



Approved by Chief and Council on February 7, 2023

# **Micmacs of Gesgapegiag**

## **Human Resources Policies and Procedures Manual**

# HUMAN RESOURCES POLICIES AND PROCEDURES

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## 1) Effective Date

This Human Resources Policies and Procedures Manual was approved by Chief and Council on August 29, 2022 and is effective as of September 26, 2022. It should be reviewed at least every five years.

## 2) Definitions

**“Administration”** means the administrative side of the Micmacs of Gesgapegiag responsible for the development and implementation of programs, services and initiatives as delegated by Chief and Council.

**“Administration Building”** means the Administration’s main office situated at 100, Perron Blvd. and often referred to as the band office.

**“Anniversary Date”** means the date on which the employee entered into employment, whether oral or written, and refers to the same date in each subsequent year, so long as the employment continues.

**“Consumer Price Index” or “CPI”** means the Consumer Price Index for the Province as prepared by Statistics Canada.

**“Canada Labour Code”** means the *Canada Labour Code*, R.S.C. 1985, C. L-2; the Federal Act that applies to employees.

**“Canadian Human Rights Act” or “CHRA”** means the *Canadian Human Rights Act*, R.S.C. 1985, C. H-6; the Federal Act that applies to employees.

**“Casual Employee” or “On-Call Employee”** means a person hired for a shift of up to 40 hours per week, who may not follow an ongoing predetermined schedule of work on a regular and recurring basis, who has no guaranteed hours, and may be called in to work on “as needed” basis. Casual Employees are not entitled to employee benefits, or probationary time. They receive their 4% vacation pay on each pay.

**“Chief and Council”** are individuals who have been democratically elected every four years to represent the Micmacs of Gesgapegiag members and provide directions to an Administration responsible for the development, implementation, monitoring and evaluation of programs and services offered to the Micmacs of Gesgapegiag members.

**“Child”** means:

- a. a biological child,
- b. an adopted child, whether by law or by tradition (children raised by grandparents or a surrogate parent),
- c. a stepchild,
- d. a foster child, or
- e. a child for whom a person has guardianship.

**“Code of Conduct”** means the Code of Values and Ethics (Annex C) approved by Chief and Council.

**“Committee on Standards, Equity, Health and Safety” or “CNESST”** means the body to which the three levels of government have entrusted the promotion of the rights and obligations of work. It ensures respect of the Micmacs of Gesgapegiag’s employees.

**“Common-Law Partner”** means a person who has been proved to be living with an individual as a life partner in a committed relationship for at least one year where the relationship is interdependent in physical, financial, emotional, and social aspects in a relationship for at least one year, or who had been living with the individual in a conjugal relationship for at least one year before the individual's death.

**“Complainant”** means a person who has made a complaint.

**“Complaine”** means a person who is the subject of a complaint.

**“Conflict of Interest Policy” or “COIP”** means the Micmacs of Gesgapegiag Conflict of Interest Policy (HRP15.20), which forms part of this Human Resources Policies and Procedures Manual (also see Oath of Confidentiality – Annex D).

**“Contract Employee”** means employees who work a specific number of hours per week as outlined in their contract. They may be paid either hourly or salaried basis and may be eligible for benefits. Their benefits and probationary periods should be contained in their Employment Contract.

**“Declaration of Understanding”** (Annex A) is a form signed by the employee, upon hiring, confirming that they acknowledge having read and understood these Human Resources Policies and Procedures and is one of the documents filed in the employee's personnel file.

**“Director”** means an individual responsible for a department, who has financial (oversees a budget) and human resources responsibilities for the entire department and reports directly to the Director General. It also means a person who has authority over a department, including the authority to supervise, evaluate and discipline employees and approve time sheets.

**“Director general” or “DG”** means the person appointed Director General under section 18 of the *Micmacs of Gesgapegiag Financial Administration Law, 2017*; it also means the person hired to oversee the entire operation of the Micmacs of Gesgapegiag administration, operations, services, and departments. This role is the most senior position of the Micmacs of Gesgapegiag and reports directly to the Chief of the Micmacs of Gesgapegiag.

**“Discrimination”** is an action or a decision that treats a person or a group negatively or adversely for reasons related to one of the grounds protected under the *Canadian Human Rights Act* which are: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Discrimination in any aspect of employment (e.g., hiring, training, promotions) is prohibited.

**“Discriminatory Harassment”** is also a form of harassment prohibited by law and included notably (but not restricted to) any act based upon the protected characteristics identified in the *Canadian Human Rights Acts*, where such conduct interferes with an individual’s work performance or creates intimidating, hostile or offensive work environment.

**“Election”** means and includes the Micmacs of Gesgapegiag’s elections e.g., Micmacs of Gesgapegiag’s referendums, municipal elections, provincial elections, federal elections, and any other elections designated by Chief and Council.

**“Employee”** means any person hired by the Micmacs of Gesgapegiag on a contract for services, whether oral or written, for a term or an on-going basis, including committee members but may not include a Casual Employee and/or a consultant.

**“Employee Employment File”** is the principal employee file that contains the history of the employment relationship from the employment application through the exit interview and employment termination documentation, which is kept solely by the Human Resources Department.

**“Executive”** represents the Director General or the Steering Committee members as appropriate.

**“Family Member”** means

- a. a Spouse or Common-Law Partner of the employee,
- b. a child of the employee or a child of the employee's Spouse or Common-Law Partner; or,
- c. a parent of the employee or a Spouse or Common-Law Partner of the parent.

**“Financial Administration Law” or “FAL”** means the Micmacs of Gesgapegiag Financial Administration Law.

**“Financial Controller”** means the person responsible for the overall management, supervision, control, and direction of all matters relating to the financial affairs of the Micmacs of Gesgapegiag.

**“Full-Time”** refers to the position held by a Full-Time Employee.

**“Full-Time Employee”** means an employee with a fixed schedule, who works up to 8 hours per day, 40 hours per week (may vary depending on the position), except in the case of previously approved averaging or modified work schedules.

**“General Holiday”** means and includes the statutory and non-statutory holidays (Holidays – HRP19).

**Harassment** (Promoting a Violence-Free and Harassment-Free Work place - HRP32) includes notably, but not restricted to:

- spreading malicious rumours or gossip about an individual or group,
- cyber bullying (threatening, spreading rumours, or negatively talking to or about someone online or on social media),
- making offensive jokes
- playing unwanted practical jokes,
- tampering with someone’s work equipment or personal belongings,
- persistently criticizing, undermining, belittling, demeaning, or ridiculing a person,
- misusing authority to create hardship for an individual,
- verbal threats or intimidation.

**“Harassment and Violence”** means any action, conduct, or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

**“Human Resources Manager”** means the person, hired by Chief and Council and responsible to the Senior Management for managing the Micmacs of Gesgapegiag’s human resources, and policies and procedures.

**“Human Resources Staff”** means any or all human resources personnel who are responsible to implement, comply, administer the Human Resources Policies, and Procedures, practices, and applicable Federal and Provincial laws, maintain Employee Personnel Files and execute other Human Resources department duties and responsibilities.

**“Immediate Family”** means:

- a. the employee's spouse or common-law partner,
- b. the employee's children and the children of the employee's spouse or common-law partner,
- c. the employee's grandchildren,
- d. the employee's brothers, sisters, and siblings of the employee's spouse / common-law partner,
- e. the grandfather and grandmother and grandfather and grandmother in law of the employee,

- f. 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,
- g. anyone who is considered by the community to be a parent, sibling, grandchild, or grandparent of the employee, the employee's spouse, or common-law partner; or,
- h. any relative of the employee who resides permanently with the employee or with whom the employee permanently resides with.

**“Independent Contractor”** is a self-employed person or entity:

- a. contracted to perform work or provide services to Micmacs of Gesgapegiag as a non-employee,
- b. who is free to choose how they will perform the contract for services while respecting all policies and procedures pertaining to Micmacs of Gesgapegiag, or
- c. who has a chance of profiting from, but assumes all the risk of loss under, the contract for services.

**“Letter of Employment”** is a letter, signed by the Human Resources Manager that sets out the employee's title, start date, end date (if relevant), salary, and length of probationary period (if applicable).

**“Management”** means and includes the Director General, Directors, Executive, Financial Controller, Human Resources Manager, Administrator, and the Senior Supervisors of the administrative arm of the Micmacs of Gesgapegiag.

**“Micmacs of Gesgapegiag”** is the legal name of one of three Mi'gmaq communities on the south shore of the Gaspésie with a total population of almost 1,500 of which close to 50% live in the community.

**“Micmacs of Gesgapegiag”** or **“Micmacs of Gesgapegiag Band”** means the administrative arm of the Micmacs of Gesgapegiag responsible for the development and implementation of programs, services and initiatives as delegated by Chief and Council.

**“Micmacs of Gesgapegiag member”** means an individual registered as Indigenous under the *Indian Act* and whose name is on the Micmacs of Gesgapegiag Band Membership List (Registry Group) maintained by ISC. Otherwise specified, this definition applies to a member living in Gesgapegiag or outside Gesgapegiag.

**“Oath of Confidentiality”** (Annex D) is a form the employee signs, upon hiring, ensuring that all privy information is kept confidential; no privy information should be disclosed to staff or other third parties unless the Director of the department and the Human Resources Department have received written consent or are authorized to disclose the information by the right authority. This form is also an integral document of the employee's personnel file.

**“Overtime”** means the approved hours of work in excess of the employee's standard

hours of work as per current Overtime Pay Policy (Overtime Pay - HRP14.00.6).

**“Part-Time”** refers to the position held by a Part-Time Employee.

**“Part-Time Employee”** means an employee with a fixed schedule of less than 30 hours per week.

**“Permanent”** refers to the position held by a Permanent Employee.

**“Permanent Employee”** means an employee who has successfully completed their probationary period and whose hire is on an on-going basis, so long as the contract of employment continues. Permanent employment also means any period of full-time or part-time employment in a nontemporary position for which the person is eligible to accrue vacation pay and participate in the health insurance program and the pension plan administered by the Micmacs of Gesgapegiag.

**“Permanent Letter of Employment”** is provided to an employee who has successfully completed the probationary period.

**“Portfolio Councilor”** means a Chief and Council member who should be the liaison between the assigned department and Chief and Council. In general, they ensure the constant flow of information between the two parties.

**“Probationary Period”** means a period of 6 months (with possibility of extension) as defined in the employment contract or letter of hire and it begins on the first day of employment as noted in the agreement. During this period, the employee should have access to training, coaching, and face possible termination if the suitability of the employee does not match the position they were employed for.

**“Record”** means anything on which information is recorded or stored by any means whether graphic, electronic, mechanical, or otherwise.

**“Records of Micmacs of Gesgapegiag”** mean all records respecting the governance, management, operations, and financial administration of Micmacs of Gesgapegiag.

**“Seasonal Employee”** means an employee that works on a full-time or part-time basis during identified seasons and is hired for a specific period. Some specific Seasonal Employees are not entitled to paid vacation leave, employee benefits, or probationary time. However, they receive their vacation pay percentage (%) depending on their years of service, in addition to their regular pay.

**“Selection Committee”** means a committee in charge of interviewing potential candidates and deciding which one should be hired as per this Human Resources Policies and Procedures Manual.

**“Spouse”** means a person to whom the individual is married to or with whom the

individual has lived in a common-law partnership for at least one year (also see Common-Law Partner).

**“Staff”** means all non-management employees of the Micmacs of Gesgapegiag.

**“Steering Committee”** is a group composed of senior management members who offer guidance, give advice on important issues, and provide direction. That direction may come in the form of helping formulate business policies or procedures, offering insight on finances or marketing, or even making recommendations to guide a particular project from start to completion before documents are presented to Chief and Council.

**“Supervisor”** is a person who assigns tasks to the subordinates and oversees their activities and performance. Basically, the first-line managers, which are working at the function level management are termed as Supervisors (see the organizational chart – Annex E).

**Note:** *In circumstances where there is no immediate supervisor, the Director oversees the tasks/responsibilities of the supervisor.*

**“Term”** refers to the position held by a Term Employee.

**“Term Employee”** means an employee hired by Micmacs of Gesgapegiag on a full-time or part-time basis for a specific period.

**“Training Course”** means a conference, seminar, training course, education program, or other course or program relevant to an employee's position with Micmacs of Gesgapegiag.

**“Treasury Board of Quebec”** establishes, implements, and monitors human resources management policies, programs, and directives. One of its missions is to negotiate collective agreements, establish working conditions and resolve grievances with unions and employee associations in departments and agencies of the public service which encompass Education, Public Security, and Health Care.

**“Vacation Pay”** Vacation pay is calculated as a percentage of the gross wages an employee earns during the "year of employment" as per the Vacation Annual Leave Policy (HRP19.00.5, HRP10.00.5, and HRP19.00.7).

**Violence** notably includes:

- hitting, kicking, biting, punching, spitting, scratching, squeezing, pinching, battering,
- swearing or shouting in an offensive manner,
- verbal abuse and/or threats, and
- any attack, including with any type of weapon.

Violence is not only physical; it can also be psychological. Psychological violence can

include bullying, teasing or other abusive or aggressive behaviour. Occurrences of psychological violence may also constitute harassment as defined below. They may also be of a sexual nature; in which case they may also constitute psychological harassment as defined herein.

**“Work place”** means a place where people work is done and includes the administration office, Health and Wellness Center, Healing Lodge, Wejgwapniag School, etc.

**“Work Week”** means the total number of hours or days worked in a week, usually Monday through Friday. Some employees e.g., police officers, fishermen, and staff working for Micmacs of Gesgapegiag’s commercial entities may have a different work week in order to meet the demands of their positions.

**“Year of Employment”** means a period of 12 consecutive months beginning on the date employment began or any subsequent anniversary date thereafter.

### **3) Purpose**

The purpose of this Human Resources Policies and Procedures Manual is to set out policies and procedures which should provide an administrative framework for the efficient and effective administration/operation of the Micmacs of Gesgapegiag. It is intended to describe, explain, and guide all employees on HR policies and procedures for them to be successful in their position.

Chief and Council and the Employees of Micmacs of Gesgapegiag should work collaboratively and diligently to incorporate the Micmacs of Gesgapegiag’s fundamental values regarding culture, language, and spirituality into these policies.

The key goal of this Human Resources Policies and Procedures Manual is to ensure:

- the right people are in the right job,
- a work team that serves the Community well,
- to provide opportunities to develop professionally, and,
- to provide leadership that is committed and competent.

This should be accomplished through:

- applying pay scales and assuring equity of pay,
- providing safe, healthy, and secure working conditions,
- professional development and training,
- annual performance evaluation, and
- offer competitive wages and benefit packages.



The fundamental purpose underlying all the Micmacs of Gesgapegiag Human Resources Policies and Procedures is to ensure:

- employee competencies and superior quality of service,
- effectiveness,
- employee satisfaction and development,
- efficient use of all human and fiscal resources,
- employees are treated in a manner that meets or exceeds the standards of the *Canada Labour Code* and other applicable statutes, rules, and regulations,
- human resources policies and procedures are fair, impartial, and consistently and equitably applied, and,
- high standards and expectations are set for employees to make sure members and clients receive the best possible services.

#### **4) Scope**

This Human Resources Policies and Procedures Manual applies to all employees of the Micmacs of Gesgapegiag, including casual employees, contract employees, student employees, and interns.

These exceptions should be noted within this Human Resources Policies and Procedures Manual:

- Specific categories of employees or specific departments may be excluded from certain parts of this Policies and Procedures Manual such as commercial entities (e.g., Lobster Hut, Chalet de l'Anse Ste-Hélène and Relais de la Cache), public security, public and community works, and fisheries employees as other labour standards apply.
- They may not apply to independent contractors unless specifically mentioned in a clause of the contract.

Where these Policies conflict with the terms of an employment contract such as job description, letter of employment, the employment contract, these policies should prevail to the extent of the conflict.

Words in the singular include the plural, and words in the plural include the singular.

Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

A reference to an enactment is a reference to that enactment as it is amended or replaced

from time to time and includes all regulations made under that enactment.

Where there is a conflict between these and the terms of the *Canada Labour Code*, then the provision that is most favourable to the employee should apply.

The *Canadian Human Rights Act*, *The Canadian Charter of Rights*, *The Canadian Labour Code*, CNESST and the Committee on Standards, Equity, Health and Safety also apply and should be respected by the Micmacs of Gesgapegiag up to the point that they are in the best interest of the Micmacs of Gesgapegiag without undue hardship or until such time that the Micmacs of Gesgapegiag enacts its own labour laws and health and safety laws.

## **5) Responsibilities**

Chief and Council is responsible for approving:

- This Human Resources Policies and Procedures and ensuring their application is fair and equitable across the organization,
- The Micmacs of Gesgapegiag Organizational Chart,
- Amendments to these Policies and Procedures and the Organizational Chart,
- Job descriptions for Director General, Financial Controller and Directors, and,
- Hiring and dismissal of the Director General, Director of Public Security, and the Financial Controller.

The Director General is responsible for:

- Hiring, approving disciplinary actions or dismissal of all employees,
- Ensuring the application and enforcement of these Human Resources Policies and Procedures fairly and equitably across the organization,
- Ensuring that all employee employment files' hard copies always remain in the Human Resources Staff office, secured and only accessible in accordance with this policy, and,
- Ensuring that all electronic copies of all employee employment files are created, saved, accessed, and disposed of according to the Information Management Policy and Procedures.

The Human Resources Manager is responsible for:

- Consistently carrying out their duties and responsibilities and complying with these Human Resources Policies and Procedures,
- Ensuring all Directors are knowledgeable about these Human Resources Policies and Procedures and able to apply their terms,
- Ensuring all employees are familiar with and have access to this Human Resources Policies and Procedures Manual and follow its terms, and,
- Ensuring all Directors and employees review and sign yearly a copy of the following forms, to be placed in each employee's file:
  1. Declaration of Understanding (Annex A)
  2. Conflict of Interest (Annex B)

3. Code of Values and Ethics (Annex C)
4. Oath of Confidentiality (Annex D)

Directors are responsible for:

- Consistently carrying out the duties and responsibilities set out under these Human Resources Policies and Procedures,
- Complying with and enforcing these Human Resources Policies and Procedures within their authority,
- Accurately responding to questions from employees concerning these Human Resources Policies and Procedures,
- Planning their human resources needs, and,
- Training and educating staff of the content and intention of these Human Resources Policies and Procedures.

Employees are responsible for:

- Familiarizing themselves with these Human Resources Policies and Procedures.
- Complying with these Human Resources Policies and Procedures; and,
- Where necessary, seeking clarification on these Human Resources Policies and Procedures from their supervisor and/or the Human Resources Department.

## **6) Grandfather Clause**

Any permanent employee that has acquired any benefit prior to the adoption or amendment of these Human Resources Policies and Procedures shall **not** lose any current benefits such as, however not limited to, the following:

- a. Start date of employment,
- b. Annual Vacation Days,
- c. Accumulated Personal Time Leave,
- d. Any qualified employee benefit program if the supplier acknowledges the eligibility, and,
- e. Any other employee rights as provided for by these Human Resources Policies and Procedures and their amendments.

All employees hired prior to the effective date of these policies and procedures shall be grandfathered on the above noted policies. All employees hired after the effective date should follow the current policies.

## **7) Information Management**

There are federal and provincial privacy laws that apply to all records and information retention to the records and information stored by the Micmacs of Gesgapegiag. They

are:

- Canada's *Privacy Act*, which covers the personal information-handling practices of federal government departments and agencies; and,
- Quebec's *Act Respecting Access to Documents held by Public Bodies and the Protection of personal information*, which covers the personal information's management practices for public sector organizations.

All documents should be treated according to the Micmacs of Gesgapegiag's Information Management Policy and Procedures (CPDXXX).

Every employee has a right of access, on written request, to their employee's file. The request must be addressed to the Human Resources Manager. The right does not extend to personal notes written on a document, outlines, drafts, preliminary notes, or other documents of the same nature.

The Human Resources Manager must inform, in writing, the employee making the request of when they have received their request, indicate the prescribed time for the processing of the request (no more than ten (10) days), and the effect a failure to comply by the Human Resources Manager would have.

The right of access to a document may be exercised by examining it on the premises during regular working hours. The employee may also obtain a copy of the document. Access to, and reproduction of a document shall be free of charge.

### **7.1) Confidentiality of Personal Information**

Personal information is confidential, except in the following cases:

- The person to whom the information relates consents to its disclosure;
  - Where it relates to information obtained by a public body in the process of deciding to assign rights or entitlements between parties unless obtained when holding a sitting in camera or if the information is contemplated by an order to disclose, publish, or distribute.
- In any document, information concerning a person which allows the person to be identified.

Personal information which, by law, is public is not subject to the rules for protection of personal information.

The name of a person is not personal information, except where it appears with other information concerning them, or where the mere mention of their name would disclose personal information concerning them.

The following information is public information:

- The name, title, duties, salary, address and telephone number at work of a director, Director General and Chief and Council;
- The name, title, duties, address and telephone number at work and classification including the salary scale attached to the classification, of an employee;
- Information concerning a person as a party to a service contract entered with MOG, and the terms and conditions of the contract;
- The name and address of a person deriving an economic benefit granted by a department by virtue of a discretionary power, and any information on the nature of that benefit.

However, the personal information contemplated above is not public information where its disclosure would be likely to hinder or impede the work of a body responsible under the law for the prevention, detection, or repression of a crime.

The sole fact that a signature is affixed at the bottom of a document does not make the information therein personal.

The Micmacs of Gesgapegiag shall not release personal information without the consent of the person concerned.

The Micmacs of Gesgapegiag will take the security measures necessary to ensure the protection of the personal information collected, used, released, kept, or destroyed and that are reasonable given the sensibility of the information, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is stored.

Personal information may not be used within the organization except for the purpose for which it was collected. It must have a direct and relevant connection with its purposes prior to being used.

The Micmacs of Gesgapegiag shall record in a register every release of information.

## **8) Organizational Chart**

The Micmacs of Gesgapegiag HR Manager should keep an up-to-date organizational chart.

For each department, the organizational chart should present all the existing positions and the supervisory relationship between the positions.

Positions should have a title with the name of the employee.

Each title of a position should link to a specific job description.

**A copy of the Organizational Chart is in BambooHR.**

<b>Policy No.</b>	HRP 9.00
<b>Department Ownership</b>	Human Resources Department
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### **9.00) Manpower Planning**

#### **9.10) Creation of a Position**

When a Director plans on creating a position, this procedure should be followed:

1. During the annual planning period, the Human Resources department shall request all Directors to prepare their annual manpower planning as per the template provided by Human Resources (see Annex F).
2. The Directors should provide reasons for the need of a new position by supplying the following information:
  - position title,
  - source of funding (core, project funding, etc.),
  - nature of the position (employee, supervisor, team leader, manager, etc.),
  - length of the employment (short-term contract, long-term contract or permanent),
  - main tasks and responsibilities, and,
  - all other information judged necessary by one of the involved parties.
3. The Director General should review and discuss with the Director their proposed staffing plan. The Human Resources Department and the Finance Department may be involved in the review of any staffing plan.
4. Should the creation of a new position be necessary, the Director shall draft a job description which will be further reviewed by the Human Resources Manager. All job descriptions must to be approved by the Director General apart from their own and that of the Financial Controller which are to be approved by Chief and Council.
5. Once the job description is approved, the Human Resources Department shall assess the position to determine its position on the salary scale (see HRP 10.00 - Job Description and Salary Scale).

6. Should the position be created, the Human Resources Manager and the Director will draft an action plan and a communication plan, for final approval by the Director General, to communicate and inform departmental employees, Chief and Council and the Community.
7. In the event the position was not part of the annual staffing plan, a request can be made directly to the Director General to create a new position. The Director shall demonstrate to the Director General the reasons why the addition of a new position was not planned out during the annual manpower planning process. Procedures 1 to 6 inclusively should be applied.

## **9.20) Abolishment of a Position**

When a Director plans on abolishing a position, this procedure should be followed during the annual planning period:

1. Directors should provide the reasons for the need to abolish a position based on:
  - source of funding (core, project funding, etc.),
  - nature of the position (employee, supervisor, team leader, manager, etc.,
  - length of the employment (short-term contract, long-term contract or permanent),
  - main tasks and responsibilities,
  - demonstrate the lack of work or its irrelevance, and,
  - all other information judged necessary by one of the involved parties.
2. The Director General shall hold a bilateral meeting with the Director to discuss the need to abolish the position. At any moment, the Director General may request the assistance of the Human Resources Manager to evaluate the impact of abolishing such position.
3. An evaluation should be made to determine if the position abolishment is necessary and if the employee(s) in place can be reaffected to another position in the organization.
4. Should the position be abolished, the Human Resources Manager and the Director will draft an action plan and a communication plan, for final approval by the Director General, to communicate and inform departmental employees, Chief and Council and the Community when necessary.
5. The employee(s) holding this(these) position(s) shall be met by the Director and a Human Resources representative. Depending on the situation, the following will be considered and communicated to the staff:
  - Feasible alternatives: lateral placement, promotion, termination for restructuring, etc.
6. In the event the position was not part of the annual staffing plan, a request can be made directly to the Director General to abolish an existing position. The Director



shall demonstrate to the Director General the reasons why the abolished position was not planned out during the annual manpower planning process. Procedures 1 to 5 inclusively should be applied.

Considering the sensitive nature of the information, the entire human resources planning process shall be held confidential and only the following parties will have access to the information: Director, Director General and Human Resources staff until the plans have been approved and communicated to all stakeholders.

### **9.30) Supervisory Change**

When a Supervisor is to be replaced by another one as the result of minor administrative changes (not the result of a creation/abolishment of a position and/or restructuring), this procedure should be followed:

1. The Director should fill the “Employee Information/Update Form” (see Forms HRF001) and submit to the Human Resources Department with a copy sent to the Director General for approval. The form should be submitted at least three (3) weeks before the effective date.
2. If approved by the Director General, the Director should meet with and inform the employee(s) impacted by the change at least five to 10 (5-10) working days before the effective date. The plan should include all the necessary information pertaining to the change and how it will impact all employees.
3. Depending on the situation, a representative of the Human Resources Department may attend the meeting to provide support and answer additional questions. New and former supervisor(s) may be requested to attend the meeting as determined by the Director to facilitate the transfer of leadership.
4. The Director is responsible to provide the Human Resources Department with an account summary of the meeting with the employee(s). The document will be filed in their respective employee employment file.
5. The employee (s) impacted by the change may obtain a copy of the document upon written request.

### **9.40) Restructuring**

All restructurings should be identified and communicated during the Annual Integrated Operational Planning process. Depending on the importance of the restructure, the Director shall follow the below-stated guidelines:

If the restructure only involves one department:

1. The Director should develop a restructuring plan proposal to be approved by the Director General.
2. The restructuring plan should be forwarded to the Human Resources Manager for review to provide further guidance, if necessary.

If the restructuring involves more than one department:

The Human Resources Manager and the other Director(s) shall develop a restructuring proposal to be approved by Chief and Council.

In all restructuring, the following process should be followed:

1. Director(s) should provide the reasons why a restructure of their department is needed:
  - source of funding (core, project funding, etc.),
  - nature of the position(s) impacted (employee, supervisor, team leader, manager, etc.),
  - Creation or abolishment of employment (short-term contract, long-term contract or permanent),
  - main tasks and responsibilities,
  - demonstrate the feasibility of the restructuring, and,
  - all other information judged necessary by one of the involved parties.
3. The Director General shall hold a bilateral meeting with the Director(s) to discuss the need to restructure the department(s). At any moment, the Director General may request the assistance of the Human Resources Manager to evaluate the impact of restructuring on the organization.
4. An evaluation should be made to determine if a restructure is necessary and if the employee(s) in place can be reaffected to other positions within the organization.
5. Should a position be abolished, the Human Resources Manager and the Director will draft an action plan and a communication plan, for final approval by the Director General, to communicate and inform departmental employees, Chief and Council and the Community when necessary.
6. The employee(s) holding this(these) position(s) shall be met by the Director and a Human Resources representative. Depending on the situation, the following will be considered and communicated to the staff:
  - Feasible alternatives: lateral placement, promotion, termination for restructuring, etc.
7. In the event the restructuring was not part of the annual staffing plan, a request can be made directly to the Director General to restructure a department. The Director shall demonstrate to the Director General the reasons why the restructuring was not planned out during the annual manpower planning process. Procedures 1 to 6 inclusively should be applied.

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**10.00) Job Description and Salary Scale**

This section outlines the process of how a job description is defined and weighed against the salary scales approved by Chief and Council.

When a new position is created, the following procedure should be followed to create a job description:

1. The Director should request a job description template (Annex G) from the Human Resources Department.
2. The Director should search for similar job descriptions from other organizations.
3. The Director should complete the template and return it to the Human Resources Department with the results of their search for assessment.
4. The Human Resources Department will evaluate the job description against the expected needs and ensure the qualifications and experience required are aligned with them.
5. The Director should present the draft job description to the Director General for final approval.
6. The Human Resources Manager should refer to the classification grid to determine its value by considering four main factors:
  - a. Knowledge required,
  - b. Skills required,
  - c. Effort required to perform the job, and,
  - d. Responsibilities and Requirements.
7. The Human Resources Manager shall determine what should be the salary scale by comparing salaries for a similar position with other same size organizations in the region and other First Nations communities against the Micmacs of Gesgapegiag salary scales (Annex H).
8. Once the evaluation is made, the Human Resources Manager should discuss with the Director how they established the position on the salary scale. Should there be a difference of opinion, the Human Resources Manager and the Director should request a meeting with the Director General to remediate the situation.

