



TEMAGAMI FIRST NATION PERSONNEL POLICY AND PROCEDURE MANUAL

Approved by Chief and Council, December 2019

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TERMS OF REFERENCE

CLC – Canada Labour Code
ED – Executive Director
ESA – Employment Standards Act
FT – Full-time
HR – Human Resources
WHSC – Workplace Health and Safety Committee
PT – Part-time
TAA – Teme-Augama Anishnabai
TFN – Temagami First Nation

STANDARDS OF PROFESSIONAL CONDUCT

TFN Standards of Professional Conduct are standards of excellence that have been developed to support all employees of Temagami First Nation understand and achieve the highest level of professional conduct. The standards reflect the voices and values of our community. As representatives of the community, all employees are expected to uphold the standards and conduct themselves in a way that instills and brings confidence, trust and credibility to Temagami First Nation. It is in this spirit these Standards of Professional Conduct are provided.

LOYAL & TRUSTWORTHY

Representatives of Temagami First Nation (TFN) are expected to be loyal and trustworthy in all matters pertaining to the trust and credibility of the community, including the community's reputation, achievements, aspirations, and governance. They are committed to TFN mission, values, goals and operating principles. They understand and respect the political context and sensitivities inherent in the work of TFN. They respect and maintain the confidentiality of all information received through their association with TFN. They are knowledgeable about, and adhere to, TFN policies and procedures.

RELIABLE & DEPENDABLE

Representatives of TFN are committed to their roles and responsibilities and fulfill those responsibilities consistently and dependably. They are accountable for their work and transparent in all their actions.

COMPETENT

TFN representatives are team players who apply their skills and knowledge in fulfilling the responsibilities of their role. When faced with challenges, they adopt and apply a problem-solving approach. They readily seek direction, assistance and/or support from the appropriate person(s), according to the appropriate reporting relationships and protocols. They are continuous and active learners who are resourceful and readily adapt to change. They take initiative in completing their work and in developing their work-related knowledge, skills and competencies.

PRODUCTIVE

TFN representatives work efficiently and effectively to get the job done and achieve their work objectives on time and on schedule. They monitor and keep track of project timelines and organize and use their time effectively. They maintain their composure under pressure.

QUALITY-FOCUSED

Representatives of TFN are committed to achieving the highest level of quality in their work. They identify and act upon opportunities to improve the efficiency, effectiveness and quality of processes and outcomes, and actively contribute to TFN's reputation for producing consistently high-quality work.

INTERPERSONALLY EFFECTIVE

TFN representatives are respectful, courteous, considerate, and positive in all interactions with TFN band members, clients, employees, co-workers, volunteers, stakeholders and members of the public. They are active listeners who seek out information and take active steps to increase their understanding of other people's perspectives and needs. They treat others with dignity and respect, regardless of differences in culture, lifestyle choices, belief systems, abilities or backgrounds.

COMMUNICATIVE

TFN representatives are approachable and readily accessible to TFN band members, clients, Employees and stakeholders, as stipulated in their job description. They keep colleagues and TFN leadership and Employees appropriately informed both verbally and in writing. They take responsibility for communicating their ideas, concerns and other information clearly and respectfully in a timely manner, and to the appropriate person(s). They use straightforward language that can be readily understood in both written and verbal communication.

PREAMBLE

PURPOSE

These Personnel Policies and Procedures, as amended from time to time, constitute the means approved by the Chief and Council to govern the workplace in accordance with all legislative requirements and are applicable to all Directors, Managers, Employees and associated entities of the TFN. The purpose is to ensure harmonious, equitable and safe workplace environments for all.

AUTHORITY AND SCOPE

All management, Employees and associated entities are bound by the TFN Personnel Policies and Procedures and must adhere to all the Personnel Policies and Procedures or Directives as amended from time to time. It is the responsibility of every individual in the organization to ensure they make themselves aware of and abide by said Personnel Policies and Procedures and applicable amendments. Notwithstanding the foregoing, TFN Policies are subservient to Canada Labour Code Regulations or equivalent provincial legislation as applicable.

PROTECTION

Any Employees refusing to comply with an order that directly contravenes the Personnel Policies and Procedures, or a Directive of the organization shall be protected from disciplinary action arising out of said refusal. When an employee is requested to act counter intuitively to the policies and applicable CLC legislation, the employee will:

- a. Advise the individual(s) that the action requested contravenes a Personnel Policy and/or Procedure.
- b. Report the individual(s) if continue it continues to insist that the employee follow direction contrary to Personnel Policy and Procedures, report the incident in writing to the Executive Director (ED).

EMPLOYMENT STATUS DEFINITIONS

This defines employment status for purposes of distinguishing terms and conditions of employment and eligibility for specific employment related benefits. Employment status is set out in writing at the time of hire and revised as changes to employment occur throughout the employee's service with TFN.

REGULAR FULL-TIME EMPLOYEE

An individual who is hired on a permanent basis to carry out an ongoing role with direct accountability to the employer, whose remuneration is paid from operational funds, and works a minimum of thirty-five (35) hours per week and a standard workday of seven (7) hours. This is an employee who is appointed on a continuous basis. There is no preset end date to the appointment.

Employees in this classification shall be eligible for enrolment in the Group Benefits Plan and Registered Pension Plan, offered by TFN following the waiting period of six (6) months established under each benefit. There is an option to waive Pension Plan participation, but it is not generally encouraged, nor should there be percentage offset (in lieu of non-participation) to be added to gross salary considered. Vacation Time and Vacation Pay are outlined in Policy 6.20.

REGULAR PART-TIME EMPLOYEE

An individual who is hired on a permanent part-time basis to carry out an ongoing role with direct accountability to the employer and whose remuneration is paid from operational funds and who works a minimum of eight (8) hours, up to thirty-four (34) hours per week.

Employees in this classification shall be eligible for enrolment in the Group Benefits Plan offered by TFN if they work a minimum of twenty one (21) hours a week, following the employee probationary period. Employees have the option of enrolling in the Registered Pension Plan, following six (6) months of employment, if funding allows. Vacation Time and Vacation Pay are outlined in Policy 6.2 and are prorated to hours worked.

CONTRACTED FULL-TIME EMPLOYEE

An individual who is hired as needed on a full-time contractual basis, to carry out a relief role with direct accountability to the employer and whose remuneration is paid from operational funds and in some cases, with ongoing funding from other government sources. Typically, this employment status is further defined by a specific start and end date of the contract. This status may include students, depending on the working agreement. An exception can be made by the ED for participation in the pension and benefits program if the contract goes over one year and if the program is budgeted to provide pension and benefits for the position for the duration of the contract.

CONTRACTED PART-TIME EMPLOYEE

An individual who is hired as needed on a part-time contractual basis to carry out a relief role with direct accountability to the employer and whose remuneration is paid from operational funds. Typically, contracted part-time employment is further defined by a specific start and end date. This status may include students, depending on the working agreement. Members in this classification are eligible to accrue vacation and sick credits as per Regular Part-Time Employee provisions. Contracted part-time employees are not eligible for benefits and may be eligible for pension if the contracted employee schedule warrants eligibility for pension

enrollment as per CLC requirements.

CASUAL EMPLOYEE

An individual is hired to work if, and only if, work is available. Hours or days of work are not guaranteed and there may be no pattern in the work schedule. Employees in this category are pre-screened and determined to be eligible for casual, ongoing employment when needed. Members in this classification are not eligible for TFN benefits. This employee will earn 4% vacation pay on each pay.

CONTRACTOR/CONSULTANT

An individual is contracted by the TFN on a fee-for-service basis to complete a project within a defined period for an agreed upon sum of money. There is a requirement for most contracts to provide proof of third-party coverage for liability insurance and a WSIB Clearance Certificate and shall in all cases hold TFN as save harmless. Contractor/consultant contracts should be supported by a work plan, developed in collaboration with the manager for referral when invoicing services. A Contractor/Consultant is not an employee of the organization, as there is not an employer-employee relationship and thus, not entitled to benefits but is subject to applicable policies of this policy and procedure manual.

EMPLOYMENT ORGANIZATION DEFINITIONS

EXECUTIVE MANAGEMENT

Those regular full-time employees, such as the Executive Director. These employees are exempt from the Canada Labour Code Hours of Work and Overtime provisions and are permitted to flex time earned after 35 hours in any given week.

OFFICERS

Employees that are hired into positions of senior management with a direct reporting relationship to Chief & Council. These employees include the Executive Director, Lands & Resources Director, Finance Manager. Officers may also be applied to members of Council as they are appointed officers of the Band and will report to Chief & members of Council.

MANAGERS

An individual that has been hired to oversee core management areas for the entire First Nation operations, namely Administration, Financial, Health, Infrastructure, Social, Community Support and Human Resources and whose normal workweek is 35 hours per week. Department managers are generally, considered regular full-time employees. Managers are exempt from the Canada Labour Code Hours of Work and Overtime provisions and are permitted to flex time earned after 35 hours in any given week.

SUPERVISORS

An individual that oversees service provision and staff development but under the supervision of a manager. This employee is generally hired into regular full-time status and may not adhere to the Canada Labour Code Hours of Work and Overtime provision, depending on the daily responsibilities of the supervisor.

FRONT-LINE STAFF

An individual who does not complete managerial or executive level duties for TFN. This definition includes regular full-time, regular part-time and casual employees that do not have management or executive designation. All non-management employees are subject to relevant policies of the CLC.

HUMAN RIGHTS/EQUAL EMPLOYMENT

It is the policy of TFN to seek the best qualified personnel available while still respecting the TFN Standards of Professional Conduct, whereby the TFN seeks to adhere to fair, transparent and equitable hiring practices to support employment opportunities for all TFN band and community members. Therefore, where all other factors are equal and/or close, preference will be given to TFN members, TAA, and/or Bear Island community members.

The TFN does not allow and does not condone, discrimination in its decisions of hiring, promotion, and/or other employment practices regarding sex, sexual orientation, age, national origin, religion, marital status, family status or traditionally excluded/oppressed groups. This includes, but is not limited to, people of colour, immigrants and refugees, people with disabilities, Indigenous peoples, people who have been in conflict with the law (depending on the nature of the crime committed). A disability is defined as a condition or function judged to be significantly impaired relative to the usual standard of an individual or group.

As part of this policy, the TFN will promote the values of diversity and access by:

- Making available training to all TFN employees which will sensitize and educate employees regarding identifying and confronting issues of discrimination
- Ensuring departmental buildings are barrier free and accessible
- Implementing anti-harassment policies, with the intent of protecting TFN employees as well as all individuals who interact with TFN, from abusive treatment and discrimination

Definition: Canadian Human Rights Act, Chapter H-6

3. (1) *For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for which a pardon has been granted or in respect of which a record suspension has been ordered.*

PROCEDURE

- I. All decisions involving employment, job classification, salary increases, opportunity for development and advancement, will be based on individual performance as measured against objective and non-discriminatory criteria
- II. Management will make every reasonable effort to ensure that all practices, policies and procedures are free from discrimination and in accordance with the Canadian Charter of Rights and Freedoms, Canada Labour Code legislation, and the Canada Human Rights Act.
- III. TFN will make reasonable accommodation within its financial wherewithal, for employees with disabilities and/or chronic illnesses. Every precaution must be taken to ensure that an employee's condition does not present a health or safety threat to employees and others in the workplace. TFN will strive to make accommodations within its powers without undue hardship to the overall service provision of the organization
- IV. All employees always have an obligation and responsibility to conduct themselves in a professional and appropriate manner. This includes within workplace and/or in work-related activities outside the usual working environment. Employees are responsible for following policies as defined within this document when addressing workplace harassment

ARTICLE 1: HUMAN RESOURCE POLICIES

POLICY 1.1: EMPLOYMENT AUTHORITY

All hiring of employees will be conducted through the Human Resources department, in collaboration with department managers/supervisors/coordinators, in accordance with TFN Personnel Policies and Procedures.

It is Council's policy to recruit the best-qualified candidate with the skills, experience, qualifications and competencies required for the position being filled.

This POLICY applies to the hiring of all employees, except for the Executive Director and Management positions. All new position(s) for Executive Director and managers must be identified and approved by Council.

TFN elected officials of Chief & Council, may be employees of the TFN.

An employment position becomes available in one of the following ways:

- Resignation or termination of an existing employee position
- A new position is created – all new positions must be approved by Council

When a position becomes available, the responsible department manager will make a request to the HR Manager, indicating the one or more of the following:

- Immediate recruitment without any changes to the existing job description
- Reorganization of the work unit
- Any changes that should be made to the existing job description
- Elimination of position
- Creation of new position

Once HR has confirmed the appropriate measure to take, HR will draft a job posting and job description (if applicable) and send to department manager and ED for final approval.

Once ED approves the recruitment, HR will initiate and oversee the appropriate recruitment process.

POLICY 1.2 ORGANIZATIONAL CHART

It is the responsibility of Council to establish an organizational structure that specifies the hierarchy and reporting relationships between various functions and levels of Temagami First Nation to facilitate effective management of the governance, administrative and financial management systems.

PURPOSE

The purpose of this policy is to depict the prevalent hierarchy of TFN departments and their various working relationships between one another.

SCOPE

This policy applies to Council and all persons having a role and responsibility within the organizational structure of TFN.

RESPONSIBILITIES

Council is responsible for:

- Authorizing the creation and update of organizational chart
- Approving the organizational chart with the recorded vote in the Council minutes
- Ensuring that adequate delegated resources are available to implement and maintain organizational structure
- Ensuring that the organizational chart accurately depicts the TFN's governance, administrative, and financial managements systems, as well as identifies the specific roles and responsibilities assigned to each level of the organization including various committees

The Executive Director is responsible for:

- Ensuring the organizational chart is prepared, recommended to Council for approval, and kept current
- Ensuring that roles, responsibilities, and reporting relationships are effectively communicated to all those affected by the organizational chart, as required by the Financial Administration Law

PROCEDURE

- I. The Executive Director or a designate, as authorized and instructed by Council, will prepare an organizational chart that accurately depicts the TFN's governance, administrative and financial management systems. This chart will identify the specific roles and responsibilities assigned to each level of TFN administration and employee of the First Nation, including committees. Once compiled, the ED will submit to Council for approval.
- II. The Executive Director will ensure that the chart includes definitions of the persons or classes of persons affected by the organization chart. The Executive Director will ensure each role identified in the organizational chart is clearly defined as evidenced by a job description in accordance with applicable Human Resource policies or other such policy that requires job descriptions to be in prepared and approved.
- III. The Executive Director is responsible for ensuring the organizational chart is readily available to all staff affected by the organizational hierarchy.
- IV. The Executive Director, on request, will provide a copy of the approved organizational chart.
- V. The Executive Director will update, as necessary, the organizational chart for changes in personnel and will submit recommendations, as necessary, to Council for approval to revise roles, responsibilities, or reporting relationships.

POLICY 1.3 JOB DESCRIPTIONS

A job description for each position within the organization shall include job title, person to whom employee reports, purpose of job, specific responsibilities, relevant effects and factors of the position, and educational and experience requirements.

PROCEDURE

- I. Human Resources to develop job descriptions in conjunction with the Department Manager, for final approval by the ED
- II. Job descriptions are reviewed and updated as needed, preferably when participating in the performance review process by the Department Manager, in collaboration with the Human Resources department, when necessary. A record of the date reviewed, and date amended is to be noted. The revised job description will be forwarded to the ED for

- final approval
- III. Wherever possible, amendments to an employee's job description shall not change the overall intent and nature of the employee's position. Employees will be notified regarding any amendment to their existing job description, in accordance with Canada Labour Code legislation
 - IV. Each employee contract or working agreement will have a detailed job description included within the employment contract to ensure the employee understands the requirements of the position. A drafted version of the proposed employee contract will be issued to each employee prior to the start of their position and will be signed upon their first day of employment
 - V. Job descriptions are part of the individual employment contract, titled Schedule 'A'
 - VI. It is the responsibility of the Human Resources department to ensure that every employee receives a copy of their job description and retains a signed copy for each employee's personnel file. The HR manager is also responsible for ensuring the employee's direct manager or supervisor/coordinator receives a signed copy of the job description for their records

POLICY 1.4 WAGES

All employees will be paid within the established salary grids whether being paid an annual salary or hourly rate. Placement within the established grids will be based on employee experience, training and education where applicable. Each grid will define the requirements for each of the steps. Initial offered salary will be determined within the limitations of the salary grid, based on the credentials of the on-boarded employee, and is subject to approval by the ED.

The ED has the prerogative to assign an annual increase percentage should a worker reach the end of their salary grid (commonly known as being red circled) and is performing above their expected job duties. **Red-Circling** is when an employee's pay rate has been approved to be above the established salary maximum for their position. Hence, the employee is usually not eligible for further salary increases until the range maximum surpasses the employee's pay rate. Red circling may also be required if the employee is being over-paid in their range, and therefore, no additional increases in salary are warranted. At no time should that increase be a larger percentile increase than what is typically in a normal step increase. The ED can choose to grant 50% of the value in the difference between the second last and last stop, where a long-term worker has reached the top of their scale and has demonstrated exceptional performance.

In special circumstances, TFN will need to go outside the salary grid to attract or retain an individual of specialized skills to fill a senior role. After receiving this recommendation from the Human Resources manager, who has previously collaborated with the department manager/supervisor or coordinator, the ED must receive approval from Chief & Council to offer a salary outside of the established wage grids.

Employee wages are dispersed on a bi-weekly basis based on the salary outlined within their employment contracts, in accordance with the established pay schedule of TFN.

PROCEDURE

- I. The ED, in connection with the Human Resources department and applicable department managers/supervisors or coordinators, is the authority for all salaries. He or she will determine salaries based on the various funding agreements of programs, flexibility of the program, criteria of the position, educational qualifications, certifications/designations, and related experience, within the established salary range
- II. Any adjustments to salary are recommended by department managers/supervisor or coordinators to the Human Resources manager, with final approval for an adjustment from the ED

POLICY 1.5 APPLICATION FOR EMPLOYMENT

All applications for employment shall be made in writing and include required documents and credentials as indicated within the job posting. This policy and the policies that follow in relation to onboarding a new employee are applicable to all regular employees and do not apply to the hiring of casual or relief workers. For information related to hiring those designations, please refer to Appendix 3. Hiring Casual Employees.

PROCEDURE

- I. Prospective candidates shall submit a résumé and cover letter to Human Resources Manager, or designate within the open period for resume collection
- II. Applications are to be received on or prior to the closing date and time for consideration. The screening committee may decide to include a late application if a consensus is reached
- III. The Human Resources Manager will acknowledge only those applicants that have been shortlisted for an interview
- IV. All applications will be kept on file for a period of six (6) months
- V. Internal applications from employees with less than six (6) months' tenure must have the approval of the ED before the employee is included within the screening process

POLICY 1.6 APPLICATIONS FOR POSITIONS BY POLITICAL REPRESENTATIVES

All qualified individuals, including those in an elected position, have the right to apply for external/internal postings within TFN within the confines of TFN Conflict of Interest policy.

POLICY 1.7 JOB POSTINGS

All regular employment positions are to be subject to competition, are to be posted internally and externally for ten (10) working days and are open to all qualified applicants. In exceptional conditions, the ED may bypass the posting process and may appoint a person to fill a position without going through the posting process, particularly when a position is reposted. This provision will always be the exception. Internal only competitions are considered when, in the opinion of the department manager and Human Resources, there are qualified individuals within the existing human capital.

Cross Training and Secondment should be strategies employed by TFN to increase effectiveness in Human Resource assets. Secondment is defined by the transfer of a qualified employee from one position, into another position whether within the same department or another, generally for a certain time frame. Occasionally, secondments may become

permanent if the seconded employee adequately performs in the role and department managers are in agreement. Cross-training allows TFN staff hired to perform specific job functions to receive training required to perform other job functions.

If it is deemed necessary to post a position for less than ten (10) days, the department manager will make this recommendation to the Human Resources Manager for approval from the ED.

Active employees may apply for the position on a confidential basis unless employee indicates having discussed application with current manager. Qualified, internal applications will always be considered prior to external candidates.

Applicants holding current political positions within TFN are eligible to apply.

PROCEDURE

- I. The supervisor/manager will submit a request for job posting to the Human Resources Manager, including the specifics pertaining to the open position.
- II. Vacant position will be posted in accordance with POLICY 1.8 Job Postings.
- III. When applicable, external postings will be circulated to job boards such as Indeed, Facebook and Canada Job Bank. When further canvassing is required, the Human Resources Manager will contact the department manager and discuss paying to post position on job boards that charge a fee. The associated fee will be deducted from the department budget and invoiced accordingly.
- IV. Chief & Council are to determine how the ED, Director of Lands & Resources, Finance Manager and Human Resources Manager are to be recruited.
- V. All newly created positions are to be approved by Council.

POLICY 1.8 HIRING PANEL

The TFN is committed to employment equity, transparency, and accountability. As such, members of hiring panels are required to sign an Oath of Confidentiality as it relates to their involvement within the hiring process of TFN employees.

The hiring panel will be organized upon the closure of a job posting and will be coordinated by the Human Resources manager or designate. Each hiring panel will consist of ideally three, but no less than two, people. No alternates are permitted. Should one of the hiring panel members become incapacitated, only the scores of the remaining hiring panel members will be tabulated in assessing the candidates. Where possible, and in consideration of costs, the hiring panel members should attend the interview in person.

When hiring for a regular employee position, the department manager, supervisor or coordinator, must be included on the hiring panel, alongside HR. When posting for a management position, the ED or a designate, the Human Resources Manager, and at least one other manager, must be included on the hiring panel. When posting for an ED, Chief and Council will appoint members to and arrange the hiring panel, advised by the Human Resources manager. When the Human Resources Manager is unavailable, two managers must be present on the panel. Regular employee hiring panels will consist of a minimum of three members and should include a member of council when possible. Management hiring panels should consist of five members and should include a member of council when possible.

The hiring process should be cognizant and must guard against Nepotism. Nepotism is defined as *“a display of favouritism in official transactions based on family relationships. Most*

particularly, no employee of TFN shall participate in the recruitment, selection and appointment of anyone that they are in an intimate relationship with.” TFN defines an intimate relationship as physical and/or emotional intimacy. Similarly, wherever possible, employees should not participate in the recruitment, selection and appointment of anyone from his or her immediate family. TFN defines immediate family as any person who has an intimate relationship with the employee and may reside with the employee. This includes, spouse, parent(s), child(ren), in-laws, adoptive family members, and any other relative that resides within the same household.

PROCEDURE

- I. Human Resources will accept all applications within the lifespan of the required job posting. He or she will prescreen the candidates and disqualify any unqualified candidates based on the credentials indicated within the job posting.
- II. HR will prepare a screening tool listing all qualified candidates, clearly identifying the requirements of the position and allowing the panel to compare all the mandatory qualifications for each applicant. This tool will be used by the hiring panel to shortlist candidates that are eligible for an interview.
- III. Internal employees with less than six (6) months tenure in their current position must have the approval of the ED before applying.
- IV. The HR manager will arrange for a hiring panel to meet and shortlist candidates, determining which candidates are considered for interviews. Each candidate will be awarded a score based on the tool used. The tool must be used for every screening that occurs for a specific job posting.
- V. The HR Manager shall contact only the selected candidates and arrange the interview location, time and date. The hiring panel will be sent an invite via email to attend. HR will attempt to arrange the interview on a date when all members of the initial panel are able to attend.
- VI. Unsuccessful applications will be kept on file for six (6) months.

POLICY 1.9 INTERVIEWING SHORT-LISTED CANDIDATES

The same hiring panel used to screen candidates will interview all short-listed candidates for the position. If one of the original hiring panel members becomes incapacitated, only the scores of the two remaining hiring panel members will be tabulated for all candidates. The interview questions will be developed by the Human Resources manager, based on the job post and job description of the position, for approval by the department manager.

Panel members will transcribe, to the best of their ability, verbatim what was shared by the candidate in the interview. All completed interview questionnaires/score sheets will be returned to Human Resources immediately following the completion of the interviews. Interviews must be signed by the panel member completing the interview.

The Human Resources manager will compile the various interview packages and tabulate an average of scores, taken from each of the panel members scores and divided by members within the panel. That score must be above 70% to be considered for any TFN posted position.

PROCEDURE

- I. All members of the hiring panel will attend the interview in person. When a member is no longer able to attend the interviews, their scores will be removed from the ongoing process.
- II. The Human Resources manager will provide preamble, explaining process and ensure

the comfort of the applicant. The interview process is as follows:

- III. All questions can be rephrased, paraphrased, repeated or skipped and return to at any point within the interview; the candidate need only ask.
- IV. At the end of each question, the candidate will be asked 'is there anything else you would like to add' to give them the opportunity to finalize their thoughts on that question.
- V. Panel members will be required to take notes while the interview is being conducted.
- VI. Unless otherwise indicated, preparation notes from the candidate will not be permitted within the formal interview.
- VII. One hour has been allotted for the interview.
- VIII. The total for which a question will be scored will be shared before reading each question.
- IX. If applicable; describe the process associated with the written portion of the interview.
- X. The candidate will be given a chance to ask any questions before the interview begins but will also be given a chance at the conclusion of the interview to ask any questions as well.
- XI. The candidate should answer all questions as fully and completely as possible.
- XII. A minimum score of 70% is required to be considered for any TFN employment opportunity, unless otherwise determined by ED.
- XIII. The interview should ask position specific questions as they pertain to the requirements indicated in the job posting and job description.
- XIV. Candidates will have the opportunity to ask questions and/or provide information the hiring committee may require when making the final decision towards hiring.
- XV. Every candidate will be asked to supply three references. One must be from their most recent employer and a minimum of two must be employment related. Personal character references can be provided if two employment references are gathered.
- XVI. Preceding the formal interview, all candidates will be given an indication of when a hiring decision will be made. HR will do everything within its power to ensure a final decision is made within two weeks following the last selected candidate's interview panel has been completed.

POLICY 1.10 SELECTION OF THE SUCCESSFUL CANDIDATE

Where all other factors are equal and/or close, preference will be granted to a Temagami First Nation member, TAA member or Bear Island resident. HR manager will make final hiring selection of the successful candidate in congruence with hiring policies and procedures and with recommendations from hiring panel and department manager.

