy legislation;
- 12.6.3 The use of official TN social media accounts will be monitored periodically by the Communications department;
- 12.6.4 All employees must ensure they have authorization from the manager responsible for TN Communications or designate prior to using social media in an official capacity on behalf of TN, whether on the Takla Nation official sites, or the Takla community site(s);
- 12.6.5 While respecting an employee's right to privacy, TN may, at its discretion, monitor personal social media use during working hours, including for content, relevancy to work, and use of work time;
- 12.6.6 Personal social media use by an employee that contravenes employer policies (including use of work time) and/or applicable legislation is prohibited, and an employee may be subject to disciplinary/corrective measures where appropriate;
- 12.6.7 Personal posts, regardless of origin and wherever published must not negatively affect the reputation of Takla Nation, its employees, goodwill or otherwise negatively affect the employer. Any employee responsible for such posts may be subject to disciplinary/corrective measures;
- 12.6.8 Social media use occurring outside of work hours that undermines the employee/employer working relationship and/or that negatively impacts the employer's operational requirements or that damages TN's reputation or violates laws, policy or legislation is prohibited (this applies whether or not an employee is using TN's or personal systems or equipment). Any employee responsible for such posts may be subject to disciplinary/corrective measures;

- 12.6.9 To proactively address uncertainty about acceptable use of social media, it is the employee's responsibility to clarify acceptable as opposed to prohibited use and to obtain authorization for such use with their supervisor or the Communications Department before proceeding;
- 12.6.10 Where deemed necessary by TN, an employee may be notified that their social media use or activity will be reviewed to determine appropriateness of use and consequences of improper use, if any;
- 12.6.11 Illegal/criminal use of social media by a TN employee will be reported to the appropriate authorities.

## **13 Copyright**

Employees of Takla Nation sometimes develop and/or use materials that involve copyright and/or intellectual property rights. This section outlines ownership of materials. Traditional knowledge rights and use are not included in this policy; Council is exploring with community how traditional knowledge is best respected and used within the work of the Nation.

- 13.2 The copyright or patent for any work product, including creative work, instructional strategies or curriculum/instructional material, software or any other material or technology that may be copyrighted or patented:

- 13.2.1 belongs to the Nation where one or more employees:
    - have been hired or agrees to create and produce copyrightable work product for the institution, or
    - are given release time from usual duties to create and produce copyrightable work product, or
    - are paid, in addition to their regular rate of pay, for their time in an appointment to produce copyrightable work product.

- 13.2.2 belongs to the employee(s) where the work product has been prepared or created as a by-product of assigned duties, other than the duties listed under 'belongs to the Nation' below, and the copyright to all copyrightable material shall be the sole property of the employee(s) and shall be retained throughout his or her lifetime and upon his/her death by his/her heirs or assigns;

- 13.3 Employer Rights to Materials Copyrighted by Employee(s)

- 13.3.1 Where the employee holds the copyright, the Nation shall have a right to use his/her copyrighted material in perpetuity for organizational purposes. The Nation may amend and update the copyrighted material with the approval of the employee(s) holding the copyright to the material. Such approval will not be unreasonably withheld.

- 13.4 Employee Rights to Materials Copyrighted by the Employer

- 13.4.1 Where the Nation holds the copyright as above, the employee(s) involved in development of the work shall have the right to use in perpetuity, free of charge, such copyrighted material. The employee may amend and update the copyrighted material with the approval of the Nation holding the copyright to the material. Such approval will not be unreasonably withheld.

## **14. Management of employee files and information**

Takla Nation maintains electronic and/or paper files for all TN personnel. In the course of administering personnel files through its Human Resources Department TN respects the right to privacy and is committed to ensuring that employee information is protected from unauthorized access and/or use. Personnel records will be kept confidential in a manner that respects the privacy of employee information and which meets the requirements of the Personal Information Protection and Electronic Documents Act (PIPEDA). Personnel files are managed by Human Resources and are separate from Payroll files.

#### **14.1 File content**

The Manager of Human Resource is responsible for ensuring the maintenance of all personnel files. Personnel files will contain only employment related information, including, but not limited to, the following:

- employment application and resume
- offer of employment letter and amendments or new letters issued
- job description
- salary/wage history
- employee acknowledgement of Oath of Confidentiality and any other required oaths
- criminal record check or similar documentation, if required
- pre-employment test results, if any
- pre-employment proof of education
- probationary and annual performance reviews
- training records
- information related to absences or leaves leading to discipline or investigation or to an extended leave
- disciplinary notices
- letter of resignation, letter of termination or notice of dismissal

Employee personnel files will be administered so they do not contain:

- information which is unrelated to employment
- medical information, except where required to determine sick leave or disability/accommodations, or
- information related to any of the discriminatory grounds prohibited under the Canadian Human Rights Act.

#### **14.2 File storage and access**

14.2.1 Personnel files shall be maintained on each employee and stored in a secure place. The files shall not be accessed by anyone other than Human Resources staff, the employee to whom the file pertains, or, for specific reasons disclosed to the HR Manager, the immediate supervisor or the Senior Manager;

14.2.2. Any other requests to view a personnel file shall be directed to the Senior Manager, who may seek legal advice prior to proceeding with the request;

14.2.3. File access is on a “need to know” basis only, except as required by law. Any

violation of confidentiality by any employee involved in the maintenance or handling of employee personnel file records may be subject to disciplinary action, up to and including dismissal;

- 14.2.4. Where an employee seeks to access his or her personnel file, the request must be made in writing to the HR Manager, who will provide the employee with access to his or her personnel file as soon as reasonably possible;
- 14.2.5. The files shall not be removed from the Human Resources office;
- 14.2.6. TN employees must refer any third-party requests to the Human Resources Department.

## **15. Employment outside the Nation's government**

- 15.2. Unless there is a conflict of interest, employees are not restricted in engaging in other employment outside the hours they are required to work for the employer;
- 15.3. In the case of a potential conflict, the employee shall inform the Senior Manager, who may or may not bring the matter to Council;
- 15.4. Employees may engage in employment outside of the TN, provided that:
  - it does not interfere with their hours of performance of their duties as an employee;
  - it does not bring the TN into disrepute;
  - it is not performed in such a way as to appear to be an official act or to represent the Nation's opinion or policy;
  - it does not involve the use of the Nation's premises, services, equipment or supplies to which the employee has access by virtue of his / her employment, unless otherwise authorized by the Senior Manager
- 15.5. Employees are required to notify their supervisor if an outside job or activity might affect the employee's availability for work.

### **PROCEDURE APPROVAL SUMMARY**

Approved by:	Takla Nation Council
Original approval date:	October 4, 2019
Amendments approved by:	Takla Nation Council or Administration Committee as noted within each section
Latest approval date:	March 31, 2021