**Note:** *In the case of positions being negotiated by the Treasury Board of Quebec (Education, Public Security, and Health Care), the Micmacs of Gesgapegiag may follow the provincial salary scales..*

<b>Policy No.</b>	HRP 11.00
<b>Department Ownership</b>	Human Resources Department
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## **11.00) Recruitment, Selection, and Hiring**

When a position becomes vacant or is being created and there is no succession plan, the following process will be initiated:

### **11.10) Selection Committee**

A Selection Committee shall be formed for full-time positions or any new positions representing over 16 weeks of Full-Time Employment.

The Selection Committee is a committee that reports to the Human Resources Manager and:

- consists of at least three individuals from the following list:
  - the Councilor acting as Portfolio,
  - a Human Resources Representative,
  - the Director General,
  - the Director,
  - the immediate supervisor,
  - an Elder as an observer, and/or
  - an external Consultant involved in the interviewing process.
- A fluent Mig'maw speaker shall be part of the Selection Committee should one of the applicants be a speaker.

A member of the Selection Committee should automatically disqualify themselves from any Selection Committees and fill out a conflict of interest form and retaining of the disclosure if a candidate applying for the position(s) is found to be a(n):

- Mother or Father,
- Brother or Sister,
- Son or Daughter,
- Wife or Husband,
- Common-Law Partner, and/or
- Close friend.

The Human Resources Department, with the collaboration with the Director General, will

determine if cousins, aunts, uncles, etc. should hold a seat on the Selection Committee.

The Selection Committee is responsible for carrying out the selection process including:

- Conducting interviews,
- Screening candidates, and,
- Making recommendations for final selection for approval by the Director General or Chief and Council.

All members of the Selection Committee are required to sign a Confidentiality Agreement (Form: Confidentiality Agreement - Annex D). The information acquired during the selection process shall be kept in the strictest confidentiality; and all shall comply with the Micmacs of Gesgapegiag Code of Values and Ethics (HRP15.00.1).

### **11.20) Recruitment Process**

The Director and the Human Resources Manager should meet as soon as possible after it is known that a position will be vacant to discuss all aspects relevant to filling the position.

The Selection Committee should:

- Develop interview questions based on the job posting,
- Interview selected candidates, and
- Prepare a recommendation regarding the successful candidate(s).

The Human Resources Department should:

- Get the appropriate approval from the Director and the Director General on:
  - a. Job posting,
  - b. Closing date for the posting,
  - c. Screen applications to identify candidates who should be invited to an interview,
  - d. Establishing possible interview dates, and
  - e. Attend interviews.
- Review the job description.

After the interview:

- Ensure at least (2) references check are completed for the chosen candidate.
- Ensure the criminal background/vulnerable sector check (when required) is submitted prior to the start date or within a reasonable timeframe depending on the nature of the position.
- Prepare a recommendation for salary with existing salary scale, and
- Prepare a contract of employment.

The right to equal treatment with respect to employment covers all aspects of employment including recruitment, hiring, training, transfers, promotions, apprenticeship terms,

dismissals, and lay-offs. It also covers the terms and conditions of the employment (contract or otherwise), such as rate of pay, overtime, hours of work, vacation and other benefits, discipline, and performance evaluations.

An Employee Information/Update Form (HRF001) should be used to set-up the employee's personal data in the computerized payroll system and the Human Resources Information System (HRIS). Each employee must have a Social Insurance Number, a bank account and valid Medicare card in order to work for the Micmacs of Gesgapegiag.

The Human Resources Department will be coordinating the hiring process and its completion.

A vacant position should be posted on the MOG's website and social media accounts for a period of two (2) weeks. Should the Human Resources Department receive (2) resumes or less, an extension of another 2 weeks will automatically be granted.

All employees, who have completed their probation period, regardless of their status, will be able to apply for job postings if they have the qualifications.

Any exceptions to the eligibility requirements must be approved by the Director General.

### **11.30) Recruitment Procedure**

This section applies to the hiring of employees in all positions with the exceptions of the Director General, Director of Public Security, Financial Controller and Human Resources Manager who shall be hired by the Chief and Council in accordance with established policies.

The recruitment and hiring process should generally consist of the following steps:

1. The Director identifies the vacancy, reviews the job description, and confirms the salary scale,
2. A Need Analysis shall be performed by the Director with the assistance of the Human Resources Department (if the position does not exist within the organization),
3. The Director should create/update the job description (if required; see HRP 10.00 – Job Description and Salary Scale),
4. The Director should forward the request to the Director General for approval,
5. The Director General will advise Chief and Council of the job posting,
6. The Human Resources Department shall prepare a job posting for the Director's approval,
7. The Human Resources Department will post the position as per subsection 11.50 of this policy,
8. The Director shall prepare position specific interview questions (role-playing, and formal), and,
9. The Human Resources Manager shall determine who will be the three (3)

members of the Selection Committee as per subsection 11.10 of this policy.



#### **11.40) Recruitment of a Director General, Financial Controller, Public-Security Director, and Human Resources Manager**

When a vacancy occurs at the Director level, the Director General or Chief and Council (in the case of Director General), should instruct the Human Resources Manager to conduct an executive search if the position can not be filled internally through succession planning. The selection process for these positions will be as follows:

1. Chief and Council will consider the possibility of a restructuring and conduct a feasibility analysis in order to determine an action plan.
2. Chief and Council will review the job description and evaluate the salary scale.
3. The Human Resources Department will prepare the job posting and obtain Chief and Council's approval.
4. The Human Resources Department will post the position as per subsection 11.50 of this policy.
5. The Director General will prepare a set of interview questions for the specific position. The Chief will assume this responsibility should it be the Director General position.
6. Upon the recommendations of the Human Resources Department, Chief and Council (for the Director General position) or the Director General will appoint a Selection Committee.

For the selection of a Director, the Selection Committee should consist of:

1. The Human Resources Manager,
2. The Director General,
3. The Department's Portfolio Councilor, and,
4. Any relevant consultant/advisor/Elder.

Prior to offering the position to a candidate, the Human Resources Manager shall proceed with a background check (previous employer, Education, Credit and Criminal Verifications), and shall document their findings in the candidate's file.

The Director General and the Human Resources Manager should negotiate the terms of employment with the successful candidate as per the terms and conditions approved by Chief and Council.

#### **For all applicants:**

The Director General retains the authority to intervene in any step of the hiring process.

The Micmacs of Gesgapegiag should hire individuals who have the skills, experience, qualifications, and competencies required for the posted position, and use fair and impartial hiring practices with consistent criteria for the selection and evaluation of all applicants.



Not all applicants will be interviewed; only those meeting the minimum job requirements will.

Where two (2) or more applicants have comparable or equivalent skills and qualifications, preference should be given, in the following order, to:

1. Gesgapegiag registered members,
2. Other Mi'gmaq members,
3. Other First Nations members, and,
4. Members of the general public.

The Director and the Human Resources Manager should negotiate the terms of employment with the successful candidate as per the terms and conditions approved by Chief and Council.

The successful candidate should be provided an offer of employment or an Employment Contract which they will need to sign, a copy of their job description, and a copy of the Employee Handbook upon hiring.

#### **11.50) Internal Posting/External Posting**

The Micmacs of Gesgapegiag encourages promotions from within departments. Qualifications, past performance, ability, and seniority of all those interested will be considered in the selection process. When a job vacancy occurs, employees within the department may indicate their interest in being considered for the vacant position.

Recruitment for a position occurs internally. When a vacancy occurs at a department and an employee of that department meets the minimum qualifications, the employee may be promoted or transferred and in this instance the job posting requirements may be waived. It is intended that the job posting shall be used as often as practical as a means of filling vacant positions.

When no candidates have demonstrated capacity to meet the minimum qualifications, the position will be posted externally.

All vacant positions will be posted in the Micmacs of Gesgapegiag's website under Employment Opportunities on the home page and in other social media such as Facebook, Instagram, etc... More details regarding the posting will be available upon request made to the Human Resources Department by any interested employee.

Vacancies of all positions will be posted unless it is determined to be in the best interest of the Micmacs of Gesgapegiag to waive the posting period. Examples of such waivers include placement of displaced employees that are coming back from leave, or department restructuring. All posting waivers must be approved by Chief and Council.

Employees who are interested in filing a vacant position must go through the normal application process and submit to the Human Resources Department their current resume and a letter of presentation. The applicant file will be forwarded to the hiring Director.

All employees who meet the requirements and complete the application process will be interviewed by the Selection Committee. The Selection Committee will inform the Human Resources Department of their final candidate selection.

### **11.60) Criteria to Screen Candidates for Interviews**

The Human Resources Department and the Director who supervises the position should review the applications that were submitted within the specified timeline and determine which ones should be forwarded to the Selection Committee.

The Human Resources Department and the Director should select candidates that possess:

1. The education,
2. Previous experience or equivalent,
3. Specific skills and training, and
4. Other required qualifications for the position based on the job requirements and the job description.

The Human Resources Department shall coordinate and schedule interviews with the chosen candidates in a timely manner with the Selection Committee.

The rejected applicants may also be contacted and informed of the reason(s) they were not selected.

### **11.70) Interview and Selection Process**

The Micmacs of Gesgapegiag utilize a standardized interview questionnaire (see HRFXXX) in all their interviews. Five (5) behavioural questions are added to assess specific job requirements.

The Director should develop a set of five (5) job-related behavioural interview questions which will assess the candidate's experience, skills, training, and competencies identified for the position, and which should be utilized by the Selection Committee during the interview process.

Where a position requires specific skills, the Micmacs of Gesgapegiag may require all candidates who passed the interview stage to demonstrate their skills by completing an exercise involving a job-related work sample, the results of which shall remain confidential. Any other tests relevant to the position could be requested.

To avoid biases and with the help of the Director or their delegated supervisor, the Human Resources Department may review the questions to make sure every candidate gets a fair chance to provide answers strictly related on their qualifications and/or experience.

The Selection Committee may require the candidate to provide copies of all their official school or professional training transcripts if not previously done.

Interviews should be conducted by the Selection Committee with the selected candidates.

The Selection Committee should assess the candidates and make a recommendation on the hiring of the successful candidate to the Director General.

Internal candidates must proceed through the same interview and selection process as external candidates and must meet the minimal job requirements to be qualified.

In assessing the qualifications of an internal candidate, the Selection Committee should consider the candidate's past performance and previous positions within the organization.

All job requirements should be defined in the employment posting including a CPIC/NCIC (Canadian Police Information Centre Check), driver's abstract, credit history, and other written reference checks that are mandatory for specific designated positions, as per the job's description.

Prior to offering the position to a candidate:

- The Selection Committee should check the candidate's references (at least three (3) previous employers, whenever possible) and verify their qualifications, degrees, and certifications, and other information, and shall document their findings, and if the final candidate's file is in good standing,
- The Selection Committee should recommend the successful candidate to the Director General for approval.

The successful candidate should be provided with a letter of offer prepared by the Human Resources Manager.

Upon signing the letter of offer and starting work, they should be placed on probation as per this policy.

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**12.00) Employment**

**12.10) Employment of Family Members**

It is recognized and appreciated that the Micmacs of Gesgapegiag community is closely related through family and kinship ties.

While it may not always be possible or desirable to minimize family members from working together, the Micmacs of Gesgapegiag recognizes that these relationships may create some challenges in human resources management.

While all employees are subjected to the Micmacs of Gesgapegiag Code of Values and Ethics (HRP15.10), the following are some rules that should be implemented with respect to working relationship with family members. In the best circumstances:

- a. An employee shall not be directly supervised by a member of his/her immediate family.
- b. An employee shall not be part of a Selection Committee when one of the candidates is a member of his/her immediate family.
- c. The Micmacs of Gesgapegiag may choose not to consider a job application from a candidate who applies for a position in which the direct supervisor is an immediate family member. Qualifications will play an important factor in the decision to consider the application.
- d. Where an employee is currently supervised by an immediate family member, or where an employee is hired, transferred, or promoted into a department where the supervisor is part of the employee's immediate family member, the Micmacs of Gesgapegiag should take immediate action to remedy the situation, including a lateral transfer of the employee to a different position, if possible. In such case, if necessary, the employer should ensure that the employee should have access to training to be successful in the new position, and,
- e. This rule should also apply to any employee who would report directly to Chief and Council.

## 12.20) Criminal Record and Vulnerable Sector Checks

As a responsible employer, the Micmacs of Gesgapegiag shall identify positions where a Criminal Record or Vulnerable Sector check may be required before anyone is hired, transferred, promoted, or accepted as an employee, a contractor, or a volunteer into positions of trust, which include positions:

- Requiring contact with children,
- Requiring contact with vulnerable adults (a vulnerable adult is one who may be unable to properly protect his or her own well-being, such as an individual with a disability or substance abuse problem or seniors),
- Involving significant responsibility for financial transactions,
- Requiring the handling of cash or negotiable securities,
- Involving control of significant inventory or the Micmacs of Gesgapegiag's property,
- Involving access to sensitive information where a criminal reference check is required by law, and,
- Where a criminal reference check is an essential occupational qualification.

The requirement of a Criminal Record or Vulnerable Sector check should be indicated in the job description as a term of employment.

Where an existing employee is transferred or promoted into a new position of trust, the employee should complete a satisfactory criminal reference check prior to being transferred or promoted.

For any position, the successful candidate should be responsible for the cost of a criminal reference check. The only exception should be if the transfer to a new position is requested by the employer, then the employer should cover the cost.

The cost of renewal checks (annual or every 3 years) should be borne by the Micmacs of Gesgapegiag.

Any documents relating to a criminal reference check should be stored in the respective employee's file in a secure location to maintain confidentiality and control access to the information

If a criminal reference check indicates a prior record, the following factors should be considered in determining whether to accept the individual into a position of trust:

1. if a pardon has been granted;
2. if the offence is relevant to the position being sought;
3. if the offence has an impact or bearing on the employees' ability to complete their work.

The Human Resources Manager should make a recommendation to the Director General who should make the final decision regarding the candidate.

The Human Resources department should keep a registry of all positions which require criminal reference checks and ensure that renewal of reference checks is done in a timely fashion and that confirmations are filed in the respective employee's file.

### **12.30) Offer of Employment**

Once the Selection Committee or Chief and Council has made a decision with respect to the successful candidate, the Human Resources Manager should communicate with the candidate to discuss, among others:

- Position title,
- Level of salary,
- Probationary period,
- Start date and any prior requirement, e.g., medical examination,
- To whom, when and where to report to work,
- Hours of work,
- Pay period and first pay cheque date,
- Type of benefit, and,
- Performance evaluation program.

All the above information should be included in the letter of offer with a copy of the up-to-date job description. All letters of offer should be signed either by the Human Resources Manager, the Director General or the Chief, depending on the position.

The letter of offer should also make references to the Code of Values and Ethics and other policies and procedures that the new employee should become familiar with and require the employee to sign a Declaration of Understanding (HRFXXX) and a Non-Disclosure Agreement (if necessary, as per the position).

### **12.40) Providing Written References**

A reference check is when an employer contacts a job applicant's previous employers, schools, colleges, and other sources to learn more about his or her employment history, educational background, and qualifications for a job.

The hiring Director should inform all candidates on how references checks will be conducted and have the authorization form (HRFXXX) completed by them.

Upon reception of the authorization form, the Human Resources Department will contact at least three (3) former employers (whenever possible), education establishment, etc. to verify if they are in good standing.

### **12.50) Leaves and Benefits**

Except as otherwise provided in a contract of employment or offer letter, the following indicate the type of leaves and benefits employees are entitled to depending on their



employment status.

Permanent Full-Time and Part-time Employees are entitled to:

- a. Group insurance;
- b. Pension benefits;
- c. Annual vacation;
- d. Personal leaves;
- e. Sick leave;
- f. Pandemic leave (If exposed or contracted virus at work);
- g. Maternity/Paternity/Parental leave;
- h. Compassionate leave;
- i. Bereavement leave; and,
- j. Educational leave;

as outlined in this Human Resources Policies and Procedures Manual (Remuneration – HRP 18.00, Holidays – HRP 21.00, and Granting of Leave – HRP 24.00).

Seasonal Employees (Permanent - Returning Seasonal Employees) and Casual Employees are entitled to:

- a. Annual vacation (which is added to their weekly pay);
- b. Sick leave;
- c. Maternity/Paternity/Parental leave;
- d. Compassionate leave;
- e. Bereavement leave;

as outlined in this Human Resources Policies and Procedures Manual (Holidays – HRP 21.00 and Granting of Leave – HRP 24.00).

### **12.60) Probationary Period**

The purpose of the probationary period is to give managers time to adequately assess a new employee's performance and suitability to the role and to allow the employee an opportunity to adjust to their new position at the Micmacs of Gesgapegiag.

The probationary period is the initial 6-month period of employment during which the supervisor carefully considers whether the employee can meet the standards and expectations of the job and if the employees should be retained as a "regular" employee. During this time, the supervisor appraises the employee's:

- Ability to learn and perform job duties,
- Quality of work,
- Productivity,
- Work habits,
- Cooperation,
- Attendance,
- Punctuality, and
- Other standards and expectations specific to the employee's work situation.



The following principles apply to this Policy:

- The 6-month probationary period must be agreed to in writing by the Employee.
- Notice of Termination is not required for employees working less than three (3) months as per the *Canada Labour Code*.

Terms & Conditions:

- New employees are subject to a six (6)-month probation period during which time performance is assessed on:
  - Team and individual contributions to the mission, vision, and culture of the organization
  - Individual and team behaviours that reflect the Seven Sacred Teachings (Micmacs of Gesgapegiag's values)
  - Employee and team performance related to achieving goals, objectives, and behaviour expectations such as work habits and knowledge, skills, and attitudes.

An employee who partially meets expectations at the mid-probation evaluation will be placed on a professional development plan and granted an additional 3-month probation extension. The Director and the Human Resources Manager will document the reasons and provide an action plan to the employee at least four (4) weeks before the end of the probation period.

An employee who demonstrates poor performance (does not meet standards) at the mid-probation assessment will be terminated from employment.

An employee who does not meet expectations at the end of the probation assessment will be terminated from employment.

***A copy of the Probation and Mid-Probation Evaluation is in the Annex (HRFXXX and HRFXXX).***

#### **12.61) Employees, Supervisors, Team Leaders (non-Department Directors)**

- New employees must be placed on probation for a period of six (6) months. The probation period will start on their first day at work.
- On a monthly basis (minimum), the direct supervisor should meet with the employee to discuss tasks, deliverables, and performance.
- The outcome of these conversations should be noted and sent to the Human Resources Department to be filed in the Employee employment file.

If the employee's mid-probation assessment meets expectations:

- One (1) week before the three (3) months of employment deadline is up, the direct supervisor and the Director shall complete a mid-probation performance assessment.
- Both Supervisor and Director should meet with the employee to discuss the results of the mid-probation assessment.
- The outcome of the conversation should be recorded on the mid-probation assessment form (HRFXXX) and should be sent to the Human Resources Department for filing in their Employee's File.

If the employee partially meets expectations at the mid-probation evaluation:

- They will be placed on a professional development plan and granted an additional 3-month probation extension.
- The Director and the Human Resources Manager will document the reasons and provide a developmental action plan (HRFXXX) to the employee at least four (4) weeks before the end of the mid-probation period.
- Both Supervisor and Director should meet with the employee to discuss the results of the mid-probation assessment.
- The outcome of the conversation should be recorded on the mid-probation assessment form (HRFXXX).
- Both the developmental action plan and the mid-probation assessment form should be sent to the Human Resources Department for filing in their Employee's File.
- A letter extending the probation period for another three (3) months shall be remitted to the employee during the meeting.

If the six (6) month probation is satisfactory:

- Before the six (6) month anniversary of employment, the Director should proceed as follow:
  - Complete and sign an end of probation performance assessment form (HRFXXX).
  - Meet the employee to communicate the outcome of the assessment.
- A copy of the signed probation performance assessment form along with key notes of the conversation should be sent to the Human Resources Department to be filed in the Employee's File.
- The employee will be confirmed into their position.

If the six (6) month probation is unsatisfactory:

- Before the six (6) month anniversary of employment, the immediate supervisor and the Director should proceed as follow:
  - Complete and sign an end of probation performance assessment form (HRFXXX).
  - Meet the employee to communicate the outcome of the assessment.
- If the end of probation period assessment results does not meet expectations, the Director may request to the Human Resources Department to terminate the employment for unsatisfactory performance.
- In this case, the Human Resources Department shall evaluate the case and should prepare a recommendation for final approval by the Director General.
- The Director and a Human Resources representative should meet with the employee to inform them of the decision to terminate the employment.

If for any reason, the employee does not perform well during the probationary period, it should be at the Human Resources Manager and the Director General's discretion to extend the probationary period.

#### **12.62) Directors/Department Directors and Financial Controller**

- Once the job offer is signed, the new Director must be placed on a six (6) month probation. The probation period will start on their first day at work.
- On a monthly basis (minimum), the Director General should meet with them to discuss areas of strengths and weaknesses, and plans tasks, deliverables, and assess overall performance.
- The outcome of these conversations should be noted and sent to the Human Resources Department to be filed in the Employee employment file.

#### If the Director's mid-probation assessment meets expectations:

- One (1) week before the three (3) months of employment deadline is up, the Director General shall complete a mid-probation performance assessment form (HRFXXX).
- The Director General should meet with the Director to discuss the results of the mid-probation assessment.
- The outcome of the conversation should be recorded on the mid-probation assessment form (HRFXXX) and should be sent to the Human Resources Department for filing in their Employee's File.

#### If the Director partially meets expectations at the mid-probation evaluation:

- They will be placed on a professional development plan and granted an additional 3-month probation extension.

- The Director General and the Human Resources Manager will document the reasons and provide a developmental action plan (HRFXXX) to the Director at least four (4) weeks before the end of the mid-probation period.
- Both Director General and Human Resources Manager should meet with the Director to discuss the results of the mid-probation assessment.
- The outcome of the conversation should be recorded on the mid-probation assessment form (HRFXXX).
- Both the developmental action plan and the mid-probation assessment form should be sent to the Human Resources Department for filing in their Employee's File.
- A letter extending the probation period for another three (3) months shall be remitted to the Director during the meeting.

If the six (6) month probation is satisfactory:

- Before the six (6) month anniversary of employment, the Director General should proceed as follow:
  - Complete and sign an end of probation performance assessment form (HRFXXX).
  - Meet the employee to communicate the outcome of the assessment.
- A copy of the signed probation performance assessment form along with key notes of the conversation should be sent to the Human Resources Department to be filed in the Employee's File.
- The employee will be confirmed into their position.

If the six (6) month probation is unsatisfactory:

- Before the six (6) month anniversary of employment, the Director General should proceed as follow:
  - Complete and sign an end of probation performance assessment form (HRFXXX).
  - Meet the Director to communicate the outcome of the assessment.
- If the end of probation period assessment results does not meet expectations, the Director General may request to the Human Resources Department to terminate the employment for not meeting expectations (unsatisfactory performance).
- In this case, the Human Resources Department shall evaluate the case and should prepare an information note for final approval by Chief and Council to terminate the employment for not meeting expectations.
- The Director General and Human Resources Manager will meet with the Director to inform them of the decision to terminate their employment.
- In the case of a probation period being extremely under expectations, the Director General and the Human Resources Department should prepare an information note for Chief and Council requesting approval before terminating

- the employment for unsatisfactory probation reasons.
- In the case of a Director General, if for any reason, they do not perform well during the probation period, it should be at the Chief and Councils discretion to extend the probationary period.
  - For the Director General's mid-probation and end of probation assessments, the Micmacs of Gesgapegiag's Chief is to follow the same procedure as for Director's procedure.

If for any reason, the Director does not perform well during the probationary period, it should be at the Director General and Chief and Council's discretion to extend the probationary period.

#### Extension of probationary period

The Human Resources Manager may extend the probationary period for an additional period not exceeding a ninety (90) days (3 months) timeframe to permit an employee to improve their performance to qualify for continued employment. The extension of the probationary period shall be made in writing and state clearly all the terms of the probation. The employee should sign the letter along with their supervisor and a witness. The signed document should be forwarded to the Human Resources Department to file in the employee's file.

During the extended probationary period, the employee's immediate supervisor should monitor and review the work of the employee and determine their qualifications with respect to continued employment.

The employee must achieve a satisfactory performance during their extended probation period to become eligible for continued employment and be confirmed into their position.

Upon the successful completion of the probationary period, the employee, as per their letter of offer, will be eligible to benefits and leaves as outlined in this Human Resources Policies and Procedures Manual.

Employees may also be placed on probation in the following circumstances:

- a. Upon a promotion;
- b. Upon a transfer to a lateral position;
- c. As a condition of a disciplinary action;
- d. As a result of an unsatisfactory performance and a condition to continued employment; or,
- e. As a condition of continued employment on a full-time time basis upon the expiry of contract.

A probationary employee may be dismissed or terminated, at any time, during their first probationary period, if their performance does not meet work place standards and expectations as per the applicable legislation.





<b>Policy No.</b>	HRP 13.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

**13.00) Employment Files**

The management of all human resources files is subjected to Canada’s Privacy Act and Quebec’s Act respecting access to documents held by public bodies and the protection of personal information and the Information Management Policy and Procedures (CPDXXX).

**13.10) Employee employment files**

The Human Resources Department shall create an Employee employment file for each employee in both hard copy and electronic copy (BambooHR), which can be accessed by the employee upon request and in the presence of a Human Resources representative. With respect to other employees getting access to an employee’s file, it should be on a “need to see” basis, and only the Human Resources Manager can approve such access.

An Employee employment file shall contain the following information:

Hiring:

- Employee Information/Update Form (HRFXXX).
- TD1 Form.
- TP-1015.3 Form.
- Void cheque.
- Employment Contract or Job Offer.
- Job description.
- Employee Resume.
- Reference Check Consent Form (HRFXXX).
- Telephone notes and/or written Reference Checks.
- Interview Questionnaires (HRFXXX).
- Employment Application (HRFXXX).
- Declaration of Understanding (HRFXXX).
- Orientation and Onboarding Plan.
- Oath of Confidentiality (HRFXXX).
- Copy of Provincial Medicare Card.

- Copy of Driver's License.

Compensation:

- Salary analysis.
- Compensation history and approvals.
- Child Support.
- Salary Seizure.
- Pension Plan Enrolment Form.

Training:

- Diploma(s)/Training Certificate(s).
- Required certification(s).
- Professional Training Courses.
- Course Attendance Request Form (HRFXXX).

Performance:

- Mid-probation and Probation Evaluation Form (HRFXXX).
- Performance Appraisals (HRFXXX).
- Development Plan(s) (HRFXXX).

Health and Safety:

- Group Insurance Enrolment Form.
- Maternity or Paternity Leave Request (HRFXXX).
- Medical Notes (filed separately – Medical File).
- CNESST Worker's Claim(s) (filed separately – Medical File).
- CNESST Employer's Request for Reimbursement (filed separately – Medical File).
- Long-term Disability Claim Form (filed separately – Medical File).
- Accident/Incident Report Form (HRFXXX).
- Proof of Vaccination (filed separately – Medical File).

Discipline:

- Warnings (HRFXXX)
- Disciplinary measure(s) (HRFXXX).
- Attendance Record(s).

Termination:

- Letter of resignation.
- Termination Letter.
- Exit Interview Questionnaire.
- Record of Employment.
- Outboarding Checklist (HRFXXX).



Other:

- Equal Employment Opportunity Information.
- Possession of Keys/Alarm Code Form.
- Notice(s) of occurrence(s) (HRFXXX) (Filed separately – Notice of Occurrence).
- Leave Request Form (HRFXXX).
- Remote Work Agreement Form (HRFXXX).

Legal Advice Documents, medical documents, notices of occurrence shall be kept separately, and access should be determined by the Human Resources Manager.

### **13.20) Job Descriptions**

A job description is an informative documentation of the key activities, efforts, skills, responsibilities and working conditions related to a position identified on the organizational chart. Such information should be used to: prepare a job posting; development interview and reference questions; determine the salary scale of the position; and complete any employee performance assessment.

The Human Resources Manager should ensure that each position on the organizational chart has an up to date and approved job description. It should also ensure that electronic copies are saved on the main server according to the Information Management Policy and Procedures. Department Directors should only have access to job descriptions related to their department's positions.

Upon hiring, the employee should receive a copy of their job description with their letter of employment or employment contract.

Directors should maintain and complete accurate job descriptions for all positions in their department. The Director General must approve any additional job duties and responsibilities that are similar or related to the current job duties and responsibilities. When adjustments are made to a job description, the supervisor should meet with the employee and review all changes and answer any questions the employee may have. The job description should be reviewed during each employee's annual Performance Assessment. At that time, the employee is expected to advise their immediate supervisor about any area of the job description that they believe require modification.

The Human Resources staff should ensure all positions have job descriptions that set out the:

1. Name of the department and position within that department;
2. Role classification to relate to salary grid;
3. Nature and scope of work, including regular duties;
4. Abilities, knowledge, education, training, licenses, certifications, and skills required;
5. Reporting structure and supervisor responsible for that position or department, and

6. List all positions reporting directly and/or indirectly to the position.  
The Human Resources staff should maintain copies of all job descriptions.

The Micmacs of Gesgapegiag may use job descriptions:

1. In the hiring process;
2. To determine job requirements;
3. As part of the employee evaluation process; or,
4. For any other purpose determined by the Human Resources staff or the Director General.