Prior to an offer of employment, HR must have attained three positive references. It is noted that many organizations are now only providing skeleton references indicating start and end dates for past employees.

No offer of employment will be extended prior to the expired closing date and all short-listed applicants have been interviewed. No offer of employment will be extended without the approval of department manager. If department manager and HR manager cannot come to an agreement regarding the hiring of a candidate, the ED will have final hiring authority based on the interview scores tabulated and information provided by the candidate.

PROCEDURE:

- I. The interview panel will review all candidate responses and indicate a "score" for each question based on the responses in relation to the proposed question.
- II. A candidate must have attained a minimum of 70% to be considered a successful

- candidate for that competition. Five (5) points will be automatically added for all TFN members and Bear Island residents at the onset of the interview.
- III. The highest interview score is not the sole criteria for selection; however, it is the highest aspect of consideration. Panelists will also consider job suitability, trainability, and enthusiasm for the position when making a final determination of hire.
 - IV. All completed interview questionnaires/score sheets will be returned to HR immediately following the completion of interviews, signed by each panelist.
 - V. If more than one candidate scores the highest score, a secondary round of interviews may be required. This panel will consist of the same panelists who were present for the first round of interviews. HR will create additional questions for this panel. The panel may decide to host a more informal interview, based on the nature of the position, in this situation.
 - VI. HR will attempt to gather all reference checks within a two-week period. Although phone references are preferred, references completed via email will be considered but must be indicated that they were received via email.
 - VII. Once HR has determined suitability, HR will connect with the department manager and communicate all relevant information needed to decide towards hiring including the determination of the candidate by HR. The department manager will choose to accept the candidate as presented or proceed with involving the ED in the decision-making process, adhering to Policy 1.12 Confirmation of Employment as indicated.
 - VIII. If the candidate who is first choice declines conditional offer, then HR will revisit the candidates who were interviewed and offer the position to the second highest scoring applicant, and so on, until offer is accepted.
 - IX. If offer is not accepted by any of the interviewed candidates, the position will be reposted following Policy 1.7 Job Postings, unless otherwise determined by department manager in collaboration with HR and agreed upon by ED.
 - X. HR will make all reasonable effort to contact the unsuccessful interviewed candidates, via email, as soon as possible once a hiring decision has been made. Those candidates will be given an option to discuss their interviews and will be provided areas of improvement for any future interviews.
 - XI. Successful candidates will be given a “Conditional Offer of Employment”, prior to HR contacting their references. This is to inform the candidate that they were successful in their interview but gives TFN the opportunity to complete reference checks without potentially losing the candidate.

POLICY 1.11 REFERENCE AND RECORD CHECKS

Selected candidates will be contacted by HR and will be given a “Conditional Offer of Employment”, allowing for reference checks to be completed. This time period may also allow for candidates to secure various credentials required for the position such as First Aid certification, driver’s license, submission of degree/diplomas etc. The period of conditional offer will be decided by the HR manager in collaboration with the department manager. The duration of the conditional offer of employment may encompass the probationary period of six (6) months if the position requires specific certification or training to be eligible for permanent employment. For example, DZ licensing requirements for a Public Works employee who requires a recertification test to be considered certified for the position. If the requirements of the position are not met within the conditional period, TFN will proceed with revoking the offer of employment and contact the next suitable interviewed candidate. The conditional offer of employment will be given to the candidate indicating the specifics required to no longer be considered conditional. Once the conditional terms of employment are met, the employee will be granted an employment contract.

TFN offers of employment are subject to verification of information provided by applicants. This requires checking of references and verification of credentials. If a criminal check and/or driver's abstract are a requirement of the position, the candidate must provide these documents prior to permanent employment. If there is an ongoing requirement of the position for any formal checks, TFN will incur the costs of any checks determined to be a bonafide requirement of the position.

The Police Record Checks Reform Act came into force on November 1, 2018. The PRCRA sets out standards to govern how police record checks are conducted and disclosed in Ontario. The PRCRA governs the types of record checks that can be conducted for screening (e.g., non-law enforcement) purposes. The Act authorizes three different types of police record checks and standardizes the type of information that can be released:

- **Criminal record check** includes applicable criminal convictions and findings of guilt under the federal Youth Criminal Justice Act (for permitted employers).
- **Criminal record and judicial matters check** include applicable criminal convictions, findings of guilt under the federal Youth Criminal Justice Act (for permitted employers), absolute and conditional discharges, outstanding charges, arrest warrants, and certain judicial orders.
- **Vulnerable sector check** includes the same type of information that is disclosed in a criminal record and judicial matters check as well as applicable findings of not criminally responsible due to mental disorder, record suspensions (pardons) related to sexually-based offences, and in certain circumstances, non-conviction charge related information; when a strict test is met.

Where criminal records or driver's abstracts are required, the candidate will be referred to the local police service located in New Liskeard prior to the commencement of their position with TFN.

It should be clear that a criminal record does not automatically deny employment, although disqualification from Temagami First nation employment is possible. A previous conviction does not automatically disqualify an applicant from consideration for employment with TFN. Based on a variety of factors (e.g. the nature of the position, the nature of the conviction, when the conviction occurred), the candidate may retain eligibility for employment with TFN. Employees should always be encouraged to apply for pardons. Filing fees for pardons (only) can be claimed back to the employer.

A minimum of three references will be contacted by Human Resources to confirm information submitted by the candidate. Ideally, two of these references will be previous employers, including the candidate's most recent employer. HR will ask questions regarding employment history and performance. TFN respects the rights of individuals and privacy legislation and responses given during the reference check procedure will remain confidential, unless answers provided indicate illegal or unsafe activity. In which case, the proper authorities will be alerted.

PROCEDURE:

- I. Employment reference checks will be completed by HR as soon as possible following the interview process. Ideally reaching a decision within two weeks.
- II. Only those references provided and approved by the candidate will be contacted. If additional references are required, HR will connect with candidate for an updated list of approved references.

- III. References will be used to assess suitability of candidates.
- IV. For candidates with little work experience (recent graduate for example), professors or teachers may be provided as references.
- V. Character references may be provided if the candidate has also submitted a minimum of two employment references.

POLICY 1.12 CONFIRMATION OF EMPLOYMENT

Once the Conditional Offer of Employment has been fulfilled and an employee is determined to meet the requirements of the position, the position will be offered to them unconditionally. At which point, the candidate will sign their employment contract and begin the working relationship with the employer.

PROCEDURE:

- I. The HR manager will send written confirmation of suggested hire to department manager, providing suggestions towards granting an unconditional contract.
- II. Once approved, HR will prepare an Employment Contract for the candidate, attaching job description, the suggested wage within the established salary grid, and any other pertinent information needed to make decision of acceptance. If candidate agrees with presented terms, HR will arrange for contract signature to take place.
- III. Human Resources will provide all onboarding information to employee including a copy of the Personnel Policy and Procedure manual, gathering any outstanding credentials or information and will submit payroll related information to the finance department.
- IV. An employee file will be created and will include copies of all relevant employee information, including salary as indicated in the Offer of Employment letter, and forwarded to Payroll clerk.

POLICY 1.13 ORIENTATION OF EMPLOYEES

All newly hired employees shall receive an orientation upon commencement of employment, to facilitate their entry into the TFN, and to ensure the greatest likelihood for a successful work experience.

PROCEDURE

- I. HR will ensure all new employees receive a general TFN orientation to the First Nation at and will issue a copy of the TFN Personnel Policy and Procedure manual to each employee, at the onset of their employment. This will be documented within the employee's personnel file and will include the following information:
 - a. A review of their employment contract
 - b. Signature of various pages including Code of Conduct and Oath of Confidentiality
 - c. Any training that must be completed within their probationary period will be issued
 - d. Submission of payroll specific information if not already on file
 - e. Email and log-in information related to the use of TFN email and internet services
- II. Department managers will be responsible for providing program or department specific orientations to all new employees. This includes:
 - a. an introduction to their workspace
 - b. introductions to co-workers
 - c. a review of his or her job description
 - d. internal processes including how to request time off and how to fill out time sheet for wage dispersal

- III. The finance manager may be requested to provide the following information to new hires, upon request of the department manager:
 - a. TFN financial policies and procedures
 - b. Any financial related forms applicable to the position
 - c. Any financial processes required for the position
- IV. Documentation that the orientation has been completed will be placed within the employee's personnel file. Every new employee must sign a form attesting to their reading and understanding of TFN policies and procedures.

POLICY 1.14 PROBATION

New Employees: TFN ensures newly hired employees are given a reasonable period to establish their effectiveness and demonstrate their eligibility for continued employment. The determination is based on a performance evaluation prior to the end of the probation period of three (3) months, this includes management and executive level positions unless otherwise indicated within the employment contract. New employees requiring access to TFN email and internet services will be issued a TFN email and will be given instructions on how to access the services upon onboarding. All employees are expected to exercise good judgment and show cooperation and courtesy in dealing with new employees of TFN.

Existing Employees: TFN performs annual performance evaluations on all employees and reserves the right to place existing employees on a Performance Improvement Plan (PIP) and issue a new probationary period for the duration of the plan if required. PIPs will be developed by HR with the support of the department manager, but the manager will be expected to monitor the employee's performance throughout its duration, communicating employee development with HR when required. While on an active PIP, employees are subject to the steps within progressive discipline if necessary and can be terminated as a result of not adhering to the required steps within the PIP, as indicated within the new probationary period. Managers will take all reasonable steps to ensure the ongoing development of employees within their department to address any performance concerns at the onset of the behaviour. The new probationary period may reflect 'time served' in the position. For example, an employee that has worked in the position for 16 months may be issued a new probationary period of four (4) months due to the time served within the position, prior to being placed on a PIP.

GUIDELINES: NEW EMPLOYEES

- I. All new employees serve a six (6) month probationary period unless otherwise specified in their written employment contract.
- II. During this time, their skill, knowledge, attitude and general appropriateness will be consistently and carefully evaluated so that a proper employment recommendation can be made.
- III. Human Resources will send a reminder of the *end of probation date* to the department manager two weeks prior to the end of the probationary period; however, it is the department manager who is responsible for tracking the probation period.

GUIDELINES: EXISTING EMPLOYEES

- I. Internal employees may undergo a new six (6) month probationary period when performance has been deemed inadequate within the established probationary period. Where this occurs, the employee is to be provided with written notification of the length of the new probationary period and the expectations of the position, as well as the effect on employment if the employee is unable to successfully complete the new probationary period.

- II. It is at the discretion of the ED upon recommendation of the department manager to waive a probationary period when an existing employee moves to a new position or into a management position. The employee will be provided with written notification of the length of the probationary period (if any), the expectations of the new position and the effect on employment if the employee is unable to successfully work in this new position.

PROCEDURE

- I. Employees are informed of the length of the probationary period in their employment contract.
- II. The department manager and employee should establish performance plans, coaching and training sessions, review performance, identify successes and areas for improvement at regular intervals throughout the probationary period, accompanied by appropriate documentation.
- III. The department manager will provide documentation to Human Resources to substantiate the recommendation of:
 - a. continue employment based on a satisfactory review, or
 - b. terminate employment prior to completion of the probationary period based on an unsatisfactory review.
- IV. Employees may be dismissed without notice, but subject to CLC requirements, during the probationary period if performance or conduct is not acceptable, as indicated in the terms of the employment contract.
- V. Where circumstances determine the need for termination the employee must be informed in writing before the end of his or her probation period.
- VI. In accordance with the CLC, employees who have not completed three (3) months of continuous employment are not entitled to statutory notice or termination pay in lieu of notice.
- VII. Approval to terminate must be sought from the ED except where the ED is compromised by an intimate or family conflict of interest as defined in this document.
- VIII. In that instance, HR, alongside the department manager, will meet with Chief & Council for direction on how to proceed.
- IX. Department managers will provide a recommendation to Human Resources for termination.
- X. Human Resources will review the employee's personnel information to determine validity of recommendation and will provide all necessary information to ED for final termination approval.

POLICY 1.15 EXTERNAL REQUESTS FOR REFERENCES

TFN employees requested to provide an employment reference for another TFN employee must adhere to privacy legislation, understanding that information available publicly is limited. References will provide only information on dates of employment, position(s) held, and final wage rate. It should be recognized that information provided while completing reference checks are considered confidential and will not be shared with the employee requesting a reference.

Where other information is requested, references must ensure the former or existing employee has submitted a signed written release. The HR department can confirm whether this release has been granted by the employee. The ED must be notified of all requests for generic letters of reference, requested from former or current employees. Caution must be exercised when responding to requests for information about employees (former or existing). Legal action may result, particularly where unfavorable information impedes future employment.

POLICY 1.16 HR RECORDS MANAGEMENT

It is Council's policy to formally create, manage, and protect human resource records in accordance with applicable laws and First Nation policy requirements.

PURPOSE

The purpose of this policy is to provide guidance to effectively manage the creation, maintenance, and confidentiality of HR Records of the First Nation.

SCOPE

This policy applies to any TFN employee that is responsible for the management of confidential employee information up to and including employee personnel files.

RESPONSIBILITIES

Council is responsible for ensuring an efficient HR records management system is established and implemented.

Subject to the First Nation's Financial Administration Law, the Executive Director is responsible for the leadership, planning, overall policy and the general oversight of the HR Records management, storage and retention system, and for ensuring the security and integrity of that system.

The HR Manager is responsible for the implementation and the operational management of the HR records management, storage and retention system.

PROCEDURE

- I. Management of HR records will follow the general record management procedures of TFN.
- II. Job competition files will clearly and transparently document the evaluation and selection process and will include, at a minimum, the following:
 - a. job advertisement;
 - b. external recruitment firm agreement (if applicable);
 - c. job description and required qualifications and skills;
 - d. screening notes;
 - e. interview notes; and
 - f. selection results.
- III. A confidential employee file will be created for each new employee and will include the following HR records:
 - a. resume with experience and qualifications;
 - b. results of all background checks (i.e. reference checks, criminal background check, credit check, education check);
 - c. conditional offer of employment outlining the requirements needed prior to offering official letter of employment;
 - d. offer letter of employment and/or contract;
 - e. performance plans and results of performance evaluations;
 - f. current job description;
 - g. leave and attendance records;
 - h. salary adjustments (as indicated within Section 24 of the CLC);
 - i. enrolment information for benefits plans;
 - j. employee specific information including contact information;
 - k. emergency contact information;

- I. discipline letters, notifications etc. and;
- m. medical documentation.
- IV. Access to HR Records will be restricted to HR personnel in performance of their job function and the Executive Director; however, employees can access their personal employee file upon request and in the presence of an HR person. This does not include reference checks completed in the onboarding process as relates to Privacy legislation.
- V. Upon employee termination, HR Records for that employee will be retained for three years following the date of termination. In the event of litigation, the destruction of HR Records should be suspended until the investigation, audit, or litigation is complete.

POLICY 1.17 ACTING POSITIONS

Acting positions are assigned at the discretion of the supervisor/manager in consultation with the HR Manager. An employee may be requested to fill an acting position within TFN. Such periods are temporary and for a set period. If an employee is appointed to an acting position, they will be compensated at the base rate of pay for the acting position, unless it is less than their existing rate of pay. At no time will an employee be paid an hourly rate less than what was agreed upon within the employee's employment contract.

When employees are in an acting capacity, they assume the duties and all responsibilities and accountability for the acting position. Supervisor/manager will discuss the acting salary with HR prior to offering acting position to employee with final approval coming from ED.

If moving from a non-management to an acting management status, the employee will be subject to management status and any relevant TFN policy and procedure and CLC standards.

PROCEDURE

- I. The supervisor/manager will ensure that employees are notified of all acting assignments.
- II. The supervisor/manager will ensure that Human Resources receives written notification, including potential changes in salary, prior to offering appointment to employee.
- III. HR will ensure that any amendments needed to existing employment contract will be included within the employee's personnel file. HR will forward any payroll changes to the Payroll Clerk as soon as possible.
- IV. The employee will revert to their previous position salary, responsibilities and accountability, immediately on the termination of the acting appointment unless other terms are approved by the ED. The above procedure is repeated when the employee reverts to their previous position.

POLICY 1.18 RESIGNATIONS

Any employee who decides to resign from TFN must give written notice to his or her supervisor/manager for advisement to the Human Resources department according to the guidelines below. The supervisor/manager must inform Human Resources upon receipt of such notice. Resigning employees are not entitled to severance pay. An employee who terminates voluntarily is expected to give a minimum of two weeks of notice unless otherwise indicated within the employee's employment contract. Employees who abandon their jobs will be deemed to have resigned.

TFN benefit coverage ceases within thirty days following the last day of employment. TFN

registered pension plan ceases within thirty days from the last payroll deposit. Information from the carrier will be sent directly to the employee's residence. TFN will determine financial liabilities for repayment and identify any property belonging to the organization for return on or before the last day of employment (ex. Security cards, keys, fobs, I.D., credit cards, files and TFN equipment). Outstanding vacation entitlements and banked time (except for sick credits) may be taken prior to the effective termination date or will be paid out to the employee on their final cheque unless other arrangements are requested and approved by ED.

Exit interviews (where possible and jointly agreed upon) will be conducted by the Human Resources department or a designate that is not the employee's immediate supervisor or manager, prior to the last day in the workplace to:

- a. Ascertain the employee's reason for leaving
- b. Discuss possible improvements to the work environment program
- c. Further reinforce positive employee/employer relationship

PROCEDURE

- I. The resigning employee provides a letter of resignation indicating the last day of employment to their supervisor/manager.
- II. The supervisor/manager will forward the resignation notice to Human Resources who further notifies the ED.
- III. The HR Manager prepares and sends a letter accepting the resignation. The letter will include advisement regarding group benefits and Registered Pension Plan if applicable.
- IV. The HR Manager completes all necessary documentation for termination including notification of payroll. This will ensure the internal departments are notified where "action items" are specified, and benefits and RPP notifications are sent.
- V. No accumulated sick time will be paid out at time of termination.
- VI. Owing banked time including vacation credits and all other outstanding payments owing to the employee or to TFN will be adjusted, on the final salary payment upon authorization. Supervisors/managers are expected to submit any outstanding time sheets to payroll to ensure proper final compensation.
- VII. Once the employee's final payroll is processed, a Record of Employment is produced and submitted to Service Canada electronically. No copy is sent to the employee unless otherwise requested.
- VIII. HR may request written summary of performance from the employee's supervisor/manager prior to exit interview.

POLICY 1.19 DISMISSAL

An employee may be dismissed from employment with the TFN in accordance with the Canadian Labour Code. The Executive Director has the authority and responsibility for the dismissal of all employees except the Officers of TFN, which include the Finance Manager and the Lands & Resources Director. Chief and Council have the authority and responsibility for the dismissal of the Executive Director and other Officers of TFN. All dismissals will adhere to CLC legislation as applicable to the employee situation.

Generally, dismissals fall into one of the following categories:

- All employment with TFN is dependent on funding, and if there is no funding available for a position, then that position will be terminated.
- An employee may be dismissed within the probationary period if it is determined that they are not suited for the position and responsibilities assigned.
- Under the CLC, a layoff becomes a dismissal when an employee is laid off longer than

three (3) months and has not been provided a recall date that is less than six (6) months from the date when the lay-off began. If applicable, the employee must be provided with notice and severance.

- Dismissed for “just cause” which may include but is not limited to the following:
 - Ongoing poor job performance.
 - Absence without proper authorization.
 - Attendance issues, including non-notice (and approval) of absences.
 - Attending work intoxicated or under the influence of an illegal substance.
 - Any theft related to the TFN, other Employees or clients.
 - Removing TFN property, records or confidential information from the premises without permission.
 - Any allegations or criminal charges related to physically, sexually or emotionally abusing or assaulting other individuals.
 - Fraudulent activity.
 - Insubordination, such as being disobedient to authority and or showing defiance.
 - Breaches of TFN Personnel Policies and Procedures.
 - Violations of the Canada Human Rights Act, especially those concerning workplace discrimination and harassment.
 - Failure to declare a conflict of interest.
 - A conviction of a serious criminal activity.

Complete documentation including annual performance evaluations, a record of the coaching, applicable time sheets and disciplinary process where applicable, must be included in the personnel file of the dismissed employee.

Written notice of termination of employment must be addressed to the employee. It can be provided in person or by mail, fax or e-mail if delivery can be verified. Prior to receipt of final documentation, including termination pay and severance pay where applicable, the terminated employee will receive a final letter of dismissal indicating applicable information related to the dismissal.

Employees may be terminated with or without cause and paid wages in lieu of notice as indicated below. TFN group benefits coverage and Registered Pension Plan cease on the day following the last day of employment.

Employers are required to give the dismissed employee two (2) weeks' written notice of termination, or the equivalent pay in lieu of notice, except where an employee is dismissed for 'just cause'. Employees must have been continuously employed for at least three (3) months with the Band to qualify for notice or pay in lieu.

The Chart on the following page specifies the amount of statutory notice that will be provided to an individual employee who is dismissed without cause. If the amount of notice provided according to this Chart is less than that provided by the CLC, as amended, the employee, will be paid only the minimum notice entitlement provided by the CLC. In no event will an employee be dismissed without cause be paid less than the minimum provided by the CLC.

MINIMUM SERVICE REQUIREMENT	NOTICE PERIOD ENTITLEMENT
3 months of continuous service	2 weeks' notice
3 years of continuous service	3 weeks' notice
4 years of continuous service	4 weeks' notice
5 years of continuous service	5 weeks' notice
6 years of continuous service	6 weeks' notice
7 years of continuous service	7 weeks' notice
8 years of continuous service	8 weeks' notice

SEVERANCE PAY

Employees with at least twelve (12) consecutive months' of service whose employment is terminated by the Band are entitled to severance pay, except in cases of dismissal for 'just cause'. The amount of severance pay is the greater of two (2) days' pay for each completed year of service OR five (5) days' pay. These wages will be dispersed in accordance with TFN's regular payroll practices. Other wages, such as overtime and annual credits are required to be paid within thirty (30) days from the time the payments are owed.

PROCEDURE

- I. The supervisor/manager refers all potential cases of dismissal to the HR manager.
- II. The supervisor/manager and the HR manager will confer and develop a strategy for dismissal.
- III. The HR manager must seek the written approval of the ED for all terminations, supported by documentation from the supervisor/manager advocating for the dismissal.
- IV. The decisions to terminate employment will be confirmed in writing to the employee. The letter will outline the effective date of termination and the proposed severance package, if any, being offered. The employee may be required to sign an appropriate Release and Indemnity form as a condition of receipt of any severance package if applicable.
- V. HR will inform the finance department of any pending severance package for the dismissed employee and ensure their removal from the internal IT system by the last day of their notice.
- VI. Upon the last day of employment, it is the responsibility of the supervisor/manager to ensure all security cards, keys, laptops, key fobs, credit cards, files and any other TFN equipment are returned by the dismissed employee.
- VII. Upon the last day of employment, it is the responsibility of the supervisor/manager to ensure the final timesheet submitted to payroll indicates all necessary deductions (outstanding vacation, lieu).

POLICY 1.20 DEATH OF AN EMPLOYEE

Upon notification of the death of a TFN employee, the ED is informed, and then Human Resources will make every effort to contact the next of kin to arrange the application of survivor benefits; however, it is incumbent upon the claimants to contact TFN Human Resources and to apply for survivor benefits. HR will inform the benefit provider of the change in employee status.

POLICY 1.21 RETIREMENT

It should be noted that the provision of medical, dental, disability and insurance benefits to employees aged 65 and older shall remain at the discretion of the employer. Exemptions in the *Canada Human Rights Act* and the CLC and other regulations mean that differential provision of benefits to employees aged 65 and older is not subject to human rights challenges.

Similarly, age-based distinctions under the *Workplace Safety and Insurance Act* do not violate relevant human rights legislation.

PROCEDURE

- I. Employees wishing to retire must notify their supervisor/manager in writing in accordance with Policy 1.18 Resignations.
- II. The employee must submit a timesheet of hours worked and outstanding expense claims at the time of the advisement of retirement.
- III. The supervisor/manager will inform HR of the acceptance of the retirement letter. They will draft a letter of acceptance of notice of retirement for the retiring employee. A copy of the final signed copy will remain with HR in the employee's personnel file.
- IV. The supervisor/manager will submit the final timesheet to payroll for processing.
- V. A Record of Employment (ROE) will be submitted electronically to Service Canada at the time of the final pay.
- VI. Group Benefits and Registered Pension Plan Administrators will be notified as soon as reasonably possible after and ROE is issued.
- VII. Retirement allowance is provided to those retiring if the following criteria are met:
- VIII. Employee must be at least 55 years of age, and must have worked continuously for TFN for at least 10 years.
- IX. The retirement allowance will be calculated at a day per year – and capped at 20 years

ARTICLE 2: REPORTING OF BREACHES AND FINANCIAL REGULARITIES

All councilors, officers and employees of TFN and all contractors and agents engaged in financial administration activities have the responsibility to report instances of misconduct to the ED or Chairperson of the Finance and Audit Committee. The identity of individuals who report misconduct will be protected from disclosure to the extent practicable in the circumstances, individuals who report in good faith will be protected from reprisals, persons against whom an allegation of misconduct is made will be treated fairly and allegations of misconduct will be fully investigated as efficiently as possible and resolved as appropriate.

The purpose of this policy is to ensure there is a procedure to report, investigate, and act upon allegations of wrongdoing within the financial management system and to provide protection to persons who come forward with these reports in good faith.

SCOPE

This applies to Council, Officers, employees, contractors, agents and members of TFN.