<b>Policy No.</b>	HRP 14.00
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**14.00) Employment Expectations**

**14.10) Employment Attendance and Punctuality**

The Micmacs of Gesgapegiag should make every effort to promote consistent attendance within the work place and control absenteeism to ensure consistent support and services.

Supervisors should review all absences taken by their staff monthly via their time sheet review.

First, when the situation arises, and employees are having problems completing regular scheduled shifts or are missing days of work, the supervisor should discuss with the employee their attendance record. The supervisor should ask for improvement and assist the employee, if possible. A record of that conversation should be placed in the Employee's File.

A second review of the employee's record should take place within two (2) to three (3) weeks, the date should be agreed upon by the employee and the supervisor. Any improvement should be noted in the Employee's File.

If there is no improvement, the Human Resources Manager should be involved, and the employee should, again, be met to discuss the problem with regards to the importance of reporting to work and how their behaviour is affecting the rest of the team.

If no improvement is seen, a third meeting shall be held with the employee, and a request will be made for the employee to see their family doctor to determine if they are fit to work and carry out their regular duties as defined in their job description. A written report to this effect should be supplied to the Human Resources Department and to their Director.

To ensure consistency, the employee's attendance record should again be reviewed after a period of 30, 60 or 90 days as agreed upon with the supervisor, the Human Resources Manager, and the employee. Any improvement should be noted in the Employee's File.

If there is no reasonable expectation of improved attendance and the performance of the employee's duties remain compromised, then the Employee should receive a non-disciplinary discharge with fair notice as per the *Canada Labour Code*. Due to the critical need for punctuality in the work place, excessive tardiness will not be tolerated; and may be grounds for dismissal (see Disciplinary Measures Policy – HRP 27.00).

Micmacs of Gesgapegiag may, on an annual basis, make some type of suitable acknowledgement of those employees who have completed the year with no absences, with no lateness or any attendance or punctuality issues.

#### **14.20) Duties Outside the Office**

It may be necessary for an employee to carry out their work outside their normal work location.

These duties must be related to the nature of their job and to achieve specific job objectives. In this case, the employee will need approval from their immediate supervisor. In addition, the immediate supervisor should keep track of the time the Employee has worked remotely.

When this is necessary, the employee is to report their absence to the Receptionist, on duty, that they will work remotely and when they will be returning to the office.

A department may have to put in place additional process to monitor work outside of the office.

#### **14.30) Absences**

Unforeseen absenteeism or lateness may occur. Each employee must report their absence from work in accordance with the established procedures.

If an employee is not at work within thirty (30) minutes after their work shift, the employee will be considered absent from work, unless they had previously informed their immediate supervisor or are providing justification for their tardiness upon their arrival to work. The following procedure shall apply:

- a) Every employee must contact their immediate supervisor as soon as possible, far in advance as possible, and inform them on how long the employee expects to be absent. Their immediate supervisor should acknowledge receipt of their message, verbally or in writing, using the same means of communication as of the employee. This contact may be made via telephone, text or email. The supervisor may ask the employee to provide, as required, appropriate documentation to support the absence, including but not limited to, a doctor's note.

- b) The supervisor should ensure that the message is relayed to the team who will be impacted by the absence.
- c) The Director and the Human Resources Department should also be advised of this absence.

When an employee has been absent from work for five (5) consecutive working days, without notifying their supervisor, it may be considered as a position abandonment. The following procedure will apply:

- 1<sup>st</sup> day without notification: Supervisor should attempt to contact the employee, if no contact is achieved, the process should go as follows until contact is achieved.
- 2<sup>nd</sup> day: Director should contact the employee; and a letter should be sent by the Human Resources Department.
- 3<sup>rd</sup> day: Human Resources should attempt to contact the employee.
- 5<sup>th</sup> day: A letter should be sent to the employee confirming termination of employment.

Each employee is expected to provide their immediate supervisor with enough information to allow the Micmacs of Gesgapegiag to help the employee, to the extent possible, in attending work on a regular basis.

If an employee falsifies their Time Sheet (HRFXXX) and it has been proven that it is not truthful, they will be subjected to progressive disciplinary actions which could lead to the termination of their employment as noted in this Human Resources Policies and Procedures Manual (Progressive Discipline – HRP 27.00).

#### **14.40) Tardiness**

All employees are expected to be at work fifteen (15) minutes before and ready to commence work at the beginning of their work shift. If an employee is not at work thirty (30) minutes after the beginning of their work shift. The the following procedure will apply:

- a. If an employee should be late for work, that employee must contact their immediate supervisor to inform them, as soon as possible, and as far in advance as possible, as to when they should arrive and provide the reason for their lateness. This contact may be made via telephone, text, email or in person. The immediate supervisor will acknowledge receipt of their message, verbally or in writing, using the same means of communication as the employee.
- b. The supervisor should ensure that the message is relayed to the team who will be impacted by the late arrival.
- c. The Director and Human Resources staff should also be advised of this tardiness.

If an employee is late for a work-related meeting, the employee should contact the relevant parties, as soon as possible, and let them know when they should expect them to arrive.

The Micmacs of Gesgapegiag expects employees to attend to personal obligations such



as doctor, dental or other appointments, outside of working hours as much as possible or by using personal days.

If an employee is facing difficulties, the employee is expected to give their immediate supervisor enough information to allow them to do what they can to help them attend work on a regular basis (e.g., a flextime plan may be created to help the employee meet their commitments).

If an employee is constantly late, without sufficient justification, the employee may be subjected to progressive discipline, which could lead to the termination of their employment.

If an employee falsifies their Time Sheet (HRFXXX) and it has been proven that it is not truthful, they will be subjected to progressive disciplinary actions which could lead to the termination of their employment as noted in this Human Resources Policies and Procedures Manual (Progressive Discipline – HRP 27.00).

#### **14.50) Work Hours**

The purpose of this policy is to provide guidelines for the work practices respecting the standard work week, modified work week, lunch, and work breaks. The Micmacs of Gesgapegiag deliver various programs and services to the Community which require employees to work different number of hours per week.

#### **14.51) Standard Work Week:**

Normally, the standard work week for full-time employees consists of thirty-two (32) hours per week or thirty-five (35) hours per week depending on the normal full-time work week for the job classification. The hours of work shall be defined in the employee's job offer or employment contract. Individual working schedules for employees are determined by supervisors and are subject to departmental needs and approval.

In certain departments (e.g., fisheries, forestry, public security, etc.), hours of work will vary for special work circumstances. Compensation for overtime is in accordance with the Human Resources policy respecting overtime (HRP 14.60).

##### **14.51.1) Days of Rest**

Except in respect of variations in the standard workday/work week above, where a modified work week is instituted, or where operating hours include Saturday and/or Sunday, the Micmacs of Gesgapegiag normally shall schedule for each employee at least two (2) consecutive days of rest per week.

### **14.51.2) Modified Work Week**

The employer may ask an employee to modify their work schedule to ensure the delivery of programs and services within the standard weekly hours or work. The request should be made in writing and outline the reasons for, the duration of, and the benefits of the modified work schedule. The request should require the approval of the Director General. The Human Resources Department should put a copy of the request and the decision of said request in the Employee's File.

A modified work week may include, banked time, vacation, and/or personal days. Such terms and conditions should be negotiated between the supervisor and the employee, with the approval of the Director.

### **14.51.3) Revised Hours**

Regular hours may be revised according to operational needs.

### **14.51.4) Lunch Hours**

A break of not less than one half (1/2) hour per day per shift will be granted for eating purposes. Such time shall not be included in the calculation of hours worked. Scheduling is at the discretion of the supervisor subject to the needs of the department.

### **14.51.5) Rest Periods**

Two (2) fifteen (15) minute rest periods will normally be provided, one preceding and one following the lunch period. Scheduling is subject to arrangements with the supervisor. Rest periods worked shall not be calculated as overtime worked nor can they be banked to accumulate paid time off.

All employees are required to:

- Be at their workstation/work location, ready when their work shift begins.
- Remain at work until their work shift ends (except for health breaks and meal break).
- Notify their supervisor if they are leaving the office or their work location; and,
- Contact their supervisor immediately if they are unable to report for work at the required times (subsections Absences – 14.30; Tardiness 14.40).

Any change to a work week's regular hours will require the approval of Chief and Council. Once approved, all concerned employees will be informed, in writing, and will be required to sign a new letter of employment. The Human Resources Department will file the signed original letter in the Employee's File and will provide a copy to the employee.

## **14.60) Overtime**

The Micmacs of Gesgapegiag expects that employees should be able to complete their duties/tasks within their scheduled shifts. Overtime is not expected or required, except in unusual circumstances. The Micmacs of Gesgapegiag should make every reasonable effort to avoid requiring non-supervisory employees to work overtime.

Should overtime be required, they will be allocated, among qualified employees, at the Director's discretion.

Overtime must be approved in advance by the employee's direct supervisor or their designate if they want to be paid.

If an employee works overtime, with the prior approval of their direct supervisor, the Micmacs of Gesgapegiag will pay them for the overtime at a rate of one and one-half (1.5) times the employee's regular hourly rate as per the applicable labour law, the *Canada Labour Code*, which outline the maximum of hours of work required before overtime is paid.

If an employee is required to work during a statutory holiday, the rate should be the employee's regular hourly rate plus the statutory holiday legal amount owed (1/20 of the last 4 weeks of work pay). Whether it is paid or accumulated, it cannot exceed the equivalent of twice the hourly wage.

Prior approval by the employee's direct supervisor is required for statutory holiday work shifts.

## **14.70) Banked Time**

Time off in lieu of paid Overtime is for non-managerial salaried staff only.

Overtime must be taken as time off in lieu of pay (e.g., 10 hours x 1 = 10 hours off in lieu of 10 hours of pay).

Non-supervisory employees, whose regular work week is up to forty (40) hours, should be eligible for Overtime Credit for all hours worked in excess during their regular week hours.

Credits are calculated one and a half (1.5) times the rate for one hour of overtime for any hours worked more than the forty (40) hours in any given work week.

This calculation rate is not applicable for any hours in excess of a regular workday. The overtime calculation should only be based on the total hours worked within a work week. The calculation is as follows:

- Under 40 hours worked = 1:1

- Over 40 hours worked = 1:1.5

An employee who works authorized overtime should receive time off in lieu of monetary compensation at the rate as calculated above.

When it is impractical to grant time off in lieu of, the employee will receive overtime pay at the rates calculated above, along with their regular pay after approval from the Human Resources Manager and the Director.

An employee can only accrue a maximum of one (1) week in Banked Time off in lieu of overtime pay. If one (1) week of Banked Time is accumulated within three (3) months, it should be scheduled to be taken off as soon as it is convenient for both parties.

The employee's immediate supervisor must approve the time to be taken prior to the absence.

Employees may not carry forward Banked Time off from year to year (April to March).

No more than five (5) days can be accrued as Banked Time. Hence, the importance for the employee to take this time off within the fiscal year.

Any accrued banked time in excess of 5 working days should be treated as excessive accumulated time and should be taken off by the end of each fiscal year (end of March). The employee's immediate supervisor and Director should monitor accumulated overtime by employees.

At the end of each quarter, the Human Resources Department will release, to Directors, a report indicating the amount of overtime accumulated by their employees. The immediate supervisor should then discuss with the employee when it would be more convenient for them to take time off, prior to the end of the fiscal year.

#### **14.80) Inclement Weather and Other Office Closures**

The Micmacs of Gesgapegiag acknowledges that there are times (e.g., weather inclements, Force Majeur, funeral of a community member, etc.) when their offices should be closed.

Given the reasonable predictability of severe weather, the Micmacs of Gesgapegiag expects its employees to take precautionary measures and preventative steps to avoid work disruptions.

The offices shall remain open, if possible, during adverse weather conditions. Employees are expected to either work from home and/or make all practical efforts to report for work and/or be available during normal office hours. In any case, they should report, as soon as it is known what they will be doing, to their immediate supervisor. Each employee is expected to make every reasonable effort to get to work, while maintaining regard for their

personal safety.

If weather conditions worsen as the day progresses, only the Director General or their appointed interim can decide to close operations and send employees home.

The Director General should notify all Directors of the situation and an email will be sent to all employees informing them of the closure. The information will also be posted on the organization's website and Facebook page. All employees will be paid for the time that they have missed at work during the closure.

Full-time employees and permanent part-time employees should be paid for the hours they were scheduled to work. Employees not working on that day (e.g., on vacation, taking a personal day, or on another leave) are not entitled to any extra compensation or replacement for those days.

Depending on the circumstances, an employee may bring work home to allow them to work and remain up to date when there is a storm. In those situations, they must obtain prior approval from their immediate supervisor. While working remotely, the employee is expected to monitor their voicemail and email whenever possible throughout the day.

In the event an employee cannot report for work, they shall inform their immediate supervisor as soon as possible. Each employee must notify their immediate supervisor and the front desk receptionist of any absence or expected lateness as soon as possible.

When the office remains open during adverse weather conditions, local employees not at work should be required to work from home, take either a vacation day or a personal day, or use accumulated time, at the discretion of their direct supervisor, to avoid having their pay impacted. In a situation where the employee does not have access to the above-mentioned options, the employee shall take a leave without pay.

#### **14.90) Staff Meetings**

It is expected that a regular Staff Meeting should take place on a consistent basis for updates and information for all departments and employees.

Occasionally, the Micmacs of Gesgapegiag may require employees to attend meetings, which may be held before, during or after working hours. The scheduling of these meetings should be within normal work hours whenever possible.

If the Micmacs of Gesgapegiag requires an employee to attend a mandatory meeting, then the relevant Director, supervisor or the Director General will inform them in writing of where, when, and how long the meeting is expected to be.

If the meeting is held outside of normal working hours, the employees will be allocated Banked Time for the hours they attended the meeting. (Banked Time – subsection 14.70).

From time to time, all employees are expected to attend meetings where general and educational information will be shared. It is expected that all employees should attend these meetings and be active participants in the event, during the educational process, and during the exchange of ideas and opinions regarding the operations and programs' provisions and services for the Micmacs of Gesgapegiag.

Any employee who is unable to attend a compulsory meeting must obtain prior approval from their supervisor to be justified.

#### **14.95) Language**

The Micmacs of Gesgapegiag is committed to support and promote the increased use of the Mi'gmaq language throughout its administration and business.

During certain circumstances, an employee may need to accommodate community members, colleagues and/or customers who do not understand Mi'gmaq. In such situations, English or French should be used.

In addition to the language requirements of an employee's position, in a situation where the use of Mi'gmaq language is highly recommended, the organization should make reasonable efforts to provide accommodation.

English should be used when appropriate in Council operations.

The Micmacs of Gesgapegiag should make best efforts to offer Mi'gmaq lessons for all staff members.

#### **14.96) New Employee Orientation**

To ensure all new employees joining the Micmacs of Gesgapegiag are provided with an opportunity to learn about the organization, its culture, vision, values, and mission, all new employees are required to attend an orientation session soon after starting to work. This should involve providing the employee with information about the Micmacs of Gesgapegiag, working conditions, administrative procedures, and introducing them to the Human Resources Policies and Procedures.

During the first week of employment, the immediate supervisor should hold a welcoming one-on-one meeting with the new employee to discuss the onboarding process:

- Introduction and Welcoming;
- An overview of Micmacs of Gesgapegiag's goals and vision;
- Review the Onboarding plan and training schedule;
- A review of the organizational chart and the Policies and Procedures documents that are relevant to the position;
- A review of the Declaration of Understanding, Conflict of Interest, Code of Conduct and Oath of Confidentiality Forms;
- A review of the employee's job description and job expectations;

- A review and discussion on the probationary period and requirements;
  - A review of the performance management process and evaluation form;
  - A review of the whistleblower policy
  - A tour of the Administration building and other departments;
  - Questions and concerns of the new employee;
  - Introducing the new employee to their co-workers;
- The new employee's first work assignment; and, other policies/matters deemed important or relevant by the immediate supervisor.

#### **14.97) Conditions of Employment**

Where relevant, the Micmacs of Gesgapegiag may require candidates who have successfully passed the interview stage to meet additional conditions of employment, including, but not limited to, the conditions of employment set out in this Human Resources Policy and Procedures.

The Micmacs of Gesgapegiag will not hire a candidate who does not meet the minimal requirements of the position for which they have applied for.

Once hired, depending on the circumstances, an employee who no longer meets any or all of the conditions of employment relevant to their position as a result of the Micmacs of Gesgapegiag changing job requirements may be subject to termination.

Before they can become employees, all candidates who have successfully passed the interview stage should review and sign:

1. Declaration of Understanding,
2. Conflict of Interest,
3. Code of Conduct, and
4. Oath of Confidentiality.

If a position has specific physical demands, or if a candidate's ability to meet the physical demands of the position is reasonably in question, then the Micmacs of Gesgapegiag may require the candidate to, at the Micmacs of Gesgapegiag's expense, undergo a physical or medical evaluation, conducted by a qualified health professional chosen by the Micmacs of Gesgapegiag.

The Human Resources Department should, when relevant to the performance of the position duties, ask a candidate or employee to provide proof or sign a release authorizing the Micmacs of Gesgapegiag to conduct pre-employment verification(s):

1. Physical or medical evaluation,
2. Criminal record,
3. Vulnerable Check,
4. Educational records,

##### 5. Driver's abstract.

If, at any time, the Micmacs of Gesgapegiag learns that an employee provided deliberately false, inaccurate, or misleading information during the job application process, the Micmacs of Gesgapegiag may take immediate disciplinary action, up to and including termination of their employment.

Employees should not, at no times, give interviews to the media without the approval of the Director General.



Employees should not purport to represent the Micmacs of Gesgapegiag or sign documents on behalf of Micmacs of Gesgapegiag without prior authorization from Chief and Council unless it falls under the scope of their role and responsibilities within the organization. Refer to the MOG authorization and delegation table

Due to the diverse working environments, each Director may establish a dress code that is specific to and appropriate for their department.

All employees should keep their workstations neat and tidy and should return equipment to its proper place when they are finished with it, or at the end of the day.

<b>Policy No.</b>	HRP 15.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
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**15.00) Employee Expectations**

**15.10) Code of Values and Ethics**

All employees are expected to acknowledge, understand, and adhere to the Micmacs of Gesgapegiag’s Code of Values and Ethics in all activities related to their professional duties, within or outside the organization.

This document covers good governance, conflict of interest and reporting unethical conduct.

**15.20) Conflict of Interest**

**15.21) Definition of Conflict of Interest**

To avoid situations where the Micmacs of Gesgapegiag is jeopardized or compromised by employees engaging in activities or business that creates a conflict of interest, this Human Resources Policy and Procedure states that an individual has an “apparent conflict of interest” when it appears to a well-informed person that the employee’s ability to perform their duties could be improperly influence by their private interest(s).

An individual’s “private interest” means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of:

- The individual’s spouse;
- A person under the age of eighteen (18) years in respect of whom the individual or the individual’s spouse is a parent, acting in a parental capacity, or acting as a guardian;
- A person, other than an employee, who is financially dependent upon the individual or the individual’s spouse or on whom the individual is financially dependent;
- An entity in which the individual, or the individual in combination with any other person described in this subsection, has a controlling interest; and/or,
- An individual may declare themselves to be in a conflict of interest even if the circumstances do not fall within the definition of “private interests”,

that is not available to the general public.

All employees are required to adhere to the Conflict-of-Interest Policy and acknowledge their adherence by signing the Conflict-of-Interest Form (HRFXXX).

All employees must disclose in writing any outside employment or business interest that may be perceived as a conflict of interest to their Director, Director General, or the Chief and Council of the Micmacs of Gesgapegiag.

If the Director General or the Chief and Council of the Micmacs of Gesgapegiag determined that the outside employment of the business interest creates a conflict of interest or otherwise interferes with the employee's ability to perform their job, they should advise the employee of their decision in writing and allow the employee to decide an appropriate course of action to address the conflict of interest or interference.

Any employee who perceives to be in a conflict of interest must remove themselves from the situation.

If the course of action is not acceptable to the Micmacs of Gesgapegiag Administration, the employee concerned may be subject to termination.

### **15.30) Confidentiality**

Employees of the Micmacs of Gesgapegiag have access to personal confidential information concerning members of the community and other employees.

This Human Resources Policy and Procedure subsection has been developed to ensure employees are aware of the requirement to treat and respect all information they are in contact with in a confidential manner.

The Micmacs of Gesgapegiag recognizes the right of community members and employees have to privacy regarding internal operations and their personal information.

In the course of employment, an employee may receive confidential or sensitive information about the Micmacs of Gesgapegiag, its community members, other employees, or clients receiving services from the Micmacs of Gesgapegiag. It is critical that each employee keeps this information in the strictest confidence. The information, regardless of the form in which it is recorded, transmitted, observed or expressed, or to which it may be converted or transcribed, shall include, without limitation, written and electronically stored or accessible information and data, and includes the name and identity of all such community members, other employees, clients and third parties.

Each employee must sign a commitment to the confidentiality of internal operations, employees, clients, and members of the Micmacs of Gesgapegiag prior to their first day of work at the Micmacs of Gesgapegiag. This commitment is in effect during and following an employee's term of employment for an indefinite period of time.



Each employee should hold confidential all information, written or unwritten, received during their employment concerning the administration of personnel, finances, services, or internal operations of the Micmacs of Gesgapegiag except as expressly directed by the Micmacs of Gesgapegiag, or as may be required by law.

An employee may share confidential information with other persons bound by this confidentiality policy only in the performance of their duties and for the express purpose of conducting and completing their work.

An employee should not reveal nor disclose information about a recipient of services or benefits from the Micmacs of Gesgapegiag, or about employees of the Micmacs of Gesgapegiag without the prior written consent of the individual, or, in the case of a child, that child's legal guardian.

An employee should not reveal nor disclose information concerning the administration or personnel, wages or salaries, finances, services, or internal operations of the Micmacs of Gesgapegiag without the prior written consent of the Director of that employee.

No information will be distributed, altered, copied, interfered with, or destroyed, except in accordance with the instruction of the Micmacs of Gesgapegiag.

Each employee should use extreme caution with, and take all steps to safeguard, the confidentiality of any part of the information that may come into their possession at any time or in any place, and in particular when using any type of electronic device or when performing their duties outside their work place.

Each employee should obtain in writing, on the appropriate universal consent form (HRFXXX), the consent(s) necessary to comply with this Human Resources Policy and Procedure.

If the employee is uncertain as to whether confidential information may be released in accordance with this Human Resources Policy and Procedure, the employee shall discuss the release with their immediate supervisor before any information is released.

Upon an employee's employment termination, the employee must return all Micmacs of Gesgapegiag's materials and property before the end of their last day worked to their immediate supervisor.

An employee must not keep, copy, or use any confidential information or property that belongs to the Micmacs of Gesgapegiag.

As a condition of their employment, each employee will be required to sign an Oath of Confidentiality Form (HRFXXX) which will be filed in their employee employment file.

<b>Policy No.</b>	HRP 16.00
<b>Department Ownership</b>	Human Resources Department
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**16.00) Work place Guidelines**

**16.10) Personal Appearance and Dress Code**

The Micmacs of Gesgapegiag employees are expected to promote a professional image to their clients and to the community at large at all times while working. This includes maintaining a neat and clean appearance, as well as using professional discretion when considering appropriate clothes to wear at work.

During the initial orientation meeting, with the immediate supervisor, any specific personal appearance and dress requirements should be discussed. The following are topics that may be discussed:

- Dress Code;
- Personal Hygiene;
- Perfume and Cologne;
- Tattoos; and,
- Piercings & Jewelry.

The following guidelines have been set to assist employees in making appropriate choices regarding clothing to wear at work.

All employees should present a professional appearance while at the work place.

All employees should dress in a clean and presentable manner appropriate for their position.

Each employee is required to maintain a satisfactory standard of dress such as business attire, clean casual dress, and appropriate work clothes for labour roles and general appearance appropriate to their duties.

Each employee is required to maintain good grooming, personal hygiene and avoid strong perfume or cologne, which may affect employees or clients with allergies.

The following would constitute inappropriate dress:

- All items bearing racial, sexually explicit, or discriminatory slogans, pictures, and/or displaying any time of violence;
- Revealing clothing such as short shorts or skirts or plunging necklines.

The Micmacs of Gesgapegiag recognizes that personal appearance is an important part of self-expression, and that jewelry and tattoos are an important part of that expression. The Micmacs of Gesgapegiag may not wish to restrict the wear of jewelry or tattoos unless they have a negative impact on an employee's job.

Issues may occur where safety, health or productivity is affected or if the jewelry or tattoos are offensive to others based on race, national or ethnic origin, color, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, disability, or genetic characteristics.

If an employee's immediate supervisor identifies a concern with respect to jewelry or tattoos, they should meet with the employee to explore options or solutions, such as the removal of certain jewelry or the covering of tattoos.

The interpretation of this subsection and these procedures is subject to the employee's immediate supervisor's discretion. If a supervisor determines that an employee is inappropriately dressed, that employee may be sent home and required to return to work in an acceptable attire. The employee will be sent home in order to change into work appropriate clothes during their work break.

### **16.20) Drug and Alcohol-Free Work place**

The implementation of this Human Resources Policy and Procedure subsection should help minimize the risks caused by impairment due to the use of any legal or illegal drugs, including substance misuse or abuse of prescription drugs, and/or alcohol to ensure a safe, healthy, and productive work place, especially in the case of safety-sensitive occupations.

The Micmacs of Gesgapegiag will not tolerate employees being unfit to perform any assigned duties due to the substance misuse or abuse and their after-effects caused by the consumption of any legal or illegal drugs and/or alcohol.

### **16.30) Employment Relationships and Employee Dating**

#### **16.31) Family Members Working for the Micmacs of Gesgapegiag**

As the main employer in the community, the Micmacs of Gesgapegiag may have members from the same family working for the organization. Employment of family members in situations where only a family member has direct influence over the other's conditions of employment (e.g., salary, hours worked, shifts, etc.) should be discouraged.

In some cases, a concern over potential or apparent conflict of interest may arise involving other close relatives, such as aunts, uncles, cousins, or relatives by marriage.

In any case, when an employee is unsure about a potential or apparent conflict, they should fully disclose the circumstances in writing to their supervisor (Conflict-of-Interest Form – HRFXXX).

If one family member has influence over another family member's conditions of employment, the following shall occur:

1. In collaboration with the Director, the involved employee should be provided thirty (30) days to make a decision regarding a change. Change options include, but are not limited to:
  - a. One employee may apply to transfer to another team or department; or,
  - b. The reporting structure in the department could be revised so that the employee no longer has direct influence over the other employee's conditions of employment.
2. If a decision is not reached by the end of the thirty (30)-day period, the Director should reach out to the Human Resources Department to act.

### **16.32) Relationships at Work**

Employees are encouraged to socialize and develop professional relationships in the work place provided that these relationships do not interfere with the work performance of either individual or with the effective functioning of the work place.

Employees who engage in personal relationships (including romantic and sexual relationships) should be aware of their professional responsibilities and should be responsible for assuring that the relationship may not raise concerns about favoritism, bias, ethics, conflict of interest or sexual harassment (Promoting a Violence-Free and Harassment-Free Work place – HRP 32.00).

Romantic or sexual relationships between employees, where one individual has influence or control over the other's conditions of employment, are inappropriate and discouraged.

These relationships, although consensual, may ultimately result in conflict or difficulties in the work place. If such a relationship currently exists or develops, it must be disclosed to the Director.

In cases of doubt, advice and counsel should be sought from the next level of supervision or the Human Resources Department.



### **16.33) General**

If a relationship is deemed to be inappropriate under these guidelines, the Director, after consultation with the Human Resources Manager should take appropriate action. Actions taken may include, but are not limited to, an agreed upon transfer, a change in workshift, a change in reporting structure, or termination of employment (if they are adverse consequences to the relationship) (Promoting a Violence-Free and Harassment-Free Work place – HRP 32.00).

<b>Policy No.</b>	HRP 17.00
<b>Department Ownership</b>	Human Resources Department
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**17.00) Compensation**

This section outlines the process for establishing a salary structure that ensures fairness, equity, and competitiveness. The Micmacs of Gesgapegiag endeavors to administer salaries that are competitive with organizations comparable in size, mandate, and location.

All employees should be paid in a timely, consistent, and accurate manner in compliance with relevant legislation, applicable deductions, time records, and current Micmacs of Gesgapegiag Policies and Procedures.

**17.10) Setting a Salary Scale**

The Human Resources Manager is responsible for establishing and keeping up to date, a salary grid outlining the salary ranges for each employment position within the organization. Research regarding the salary grid should ensure competitiveness and fairness in the salaries for all employees and management.

A complete review of the salary grid should be made every five (5) years. The process should be the following:

1. Evaluation of all the job descriptions involving both the Human Resources Department and Directors to review major changes in the positions;
2. Salary research conducted by the Human Resources Department about compensation in organizations comparable to the Micmacs of Gesgapegiag;
3. List all positions to change in salary grid with explanations, and action plans regarding pay raise and bringing new employees who are below scale on the scale;
4. The compensation analysis, in the form of a decision note, should be presented to the Director General and the Financial Controller for approval; and,
5. The final approval will be made by Chief and Council

## **17.20) Application of Salary Grid**

The application of a salary grid, adjustments or increases, should be determined by the Human Resources Manager in collaboration with the Director. The exception would be for Senior Management salaries as they should require the Director General's approval. The Director General salary grid requires the approval of Chief and Council.

An employee should address their request for review to their Director. After the review, if an employee has the feeling that they have been treated unfairly, they can appeal directly to the Human Resources Manager.

All positions should be evaluated against a Standardized Assessment Form (HRFXXX) to determine the overall job's score/value and its position on the salary grid. The assessment evaluates twelve (12) key job requirements:

1. Education,
2. Experience,
3. Job complexity,
4. Autonomy and judgement,
5. Physical efforts,
6. Mental efforts,
7. Level of supervision,
8. Financial responsibilities,
9. Results/Impact of mistakes,
10. Communication,
11. Work environment, and
12. Work dynamic.

Every employee will be placed at the appropriate step on the salary grid according to their profile considering their education, certification, training, and experience in relation to the position job requirements.

## **17.30) Fiscal Responsibilities**

The total compensation costs for salary and benefits are not to exceed the approved budgeted amount for any given year.

The total cost of compensation budget should be presented to Chief and Council for approval prior to any annual salary adjustment.

#### **17.40) Recognition Program**

The Micmacs of Gesgapegiag recognizes the importance of acknowledging and expressing appreciation for employees' contributions to their organization. With the approval of the Director General and Chief and Council, recognition may be granted in various forms such as verbal and written praise, bonus, gift cards, etc.

In general, the Micmacs of Gesgapegiag offers the following recognition programs:

- Birthdays;
- Work anniversaries;
- Performance Evaluations; and
- Project Completion.

The Micmacs of Gesgapegiag reserves the right to review the above-mentioned programs on a need to basis with the Director General, and Chief and Council's approval.

#### **17.50) Salary Increases**

The Human Resources Department in collaboration with the Department Directors should review, on an annual basis, employees' overall compensation based on:

- Changes to employee's job description;
- Annual Performance Evaluation (Annual Performance Assessment – HRP XXX); and
- Consumer Price Index.

Where budgets allow an increase in salaries, the Federal Consumer Price Index adjustments, at the end of the fiscal year, will be considered to allow for a cost-of-living acknowledgement in salaries. The Micmacs of Gesgapegiag's Consumer Price Index increase is scheduled for the week of July 1<sup>st</sup> annually, with prior approval from Chief and Council.

All permanent employees are guaranteed a 1% raise per year.

Consideration should include the results of the Performance Assessment Process and the department's budget and/or fiscal ability.

At the completion of the probationary evaluation or annual evaluation process, the Director General and the Human Resources Manager may recommend that an employee's salary or hourly wage be increased based on some or all the following factors:

1. Successful completion of the probationary period;
2. Improvements in the employee's job performance;
3. Consumer Price Index;

4. Relative performance compared to employees in the same or similar positions;
5. Job classification; and,
6. Budgetary considerations.

The Micmacs of Gesgapegiag's practice is to provide increases when possible. Raises are not awarded automatically. Before a raise is implemented:

- a. The Financial Controller and/or the Human Resources Manager should ensure that Chief and Council authorized the budget that provides the increase;
- b. The Human Resources Department should ensure that written notification of the raise is recorded in the Employee employment file.

Should an employee get promoted to a higher position, their new salary will be determined based on their current position on the salary grid.

### **17.60) Definition of Pay Period**

The salary pay period should commence on a Sunday and close on the following Saturday.

All employees should be paid their earned salary, on a weekly basis, on Thursday, via direct deposit. Employees shall be paid for the week ending prior to payday.

Employees must submit their completed timesheet to their supervisor before 10:00 am each Monday.

After receiving the timesheets, the supervisor should:

1. Review the timesheet for validity and accuracy;
2. After ensuring that the timesheets are accurate and well-completed, sign-off on the documents; and,
3. Submit them to the Finance Department for payroll processing, before 12:00 p.m. (noon) each Monday.

If an employee does not submit their timesheet, on time, to their supervisor, the Micmacs of Gesgapegiag may delay their payment to the next payday.

### **17.70) Deductions**

The Micmacs of Gesgapegiag shall deduct all statutory deductions from each employee's wages (when applicable), including federal income tax, Canada pension plan (CPP), employment insurance benefits (EI), Quebec parental insurance plan (QPIP), and any other applicable taxes.

If an employee's personal circumstances change, in a way that should impact their income taxes, then the employee should complete a new federal and provincial Personal Tax Credit Return (TD1, TP-1015.3 Forms) and, Medical and Pension Plan forms. Once completed, they should forward the originals to the Human Resources Department for processing.

Both, the Human Resources, and the Finance Departments, will take the appropriate steps to deduct the appropriate amount of income taxes and their portion of the group health insurance premiums and contributions to the Micmacs of Gesgapegiag's pension plan from their earnings.

On or before February 28<sup>th</sup> of each year, the Micmacs of Gesgapegiag will provide every employee with a T4 form and a Releve 1 for their incoming income tax returns.

If an employee believes that the deductions from their wages are incorrect or that there are errors on their income tax documents, they should immediately notify their immediate supervisor for correction.

### **17.80) Benefits**

Each permanent full-time, and contractual employees of more than one (1) year, after having worked a minimum of three (3) consecutive months, are required to enroll in the Micmacs of Gesgapegiag's pension and benefit package as stated by the group insurance and pension plan provider. This coverage is mandatory for the employee.

The benefits provided are:

- Life Insurance;
- Accidental Death and Dismemberment; and
- Dependent Life.
- Group Health Insurance (when applicable), and
- Pension Plan.

Optional Life, Dependent Life, and Accidental Death and Dismemberment coverage are also offered to those employees who have a spouse/partner and/or a family. Please refer to the Group Health Insurance and Pension Plan providers' brochures for additional information.

### **17.90) Payroll Mistakes**

Should an employee notice a mistake on their paystub, such as an overpayment or a shortpayment, they must report it, as soon as possible, to their immediate supervisor, who will then notify the Finance Department of the discrepancy to allow them to make the appropriate adjustment

The Finance Department should make the proper inquiries and adjust the next pay (if required) accordingly. They will notify the employee, in advance, of the reason why the employee was overpaid, and will deduct the exceeding amount from their next pay cheque. Same procedure will apply if it was a shortpayment and the amount owed will be added to the next pay, as well.

### **17.91) Payroll Advances**

The Micmacs of Gesgapegiag will not provide any pay advances under any circumstances.

#### **17.91. 1) Direct Payroll Deposits**

All employees will see their pay directly deposited into their bank account no later than on Thursday.

**A copy of the Direct Deposit Form (HRFXXX) is in the Annex.**

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<b>Department Ownership</b>	Human Resources Department
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### **18.00) Time Keeping**

All employees should:

- Be at their workstations and ready to work when the office opens or when their work shift begins;
- Remain at work until the office closes or their work shift ends;
- Notify their supervisor if they are leaving their workstation; and,
- Contact their supervisor, as soon as possible, if they are unable to report to work at the required time.

Each employee shall record their time at work and absence from work on a Weekly Timesheet (HRFXXX) accessible on BambooHR portal or mobile application.

The following procedure shall apply:

1. Each employee must submit their Weekly Timesheet (HRFXXX) to their immediate supervisor before 10:00 a.m. on Monday (BambooHR);
2. The supervisor will review the Employee Weekly Timesheet for validity and accuracy;
3. If the supervisor does not agree with the recorded times on the Employee Weekly Timesheet, they will meet with the employee and resolve the time record issues;
4. The Employee Weekly Timesheet may only be completed and amended by the employee;
5. Once signed by the employee, the timesheet shall be submitted to their respective Director for approval/signature;
6. All departments are required to forward all their Employee Weekly Timesheets electronically to the Finance Department before 12:00 p.m. (noon) on Monday of the following week; and
7. BambooHR shall receive and process timesheets as well as track vacation and personal days.

The Finance Department will return an incomplete or inaccurate Employee Weekly Timesheet to the appropriate Director for amendment. It is up to the employees and their supervisor to make sure that Employee Weekly Timesheets are ready on time for payroll processing. In the case where an Employee Weekly Timesheet is received too late, payment should be on hold until the next week's payroll.



Abuse of or false declaration on the Employee Weekly Timesheet should be grounds for disciplinary measures.

On a monthly basis, the supervisor shall review all absences taken by their employees to identify opportunities for coaching (Employment Expectations – HRP 14.00).

Each Director's time is recorded and accounted for through their monthly calendars. Each month time record must be approved by the Human Resources Manager or the Director General.

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<b>Department Ownership</b>	Human Resources Department
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**19.00) Public Holidays and Annual Vacation Entitlement**

It is the policy of the Micmacs of Gesgapegiag to provide leave with pay for all statutory holidays for all regular full time, part-time and seasonal employees. Casual/temporary employees i.e., individuals with a minimum of six (6) months continuous service on this basis.

It is the policy to provide leave with pay for casual/temporary employees with less than six (6) months continuous service only if they would have normally been scheduled to work on that day.

**19.10) Holiday Pay**

Employees will receive a statutory holiday pay as required by provincial and federal legislation, depending on their department, as well as other holidays recognized by the Micmacs of Gesgapegiag as outlined under subsection 19.20 – Statutory Holidays.

Statutory holiday pay is payable to eligible employees regardless of whether the statutory holiday falls on the employee’s regularly scheduled day off. An eligible employee’s entitlement to a holiday pay is based on the employee’s average day’s pay over the previous 30-day calendar-day period.

Normally, you don’t work on a holiday (public, statutory, and Mi’qmaq). To be entitled to holiday pay, the employee must not have been absent without their supervisor’s permission or without a valid reason on the working day before or after the holiday.

The Micmacs of Gesgapegiag shall pay the employee 1/20<sup>th</sup> of the wages they earned in the four (4) full weeks of pay before the week of the holiday. Overtime will not be considered in the calculation of the allowance.

If the employee works full-time, this amount is approximately equivalent to one day’s pay.

If the employee works part-time, the amount will usually be less than one day’s pay.

## **19.20) Public and Statutory Holidays**

1. New Year's Day;
2. Good Friday;
3. Easter Monday;
4. Victoria Day;
5. National Indigenous Peoples Day;
6. Fete National du Quebec (Nativity of Saint John the Baptist);
7. Canada Day;
8. Labour Day;
9. National Day for Truth and Reconciliation;
10. Treaty Day;
11. Thanksgiving Day;
12. Remembrance Day;
13. Christmas Day;
14. Boxing Day;
15. Any days designated by Chief and Council; and,
16. All other designated holidays established by the Federal Government.

## **19.30) Employees who are not working on a Public/Statutory Holiday**

Employees who qualify and are not required to work the holiday should receive holiday pay for the above-mentioned days.

If the employee is away on vacation on a statutory holiday, the Micmacs of Gesgapegiag shall compensate them or offer the employee paid leave. The holiday must be taken on a date agreed between the employee and the employer.

If the holiday, as defined above, falls on a non-working day (e.g. Saturday or Sunday), the employee shall be given another normal working day off on the following full workday (e.g. Monday).

If the employee is on extended sick leave or unpaid leave, or on maternity, paternity or parental leave: They are not compensated for the holiday.

## **19.40) Employees who are working on a Public/Statutory Holiday**

Due to the nature of their position, an employee may be required to work on a public holiday. If so, the Micmacs of Gesgapegiag shall pay them their usual salary for the hours they have worked. In addition, they shall compensate the employee for the holiday.

The Micmacs of Gesgapegiag will pay the employee their usual wages for the hours they work. In addition, their Director will determine if the employee receives either:

- a. The number of hours worked at one and a half times or twice (depending on the Public/Statutory Holiday) their regular hourly rate; or,



- b. Time off in lieu of at one and a half times or twice their regularly hourly rate which must be taken within 30 days of working the holiday, except for Police Officers, who have 6 months to take their Statutory Holidays off.

To qualify for holiday pay or leave, the employee must not have been absent without their supervisor's permission or without a valid reason on the working day before or after the holiday.

### **19.50) Annual Vacation Leave**

This establishes a vacation annual leave structure that helps meet the needs of the Micmacs of Gesgapegiag, while contributing to the well-being of its employees, and to provide a standard procedure for the proper calculation of annual leave entitlement for employees.

Each employee has an annual leave entitlement, depending on their years of service with the Micmacs of Gesgapegiag.

It is in everyone's interest that employees are well-rested and able to work productively; therefore, employees are encouraged to take their vacation leave on an annual basis. Employees should make all effort to use annual leave during the year of entitlement. In general, no more than 5 days of annual vacation leave should be carried over into the next fiscal year. Extenuating circumstances (e.g., a pandemic, natural disaster, etc.) may allow for additional days to be transferred to the next fiscal year.

An employee on probation should not be entitled to take any annual leave during their probationary period but should accumulate leave during that period.

Employees who move to another permanent Full-Time or Part-Time position with the Micmacs of Gesgapegiag through promotion, demotion or lateral transfer will retain their entitlement to their accrued annual vacation leave.

Payment for unused vacation leave shall not be made except for extenuating circumstances or, upon termination of employment. Accrued annual leave may be converted to cash payment upon resignation, maternity leave, parental leave, end of service, education, other leave, or the date of termination may be extended to allow the employee to use all accumulated leave.

Part-time and Short-term employees shall have their vacation benefit paid each regular pay period. Casual and/or Term employees do not accumulate annual vacation leave in their non-permanent positions

Subject to operational requirements like community meetings, reports due, annual vacation leave should be scheduled according to the employee's request, which should be made known as far in advance as possible. The Human Resources Department will track and maintain a Master Vacation Schedule for all employees.

The Director should determine the vacation schedule based on the employee's requests and the Micmacs of Gesgapegiag's operational requirements. Should employees in the same department request the same vacation dates, vacation leave shall be granted based on seniority, based on the start date of the employees.

Once an employee has started their vacation, they are not allowed to claim other special leaves (personal leave, compassionate leave or other).

### **19.60) Requesting an Annual Vacation Leave**

Requests for vacation days shall be made via BambooHR portal or mobile application and submitted to the employee's supervisor at least two (2) weeks in advance of the planned leave.

1. An employee shall request annual leave in advance by submitting a Leave Request to their immediate supervisor;
2. The immediate supervisor shall confirm leave time is available, confirm approval of said leave by approving the Leave Request on BambooHR, and forward it to the Director for final approval;
3. Once the request is approved by management, it is to be forwarded to the Finance Department for processing;
4. If a Statutory Holiday occurs during an employee's scheduled vacation leave, it shall not be counted as a vacation day;
5. If the employee has already taken the time off and has not obtained prior approval from their immediate supervisor, the time off may be considered Leave without Pay;
6. Vacation time that has been taken before it is earned should be deducted from any wages or termination pay owing to the employee when employment ends.

Through BambooHR, the Directors will have access to an on-time report indicating how many vacation days an employee has left. It is highly recommended that before February 1<sup>st</sup>, they run the report for better manpower scheduling

If the employee and the supervisor cannot come to an agreement on when the vacation is to be taken, then the supervisor may, with at least two (2) weeks of notice, require the employee to take a vacation at a time of the supervisor's choosing.

Vacation Annual Leave should be earned and computed on the twelve-month period beginning April 1<sup>st</sup> of each fiscal year.

Vacation Leave taken should be with pay.

### **19.70) Vacation Annual Leave Duration**

After completing at least 26 weeks of employment, employees are entitled to the following depending on their time of service at Micmacs of Gesgapegiag.

### **6 months to 12 months of Service**

- Full-Time Employees and Part-Time Employees who have been employed by Micmacs of Gesgapegiag for at least 26 weeks and fewer than 12 months, including employees on probation, should earn annual leave at the rate of 8/10 (80%) of a working day per month, up to 5 working days per year;
- One (1) week of vacation;
- Vacation Pay of 4 % of annual salary.

### **1 to 2 years of Service**

- Full-Time Employees and Part-Time Employees who have been employed by Micmacs of Gesgapegiag for at least 52 weeks and fewer than 2 years, including employees on probation, should earn annual leave at the rate of 8/10 (80%) of a working day per month, up to 10 working days per year;
- Two (2) weeks of vacation for each year of employment in this bracket;
- Vacation Pay of 4 % of annual salary

### **3 to 5 years of Service**

- Full-Time Employees and Part-Time Employees who have been employed by Micmacs of Gesgapegiag for at least 36 months and fewer than 5 years should earn annual leave at the rate of 5/4 (125%) of a working day per month, up to 15 working days per year;
- Three (3) weeks of vacation for each year of employment in this bracket;
- Vacation Pay of 6 % of annual salary.

### **6 to 10 years of Service**

- Full-Time Employees and Part-Time Employees who have been employed by Micmacs of Gesgapegiag for at least 72 months and fewer than 10 years should earn annual leave at the rate of 5/3 (166.66%) of a working day per month, up to 20 working days per year;
- Four (4) weeks of vacation for each year of employment in this bracket;
- Vacation Pay is 8 % of annual salary.

### **More than 10 years of Service**

- Full-Time Employees and Part-Time Employees who have been employed by Micmacs of Gesgapegiag for at least 180 months should earn annual leave at the rate of 52/25 (208%) of a working day per month, up to 25 working days per year;
- Five (5) weeks of vacation for each year of employment in this bracket;
- Vacation Pay is 10.64% of annual salary;
- The maximum of annual vacation leave time is 25 working days.

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<b>Policy No.</b>	HRP 20.00
<b>Department Ownership</b>	Human Resources Department
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## **20.00) Telework**

This section was developed to foster the health and wellness of employees and adapt to the realities of the world of work such as a pandemic, parental obligations, etc. as well as recognize the relevance and effectiveness of telework.

### **Application**

Although employees are encouraged to work in the office, employees have the opportunity to perform functions outside the work place. However, in order to ensure the maintenance and the quality of the services offered by the organization, certain positions will require the employee to be in the office on a regular basis, even on a full-time basis (e.g., Public Security, Educational Services, etc.).

The approval of each telework situation shall be made on a case-by-case basis. Departments are encouraged to clarify and share their approval criteria for telework requests. Participation in telework is voluntary, and no employee shall be required to telework.

The Micmacs of Gesgapegiag distinguishes two types of telework: Short-Term (5 days or less) and Long-Term (over 5 days).

### **20.10) Telework Period of five (5) days or less**

Directors may approve telework requests for a maximum period of 5 days. To request a short-term, telework period, this procedure should be followed:

1. An employee or the Director must make a written request at least two (2) weeks in advance. The request or the offer to telework should include all the information related to the nature of the telework such as:
  - a. Location,
  - b. Number of days requested,
  - c. Work Schedule,
  - d. Information on how to reach the Employee or Director, and



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- e. Any other technical details regarding the appropriate treatment of information or material belonging to Micmacs of Gesgapegiag.
2. The Director will analyze the situation based on the eligibility criteria outlined below and availability of human resources.
3. To obtain approval, the Director shall advise in writing the employee specifying the conditions upon which the request has been approved. The approval document will define every detail regarding the expectations and requirements that are related to being approved to telework. The Director should transmit the written authorization to the Human Resources Department to keep a copy in the Employee employment file.
4. If not approved, the Director shall have the responsibility to inform, in writing, the employee of the reasons why the request for telework was not granted. The decision will be forwarded to the Human Resources Department for filing.

### **20.20) Repetitive Telework Period(s) or for more than five (5) days**

The granting of long-term telework periods is at the discretion of the Director General. These requests are for repetitive telework periods or for more than five (5) consecutive days (e.g., an employee requesting to telework one day every two weeks is considered a long-term telework period). To request a long-term or repetitive telework period, the following procedure shall apply:

1. An employee or the Director must make a written request at least two (2) weeks in advance to the Director General. The request or the offer to telework should include all the information related to the nature of the telework such as:
  1. Location,
  2. Number of days requested or distribution of days over time,
  3. Work Schedule,
  4. Information on how to reach the Employee or Director, and
  5. Any other technical details regarding the appropriate treatment of information of material belonging to Micmacs of Gesgapegiag.
2. The Director General will analyze the situation based on the eligibility criteria outlined below, its impact on operations, and will make their recommendations to Chief and Council.
3. To obtain approval, the Director General shall request, in a decision note, authorization from Chief and Council. The written request document will define every detail regarding the expectations and requirements that are related to being approved to telework.
4. Based on the eligibility criteria of this subsection and the nature of the request or offer, the Director General shall provide a written decision and request the support of the Human Resources Department to execute the rest of the procedures.
5. Once approved, the Director will communicate the approval to the employee. A copy of the acceptance letter with every detail regarding expectations and requirements that are conditions to being approved to telework will be forwarded to the Human Resources Department for filing in the Employee employment file.

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6. If not approved, the Director shall have the responsibility to inform, in writing, the employee of the reasons why the request for telework was not granted. The decision will be forwarded to the Human Resources Department for filing in the Employee employment file.

### **20.30) Telework Agreement**

In case an employee requests to telework for a period of time, approval must be obtained by the Director or Director General and this procedure should be followed.

Prior to approving their request to telework, whether for part or the entire regular work week, the Director or Director General should ensure that the following requirements are met:

1. The nature of the work to be performed at the telework place is operationally feasible.
2. The overall quality and quantity of work carried out in the designated work place is sustainable by the teleworker at the telework place.
3. The work done at the telework place is efficient and productive.
4. Certain up-front costs are permissible, provided they can be recouped over a reasonable period of time.
5. The terms and conditions of employment, and the application of existing policies and legislation should continue to apply in telework situations.
6. Service to the public is not compromised by the telework agreement, and,
7. The details of the telework agreement must be discussed and agreed upon between the Employee/Director participating in the telework situation and the Director/Director General. These details should be documented in writing using the Telework Agreement Form (HRFXXX). The information shall include:
  - a. The voluntary nature of the arrangement.
  - b. The duration of the arrangement.
  - c. The specific days the employee should telework.
  - d. The work hours.
  - e. Whether the arrangement should be regular or episodic.
  - f. Where will be the telework location.
  - g. Work objectives and expected results.
  - h. Issues of liability/property (personal and equipment).
  - i. Responsibility for costs associated with telework (utilities and insurance).
  - j. Health, safety, and wellness responsibilities.
  - k. Impact on colleagues, and
  - l. The requirements to adhere to all aspects of policies, rules, and regulations.

***A copy of the Telework Agreement Form (HRFXXX) is in the Annex.***

Attendance and punctuality during telework should be at the same level as if the employee is attending a regular workday at the office. Therefore, and unless a mutual agreement is

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reached between the employee and the Director/Director General, this procedure shall be followed:



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1. Before the beginning of a short-term telework period, or on a weekly basis for a long-term telework period, the employee should provide a list of tasks to be accomplished during the period and the schedule to be followed within the period or week.
2. The schedule should need to be approved by the Director/Director General and may be subject to changes, depending on the Micmacs of Gesgapegiag needs.
3. The employee should provide an effective way to be reached, either by phone or professional email, at any time during work as per the schedule proposed; and,
4. At the end of the period or week, the employee should provide a list of the accomplished tasks along with the worked schedule, including breaks, lunches, and other unworked time.

During any tele-work agreement, the HR policies and procedures will apply. Therefore, the employee must take the initiative to report to work even in telework situation.

A telework arrangement can be terminated at any time with reasonable notice by either party in writing. Once telework requests are approved, the Director/Director General should ensure that the employee who will be teleworking and their colleagues understand the impacts and practical considerations of the telework situation.

Equipment and electronic network requirements for any telework arrangement shall be decided upon on a case-by-case basis, and an agreement should be reached between the employee and the employer prior to undertaking the telework situation.

Where the employer provides the equipment, the employer will assume the responsibility for normal maintenance and repairs. If the employee requests to telework using their own equipment, then the employee should be responsible for the maintenance and repairs, unless otherwise agreed upon by the employer.

Employees who participate in telework are responsible for:

- The costs of maintaining the telework place (e.g., insurance, utilities, internet, etc.).
- Ensuring that a telework arrangement is in accordance with the municipal zoning regulations and in accordance with the employee's residential lease, if applicable.
- Adequately equipping the telework place from a health, safety, and wellness point of view.
- Respecting the terms and conditions of employment at the telework place; and,
- Using supplies, equipment and electronic networks belonging to the employer only for the purpose of carrying out the employer's work.



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### **21.00) Employee Assistance Program**

The Micmacs of Gesgapegiag understands and recognizes that difficulties can disrupt lives and may have an impact on employees' well-being (e.g., loss of a parent, separation, divorce, etc.). To foster and maintain the mental, physical, emotional, and spiritual well-being and overall productivity of employees, the Micmacs of Gesgapegiag shall ensure that employees can be directed to the appropriate confidential and professional resources. The Micmacs of Gesgapegiag shall ensure that all employees have access to information about tools and services available to them and their family.

The Micmacs of Gesgapegiag has elected to provide employees with appropriate professional assistance for employees affected by a wide range of physical and mental health/well-being issues. Professional assistance may be requested by any employee or family member affected by personal problems and/or substance use.

It is in the interest of both the Micmacs of Gesgapegiag and their employees that treatment and/or counselling be sought to help off-set difficulties and minimize their impact at work. The employee shall take full responsibility for their plan of care and may request guidance and assistance to create a plan of care through the employer.

Employees seeking assistance are invited to speak with their immediate supervisor or director for support. They should also contact the Department of Health, Wellness, and Social Services who should provide advice and/or referral to certified professionals deemed qualified in a private and confidential manner.

In cases where the employee is required to miss time from work when using the Employee Assistance Program, the Director must be notified in writing.

Employees who must miss time from work for treatment may use unused personal leave time, annual leave, or any other entitlement.

The Human Resources Department can provide information about benefits available to the employee who need time off.

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## **22.00) Granting of Leave**

This Human Resources Policy and Procedure addresses two (2) types of leaves:

1. Leave with pay; and,
2. Leave without pay.

The following procedure shall be followed for all leave requests:

1. The employee fills out the Leave Request Form on the BambooHR portal or mobile application and submits it to their Director for approval.
2. The Director should inform the employee of their response to the request for leave.
3. The Director approves or denies the Leave Request which is communicated to the Human Resources Department.
4. The Human Resources Department will inform Payroll if the Leave Request has been granted for processing.

## **22.10) Leave with Pay**

### **22.10.1) Jury Duty and/or Subpoena to Appear as a Witness**

If an employee is required to serve as a Juror or is called by subpoena to be a Witness in any court of law, the Micmacs of Gesgapegiag shall pay for the balance of their regular pay after receiving jury compensation. This shall not affect regular benefits, or employment status because such attendance is usually for short period of time (less than two (2) weeks).

The employee is required to:

1. Provide proof to the Human Resources Department of their requirement to attend court (a copy of court document or subpoena).
2. Provide proof to the Micmacs of Gesgapegiag that they received jury compensation.
3. Continue to perform any regular duties during the period they are not required to attend court, whenever possible.

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4. If the attendance is expected to last more than two (2) weeks, alternative arrangements should be made with the Director in consultation with the Human Resources Department. In this situation, the Human Resources Manager, the Director, and the employee should agree on a plan of actions to minimize the impact of this absence on operations.

### **22.10.2) Voting**

Employees who qualify as voters are entitled to a period of time to vote while the polls are open. The Micmacs of Gesgapegiag shall grant time off work if required, with no deduction to their pay, as follows:

- Federal: 4 consecutive hours
- Provincial: 4 consecutive hours
- Municipal: 4 consecutive hours; and
- First Nation Government Election: 4 consecutive hours.

To be granted leave for a First Nation Government Election, the employee must be a registered member of the First Nation Government in election and be able to vote.

### **22.10.3) Personal Leave Days**

The Micmacs of Gesgapegiag should obtain all facts and details in regard to personal leave from the employee and document this information in the Employee employment file.

This policy applies to all permanent full-time Micmacs of Gesgapegiag employees, as well as employees who have a fixed-term contract of at least 12 months.

### **22.10.4) Bereavement Leave**

To address an employee's needs for time away from work responsibilities at the time of death of a relative as noted below, the Micmacs of Gesgapegiag may grant an employee the following time:

- Spouse: 5 working days
- Child: 5 working days
- Parent (individual in a parent-child relationship): 5 working days
- Sibling: 5 working days
- Parent-in-law: 3 working days
- Grandparent or Grandparent-in-law: 3 working days
- Sibling-in-law: 3 working days, and,
- Uncles, Aunts, Nieces, Nephews, and First Cousins: 1 working day.

Where significant travel is required, an additional three (3) days of paid bereavement leave may be provided. Extensions or exceptions must be approved in writing by the Director General prior to the Bereavement Leave.



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An employee requesting a Bereavement Leave must contact their immediate supervisor as soon as possible following the death of a relative. A relative includes:

- Spouse
- Child
- Parent, Parent-in-law, or Foster Parent
- Sibling or Sibling-in-law
- Grandparent or Grandparent-in-law
- Niece, Nephew or first cousin

At the time of the request for a Bereavement Leave, the immediate supervisor, at their discretion, shall determine the employee's entitlement for a bereavement leave. This should be treated on a case-by-case basis.

The immediate supervisor should verify the employee's bereavement leave entitlement. They should complete and approve a Leave Request on behalf of the employee and submit it to the appropriate Director for approval. Once approved, the information will immediately be forwarded to the Finance Department and the Human Resources Department for processing. At the end of the pay period, the Human Resource Department will confirm the approved time off work on the employee's timesheet.

If the employee wishes to extend their time off work following their bereavement leave, they may request to use their available personal or vacation time. Should it be the case, the procedure in the above paragraph still applies.

#### **22.10.5) Funeral Days**

When a community member of Gesgapegiag passes away, all the Micmacs of Gesgapegiag offices will close to show respect to the member and their family on the day of the funeral. Offices shall be closed for a full workday.

The day is paid time for all employees and cannot be taken at any other moment than on the period confirmed by the Human Resources Department.

The Micmacs of Gesgapegiag encourages its employees to take the time off to express their condolences to the community member's family and friends.