RESPONSIBILITIES

- a. When exercising a power, duty or responsibility relating to the financial administration of TFN a Councillor must:
 - Ensure that this policy is communicated to all affected and interested persons;
 - Investigate reported misconduct concerning members of the Finance and Audit Committee;
 - Comply with the Law, and any other applicable First Nation law and applicable standards;

- Act honestly, in good faith and in the best interests of the First Nation;
 - Exercise the care, diligence and skill that that a reasonably prudent individual would exercise in comparable circumstances;
 - Avoid conflicts of interest as indicated within Policy 3.1 Conflict of Interest and comply with the requirements of Schedule 'B' Employee Code of Conduct;
 - Ensure that the identity of the person who makes a report of misconduct in good faith is kept confidential to the extent practical in all circumstance and not subject to reprisals for making the report;
 - Approve policies and procedures required in the Financial Administration Law in respect of such matters; AND
 - Support and foster an ethical environment.
- b. The Finance and Audit Committee is responsible for:
- Reviewing any reports provided to it respecting inquiries into the circumstances of the reported misconduct, conducting any further inquiry it considers necessary and providing a report to the Council, along with any recommendations;
 - Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
 - Taking necessary steps to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities;
 - Making recommendations to the Council on how to address and remediate reported instances of wrongdoing; AND
 - Supporting and fostering an ethical environment.
- c. The Chair of the Finance and Audit Committee is responsible for:
- Receiving reports of misconduct, making an appropriate and expeditious inquiry into the matter and reporting to the Finance and Audit Committee as soon as practicable;
 - Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
 - Taking necessary steps to ensure to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities; AND
 - Reporting to Council any contravention or suspected contravention of the prohibition against reprisals.
- d. The Executive Director is responsible for:
- Communicating the Reporting of Breaches and Financial Irregularities Policy to all affected and interested persons;
 - Ensuring all employees, consultants and contractors have signed the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities to acknowledge that they have read, understood, and will abide by the policy;
 - Providing a confidential reporting procedure(s) to report violations;
 - Receiving reports of misconduct, making an appropriate and expeditious inquiry into the matter and reporting to the Finance and Audit Committee as soon as practicable;

- Taking all reasonable steps to ensure that the identity of the person who makes a report of misconduct is kept confidential to the extent practical in all circumstances;
 - Taking necessary steps to ensure to ensure that persons who have reported instances of wrongdoing remain protected against any reprisals including but not limited to discrimination, retaliation, threats, harassment or loss of employment or employment opportunities;
 - Reporting to Council any contravention or suspected contravention of the prohibition against reprisals.
 - Securing related records; AND
 - Fostering an open and supportive ethical environment.
- e. If an Officer, Employee, Contractor or Agent is exercising a power, duty or responsibility relating to the financial administration of TFN, that person must:
- Comply with the Law, this Act, and any other First Nation law and applicable standards;
 - Comply with policies and procedures and directions of Council; and
 - Avoid conflicts of interest and comply with any applicable requirements of Policy 3.1 Conflict of Interest.

PROCEDURE

- I. Fostering an open and ethical working environment:
 - a. The Executive Director will communicate this policy to all employees.
 - b. Everyone employed or contracted with or acting as an agent for TFN in respect of the financial administration of TFN will be required to sign the agreement in Schedule 'B' Job Description to indicate that they have read, understood and accepted its contents before employment or appointment begins.
 - c. On an annual basis, all employees and consultants will sign and date the Acknowledgement and Agreement Regarding the Reporting of Breaches and Financial Irregularities.
 - d. The identity of any person who raises a concern of wrongdoing will remain confidential to the extent practically possible.
 - e. A person reporting a breach in good faith will receive fair and unbiased treatment throughout the investigative process and will be protected from reprisals. Council will ensure that the person is protected from any discrimination, threats, retaliation or harassment.
 - f. A person against whom a report has been made will receive fair and unbiased treatment. Where a preliminary inquiry into a report indicates a possible finding of misconduct, the person against whom the report has been made will be given an appropriate opportunity to answer the allegation in a manner consistent with the other provisions of this policy.
 - g. On an annual basis, the Finance and Audit Committee will provide Council with a report on the effectiveness of this policy and the Code of Conduct and Ethics policy. Statistics regarding the number of cases reported, investigated, resolved and outstanding will be included in the report, as well as any lessons learned or proposed changes to the policies.
- II. Methods to report suspected wrongdoing:
 - a. Council has established the following procedures to receive, retain, investigate and act on complaints and concerns of Councilors, Officers, employees, contractors and agents of TFN regarding instances of misconduct or wrongdoing.

- b. The Executive Director will ensure that the procedures noted above will be included in the contracts of contractors and the appointment of agents and committee members.
- c. Both the Executive Director and the Chair of the Finance and Audit Committee are authorized to receive and inquire into reports of misconduct or wrongdoing.
- d. The Executive Director and the Chair of the Finance and Audit Committee will report their respective findings of an inquiry into a report of misconduct or wrongdoing that they receive.
- e. The Finance and Audit Committee is authorized to inquire further into any findings reported to it by the Executive Director and the Chair of the Finance and Audit Committee.
- f. Any report received by TFN Officers, employees, contractors or agents from any source inside or outside TFN should be immediately forwarded to the Chair of the Finance and Audit Committee Chairperson. Councilors should report directly to the Chair of the Finance and Audit Committee.
- g. TFN Officers, employees, contractors or agents should forward their reports to the Executive Director or the Chair of the Finance and Audit Committee.
- h. Instances of wrongdoing can be reported directly to the Chair of the Finance and Audit Committee in the following ways:
 - i. In writing to the attention of the Chair of the Finance and Audit Committee;
 - ii. Via email;
 - iii. Via telephone to the Chairperson of the Finance and Audit Committee
 - iv. Anonymously in writing to the Chairperson of the Finance and Audit Committee;
 - v. Instances of wrongdoing can be reported directly to the Executive Director in the following ways: (the same information needs to be in place for the Executive Director given that she has the same role)

III. Inquiring into reported wrongdoing:

- a. Promptly upon receipt of a report, the Executive Director or Chair of the Finance and Audit Committee will:
 - i. Confirm in writing to the party who has reported an alleged misconduct that the report has been received
 - ii. Ensure that the identity of the person(s) making the report is kept confidential to the extent possible and that individuals who report in good faith are protected from reprisals;
 - 1. Include the report on a confidential written docket, summarizing in reasonable detail, the nature of the report (including specific allegations made and the names of the persons involved);
 - 2. The date of receipt of the report;
 - 3. The current status of any inquiry;
 - 4. The report made to the Finance and Audit Committee;
 - 5. Any final resolution of the reported wrongdoing.
 - iii. Decide upon the appropriate action to be taken when conducting the inquiry and start the inquiry as soon as possible. The inquiry should seek to confirm or refute the facts presented;
- b. When the alleged incident is of significant risk (to the operations, reputation, etc. of TFN), related to potential criminal acts by individuals, or of high financial value to TFN, the Executive Director or the Chair of the Finance and Audit Committee may retain external expertise to conduct the inquiry;
- c. Within a period of eight weeks from the moment the report has been received,

inform the party who reported the alleged irregularity of the status of the inquiry and steps that have been taken or will be taken following the results of the inquiry;

- i. If the inquiry cannot be completed with the eight-week time frame, inform in writing the person who reported the alleged irregularity and indicate a new time frame for the conclusion of the inquiry;
 - ii. Report on the progress of current inquiries at each Finance and Audit Committee meeting; and
 - iii. Upon completion of the inquiry, report to the Finance and Audit Committee on the conduct of the inquiry and the result of the inquiry and recommend actions to be taken.
- d. Upon receipt of the report from the Chair of the Finance and Audit Committee or the Executive Director, the Finance and Audit Committee will determine if it will conduct any further inquiry into the matter but in any event will make a report to the Council of the circumstances reporting to the Committee including the Committee's recommendations if any.
- e. The Finance and Audit Committee will actively monitor inquiries to ensure they are conducted in accordance with this policy.
- f. If the reported wrongdoing concerns a member of the Finance and Audit Committee, the Council will inquire into the matter or retain external expertise to conduct the inquiry.
- IV. Responding to wrongdoing and initiating remedial actions:
- a. After considering the final report of the results of an inquiry, the Finance and Audit Committee will recommend a course of action to Council which will decide to resolve the issue as soon as practical.
 - b. Resolution actions will be commensurate with the severity of the wrongdoing incurred, and can include reprimands, leave without pay, termination, revocation of appointment or other remediation as determined by the Council and subject to the progressive disciplinary action, up to and including termination.
 - c. Police will be contacted if activities of a criminal nature are identified.
 - d. Recovery of TFN funds, either expended or forfeited, as a result of the wrongdoing as described in the Financial Administration Law will be tracked and collected from the responsible individual(s).

ARTICLE 3: EMPLOYMENT ACCOUNTABILITY

The Executive Director reports directly to the elected Chief & Council of Temagami First Nation. The ED's responsibility is to oversee and approve the implementation of policies, procedures and practices and to guide management in ways of supporting their employees. Managers are accountable to the ED in all aspects of service delivery and employee management. In some departments, supervisor positions are present. These employees report directly to the department manager. Frontline employees are accountable to their department supervisors (if applicable) or department manager. The line of accountability is identified within each employee contract as a part of the job description.

POLICY 3.1 CONFLICT OF INTEREST

TFN preserves community confidence and trust in its integrity by ensuring that employees perform their duties in a manner that is free of any concern of conflict of interest. Conflict of interest is defined as being a situation where employees use their positions to promote private or personal interests for either themselves or certain others (including immediate family), resulting in interference with the objective of their duties and the organizational goals of TFN.

The objective of this policy is to clarify TFN's expectations for staff who may become involved in situations, which cause, or could potentially cause, a conflict of interest. It is impossible to detail all of the possible eventualities giving rise to a conflict of interest, however the following policy and procedure is intended to provide guidance to TFN employees in order that the vast majority of perceived, potential or actual conflicts of interest are recognized and either avoided or dealt with fairly and professionally.

TFN defines immediate family for conflict of interest purposes to include spouse, common-law spouse, parent, guardian, sibling, children, stepchildren, parent-in-law, sibling-in-law, grandparent or grandchild. If in any situation an employee feels there is potential for conflict, the expectation is that they will relay the pertinent information to their manager as soon as the conflict has become aware. Early disclosure is key to a successful resolution of the matter.

PROCEDURE

- I. Employees will arrange their private affairs so that no possible conflict of interest exists. Employees will not receive personal advantage or benefits because of access to information that is obtained during duty that is not publicly available.
- II. Employees will refrain from:
 - a. Use of TFN property for any purposes other than those approved
 - b. Preferential treatment for family members or organizations in which they or their family holds interest
 - c. Behaviours that may place them under obligation to persons or organizations seeking to gain privileged consideration for its own purposes
 - d. Using their positions to obtain employment within TFN or access to services offered by TFN for family members
 - e. Being influenced by the prospect of appointment or employment elsewhere in fulfilling their responsibilities of their positions
 - f. Accepting fees, gifts, or other tangibles offered which could be viewed as payment or reward for services rendered
 - g. Taking scheduled time off work from their regular work to perform private business affairs for which they receive a separate income, should not be allowed unless there is no impact on their regular job duties, and it is not a conflict of any kind.
- III. Upon recognizing the potential for a conflict of interest, employees are required to disclose the potential conflict at the earliest opportunity and withdraw from situations or discussions that would place that employee in conflict relative to the responsibilities of their role.
- IV. When disclosure has not occurred and TFN becomes aware of employment, financial, commercial or business transactions that may constitute conflict of interest, the matter will be reported to the ED for investigation. Full disclosure will be expected and required. The ED may appoint a designate to complete investigation if they so desire.
- V. If a situation arises where adherence to these policies and procedures poses a significant operational problem, the department manager will consult with the ED and

- secure the ED's written approval prior to finalizing the hiring decision.
- VI. The ED will investigate any conflict of interest situation brought forward immediately and, depending on the outcome of the investigation, will deal with it appropriately. Where a conflict of interest does arise between private interest and TFN responsibilities, the conflict will be resolved in favor of TFN.
 - VII. Employees involved in alleged conflict of interest situations may request or be requested to take a paid leave of absence by accessing accrued annual time until the matter is resolved. If the employee does not have significant banked time, the employee will be expected to take this leave unpaid.
 - VIII. Following the investigation, TFN has the following options available to them:
 - a. Be satisfied that the conflict does not affect performance or service
 - b. If financial, instruct the individual to divest themselves of the financial investment or transfer into a blind trust
 - c. If personnel related, remove the individual from the responsibilities causing the conflict of interest
 - d. Accept the individual's resignation
 - e. Terminate employee with cause if there was previous knowledge of a conflict and the existing TFN employee did not disclose to ED

POLICY 3.2 PERFORMANCE MANAGEMENT

TFN's ability to execute the goals and objectives of its strategic plan and to achieve extraordinary value for its community, directly relates to the effectiveness of its efforts to manage employee performance across the workforce.

TFN's approach to performance management provides employees with relevant ongoing feedback and coaching in respect to their performance, facilitates determination of individual and/or group development plans, and helps employees identify their personal career goals. Performance management is a tool utilized to determine applicable salary increased, goal development and identify shortcomings in their positions as they exist to implement changes to daily job requirements.

All TFN employees hired into positions that are 12 months or more in length will adhere to the performance evaluation procedure. Casual and relief employees will not be subject to a formalized performance evaluation due to the duration of their working agreements or contract. Employees on fixed-term contracts of twelve (12) months will be expected to complete a six (6) month evaluation as well as an annual evaluation to be included in his or her personnel file for future reference towards employment with TFN.

PERFORMANCE PLANNING

Immediate supervisors/managers are to ensure that each staff member for whom they have supervisory responsibility has an accurate and signed, up to date job description. Immediate supervisors/managers should schedule a performance planning session with individual staff members to agree on a minimum of five (5) performance objectives/goals for the next fiscal year.

Once goals have been agreed upon by the employee and the supervisor/manager, key performance indicators and period of achievement should be determined. This constitutes the performance plan.

The performance plan (goals, indicators, and period of achievement) should be documented in

duplicate and signed off by the supervisor/manager and evaluated employee, with a copy delivered to the HR department to be retained in the employee's personnel file. The evaluated employee should receive a copy of the annual evaluation once completed.

The supervisor/manager and staff member should identify the training and development needs the staff member requires in order to achieve the performance objectives, taking into consideration the resources needed for achieving it. The supervisor/manager will send the completed performance plan to the ED for final approval with a copy sent to HR. Any approved training and development plan should be included in the performance plan.

In collaboration with the supervisor/manager, the HR manager will review all training plans to ensure future training needs and requirements for the financial management system of TFN are aligned with the job description and needs of the department.

PERFORMANCE EVALUATION

Throughout the year, employees and supervisors should be discussing the progress of goals and identifying and performance issues, obstacles or new/amended goals which may have become evident since the last annual evaluation. Employees should share any aspect of their employment that may impact the achievement of the original goals and training and development plan. The annual evaluation meeting will occur to gain consensus on the employee's work performance. Every employee shall receive a formal annual performance evaluation at or around, the end of each of his or her evaluation period.

In preparation of the annual performance evaluation meeting, employees will conduct a self-assessment reflecting on achievements and any mitigating circumstances that may have impacted their performance and training development. This should be submitted in advance of their formal annual review meeting. The supervisor will review the self-assessment and provide an objective evaluation on the achievement or non-achievement of goals taking into consideration comments made by the employee in their self-assessment.

Performance evaluation tools will be created by HR in collaboration with supervisors/managers and will reflect core competencies indicated within the employee's contract and job description. The supervisor and staff member will both sign the completed evaluation in duplicate, with the original completed document forwarded to the HR department to be stored within the employee's personnel file.

The employee being evaluated may decide not to agree to sign his or her performance evaluation. This refusal will be recorded as such within the employee's personnel file, including any meeting notes that may have been taken during the formal evaluation process. If the employee does not agree with the outcome of the performance evaluation, he or she can follow the grievance procedure to file a formal grievance to discuss the outcome of the evaluation.

PROCEDURE

- I. All employees shall be evaluated prior to the end of their probationary period. This is to establish areas of improvement and identify areas of strengths. Items identified in this six-month review will be included within the annual performance evaluation.
- II. Supervisors/managers will ensure that all eligible employees will be evaluated on an annual basis by November 15 at the latest. This date is in place to accommodate any salary increases proposed within the performance evaluation. Evaluations and must be reviewed and approved with enough time to take effect by April 1 of each year, funding permitting.

- III. Employees will not be evaluated on areas that they have not been previously made aware of (i.e. duties that are not included in his or her job description). All evaluations shall be supported by evidence and data. Such evidence is especially important in the case of very high or very low performance evaluations.
- IV. A performance evaluation of the ED and Lands and Resources Director shall be completed annually by Chief and Council, and any committee appointed by Chief and Council including outside expertise for this purpose will be supported by HR Manager.
- V. The ED shall evaluate department managers and other Employees who report directly to the ED. Supervisors will be evaluated by the department manager responsible for overseeing his or her performance. Frontline employees will be evaluated by the appropriate supervisor or manager, depending on the organizational make-up of his or her specific department.
- VI. TFN's approach is guided by the following components in a cycle of performance management:
 - a. Performance Appraisal – Performance Appraisal is a shared responsibility that is conducted at the end of the employee's probation period and thereafter on an annual basis (January 1 to December 31), to be completed by November 15 of each year. The department supervisor/manager and the employee will meet in a formal review process to discuss the employee's performance and progress in comparison to TFN performance standards and the employee's specific performance objectives. In this discussion, the employee's self-assessment and the supervisor/manager's assessments are combined.
 - b. Behaviour-Based Performance Assessment – TFN supports a model of performance appraisal that is based on the employee's behaviour assessed against the TFN Standards of Professional Conduct and the specific job requirements. Both the employee and the supervisor/manager will provide behavior-based evidence and information to support their respective assessments. Behavior-based evidence and data to support the performance assessment may be drawn from a variety of sources, including management, coworkers, stakeholders and any other relevant source.
 - c. Establishing Performance Objectives and Measures – Supervisors/managers will clarify job expectations and requirements as an ongoing process of the employee's employment. Together they will establish performance objectives that are aligned with the organization's strategic directions, initiatives, priorities and the employee's specific job duties. Core competencies shall be defined in an employee's job description and described in such a way to produce relevant outputs and outcomes that can be readily tracked and measured over time. Specific performance measures that indicate progress and achievement of results over a set period shall also be identified at the time of the performance appraisal. Once confirmed, the objectives and performance measures will serve to guide employee efforts toward achievement of desired outcomes.
 - d. The Importance of Ongoing Dialogue – A TFN performance appraisal is regarded as a key component in a continual process of employee development. For this reason, employees and their supervisor/manager are expected to regularly discuss the employee's progress informally throughout the evaluation period. Typically, performance challenges arise when an employee lacks the knowledge, skill, ability and/or experience to fulfill job requirements. An important role of the supervisor/manager is to provide ongoing feedback and coaching to employees to optimize their performance and to help develop their skills and potential. Regular dialogue helps both the supervisor/manager and the employee understand the employee strengths as well as those areas that need attention

and further development. It is the supervisor/manager's responsibility to provide the employee with clear feedback and information, and the opportunity to enhance their performance through a process of continual improvement.

- e. *Using the Performance Appraisal Tool* – A standardized tool has been developed by HR to assist and support employees in the performance appraisal process. This tool is to be used in all performance appraisals, across all departments and levels of employee for TFN.
- VII. All employee evaluations should identify both employee strengths as well as those areas where there is a need for attention and/or room for improvement. Each evaluation will reflect core competencies as indicated within the employee's job description.
- VIII. Regarding identified areas for improvement, in addition to establishing specific performance objectives and the timelines and measures for tracking progress against these objectives, the evaluation process should clearly identify the assistance and support each employee will receive from their Department Manager in their efforts to improve their performance.
- IX. Unsatisfactory evaluations may lead to progressive discipline, up to and including, dismissal. In the latter case, the supervisor/manager shall ensure that documented evidence and data clearly explaining the reasons for dismissal are included in the employee's file.
- X. *Learning and Development*: During the evaluation process, employees and their supervisor/manager shall jointly identify the employee's current and future development needs. Dialogue shall include reference to the required knowledge, skills and abilities as indicated within the employee's job description. These requirements are aligned with the strategic direction and vision of the organization, and should be used to identify possible development opportunities such as special assignments, specific training and/or education to build individual capability and capacity in those areas. The performance management cycle is completed when training and development, career goals and performance objectives are finalized, as well as establishing the parameters for the next review period.
- XI. Based on the results of the employee's performance evaluation, the employee may be placed on a Professional Improvement Plan (PIP), as per this policy.

POLICY 3.3 PAY PERIODS AND METHOD OF PAYMENT

Wages are paid bi-weekly. Employees receive their pay in the form of electronic bank deposit to a bank, trust company or credit union of their choice. By law, TFN is required to deduct garnishments and wage assignments. The Family Support Act supersedes any other garnishment or wage assignment.

PROCEDURE

- I. As a part of the onboarding package, all new employees are to provide his or her banking information to HR.
- II. HR submits banking information to the finance department for payroll inclusion.
- III. Any changes made to existing banking information must be in writing, signed and submitted to the payroll clerk by the employee.

POLICY 3.4 HOURS OF WORK

The normal hours of operation for TFN offices are Monday to Friday, 8:30 a.m. to 4:30 p.m., or alternately 9:00 a.m. to 5:00 p.m. Eastern Standard Time. TFN provides a sixty (60) minute unpaid lunch period wherein employees are not expected to respond to telephone calls or

respond to community inquiries. Two breaks of fifteen (15) minutes each are available during each workday. One break will be taken in the first half of the workday and the second break will be taken in the second half of the workday. The times of the breaks will be at the discretion of the department supervisor/manager. Rest breaks are not to be used as time off or added together to extend lunch breaks or early departure. It is up to the employee whether they take the break or not. A lunch break is not to be shorter than thirty (30) minutes in length. Managers have the discretion to allow employees to take thirty (30) minute lunch breaks rather than the full hour. However, any time worked in the lunch hour is not to be claimed as overtime but rather flexed as per the TFN Flexible Schedule Policy.

It is understood that certain categories of employees may be required to work different hours from the established hours to fulfill their job requirements. Any variation in the normal service hours requires the pre-approval of the appropriate supervisor/manager.

If an employee is required to work on overnight field trips or excursions with clients, the 24-hour period will be developed into three, 8-hour blocks. The first 8-hour block will be considered a regular shift, the second 8-hour block will be considered overtime that will be flexed or time in lieu in accordance with POLICY 3.5 Flex Time and POLICY 3.6 Overtime and Banked Time. The third 8-hour block will be considered as sleep time and will not be compensated.

A day, for pay purposes, is a twenty-four (24) hour period beginning at 12:01 a.m. and ending at 12:00 midnight the following morning. A week, for pay purposes, is a seven (7) day period beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight on Saturday. Full-time employees work thirty-five (35) hours per week and are paid for 35 hours. Unless otherwise arranged with program supervisor/manager/coordinator. Supervisors/managers are responsible for the scheduling of employees' hours of work; however, any change to hours of work as defined in the Contract of Employment or any ongoing variation, such as banked time, compressed workweeks, or flex-time would require written approval of the supervisor/manager and submission to HR as an amendment to the existing employment contract and hours of work. This signed agreement will provide specific details as it relates to the amended schedule. Employees are expected to report for work regularly and on time for every scheduled working day. Failure to report or work regularly and when scheduled to do so, may result in progressive discipline up to and including dismissal.

PROCEDURE

- I. Each Department is responsible for providing adequate coverage between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday.
- II. Employees shall be advised of their scheduled hours of work by their supervisor/manager.
- III. Employees are responsible for notifying their supervisor/manager if they are going to be late arriving for work, or absent from work and expected length of absence, as soon as possible, as per Policy 6.9 Medical Leave.
- IV. Employees shall not be compensated for unapproved absences. Unapproved absences from work without notification to the supervisor/manager or HR Manager for three consecutive days will be considered an Abandonment of Position and may lead to disciplinary action, up to and including dismissal. It is the employee's responsibility to be communicating with TFN administration when on leave and adhering to directives provided.
- V. When an employee is required to complete TFN business outside of TFN place of business, prior approval from supervisor/manager is required.
- VI. Employees who are temporarily away from the office or from their workstation must

notify the appropriate person in the office as to their destination, how to be contacted and the estimated time of return. Employee's supervisor/manager must be informed and provided details pertaining to employee absence.

- VII. All employees are to document their whereabouts on their Outlook calendars and/or 3CX platform. Employees must ensure they have shared their calendars with his or her supervisor/manager.

POLICY 3.5 FLEX TIME

DEFINITION:

Flexible work arrangements are alternate arrangements or schedules from the traditional working day and week. Employers may allow employees to choose a different work schedule to accommodate personal or family needs. Alternatively, employers may initiate various schedules to meet their customer needs that fall outside of the regular 830-430p, Monday to Friday, that many of us are accustomed to.

PURPOSE:

Many benefits have been reported by various studies. Common findings include:

- Increased ability to attract, retain and motivate high-performing and experienced employees
- Reduced absenteeism
- Helps employees manage their responsibilities outside of work
- Increased job satisfaction, energy, creativity, and ability to handle stress

POLICY

Flex time will be mandatory for all management and executives. All other employees will receive overtime pay in accordance with Canada Labour Code (CLC) or Employment Standards Act of Ontario, as applicable.

Flex time will be banked in accordance with Policy 3.6 Overtime and Banked Time, every hour worked over seven (7) in a day will be banked at the regular rate of the employee, up to 40 hours in a bi-weekly period for applicable employees. Overtime rates will apply whenever flex is accrued on a holiday, when prior adjustment of schedule is not possible. Flex time will be paid out at the rate it was accrued upon approval from the manager.

Employees who will be eligible for flexible schedules, will have a Flex clause included in his or her employment contract, indicating that they are entitled to Flex time as outlined in this manual.

Any banking of flex time should be agreed upon between manager and employee, prior to accruing the banked time. In situations where this is not possible (i.e. unforeseen issues, longer than expected meetings etc.), the employee will send an email to their manager explaining the reasoning for needing to bank these additional hours. It is the expectation of TFN that employees will adjust their schedules to accommodate accrual of flex time in all situations where that is possible. In all circumstances, efforts should be made by the manager to adjust the workday of the employee to avoid the need for banking Flex time. This may include starting work earlier or later, where the employee will be expected to work more than his or her regular hours of work.

Flex Time cannot be used in conjunction with vacation time in order to extend approved vacation time. The only instance where this may be approved is if the employee has preplanned vacation within the same pay period that the flex hours are accrued and if the department can

viably continue service with the additional absence of that employee. These situations will be up to the Executive Director for final approval and Chief and Council if it involves the Executive Director.

At no time should an employee exceed thirty-five (35) hours of banked flex time, equivalent to one week's worth of banked time. All banked Flex Time must be used before the end of the fiscal year in which it is earned – no carry-over of Flex Time is permitted.