The Micmacs of Gesgapegiag should take reasonable measures to accommodate employees to attend funeral duties.

Some employees may need to remain on duty because of their positions, (e.g.: public security positions). The Micmacs of Gesgapegiag will maintain a list of all essential positions. This list may not include employees who are requesting Bereavement Leave and those who may request their position be temporarily replaced.

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### **22.10.6) Training and Professional Development Opportunities**

The Micmacs of Gesgapegiag is committed to creating an environment in which its employees can achieve their utmost potential by supporting work related training and professional opportunities.

During the annual planning and budgeting process, all departments should be encouraged to identify training needs for their employees and assess the cost for such training or professional development opportunity. The Human Resources Department will compile all identified training needs and prepare the organization's training and professional development plan. Such plan should be reviewed by the senior management team and approved by the Director General. Such plan should be communicated to all employees.

In addition, training or professional development opportunities can be identified as part of the employee performance management process and/or professional growth.

If an employee wishes to attend a training course, the employee must submit a completed Course Attendance Request Form (HRFXXX) to their immediate supervisor at least two (2) weeks prior to the start of the training course.

The supervisor may approve the request if:

1. Funding is available for the training course.
2. The training course benefits both the employee and the Micmacs of Gesgapegiag.
3. The employee's attendance at the training course does not cause undue hardship to the employee's department.
4. All professional development training requests are granted; and,
5. The request must be submitted for approval, in writing, through the Course Attendance Request Form (HRFXXX), submitted at least two (2) weeks in advance, and the Request for Training and Professional Development Leave Form (HRFXXX) submitted at least four (4) weeks in advance.

Should the Micmacs of Gesgapegiag want an employee to participate in a training course, then their supervisor will inform them of such, review the proposed training curriculum, and discuss how the employee will benefit from taking this training program.

Time spent travelling to and from and attending an approved training program during regular working hours is part of an employee's normal workday.

An employee will not receive overtime benefits for time spent travelling to and from an approved training course outside of regular working hours, as attendance to such training is considered voluntary.

If a training course is a condition of employment, then the employee should successfully complete the training program within the timeframe set by their supervisor.

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The Micmacs of Gesgapegiag will not require or compel an employee to take a training course held outside of normal working hours whenever possible.

The Micmacs of Gesgapegiag recognizes that, under certain circumstances, employees could have the ability to maintain their employment status within the Micmacs of Gesgapegiag while on an approved leave of absence for educational purposes.

Only full-time employees of the Micmacs of Gesgapegiag who have been employed for at least one (1) year, may be granted leave without pay for educational/professional development purposes that are directly related either to the employee's current position or could be of benefit to the Micmacs of Gesgapegiag organization.

Such leave is subject to the approval of the Director General with a recommendation by the Director.

This Educational/Professional/Personal Development Leave is allocated for a maximum of 12 months.

While an employee shall discuss his/her intention to request an education leave as earlier as possible with their immediate supervisor, any request must be submitted no less than eight (8) weeks prior to the start of the educational program. The employee should fill a Request for Training and Professional Development Request Form (HRFXXX) and submit to their immediate supervisor.

The employee's immediate supervisor should submit the employee's request to the Director. The Director, in consultation with the Human Resources Manager, should prepare a recommendation to the Director General.

The following are issues that both the Director and the Director General should consider in making the decision to approve the educational leave based on:

- The impact to the delivery of programs and services
- If the program of study or the professional development experience is directly relevant to the employee's current position or future roles that the employee may have within the Micmacs of Gesgapegiag.
- The capacity for the Micmacs of Gesgapegiag to find an interim replacement for the position.

The Director General's decision is final.

The Director General shall sign the form indicating their approval or rejection of the request and send the form back to the immediate supervisor. A copy of the request form with the Director General's decision shall be sent to the Human Resources Department and the original to the Director and the Immediate Supervisor.

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The immediate supervisor shall notify the employee of the decision about the status of their request for educational/professional/personal development leave.

If approved, the immediate supervisor shall forward the Training and Professional Development Request Form (HRFXXX) to the Finance Department.

The Human Resources Department shall record the time off as annual leave and/or leave without pay in the Leave/Overtime Record as agreed upon by the employee and the Director General.

### **22.10.7) Christmas and New Year Holiday Vacation**

To the discretion of Chief and Council, employees may benefit from time off during Christmas and New Year.

This vacation will not include statutory holidays and will not affect an employee's annual accumulated vacation entitlement.

This vacation shall be offered to permanent, and long-term contract employees using the Micmacs of Gesgapegiag offices, which are deemed closed during this period.

This vacation cannot be taken at any other moment than during the dates decided by Chief and Council.

Employees on special duties (Police Officers, Commercial entities workers, On-Call workers, etc.) may not be eligible to this vacation due to the nature of their work.

No exceptions will be granted to employees during the Christmas and New Year Holiday Vacation.

### **22.10.8) Wedding Day Leave**

Permanent employees may request up to five (5) days of paid leave for the purpose of getting married.

## **22.20) Leave Without Pay**

### **22.20.1) Leave of Absence Without Pay**

A Leave of Absence Without Pay is an unpaid leave. This type of leave may be granted to an employee who is required or has opted to attend a professional development program, a long-term counselling program, health care, or any other reasons that can be justified by a qualified professional who is assisting the employee. A Leave of Absence Without Pay may be granted to an employee upon written request for valid personal reasons.



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All these forms require to be sent to Human Resources Department

Long-term medical treatment means daily visits to a medical practitioner over five (5) working days. If such treatment causes disruption to the employee's responsibilities at work, the employee could be temporarily laid-off and should apply for illness benefits - Employment Insurance through Service Canada. A medical certificate will be required to apply for this type of Employment Insurance Benefit.

The employee shall request a Leave of Absence Without Pay, in writing, to their Director.

All Leaves of Absence Without Pay for periods between six (6) and twelve (12) months must be approved by the Director. The Director General must approve longer leave periods. The maximum for a Leave of Absence Without Pay is two (2) years.

The employee's position will be protected during a leave of absence of less than a year. If the employee wishes to extend their leave of absence past one year, the Micmacs of Gesgapegiag will no longer be able to protect the position they were in before their leave. The employee will be reintegrated to an equivalent position within the organization.

If a Leave of Absence Without Pay, for any duration, is taken, no other Leaves of Absence shall be considered until the employee has worked another three (3) consecutive years. After those three (3) consecutive years, an employee may be eligible for another Leave of Absence.

If an employee works for pay elsewhere, during such Leaves of Absence, without obtaining prior written permission from the Micmacs of Gesgapegiag, they shall be deemed to have resigned their employment with the Micmacs of Gesgapegiag.

During the leave of absence, the employee will assume responsibility for the full payment of all benefits subsidized by the employer. Payment will begin with the next pay period after their leave begins.

#### **22.20.2) Religious/Spiritual/Cultural Leave**

Each employee is entitled to up to five (5) days of paid religious/spiritual/cultural leave per year to attend religious/spiritual/cultural events, activities, trainings, etc. if they provide their supervisor with a written leave request, the supervisor approves the request, and they provide proof they have attended said event.

This does not include hunting, fishing, harvesting, pow wows, etc.

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### **22.20.3) Rehabilitation Leave**

All employees are encouraged to be healthy and respect their limits with substance use. Where it becomes apparent to the Micmacs of Gesgapegiag that an employee needs counselling or treatment, the Micmacs of Gesgapegiag shall act promptly, firmly, and compassionately to support the employee. Employees shall be supported through the referral and rehabilitation process. Referrals may occur as self-referrals, supervisor/employee mutual referrals or mandatory referrals.

To justify their absence, the employee will notify the Director of their wish to use personal leave, time off in lieu or vacation pay to cover a part of or the entire period for the rehabilitation leave. If the employee has ran out of time, the Human Resources Department will request a record of employment for illness benefit to the employee to submit to Service Canada.

In the event an employee refuses to collaborate, accept, or complete a rehabilitation treatment, the employee will be subjected to disciplinary action up to and including termination for Just Cause. To be eligible for a rehabilitation leave, one of the two following procedures needs to be followed:

1. Self-referral: employees shall provide the Human Resources Department a request for rehabilitation leave along with the proper documentation from one of the approved reference resources; or,
2. Mutual or mandatory referral: The Director shall submit a request for rehabilitation leave along with the proper documentation from one of the reference resources to the Human Resources Department.

Once the request is presented to the Human Resources Department, the Human Resources Department will follow-up with the relevant medical resource representative to ensure that the employee is complying to the rehabilitation plan and shall require the completion of a Medical Leave Form (HRFXXX) before the employee is able to come back to work.

### **22.20.4) Family Leave**

All employees are entitled to five (5) days of unpaid days per year as Family Leave which may be used, after the approval of their supervisor, to care for a member of their immediate family.

The employee shall fill the leave form as soon as possible and be submitted to the Director and the Human Resources Department for approval.

In granting a request for a Family Leave, the Director shall take into consideration the following:

1. Employee's attendance record.
2. Length of the leave requested.
3. Availability of other options, such as use of vacation days.

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4. Number of requests that were previously granted.
5. Circumstances giving rise to the requests.
6. Availability of suitable replacements.
7. Extent of the employee's workload; and,
8. The time of year.

There may be times when the Human Resources Department will not be able to approve the employee time off as Family Leave.

If an employee fails to return to work when their Family Leave expires and the employee has not obtained approval for the extension of their leave, the Micmacs of Gesgapegiag will consider the employee to have resigned from their employment.

In the event of a resignation or job abandonment, the Micmacs of Gesgapegiag will no longer have an obligation toward the employee.

#### **22.20.5) Compassionate/Palliative Care Leave**

To provide compassionate/palliative care leave for the care of a seriously ill family member, the Micmacs of Gesgapegiag shall grant a compassionate/palliative leave in accordance with *the Canada Labour Code*.

Compassionate/Palliative Leave is an unpaid, job-protected leave of up to eight (8) weeks in a 26-week period. Although leave is unpaid, an employee may be eligible for compassionate care benefits under the Employment Insurance program.

An employee must notify their immediate supervisor as soon as possible, should they need to take a compassionate/palliative leave. An employee may take leave to provide care and support to a direct family member as defined in the Human Resources Policies and Procedures Manual, who has a serious medical condition with a significant risk of death occurring within a period of twenty-six (26) weeks.

This medical condition and risk of death must be confirmed by a certificate issued by a medical doctor. The eight (8) weeks compassionate/palliative leave may not have to be taken consecutively; an employee may take this leave a week at a time.

If a medical doctor issues a certificate stating that an employee's relative has a serious medical condition and there is a significant risk of death occurring within a period of 26 weeks, an employee may take leave within that 26-week period.

The earliest an employee may start the leave is on the first day of the week when the 26-week period identified on the medical certificate is dated.

The latest day an employee may remain on leave is the earlier of the following:

- a. The last day of the week when the 26-week period expires,



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- b. The last of the 8 weeks of compassionate/palliative leave,
- c. The last day of the week upon the death of the relative (in which case Bereavement Leave (HRP 22.10.4) should take place).

### **22.20.6) Maternity Leave**

The current and prevailing *Canada Labour Code* regarding Maternity Leave should always be in force. For certain Micmacs of Gesgapegiag commercial entities, the Quebec's Labour Standards will apply.

To provide fair and consistent treatment of employees who take maternity and/or parental leave due to the birth or adoption of a child. An employee who:

- 1. Has been employed by the Micmacs of Gesgapegiag for at least 13 weeks, and,
- 2. Who is the parent of a child,

is entitled to a Maternity Leave without pay following the birth of the child or the coming of the child into the custody, care, and control of a parent for the first time in accordance with the applicable legislation (Quebec LNT, CNESST (in the case a Preventative Leave applies or the Canada Labour Code).

A parent includes a person with whom a child is placed for adoption and a person who is in a permanent relationship with a parent of a child and intends to treat the child as their own.

If an employee welcomes a new child, they can take a parental leave of:

- 1. Up to 35 weeks if they also take a pregnancy leave; or,
- 2. Up to 37 weeks if they did not take a pregnancy leave.

To allow the Micmacs of Gesgapegiag sufficient time to arrange for a replacement to assume the interim, an employee who is planning a parental leave is requested to advise the Micmacs of Gesgapegiag as early as possible before the beginning of the leave. At least two (2) weeks prior to the commencement of the leave, an employee must give written notification of their requested leave with the expected date of return to their supervisor. The employee may be requested to provide the Micmacs of Gesgapegiag with a doctor's note confirming the pregnancy and expected date of delivery.

The Micmacs of Gesgapegiag shall continue to pay its share of the premiums for the employee's subsidized benefits for the duration of the leave, unless the employee elects, in writing, not to continue to pay their contributions.

At least two (2) weeks prior to the expected date of return originally determined, the employee must provide written notification to the Micmacs of Gesgapegiag confirming their intention to return to work.

The employee will continue to accrue seniority while on leave. Upon their return to work, they will be reinstated to their regular duties at the same rate of pay they should have been had they not leave on maternity and parental leave.

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A maternity leave before 11 weeks of pregnancy shall require a medical note from a doctor. A leave that ends before the 6 weeks' post-natal period ends, will also require a medical note. In these cases, the employee is required to provide the employer a one (1) week notice before the expected date of return.

The latest time a pregnancy leave can begin is on the baby's due date; however, if the baby is born earlier than the expected due date, the leave should begin on the day the baby is born.

Should there be any unforeseen circumstance with respect to the employee's health condition and their pregnancy, and they are required to be at home under doctor's advice, a medical note will be required. An employer may not, under any circumstance, terminate or lay-off a pregnant employee because of their pregnancy.

A pregnant employee who takes a maternity leave must ordinarily begin their parental leave as soon as their maternity leave ends. All other parents must begin their parental leave within 52 weeks after the date the baby is born or the date the child first came into their care, custody, and control.

Both parents can be on leave at the same time as explained below.

Parental leave can be taken by one parent or shared between two, but the total combined leave cannot exceed 37 weeks.

### **22.30) Entitlement**

Personal leave with pay should be earned by full-time employees on a basis of 1.25 days per month for each month the employee has worked up to a maximum of 15 days per calendar year.

Personal days need to be earned to be taken, except for recently hired employees who should benefit from a bank of 7.5 personal days and should start accumulating personal time after 6 months of employment.

Personal leave may be fractioned in days or periods no shorter than 15 minutes.

Employees working part-time on a permanent position, for temporary or permanent purposes, should have personal days prorated to their number of hours worked per week, compared to regular office hours.

Vacation days are considered workdays within this Human Resources Policy and Procedure.

Employees who work part-time (less than 32 hours per week) should have their leave prorated as well.

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Personal leave runs from April 1<sup>st</sup> to March 31<sup>st</sup> inclusively (fiscal year) except for Education Services which is based on the school year.

#### **22.40) Granting of Personal Leave**

Personal leave with pay may be granted when an employee is unable to perform work duties due to sickness, medical appointments, cultural, family, weather, marriage, or any other personal reasons.

Whenever possible, the employee should notify their immediate supervisor of their absence as soon as possible and no later than 30 minutes after the working day has started and indicate when they expect to return to work.

If an employee is constantly late, the time may be deducted off their accumulated personal leave time.

If an employee uses personal leave for three (3) consecutive days, the employee should be required to provide their immediate supervisor with the relevant documentation to substantiate the request for a personal leave with pay.

For a personal leave request related to sickness, the employee should provide their immediate supervisor with a medical certificate from their treating physician before the personal leave is granted.

When a medical certificate is required, it is normally sufficient to support an application for paid personal leave. The medical certificate may help the supervisor to know if the employee should return to work quickly, which should enable them to determine if a replacement is needed. As for the content of the medical certificate, the Human Resources Department may require a detailed medical certificate that includes the diagnosis, the employee's ability to perform the work as per their job description and the duration of the absence. The goal is to allow Human Resources to better assess the medical situation versus the tasks to be performed and provide guidance to the Director as to how they should organize work and ensure services are not affected. It will also serve to determine if the employee can still be at work and/or should be assigned temporarily to different tasks. The immediate supervisor should forward the original medical certificate to the Human Resources Department for filing in their Employee Medical File.

In situations of frequent and unsubstantiated absenteeism, the Micmacs of Gesgapegiag reserves the right to have the employee examined by a doctor of their choosing. Such request should be communicated to the employee by the Human Resources Manager.

If an employee illness persists beyond three (3) working days, and the employee has used all their accumulated personal leave time, a Record of Employment will be issued,

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and they will need to apply for illness benefits with Service Canada (Employment Insurance).

Under special circumstances, employees may be granted a Leave of Absence from work for up to five (5) days with pay, based on one (1) full year of service. Upon receiving a request from an employee for such special leave, the Director will base their decision on both the needs of the organization and the employee special circumstances. The Human Resources Department will inform Payroll and, the decision will be filed in the Employee employment file.





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### **22.50) Unused Personal Leave**

Unused personal leave cannot be carried over to the following year and is not available for vacation or cash payment.

### **22.60) Return to work after a personal illness or an injury (not work related)**

According to the *Canada Labour Code*, an employer may assign to a different position, with different terms and conditions of employment, any employee who, after an absence due to illness or injury, is unable to perform the work performed prior to their absence.

### **22.70) Resignation or Dismissal - Personal Leave Reconciliation**

If the employee resigns or is terminated before the end of year, the personal leave should be prorated at 1.25 days per month. Any unearned personal leave that was used will be deducted from their final pay.

Unused personal days will not be paid out should an employee resign or have their employment terminated.

According to the *Canada Labour Code*, no employer shall dismiss, suspend, lay off, demote, or discipline an employee because of absence due to illness or injury if:

- a. The employee has completed three (3) consecutive months of continuous employment with the employer prior to the absence.
- b. The period of absence does not exceed 17 weeks; and,
- c. The employee, if requested in writing by the employer within 15 days after their return to work, provides the employer with a medical certificate from a qualified medical practitioner certifying that the employee was incapable of working due to illness or injury for a specific period of time, and that the period of time coincides with the absence of the employee.

***Copies of the Leave Request Form (HRFXXX), the Course Attendance Request form (HRFXXX), the Request for Training and Professional Development Form (HRFXXX), and the Medical Leave Form (HRFXXX) are in the Annex.***

All these forms require to be sent to Human Resources Department

<b>Policy No.</b>	HRP 23.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **23.00) Work Accidents**

All work accidents must be reported to the employee's immediate supervisor as soon as possible following the occurrence.

An Incident Report (HRFXXX) shall be filled out by the injured employee and their immediate supervisor. The Incident Report shall be forwarded to the Health, Safety and Wellness Committee within 24 hours and a copy shall be sent to the Human Resources Department for processing and filed in the employee's medical personnel file.

In the absence of a Health and Safety Committee, the work injury should be reported to the immediate supervisor and the Human Resources Department.

As a result of a work accident, the employee may be unable to work. They are then entitled to an indemnity for lost salary or wages. The Mimacs of Gesgapegiag will pay them 100% of their net wages for the part of the day that they were unable to work because of the injury.

Then, the next fourteen (14) days, upon the presentation of a medical certificate confirming that they are unable to do their job, the Micmacs of Gesgapegiag will pay the employee 90% of their net salary up to the maximum insurable earnings prescribed under the Act, for each day that the employee would have worked had it not been for their injury.

As of the 15<sup>th</sup> full day following the beginning of their disability, the employee may be entitled to a replacement indemnity. The indemnity corresponds to 90% of the employee's annual net income from their employment, up to the maximum insurable earnings prescribed by the Act, taking into account the employee's family situation declared for income tax purposes.

***A copy of the Incident Report (HRFXXX) is in the Annex.***

All these forms require to be sent to Human Resources Department

<b>Policy No.</b>	HRP 24.00
<b>Department Ownership</b>	Human Resources Department
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#### **24.00) Restricted Areas and Entry After Hours**

In the interest of safety and security, all restricted work places and equipment will be clearly marked as restricted and only authorized people may have access to these places or equipment.

Unauthorized persons are not permitted at the work place outside of its normal working hours without prior approval from their Director.

For punctual situations, the employee shall need to get prior approval from the Director. These punctual situations do not need to get a formal authorization to be filled, but written authorizations are encouraged for clarity.

When giving access to an employee to restricted areas or equipment, for reasons other than punctual situations, the following procedure shall be followed:

1. Plan a meeting with the employee.
2. Present a list of tasks that requires access to restricted areas, equipment, or office after regular office hours; and,
3. Fill and sign the authorization including:
  - a. The name of the employee
  - b. The position occupied
  - c. The list of all restricted areas where access is authorized
  - d. The list of all restricted equipment where use is authorized
  - e. The hours outside of regular office hours when the employee is allowed to be present
  - f. The duration of this authorization
  - g. A notice mentioning that this authorization is subject to cancellation by the Director at any moment
  - h. Other relevant comments or information
  - i. Signature and date of the Director; and,
  - j. Signature and date of the acknowledgement from the employee.

***Copies of the Authorization to Access Restricted Areas Form (HRFXXX), and the Authorization to Access the Building Outside of Opening Hours (HRFXXX) are in the Annex.***

All these forms require to be sent to Human Resources Department

<b>Policy No.</b>	HRP 25.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **25.00) Smoking Policy**

Smoking is not permitted in public buildings, work place, work vehicles, work equipment or in designated non-smoking areas.

Smoking is permitted in the designated smoking areas only.

Smoking areas are always outside of all buildings and at least nine (9) meters from all building doors, windows and air traps and intakes.

These areas shall be strictly monitored.

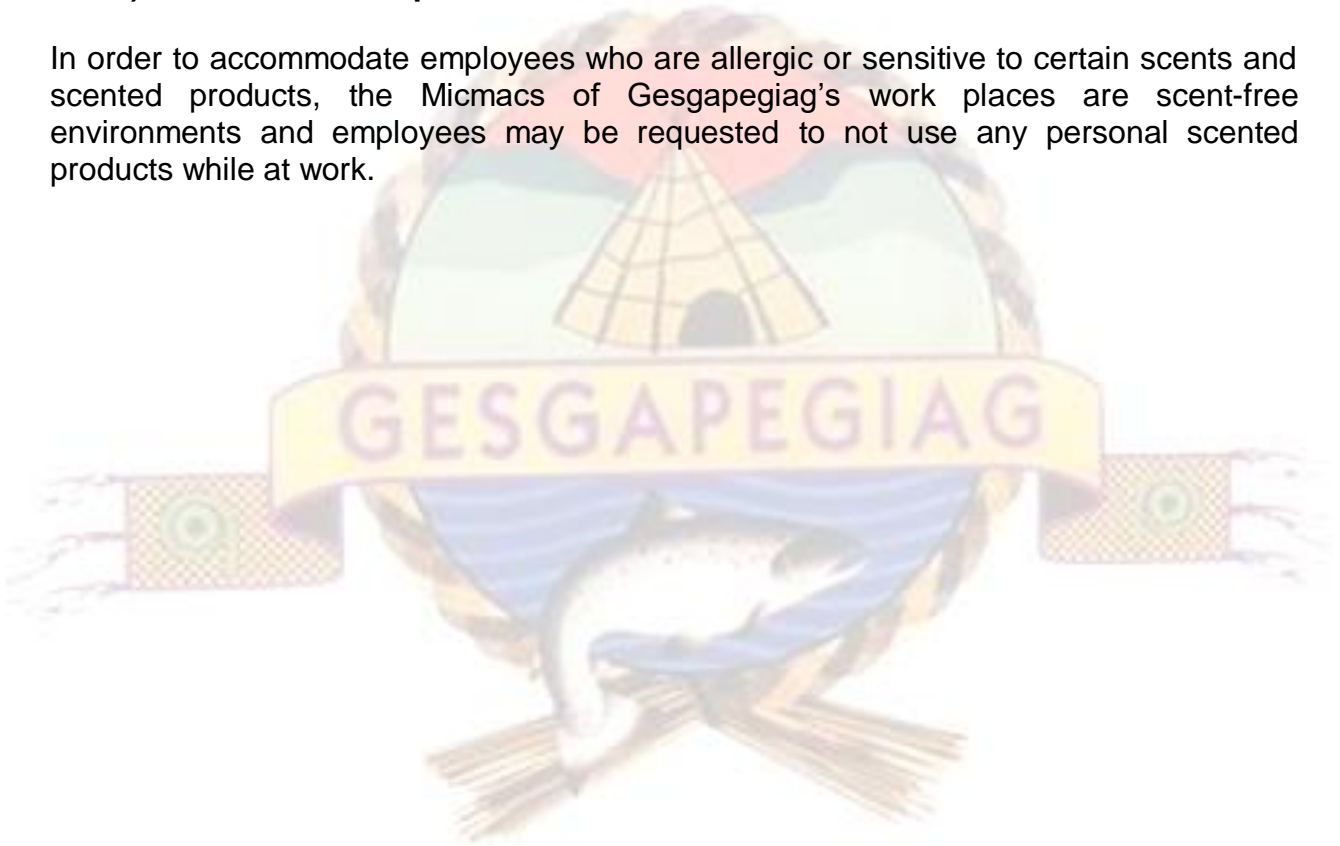


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<b>Policy No.</b>	HRP 26.00
<b>Department Ownership</b>	Human Resources Department
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**26.00) Scent-Free Work place**

In order to accommodate employees who are allergic or sensitive to certain scents and scented products, the Micmacs of Gesgapegiag's work places are scent-free environments and employees may be requested to not use any personal scented products while at work.



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<b>Policy No.</b>	HRP 27.00
<b>Department Ownership</b>	Human Resources Department
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### **27.00) Progressive Discipline**

The Micmacs of Gesgapegiag's progressive discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behaviour and performance issues.

Outlined below are the steps of the Micmacs of Gesgapegiag's progressive discipline policy and procedures. They reserve the right to combine or skip steps depending on the facts of each situation and the nature of the offence. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, or training; the employee's work record; and the impact the conduct and performance issues have on the organization.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment relationship between the Micmacs of Gesgapegiag and its employees.

### **27.10) Progressive Discipline**

Each employee is required to know and understand the terms and conditions of this Policy and Procedures, and any other policies, practices, or procedures from the Micmacs of Gesgapegiag that relate to the employee's position. Failure to adhere to these policies, practices or procedures may result in disciplinary action up to and including termination.

The direct supervisor is responsible to inform an employee of unsatisfactory performance, behaviour, or misconduct, in a timely and open manner and, where appropriate, to provide employees with an opportunity to correct their performance, behaviour, or misconduct.

The direct supervisor will follow the Micmacs of Gesgapegiag system of progressive discipline. The Micmacs of Gesgapegiag shall apply each level of discipline in successive order. The level of discipline that is applied in a situation should be determined by several factors such as:

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- The severity of the incident
- If first time or reoccurrence of incident
- The employee's length of service
- The employee's work record and disciplinary history; and,
- If the incident was related to the employee neglect of non-completion of work.

In exceptional cases, before initiating a disciplinary action, the Director General may temporarily suspend an employee with pay, or without pending investigation of the allegations against the employee.

Days suspended cannot be replaced by personal leave or vacation time.

Each disciplinary action taken against an employee shall be documented in their Employee employment file.

## **27.20) Grounds for Disciplinary Action**

The Micmacs of Gesgapegiag shall apply progressive discipline actions to provide employees with an opportunity to correct their performance, behaviour, or misconduct. In serious circumstances, however, the Micmacs of Gesgapegiag may decide not to follow the progressive discipline policy and procedures and render a more serious disciplinary action or proceed with an immediate termination for cause if it deems the circumstances are serious enough to warrant such action. In these circumstances, for all employees, the Director General is the only person who can approve a deviation from the progressive discipline policy. Chief and Council hold the same decision power for Directors.

Grounds for disciplinary action may include, but are not limited to:

- Insubordination,
- Work place harassment or abuse,
- Willful neglect of duty,
- Excessive tardiness,
- Excessive absenteeism,
- Misrepresenting qualifications in employment applications,
- Willful misconduct,
- Willful damage to Micmacs of Gesgapegiag's property,
- Neglect of duties,
- Bullying,
- Verbal or sexual harassment,
- Breach of confidentiality,
- Misappropriation of Micmacs of Gesgapegiag property and/or services,
- Fraud,
- Use of inappropriate and offensive language or profanity,
- Incompetence,
- Dishonesty,
- Intoxication at work,
- Personality conflicts when interfering with work,

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- Insolence,
- Undeclared conflict of interest,
- Abuse of paid time or time stealing; and,
- Any other circumstance identified by the Human Resources Manager.

## **27.30) Procedure**

### **27.30.1) Step 1: Counseling and verbal warning**

Step one creates an opportunity for the immediate supervisor to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of the organization policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve their performance or resolve the problem.

Within five (5) business days, the supervisor will prepare a written documentation of the verbal counseling. The employee will be asked to sign this document to demonstrate their understanding of the issues and the corrective action.

### **27.30.2) Step 2: Written warning**

The step 2 written warning involves more-formal documentation of the performance, conduct or attendance issues and consequences.

During step 2, the immediate supervisor and the Director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of their continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five (5) business days of a step 2 meeting. The written warning may also include a statement that the employee may be subject to additional discipline, up to and including termination, if immediate and sustained corrective action is not taken.

### **27.30.3) Step 3: Suspension and final written warning**

Some performance, conduct or safety incidents are so problematic and harmful that the most effective action may be the temporary removal of the employee from the work place. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending an investigation.

Suspensions that are recommended as part of the normal sequence of the progressive discipline policy and procedures are subject to approval from the Director and the Human Resources Manager.