PROCEDURE

- I. The employee will identify the need for banking flex hours and speak to their supervisor/manager as soon as possible. Sending an email is enough for this communication if supervisor/manager is not available in person.
- II. Supervisor/manager determines if the request is a valid reason for needing to bank the hours and provide approval when applicable.
- III. The employee agrees to the terms and completes the required hours as discussed. If any hours need to be adjusted, the employee will connect with their supervisor/manager as soon as this becomes apparent.
- IV. Following the accrual of hours, the employee will discuss when the Flex hours will be used, recognizing that within the same pay period is ideal. Supervisor/manager will make all reasonable effort to accommodate using the hours within the expected time frame.
- V. The manager will update employee's timesheet to reflect the direction taken and submit to payroll, including any notes payroll may need to be aware of.

POLICY 3.6 OVERTIME AND BANKED TIME

TFN strives to organize work so that job duties and assignments can be accomplished within the normal working day. On those occasions where TFN employees will be unable to meet operational requirements within normal timeframes, overtime in the form of banked time in lieu may be requested and must be approved before the work is performed. TFN does not pay out banked overtime in monetary values. TFN compensates eligible employees who work pre-approved overtime in accordance with the CLC. Employees who are on training or at conferences that are paid for by TFN and are receiving regular payment for their regular position are not to claim overtime. When management overtime hours are flexed it will be at straight time up to the allowable weekly hours as per CLC legislation. Travel for TFN business that occurs on the weekend will adhere to overtime provisions as indicated within the CLC.

Managers should flex banked overtime hours wherever possible as opposed to carrying overtime credits. Eligibility for this provision will be included within the employee's employment contract. All arrangements for the use of banked over time hours will be approved by the ED when required.

As per the Canada Labour Code for non-managerial positions, with a valid averaging agreement in place, hours worked up to 40 hours in one week or 80 hours bi-weekly will be considered hours worked at straight time. Management hours between 40 and 80 will be considered straight time. Hours worked over 80 in a bi-weekly period will be banked at time and a half an employee's regular hourly rate. Overtime hours will not be paid out in monetary value and will be accrued as "time in lieu", to be used at a later, agreed upon date. Pre-approved earned lieu time is to be used as soon as possible after accumulation and must be taken within three months of the week in which the overtime was earned. Overtime can be banked in fifteen (15) minute increments.

Working on a statutory and/or corporate holiday must be pre-approved and will adhere to provisions applicable in the CLC regarding overtime rates.

Working overtime hours and the use of banked time must be pre-approved by the employee's supervisor/manager. At no point shall an employee's banked overtime exceed 35 hours (equal to one week's worth of banked time). Supervisor/manager's will be responsible for ensuring that employees are managing their banked time accordingly. The expectation is that banked overtime shall be depleted within three (3) months of the week in which the overtime was earned and used at an agreed upon time between supervisor/manager and the employee. All banked overtime must be utilized prior to the fiscal year end. If that cannot be accommodated the carry over amount should not exceed 35 hours. Any exceptions must have written approval from the ED. Requested days are not guaranteed and are subject to operational needs and requirements.

All Managers are required to get pre-approval for overtime or work hour variances from the ED. Requests should be submitted in writing to the ED's TFN email.

When employment terminates and upon written request, outstanding overtime will be issued at TFN's discretion as time in lieu prior to the employment termination date. Unused, earned lieu time (to a maximum of 35 hours for management staff) may be paid out at termination on the final payroll.

PROCEDURE

- I. Employees wishing to accumulate lieu time must submit a request to their supervisor/manager prior to working overtime. This request should be submitted with as much notice as possible.
- II. All employees will record overtime hours on his or her timesheet, indicating the purpose/reason for accruing the banked time and will be approved by supervisor/management upon submission to payroll.
- III. The use of banked time will not be granted without having first been approved by the employee's supervisor/manager. This use of time is not a guarantee and approval will be based on operational needs and requirements.
- IV. TFN employees are generally not expected to work on Public Statutory and Corporate holidays. Exceptions to this provision are employees that work within essential service programs and departments. In the event an employee is required to work on a statutory or corporate holiday, they will be compensated at rates as described within the CLC in accordance with this policy.
- V. Employees are to arrange work-related travel during work hours whenever possible.
- VI. Hours of work for travel outside of an employee's regular hours of work will be compensated at rates as advised by CLC, in accordance with this policy. Lieu for travel will be determined by comparing the modes of transport. After following TFN Financial Policies and Procedures, only the lowest accumulation of banked time will be approved.

POLICY 3.7 OTHER INTERNAL EMPLOYMENT

If an employee engages in work outside their regular job duties at TFN, it must be identified in writing to the employee's supervisor/manager and it must not detract from the employee's job performance, be detrimental to TFN's best interest or put the employee in a position of conflict as per Policy 3.1 Conflict of Interest. This additional employment will adhere to all applicable TFN financial policies including tax deductions, pension, benefits etc., and will be issues bi-

weekly as per Policy 3.34 Pay Periods and Method of Payment.

Honorariums received while on paid time or while representing TFN are not to be kept by employees. Such honorariums are to be given to the Finance Manager for processing.

PROCEDURE

- I. Employees wishing to accept other employment with TFN during TFN regular hours (requiring a change in their contracted hours of work) must seek approval in writing from their supervisor/manager or ED if applicable.
- II. If approved, the supervisor/manager will determine if the hours will be adjusted or shortened for the employee's agreement.
- III. An amendment of contracted hours will be submitted to HR to support this change of agreed upon hours.
- IV. An amendment to the employment contract will be drawn up for the employee and supervisor/manager signatures.

POLICY 3.8 TRAVEL ALLOWANCES/REIMBURSEMENT OF EXPENSES

Employees will be reimbursed for all reasonable and necessary business travel and business-related expenses which are directly related to, or associated with business meetings, business trips and other performance of TFN's business for which they are not otherwise compensated. All travel must be approved in advance by the employee's supervisor/manager. Discretion on the expenditure of TFN funds is required of all TFN employees.

PROCEDURE

See Financial Policies and Procedures with reference to "Travel and Expense Reimbursement" for further detailed information pertaining to travel allowances and reimbursement.

POLICY 3.9 MILEAGE ALLOWANCES

See Financial Policies and Procedures with reference to "Mileage Allowances".

POLICY 3.10 RENTAL CARS FOR TFN BUSINESS

Refer to Financial Policies and Procedures, "Rental Cars."

POLICY 3.11 TFN VEHICLE USE

The Temagami First Nation company vehicle policy gives employees guidelines for obtaining, qualifying for, and using a company vehicle to complete their required job duties. A "company vehicle" is any vehicle TFN assigns to employees or allows employees to use for work purposes. This policy applies to all employees who use a company vehicle and applies during and outside of working hours.

Employees may qualify for a company vehicle if they need a company vehicle for their daily work or are supposed to receive the use of a vehicle as a benefit. This can be extended for travel off island, as well as travel on Bear Island. This policy is also applied to vehicles such as snowmobiles, ATVs, Seadoos etc. that TFN expects its employees to use to complete their work duties. This vehicle is also applicable to heavy equipment machinery such as a backhoe, excavator, barge and loader.

To be eligible for a company vehicle, employees must complete a “Vehicle Use” form and submit a copy of their driver’s license to their supervisor/manager. The supervisor/manager will submit a copy to HR for storage in the employee’s personnel file.

Employees are only allowed to drive a company car if they have a valid driver’s license and a clean driving record for at least the past year. TFN may request the employee to submit a clean driver’s abstract. A clean driving record means the employee has not been held at fault for a car accident or arrested on charges of violating vehicle and traffic laws. TFN can assign and revoke access to company vehicles at its discretion. For positions where driving a TFN vehicle is a boafide job requirement, employees will be required to submit a copy of their driver’s license upon hire.

TFN will make reasonable accommodations to facilitate company vehicle use for eligible employees with disabilities.

TFN does not allow personal use of company vehicles. Personal use includes using the vehicle for personal errands between business activities, to commute between the workplace and home, or using the vehicle outside of business hours. If a situation arises where this becomes necessary, all vehicle use approvals will be made by the Executive Director under the advisement of the applicable supervisor/manager.

POLICY 3.12 TFN COMMUNITY MEETINGS, MEETINGS, AND WORKSHOPS

Except under exceptional circumstances, employee meetings shall be held during normal working hours at times designated by management. Management shall also designate the time of such meetings and the person responsible for them.

Mandatory department training is part of the job requirements. Attendance at such meetings is mandatory unless excused in advance by a supervisor/manager.

Attendance to meetings outside of regular hours of work will adhere to Policy 3.5 Flex Time or Policy 3.6 Overtime and Banked Time if applicable.

POLICY 3.13 CERTIFICATION AND LICENSING REQUIREMENTS

It is the policy of the TFN that employees in a position requiring certification or licensing are responsible for notifying their supervisor/manager in the event of loss or expiration of that certification or license. Employee positions that require driving as a bonafide job requirement, copies of driver’s license and driver’s abstract will be required to be submitted within the conditional period of hire to be saved within the employee personnel file. Should employees lose a license that is required as a condition of employment, the result may be sanctions up to and including dismissal. TFN will give the employee an appropriate “grace period” to allow the employee to attempt to complete the required certification to avoid possible dismissal. This grace period will be decided by the supervisor/manager, depending on the impact of the loss of certification/licensing requirement on the service deliverables or program requirements.

ARTICLE 4: CONFLICT RESOLUTION

POLICY 4.1 PROGRESSIVE DISCIPLINE

Employees are responsible always for conforming to the TFN Code of Conduct and Ethics, as well as all other TFN enforced policies and procedures. Non-compliance is considered unacceptable conduct. Where personnel policies and procedures are violated, the employee(s) involved may be subject to disciplinary action. Discipline will be issued only where determined legitimate and with enough reason supported by facts. Discipline will be corrective, progressive and consistently applied throughout TFN. Corrective actions will be attempted to address the unacceptable conduct at the onset of these behaviours or actions, in accordance with POLICY 3.23 Performance Management.

PROCEDURE

- I. When a breach occurs, discipline issued will be both corrective and progressive:
 - a. **Corrective** – apply the least amount of disciplinary action necessary to influence employee conduct and secure compliance with Personnel Policies and Procedures.
 - b. **Progressive** – apply increasingly more significant disciplinary action when violations are repeated.
- II. Employees will be kept informed of the TFN’s Personnel Policies and Procedures and are expected to conduct themselves in a manner that is consistent with them.
- III. Supervisors/managers are required to bring specific incidents of unacceptable conduct or performance to the employee’s attention at the onset of the unacceptable conduct or performance.
- IV. Wherever possible, unacceptable conduct or performance issues will be handled by informal discussion and counseling between the supervisor/manager and the employee, prior to instituting the formal disciplinary process.
- V. The degrees of formal disciplinary action available, listed in increasing intensity, are:
 - a. **First Stage** – *verbal reprimand*: includes a statement of what the employee has done wrong, how it should be corrected, and what might happen should it not be corrected. The supervisor/manager may keep a record of the conversation in their files for performance review purposes. A record of this measure will be sent to HR to be placed in the employee’s personnel file.
 - b. **Second Stage** – *written reprimand*: a formal warning that conduct is unsatisfactory. This measure will establish a clear understanding between an employee and the supervisor/manager as to what is expected. If more severe disciplinary action should later become necessary, the record of the reprimand(s) in the employee’s personnel file would demonstrate that the employee was made aware of the expectations and the consequences of further misconduct.
 - c. **Third Stage** – *second written warning*: a second formal warning that the identified misconduct has not been satisfactorily improved upon. This measure will further establish more clear guidelines for the employee and expectations of the supervisor/manager. This stage will introduce the Human Resources department into the progressive disciplinary process.
 - d. **Fourth Stage** – *suspension*: is the temporary removal of the employee from the place of work with or without pay. A suspension may be applied for the following two reasons:
 - i. to protect the service, persons, or property pending investigation of certain suspected misconduct when the presence of the employee at work cannot be tolerated or could undermine or impede the investigation;

- or
- ii. to impose a definitive disciplinary measure for an act of misconduct. An unpaid or paid suspension will be determined based on the severity of the offence committed and decided by the HR manager in collaboration with the supervisor/manager.
- e. **Fifth Stage – dismissal:** for cause is the separation of an employee from TFN for misconduct. This measure may be applied after a series of acts of misconduct when a “culminating incident” has been reached or for a single act of serious misconduct. Termination is the most severe disciplinary measure, and the decision to proceed should be taken only after careful consideration and when it is determined that the employee is no longer suitable for continued employment because of misconduct. In these cases, termination will adhere to all related legislation described in the CLC and applicable TFN policies and procedures.
- VI. The degrees of discipline are progressive and applied to give employees the opportunity to correct unacceptable behaviour. The degree applied must be appropriate to the seriousness of the offence. Any degree may be repeated or bypassed at the discretion of management.
- VII. Less significant degrees of the disciplinary process are often bypassed in cases of gross misconduct that may warrant suspension or dismissal on first offence for “just cause”.
- VIII. Department Managers are:
 - a. Authorized to issue first and second stage discipline (verbal and/or first written reprimand).
 - b. Expected to consult with the ED and Human Resources, provide all documentation and recommend third stage or fourth stage discipline. Suspension must be thoroughly reviewed and approved in advance by the ED after consultation with HR Manager.
 - c. Expected to provide documentation and support to HR Management as indicated within disciplinary steps, prior to issuing dismissal. Dismissal must be thoroughly reviewed, including all documentation, legal advice, and approved in advance by the ED after consultation with HR Manager.
- IX. No action will be taken until all relevant facts regarding alleged violations have been reviewed. The employee’s history and circumstance will be considered in determining the appropriateness of disciplinary action including but not limited to the employee’s work record, performance evaluations, premeditation or emotional impulse and expressed remorse.
- X. Discussions of a disciplinary nature will be conducted in a location and manner that respects the privacy and dignity of the employee.
- XI. Discussions of a disciplinary nature will be documented and placed in the employee’s personnel file.
- XII. On occasion, an investigation may need to be conducted into allegations of misconduct during which time it may be necessary to remove the employee from the workplace.
- XIII. It may alternatively be requested that, and employee be transferred to another department for which the employee is qualified to work in. Where this is not possible, the employee may be placed on an investigative leave of absence with or without pay.
- XIV. The employee who is placed on an investigative leave of absence with pay and subsequently cleared of wrongdoing will be reinstated to active employment.
- XV. The employee who is placed on an investigative leave of absence without pay and subsequently cleared of wrongdoing will be reinstated to active employment and fully compensated for all wages withheld during the investigative leave of absence.
- XVI. Employment termination is the ultimate form of discipline applied when, despite all efforts to counsel and correct conduct, the employee has not responded to disciplinary

measures within the set timeframe, and/or continues to engage in the offending behaviour.

- XVII. Employees terminated for cause or have previously abandoned their position may be eligible for employment with TFN. For any return to employment with TFN, history is to be considered and evidence of corrective behavior is to be discussed at the ED level prior to any re-entry.
- XVIII. The ED's decision on dismissal is final.
- XIX. Summer students and casual employees are to be treated as employees and will adhere to the progressive disciplinary steps as indicated within this policy.

DOCUMENTATION

Documentation will include the date, a brief description of the incident, expectations and timeframe for sustained change, reasonable monitoring, the date of next review and the employee's verbatim response.

Other than verbal reprimands, formal disciplinary measures will be issued in writing identifying the specific degree of discipline issued, the action necessary for resolution, the timeframe for sustained change and the consequences of further misconduct. The employee's signature will be requested to acknowledge receipt of the written discipline. If the employee refuses to sign, the supervisor/manager will indicate in the signature area "Employee refused to sign" and initial and date the comment. The original will be placed in the employee's file, and a copy will be given to the employee.

Records of disciplinary action will remain in employee files until the time limit of the warning has expired, behaviours have been corrected and the correction has been sustained over a two-year period, at which point all disciplinary action records will be expunged by TFN Human Resources who will, in turn, advise the supervisor/manager that the disciplinary action records have been expunged. Notices of disciplinary action may be attached to the employee personnel file as a "Retention and Disposal Standard" governed by the Privacy Act that must be adhered to.

The time limit for disposal is a minimum of two (2) years following the date of disciplinary action, provided no further disciplinary action on the issue had been recorded in the meantime. In cases where a disciplinary action has been rescinded, TFN Human Resources will ensure that the documentation of the action concerned is immediately destroyed. Notices of disciplinary action may be attached to the employee personnel file as a "Retention and Disposal Standard" governed by the Privacy Act that must be adhered to.

There will be no salary increases for an employee during the term of the disciplinary action period and although the salary may be increased on return to a satisfactory evaluation, the salary increase is not retroactive.

DEFINITIONS

A list defining unacceptable conduct follows to assist in the interpretation of unacceptable conduct and is separated as "*misconduct*" and "*gross misconduct*".

It should be noted that the list is not intended to be all-inclusive, but an indication of what conduct is unacceptable.

Misconduct

Generally, behaviour that will result in progressive discipline includes misconduct or violations of TFN Personnel Policies and Procedures such as:

- Chronic absenteeism defined as missing more than 182 hours in a standard work year in conjunction with failure to report to work as scheduled without proper notice (and approval) and without valid reason;
- Neglect of job duties as indicated within the employee's signed job description;
- Abuse of work time such as use of unauthorized and unexplained absences during the workday, being less than alert or sleeping on the job, conducting extended personal telephone calls during work hours;
- Accessing or spending time on social media including Facebook and Twitter in violation of our Social Media Policies, for any other than work related reasons;
- Insubordination, refusing to comply with senior Employees reasonable work directions;
- Willful violation or disregard of the TFN Personnel Policies and Procedures;
- Unauthorized use or misuse of any TFN property or records;
- Angry outbursts involving use of obscene or abusive language, being disrespectful.
- Being in an unfit condition to perform the duties of the job;
- Use of another employee's computer ID and password, providing another employee with one's own user ID and password;
- Unauthorized access to confidential or privileged information;
- Suggesting gifts or favours for any services provided by the TFN;
- Disorderly conduct while on duty or while off duty and on the TFN premises;
- Watching porn and surfing the Internet for unrelated work purposes during work hours.

Gross Misconduct

Generally, behaviours that will result in more significant progressive discipline such as suspension or dismissal on the first offence may include:

- Violence, fighting or using physical force while acting on official TFN duties;
- Threatening or making threatening actions;
- Possession or use of firearms, weapons or explosives on the TFN property;
- Fraud, collusion with other employees or other misappropriation of the TFN funds or property, falsifying records, statements or financial documents;
- Absence for three (3) consecutive workdays without notification to the TFN and/or without acceptable reason. This absence is considered an Abandonment of Position;
- Malicious damage to or destruction of the TFN property;
- Harassment, discrimination or bullying of another employee or client;
- Alcohol or drug abuse on duty, caution is necessary with alcohol or drug-related illnesses;
- Soliciting, procuring, or engaging in immoral acts on the premises;
- Bribery;
- Outside employment during normally scheduled TFN works hours if not appropriately disclosed to TFN;
- Willful misrepresentation of information on an employment application;
- Refusing to meet with Management when requested;
- Slandering the TFN.

POLICY 4.2 CONFLICT RESOLUTION

All complaints shall follow TFN Conflict Resolution process as established below. It is the mutual desire of TFN and Employees that complaints shall be resolved as quickly as possible. It is understood that an employee has no issue until they have exhausted Step 1 of the resolution process.

The conflict resolution process will provide an avenue for employees to raise concerns with the reassurance that they will be protected from reprisals and to provide a safe respectful place where conflicts can be resolved. Unresolved, long-running conflicts result in antagonism, breakdown in communications, inefficient teams, stress and low productivity.

It is expected that employees use the TFN Conflict Resolution Policy to resolve conflicts in the workplace. The five essential steps to constructively resolve conflicts at work and can be applied to most types of conflict. Please review Appendix 2. Conflict Resolution for full details on the suggested steps.

PROCEDURE

- I. Employees in conflict will speak with each other directly. Meeting at an agreeable time to discuss conflict in a professional manner, addressing each other's concerns and working to overcome the disagreement.
- II. If step one does not improve the conflict, the employee affected by the conflict will speak with their manager to discuss the situation. The manager will connect with both employees to organize a conflict resolution meeting between the involved parties. HR may be asked to attend as mediator if required.
- III. If the conflict is with an employee from a different department, a conflict resolution meeting will be arranged between all involved parties and with applicable managers present. HR may be asked to attend as mediator if required.
- IV. If the managers are unable to assist in the conflict, the employee can issue a formal complaint with HR regarding the initial complaint. At this stage, HR will investigate the issue, speaking to both employees as well as any witnesses or involved parties, identified in the employee complaint.
- V. Following this investigation, HR will provide a report to the managers regarding what was believed to have transpired with any suggested training and development needed for either employee involved in the conflict. It may be identified during the investigation that either employee violated a TFN Policy or Procedure. If that has occurred, HR will inform the manager of proper disciplinary steps and if required, apply varying levels of discipline as per Policy 4.1 Progressive Discipline.
- VI. If either employee is unsatisfied with the results of the investigation, he or she may take their concerns to the ED. The ED will consult with HR to discuss the outcome of the investigation and may come to a different conclusion than what HR concluded. If this occurs, the ED will provide a report to all involved parties including the employees, HR and the applicable managers.
- VII. If the employee remains unsatisfied with the ED's determination, he or she may take their concern to Chief & Council for final decision making. Chief & Council will communicate with both the ED and HR regarding their recommendations and will come to their own conclusion on the matter. Chief & Council will inform the ED of their decision and the ED will inform all involved parties of the outcome.

POLICY 4.3 PREVENTING WORKPLACE BULLYING, HARASSMENT & SEXUAL HARASSMENT

TFN believes in the prevention of bullying, harassment and sexual harassment in the workplace and promotes a harassment-free working environment in which all people respect one another and work together to achieve common goals. CLC legislation states that every employee is entitled to employment free of sexual harassment. Any act of bullying & harassment committed by or against any employee or member of the public is unacceptable

conduct that will not be tolerated. TFN will take all reasonable and practical measures to prevent and protect employees from acts of bullying, harassment and sexual harassment. This includes mandatory training as indicated by Occupational Health and Safety protocols.

SCOPE

This Policy applies to all TFN employees, and all activities that occur while on TFN premises or while engaging in TFN business, activities, or social events.

TFN is committed to:

- Promoting a harassment-free workplace.
- Investigating reported incidents of workplace harassment in an objective and timely manner.
- Taking necessary action to respond to those incidents.
- Providing support for complainants.

DEFINITIONS

Complainant: The person who files a formal complaint in writing pursuant to this Policy.

Employee: An individual in an employment relationship with TFN.

Respondent: The individual against whom allegations that could constitute a violation of this Policy have been made.

Workplace: Any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments outside TFN's work premises, work-related travel and work-related conferences or training sessions.

Workplace harassment: Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. Examples of workplace harassment include, but are not limited to:

- Unwelcome jokes, slurs, innuendoes or taunting.
- Behaviour or conduct that might reasonably be expected to cause harm, discomfort, offence or humiliation.
- Body language or gestures that are disrespectful, an example would be eye-rolling.
- Inappropriate communication via electronic mail, social media including display and/or distribution of improper information from the internet.
- Inappropriate, unwelcome touching, come-ons or sexual flirtation.
- Display of sexually offensive pictures or objects.
- Lateral Violence such as Gossip, Backstabbing, Ostracism, etc.

Sexual Harassment: Conduct, comment, gesture, or contact of a sexual nature

- that is likely to cause offence or humiliation to any employee; OR
- that might on reasonable grounds, be perceived by employee as placing a condition of sexual nature on employment or on any opportunity for training or promotion

PROCEDURE

Reporting Workplace Bullying, Harassment & Sexual Harassment Incidents

An employee who believes that they have been subjected to harassing behaviour is to follow the steps outlined below:

- I. Prior to filing a formal report of an incident, a person subjected to workplace harassment (the Complainant) should let their objections of the behaviour be known to the alleged offender (the Respondent), directly or with the assistance of a third party.

- II. A Complainant may ask for support from their immediate supervisor, Department Manager, ED, or Human Resources Manager to communicate their objections to the incident and/or to prepare and submit a formal complaint if they choose.
- III. The Complainant should carefully record details of the incident including the date and time of the incident, the nature of the incident and names of people who may have been witnesses.
- IV. If the behaviour does not stop after the employee has spoken to the person, or at any point, the Complainant may choose to file a formal complaint that outlines the details of the allegations to their immediate supervisor, Department Manager, ED or Human Resources Manager.
- V. Complaints shall be filed within 48 hours or two working days following the incident(s) complained of.
- VI. The Respondent should be advised that the above steps have been taken and to refrain from discussing the complaint with anyone other than those involved in the investigation.

If an allegation of workplace bullying, harassment or sexual harassment is made against an employee's direct manager or supervisor, or a member of the OHSC, the Complainant shall file a formal complaint directly with the HR Manager. The HR Manager will ensure to follow the prescribed steps to resolve the complaint.

If an allegation of workplace bullying, harassment or sexual harassment is made against an elected TFN official or a non- employee (i.e. Consultant/Contractor), the Complainant shall file a formal complaint directly to the ED. If an allegation is made against the HR Manager, the Complainant shall file a formal complaint directly with the ED. The ED or designate shall contact the authorized representatives and inform them of the allegations made against them or their employee and take appropriate action to ensure that employees are not subjected to further harassment.

If an allegation of workplace bullying, harassment or sexual harassment is made against the ED, the Complainant shall file a formal complaint directly to the HR Manager. The HR Manager will bring the complaint to Chief & Council and Chief & Council will determine whether the HR Manager will complete the resolution process or if using third-party mediation may be required.

Confidentiality

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes aware of an incident of harassment should not disclose the details of the incident to any third party. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated. Those with questions or concerns about an incident should speak to their immediate supervisor, Department Manager, ED or Human Resources Manager.

PROCEDURE

Investigation of Complaints

All reports of workplace harassment will be taken seriously and will be documented and if the allegations constitute a violation of this policy, they will be investigated. The form of investigation will depend on the circumstances and may involve appropriate law enforcement or other competent persons as determined by TFN, taking into consideration the nature of the harassment and the concerns of employee(s) who experienced the workplace harassment.