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Depending on the seriousness of the infraction, the employee may be suspended without pay in full day increments consistent with applicable employment laws. An employee may not substitute or use paid vacation or personal days in lieu of the unpaid suspension. Unpaid suspension of an employee is reserved for serious work place safety or conduct issues. The Human Resources Manager will provide guidance to ensure that the discipline is administered appropriately.

The duration of the suspension is to be considered in light of the circumstances and should be from one (1) to five (5) days or pending investigation.

Pay may be restored to the employee if an investigation of the safety incident or infraction absolves the employee of any wrongdoing.

#### **27.30.4) Step 4: Recommendation for demotion or termination of employment**

The last and most serious step in the progressive discipline process is a recommendation to demote or terminate employment. In this step the Director must provide to the Director General a report documenting the disciplinary measures taken. Generally, the Micmacs of Gesgapegiag will try to exercise the progressive nature of this policy by first providing warnings, issuing a final written warning, or suspending the employee from the workplace before proceeding to a recommendation to demote or terminate employment. However, the Micmacs of Gesgapegiag reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to demote or terminate employment must be done in consultation with the Human Resources Manager. .

With regards to the termination of the Financial Controller, Public Security and the Director General, Chief and Council's approval is required.

#### **27.31) Demotion**

A demotion entails placing an employee in a position that is lower in the organizational hierarchy than the position to which they had been promoted.

The Director, with the authorization of the Director General and the support of the Human Resources Manager, may demote an employee who does not or cannot maintain a satisfactory level of performance in their position after an appropriate amount of training and support.

#### **27.32) Termination of Employment**

The Director, with the support of the Human Resources Manager and the Director General, should terminate the employee.

#### **27.33) Appeals Process**

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Employees will have the opportunity to present information used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issue while allowing for an equitable solution.

If the employee does not present this information during any step meetings, they will have five (5) business days after each of those meetings to present such information.

#### **27.34) Performance and Conduct Issues not Subject to Progressive Discipline**

Behaviour that is illegal is not subject to progressive discipline and may result in immediate termination. Such behaviour may be reported to local law enforcement authorities.

Similarly, theft, substance abuse, intoxication, fighting and other acts of violence at work are also subject to progressive discipline and may be grounds for immediate termination.

#### **27.35) Documentation**

The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of the documentation attesting to their receipt and understanding of the corrective action outlined in these documents.

Copies of these documents will be filed in the employee's personnel file.

#### **27.36) How to Document**

All warnings (HRFXXX) should be given to the employee in writing with a copy properly kept in the Employee employment file. All verbal warning must be witnessed by a third party and recorded in the Employee employment file. Information must be specific, and include time, date, signatures of the Human Resources representative, witness, and the employee.

Warnings should consist of :

- Identifying the unacceptable performance, behavior or misconduct,
- Advising the employee on how they can correct the situation; and,
- Consequences if the situation is not immediately corrected.

The employee should meet with a member of the Human Resources Staff, and the employee's direct supervisor to review the situation and expected changes in behavior or work performance and the employee should be given an opportunity to explain the gap.

Only the Director General and Chief and Council can request that a disciplinary letter from an Employee employment file be destroyed after four (4) years, provided that no further disciplinary letters have been issued against that employee.

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***A copy of the Progressive Discipline Action form (HRFXXX) and the Performance Improvement Plan (PIP) (HRFXXX) are in the Annex.***



All these forms require to be sent to Human Resources Department

<b>Policy No.</b>	HRP 28.00
<b>Department Ownership</b>	Human Resources Department
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<b>Effective Date</b>	September 26, 2022

## **28.00) Termination**

### **28.10) Notice of Termination**

The required notice for termination should depend on the length of employment and the *Canada Labour Code*.

### **28.20) Exceptions to Termination Notice**

No notice, or payment in lieu of notice, is required for an employee who is:

1. employed for less than three (3) months,
2. employed for a definite term which may not exceed 12 months,
3. dismissed for Just Cause as per federal or provincial Just Cause Legislation if applicable; or,
4. terminated due to the terms in an employment contract.

### **28.30) Payment in Lieu of Notice**

If the employee is paid a sum of money instead of working through a notice period, they must receive the wages that would have been earned, exclusive of overtime, had they worked the notice period. In addition, all of the employee's benefits shall be maintained during or paid out representing the notice period.

If a terminated employee's wage varies each week, they should receive the average of their wage for a 13-week period. In the case where the employee worked less than 13 weeks and their wage varies, the Micmacs of Gesgapegiag will use the average of the worked period.

### **28.40) Severance Pay**

Severance Pay should be paid as per the current *Canada Labour Code* Guidelines.

All wages owing to a terminated employee, other than payment in lieu of notice and severance pay, must be paid within seven (7) days of the termination date.



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### **28.50) Return of Micmacs of Gesgapegiag's Property**

At the time of layoff, resignation or termination, the employee shall immediately return to the Micmacs of Gesgapegiag all property belonging to the Micmacs of Gesgapegiag issued to that employee during the course of employment, including but not limited to documents, tools, keys, ID cards, electronic materials and passwords.

If the employee had sole access to a property of the Micmacs of Gesgapegiag during the course of their employment and that property was damaged or is missing, the Micmacs of Gesgapegiag may request the employee to give written authorization allowing the Micmacs of Gesgapegiag to deduct the costs of the damaged or missing property from the employee's final pay.

### **28.60) Final Pay Deposit**

The Micmacs of Gesgapegiag will deposit the employee's final pay on the next regular pay following their last day worked and should pay any other owed amounts which the employee is entitled to within 30 days of the date of layoff, resignation, or termination. An automatic Record of Employment (ROE) will be issued with the employee's last pay.

### **28.70) Exit Interview**

At the time of layoff, resignation, termination, or end of contract, a member of the Human Resources Department may ask the employee to participate in a voluntary Exit Interview.

The exit interview's purpose is to gain the employee's perspective on the work place and solicit any suggestions of what enhancements could be made in the future.

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<b>Policy No.</b>	HRP 29.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
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### **29.00) Dismissal**

### **29.10) Written Notice of Termination**

If the Micmacs of Gesgapegiag lays off an employee or terminates an employee without cause, the Micmacs of Gesgapegiag should provide the employee with notice and, if applicable, severance pay in accordance with the *Canada Labour Code*.

When terminating an employee, the Director must ensure that the employee receives a formal letter of termination detailing the following items:

- Last day to be worked
- Reasons for termination; and,
- Expiry date of benefit coverage.

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<b>Policy No.</b>	HRP 30.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **30.00) Conflict Resolution**

The Micmacs of Gesgapegiag recognizes that situations may arise where an employee may not agree with the way they have been treated, and the Micmacs of Gesgapegiag has developed a dispute resolution process for these situations.

All Micmacs of Gesgapegiag Employees and Chief and Council Members have a right to express their concerns, complaints, and issues in a truthful and respectful manner and to receive a timely and objective response.

The Micmacs of Gesgapegiag encourages teamwork, open communications, and the timely resolution of employee concerns using open dialogue and constructive conflict resolution. Employees have a right to fair, objective and culturally appropriate processes.

If an employee has a dispute or conflict on the job, the Micmacs of Gesgapegiag expects the employee to make every effort to resolve the matter with the person whom they are having difficulties with as soon as possible so the matter may not fester and become more difficult to handle.

The Micmacs of Gesgapegiag encourages its employees to try to resolve disputes using the following process:

1. The principal discusses the dispute with the respondent, and they try to resolve the dispute together making every attempt to resolve the matter by speaking respectfully to each other, even if it means having more than one meeting.
2. If an employee has not attempted the above, their supervisor may direct the employee to follow this process before submitting a written complaint.
3. If the dispute is still unresolved, the principal advises the following people in writing of the details of the complaint:
  - a. The principal's supervisor; and,
  - b. If the respondent is management, the respondent's supervisor.
4. If an employee is not comfortable in carrying out the above steps, a member of the Human Resources department may work with the employee or arrange for the employee to follow these steps before submitting a written complaint.
5. Within five (5) working days of being made aware of the dispute, the supervisor should meet with the principal and the respondent to help them resolve the dispute.

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6. If the dispute is still unresolved, the principal should provide the supervisor with a written request to decide about the dispute and provide the principal with the decision in writing within five (5) working days.
7. In all cases, the supervisor and/or Director should gather and document all pertinent facts and roles of participants before options and solutions are discussed.
8. If the principal does not agree with the supervisor's decision, and the supervisor is a Director, the principal may appeal the decision to the Human Resources Manager.
9. If a complaint is found to be frivolous, vindictive, or vexatious, then the Micmacs of Gesgapegiag may take appropriate steps, which may include disciplinary action against either party of the dispute.

Based on the findings of the supervisor or Director, the following options may be provided:

- Written reprimand,
- Education and training,
- Counselling,
- Change in work situation to eliminate or minimize repetition of offence,
- Transfer, demotion, or both,
- Unpaid suspension from work; or,
- Termination.

Should the Director be unable to resolve the dispute to the mutual satisfaction of all parties, the complaint is then taken up by the Director General for resolution and may apply the options set out above.

The Director General, unless it involves members of the senior management team, is the final arbitrator of disputes and complaints subject to appeals as per the process outlined in this Human Resources Policy and Procedure.

### **30.10) Appeal Process for Employee Grievance**

An employee who feels that they have been treated unfairly and/or in contravention of existing human resources policies is authorized to take the following action:

1. Report the situation to their immediate supervisor in writing,
2. Undertake conversations with their supervisor and work out a solution,
3. If an impasse still exists, the supervisor and employee shall bring the matter to the attention of the Human Resources Manager or the Director,
4. A hearing should be held to review the case. The panel should consist of the Director General, the Human Resources Manager, the Director, and at least one other senior employee not involved in the dispute,
5. A full report should be prepared,
6. A copy of the entire report should be filed in the Employee employment file,
7. Anyone who feels they did not receive a fair and equitable treatment in accordance with the Micmacs of Gesgapegiag's Grievance Policy can file an appeal,

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8. Notices to appeal a decision must be filed in writing within 30 days of the panel's decision and given to the Director General, and
9. Appeal notices received beyond the time limit will not be accepted.

Employee relations are crucial to the continued success and growth of the Micmacs of Gesgapegiag. It is vital and imperative that swift action be taken to resolve all grievances or dissatisfactions.





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<b>Policy No.</b>	HRP 31.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **31.00) Employee Feedback**

To foster the continued growth and success of the Micmacs of Gesgapegiag, all employees are encouraged to make suggestions and/or offer their opinion in writing on matters affecting the general administration, the work environment and, the provision of programs and services offered by the Micmacs of Gesgapegiag to their immediate supervisor or raise the suggestion in a departmental staff meeting.

Each Director should assess the information and determine whether the idea or concern can be addressed by the department or whether it should be forwarded to the Director General for consideration.

Although there may be reasons why the Micmacs of Gesgapegiag is unable to implement the suggestion, the suggestion should be given serious consideration and a decision and explanation should be shared with the employee who had made the original suggestion.

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<b>Policy No.</b>	HRP 32.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	November 22, 2021
<b>Effective Date</b>	November 22, 2021

### **32.00) Promoting a Violence-Free, Harassment-Free and Discrimination-Free Work place**

#### **32.10) Diversity**

Micmacs of Gesgapegiag supports diversity in the workplace and makes decisions on Human Resources matters based on qualifications, ability, and performance.

Micmacs of Gesgapegiag shall provide equal opportunity to, and treat equally, all employees and job applicants and shall not make distinctions on prohibited grounds or any other factor unrelated to job performance.

#### **32.20) Promoting a Violence-Free, Harassment-Free and Discrimination-Free Work place**

##### **32.21 Policy Statement**

The Micmacs of Gesgapegiag (“**Gesgapegiag**”) is committed to providing a safe and healthy work environment, free from harassment, violence, discrimination, threats, intimidation, and disruptive behavior for all of its employees. Gesgapegiag is further committed to taking measures to prevent such situations, including by enacting the present policy, as prescribed by the *Canada Labour Code* (the “**Code**”) and the *Work place Harassment and Violence Prevention Regulations* (the “**Regulations**”). This policy is developed jointly with the Work place Health, Safety and Wellness Committee (the “**Committee**”) and subject to the review and the approval of the Chief and Council of Gesgapegiag from time to time.

In addition to compliance with the Code and Regulations, this policy aims to foster an environment where each employee is treated with respect and where their goals in employment, dignity and self-esteem are respected.

To these ends, Gesgapegiag will dedicate all reasonable attention, resources and time to prevent and address factors that contribute to all types of work place violence and harassment.

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### **32.22) Scope**

This policy applies to all employees of Gesgapegiag, regardless of their position, hierarchical level, or status (including any casual, permanent, part-time, full-time, ongoing, term and seasonal employees), as well as Chief and Council. It applies to relationships between employees and their superiors, between fellow employees and committee members.

This policy also applies to workplace harassment and violence coming from external third parties, such as members of the community, independent contractors, clients or suppliers, or by others who interact with employees in the course of their work.

It applies to actions that may occur in the work place itself, including the Band administration office and any/all other buildings or worksite in which employees of Gesgapegiag carry on their work, as well as in external work-related situations and settings such as vessels.

### **32.23) Policy Violations**

Employees are strictly prohibited from behaving in any manner that may constitute one of the following policy violations:

- Harassment in any of its forms:
  - o Discriminatory;
  - o Sexual;
  - o Psychological;
- Violence;
- Retaliation;
- Notices of occurrence made maliciously, falsely or in bad faith or any lack of transparency or good faith in any process under this policy.

Any employee who behaves in any manner that can constitute a policy violation may be subject to corrective action. This includes administrative and/or disciplinary measures, up to and including termination of employment.

### **32.24) Behaviour that Generally does not Constitute Policy Violations**

It is important to understand that not all unpleasant work place situations amount to harassment, violence or discrimination.



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The following are examples of behaviours that generally do not constitute such policy violations:

- The exercise of the employer's management rights carried out reasonably by a director or supervisor including notably, without being limited to: enforcing Gesgapegiag's rules and procedures, performance management and evaluations, monitoring absenteeism or tardiness, and the imposition of other disciplinary or administrative measures;
- A work place incident which makes an employee feel unhappy, dissatisfied or frustrated;
- Work-related stress;
- Challenging work conditions and professional constraints;
- Work place and/or interpersonal conflict.

### **32.25) Roles, Responsibilities and Rights**

A) Gesgapegiag as the employer, represented by the Director General:

- Participating in the development and updating of this policy, as required by the Regulations;
- Ensuring that this policy is communicated to Gesgapegiag's employees;
- Identifying and assessing factors which could contribute to work place violence and harassment, in collaboration with the Committee (see Schedule B – Work place Assessment);
- Preparing, reviewing and updating the work place assessment on work place violence and/or harassment as required by the Regulations;
- Developing and implementing controls to eliminate or minimize the risk of work place violence and harassment;
- Ensuring employees receive information, instructions and training on this policy, and on the factors that contribute to work place violence and harassment, as required by the Regulations;
- Ensuring that the designated recipients follow the resolution process in accordance with the Code and the Regulations;
- Developing, with the Committee, a list of investigators;
- Following the required procedure after an investigation under this policy, where applicable;
- Reviewing and updating information, instruction and training as required by the Regulations;
- Providing the required reports to the Labour Program within the delays set forth in the Regulations.

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B) Work Place Health, Safety and Wellness Committee:

- Participating in the development and updating of this policy;
- Monitoring the effectiveness of this policy;
- Observing and providing recommendations to Gesgapegiag of hazards that could contribute to work place harassment and violence;
- Participating in inquiries, studies, and proactive inspections as necessary;
- Addressing matters raised by its members or referred by another work place committee, where applicable;
- Participating in the development of harassment and violence training materials and awareness materials and tools;
- Helping ensure training and awareness materials are shared with employees;
- Communicating information to employees about factors contributing to work place harassment and violence;
- Participating in the development of emergency notification procedures;
- Helping ensure that employees are made aware of the emergency notification procedures applicable to them and that the text of those procedures is posted at a location readily accessible to those employees;
- Participating in the review and update of the Work place Assessment (Schedule B) where required by the Regulations;
- Following an investigation, jointly determine, in collaboration with Gesgapegiag, which recommendations from the investigator's report should be implemented.

Employees are invited to discuss freely with members of the Committee factors that contribute to work place violence and harassment or any concerns they may have related thereto.

The Committee member list will be communicated by notice posted in a conspicuous location every year or upon changes to its composition.

C) Directors and Supervisors

- Promoting a work environment that is inclusive, respectful and free from work place violence and harassment;
- Contributing to putting an end to work place violence and harassment and any disrespectful and discourteous behaviour, the moment the situation comes to light, whether or not there is a notice of an occurrence;
- Escalating any possible issue or notice of an occurrence to the designated recipient immediately;
- Cooperating with any investigation or notice of an occurrence resolution process, as required;
- Participating in implementing solutions and/or corrective action.

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D) Designated Recipients

- Responding and treating all notices of occurrence made under this policy in accordance with the Regulations and this policy;
- In case of an investigation, select a person to act as an investigator from the list of investigators developed jointly by Gesgapegiag and the Committee, and ensure that the persons identified in this list have the necessary knowledge, training and experience, in compliance with the Regulations;
- Providing investigators with all the information relevant to their investigation, and remain actively involved in the resolution process until it is completed, in accordance with the Regulations.

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E) All employees

- Reading and making sure that they understand this policy and comply with it at all times;
- Promoting a work environment that is positive, inclusive, respectful and free from work place violence and harassment at all times, in their behaviour, actions and communications;
- Reporting any potential occurrence of work place violence and harassment or any other violation of the present policy to a designated recipient without delay;
- Fully cooperating in any intervention, resolution or investigation process undertaken under this policy.

F) Principal party

The principal party has the **right** to:

- File a notice of an occurrence and participate in its resolution process without fear of reprisals;
- Have their notice of an occurrence document filed in a secure and confidential location, separate from their employee employment file;
- Have their identity released only on a need-to-know basis and in compliance with the Regulations;
- Be treated fairly;
- Be accompanied or represented by another person during the resolution process following a notice of an occurrence, such as a friend, partner, or an Elder from the community.

The principal party has the **responsibility** to:

- Fully cooperate with Gesgapegiag in the notice of an occurrence resolution process and, if applicable, the conciliator or investigator assigned to address their notice of an occurrence;
- Be truthful and honest at all times in the context of their notice of an occurrence resolution process.

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#### G) Responding party

The responding party has the **right** to:

- Be informed that a notice of an occurrence has been filed against them, if and to the extent that it is required under the Regulations;
- Be made aware of the allegations against them and have the opportunity to respond to them in full in case of an investigation;
- Have an investigator appointed to investigate the notice of an occurrence, if the matter is unresolved through means of negotiated resolution and/or conciliation;
- Have the notice of an occurrence against them filed in a secure and confidential location, separate from their employee employment file;
- Be accompanied or represented by another person during the resolution process following a notice of an occurrence, such as a friend or partner.

The responding party has the **responsibility** to:

- Fully cooperate with Gesgapegiag in the notice of an occurrence resolution process and, if applicable, the investigator assigned to investigate the notice of an occurrence they are involved in;
- Be truthful and honest at all times in the context of the notice of an occurrence resolution process.

#### 32.26) Policy Violation Procedure

Any Gesgapegiag employee who feels that they are being subject to behaviour which may constitute a violation of this policy is encouraged to communicate to the person responsible for the behaviour that it is unacceptable and unwelcome, and ask them to stop, where appropriate.

If this does not resolve the issue or if this approach is not possible or appropriate under the circumstances, such an employee must immediately file a notice of an occurrence with a designated recipient identified in Schedule A, as set out below.

The informal approach is not suitable for incidents of imminent threats of physical violence. Employees must then follow the steps outlined in the emergency notification procedure (Schedule C).

##### 1. How to file a notice of an occurrence

Employees are asked to file a notice of an occurrence in writing with a designated recipient.

If a designated recipient is the responding party to the notice of an occurrence, the principal party must report the situation to another designated recipient, from the list set out in this policy at Schedule A.



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Gesgapegiag wishes to assure its employees that it will not allow the designated recipient to be the responding party to the notice of an occurrence.

## 2. Delay to file a notice of an occurrence

Gesgapegiag encourages prompt filing of notices of occurrence so that rapid response and appropriate action may be taken. Employees therefore asked to file a notice of an occurrence as soon as possible.

Please note that, if the responding party identified in the notice of an occurrence is no longer in the work place, Gesgapegiag is not required to pursue a resolution under the Regulations.

## 3. Gesgapegiag addressing the notice of an occurrence

Notices are subject to an **initial review** to ensure that they contain:

- the name of the principal party and the responding party;
- the date of the occurrence; and
- a detailed description of the occurrence.

Notices of occurrences which do not include the information set out above could be deemed to be resolved and thus warrant no further action.

Within seven (7) days of the receipt of the notice of an occurrence, the designated recipient will **contact the principal party** to advise them:

- that their notice has been received (or that they have been named or identified as the principal party in a notice provided by a witness, as the case may be);
- of the manner in which the work place harassment and violence prevention policy is accessed;
- of each step of the resolution process; and
- that they may be represented during the resolution process.

The responding party may also eventually be advised, depending on the process:

- that they have been named or identified in a notice of an occurrence as the responding party;
- of the manner in which the work place harassment and violence prevention policy is accessed;
- of each step of the resolution process; and
- that they may be represented during the resolution process.

## 4. Monthly status updates

The designated recipient is required to provide monthly status updates in the context of the notice of an occurrence's resolution process, as follows:

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- Principal party: beginning on the first month after the month in which the notice is provided and ending on the month in which the resolution process is completed;
- Responding party: beginning on the first month after the month in which the responding party is first contacted by the designated recipient concerning the occurrence and ending on the month in which the resolution process is completed.

These monthly status updates will include information related to the status of the resolution process, such as, if applicable:

- the process that is being followed;
- the status of the review and update of the work place assessment;
- the status of timelines for the selection and/or hiring, if applicable, of a conciliator;
- the status of timelines for the selection and/or hiring, if applicable, of an investigator;
- the status of the investigation report; and
- the status of implementing the recommendations from the investigator's report.

## 5. Resolution Process

Once the notice of an occurrence is received, Gesgapegiag will determine which means of resolution is appropriate, amongst the following:

- Negotiated resolution
- Conciliation
- Investigation

At this stage, Gesgapegiag may consider provisional measures, such as separating the principal party and the responding party until the conclusion of the resolution process, where Gesgapegiag considers it appropriate or necessary to do so.

Please see a summary chart of the complete resolution process as Schedule D.

### 32.27) Negotiated Resolution

Negotiated resolution is a form of informal resolution in which the principal party meets with the designated recipient, either in person, virtually or by phone to:

- discuss the occurrence;
- clarify the information that was submitted in the notice of an occurrence; and
- attempt to reach resolution.

The designated recipient and the principal party will review the notice of an occurrence that they received against the definition of harassment and violence in the Code.

Together, they will try to determine whether the occurrence meets the definition.

Potential outcomes:

- If both the designated recipient and the principal party **agree** that the occurrence does not meet the definition, then they will deem the occurrence as resolved.
- If the designated recipient and the principal party **do not agree** as to whether the occurrence meets the definition **or agree that it does** and the principal party

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wishes to continue with the resolution process, then the principal party has the option of either:

- continuing with negotiated resolution; or
- pursuing conciliation and/or an investigation.

Continued negotiated resolution may involve one or more meetings with the principal party and/or with the responding party, alone or together.

During negotiated resolution, the designated recipient will generally only contact the responding party if the principal party agrees that it is appropriate. However, the responding party will necessarily be contacted if the principal party chooses to proceed with conciliation and/or an investigation.

If, despite the efforts of the negotiated resolution, the principal party and designated recipient:

- agree that the incident meets the definition of an occurrence; and
- do not consider the occurrence resolved; and
- the principal party wishes to continue the process;

then a conciliation or investigation will be carried out.

### 32.28) Conciliation

Conciliation is a formal meeting with a conciliator, during which the parties will attempt to resolve the occurrence.

The parties may engage in conciliation at any time during the resolution process, where the principal party and responding party agree and jointly select a conciliator, and where:

- no investigation has been initiated; or
- an investigation has been initiated, but no report has been delivered.

If an occurrence is resolved through conciliation and an investigation was initiated, any ongoing investigation must then be discontinued.

### 32.29) Investigation

If negotiated resolution and/or conciliation is unsuccessful and the principal party requests an investigation, it will be carried out by an investigator:

- Chosen from the internal roster of investigators jointly elaborated with the Committee;
- If no roster is available at the time of the notice of an occurrence, an investigator agreed to by both the principal party and responding party. The designated recipient will assist them in providing qualified investigators to choose from.

In any event, the investigator will be required to have the qualifications required by the



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Regulations. Where possible, Gesgapegiag and the Committee shall strive to include investigators into their list that are sensitive of and knowledgeable about Migmaw traditional values.



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If the principal party and responding party cannot agree on an investigator within 60 days after notice of an investigation has been given, the investigator will be chosen by the designated recipient from the list held by the Canadian Center for Occupational Health and Safety.

Once an investigation is completed, the investigator will provide Gesgapegiag, the principal party, the responding party and the Committee with a final report setting out the elements required by the Regulations, including the investigator's recommendations to eliminate or minimize the risk of a similar occurrence.

Please note that the report will not reveal the identity of persons involved in the occurrence or investigation (even indirectly).

Once the report is completed and the employer implements the recommendations it deems appropriate (jointly with the Committee), the process is considered complete.

In case of disagreement between Gesgapegiag and the Committee regarding the recommendations to implement, the employer's decision on this matter prevails.

### 32.30) Completion of the Resolution Process of the Notice of Occurrence

The resolution process of an occurrence is considered complete when any one of the following conditions are met:

- Gesgapegiag and the Committee have reviewed and if necessary, updated the work place assessment following a principal party informing the designated recipient of their choice to end the resolution process;
- The designated recipient could not determine the identity of the principal party from the notice of an occurrence;
- The principal party and designated recipient, upon review of the notice of an occurrence, jointly determine that the occurrence does not meet the definition of harassment and violence;
- The principal party agrees that the occurrence is resolved through negotiated resolution or conciliation; or
- Gesgapegiag has implemented the recommendations in the investigator's report selected as provided by the Regulations.

Please note that there are no appeals process to the resolution if the parties are unsatisfied with the conclusions or the recommendations of the report or any of the situations above in which a notice of occurrence is considered resolved (other than if the principal party has agreed that the occurrence was resolved through negotiated resolution or conciliation, which they have to determine for themselves). For more clarity, appeals processes made available to Gesgapegiag employees in other policies or processes do not apply to this policy and the notice of occurrence resolution process.

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Gesgapegiag will ensure that the resolution process is completed within the time frame required by Regulations.

### 32.31) Remedial and/or Corrective Action

Gesgapegiag will take reasonable measures to remedy a violation of the present policy and to prevent its reoccurrence.

Following the conclusion of the notice of an occurrence resolution process, Gesgapegiag may impose corrective action (as set out below) onto the following individuals in the following circumstances:

- Any employee (including supervisors, responding parties and principal parties):
  - Where the notice of an occurrence resolution process has shed light on their problematic work place behaviour or actions, which may or may not constitute harassment or violence as outlined herein;
  - Where they retaliate or take reprisals against another person for having filed a notice of an occurrence or participated in the notice of an occurrence resolution process;
  - Where they breach one of the parties' confidentiality (notably by disclosing their identity to other employees);
  - Where they make any declaration or statement that is false or act in any dishonest way in the context of the resolution process of a notice of an occurrence under this policy;
  - Where they unduly refuse to participate in the notice of an occurrence resolution process outlined herein.
- **Supervisors:**
  - Where they were aware of violence or harassment and permitted it to take place and/or failed to act or report it on a timely basis;
- **Responding parties:**
  - Where a notice of an occurrence against them has been deemed well-founded following an investigation;
- **Principal parties:**
  - Where they bring forward notices of occurrence who are trivial, frivolous, vexatious, malicious or made in bad faith;

Corrective action may include notably, without limitation:

- Written reprimands/disciplinary notices;
- Suspensions, with or without pay;
- Transfers, in cases where it would not be reasonable for the parties to continue working together;

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- Termination for just cause;
- Any other measure, disciplinary or administrative in nature, which Gesgapegiag deems reasonable under the circumstances.

### **32.32) CONFIDENTIALITY**

All information received in a notice of an occurrence or during the notice of an occurrence resolution process will be treated confidentially to the greatest extent possible to protect the privacy of all parties involved. Disclosure will be made on a “need to know” basis and only to the extent necessary:

- To conduct the investigation and take appropriate action;
- As required by law; and
- To the extent required for Gesgapegiag, its agents or its officers in the event of legal or administrative proceedings.

Any disclosure of confidential information relating to the notice of an occurrence will be made in compliance with the Code and the Regulations, and consent to disclose personal and confidential information will be sought and obtained whenever required by law.

### **32.33) TRAINING AND REPORTING**

#### **A) Training**

All employees will be required to participate in mandatory harassment and violence prevention training.

The training will be specific to the culture, conditions and activities of the work place and include the following elements:

- the elements of this policy;
- a description of the relationship between work place harassment and violence and the prohibited grounds of discrimination set out in the *Canadian Human Rights Act*, and
- a description of how to recognize, minimize, prevent and respond to work place harassment and violence.

Training will be reviewed and updated where necessary but at least once every three (3) years and following any change to an element of the training.

Gesgapegiag will ensure that all employees, designated recipients, and employer representatives are trained when required by the Regulations.

#### **B) Reporting**

Gesgapegiag will record all information related to a notice of an occurrence and the resolution process thereof. In addition, Gesgapegiag will hold a record of all occurrences



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of harassment and violence that happen in the work place.