- I. Upon receipt of a formal complaint of workplace harassment, the HR manager will determine if they are able to complete the investigation or if the need of a delegate is

- required
- II. Contact with both the Complainant and Respondent shall be completed within five (5) days.
 - III. The investigation will include the following:
 - a. Interviewing the complainant and the respondent as soon as possible.
 - b. Interviewing any potential witnesses.
 - c. Advising all persons interviewed to refrain from discussing the complaint as well as the possible consequences.
 - d. Inform all involved parties of the consequences of reprisals.
 - IV. The investigator may make a finding of:
 - a. Enough evidence to support a finding of violation of this policy.
 - b. Insufficient evidence to support a finding of violation of this policy.
 - c. No violation of this policy.
 - V. The investigator will prepare a written report of their findings, and forward that report to the ED.
 - VI. The ED will review the report within twenty-four (24) hours of receiving it and shall support the findings within the report, implementing identified resolutions. The investigator will inform the Complainant and Respondent in writing of the outcome. Any identified resolutions must be implemented as soon as possible but no later than six (6) months after the submission of the report to the ED.
 - VII. The duration of this investigation shall take no longer than six (6) months to complete all required steps but it is expected that the Complainant and Respondent are kept informed at least monthly, on the progress of the resolution process.

Record Keeping

The documents corresponding to any investigation will be kept on file in a secured location, separate from any employee's personnel files, for two years from the date of the incident to be readily available for inspection by anyone directly affected by the incident, or an Occupational Health & Safety Officer. Records of any remedial action will be placed in the appropriate employee's personnel file.

Employee Responsibilities

Employees are expected to:

- Act respectfully towards other individuals while at work and while participating in any work-related activity.
- Report any incident of workplace harassment that they have knowledge.
- Understand and comply with this Policy and all related procedures.
- Co-operate with any efforts to investigate and resolve matters arising under this Policy.
- Participate in education and training programs and can respond appropriately to any incident of workplace harassment.

Employer Responsibilities

Employers are expected to:

- Ensure training and education of all employees with respect to this Policy.
- Promote a harassment-free working environment.
- Designate an employee to act as a Workplace coordinator with respect to workplace harassment issues and to ensure compliance with this Policy.
- Review all reports of workplace harassment in a prompt, objective and sensitive manner.
- Facilitate appropriate support for all those either directly or indirectly involved in a workplace incident.

Consequences

No employee or any other individual affiliated with TFN shall subject any other person to workplace harassment or allow or create conditions that support workplace harassment. An employee of TFN who subjects another employee, client, or business associate of the TFN to workplace harassment may be subject to disciplinary action, up to and including immediate dismissal for just cause. Additionally, discipline up to and including immediate dismissal for cause, may be imposed on the following individuals in the following circumstances:

- On Department Managers who were aware of harassment and permitted it to take place.
- On employees who bring forward complaints in bad faith or for vexatious reasons.
- On employees who have made a false accusation under this Policy, knowingly or in a malicious manner.

Reprisals

TFN will not tolerate reprisals or retaliatory measures against any employee, who in good faith raises a complaint of workplace harassment within the meaning of this Policy. These protections apply to anyone who cooperates in the investigation of the complaint. Disciplinary action may be taken against any person who takes any reprisal against a person who reports workplace harassment.

Assistance to Employees

Employees who have been victims of workplace harassment may be referred to the Employee Assistance Program (EAP) for confidential counseling services. Use of such services will be at the employee's sole discretion.

Monitor and Review Policy Regularly

TFN will review this Policy and the effectiveness of its workplace harassment prevention measures at least every year and after any critical incident of harassment in the workplace. TFN will provide employees with information and training regarding workplace harassment at least once every three (3) years.

POLICY 4.4 WORKPLACE VIOLENCE PREVENTION

EMPLOYER STATEMENT

TFN believes in the prevention of violence in the workplace and promotes a violence-free working environment in which all people respect one another and work together to achieve common goals. Any threat or act of violence committed by or against any employee or member of the public is unacceptable conduct that will not be tolerated. TFN, in consultation with the workplace health and safety committee, will take all reasonable and practical measures to prevent and protect employees from acts of violence. TFN will assess the workplace for threats of violence or incidences of violence on an ongoing basis and identify factors that contribute to workplace violence.

The CLC OHS Regulations require the following:

- The employer shall develop in writing and implement emergency notification procedures applicable to summon assistance where immediate assistance is required, in response to workplace violence.
- The employer shall 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.

APPLICABILITY

This Policy applies to all TFN employees and all activities that occur while on TFN premises or while engaging in TFN business, activities, or social events.

TFN is committed to:

- a. Providing a safe, healthy and violence-free workplace;
- b. Dedicating sufficient attention, resources and time to address factors that contribute to workplace violence including, but not limited to, bullying, teasing, and abusive and other aggressive behavior and to prevent and protect against it;
- c. Communicating to its employees information in its possession about factors contributing to workplace violence; and
- d. Assisting employees who have been exposed to workplace violence.

DEFINITIONS

Complainant: The person who files a formal complaint in writing pursuant to this policy.

Employee: An individual in an employment relationship with TFN.

Respondent: The individual against whom allegations that could constitute a violation of this policy have been made.

Workplace: Any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions, work assignments outside TFN's work premises, work-related travel and work-related conferences or training sessions.

Workplace violence: Constitutes any action, conduct, threat or gesture of a person towards an employee in their workplace that can reasonably be expected to cause harm, injury or illness to that employee. Examples of workplace violence include, but are not limited to:

- Threatening behaviour such as shaking fists, destroying property or throwing objects.
- Verbal or written threats that express intent to inflict harm.
- Physical attacks.
- Any other act that would arouse fear in a reasonable person in the circumstances.

PROCEDURE

Reporting Incidents of Workplace Violence

- I. An employee who believes that they have been subjected to, have witnessed, have knowledge of, or has a reason to believe workplace violence may occur, will immediately report such information to their immediate supervisor, manager, ED or Human Resources Manager. Any workplace violence involving an elected TFN official or non-employee of TFN will be reported directly to the ED.
- II. Emergencies that require immediate response should be reported to their immediate supervisor, manager, ED or Human Resources Manager. If none of these individuals are available, employees will contact the Band Office and request to speak with an available manager to report the incident.
- III. Non-emergencies such as threats or threatening behaviours must also be reported

- immediately to the employee's immediate supervisor/manager.
- IV. The Workplace Health and Safety Committee will be notified of incidents of workplace violence within four (4) days of the incident and the Committee shall review and develop recommendations to eliminate potential risks and hazards.
 - V. If an allegation of workplace violence is made against a TFN elected official or a non-employee, the ED shall contact their authorized representatives (if applicable) and inform them of the allegations made against them or their employee and take appropriate action to ensure that employees are not subjected to further violence.

CONFIDENTIALITY

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. Any individual who becomes aware of an incident of violence should not disclose the details of the incident to any third party. Gossiping about an incident seriously undermines the privacy of all parties involved and will not be tolerated. Those with questions or concerns about an incident should speak to their immediate supervisor, Department Manager, ED or Human Resources Manager.

INVESTIGATION OF COMPLAINTS

All reports of workplace violence or potential incidents will be taken seriously and will be documented and investigated. The form of investigation will depend on the circumstances and may involve appropriate law enforcement or other competent person as determined by TFN, taking into consideration the nature of the workplace violence and the concerns of employee(s) who experienced the workplace violence.

PROCEDURE

- I. Upon receipt of a formal complaint of workplace violence, the HR Manager will determine if they are able to complete the investigation or if circumstances warrant it that responsibility shall be delegated to another competent person.
- II. The investigation will include the following:
 - a. Interviewing the complainant and the respondent as soon as possible
 - b. Interviewing any potential witnesses
 - c. Advising all persons interviewed to refrain from discussing the complaint as well as the possible consequences
 - d. Inform all involved parties of the consequences of reprisals
- III. The investigator may make a finding of:
 - a. Enough evidence to support a finding of violation of this policy.
 - b. Insufficient evidence to support a finding of violation of this policy.
 - c. No violation of this policy.
- IV. The investigator will prepare a written report of their findings, and forward that report to the ED.
- V. The ED will review the report within 24 hours of receiving it and advise HR on how to proceed based on the investigative findings. HR will inform the complainant and the respondent in writing of the outcome.

RECORD KEEPING

The documents corresponding to any investigation will be kept on file in a secured location, separate from any employee's personnel files, for two years from the date of the incident to be readily available for inspection by anyone directly affected by the incident, or an Occupational Health & Safety representative. Records of any remedial action will be placed in the appropriate employee's personnel file.

EMPLOYEE RESPONSIBILITIES

Employees are expected to:

- Act respectfully towards other individuals while at work and while participating in any work-related activity.
- Ensure their own immediate physical safety in the event of workplace violence, then to report the incident to the police or a supervisor/manager as the situation warrants.
- Report any incident of workplace violence that they have knowledge of.
- Understand and comply with this policy and all related procedures.
- Cooperate with any efforts to investigate and resolve matters arising under this policy.
- Participate in education and training programs and can respond appropriately to any incident of workplace violence.

MANAGEMENT RESPONSIBILITIES

Management employees are expected to:

- Ensure training and education of all employees with respect to this policy.
- Promote a violence-free working environment.
- Conduct a risk assessment of the workplace to determine the potential for the risk of violent situations. The assessment will take into consideration circumstances that would be common to similar workplaces and circumstances that are specific to the working environment at TFN. The Workplace Health and Safety Committee will be advised of the results of the assessment as is required under the Canada Labour Code.
- TFN will reassess the risks of workplace violence as often as is necessary but at least every three (3) years to ensure the continued protection of employees from workplace violence. Results of the assessment will be provided to the Workplace Health and Safety Committee.
- Provide employees with information including personal information, about a person with a history of violent behaviour if the worker can be expected to encounter such a person during their work and the risk of workplace violence is likely to expose an employee to physical injury.
- Take all reasonable precautions in the circumstances for the protection of an employee if TFN becomes aware of a domestic violence situation that would likely expose an employee to physical injury in the workplace.
- Review all reports of workplace violence in a prompt, objective and sensitive manner.
- Facilitate medical attention and appropriate support for all those either directly or indirectly involved in a workplace incident.

CONSEQUENCES

No employee or any other individual affiliated with TFN shall subject any other person to workplace violence or allow or create conditions that support workplace violence. An employee of TFN that subjects another employee, client, or business associate of TFN to workplace violence may be subject to disciplinary action, up to and including immediate dismissal for just cause.

Additionally, discipline up to and including immediate dismissal for cause, may be imposed on the following individuals in the following circumstances:

- On employees who bring forward complaints in bad faith or for vexatious reasons.
- On employees who have made a false accusation under this Policy, knowingly or in a malicious manner.

REPRISALS

TFN will not tolerate reprisals or retaliatory measures against any employee, who in good faith raises a complaint of workplace violence within the meaning of this policy. These protections apply to anyone who cooperates in the investigation of the complaint. Disciplinary action may be taken against any person who takes any reprisal against a person who reports workplace violence.

ASSISTANCE TO EMPLOYEES

Employees who have been victims of workplace violence may be referred to the Employee Assistance Program for counseling services. Use of such services is confidential and will be at the employee's sole discretion.

MONITOR AND REVIEW POLICY REGULARLY

TFN will review this policy and the effectiveness of its workplace violence prevention measures at least every year and after any critical incident of violence in the workplace. TFN will provide employees with information and training regarding workplace violence at least once every three years.

ARTICLE 5: BENEFITS

POLICY 5.1 EMPLOYER SPONSORED GROUP BENEFITS INSURANCE

Group Benefits Plan:

Group benefit plan will remain at the discretion of the employer and can change from time to time. Human Resources is the plan administrator. Any information and inquiries should be directed to that department.

All regular full-time employees working in a full-time capacity and contracts longer than twelve (12) months in duration, are eligible to enroll in TFN group benefit insurance. Exceptions to this rule are in situations when the program is not funded to provide benefits based on the nature of the position.

All regular part-time employees working at least twenty-one (21) hours per week on a regular basis, are eligible to enroll in TFN group benefit insurance. Exceptions to this rule are in situations when the program is not funded to provide benefits based on the nature of the position.

Casual employees are not eligible to enroll into TFN group benefit insurance due to the nature and casual aspect of the employee contract.

Employees are able to enroll into the group benefit insurance once the employee's probationary period has passed. Probationary periods are indicated within the employee's employment contract.

Insurance premiums are borne by TFN. A detailed description of the plan is available through a request from Human Resources and is provided to new Employees. TFN reserves the right

to amend all coverage when required.

PROCEDURE

- I. Employees will be given the paperwork to enroll into the group benefit insurance plan when they become eligible by the Human Resources department.
- II. Employees are required to fill out the information required and submit back to Human Resources for processing. A copy of this documentation will be saved within the employee's personnel file.
- III. Upon enrolment, the employee will receive a benefit card and instructions on accessing information using the website.
- IV. It is the employee's responsibility to inform HR of any changes to the employee's personal information that may affect coverage (i.e. change of name, dependents, type of coverage etc.).
- V. Should it be necessary for an employee to be approved Long-Term Disability and the employee is non-status then the amount will be taxable.
- VI. TFN is responsible to pay for the coverage as outlined in the agreement with the provider. Payment for any additional coverage is the responsibility of the employee.
- VII. The employee must be actively employed to participate in the group benefits plan. Upon severance of employment for whatever reason, coverage will cease within thirty days of the last date of employment.
- VIII. In the event of termination of employment, information and forms will be provided by the plan administrator regarding conversion of benefits and life insurance.
- IX. In the event the employee becomes disabled due to sickness or injury, TFN will continue to pay premiums, thereby keeping the employee and family covered under the plan. Coverage will continue as follows:
 - a. During the first 119 days of disability, TFN will continue to pay for all benefits that are 100% TFN paid. The employee will be expected to continue to remit premiums for employee-paid Optional Life Insurance and voluntary AD&D insurance.
 - b. During the 24-month period immediately following the first 119 days of disability, TFN will continue to pay for all benefits that are 100% TFN paid, provided the employee is approved for, and in receipt of, Long-Term disability benefit payments under the plan. During this period, it is possible that certain benefits will remain in force with premiums being waived by the insurance company.
 - c. At the end of the above mentioned 24-month period, all coverage under the benefit plan will cease, regardless of whether the employee continues to be in receipt of LTD benefits. While it is possible that certain benefits will continue to be in force with premiums being waived by the insurance company, all coverage and employer obligations under the benefit plan will cease.
- X. Optional Benefits Enrollment – Employees are eligible for opt out of the group benefit plan, subject to approval by the insurance company. Human Resources has forms available for Long Term Disability and Optional Life, Spousal Optional Life, and Optional Accidental Death and Dismemberment, upon request.

POLICY 5.2 REGISTERED PENSION PLAN

Registered Pension Plan (RPP)

All regular full-time employees working in a full-time capacity and contracts longer than twelve (12) months in duration, are eligible to enroll in the Registered Pension Plan. Exceptions to this rule are in situations when the program is not funded to provide benefits based on the nature of the position.

All regular part-time employees working at least twenty-one (21) hours per week on a regular basis, are eligible to enroll in TFN Registered Pension Plan. Exceptions to this rule are in situations where the program is not funded to provide benefits based on the nature of the position.

Casual employees are not eligible to enroll into TFN Registered Pension Plan due to the nature and casual aspect of the employee contract.

Employees are eligible to enroll into the RPP once the employee's probationary period has passed. Probationary periods are indicated within the employee's employment contract.

Enrollment is optional. A waiver form must be signed and submitted to HR for payroll and administrative purposes.

PROCEDURE

- I. Employees will be given the paperwork to enroll into the group benefit insurance plan when they become eligible by the Human Resources department.
- II. Employees are required to fill out the information required and submit back to Human Resources for processing. A copy of this documentation will be saved within the employee's personnel file.
- III. After successful completion of the employee's probationary period, the employee will be enrolled in the RPP and the percentage deduction outlined in the registration form will be deducted through payroll.
- IV. HR will provide contact information for the pension plan administrators to the employees.
- V. It is the employee's responsibility to inform HR of any changes to the employee's personal information that may affect coverage (i.e. change of name, dependents, type of coverage etc.).
- VI. Upon severance of the employee/employer relationship, the pension plan administrator will contact the individual through their home address regarding their investments.

POLICY 5.3 EMPLOYEE MEMBER TRAINING AND DEVELOPMENT

The TFN will take every opportunity possible - funding permitting, to provide for the training and development needs of employees (as funds and work requirements allow). The TFN encourages employees' development and provides direct assistance including financial assistance and/or release time for approved programs.

Ongoing training will be accomplished through regular supervision and employees meetings where topics are presented. Professional development time slots may be scheduled for topics and/or guest speakers.

Attendance at outside seminars, workshops and conferences, which can benefit TFN as well as individual Employees, may be considered and will adhere to any applicable provisions of the CLC related to overtime, training and compensation.

Employees may be paid in part or full for courses taken through a recognized education system that are employment related and successfully completed. In these instances, the department manager will recommend TFN coverage for courses and other expenses (for example, tests, parking) taken, to the ED for approval, prior to registration.

Education Leave may be considered, subject to the approval of the manager and the ED after five (5) years of continuous employment with TFN and for a maximum duration of twenty (24) months at no pay. This leave is only considered if the education relates directly to the employment area where the employee comes back to.

PROCEDURE

- I. The employee must obtain the approval prior to registering by submitting a written request to the department manager, who will recommend to the ED, for approval.
- II. The employee will attempt to secure external sources of funding to attend training. For example, the Ontario Job Grant, specific business grants, educational grants etc.
- III. If the leave is approved, the employee will submit an education plan detailing the estimated timeline of completion and areas of study to be submitted to the employee’s personnel file. This plan will be approved by the department manager and the employee will be expected to communicate any changes to their education plan to their manager.
- IV. An individual may receive up to 100% reimbursement depending on the available budget and the relevance to the training, education or development. Proof of completion and passing grade is required to obtain reimbursement.
- V. Reimbursement will not be considered for employees who leave the employ of the TFN prior to successful completion of the education plan.

POLICY 5.4 PAYMENT OF PROFESSIONAL DUES AND MEMBERSHIPS

Regular full-time employees may be encouraged to secure professional registration with organizations. Should TFN request that employees secure additional professional registrations or memberships, expenses incurred may be reimbursed by the TFN. Prior to registering, employees will submit a request for payment of professional dues/memberships to their department manager. Department manager will approve if the membership aligns with programming and if the funding exists to do so.

ARTICLE 6: HOLIDAYS, VACATIONS, LEAVES

POLICY 6.1 STATUTORY AND CORPORATE HOLIDAYS

Qualified employees will receive the following Monday following a statutory or corporate holiday off work paid. In accordance with the CLC: “qualified” employees can be - except for casual labour, full time, part time, permanent or on contract. An exception to this rule is teachers employed at the Laura McKenzie Learning Centre. Teachers should refer to the LMLC Teacher Handbook for more information.

STATUTORY HOLIDAYS (10):

New Year’s Day	January 1
Family Day	3 rd Monday of February
Good Friday	<i>Varies</i>
Victoria Day	1 st Monday before May 25
Canada Day	July 1
Civic Day	First Monday in August

Labour Day	1 st Monday in September
Thanksgiving Day	2 nd Monday in October
Christmas Day	December 25
Boxing Day	December 26

TFN CORPORATE HOLIDAYS (5):

Easter Monday	<i>Varies</i>
National Aboriginal Day	June 21
Remembrance Day	November 11
Chief's Day	<i>Varies- determined by Chief & Council</i>
Christmas Eve Day	December 24

PROCEDURE

- I. TFN will be closed for business on the above-identified holidays, except for essential services and otherwise indicated positions. When the Statutory or Corporate Holiday falls on a Saturday or Sunday while the TFN offices are normally closed, the following Monday will be the holiday.
- II. All TFN offices will close for the selected day by authorization of the ED.
- III. Qualified employees are entitled to take these days off work and be paid holiday pay. This pay is calculated on all the regular wages earned in the four (4) weeks before the work week with the public holiday plus all the entitled vacation pay payable divided by 20.
- IV. When a Statutory Holiday falls on an employee's regular non-working day or during an employee's vacation, the employee is entitled to take the next working day off in result.
- V. A substitute holiday is another working day off work that is designated to replace a holiday in the event an employee is required to work. Employees are entitled to be paid public holiday pay for a substitute holiday. A substitute holiday must be scheduled for a day that is no later than three months after the Public Holiday.
- VI. When an employee is required to work on a recognized holiday, they will bank their time at time and a half, to be used within an agreed upon time with department manager, as per Policy 3.6 Overtime and Banked Time.

POLICY 6.2 ANNUAL VACATIONS

Vacation Time and Pay are separate.

VACATION PAY

Vacation pay is an "earned" entitlement, based on hours worked. Casual workers will receive a minimum of 4% of the gross "wages" earned with each payroll payment and vacation time taken is without pay. There is no accrual of banked vacation time when receiving vacation pay. The gross "wages" on which vacation pay is calculated include:

1. Regular earnings.
2. Overtime pay.

VACATION TIME

Vacation Time is earned vacation credits whereby an employee can take time off with pay based on the following procedure. Vacation time is accrued based on hours worked within an annual period. When employees are absent from work for an extended period of unpaid time, these absences will affect the number of vacation credits accrued for the year. For example: if an employee is on unpaid personal leave for three months of the twelve months within a year, his or her vacation would be prorated to reflect vacation accrual for the remaining nine months

of the year.

Employees transferring to a new position will retain their vacation time/status and will not commence a new year of employment. In cases where a statutory holiday falls within the vacation period, the employee may take the awarded day off as a one-day extension of his or her requested vacation period, as per CLC. This day in lieu, may be applied at a later day if the employee requests this option and it is preapproved by their supervisor/manager. In this case, the employee will bank the additional day within their annual leave bank and indicate on their timesheet for that period, this agreement has been made. Regular full-time and part-time employees are entitled to the following amounts of paid vacation time:

Year One	Up to 15 days total with proration beginning on the employee's date of hire until the end of the calendar year. Any unused vacation will be carried over into the new calendar year.
Year Two	15 days
Years Three to Five	20 days
Years Six to Ten	25 days
Year Eleven Onwards	30 days

PROCEDURE

- I. Employees on probation will earn credits towards their annual vacation but will not be entitled to use any vacation during the first three (3) months of employment.
- II. Vacation time is accumulated at the end of each month in which it was earned and pro-rated during the first month of employment to time worked.
- III. Regular part-time employees will receive the same number of vacation days as similarly classified full-time employees, on a pro-rated to hours worked basis.
- IV. Employees shall request their preferred vacation period according to the vacation request policy in place and must receive approval from their supervisor/manager prior to the requested vacation period. Every reasonable effort shall be made to grant chosen vacations to employees, keeping in mind the requirements of TFN operational needs.
- V. Employees will be permitted to take vacation before the credits are earned, up to a maximum of five (5) days total. If the employee is terminated or resigns before they have worked enough hours to earn back those credits, the remaining credits will be deducted from the employee's remaining pay.
- VI. Employees may carry-over seven (7) vacation days from one calendar year to the next with the preapproval of their supervisor/manager, submitted to payroll on the last timesheet of the fiscal year.
- VII. Earned vacation days are not reduced when:
 - a. A public or corporate designated holiday occurs during the employee's vacation time off.
 - b. An employee is hospitalized under the care of a medical doctor during the employee's vacation time off, if medical documentation is provided and has sick leave credits available.
 - c. An employee experiences the death of an immediate family member and qualifies for Bereavement leave during the employee's vacation time off.
 - d. Vacation time accrues during periods of leave approved with pay such as: paid sick leave, paid bereavement leave, leave due to injury at work paid under the Worker's Compensation Act, and Jury duty.

- VIII. Vacation Time does not accrue during periods of leave approved without pay, such as unpaid sick leave (disability), pregnancy/parental/family leave or unpaid leave for personal reasons.
- IX. Vacation time cannot be exchanged for monetary value.
- X. If an employee terminates their employment, the monetary value of the vacation time accrued, will be added to their final cheque. The same policies will apply to employees who are terminated by the TFN.

POLICY 6.3 MATERNITY, ADOPTION AND PARENTAL LEAVE

An employee who has provided TFN with medical documentation from a qualified medical practitioner certifying they are pregnant is entitled to up to seventeen (17) weeks of maternity leave. This leave must be supported by documentation indicating that they are unable to work due to reasons of pregnancy and indicating the duration of that inability. Maternity leave can be extended up to the day in which the baby is born if the birth has not occurred within the seventeen (17) week period.

In addition to Maternity Leave, additional Parent leave of up to sixty-three (63) weeks is available to natural and adoptive parents. If both parents take parental leave, the combined leave time (excluding maternity leave) cannot exceed seventy-one (71) weeks. An individual employee who takes both maternity and parental leave can take a maximum of seventy-eight (78) weeks' leave. When an employee takes maternity leave, and parental leave is shared between both parents, the combined period of leave will be for a maximum of eighty-six (86) weeks. These limitations are subject to the exceptions provided in the CLC.

It is the employee's duty to inform TFN of any changes to their physical condition to eliminate the risk for potential harm or injury. In this case, the employee will provide TFN with medical documentation indicating the need to be reassigned or accommodated work duties be provided, as well as the duration of this need.

If the baby is hospitalized during the employee's maternity or parental leave, the employee can request to have the leave interrupted to take other statutory leaves. Also, while on parental leave, and employee may interrupt the leave in order to take other statutory leaves.

PROCEDURE

- I. The employee is to provide TFN with a doctor's note identifying the due date of the baby for HR records as soon as possible.
- II. The employee is to provide one week's minimum written notice of anticipated last date of work and request for maternity leave (maternity benefits are available through Employment Insurance) and TFN will grant unpaid leave up to the maximum number of weeks that are allowed under the CLC.
- III. If the employee knows their intentions, they can also include the request to combine parental leave at the same time and identify anticipated length of parental leave if being split with another person. Again, the total number of weeks combined shall be in accordance with the CLC.
- IV. At least one month before the expiration of the maternity leave, if not already done, the employee must inform the employer of intentions to take parental leave in conjunction with the maternity leave and the length of time to be taken (parental benefits can be paid up to a maximum of 35 weeks total).
- V. Return to work in writing must be confirmed at least one (1) week prior to end date of

- total leave.
- VI. The employee may return to work earlier with a minimum of 1 week's written notice.
 - VII. If the employee decides not to return to work at the end of the total leave period, the employee must provide written notice of intention to vacate their position or other request, pursuant to Policy 1.18 Resignations.
 - VIII. A Record of Employment will be processed for Maternity/Parental Leave depending on the situation.
 - IX. Within thirty (30) days of the birth of the child, the employee must notify Human Resources in writing of the date of birth. The employee must also update their personal information on the Great West Life website and change all necessary information.
 - X. As the employer, TFN wants to make sure that the employee's health and safety as a pregnant woman are protected while working and that they are not exposed to risk. The employee should discuss what actions to take if any problems are identified. Any work-related concerns, specifically in relation to the work environment during pregnancy, should be brought to the attention of Human Resources as soon as possible.

POLICY 6.4 LEAVE OF ABSENCE

Leave of Absences may be granted for reasonable lengths of time without pay, as approved by the ED. Approval will be based on operational needs, adequate coverage, employee's administrative standing with TFN, reason for the request etc. It should be noted that Leaves of Absence are the exception and generally not recommended for operational reasons. There must be a very compelling reason to issue a leave and the ED has full discretion based on the information provided to them by HR and the employee's supervisor/manager. In all cases, the Canada Labour Code and its various policies related to leaves for federally governed employees will be considered when reviewing requests for a leave of absence.

PROCEDURE

- I. A written request outlining the reason for the leave shall be submitted the employee's supervisor/manager.
- II. The supervisor/manager will submit the request to HR for review to compare request against relevant CLC policies and will advise ED on validity of request.
- III. ED will make final approval and inform the employee's supervisor/manager of their decision, ensuring HR is informed so that appropriate measures can be taken regarding the employee's status.
- IV. Continuation of benefits during the period of leave is determined on an individual basis, and is dependent on length of leave. HR will connect with TFN's benefit provider to inquire into the continuation of benefits for the specific leave request and will inform employee if there are any steps they need to take.
- V. Vacation credits do not accrue during an unpaid leave of absence. Refer to POLICY 6.2 Vacation Time for further information.
- VI. Pension Plan contributions will cease during any unpaid leaves of absence.
- VII. An employee who fails to report to work three (3) days following the anticipated return to work date will be considered to have abandoned their position and will be subject to progressive disciplinary action, up to and including termination.

POLICY 6.5 COMPASSIONATE LEAVE, CRITICAL ILLNESS LEAVE, AND CRIMINAL DEATH or DISAPPEARANCE OF A CHILD LEAVE

Compassionate Leave without pay may be taken up to twenty-eight (28) weeks to provide care or support to certain family members in respect of whom a qualified health practitioner has issued a certificate indicating that they have a serious medical condition with a significant risk of death occurring within a period of 26 weeks.

In exceptional, well-defined cases, a Compassionate Leave of Absence may be granted by the ED or designate up to a maximum of five (5) days paid per fiscal year. To receive pay for this leave, the employee must have the accrued time, otherwise, this leave will be unpaid. This applies to immediate family members as defined earlier in the following circumstances: hospitalization, gravely ill, a family emergency, a child becomes sick or hurt at school, or other similar types of family emergencies. This benefit does not apply to casual employees and contractors.

Exceptions may be made in circumstances of medical or compassionate accommodation as approved by the ED on the individual merits of each written request. In addition to being satisfied of the purpose of the request, the ED will consider the qualification levels and availability of a suitable vacancy as well as other factors in deciding to accommodate. The intent of compassionate accommodation is to recognize and “accommodate” unique circumstances and is intended as an exception and not a rule.

Every employee who is an immediate family member of a critically ill child is entitled to and shall be granted a leave of absence from employment for up to thirty-seven (37) weeks in order to care for or support that child, if a medical practitioner has issued documentation supporting the need.

Every employee who is an immediate family member of a critically ill adult is entitled to and shall be granted a leave of absence from employment for up to seventeen (17) weeks in order to care for or support that adult, if a medical practitioner has issued documentation supporting the need.

Every employee is entitled to and shall be granted a leave of absence from employment for up to one hundred and four (104) weeks if the employee is the parent or guardian of a child who has died and it is probable, considering the circumstances, that the child died as a result of a crime.

Every employee is entitled to and shall be granted a leave of absence from employment for up to fifty-two (52) weeks if the employee is the parent of a child who has disappeared and it is probable, considering the circumstances, that the child disappeared as a result of a crime.

POLICY 6.6 LEAVE FOR VICTIMS OF FAMILY VIOLENCE

When an employee is a victim of family violence or is the parent of a child who is a victim, they have the right to a leave of no more than ten (10) days per year to allow them to do the following in relation to the family violence experienced:

- a. Obtain medical care for themselves or the child regarding an injury, physical disability, damages or a psychological disability
- b. Obtain the services of an organization that provides services to victims of family violence
- c. Obtain psychological services or advisory services of another nature
- d. Move temporarily or permanently
- e. Obtain legal services or the support of organizations tasked with applying legislation,

- prepare for civil or criminal hearings or participate in such hearings
- f. Take any measure prescribed by legislation

For this leave, child is considered a person who is eighteen (18) years of age or younger. Parent refers to a person who, with respects to the child, lawfully is the parent (including adoptive), had custody for, is the guardian of or with whom the child is placed for the purposes of adoption under the laws governing adoption in Ontario.

All employees are eligible to receive this leave unless they are accused of an infraction related to this policy or if the circumstances allow one to believe that it is probable that they committed the act.

If the employee has three (3) months of employment without interruption, they are eligible for paid leave. In this case, the first five (5) days are paid at regular rate of pay for a normal workday and such leave will be considered wages. If the employee works a varying schedule or are paid hourly will receive one twentieth of the salary earned over the past 20 days immediately preceding the first day of leave, excluding overtime. This leave must be taken in days and will not be given out on an hourly basis.

TFN may request the employee to provide supporting documentation for this leave, no later than fifteen (15) days following the employee's return to work.

POLICY 6.7 BEREAVEMENT LEAVE

Bereavement Leave is time off with pay, starting the day on which the death occurs and ending six (6) weeks after the funeral or memorial service is held.

Up to five (5) working days off with pay is granted to an employee who has suffered the loss of an immediate family member that includes:

- A spouse (includes both married and unmarried couples, of the same sex or otherwise).
- A parent, in-laws, common law parents, stepparent, foster parent, child, stepchild, foster child, grandparent, step- grandparent, grandchild or step-grandchild of the employee or the employee's spouse.
- Daughter/Son In-law
- A sibling.
- A relative who is a dependent for care or assistance and;

Up to three (3) working days immediately following the death of an employee's family members that includes:

- Uncles, aunts, nieces or nephews, In-law's, first cousins and any relative who resides with the employee or with whom the employee resides.

All employees may be granted one (1) paid bereavement leave day to attend the funeral of a Band Member/Colleague or close community friend, which occurs on a regular working day.

In the event of the death of a current employee, it is at the discretion of the supervisor/manager and the ED to determine if the department will be allowed to close down for the co-workers to attend the funeral.

At any time, the TFN reserves the right to request supporting documentation.

PROCEDURE

- I. Employees will notify their supervisor/manager when bereavement leave is required.
- II. Supervisor/manager will inform HR of the request and HR will inform ED.
- III. The employee will update his or her timesheet accordingly and submit to supervisor/manager for processing.

POLICY 6.8 PERSONAL LEAVE

From time to time employees may be required to do personal business away from the office that is not considered sick leave. When such occasions arise employees may be entitled to use up to five (5) days of their sick leave days for Personal Leave per fiscal year. The first three (3) days of leave are paid if the employee has worked consecutively for three (3) months. This leave is to be approved by the employee's supervisor/manager. Examples of Personal Leave may include bank appointments, child's illness, family graduation, moving etc.

PROCEDURE

- I. Employees will request to use Personal Leave by communicating with their supervisor/manager.
- II. Unless otherwise unable, the supervisor/manager will approve the request, ensuring the amount of time needed is banked.
- III. Employee will update their timesheet and submit to supervisor/manager for approval.

POLICY 6.9 HEALTH-RELATED APPOINTMENTS

TFN permits the use of available sick leave to employees for health-related appointments for themselves and their dependents. To the greatest extent possible, employees are expected to arrange appointments outside work hours. When this is not feasible, as soon as possible, the employee would request to use this time by communicating with their supervisor/manager. At any time, the TFN reserves the right to request supporting documentation.

PROCEDURE

- I. When an employee becomes aware of a need to attend a health-related appointment during working hours, approval must be obtained from their supervisor/manager using sick leave credits.
- II. When requesting this leave, the employee may use available vacation time, lieu or sick time for health-related appointments for approval. In all situations, time away must be noted on timesheets.
- III. The employee who can attend to health-related appointments through late arrival or early departure during the workday, may be provided the opportunity to make up time lost within the workweek as per Policy 3.5 Flex Time. This exception will be up to the supervisor/manager's discretion.

POLICY 6.10 MEDICAL LEAVE

The principle of medical leave with pay is to provide short-term temporary support for regular employees when an employee is unable to earn wages through normal duties in the case of sickness. Medical leave will not be considered or used as time off for reasons other than sickness or mental health issues. Medical leave may be used when required to care for an employee's dependent if the employee is the sole caregiver. In the event of needing to attend a medical or specialist appointment during the workday, employees may apply any earned sick leave credits to attend the appointment.

The normal “medical leave” entitlement year runs in accordance with the fiscal year from April 1 to March 31. Sick leave credits will be granted to regular full-time and part-time employees, earned at the rate of 1.25 (8.75 hours) days per full month of work, pro-rated during the initial term of employment and unpaid leave, accumulated to a maximum of 15 days in the fiscal year. Paid medical leave is not granted during the first month of employment.

TFN reserves the right to request medical documentation at its discretion, or for any illness over a continuous three (3) day period, subject to any changes in Federal legislation that has precedence in these matters. For any absence due to illness that exceeds five consecutive days, the employee is required to produce medical documentation upon their return to work. TFN reserves the right to request a second opinion and/or to establish conditions under which salary will continue. TFN will pay any associated costs of this assessment if required.

Any unexcused absence of three (3) days consecutively is considered an Abandonment of Position and the employee may be subject to termination. TFN employees are required to provide ongoing updates and progress to HR regarding their leave status.

An employee that will be on medical leave for five (7) days in length or longer, will be required to complete a physical analysis form, completed by their medical professional, detailing aspects of their condition(s) and any anticipated accommodations that may be required to support the employee on their return to the workplace. This analysis may be submitted in the form of a “Medical Clearance” letter, signed and articulated by the employee’s medical practitioner. This analysis form will be sent from HR to the employee and returned to HR once completed by the medical professional. If the medical professional has their own template for physical analysis, that document may be submitted instead but is subject to review by TFN HR.

Casual Employees and Contractors are not eligible for any paid sick leave benefits.

If an employee is forced to stop working due to an illness and they are entitled to paid sick leave, the employee’s sick time accrual bank must be exhausted before applying for EI. This is a requirement of eligibility towards employment insurance.

If an employee falls ill while on a scheduled annual leave and provides TFN with proper medical documentation, all annual credits applied during that time will be reimbursed to the employee and sick time will be applied.

PROCEDURE

- I. Employees are required to notify his or her supervisor/manager thirty (30) minutes prior to the start of the working day. For example: if the employee regularly begins work at 8:30am, they should be notifying their supervisor/manager, no later than 8:00am that they will not be present. Failure to provide such notice may constitute progressive discipline.
- II. The employee is responsible for updating his or her timesheet and submitting to their supervisor/manager.
- III. An employee who expends all accumulated sick and lieu credits shall not be permitted to use vacation credits while on medical leave. Upon request, the employee can be issued a ROE to apply for medical EI if applicable.
- IV. Submitted medical documentation must indicate estimated date of return to work or the

next appointment date for further assessment. Employees that will be required to be on leave for longer than five (5) days, will be required to complete a physical assessment form prior to their return to work.

- V. After a period of seventeen (17) weeks, regular employees may apply to the benefits provider for income protection as outlined in the Group Benefits Long Term Disability Insurance Plan. After this seventeen-week period, the employee's position is no longer considered "protected" as per CLC legislation.
- VI. Unused sick leave credits have no monetary value. Unused sick leave credits are not payable in time off in lieu of cash at any time. Employees will not be permitted to use sick credits that have not already been earned and in his or her banked accruals.
- VII. Employees can carry over sick credits into the next fiscal year, up to a maximum of fifteen (15) days at one time.

POLICY 6.11 JURY AND WITNESS DUTY

Employees notified of Jury Duty must advise their supervisor/manager promptly. Employers are required by law to allow employees time off for jury duty, however, the law does not require employers to pay salary for employees summoned for jury duty.

If called upon for jury duty, TFN will continue to pay full salary for the first through tenth workday they are required to serve, for the days they would normally be working. The employee will be paid 50% of their standard pay for days 11 to 49. From days 50 to the last day of trial, the employee will receive \$100 per day. The employee will retain all monies received from court. If the employee is called upon during a busy season, TFN will attempt to have the term of service delayed. If the employee is subpoenaed for a court case regarding TFN business, all costs to attend will be covered by TFN, regardless of length and duration of the court case.

Jurors who live outside the city in which the courthouse is located will be paid a daily travel expense to attend the court proceedings. As a member of a jury panel or as a selected juror, there is no allowance for childcare expenses.

If an employee reports to jury duty and is not required to provide services, the employee is required to return to work.

PROCEDURE

- I. Employees must immediately notify their supervisor/manager in writing when summoned for jury duty and attach a copy of the letter or summons to the request.
- II. Jury duty is considered as a leave with pay and should be recorded on the employee timesheet as such.
- III. If the employee cannot attend Jury Duty due to work requirements, the ED will attempt to have the employee excused from jury duty.
- IV. To receive payment for time spent in court, the employee is required to submit his or her timesheet to their supervisor/manager for approval and submission to payroll.

POLICY 6.12 VOTING TIME OFF

All employees who are Canadian citizens and 18 years of age or older are entitled to have three consecutive hours off on Provincial or Federal Election Day to vote. If an employee's hours of work do not allow for three consecutive hours off within the designated voting period, the employer must give them enough time off to meet the requirement of three consecutive

hours. If the employee's schedule allows for the employee to vote within the designated voting period outside of their regular hours of work, the employee would be expected to make arrangements to vote during those hours of the day. For example, the polls are open until 9pmon voting day and the employee only works until 4:30pm, that leaves them with 4.5 hours following their workday in which they are eligible to vote and would be expected to vote during the after-work period. All arrangements for the employee to vote will be made prior to needing the time off to vote with the employee's supervisor/manager. TFN elections are held every three (3) years. Employees who are registered Band members will be given notice and enough time off work to vote.

POLICY 6.12 LEAVE FOR TRADITIONAL INDIGENOUS PRACTICES

An indigenous employee that has been continuously employed by TFN for three (3) months may take five (5) days per calendar year to hunt, fish, harvest or engage in any other traditional indigenous practice prescribed by regulation. These days will be unpaid, but employees are permitted to use vacation or any banked time to receive pay for this leave. This leave can be applied in one or more periods but must be applied for a full day and not partial hours/partial day. TFN may request that employees provide documentation to demonstrate applicability within fifteen (15) days of returning to work following the leave.

POLICY 6.13 RESERVIST LEAVES

Leave of Absence for Members of the Reserve Force, offers employment protection to members of the Reserve Force who are away from their civil positions to participate in official military operations or in annual training. Reservists working in federally regulated workplaces are permitted to take leave from their civilian employment to take part in training or operations in Canada or abroad. In order to qualify for this leave, Reservists must have been continuously employed for three (3) months by their employer.

Requesting this leave requires four (4) weeks notice (unless there is a valid reason why this cannot be done, in this case the employer must be notified as soon as possible) and the employer must inform the employer of the duration of their leave. TFN may request proof that the employee qualifies for this leave, which shall be provided by the employee in the form of a document approved by the Chief of the Defense Staff, or a document from their Commander. This document shall be provided by three (3) weeks after the employee starts their Reservist leave. Employees may not be entitled to this leave if it is determined by the Minister of Labour determines the absence of this employee would cause undue hardship to the employer or would have an adverse side effect on public health or safety.

The duration of this leave is up to twenty-four (24) months unpaid within a sixty (60) month period within the meaning of the *Emergencies Act*, except in the event of national emergencies. Reservists can take up to fifteen (15) days for the period of annual training. Employees shall provide a minimum of four (4) week's notice to employers if the duration of their leave is expected to change once the leave has commenced.

ARTICLE 7: ADMINISTRATIVE POLICIES AND PROCEDURES

POLICY 7.1 PROFESSIONALISM

All employees are expected to attend work and work-related functions in a manner that will reflect favourably upon them and if TFN and their program.

The standard attire in the office shall be professional in nature. “Business casual” is acceptable. In all cases, attire shall not draw undue attention to oneself.

When working outside the office on TFN business, employees must remain cognizant of the image they are portraying which reflects on TFN.

DRESS

Jeans are often not considered Business Casual; however, clean well-fitting jeans, are acceptable where attire with insensitive logos, political logos, halter-tops, slogans or messages involving drugs or alcohol and swearing, will not be permitted during work hours and when employees are representing TFN. Ball caps or toques are not appropriate for office workers. Safe footwear should be worn at all times. Safe footwear can differ depending on the employee’s job title and duties. A rule of thumb is to wear clothing and shoes that are appropriate for the position being worked. Any clothing that TFN determines to be mandatory to an employee’s job duties will be covered by TFN, as per reimbursement Policy 3.8 Travel Allowances/Reimbursement of Expenses.

Employees who are deemed to be dressed inappropriately for the workplace will be asked by their supervisor/manager to change into appropriate clothing. If the employee does not have additional clothing to change into, they will be asked to leave unpaid and return to work dressed appropriately. If inappropriate dress continues, employees may be subject to progressive discipline.

DEPORTMENT

Employees are expected to present themselves at work – maintain personal hygiene properly, and not be disheveled looking. This extends to the employee’s workspace as well. TFN offices should be clear from debris and garbage and foster a welcoming and productive environment.

The TFN workplace is considered a Scent Free Environment. Strong scents are discouraged and should there be a health reaction by fellow workers to scent, TFN retains the right to send the employee (using scents), or otherwise, home.

POLICY 7.2 CONDUCT AND ETHICS

It is Council’s policy to have Officers and any TFN employee (and contractors, if applicable) involved in the financial administration of TFN, make an annual Code of Conduct Declaration.

PURPOSE

The purpose of this policy is to provide each employee with a clear understanding of their expected conduct in the performance of their responsibilities.

SCOPE

This policy and procedure applies to all individuals involved with the financial and administrative system of the First Nation, including Officers and all employees in the Finance Department.

RESPONSIBILITIES

Employees are responsible for reading, adhering to and signing, Schedule 'B' Code of Conduct and Ethics upon commencement of their Term of Office or employment with TFN.

The Executive Director is responsible for ensuring that all employees and contractors are informed of the Schedule 'B' Code of Conduct and Ethics and this policy and for ensuring training/orientation on the Code of Conduct and Ethics is provided to Officers, employees and contractors in a timely manner upon being hired or elected. The Executive Director is responsible for ensuring all Officers, employees and contractors sign the Schedule 'B' Code of Conduct and Ethics annually and submit it to Human Resources. Human Resources is responsible for ensuring that all employees have a signed copy of the Code of Conduct and Ethics Schedule 'B' in their personnel files, that has been signed annually.

Immediate supervisors of existing and new employees and contractors are responsible for ensuring their supervised employees have a signed copy of the Schedule 'B' Code of Conduct and Ethics annually and submit it to the HR department in a timely manner.

When an Officer or employee or contractor reports a conflict of interest as required in the Code of Conduct and Ethics, pursuant with Policy 3.1 Conflict of Interest, they will follow the policy as indicated.

When the Executive Director reports a potential conflict of interest as required in the Code of Conduct and Ethics, the ED will follow Policy 3.1 Conflict of Interest and defer all interactions to the appropriate designate.

PROCEDURE

- I. At the end of each fiscal year, the HR department will communicate, in writing, to the Officers, and employees to request those who have not been made aware of the Code of Conduct to read and sign Schedule 'B' Code of Conduct and Ethics Declaration and submit it to the HR department.
- II. The HR department will inform the Chair of the Finance and Audit Committee and the Senior Manager of any employee who have not submitted a signed declaration.
- III. The HR department will retain the signed sign Schedule 'B' Code of Conduct and Ethics forms in the employee's personnel file. The signed sign Schedule 'B' Code of Conduct and Ethics declaration forms will be filed with HR personnel documentation.
- IV. The HR department will retain all Conflict of Interest information in the respective employee's personnel file.
- V. The Executive Director will take action to rectify any instance of non-compliance within 90 days of receiving the compliance report.

TELEPHONE MANNERS

It is important that all telephone calls be handled in a pleasant, timely and professional manner. When answering any call either on the office telephone or on a TFN cellphone, indicate: "Temagami First Nation, (Your name) speaking." Voice messages on both the office extension and TFN cellphone must indicate, for example: "You have reached the voicemail of (Your Name, title). I am not available now. Please leave a message and your call will be returned promptly." Employees are expected to speak professionally and politely while making telephone calls.

DECORUM

The manner of speech and personal bearing of all Employees are expected to be complimentary and civil, conducive to a healthy business office atmosphere.

ATTITUDE

A generally positive and co-operative attitude is essential to a pleasant and productive work environment. Employees in all departments are expected to cooperate and to support one another.

PROCEDURES

All incidents of any nature, which could bring attention to the TFN, must be reported in writing to the ED within 24-hours. Failure to do so may result in progressive disciplinary action in accordance with Policy 3.1 Progressive Discipline.

POLICY 7.3 CONFIDENTIALITY

All information acquired regarding TFN business or the business and personal affairs of Band members of TFN, clients and its employees, shall be deemed to be confidential and shall not be released to the public, other employees or to the news media, unless such release has been previously cleared through the ED who in turn will seek direction from the TFN leadership.

This condition extends beyond the active employment relationship.

Any employee acting contrary to this regulation may be subject to disciplinary action up to and including dismissal.

All employees shall be required to sign Schedule 'C' Oath of Confidentiality as a condition of employment.

Employees are reminded that the provision of client confidentiality shall be maintained across departments.

All information and materials gathered during employment with the TFN are, and shall remain, the property of TFN.

The TFN Privacy Policy available through supervisors/managers or Human Resources shall cover all aspects of the affairs of TFN.

POLICY 7.4 SMOKE FREE WORKPLACE

TFN is committed to the well-being of the employees and person served therefore; we are committed to a smoke-free environment. TFN is committed to providing a safe and healthy workplace environment for all employees. No smoking is permitted within any offices or other indoor facilities of TFN and employees will not smoke within a minimum of nine (9) meters of any Band building entry way, exceptions being the Tillie Missabie Family Center (TMFC) and the Laura McKenzie Learning Center (LMLC) where employees will remain twenty (20) meters from the entry way while smoking. Smoking, including vaping, is not allowed on school property. Every effort is to be made to not smoke near office entrances and to dispose of the finished cigarette in an approved container that is to be supplied by TFN.

This policy shall apply to all employees, Council members and visitors to TFN and shall be in effect always - including evenings, weekends and holidays.

PROCEDURE

- I. In consideration for persons served, consumers, fellow employees, and for safety reasons, staff members wishing to smoke may do so only in designated areas.
- II. There will be no smoking in buildings owned or rented by the Band.
- III. No employee will be required, as a part of their work duties, to enter an area designated for smoking as per the applicable legislation.
- IV. Staff members shall ensure that persons served and visitors are aware of the non-smoking policy and will adhere to the practice.
- V. No staff member shall smoke in the vicinity or while providing services to, persons served.
- VI. TFN staff shall not provide, sell, or lend tobacco products to any person served while on duty.
- VII. TFN staff shall not borrow, buy or engage in any behaviours for the purpose of attaining tobacco products while on duty.
- VIII. Designated areas will be identified by posted signs clearly marked "Smoking Area," or be clearly identified in a written policy distributed to allstaff.
- IX. All areas that are designated for smoking will have adequate ashtrays with sand or other suitable material that allows persons smoking to completely and safely extinguish their cigarettes.
- X. Employees on scheduled breaks may smoke in designated smoking areas providing they are not exposing person served or other employees to secondhand smoke.
- XI. Failure to comply with this policy may result in disciplinary action up to, and including, termination.

POLICY 7.5 DRUG AND ALCOHOL

TFN is committed to ensuring the health, safety and well-being of its employees and the safety of the public. To this end, TFN makes every reasonable effort to minimize risks associated with its operations. This Policy is separate from any workplace discipline policies. Discipline action will happen attempts to resolve substance-use issues fail and there are repeated infractions. The goals of this policy are twofold: First to assist employees in overcoming alcohol and drug problems and to maintain the high standards of service provided by TFN. The policy provides a framework for education, assistance, rehabilitation and reintegration of employees who have problems with substance abuse. Secondly and as importantly, the policy is intended to ensure the safety of the worker, fellow employees, and the general public.

Employees will be required to sign a declaration of understanding regarding impairment in the workplace upon hire as well as annually. These documents will be submitted to HR for storage in the employee's personnel file.

Safety sensitive positions, such as equipment operators, childcare and health care have more intensive scrutiny.

An employee who shows up for work (seemingly) under the influence of alcohol and/or drugs, prescription or otherwise, is considered unable to assume job responsibilities will be sent home. Any employee who suspects another employee of being under the influence in the workplace, to the extent that the employee is unable to safely do their job, has an obligation to report the incident to their supervisor/manager immediately.

Substance abuse is defined as the use of alcohol and other drugs or substances, including marijuana, illegal substances or prescribed and over-the-counter medications that may impair performance, safety at work or the ability to drive equipment safely pursuant to the CLC and Ontario Occupational Health and Safety legislation, as applicable.

TFN supports employees in seeking treatment and aftercare for substance abuse by providing time away from work. Employees may use existing benefits including sick pay, vacation, floating holidays and lieu time to maintain income while attending a treatment program. When using sick time, an employee is required to provide a doctor's note for the period of absence if the employee has no sick pay, vacation or lieu time, a Record of Employment will be issued by TFN. The Record of Employment will enable the employee to apply for Employment Insurance.