### **32.34) WORK PLACE ASSESSMENT**

Gesgapegiag and the Committee will jointly carry out a work place assessment that consists of:

- identifying risk factors that contribute to harassment and violence in the work place; and
- developing and implementing preventative measures to mitigate the risk of harassment and violence in the work place.

The work place assessment will be updated as required by the Regulations.

Gesgapegiag and the Committee will identify all factors, internal and external, that contribute to harassment and/or violence, by taking into account the following:

- the culture, conditions, activities and organizational structure of the work place;
- circumstances external to the work place, such as family violence, that could give rise to harassment and violence in the work place;
- any reports, records and data that are related to harassment and violence in the work place;
- the physical design of the work place; and
- the measures that are in place to protect psychological health and safety in the work place.

Within the timeline prescribed by Regulations, Gesgapegiag and the Committee will jointly:

- develop preventive measures that, to the extent feasible (i) mitigate the risk of harassment and violence in the work place, and (ii) neither create nor increase the risk of harassment and violence in the work place;
- develop an implementation plan for the preventive measures; and
- implement the preventive measures in accordance with the implementation plan.

When consulting with the Committee, Gesgapegiag will not disclose information whose disclosure is prohibited by law or could reasonably be expected to threaten the safety of individuals.

### **32.35) MONITORING AND SUPPORT**

The Human Resource Manager and the Committee will monitor the application of this policy and proceed with adjustments as needed. This policy will be posted in a place accessible to all employees and will be reviewed when required by the Regulations.

Gesgapegiag will provide support to any party to a notice of an occurrence, or a resolution process provided herein.

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### **32.36) OTHER RECOURSES**

This policy is not intended to discourage, and does not have the effect to prevent, employees from exercising their other legal rights.

### **32.37) QUESTIONS**

For questions related to this policy, should contact the Human Resources Manager or email: [hr@gesgapegiag.ca](mailto:hr@gesgapegiag.ca)

## **SCHEDULE A – DESIGNATED RECIPIENTS**

Information or complaints:  
[hr@gesgapegiag.ca](mailto:hr@gesgapegiag.ca)



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## **SCHEDULE B – WORK PLACE ASSESSMENT – RISK FACTORS CONTRIBUTING TO WORK PLACE VIOLENCE AND/OR HARASSMENT**

The following is a non-exhaustive list of factors, identified by Gesgapegiag and the Work Place Health, Safety and Wellness Committee, which can contribute to work place violence and/or harassment.

This work place assessment will be reviewed and updated when required by the Regulations.

There are a number of factors that can contribute to work place harassment and violence. These factors can be divided into 5 general categories:

- client characteristics
- physical work environment
- work activity/culture
- job factors, and
- other external factors





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## SCHEDULE C – EMERGENCY NOTIFICATION PROCEDURE

This emergency notification procedure has been jointly developed by Gesgapegiag and the Health, Safety and Wellness Committee. It must be used where there is an occurrence or a threat of an occurrence **which poses an immediate danger to the health and/or safety** of an employee.

Gesgapegiag will ensure that employees are made aware of the emergency notification procedures applicable to them and that these procedures will be posted at a location readily accessible to employees.

The emergency notification procedures may involve police notification depending on the nature of the incident and the concerns of employees who experienced the violence or the harassment.

When the physical safety of anyone in the work place is under imminent threat, employees must immediately:

- Notify the closest supervisor and/or the Human Resources Manager when safe to do so;
- In the case of an emergency, call 911.

Below is a summary of the applicable emergency procedures:

If employees witness or experience **physical violence at work**, they must:

- remove themselves from the situation if possible;
- inform their manager or seek help from a coworker immediately;
- if their manager is the perpetrator, notify another manager in the line of authority;
- if their physical security or well-being is threatened, call 911;
- contact security as soon as possible.

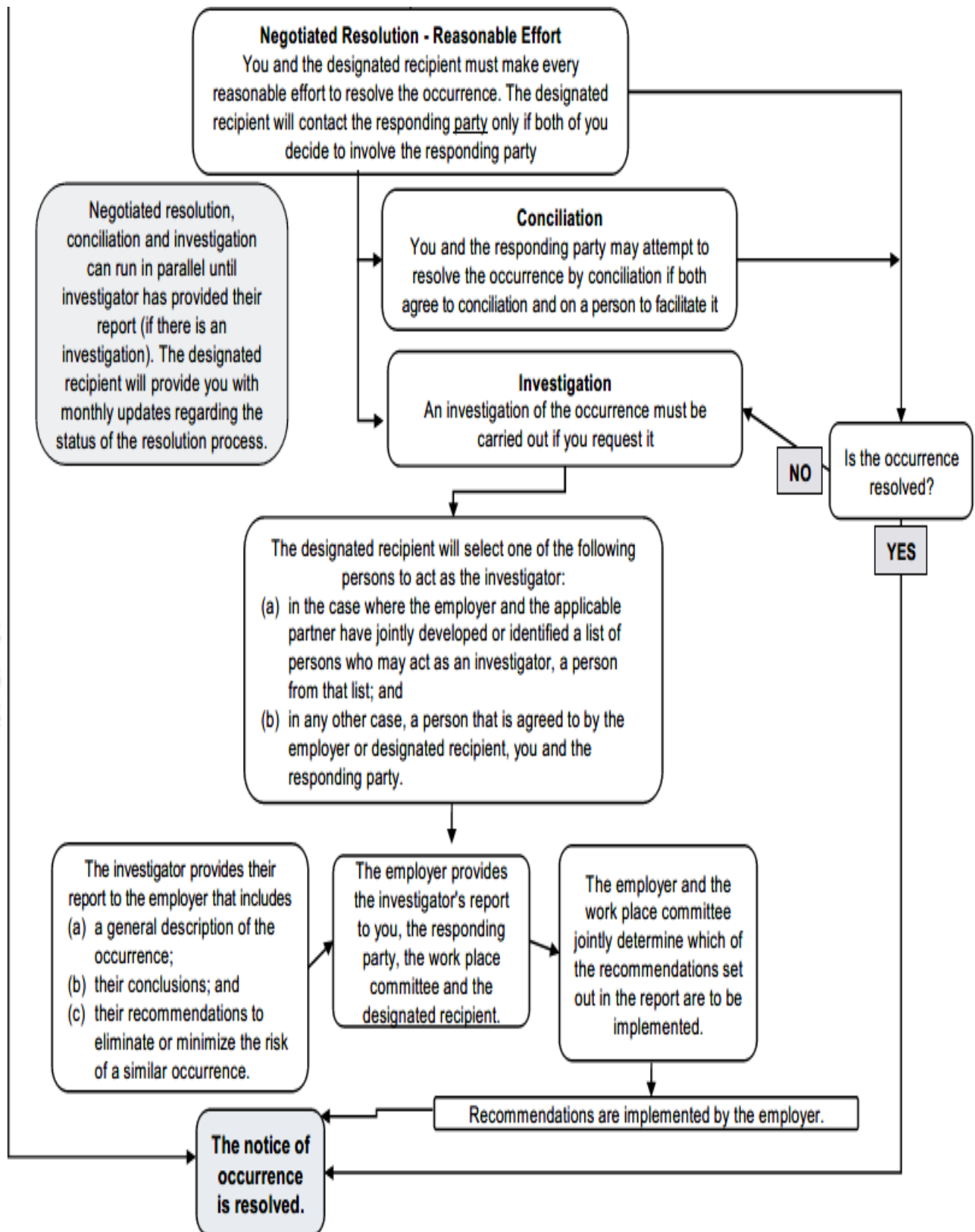
If employees are **dealing with a violent person**, they must:

- stay calm;
- try to calm the other person or defuse the situation;
- avoid eye contact or sudden movements that can be perceived as threatening;
- if the behaviour persists, end the conversation;
- politely notify the person that the employee will leave the work area, or ask them to do so;
- notify their manager or seek help from a coworker immediately;

if the person refuses to leave the premises and the situation escalates, call 911 and contact the Police Department (418) 759-5505

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## SCHEDULE - D



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<b>Policy No.</b>	HRP 34.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **33.00) Work place Health, Safety and Wellness**

Micmacs of Gesgapegiag is committed to providing means to achieve a safe and healthy work place through:

- Establishing a Health, Safety and Wellness Committee;
- Providing and maintaining a safe and healthy work environment;
- Providing appropriate training related to employee specific job requirements; and
- Complying with legal requirements and following accepted work place practices.

The Health, Safety and Wellness Committee Chair is the Human Resources Manager and committee composition is at least 50% non-supervisory employees as per the *Canada Labour Code* requirements.

The Director General should meet annually with the Human Resources Manager and the Health, Safety and Wellness Committee to ensure the current Human Resources Policy and Procedure meet the needs of the organization.

The Health, Safety and Wellness Committee, working with the management team, are responsible for:

- Ensuring the health, safety and wellness of all employees by ensuring the conservation and maintaining of adequate records regarding work place accidents, injuries, health hazards and complaints received by the Human Resources Department;
- Ensuring compliance with all relevant laws, standards, regulations, and best practices, including requirements under the applicable legislation (federal and provincial) and the provisions under Work place Hazardous Materials Information System (WHMIS);
- Taking all reasonable measures to prevent injuries and maintain a healthy and safe work place;
- Receiving and reviewing complaints relating to the safety, health and wellness of employees;
- Participating in all investigations concerning occupational health, safety and wellness including investigating and assessing the exposure of employees to hazardous materials;

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- Assisting in the development of procedures to ensure employee safety and protection;
- Identifying existing or potential hazards with respect to materials and equipment in the work place;
- Ensuring that every part of the work place is inspected at least once each year, and making recommendations regarding unsafe, hazardous materials;
- Providing recommendations to the Micmacs of Gesgapegiag on the requirements for health and safety equipment, training, and supplies;
- Providing appropriate personal safety equipment, clothing and training through the appropriate Director;
- Investigating unsafe conditions or acts and ensuring corrective action is taken without delay;
- Investigating all work place accidents and complying with all reporting obligations;
- Ensuring that the Micmacs of Gesgapegiag has an inventory of all hazardous materials in the work place and has a material safety data sheet (MSDS) on all hazardous materials in the work place;
- Ensuring that all employees are trained to work safely with hazardous materials and to understand labels as applicable; and,
- Any other Health, Safety and Wellness requirements from the *Canada Labour Code*.

The Director General, Directors, and any supervisors are responsible for:

- Ensuring that their employees have appropriate training, skills, and competencies;
- Ensuring that their employees follow safe work methods;
- Complying with all relevant laws, standards and regulations;
- Ensuring that employees comply with all applicable safety requirements, including those of occupational health and safety; and,
- Ensuring that employees have and utilize appropriate safety gear.

Employees are responsible for:

- Making safety, health and wellness a priority and part of their daily routine;
- Taking all reasonable and necessary precautions to ensure their health, safety and wellness and that of anyone affected by their work;
- Ensuring that they are following safe work methods and relevant regulations and standards;
- Complying with all applicable safety requirements, including those of occupational health and safety, and with all instructions from their supervisor;
- Utilizing appropriate safety gear provided by the Micmacs of Gesgapegiag or prescribed by regulation; and,
- Reporting to their supervisor or to the health, safety and wellness representative all hazards and accidents in the work place and all safety concerns.

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<b>Policy No.</b>	HRP 34.00
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<b>Approved by Council</b>	August 29, 2022
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### **34.00) Accommodating Individual Needs**

The Micmacs of Gesgapegiag is committed to fostering an inclusive work place where all employees are treated with respect and dignity.

The Micmacs of Gesgapegiag should act in a manner consistent with its obligations under the *Canadian Human Rights Act*.

The Micmacs of Gesgapegiag should provide a work place that ensures equal opportunity free from discrimination based on race, ethnic origin, first nations, color, religion, age, sex, gender, sexual orientation, gender identity or expression, marital status, family status, disability, and criminal conviction for which pardon has been granted, physical health, or mental health.

The Micmacs of Gesgapegiag should provide work place accommodations to the point of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not discriminated against by being excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer.

#### **34.10) Application**

This subsection applies to all current employees and applicants for employment with the Micmacs of Gesgapegiag, including full and part-time, casual, contract, permanent, and temporary employees. This subsection also applies to employees on approved leave including short and long-term leave.

This subsection applies to all aspects of employment including, but not limited to, recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment.

#### **34.20) Examples of Undue Hardship**

The following are examples where accommodation could cause undue hardship:

- An employer cannot be accommodating without seriously impacting business operations;

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- An employee should not be able to return to work in the foreseeable future or is absent so often that it is no longer possible to accommodate them without causing the employer serious financial hardship; or,
- The employee's position is health and safety sensitive, and as a result, accommodation may pose a health and safety risk to the employee, their colleagues and/or the public.

### **34.30) Responsibilities and Expectations**

Accommodation is a shared responsibility between employees, supervisors and the Micmacs of Gesgapegiag, as the employer, is responsible for:

- Eliminating barriers that prevent people from accessing, or being included in, the work place;
- Minimizing the need for individual accommodation by regularly reviewing rules, policies, by-laws and practices to ensure that they are not discriminatory;
- Ensuring that all employees and job applicants are advised of their right to be accommodated;
- Dealing with requests for accommodation in a timely, confidential and sensitive manner;
- Providing individual accommodation to the point of undue hardship; and,
- Ensuring that this subsection is effectively implemented.

### **34.40) Supervisor Responsibility**

Supervisors are responsible for:

- Fostering an inclusive work environment by treating all employees and job applicants with respect and dignity;
- Identifying and eliminating barriers that prevent people from accessing, or being included in the work place;
- Dealing with requests for accommodation in a timely, confidential and sensitive manner;
- Informing individuals requiring accommodation of what information they need to provide to be accommodated;
- Generating accommodation options based on the information provided about the individual's accommodation needs;
- Involving individuals requiring accommodation in the search for accommodations; and,
- Initiating a discussion about accommodation when they are aware that an employee or job applicant may have a need for accommodation, but they are unable, for any reason, to articulate that need.

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### **34.50) Employee and Job Applicant Responsibility**

Employees and job applicants are responsible for:

- Making their accommodation needs known. This may not require disclosure of the specific cause of their needs but only the effects which create the need for accommodation;
- Helping to identify potential accommodation options;
- Providing documentation in support of their request for accommodation, including information about any restrictions or limitations; and,
- Accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.

### **34.60) Employee and Job Applicant Expectation**

Employees and job applicants can expect:

- To be treated with respect and dignity;
- To have their needs accommodated up to the point of undue hardship; and,
- To be informed of the reasons why an accommodation request is being denied.

### **34.70) Procedures for Accommodation**

#### **34.71) Job Applicants**

Job applicants should be informed of the Micmacs of Gesgapegiag's accommodation subsection in this Human Resources Policy and Procedures and asked whether they require accommodation to participate in the hiring process.

The Micmacs of Gesgapegiag should evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation.

If a request for accommodation is denied, the reasons why should be clearly communicated to the job applicant.

#### **34.72) Employees**

An employee may request accommodation by notifying their supervisor. Alternatively, accommodation needs may be identified through a supervisor and employee collaboration in response to concerns raised by the supervisor.

The supervisor should document the request, including the employee's name, position, and date of the request along with any details provided by the employee and any accommodation options suggested by the employer or employee.

The supervisor may request supporting documentation from the employee to identify accommodation needs and options (e.g., details of restrictions or limitations).



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When dealing with an accommodation request based on disability, the supervisor should refer to the Human Resources Department which will provide guidance on what kind of medical information will be required to support the accommodation request.

The supervisor should consider accommodation options including, but not limited to:

- Workstation adjustments;
- Reassignment of job tasks;
- Changes to scheduling or hours of work;
- Leaves of absences; and,
- Temporary or permanent reassignment.

The supervisor should discuss available accommodation options with the employee. The accommodation preferences of the employee should be considered. However, the supervisor may proceed with an option that is less costly or easier to provide if it meets the employee's accommodation needs. The supervisor should clearly communicate the reasons for their decision to the employee.

The supervisor should review the accommodation measure with the employee on a regular basis to confirm that they continue to be necessary and effective.

If the available accommodation options raise the likelihood of causing undue hardship, the supervisor should refer the matter to the Director for decision-making.

The Director should ensure that all accommodation options, short of undue hardship, have been considered prior to refusing accommodation. If a request for accommodation is denied, the Director should clearly communicate the reasons why to the employee.

### **34.73) Appeals**

If an employee or applicant who has been denied accommodation, is not satisfied with the accommodation offered, or believes that their request has not been handled in accordance with this subsection, they may request a second opinion from the Human Resources Department.

An employee or job applicant may also file a discrimination complaint with the Canadian Human Rights Commission.

### **34.74) Review**

The Human Resources Manager should review this subsection on an annual basis, or as required, and should make adjustments as necessary to ensure that it continues to meet the needs of all employees.

### **34.75) Enquiries**

Enquiries about this subsection can be made to the Director.

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<b>Policy No.</b>	HRP 35500
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
<b>Effective Date</b>	September 26, 2022

### **36.00) Micmacs of Gesgapegiag Vehicles and Equipment**

#### **35.10) Use and Care of the Vehicles and Equipment**

All fixed and movable properties should be properly maintained to their maximum condition for the benefit of all and the investment.

It is the responsibility of all personnel to:

- Use all properties with care and always keep them in clean condition;
- Report any damages to any vehicles, equipment, property, supplies, offices or other community buildings, grounds or any property immediately to management;
- Ensure that administration offices are well secured with alarm systems where necessary; and,
- Be vigilant at all times to ensure unauthorized people are not found loitering or defacing vehicles, equipment, property, supplies, offices or other community buildings, grounds or any property of Micmacs of Gesgapegiag.

The Micmacs of Gesgapegiag takes great pride in providing the usual amenities for their employees' comfort and safety. In return, the Micmacs of Gesgapegiag expects good, regular, and clean up-keeping of all vehicles, equipment, properties, supplies, offices, other community buildings, grounds, or any other property belonging to the Micmacs of Gesgapegiag.

Use of a Micmacs of Gesgapegiag property, vehicle and equipment for personal use is not permitted and should lead to immediate disciplinary action, up to and including termination.

If an employee needs to take a Micmacs of Gesgapegiag's property, vehicle, or equipment to work off-site, the employee should:

- Get the prior written approval from the appropriate supervisor; and,
- Log the property, vehicle, or equipment out and return it within the specified deadline.

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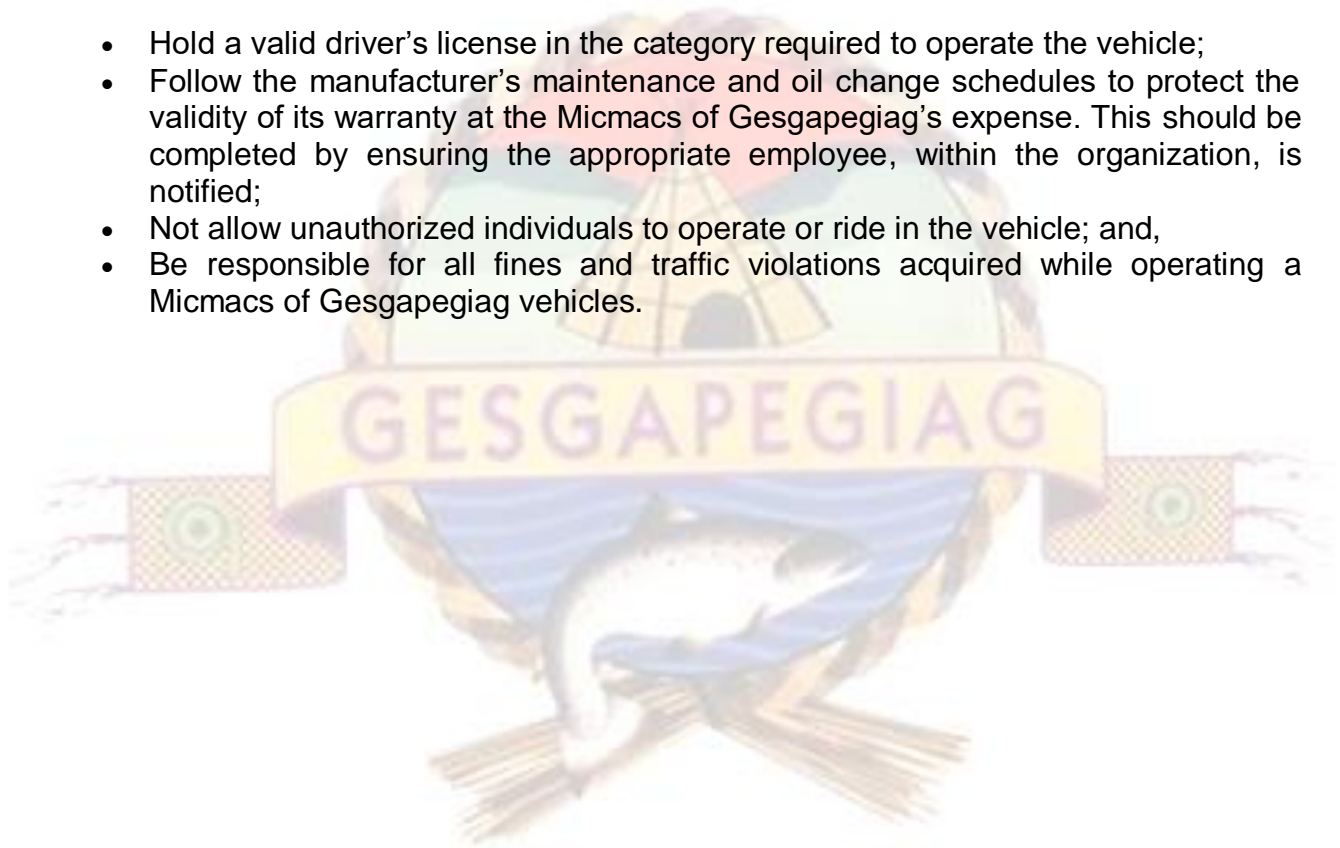
It is the responsibility of each employee to understand the operation and basic maintenance of vehicles, equipment and property that is required to perform their routinely assigned duties.

If an employee finds that a property, vehicle, or equipment is not working properly or appears unsafe, the employee should:

- Immediately notify the appropriate Director; and,
- Not start, operate, or make any modifications to the equipment.

If an employee is authorized to use a vehicle belonging to the Micmacs of Gesgapegiag for business, the employee should:

- Hold a valid driver's license in the category required to operate the vehicle;
- Follow the manufacturer's maintenance and oil change schedules to protect the validity of its warranty at the Micmacs of Gesgapegiag's expense. This should be completed by ensuring the appropriate employee, within the organization, is notified;
- Not allow unauthorized individuals to operate or ride in the vehicle; and,
- Be responsible for all fines and traffic violations acquired while operating a Micmacs of Gesgapegiag vehicles.



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<b>Policy No.</b>	HRP 36.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	August 29, 2022
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### **36.00) Employees Seeking Public Office**

The Micmacs of Gesgapegiag's employees have rights, responsibilities and restrictions related to participation in political activities and are required to follow the procedures and restrictions as outline below:

1. All employees and contractors are not permitted to engage in partisan activities relating to Micmacs of Gesgapegiag elections for Chief and Council and other mainstream elections during their regular working hours. These activities may include assisting candidates with propaganda, photocopying or distributing election materials;
2. An employee may serve in the capacity of Deputy Electoral Staff but must observe the restrictions on engaging in partisan activities in the election; and,
3. Employees are not permitted to use the Micmacs of Gesgapegiag supplies, vehicles, equipment, or any other property for an election campaign.

### **36.10) Supervisors seeking Chief or a Councilor position for Micmacs of Gesgapegiag**

The Micmacs of Gesgapegiag supports employees who assume publicly elected positions for Micmacs of Gesgapegiag's Chief and Council. When an employee is seeking election, the following procedure should be followed:

1. When an employee is on the Elections Nomination List of the Micmacs of Gesgapegiag, a request for a leave of absence must be made as per this Human Resources Policy and Procedure (see HRP20 Leave of absence) . This leave of absence request should clearly mention it is a conditional status depending on if the employee is elected or not, and whether the employee is open or not to other options that a leave of absence;
2. The Director should seek for options such as internal transfer to a position with no supervision or financial responsibility. If other options are not possible, the Director should reach out to the Human Resources Department in a timely manner to seek other options to accommodate the employee;



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3. The salary and benefits related to any option should be treated with no regards to the actual position salary and benefits, therefore might mean a lower salary and lower benefits of employment. If reasonable options are possible, a meeting with the Director and the employee should be made to achieve an agreement;
4. If there are no accommodation options or no agreement, the leave of absence should be automatic on the moment that the employee is elected and is bound by the duties of Chief or Councilor;
5. When elected, the Chief or Councilor should have the right to apply to other positions requiring no supervision or financial responsibilities; and,
6. Any decision regarding the possible position of the employee needs to be implemented before the first meeting of the newly elected Chief and Council.



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<b>Policy No.</b>	HRP 37.00
<b>Department Ownership</b>	Human Resources Department
<b>Approved by Council</b>	April 1 <sup>st</sup> , 2020
<b>Effective Date</b>	April 1 <sup>st</sup> , 2020

### **37.00) Performance Management Policy**

It is Chief and Council's policy to establish the rules and procedures to create, implement and maintain an employee performance management system for all Micmacs of Gesgapegiag's employees.

#### **37.10) Purpose**

The purpose of this policy and procedures is to ensure that employee's performance is aligned with the achievement of the Micmacs of Gesgapegiag strategic priorities and goals as well as the administration's annual objectives. It is also to ensure that individual performance is supported and strengthened through regular communication, feedback and learning opportunities. The Seven Sacred Teachings will serve as a foundation to the employee performance management system.

#### **37.20) Scope**

This Policy and Procedures applies to all employees of Micmacs of Gesgapegiag including the Director General who will be evaluated by Chief and Council.

#### **37.30) Responsibilities**

Chief and Council are responsible for:

- approving this Policy and Procedures and any subsequent amendments and ensuring its application is fair and equitable across the organization;

approving the Director General' annual performance objectives at the beginning of each fiscal year and, implementing this policy in terms of the Director General's annual performance review. Council is responsible for establishing and implementing a plan for any training of the DG

The Director General is responsible for ensuring:

- the application and enforcement of this Policy and Procedures fairly and equitably across the organization;

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- that all Directors receive clear performance objectives at the beginning of each fiscal year and that those objectives are cascaded down through successive levels of managers and staff;
- that all employees, as defined in the scope (section 2) of this Policy and Procedures, receive a fair and equitable performance agreement and review respecting the deadlines outlined in the procedures section.

The Human Resources Manager is responsible for ensuring:

- all Directors and all levels of management having staff reporting directly to them are knowledgeable about this Policy and Procedures and able to apply its terms;
- all employees are familiar with and have access to this Policy and Procedures and follow its terms;
- a signed copy of the employee performance review form is kept in each employee employment file when completed;
- a yearly reminder is sent to all Directors and all levels of management, before the end of the fiscal year, establishing deadlines for the finalization of the performance review and the preparation of the performance agreement for the coming year.

Directors are responsible for:

- consistently carrying out the duties and responsibilities set out under this Policy and Procedures;
- complying with and enforcing this Policy and Procedures;
- ensuring that their performance objectives are cascaded down throughout their Department;
- ensuring that all managers and employees reporting directly to them receive clear performance objectives at the beginning of each fiscal year;
- ensuring that, within their Department, all employees, as defined in the scope (section 4) of this Policy and Procedures, receive a fair and equitable performance agreement and review respecting the deadlines outlined in the procedures section;
- accurately responding to questions from employees concerning this Policy and Procedures.

Managers supervising employees are responsible for:

- consistently carrying out the duties and responsibilities set out under this Policy and Procedures;
- complying with and enforcing this Policy and Procedures;
- ensuring that their performance objectives are shared with their employees;
- ensuring that all employees reporting to them receive clear performance objectives at the beginning of each fiscal year;
- ensuring that all employees reporting to them receive a fair and equitable performance agreement and review respecting the deadlines outlined in the procedures section;
- accurately responding to questions from employees concerning this Policy and Procedures;



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- providing the necessary tools, support and learning opportunities to their employees so they can meet their performance objectives.

Employees are responsible for:

- familiarizing themselves with this Policy and Procedures;
- complying with this Policy and Procedures;
- informing their manager if they realize they will not be able to meet their performance objectives;
- where necessary, seeking clarification on this Policy and Procedures from their manager.

### **37.40) Procedures**

#### **37.40.1) Context:**

These procedures provide guidelines to ensure a successful employee performance management process. This process, when used on an ongoing basis provides the opportunity for managers and employees to achieve the Micmacs of Gesgapegiag strategic priorities and goals as well as the administration's annual objectives integrating the Seven Sacred Grandfather Teachings. It is based on an open dialogue and reflects the Micmacs of Gesgapegiag culture and reality. It supports and strengthens individual performance through regular communication, feedback and learning opportunities.

Ongoing discussions and feedback should occur as needed, usually on an informal basis, however formal performance discussions will be mandatory at least twice during the review period (i.e., a midpoint review and an end of the period review). At the discretion of management, formal discussions could take place at other moments during the year. The employee should be notified at least two working days before any formal performance discussions. Employees and Managers can be accompanied by an observer for a formal performance discussion or review. Observers are present at the meeting for support and therefore, they cannot take part into the discussions. Except for the performance review of the Director General, Chief and Councillors can not be considered as an observer.