PROCEDURE

- I. The Intervention process has five steps in this order: Document, Consult, Approach, Monitor and Follow up.
- II. TFN encourages any employee who has a drug or alcohol abuse problem to voluntarily seek treatment.
- III. Regular employees are encouraged to contact the Employee Assistant Program if their ability to do their job is compromised by substance influences.
- IV. If alcohol/drug abuse impedes performance, supervisor/manager will discuss with the HR and the ED before approaching the employee to suggest referral opportunities and discuss performance expectations as part of the supervision process.
- V. Fit-for-duty includes consideration to be paid to limitations and/or accommodations related to prescription drugs that impair job performance. It is the responsibility of the employee to self-identify and inform their supervisor/manager if they are under care with prescription drugs that could impair their ability to perform their duties.
- VI. If performance difficulties continue, the employee may face discipline up to and including termination, subject to TFN's obligations under the applicable human rights legislation.
- VII. Employees who use medical cannabis must provide medical documentation.
- VIII. Where an employee may be required to perform safety sensitive duties, and there is evidence that substance abuse may be impairing job performance to the point that the employee is judged to be unfit for duty, he/she will be required to have a safety sensitive assessment. The assessment will be carried out by an external and confidential TFN approved service for the purpose of determining whether or not that employee is safe to perform safety sensitive duties. The safety sensitive assessment will determine treatment recommendations or clearance to return to safety sensitive duties.
- IX. There are not provisions for drug testing in this policy.
- X. Smoking medical cannabis is subject to the same restrictions contained in the federal *Non-Smokers Act* and Policy 7.4 Smoke Free Workplace.

POLICY 7.6 GIFTS, GRATUITIES AND HONORARIUMS

All gifts from a supplier or client must be declared to management. Management will determine if gifts are to be kept or returned.

All gifts not expressly identified to an individual will remain the sole property of the TFN and must be returned upon relinquishment of employment.

Honorariums received as a representative of TFN belong to TFN. All such Honorariums will be forwarded to the Manager of Finance for processing. Members of Council who are employees do not collect Honorariums for meetings or events during regular working hours. Members of Council and employees do not have the option to decide how they want to get paid if they are representing TFN in other than regular employment situations.

PURPOSE

The purpose of an Honorarium Policy is to provide the framework and guidelines for consistent application when offering honorarium payments to individuals who have been asked to provide services to TFN.

SCOPE

This policy applies to non-employees only who provide services to TFN. TFN will not provide honorariums to employees. Employees are defined as individuals that have an employee and employer relationship.

An honorarium is an ex gratia payment made to a person for their services in a voluntary capacity, or for services for which fees are not traditionally or legally required. Honorariums will not be provided to a person for completing duties as indicated within a job description of a regular employee position at TFN.

An honorarium is typically a payment made on a special or non-routine basis to an individual who is not an employee of the TFN, to recognize or to acknowledge the contribution of gratuitous services to TFN.

Examples include:

- Participating as a board/committee member at TFN.
- Peer reviews.
- Conducting a seminar or workshop.
- Serving on a Screening or Interview team.
- Serving as a guest speaker at an educational event or other similar function.
- Accreditation reviews.

An honorarium is not based on an agreed amount between the individual providing services and TFN representative seeking services. If payment is agreed upon, this constitutes a contractual agreement and may involve invoicing, taxes and related factors.

Any conflicts of interest or engagements with related parties must be disclosed to TFN in advance of any services being rendered.

PROCESS PAYMENT

Honorarium payments are subject to the limits set by the Finance and Audit Committee of TFN, unless specifically authorized by the ED. Further, Canada Revenue Agency (CRA) regulations state that all honoraria payments are considered taxable income under the Income Tax Act of Canada and subject to a T-4A slip being issued at each Calendar year-end. Honorarium claims should be submitted to the Finance Department within 30 days following completion of the services provided and may not be paid if submitted after 90 days. Payments are usually processed within 10 working days from the date claims are approved. Travel and business expenses are reimbursed in accordance with TFN Travel & Business Expense Policy.

POLICY 7.7 RELATIONSHIPS WITH INDIVIDUALS ASSOCIATED WITH TFN

The TFN recognizes that employees are placed in a position of authority in relation to clients due to the nature of the services offered by TFN. It is unethical for TFN employees to

establish a relationship that extends beyond the confines of the services offered by the TFN.

Employees of the TFN will be held responsible and accountable for any inappropriate relationships that develop between themselves and clients of the TFN. Any employee of the TFN who has been proven to enter an inappropriate relationship with a TFN client may be immediately dismissed (in accordance with TFN and CLC policies).

DEFINITION

An inappropriate relationship is one that is sexual in nature or involves the borrowing or exchange of money, goods or services or any other relationship deemed inappropriate by the employee's supervisor/manager

POLICY 7.8 PARKING / OPERATION OF VEHICLES

Of the designated parking spaces available, priority will be given to persons with disabilities (as evidenced by appropriate signage).

Consideration will also be given to employees who require a vehicle in the performance of their job. Employees will be required to sign a Vehicle Use policy, Schedule 'G' upon hire if the use of a TFN vehicle will be required in the regular completion of their duties.

Only employees with valid drivers' license (copies of licenses are to be provided) can drive TFN vehicles. Employees must conduct a walk-around prior to operation of a vehicle, the laws associated with operating a vehicle in Ontario including laws with reference to cell phones and driving while impaired are to be observed. Driving at night is discouraged and travel should be conducted during work hours.

In the event of a vehicle accident/incident Employees must:

- I. Move the vehicle to a safe spot, out of traffic, if possible.
- II. Assess the situation and call the appropriate authorities where necessary.
- III. Share appropriate contact information and contact their immediate supervisor at earliest possible time.
- IV. Privileges may be withdrawn based on the severity of any infraction.

POLICY 7.9 USE OF ELECTRONIC COMMUNICATION DEVICES

All TFN telephones, cellphones, computers, communications and electronic equipment shall be exclusively for TFN business and are the property of TFN. This policy will be in accordance with Schedule 'F'. Cell Phone Use Policy included in this manual.

PROCEDURE

- I. All TFN equipment will be used for business purposes only.
- II. Whenever possible use toll free numbers.
- III. Discretion shall be used when discussing confidential information over the phone.
- IV. When away on TFN business, the employee will minimize the use of a cell phone for personal calls.

POLICY 7.10 EMAIL AND INTERNET USE

This policy specifies the Policies and Standards of TFN regarding the appropriate use of the internet access and E-mail services provided by TFN, and those who are performing work or

services for TFN or any of its programs, departments or facilities.

Subject only to applicable law, users should not have any expectation of privacy with respect to activity or communications created, sent, received or accessed via the TFN internet and E-mail services, or otherwise stored on or accessed from TFN systems.

TFN employees requiring email communication as per job description will be assigned a TFN email address upon commencement of contract. This email will be assigned by IT Support. Emails will be named for each individual's job title (i.e. supportdesk@temagamifirstnation.ca). Questions regarding interpretation of the internet & E-mail Use Prohibitions provisions relating to offensive, harassing, defamatory, sexually explicit, annoying, or otherwise objectionable messages in the sectioned entitled "Internet & E-mail Use Prohibitions" should be directed to the Executive Director (through the appropriate Manager), who shall be the sole judge of whether or not a specific use of the internet and E-Mail services violates these provisions. All other questions regarding the interpretation of this policy or the appropriateness of a particular use of the Internet and E-mail services should be directed to the computer user's Supervisor or manager.

CONDITIONS

TFN Control:

TFN provides the Internet and E-Mail services, and the use of these services is a privilege, not a right of employment or association. Accordingly, TFN may withhold or limit this privilege at its sole discretion. TFN reserves the right at all times to specify the terms and conditions for use of the internet and E-Mail services, and to restrict or control the use of the services, including, but not limited to, the filtering or blocking of certain internet or E-Mail content that TFN deems inappropriate for the workplace, that poses an unacceptable risk to the confidentiality, integrity or availability of TFN's network, computer systems, information or data, or that creates a potential liability for TFN.

TFN Records:

All E-mail messages and attachments, documents and other records composed, sent or received via TFN's internet and E-Mail services, and all electronic records stored on TFN computer systems, including those of a personal nature, are considered to be TFN business communications and TFN records, and the property of TFN.

APPROPRIATE USE OF INTERNET AND EMAIL SERVICES:

TFN provides the Internet and E-Mail services to facilitate business-related communications, collaboration, research and learning. All users of the Internet and Email services must do so in lawful and ethical manner, in accordance with the requirements of these Policies and Standards and in a manner that protects TFN proprietary and confidential information and data. Employees are encouraged to use TFN Internet connection to complete job duties, to seek out information that may be used to improve their work and conduct research into various areas of program delivery. TFN employees are expected to employ good judgment and remain productive at work while using the Internet.

Data protective software must be utilized to ensure the safety and security of TFN documents and information. Employees should always keep their passwords secret and only share with trusted colleagues such as your program manager.

PERSONAL USE OF INTERNET AND E-MAIL SERVICES

Occasional and limited personal use of the internet and E-Mail services to access internet sites or to send or receive personal messages or documents is permitted if it is not excessive,

conforms to the requirements and prohibitions specified in these Policies and Standards, and does not:

- Adversely affect the normal conduct of TFN business;
- Adversely affect the user's productivity and job performance;
- Involve solicitation;
- Support a for-profit business or commercial activity not directly related to the business of TFN or approved by TFN management;
- Result in an additional cost to TFN;
- Violate any other TFN policy, standard or procedure;

The privilege of personal use of Internet and E-mail services does not extend to others, including friends and family members. Breach of this policy will result in discipline up to, and including, termination.

INTERNET AND E-MAIL REQUIREMENTS

All use of the Internet and E-mail services must comply with the following requirements:

- I. Proprietary and confidential information or data, including that contained in or attached to an E-mail message, must be encrypted before sending it over the Internet.
- II. All E-mail messages sent to an address outside the internal E-mail system of TFN must have a statement warning against unauthorized forwarding or redistribution of the message appended to the message.
- III. Any opinion or position expressed in any communication related to business interests of TFN that is sent via E-mail over the internet or that is posted on internet forums (i.e. bulletin boards, chat rooms, news groups, etc.) must include a disclaimer indicating that it does not necessarily represent the opinion or position of TFN. The person causing the communication to be sent over the Internet or posted on the Internet forum is solely responsible for including this disclaimer. The requirement for a disclaimer will be waived only if the person causing the communication to be sent over the Internet or posted on an internet forum is acting as an authorized representative of TFN.
- IV. Software may be downloaded via the internet to, and installed on, a TFN computer only if approved by a TFN manager and only after all applicable license fees, if any, are paid to the owner or distributor of the software.
- V. Any E-mail message, attachment or software program downloaded via the internet to a TFN computer must be scanned with a TFN-approved anti-virus software product before being opened or activated.

ACCESS TO AND MONITORING OF INTERNET AND E-MAIL USE

Subject only to applicable law, users should not have any expectation of privacy with respect to activity or communications created, sent, received or accessed via the TFN internet and E-mail services, or otherwise stored on or accessed from TFN systems. TFN has the right, but not the duty, to monitor all activity by each computer user on its network and computer systems, and to access, retrieve, examine, intercept, block and delete all E-mail messages, attachments and other communications composed, sent, or received using its internet and E-mail services or stored on or accessed from its computer systems, without prior notice to or approval from the author, sender, or recipient of such communications at any time.

The right of TFN to monitor all user activity includes, but is not limited to, tracking all Internet sites that the user visits or attempts to visit, and blocking access to sites determined to be inappropriate by TFN. However, the failure of any Internet content filtering software used by TFN to block access to a particular Internet site or to a category of sites does not imply that access to those sites is

permitted under these Policies and Standards.

PASSWORDS

Passwords that provide access to confidential information of persons served must always be kept confidential. Such passwords should never be given out over the phone, included in E-mail or voice mail messages, posted, or otherwise kept within public view.

The use of passwords, even if selected by the user, should not create an expectation that any information composed, stored, sent or received via the internet and E-mail Services is private or personal, for at all times such material is subject to these Policies and Standards and monitoring by TFN. Even when a document or E-mail message is erased, it may still be possible to recreate the message or document; accordingly, nothing composed, sent, received or stored via the Internet and E-mail services is or should ever be considered private.

INTERNET AND E-MAIL USE PROHIBITIONS

Users are strictly prohibited from using the Internet and E-mail services in connection with any of the following activities:

- I. Engaging in the violation of any laws or regulations;
- II. Creating, sending, storing, or using materials or communications that are offensive, harassing, defamatory, sexually explicit, annoying, or otherwise objectionable, including, but not limited to, materials or communications that:
- III. Could potentially embarrass TFN or harass a TFN employee, person served, contractor, temporary worker, agent, consumer or supplier;
- IV. Promote violence, hatred, or discrimination, or that contain threats to, or constitute harassment or discrimination of people based on race, color, age, religion, gender, sexual orientation, national origin, disability, marital status or any other characteristic protected by law;
- V. Contain pornographic, obscene, or other sexually explicit material, including text, images and sound, regardless of the legality of such activity in the political jurisdiction where the use occurs;
- VI. Could potentially compromise a TFN product or position to any government, regulatory body or a court of law;
- VII. Sending chain letters, jokes, junk mail (including bulk unsolicited offers to buy or sell goods), or other non-business-related messages or attachments to many users;
- VIII. Creating, sending, receiving, accessing, or storing copyrighted, trademarked or patented material, trade secrets of other confidential, private, or proprietary information or materials in violation of the law or TFN policy;
- IX. Sending or storing E-mail messages with large non-business-related attachments (e.g. photographs, videos, animated greeting cards, games, etc.);
- X. Sending messages or attachments soliciting other TFN users to volunteer time, to contribute to, or to purchase goods or services that benefit or promote a charitable, athletic, religious, educational, political or other cause, unless authorized by TFN management;
- XI. Advertising or promoting the goods or services of any for profit business other than TFN;
- XII. Passing off the views of the user as representing those of TFN or committing TFN to a position without appropriate authorization;
- XIII. Engaging in activities that could compromise or jeopardize the security, integrity, authenticity or availability of TFN computer systems or internet and E-Mail services, including but not limited to:
- XIV. Permitting any unauthorized third party to access or use the TFN internet and E-Mail services;

- XV. Using another individual's account, name, password, or other identifier, or impersonating or masquerading as another user or entity for the purpose of avoiding identification, unless acting as an authorized delegate of a user or entity and clearly and unambiguously identifying oneself as a delegate to the message recipient(s);
- XVI. Attempting to circumvent, defeat, or test without authorization, the security or auditing systems of any of the TFN systems or of remote computers or other systems, or misusing, damaging, altering, or disrupting such computers or systems in any way;
- XVII. Attempting to intercept, view, modify or destroy a file, record or message belonging to another person without authorization, or deliberately attempting to interrupt or otherwise make unavailable the services of a network, internet site or computer system belonging to TFN or another person or entity;
- XVIII. Automatically forwarding E-mail messages and attachments from a mailbox or folder within the internal E-mail system of TFN to an external, non-trusted Email system.

APPLICABILITY

In the event that any provision of these Policies and Procedures conflict with any applicable law, that law shall supersede these provisions. This policy is applicable to any employee, contractor, Officer, or Councillor that will be using TFN Internet or email services.

POLICIES AND STANDARDS VIOLATIONS

Any violation of the provisions specified in these Policies and Standards or any other TFN policy or standard constitutes misconduct and is grounds for disciplinary action, up to and including termination of employment and/or legal action. In some instances, TFN may also choose or be compelled by law to notify law enforcement authorities of known or suspected illegal activities involving use of its internet and E-mail services.

DISCIPLINARY ACTION

Any TFN employee that does not to adhere to this Email and Internet Use Policy will face progressive disciplinary action; serious offences may cause employment termination and legal action when appropriate.

INFORMATION AND COMMUNICATION TECHNOLOGY, HARDWARE, SOFTWARE AND DATA.

All hardware and software issued to employees is the express property of TFN and intended for use only by authorized TFN employees and as such, the employee will make every effort to operate the hardware, software and data in an appropriate and secure manner.

The use of all TFN hardware, software and connectivity including Internet access, is for the express purpose of TFN business requirements only. The ED reserves the right to monitor all inbound and outbound Internet traffic to ensure proper usage. The ED also reserves the right to block access to any Internet site or resource deemed inappropriate or inapplicable to the day-to-day operations of TFN.

All data stored on TFN devices including, but not limited to servers, workstations, personal digital assistants, etc. is the express property of the TFN and therefore must be returned on demand in a full and unaltered fashion in the event of an employee departure or termination.

The ED reserves the right to access any and all data hosted or stored on TFN resources at any time and without consultation. The Executive Director reserves the right to re-assign access to data or email accounts as seen fit in the best interests of the TFN. Personnel information stored electronically will only be shared with individuals that are required to have access to personal

information i.e. supervisors, managers and executives. The ED will ensure that steps are taken to ensure

POLICY 7.11 SOCIAL MEDIA POLICY

This Policy is designed to provide all Temagami First Nation employees and elected officials with guidelines regarding the appropriate use of TFN social media accounts with Facebook, Twitter, LinkedIn, the TFN blog or any blog (this list is not exhaustive).

PROCEDURE

- I. Employees may not disclose confidential or proprietary information on any of Temagami First Nation's social media pages nor any other social media page whether it is a member only page or not. The disclosure of confidential or proprietary information without prior authorization may result in immediate termination.
- II. Temagami First Nation employees will be held responsible for what they write or post on any of Temagami First Nation's social media pages. Inflammatory comments, disparaging remarks, or negative / inappropriate language or posts are not permitted.
- III. Temagami First Nation employees are directed not to engage in discussions regarding legal issues in which TFN is involved, or government issues related to TFN and our place of employment without prior approval from the ED.
- IV. Employees are required to respect copyrights and never post text, images or video created by someone else without proper attribution and/or authorization. If employees have questions about copyright law and/or the usage of certain media, they should contact the applicable authority.
- V. Social media is not a substitute for client service. Employees are required to refer clients or community members to applicable Departments instead of handling inquiries entirely through social media.
- VI. If a Temagami First Nation employee discovers any group(s) that users have formed to discuss TFN, its policy, or services, employees are requested to bring them to the attention of the ED.
- VII. Employees are required to relay important issues that may be of concern with activities on social media to the ED as soon as possible.
- VIII. Employees should always carefully consider what to post in response to an argumentative or accusatory post. If employees have any questions regarding how to respond to a particular post, employees should discuss the issue with the ED or Human Resources prior to posting.
- IX. Always adopt a positive attitude when responding to comments on TFN pages or applications, or comments about TFN in general.

TEMAGAMI FIRST NATION PHOTOGRAPHY

Consent is required prior to posting any photographs of employees on any of Temagami First Nation's social media pages. When an individual photo is required for public use, the subject of the photo will be asked to sign a "Media Release" form prior to distribution.

POLICY 7.12 OCCUPATIONAL HEALTH AND SAFETY

TFN falls under the jurisdiction of the CLC (Part II) and is subject to the Canada Occupational Health and Safety Regulations, as well as the obligations concerning Workplace Health and Safety Committees.

TFN is to have and support a Workplace Health and Safety Committee and will ensure that

the minimum number of members that are required to be certified receive the appropriate training and certification.

PROCEDURE

Workplace Health and Safety Committee (WHSC)

- I. The employees of TFN shall vote for the worker representation of the WHSC and the ED shall appoint representation for management.
- II. Training will be provided to at least one representative from management and one from employees plus an alternate for each.
- III. Temagami First Nation employees are directed not to engage in discussions regarding legal issues in which TFN is involved, or government issues related to TFN and our place of employment without prior approval from the ED.
- IV. The Committee shall have two chairpersons selected from among the members of the committee, one selected by employee representatives and the other by representatives of the employer.
- V. The Chairs shall act alternately as specified in the rules of procedure.
- VI. The two chairpersons shall sign the minutes of each safety and health committee meeting and the chair selected by the employer shall provide, as soon as possible after each committee meeting a copy of the minutes to the employer and to each member of the safety and health committee.
- VII. The employer, as soon as possible after receiving a signed copy of the approved minutes post a copy of the minutes in a conspicuous place or places in which the employer has posted the information as required under the Act and keep a copy posted there for one month. A copy of the minutes shall be kept at the Human Resources office for a period of two years from the day on which the safety and health committee meeting is held.
- VIII. The chair selected by the representatives of the employer shall submit an annual report no later than fiscal year end of the safety and health committee's activities during the previous calendar year signed by both chairs.
- IX. TFN will respond in writing to recommendations made by the WHSC within 30 days after receiving them, indicating what, if any, action will be taken and when it will be taken (s. 125(1)).
- X. A member of a the WHSC must be compensated by the employer for time spent performing his/her functions (including authorized preparation and travel time), whether performed during or outside regular working hours, in accordance with the employer's policy (s.135.1(11)). There is a general prohibition against dismissing an employee, taking disciplinary action against them or imposing another penalty for an action carried out in accordance with Part II of the Code.
- XI. The selection of the members of a committee, the filling of vacancies, the quorum for meetings, the taking of minutes of meetings and the annual reports of committees are regulated by the CLC Part II. The term of office for committee members shall not be more than two (2) years.

Health and Safety Representative

- I. Each Department with more than 5, but fewer than 20 employees, the employees shall select the Health and Safety Representative. The committee will always consist of at least two (2) certified members one to represent the Workers and the other to represent Management.
- II. The term of office for safety and health representatives shall not be more than two (2) years. A person may be selected for a safety and health representative for more than one term.

POLICY 7.13 INCLEMENT WEATHER

TFN recognizes that inclement weather has a bearing on the employee's ability to attend work in a timely fashion.

PROCEDURE

- I. If all avenues have been exhausted and the employee is unable to report to work, the employee will contact their supervisor/manager to discuss alternatives and to alert them to their absence.
- II. The ED or designate has the sole authority to close an office due to inclement weather or other emergencies.

POLICY 7.14 VISITORS

For security reasons, all visitors to TFN shall be recorded by the receptionist when possible and escorted by the employee whom they are visiting whenever on the premises of TFN.

Common sense must prevail when the visitors are children or animals and should be, therefore, only at the workplace for a limited time.

POLICY 7.15 PRIVACY

TFN TEN PRINCIPLES OF PRIVACY

TFN is bound by law and the ten principles of privacy as outlined in PIPEDA to safeguard the privacy and the confidentiality of all personal information. This includes:

- Collecting only the information that may be necessary for TFN to serve its workforce and clients.
- Keeping accurate and up-to-date records.
- Safeguarding the records in TFN possession.
- Sharing information with other entities on a “need-to-know” basis where required.
- Disclosing information to third parties only with express consent, or as permitted or required by law.
- Retaining/destroying records in accordance with applicable Federal law.

Employees may be asked to sign a consent form that gives consent for collection, use and disclosure of personal information for specified purposes.

The following ten principles are the foundation of Personal Information Protection and Electronic Documents Act. They provide an overview of what the TFN and its associated entities must do when they collect, store and use or disclose confidential information. For the full text of the principles, see <https://www.priv.gc.ca/en/>.

- I. **Accountability** – An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the legislation's privacy principles. Keeping accurate and up-to-date records.
- II. **Identifying Purposes** – The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- III. **Consent** – The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate. Disclosing

- information to third parties only with express consent, or as permitted or required by law.
- IV. **Limiting Collection** – The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
 - V. **Limiting Use, Disclosure, and Retention** – Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.
 - VI. **Accuracy** – Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
 - VII. **Safeguards** – Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
 - VIII. **Openness** – An organization shall make readily available to individuals' specific information about its policies and practices relating to the management of personal information.
 - IX. **Individual Access** – Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
 - X. **Challenging Compliance** – An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

PROCEDURE

All Employees at TFN will have their own "Personal Information Consent Authorization" forms, provided from a template through Human Resources. Employees must advise all clients of the Privacy Legislation and the use of their information and ensure there is a signed "Personal Information Consent Authorization" form on file.

Notwithstanding the foregoing:

Every effort was made to ensure consistency and compliance with the Canada Labour Code, which is the legislative and regulatory body that TFN must be in compliance with. Should any item in this document be contrary to the CLC, the CLC will supersede those in this document and will apply. Employees in some departments may be subject to provincial regulation, such as the *Employment Standards Act, 2000* or the *Ontario Occupational Health and Safety Act*. If that is the case, those standards will apply. In the case the employee by the *Employment Standards Act*, except where this document or employment agreement provides a greater benefit, the employee is entitled to only the minimum standards provided in that legislation.

SCHEDULE 'B' – CODE OF CONDUCT

Employee Code of Conduct and Ethics

This code complements but does not replace policies, procedures and codes of ethics established by individual programs and relevant professional associations.

1. Staff will be aware of and comply with the current TFN and Program Policies and Procedures.
2. Staff will perform their duties and responsibilities to the best of their abilities with conscientiousness, loyalty, and honesty and in a manner that will uphold the integrity and dignity of the TFN, its programs, staff, Council, and membership.
3. Staff will be prompt, courteous and temperate in the performance of their duties and responsibilities, and will interact positively with fellow employees, community members and the Council members.
4. Staff will use initiative to find ways of doing work more efficiently, effectively, and economically.
5. Staff will accurately present their qualifications, skills, abilities, expertise and limitations.
6. Staff will strive to improve the delivery of programs and services to persons served, and will recommend changes of policy, priorities, or procedures to achieve this goal.
7. Staff will be punctual each day, unless there is a valid reason for absence or lateness, in which case staff will adhere to policies and procedures as they are applicable.
8. Staff will attend all functions assigned as an official delegate of the TFN and formally report back to supervisor, and/or Council, the proceedings of these functions. Staff will recognize that they represent TFN and their program in the community and will act to preserve the good reputation of the TFN.
9. Staff will not publicly criticize other employees or the policies of the Council or TFN's departments. Staff will respect the rights, views and competence of their co-workers and

other service providers. If staff feel that changes would be advisable, staff will provide constructive criticism and suggestions through the proper channels and seek to make the workplace as harmonious as possible.