Throughout the performance management cycle, managers and employees should note the accomplishments made by the employee toward the achievement of the performance objectives and any issues or obstacles that could prevent the employee from meeting the objectives. These notes will serve as a basis for the feedback sessions and the formal performance discussions.

Although the consequences of the non-respect of the Seven Sacred Teachings will be identified in the code of values and ethics, managers will have to assess how the employees integrate these values in their work environment.

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### **a) Process and Cycle:**

The performance review period, unless otherwise specified (i.e., seasonal employees, term employees, employees on probation, etc.), is an annual process. The performance agreements and the learning/development plans are determined at the beginning of the fiscal year and the performance reviews are finalized before the end of the fiscal year.

### **b) Beginning of the Fiscal Year: Performance Agreement**

Before the end of April, the Director General and all employees should have signed their employee performance review form for the coming year. The performance review form will identify the annual operational objectives of the department, the Seven Sacred Teachings, the performance objectives that the employee will have to meet (between two to six objectives), the performance measures and their learning/development plan. The responsible managers will also sign the agreement indicating that they agree with the stated objectives and that they will support the learning/development opportunities identified in the learning/development plan.

A performance objective is a statement that clearly articulates the deliverables on which employees' performance will be reviewed. The performance objectives are set at each level of the organization and based on the Community Five Year Strategic Plan. They are cascaded down from the Director General through all levels of management and communicated to employees. Employee's performance objectives can also be based on objectives from the previous year objectives not met and job description or a specific project. Although it is the manager's responsibility to set and approve employees' annual performance objectives, the planning and discussion around the annual performance objectives should be a dynamic process involving both the manager and the employee. The manager, in consultation with the employees, could also determine one common objective that would support the achievement of one of the department's objectives.

### **37.40.2) Learning/Development Plan**

The learning/development plan (Annex B) first looks to immediate on-the-job skills and knowledge needed to perform the day-to-day job and to meet the performance objectives. The plan should be developed in conjunction with the employees and should identify their needs and how the organization will support them. It should include:

- learning goals;
- learning activities;
- measurement criteria to review the effectiveness of the learning (should be linked to results in performance);

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- targeted completion dates.

Development in a career management context looks beyond the learning needed to meet the immediate on-the-job requirements. Where feasible, learning should also support an employee's career path and the development of skills and knowledge for future employment.

Some learning activities could include:

Action learning – acting assignment – apprenticeship – coaching – computer-based training – distance learning - formal education – job exchange – mentoring – on-the-job training – partnering – self-directed learning - shadowing - special project or assignment - symposium/conference – training – tutoring.

#### **a) Midpoint of the Review Period:**

This part of the process is essentially a status meeting between the manager and the employee. The objectives of this meeting are to discuss:

- progress toward the achievement of the set performance objectives;
- any unresolved issues that could prevent the employee from meeting these objectives;
- any support or additional tools that may be required by the employee to be successful;
- failure to honour the Seven Sacred Teachings;
- any modifications that need to be made to the signed employee performance review form.

The midpoint of the review section of the performance agreement should be dated and signed by both the manager and the employee and any modification to the agreement should be documented. Once signed, a copy will be sent to the Human Resources department to be placed in the employee's employment file.

If necessary, a performance improvement plan (HRFXXX) will be prepared (see section on unsatisfactory performance).

#### **b) End of the Review Period: Annual Performance Review**

Annual written performance review will be conducted at the end of each fiscal year for all employees (with the exceptions of seasonal employees, term employees, employees on probation and some employees of the Learning, Training and Employment Department who must be assessed within their assigned period). Based on the approved rating scales, the performance review will determine the level of success of the employee in meeting the performance objectives and in respecting the Seven Sacred Teachings.

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**37.50) Rating scale for the performance objectives:**

Improvement needed	Performance does not meet most, or all of the performance expectations of the objectives and significant improvement needs to be demonstrated in the short term. A performance improvement plan or a performance action plan needs to be developed.
Met expectations	Performance meets the performance expectations of the objectives. Performance is consistently solid.
Surpassed most	Performance consistently surpassed most of the performance expectations of the objectives.
Surpassed all	Performance consistently surpassed all the performance expectations of the objectives.

**38.50.1) Rating Scale for the respect of the Seven Sacred Teachings:**

To assess the extent to which the employee has respected the seven sacred teachings in their work, the manager will refer to the following definitions and examples contained in the Micmacs of Gesgapegiag Code of Values and Ethics:

**WISDOM**

- It is knowing the outcome of your actions before you act. It is understanding what you do or say or what you don't do or say is important.
- Is to recognize and appreciate the knowledge and experience of other employees, partners, and elected leaders for the betterment of Gesgapegiag and its organization.

**LOVE**

- It is acting in the best interest of the community without asking for anything in return.

**RESPECT**

- Treating all people, cultural property, and environment with dignity and fairness
- That our elected leaders are accountable to our members and us, as employees to the organization, should be impartial
- Each individual is to deal with issues, whether positive or negative, in a professional manner.
- Be equitable in delivering services
- Use and care for public resources responsibly, for both the short term and long term.

**BRAVERY**

- Confidently raise issues, speak up, seeking innovative solutions, and taking the lead on initiatives.



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## HONESTY

- To carry yourself with integrity is to know honesty.
- Be honest with yourself and recognize and accept who you are.
- Accept and use the gifts you have been given.
- Do not seek to deceive yourself or others.

## HUMILITY

- Remain teachable knowing that you do not know all the answers and never hesitate to ask for guidance.
- Recognize your own accomplishments and the success of others with pride

## TRUTH

- It means to speak the truth under all circumstances even when you don't wish to.
- Show honor and sincerity in all that you say and do
- Understand your place in your environment and apply that understanding in the way you carry yourself.

For each teaching, the manager will provide concrete examples to justify the rating. Where a teaching has not been respected by the employee, the manager will then need to refer to the code of values and ethics to take appropriate action.

Teachings	Yes / No	Justification
Wisdom		
Love		
Respect		
Bravery		
Honesty		
Humility		
Truth		

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### 37.60) Reviewing Performance:

The review should be based on the manager's observations, the notes presented by the employee, the results of the feedback sessions and the midpoint review and any supporting evidence gathered such as feedback from colleagues, other managers, clients, partners, etc.

#### **37.60.1) Performance Measures:**

The performance objectives need to specify how to measure success and what level of performance is considered acceptable (setting a verifiable standard for review). Types of measurement criteria include:

- Quality: how effectively the work should be performed, the level of accuracy or substance of the output;
- quantity: how much should be produced (e.g., raw numbers, percentages, level of productivity);
- timeliness: how quickly or in what timeframe the work should be completed, or the outcome should be achieved;
- cost effectiveness: how efficiently the product or service was delivered (e.g., dollar saved by creating an efficient method of performing a duty).

Measurement criteria need to specify what means or tools will be used to review the standard of performance and it should not require perfection (e.g., performance should be 100% error free). It would then be impossible for the employee to surpass the objective.

#### **Some Questions that Could Assist in Reviewing Performance:**

- Were timelines respected?
- Did the quality and quantity of work meet the manager's expectations?
- Did the employee achieve other accomplishments during the review period?
- What changed over the last review period that may have affected the employee's ability to achieve one or more objectives?
- What problems, issues, challenges did the employee encounter?
- Did the employee have the necessary support, means and/or tools to achieve the objectives?

### **37.70) Performance Management:**

Managing employee performance is not only about managing poor performers, but also about ensuring that the good performers continue to be engaged. It's about leveraging employee strengths and career aspirations, recognizing performance (good and bad) and addressing difficult situations and conversations in a timely manner.

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When you see it say it – it's important to give employees feedback in a timely fashion. If an employee has done something well or made a valuable contribution or effort, it should be recognized. Alternatively, if the manager notices that the employee is not performing to the agreed standard (e.g., the quality of a deliverable is not up to par or the employee has difficulty respecting deadlines) the manager needs to address these issues quickly.

### **37.71.0) Rewarding Exceptional Performance:**

In addition to the immediate recognition for a job well done, an employee receiving an exceptional rating at the time of the annual performance review should be rewarded. Rewarding means providing incentives to and recognition of the employees for their performance and acknowledging their contribution to the achievement of the Micmacs of Gesgapegiag priorities and goals. Employee rewards systems increase morale, productivity, and engagement. For employees, rewards offer a way to be appreciated and feel engaged in their daily work. There are many ways to acknowledge good performance. Types of rewards include but are not limited to:

- verbal or written appreciation from the part of the manager;
- formal recognition by the Director General and/or Chief and Council;
- learning and/or development opportunities;
- special assignment;
- pay increment;
- promotion.

### **37.71.1) Unsatisfactory Performance:**

Unsatisfactory performance involves employees failing to perform their duties to a standard that the organization expects. Unsatisfactory performance can have negative effects on other employees and can impact on the possibility for the organization to achieve its annual operational objectives. Performance issues can be a result of either culpable or non-culpable behaviour.

#### Culpable vs Non-Culpable Behaviour :

Culpable behaviour means inappropriate actions or inactions that are deliberate and intentional and occurs when the employee knows what is expected and is capable of performing their duties but refuses to do so. When an employee does not meet specific performance expectations/objectives and does not produce work at the level of quality/quantity expected for these reasons, this type of behaviour is considered misconduct and should be addressed through the disciplinary procedures (HRP 27.00 –

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Progressive Discipline).

Non-culpable behaviour means actions for which employees are not considered at fault and is due to factors outside of their control. In these circumstances, the employee is not responsible or deserving of blame and warrants a non-disciplinary approach. When an employee is incapable of meeting specific performance expectations/objectives and does not produce work at the level of quality/quantity expected for these reasons, the employee must be assisted to achieve satisfactory performance through active performance management such as developing a performance improvement plan.

Some possible causes for an employee's unsatisfactory performance:

- Clarity: did the manager provide SMART objectives for the employee to work towards and were the expectations clearly communicated and understood by the employee?
- Regular feedback: did the manager provide regular feedback sessions to the employee?
- Capability: does the employee have the ability and the knowledge to complete the tasks to the minimum standard required? Was there training, mentoring and support provided?
- Personal issues: Is the employee having issues at home? Or issues with stress? Or health issues? All of these can have an impact on a person's ability to perform at a job.

Regardless of the reasons for unsatisfactory performance, it is the manager's responsibility to meet the expectations of the organization by getting results to meet the needs of the employees and to support them by fostering a culture of high performance.

### **37.71.2) Performance Improvement Plan:**

At any point in the cycle when performance seems to be off track, it is the manager's responsibility to have discussions with their employees to bring the issues to their attention, to identify the cause and to develop performance improvement plans (HRFXXX). For their part, employees need to inform their managers if they feel they won't be able to meet their objectives.

The plan should clearly identify the issues, the actions and behaviours that the employee is expected to demonstrate, the support that will be provided by the manager and specific checkpoint dates. The results should be clearly documented by the manager.

Following the annual written performance review (with the exceptions of seasonal employees, term employees, employees on probation, etc.), if it is determined that the employee still demonstrates unsatisfactory performance despite the support provided by management including the development and monitoring of previous performance improvement plans, the next performance agreement should clearly reflect the areas



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where improvement is needed and be supported by a new performance improvement plan.

At any point in the process, if it becomes obvious that the employee will not be able to improve their performance and meet the performance expectations, the manager will prepare a formal action plan, with the approval of the Director and the support of the Human Resources Department.

### **37.71.3) Formal Action Plan:**

Just as the performance development plan, the formal action plan (Annex D) identifies the issues, the actions, and behaviours that the employee is expected to demonstrate, the support that will be provided by the manager and specific checkpoint dates. In addition, the consequences for not meeting the expected results will be clearly stated. The manager will maintain written records confirming the actions taken to manage the employee's performance along with written notifications to the employee informing of consequences and next steps.

Some consequences could include but are not limited to:

- temporary assignment to a new job until a permanent solution is determined;
- move the employee to a new job at the same level or lower;
- voluntary demotion.

### **Review Panel:**

A review panel will be established with the mandate of reviewing the cases of employees who have surpassed their performance objectives and the employees who have not met expectations and are on an action plan to ensure consistency throughout the organization and that the appropriate actions have been put in place. The Committee will be comprised of five members: Director General (Chair), Human Resources Manager, Elder and two (2) senior managers from other similar organizations and will be guided by terms of reference.

### **37.80) 360 Review Process for Managers:**

The 360 degrees review is a voluntary process where managers ask employees, peers, and even clients provide their feedback through a pre-determined questionnaire. It allows managers to be conscious of their strengths but, more importantly, it identifies areas of improvements. The reviews should be constructive and fair and should be done on a voluntary basis. When managers decide to use the 360 degrees review process, the questionnaire should be sent to selected peers and clients but to all their employees. Employees will have the freedom of participating or not in the process. This is not an anonymous process as the manager might ask for feedback or seek clarifications from participants. The review should evaluate their managerial skills and the respect of the

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Seven Sacred Teachings. Managerial skills to be evaluated: Communication, leadership, team management, operational management (HRFXXX).

### **Annexes**

- A. Declaration of Understanding
- B. Organizational Chart
- C. Electronic Fund Transfer Form
- D. Employee Weekly Timesheet
- E. Leave Request Form
- F. Telework Agreement Form
- G. Leave Request Form
- H. Leave Log of the Employee Form
- I. Course Attendance Request Form
- J. Request for Training and Professional Development Request Form
- K. Medical Leave Form
- L. Accident Report Form
- M. Probation and Mid-Probation Evaluation
- N. Access Restricted Authorization Form Areas
- O. Authorization to Access Building Outside of Opening Hours Form



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## Annex A: Declaration of Understanding

### Declaration of Understanding

I, \_\_\_\_\_ understand that as an employee of Micmacs of Gesgapegiag I am expected to provide support and encouragement for the ongoing efforts and betterment of Micmacs of Gesgapegiag.

I have received, read, and understand the Micmacs of Gesgapegiag Human Resources Policy and Procedures.

I agree to adhere to it and to be bound by it during my employment with Micmacs of Gesgapegiag.

I understand that Micmacs of Gesgapegiag may revise or replace this Policy and Procedures from time to time, and these changes should be brought to my attention.

I acknowledge that I have read, understand, and accept my job description and I agree to perform all duties and responsibilities listed to the best of my ability.

I understand that, as an employee of Micmacs of Gesgapegiag, I should be bound by all other Micmacs of Gesgapegiag laws, bylaws, policies, and procedures.

I agree to follow and adhere to all Micmacs of Gesgapegiag laws, bylaws, policies, and procedures.

I understand that if I breach the Policy and Procedures, including this Declaration, I should be subject to disciplinary action, up to and including termination.

Affirmed on the (DAY) day of (MONTH), 20(XX), at (GESGAPEGIAG or name of location).

Signature of the employee: \_\_\_\_\_

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

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Cc.: Employee file

All these forms require to be sent to Human Resources Department

**Annex B: Organizational Chart**  
(Updated on February 1 , 2023)



All these forms require to be sent to Human Resources Department



All these forms require to be sent to Human Resources Department

**Annex C: Electronic Fund Transfer Form**

**Electronic Fund Transfer Form**

**Name of the employee:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Department:** \_\_\_\_\_

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

First time I provide banking information to Micmacs of Gesgapegiag  
Change/Update of my banking information to Micmacs of Gesgapegiag

I, (NAME OF THE EMPLOYEE), hereby authorize Micmacs of Gesgapegiag to directly deposit my paycheck into the bank account listed below, or to correct any Electronic Funds Transfers errors or overpayments by debiting my account to correct the error.

I have attached a voided check or deposit slip for the account specified below. This authorization is to remain in force until the company receives my written authorization to either terminate or change my direct deposit.

I understand that it is my responsibility to provide accurate information to Micmacs of Gesgapegiag and free Micmacs of Gesgapegiag of all responsibilities if I misinform the organization with the information provided in this form.

I should also take the initiative to advise Micmacs of Gesgapegiag Payroll staff of any changes to my transit information mentioned above.

Signature: \_\_\_\_\_

Cc.: Employee file  
Finance Department - Payroll



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**Annex D: Employee Weekly Timesheet**

**Micmacs of Gesgapegiag Band**  
**Weekly Time Sheet**

Employee name \_\_\_\_\_ Department \_\_\_\_\_

Week Beginning \_\_\_\_\_ Week Ending \_\_\_\_\_

DATES---->	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
In – AM								
Out – AM								
In – PM								
Out – PM								
Statutory Holiday								
Personal Time								
Vacation								
OT Used								
Business Travel								
Total Paid								
Approved Overtime Banked								

*Comments:* \_\_\_\_\_

\_\_\_\_\_  
Employee' Signature

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

All these forms require to be sent to Human Resources Department

## Annex E: Leave Request Form Leave Request Form

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

Position title: \_\_\_\_\_

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

The nature of the leave is:

- |  |   |
|--|---|
| <input type="checkbox"/> Vacation                                | <input type="checkbox"/> Voting                         |
| <input type="checkbox"/> Personal Leave Time                     | <input type="checkbox"/> Leave of Absence               |
| <input type="checkbox"/> Banked Overtime                         | <input type="checkbox"/> Family Leave                   |
| <input type="checkbox"/> Bereavement Leave                       | <input type="checkbox"/> Compassionate/Palliative Leave |
| <input type="checkbox"/> Wedding Leave                           | <input type="checkbox"/> Maternity Leave                |
| <input type="checkbox"/> Jury Duty, Subpoena or Court<br>Witness | <input type="checkbox"/> Parental Leave                 |

**Training and Professional Development:** Refer to Course Attendance Request and Request for Training and Professional Development Leave Forms

**Medical Leave:** Please Refer to Medical Leave Form

Start date: \_\_\_\_\_

End date: \_\_\_\_\_

Possibility of extension: Y / N

Comments:  
\_\_\_\_\_

I, (NAME OF THE EMPLOYEE), have acknowledged my responsibilities as per Micmacs of Gesgapegiag Human Resources Policy and Procedures when requesting this leave.

Signature of the employee: \_\_\_\_\_

**Authorization – Please refer to the appropriate article of the Human Resources Policy and Procedures to confirm which supervisor has signing authority on this Leave request.**

This Leave request is \_\_\_\_\_ accepted, \_\_\_\_\_ dismissed or \_\_\_\_\_ requires more information.

**Supervisor Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Name:** \_\_\_\_\_

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



All these forms require to be sent to Human Resources Department

**Annex F: Telework Agreement Form**  
**Telework Agreement Form**

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

**Position title:** \_\_\_\_\_

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

The nature of the telework request is:

\_\_\_\_\_  
\_\_\_\_\_

The request is for a :

Short-term period (5 days or less)

Long-Term Period (more than 5 days)

*Short-term needs to be approved by Director.*

*Long-term Telework requests needs to be approved by Director and Director General.*

Start date: \_\_\_\_\_

Regular work schedule: Y / N

End date: \_\_\_\_\_

Possibility of extension: Y / N

Location: \_\_\_\_\_

Contact information while on telework: Phone \_\_\_\_\_

Professional E-mail \_\_\_\_\_

**Comments:**

\_\_\_\_\_

I, \_\_\_\_\_ have acknowledged my responsibilities as per Micmacs of Gesgapegiag Human Resources Policy and Procedures when requesting this Telework Agreement.

**Signature of the employee:** \_\_\_\_\_

**Authorization – Please refer to the appropriate article of the Human Resources Policy and Procedures to confirm which supervisor has signing authority on this request.**

This Telework request is \_\_\_\_\_ accepted, \_\_\_\_\_ dismissed or \_\_\_\_\_ requires more information.

**Director Signature:**

**Director General Signature:**

**Name:**

**Date:**

\_\_\_\_\_

\_\_\_\_\_

All these forms require to be sent to Human Resources Department

**Annex G: Course Attendance Request Form**

**Course Attendance Request Form**

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

**Position title:** \_\_\_\_\_

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

Title of the training: \_\_\_\_\_

Start date: \_\_\_\_\_

End date: \_\_\_\_\_

Possibility of extension: Y / N

Comments –In this section, explain how this course should benefit Micmacs of Gesgapegiag and yourself as an employee.

\_\_\_\_\_  
\_\_\_\_\_

What are the fees to participate? \$ \_\_\_\_\_

What are the fees estimated for travelling and lodging? \$ \_\_\_\_\_

Are there any other fees related to participating to this course? \$ \_\_\_\_\_

What percentage or amount is covered through an external organization (if applicable)?  
\_\_\_\_\_ \$ or %

Is the training related to membership to a professional order? Y / N

Are other colleagues participating? Y / N

I, (NAME OF THE EMPLOYEE), have acknowledged my responsibilities as per Micmacs of Gesgapegiag Human Resources Policy and Procedures when requesting this course attendance.

**Signature of the employee:** \_\_\_\_\_

**Authorization – Please refer to the appropriate article of the Human Resources Policy and Procedures to confirm which supervisor has signing authority on this request.**

This request is \_\_\_\_\_ accepted, \_\_\_\_\_ dismissed or \_\_\_\_\_ requires more information.

**Supervisor Signature:**

**Director signature:**

**Name:**

**Date:**

All these forms require to be sent to Human Resources Department

**Annex H: Training and Professional Development Leave Request Form**

**Training and Professional Development Leave Request Form  
(Educational Leave)**

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

**Position title:** \_\_\_\_\_

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

Title of the degree: \_\_\_\_\_

Name of the institution: \_\_\_\_\_

Start date: \_\_\_\_\_

End date: \_\_\_\_\_

Possibility of extension: Y / N

Comments –In this section, explain how this Leave should benefit Micmacs of Gesgapegiag and yourself as an employee.

\_\_\_\_\_  
\_\_\_\_\_

What are the fees to participate? \$ \_\_\_\_\_

What are the fees estimated for travelling and lodging? \$ \_\_\_\_\_

Are there any other fees related to participating to this course? \_\_\_\_\_

Is the training related to membership to a professional order? Y / N

Are other colleagues participating? Y / N

I, (NAME OF THE EMPLOYEE), have acknowledged my responsibilities as per Micmacs of Gesgapegiag Human Resources Policy and Procedures when requesting this leave.

**Signature of the employee:** \_\_\_\_\_

**Authorization – Please refer to the appropriate article of the Human Resources Policy and Procedures to confirm which supervisor has signing authority on this request.**

This request is \_\_\_\_\_ accepted, \_\_\_\_\_ dismissed or \_\_\_\_\_ requires more information.

**Supervisor Signature:** \_\_\_\_\_

**Director signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

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

All these forms require to be sent to Human Resources Department

**Annex I: Medical Leave report form**

**Medical Leave Report Form**

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

**Position title:** \_\_\_\_\_

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

The nature of the leave is:

- Physical
- Psychological

Start date: \_\_\_\_\_

End date: \_\_\_\_\_

Possibility of lightworks or working other duties: Y / N

Possibility of extension: Y / N

Did the source of this medical leave is related to a work incident? Y / N

If Yes, please contact Human Resources department immediately.

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I, (NAME OF THE EMPLOYEE), have acknowledged my responsibilities as per Micmacs of Gesgapegiag Human Resources Policy and Procedures when requesting this leave.

Signature of the employee: \_\_\_\_\_

- The Employee cannot fill-out this Medical Leave Request form

Reason: \_\_\_\_\_

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

Signature: \_\_\_\_\_

All these forms require to be sent to Human Resources Department

**Annex J: Accident Report Form**

HR Reference Number:

**Accident Report Form**

**Employee Part**

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

**Position title:** \_\_\_\_\_

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

Date of the event: \_\_\_\_\_

Time of the event: \_\_\_\_\_

Location of the event: \_\_\_\_\_

Nature of the incident:

- Physical
- Psychological

Explanations \_\_\_\_\_

Was the incident caused by other employees? Y / N

Employee 1: \_\_\_\_\_

Employee 3: \_\_\_\_\_

Employee 2: \_\_\_\_\_

Employee 4: \_\_\_\_\_

Were there witnesses? Y / N

Witness 1: \_\_\_\_\_

Witness 3: \_\_\_\_\_

Witness 2: \_\_\_\_\_

Witness 4: \_\_\_\_\_

Did you advise your supervisor of the incident on the moment of the incident? Y / N

Did you advise your supervisor of the incident within 24 hours? Y / N

Did you go to the hospital? Y / N

Did you receive a CNESST Medical Report? Y / N

Did you have to leave job? Y / N

**Signature of the employee:** \_\_\_\_\_

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

**Health, Safety and Wellness Committee representatives**

**Employee representative**

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Employer representative**

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

All these forms require to be sent to Human Resources Department

**Annex J: Accident Report Form**

HR Reference Number: _____
-------------------------------

**Accident Report Form**  
**Health, Safety and Wellness Representative Part**

**Employee Name:** \_\_\_\_\_  
**Position title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

Date of the event: \_\_\_\_\_  
Time of the event: \_\_\_\_\_  
Location of the event: \_\_\_\_\_

Do you disagree with the version given by the employee? Y / N

Nature of the incident:

- Physical
- Psychological

Comments from the Representative: \_\_\_\_\_

Was the incident caused by other employees? Y / N

Employee 1: _____	Employee 3: _____
Employee 2: _____	Employee 4: _____

Were there witnesses? Y / N

Witness 1: _____	Witness 3: _____
Witness 2: _____	Witness 4: _____

Did the employee advise his/her supervisor of the incident on the moment of the incident? Y / N

Did the employee advise his/her supervisor of the incident within 24 hours? Y / N

Did the employee go to the hospital? Y / N

Did you receive a copy of CNESST Medical Report? Y / N

**Signature of the employee:** \_\_\_\_\_

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

**Health, Safety and Wellness Committee representatives**

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

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



All these forms require to be sent to Human Resources Department

**Annex K: Mid-Probation and Probation Evaluation**

**Employee Mid-Probationary and Probationary Evaluation**

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

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

Date of mid-probation: \_\_\_\_\_

Date of the end of probation: \_\_\_\_\_

Date of review: \_\_\_\_\_

Nature of the incident:

- Mid-probation
- End of probation
- Extension of probation

**Instructions**

The Employee Probationary Performance Review is designed to rate the overall performance of the employee during the probationary period with The Micmacs of Gesgapegiag Band. These performance factors are considered to be critical to the performance of the position.

In the space provided below please rank the employee during the first half of their probation (3 months).

<b>EXPECTED COMPETENCIES</b>	<b>Please mark with an (X)</b>	
<b>Quality and accuracy of work (see job description)</b>	May not meet expectations	
	Meets less than expectations	
	Somewhat meets expectations	
	Meets expectations	
	Exceeds expectations	
	Comments:	
<b>Efficiency/productivity (see job description)</b>	May not meet expectations	
	Meets less than expectations	
	Somewhat meets expectations	
	Meets expectations	
	Exceeds expectations	

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	Comments:	
<b>Work relationships (team work and interpersonal communication skills)</b>	May not meet expectations	
	Meets less than expectations	
	Somewhat meets expectations	
	Meets expectations	
	Exceeds expectations	
	Comments:	
<b>Attendance</b>	May not meet expectations	
	Meets less than expectations	
	Somewhat meets expectations	
	Meets expectations	
	Exceeds expectations	
	Comments:	

Please use the space provided to add any additional comments:

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Following the evaluation, please select below:

- Performance satisfactory  
 Performance not satisfactory

Support/training that should be provided to support the employee in improving their performance (if required):

---



---



---

Supervisor's signature: \_\_\_\_\_

Employee's signature: \_\_\_\_\_

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



All these forms require to be sent to Human Resources Department

**Annex L: Access to Restricted Areas Authorization Form**

**Access to Restricted Areas Authorization Form**

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

**Position title:** \_\_\_\_\_

**Department:** \_\_\_\_\_

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

Areas authorized to be accessed by the employee:  
(Give as clear indications as possible on the location if not a room or a building)

Area 1: \_\_\_\_\_

Area 2: \_\_\_\_\_

Area 3: \_\_\_\_\_

Area 4: \_\_\_\_\_

This authorization is effective as of \_\_\_\_\_.

Until \_\_\_\_\_ (if no end date, mark "PERMANENT").

**Signature of the employee:**

\_\_\_\_\_

**Signature of the supervisor:**

\_\_\_\_\_

**Name, Title of the Supervisor:**

\_\_\_\_\_

\_\_\_\_\_

All these forms require to be sent to Human Resources Department

**Annex M: Access Building Outside of Opening Hours Authorization Form**

**Access Building Outside of Opening Hours Authorization Form**

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

**Position title:** \_\_\_\_\_

**Department:** \_\_\_\_\_

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

Areas authorized to be accessed by the employee Outside of Business Hours  
(Give as clear indications as possible on the location if not a room or a building)

Area 1: \_\_\_\_\_

From: \_\_\_\_\_: \_\_\_\_\_ AM/PM

To: \_\_\_\_\_: \_\_\_\_\_ AM/PM

Area 2: \_\_\_\_\_

From: \_\_\_\_\_: \_\_\_\_\_ AM/PM

To: \_\_\_\_\_: \_\_\_\_\_ AM/PM

Area 3: \_\_\_\_\_

From: \_\_\_\_\_: \_\_\_\_\_ AM/PM

To: \_\_\_\_\_: \_\_\_\_\_ AM/PM

Area 4: \_\_\_\_\_

From: \_\_\_\_\_: \_\_\_\_\_ AM/PM

To: \_\_\_\_\_: \_\_\_\_\_ AM/PM

This authorization is effective as of \_\_\_\_\_.

Until \_\_\_\_\_ (if no end date, mark "PERMANENT").

**Signature of the employee:**

\_\_\_\_\_

**Signature of the supervisor:**

\_\_\_\_\_

**Name, Title of the Supervisor:**

\_\_\_\_\_