10. All staff will refrain from substance abuse during the workday (i.e., Drugs and Alcohol) and follow policies and procedures as it pertains to intoxication in the workplace.
11. Staff will attempt to communicate openly with other staff, and to settle internal differences in a constructive manner.
12. Staff will refuse any fees, gifts, or other tangibles offered in reward for duties performed by virtue of their position.
13. Staff will not participate in financial, personal or sexual relationships with persons served in their programs.
14. Staff will not discriminate based on race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, gender identity and expression, genetic characteristics, sexual orientation, age or criminal record.
15. Staff will take personal responsibility for continued professional growth through further education and training.
16. Staff will use TFN resources for the purposes for which they are intended.
17. Confidentiality: Staff will not give out official and/or confidential information acquired on the job in accordance with the TFN's Confidentiality policy. Staff will ensure the confidentiality of all records, materials and communications concerning persons served and coworkers where applicable. Confidentiality may not apply where there is a danger of harm to persons served or others. Staff will sign a confirmation of their understanding of confidentiality upon hire and annually as a portion of their performance evaluation.
18. Conflict of interest: If a private interest constitutes a conflict of interest, staff will disclose this to the manager or Council and will recuse themselves from discussions and/or decisions in accordance with the TFN's Conflict of Interest policy. Staff will maintain an appropriate boundary between their work and their personal lives and will be transparent when issues may arise.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'C' – OATH OF CONFIDENTIALITY

Oath of Confidentiality

Subject to any individual contract of employment, committee Terms of Reference, or general agreement, the following Oath of Confidentiality binds all employees, committee members, volunteers and students and is a mandatory requirement upon acceptance of a position as described.

As an employee of Temagami First Nation (TFN), I agree to abide by the following terms and conditions:

- Any information involving employees of TFN and/or community members or matters of a sensitive, legal or confidential nature, discussed within the course of my employment and/or at meetings is confidential information. Information includes all types of information received in various media, including but not limited to notes, verbal communication, email, documents or other technological means, and regardless of whether it is specifically marked or indicated as confidential.
- Sensitive, legal and/or confidential information is the property of TFN and must always, be treated accordingly. This includes, but is not restricted to tender, documents, social assistance records, employee performance appraisals, personnel files, client files, and any legal matters that TFN may be involved in.
- Will maintain strict confidentiality regarding sensitive, legal and/or confidential information and will not use such information for personal profit or for the profit of a third party.
- It is essential that sensitive, legal and/or confidential information is not discussed, even on a casual basis with those outside the workplace/organization/department or field. This includes spouses, other relatives, friends and acquaintances within or outside the community. Discussions within TFN should be conducted only on a “need to know” basis and only through proper channels within the context of employment.
- Business and confidential information as defined above must not be discussed with, nor divulged to, anyone other than those required to know as outlined above and within the parameters of this document.
- Any breach of confidentiality may result in a request for resignation or disciplinary action as deemed appropriate, up to and including, termination.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'D' – PROFESSIONALISM POLICY

Employee Professionalism

This policy affirms that Temagami First Nation is committed to providing a work environment that is respectful, professional, safe, inclusive and free from inappropriate and abusive workplace behaviour. All employees of Temagami First Nation will adhere to all of the policies and procedures in place and maintain a high level of integrity and professionalism within the workplace. This policy applies to volunteers and casual employees as well. This policy does not supplant, but rather supplements the TFN Personnel Policy and Procedure Manual, Health and Safety policies and other departmental policies that are in place.

DEFINITIONS

Professional Workplace Behaviour

Action and conduct that supports the values and mission of Temagami First Nation and continues to build professional relationships with others, including respectful communications and accountability for maintaining a professional workplace. All staff are expected to maintain the highest level of professional behaviour. Pillars of professional behaviour include, but are not limited to:

- Honesty and integrity
- Treating individuals with courtesy, respect and dignity
- Working collaboratively and cooperatively with all other Staff; and
- Ensuring compliance with all TFN policies and procedures as indicated within the TFN Personnel Policy and Procedure manual

Inappropriate Workplace Behaviour

Unwelcome or unwanted conduct or behaviour that objectively causes a negative impact or disruption to the workplace, or results in the erosion of employee morale. Examples of this include, comments or behaviours to or from an individual or group designed to disparage, demean, threaten, intimidate, humiliate, abuse authority, sabotage work or show disrespect to another employee, supervisor/manager, subordinate, client/customer, or visitor in the workplace. Examples of this conduct include, but are not limited to:

- The use of profanity
- Refusal to speak or respond to others
- Inappropriate physical contact
- Sexual, religious, racial or other unlawful conduct; and
- Throwing objects/destruction of TFN property

EXPECTATIONS

Temagami First Nation employees are expected to:

- Be patient and courteous;
- Be inclusive – all individuals regardless of race, religion, gender identity or creed are welcome;
- Be considerate;
- Be respectful – all employees should respect their coworkers, clients, and/or customers, in all aspects of their employment with TFN;

- Choose appropriate language – refraining from language that may be considered harassing in nature, volatile and exclusive. TFN employees should choose to advocate or encourage positive interactions;
- Maintain a clean workspace and/or office;
- Present themselves in a professional manner while acting on behalf of TFN - this includes while participating in community events on and off Bear Island;
- Work together – every employee has something to offer. We are a stronger team when we work together to achieve organizational goals;
- Follow good personal hygiene, dressing professionally and cleanly, and adhering to all policies and procedures related to appearance and dress;
- Assume ownership and accountability for their own actions and behaviours;
- Being aware of, and demonstrating behaviours that are consistent with the TFN Personnel Policy and Procedure Manual;
- Promote the principles and support the practices in achieving a healthy and safe workplace and environment

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'E' – INTERNET USE POLICY

Internet and Computer Use

The following Internet Use Policy is for all TFN staff, Contractors and visitors utilizing the TFN Network. This will include users at any TFN Band buildings utilizing the Internet, for Web or Email. This includes all computers and devices directly connected or wireless connections.

This policy would inform all users that due to Quality of Service, Network Bandwidth issues and prevention of viruses, users are to only use the TFN Internet network for work purposes. TFN employees are STRICTLY banned from using Facebook Messenger (or any such chatting program), Facebook, Apple Music, (or any similar any music or movie downloading software), game websites, adult sites, and any other websites that do not specifically, and directly relate to their work.

TFN has software in place to track Internet usage for all TFN Computers. These reports are given to the Executive Director on a monthly basis, (including the top 10 computers browsing the internet and the websites visited). There is also a firewall in place, which will block websites and will log users attempting to access these sites, these reports will also be reported to the Executive Director and can be the basis of disciplinary action.

If employees have any of these programs currently on their computer, they are directed to immediately remove them and delete any files or programs from your office computer that are not directly work related. The TFN cannot risk Viruses, Malware entering our computer environment and spreading to other computers like our Accpac accounting system and other valuable files on the network. Computers are a valuable resource and a valuable tool when used appropriately for work purposes. Employee cooperation is an expectation of employment with TFN. A breach of this policy may result in disciplinary action being taken against the employee, up to and including termination.

TFN provides Internet and E-Mail services to facilitate business-related communications, collaboration, research and learning. All users of the Internet and Email services must do so in lawful and ethical manner, in accordance with the requirements of these Policies and Standards and in a manner that protects TFN proprietary and confidential information and data. Employees are encouraged to use TFN Internet connection to complete job duties, to seek out information that may be used to improve their work and conduct research into various areas of program delivery. TFN employees are expected to employ good judgment and remain productive at work while using the Internet.

Data protective software must be utilized to ensure the safety and security of TFN documents and information. Employees should always keep their passwords secret and only share with trusted colleagues such as your program manager.

Occasional and limited personal use of the internet and E-Mail services to access internet sites or to send or receive personal messages or documents is permitted if it is not excessive, conforms to the requirements and prohibitions specified in these Policies and Standards, and does not:

- Adversely affect the normal conduct of TFN business;

- Adversely affect the user's productivity and job performance;
- Involve solicitation;
- Support a for-profit business or commercial activity not directly related to the business of TFN or approved by TFN management;
- Result in an additional cost to TFN;
- Violate any other TFN policy, standard or procedure;

The privilege of personal use of Internet and E-mail services does not extend to others, including friends and family members. Breach of this policy will result in discipline up to, and including, termination.

Subject only to applicable law, users should not have any expectation of privacy with respect to activity or communications created, sent, received or accessed via the TFN internet and E-mail services, or otherwise stored on or accessed from TFN systems. TFN has the right, but not the duty, to monitor all activity by each computer user on its network and computer systems, and to access, retrieve, examine, intercept, block and delete all E-mail messages, attachments and other communications composed, sent, or received using its internet and E-mail services or stored on or accessed from its computer systems, without prior notice to or approval from the author, sender, or recipient of such communications at any time.

The right of TFN to monitor all user activity includes, but is not limited to, tracking all Internet sites that the user visits or attempts to visit, and blocking access to sites determined to be inappropriate by TFN. However, the failure of any Internet content filtering software used by TFN to block access to a particular Internet site or to a category of sites does not imply that access to those sites is permitted under these Policies and Standards.

Users are strictly prohibited from using the Internet and E-mail services in connection with any of the following activities:

- Engaging in the violation of any laws or regulations;
- Creating, sending, storing, or using materials or communications that are offensive, harassing, defamatory, sexually explicit, annoying, or otherwise objectionable, including, but not limited to, materials or communications that:
- Could potentially embarrass TFN or harass a TFN employee, person served, contractor, temporary worker, agent, consumer or supplier;
- Promote violence, hatred, or discrimination, or that contain threats to, or constitute harassment or discrimination of people based on race, color, age, religion, gender, sexual orientation, national origin, disability, marital status or any other characteristic protected by law;
- Contain pornographic, obscene, or other sexually explicit material, including text, images and sound, regardless of the legality of such activity in the political jurisdiction where the use occurs;
- Could potentially compromise a TFN product or position to any government, regulatory body or a court of law;
- Sending chain letters, jokes, junk mail (including bulk unsolicited offers to buy or sell goods), or other non-business-related messages or attachments to many users;
- Creating, sending, receiving, accessing, or storing copyrighted, trademarked or patented material, trade secrets of other confidential, private, or proprietary information or materials in violation of the law or TFN policy;

- Sending or storing E-mail messages with large non-business-related attachments (e.g. photographs, videos, animated greeting cards, games, etc.);
- Sending messages or attachments soliciting other TFN users to volunteer time, to contribute to, or to purchase goods or services that benefit or promote a charitable, athletic, religious, educational, political or other cause, unless authorized by TFN management;
- Advertising or promoting the goods or services of any for profit business other than TFN;
- Passing off the views of the user as representing those of TFN or committing TFN to a position without appropriate authorization;
- Engaging in activities that could compromise or jeopardize the security, integrity, authenticity or availability of TFN computer systems or internet and E-Mail services, including but not limited to:
- Permitting any unauthorized third party to access or use the TFN internet and E-Mail services;
- Using another individual's account, name, password, or other identifier, or impersonating or masquerading as another user or entity for the purpose of avoiding identification, unless acting as an authorized delegate of a user or entity and clearly and unambiguously identifying oneself as a delegate to the message recipient(s);
- Attempting to circumvent, defeat, or test without authorization, the security or auditing systems of any of the TFN systems or of remote computers or other systems, or misusing, damaging, altering, or disrupting such computers or systems in any way;
- Attempting to intercept, view, modify or destroy a file, record or message belonging to another person without authorization, or deliberately attempting to interrupt or otherwise make unavailable the services of a network, internet site or computer system belonging to TFN or another person or entity;
- Automatically forwarding E-mail messages and attachments from a mailbox or folder within the internal E-mail system of TFN to an external, non-trusted Email system.

APPLICABILITY

In the event that any provision of these Policies and Standards conflicts with any applicable law, that law shall supersede these provisions. This policy is applicable to any employee, contractor, Officer, or Councillor that will be using TFN Internet or email services. This policy is in conjunction with any applicable policies and procedures included within the TFN Policy and Procedure Manual.

POLICIES AND STANDARDS VIOLATIONS:

Any violation of the provisions specified in these Policies and Standards or any other TFN policy or standard constitutes misconduct and is grounds for disciplinary action, up to and including termination of employment and/or legal action. In some instances, TFN may also choose or be compelled by law to notify law enforcement authorities of known or suspected illegal activities involving use of its internet and E-mail services.

DISCIPLINARY ACTION

Any TFN employee that does not to adhere to this Email and Internet Use Policy will face progressive disciplinary action; serious offences may cause employment termination and legal action when appropriate.

USER COMPLIANCE

I understand and agree to abide by this Internet Use Policy. I further understand that should I choose not to follow this policy; my access privileges may be revoked, disciplinary action and/or appropriate legal action may be taken.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'F' – SMOKING POLICY

Smoking in the Workplace

TFN is committed to the well-being of the employees and person served therefore; we are committed to a smoke-free environment.

- In consideration for persons served, consumers, fellow employees, and for safety reasons, employee wishing to smoke may do so only in designated areas.
- There will be no smoking in buildings owned or rented by the Band.
- No employee will be required, as a part of their work duties, to enter an area designated for smoking as per federal *Non-Smokers Health Act*.
- Employees shall ensure that persons served and visitors are aware of the non-smoking policy and will adhere to the practice.
- No employee shall smoke in the vicinity or while providing services to, persons served.
- Employees shall not provide, sell, or lend tobacco products to any person served while on duty.
- Employees shall not borrow, buy or engage in any behaviours for the purpose of attaining tobacco products while on duty.
- Designated areas will be identified by posted signs clearly marked "Smoking Area," or be clearly identified in a written policy distributed to all employees.
- All areas that are designated for smoking will have adequate ashtrays with sand or other suitable material that allows persons smoking to completely and safely extinguish their cigarettes.
- Employees on scheduled breaks may smoke in designated smoking areas providing they are not exposing person served or other employees to secondhand smoke.
- Failure to comply with this policy may result in disciplinary action up to, and including, termination.
- Employees will not smoke within nine (9) meters of any Band building entry way, exceptions being the Tillie Missabie Friendship Center (TMFC) and the Laura McKenzie Learning Center where employees will remain twenty (20) meters from the entry way while smoking.
- TFN employees will adhere to specific department policies as it relates to smoking in the workplace.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'G' – VEHICLE USE POLICY

TFN Vehicle Use

The Temagami First Nation company vehicle policy gives employees guidelines for obtaining, qualifying for, and using a company vehicle to complete their required job duties. A “company vehicle” is any vehicle TFN assigns to employees or allows employees to use for work purposes. This policy applies to all employees who use a company vehicle and applies during and outside of working hours.

Employees may qualify for a company vehicle if they need a company vehicle for their daily work or are supposed to receive the use of a vehicle as a benefit. This can be extended for travel off island, as well as travel on Bear Island. This policy is also applied to vehicles such as watercrafts, snowmobiles, ATVs, Seadoos etc. that TFN expects its employees to use to complete their work duties.

To be eligible for a company vehicle, employees must complete a “Vehicle Use” form and submit a copy of their driver’s license. Employees are only allowed to drive a company car if they have a valid driver’s license and a clean driving record for at least the past year. TFN may request the employee to submit a clean driver’s abstract. A clean driving record means the employee has not been held at fault for a car accident or arrested on charges of violating vehicle and traffic laws. TFN can assign and revoke access to company vehicles at its discretion.

TFN will make reasonable accommodations to facilitate company vehicle use for eligible employees with disabilities.

TFN does not allow personal use of company vehicles. Personal use includes using the vehicle for personal errands between business activities, to commute between the workplace and home, or using the vehicle outside of business hours. If a situation arises where the use of a personal vehicle becomes necessary, all vehicle use approvals will be made by the Executive Director under the advisement of the applicable Department Manager.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'H'– IMPAIRMENT POLICY

Impairment in the Workplace

TFN is committed to providing a safe, healthy and environmentally responsible workplace and environment for its employees, stakeholders and person served. TFN believes that no task or activity is so important that it can't be done in a safe manner and in compliance with all applicable safety codes and standards.

The *Canada Labour Code* (CLC) sets out the rights and duties of workplace parties, describes ways of dealing with workplace hazards and provides for enforcement by the Labour Program where compliance is not achieved voluntarily. Workers performing work when they are unable or unfit to do so safely may introduce a hazard to the workplace, to themselves or to others, and workplace parties are required to address such hazards under the CLC. Hazards may arise from a worker's impairment due to the use of various substances (e.g., alcohol, prescription and non-prescription medication, medical and recreational cannabis and other substances, such as fentanyl and other opioids). Under the CLC, all employees including constructors, employers, supervisors and workers, have a role in protecting workplace health and safety.

On Wednesday October 17th, 2018, the Cannabis Act was enacted. In response to this new legislation, TFN is taking steps to ensure all employees, students, and volunteers understand TFN Policies and Procedures regarding Cannabis and other potential methods impairment in the workplace:

- Federal Occupational Health and Safety standards prohibit employers from allowing an employee to be impaired at work. All employees are expected to ensure that as part of job duties, they not be impaired: *"Impairment means that no substances are consumed or the effects of substances that can create impairment have been consumed that may result after the fact to show signs of past or potential current impairment interfere with work."*
- CLC regulation states that *"TFN will not knowingly permit a person to be in a workplace when that person's ability to work is affected by alcohol, a drug, or other substance, in such a way that would put anyone in danger"*.
- Cannabis cannot be consumed within nine (9) meters of any Band building entry ways and twenty (20) meters from Tillie Missabie Family Center (TMFC) and Laura McKenzie Learning Center (LMLC).
- An employee has an obligation to inform the employer (1) if they are or may be under the influence of an impairing substance; thereby (2) not assigning the worker to the activity.
- If an employee is taking a medicinal prescription for any substance that may create an impairment (i.e.: Opioid, cannabis), there is a requirement to disclose to Human Resources to assess the ability to meet job requirements and/or temporary or permanent accommodation.
 - When an accommodation is needed, a medical fitness letter will be requested. The letter is a "Confidential Medical Report" that ascertains the medicinal (dosage/method required/prescribed) and a threshold to determine to ascertain impairment and the ability to perform the duties.
- There is no accommodation that supports substances that are consumed legally that creates impairment (i.e.: Cannabis or Alcohol).

- The CLC also prohibits a worker from using or operating any equipment, machine, device or thing, or working in a manner that may endanger themselves or any other worker. This may include operating machinery or equipment while impaired.
- The employer has the right to send any person home if it is perceived they may be under the influence, therefore triggering an investigation and subject to steps within Progressive Discipline.
- The smell of cannabis or alcohol is enough for an employer to 'suspect' use, thereby initiating a conversation, potentially sending an employee home for the shift, initiating progressive discipline; subsequently enacting policies regarding the investigation of fitness for duty.
- Employees of TFN work in 'safety sensitive positions', such as working with vulnerable populations. Therefore, TFN has developed a timeline for sobriety: subject to the requirement of applicable Human Rights legislation.
- *Under no circumstances can cannabis or alcohol be brought into the worksite, nor consumed during work hours, subject to the applicable Human Rights legislation. Doing so may initiate progressive discipline.*

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'I' - SOCIAL MEDIA POLICY

Social Media Use

This policy is designed to provide all Temagami First Nation employees and elected officials with guidelines regarding the appropriate use of TFN social media accounts with Facebook, Twitter, LinkedIn, the TFN blog or any blog (this list is not exhaustive). Full details on this policy can be found within the TFN Personnel Policy and Procedure Manual.

- Employees may not disclose confidential or proprietary information on any of Temagami First Nation’s social media pages nor any other social media page whether it is a members only page or not. The disclosure of confidential or proprietary information without prior authorization may result in immediate termination.
- Employees will be held responsible for what they write or post on any of Temagami First Nation’s social media pages. Inflammatory comments, disparaging remarks, or negative / inappropriate language or posts are not permitted.
- Employees are directed not to engage in discussions regarding legal issues in which TFN is involved, or government issues related to TFN and our place of employment without prior approval from the ED.
- Employees are required to respect copyrights and never post text, images or video created by someone else without proper attribution and/or authorization. If employees have questions about copyright law and/or the usage of certain media, they should contact the applicable authority.
- Social media is not a substitute for client service. Employees are required to refer clients or community members to applicable Departments instead of handling inquiries entirely through social media.
- In the event that a TFN employee discovers any group(s) that users have formed to discuss TFN, its policy, or services, employees are requested to bring them to the attention of the ED.
- Employees are required to relay important issues that may be of concern with activities on social media to the ED as soon as possible.
- Employees should always carefully consider what to post in response to an argumentative or accusatory post. If employees have any questions regarding how to respond to a particular post, employees should discuss the issue with the ED or Human Resources prior to posting.
- Always adopt a positive attitude when responding to comments on TFN pages or applications, or comments about TFN in general.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

SCHEDULE 'J' – CELL PHONE USE POLICY

Cellular Devices in the Workplace

TFN has adopted this policy to govern the use of cellular phones in the workplace. This policy is intended to cover cellular telephones, two-way radios, and all other forms of portable communication devices. For the purposes of this policy, all communication devices shall be referred to as "cellular phones". Full details on this policy are included within the TFN Personnel Policy and Procedure Manual.

- Employees are expected to exercise the same discretion in using personal cell phones as they use with company phones.
- Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others.
- TFN is not liable for the loss of personal cellular phones brought into the workplace.
- TFN strictly prohibits the use of cellular phones or similar devices while at any work site at which the operation of such device would be a distraction to the user and/or could create an unsafe work environment or put individual's at risk.
 - Such work sites must be secured or the device used only by an employee who is out of harm's way at such work environments.
- TFN employees are strictly prohibited from using any cellular phone or similar device as an unauthorized media storage device for the storage or transportation of TFN business information.
- For privacy reasons, TFN employees are prohibited from taking photographs of company facilities or personnel using any camera functions on their cellular phone without first obtaining express written permission from TFN.
- TFN strictly prohibits the use of mobile phones, and PDA's while operating TFN owned and operated vehicles, or while operating a vehicle on TFN business.
- The use of hands-free mobile phones should be kept to a minimum when driving.
- Employees are solely responsible for any fines and or charges laid by the authorities for illegal use of a phone or PDA while operating a vehicle in the course of their employment.
- To make or receive calls:
 - Pull over and stop;
 - Allow a passenger to operate the phone;
 - Use voicemail and respond to the call at a safer time; OR
 - Let someone else drive, freeing you up to make or receive calls.
- Employees who choose to violate the policy will face disciplinary measures up to termination, or face legal responsibility if in the course and scope of their duties they are involved in a car accident and there is evidence that they were using their cell phone while driving, and the employer is sued.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

APPENDIX 1. PANEL CONFIDENTIALITY

Panel Confidentiality Agreement Signature Form

As a Hiring Committee Member of Temagami First Nation requested to recommend a candidate for the job position noted, I acknowledge that all committee members must be able to freely express their opinions within the Committee processes about the applications, applicants, and matters they have been asked to screen and interview. Similarly, those who communicate their views to the Committee must be able to do so in confidence.

I recognize that I will have access to personal and confidential information and materials related to the screening, interview & hiring process, and with full knowledge of the critical importance of confidentiality to the integrity and success of the process, I hereby agree to the following terms:

- I will maintain the confidentiality of the deliberations of the Committee and any and all information relating to such deliberations;
- I will maintain the confidentiality of all documents relating to the process and the screening scores, interview scores and recommendation of the Committee;
- I will keep confidential any personal information about every candidate as a result of carrying out my responsibilities as a member of the Committee;
- I will maintain the confidentiality of all written and oral information furnished to the Committee by any person or group;
- I will not use, discuss or disclose any information to any person or entity (including those who are being screened/interviewed, co-workers, family and general public) on my own initiative;
- I will retain, dispose of, or return any job position documents and records in a manner which protects confidentiality and informational privacy, and according to directions given to me by the Executive Director or designate;
- I agree that all communications on behalf of the Committee will be through the Executive Director or designate;
- I will declare any potential or actual conflict of interest to the Executive Director or designate at the earliest opportunity;
- I acknowledge that the obligation to maintain confidentiality described in this document exists both during the period that the Committee is active and thereafter;
- I acknowledge that I may be removed from the Committee if I breach any of these confidentiality obligations. Such removal shall be by a majority vote of the Committee. I understand that even if removed, I am still bound by the terms of this Agreement.

My signature on this page indicates my full understanding and agreement to the terms and conditions outlined above.

Employee Name

Employee Signature

Date Signed

APPENDIX 2. CONFLICT RESOLUTION

PREAMBLE:

Conflict Resolution will provide an avenue for employees to raise concerns with the reassurance that they will be protected from reprisals and to provide a safe respectful place where conflicts can be resolved. Unresolved, long-running conflicts result in antagonism, break-down in communications, inefficient teams, stress and low productivity.

It is expected that employees use this document in conjunction with Article 4. Conflict Resolution Policy from the onset of conflict to resolve conflicts in the workplace. Four essential steps to constructively resolve conflicts at work and can be applied to most types of conflict. When conflict at work occurs, remember:

- Conflicts are inevitable at work
 - Particularly when there are changes and new ideas being implemented; there can be no change without conflict
 - Whenever people are engaged, committed and fired up, conflict and disagreement will happen
 - Conflicts can be the beginning of an interesting learning process
 - **The very best and most efficient workplaces are those who handle conflicts constructively**
- 90% of conflicts at work do not come from something that was said, but from something that wasn't said!
 - That's the most common reason why conflicts at work escalate: *Everyone's waiting for the other guy to pull himself together and "just admit she/he's wrong".*
- Ask Respectfully and Listen Actively
 - In the early stages of a conflict the most powerful tool to resolve it is simple
 - Ask for clarification of the other person's position/action and actively listen to their response
 - Try to understand their position/point of view
 - Never assume bad faith on anyone else's part
- Conflict Resolution Technique
 - For more entrenched conflicts that have been going on for a while, use Conflict Resolution language
 - An example: You and a co-worker often clash at meetings. It's gotten to the point where each of you is just itching to pounce on the slightest mistake the other person makes. You can barely stand the sight of each other and have begun to avoid each other as much as you can. This has been going on for a while now

Here's how you can use TFN Conflict Resolution Process to address the conflict:

- I. Send an **Invitation** to the person you have the conflict with and invite the other person to talk about the situation. Do not start talking to others about your issue.
 - a. An example:
 - i. "Say John, I'd really like to talk to you. Do you have half an hour sometime today? We could meet in meeting room B"
 - b. A hurried conversation at your desk between emails and phone calls won't solve anything. You need an undisturbed location and time to address the issue. And make no mistake: Giving this invitation may be the hardest part of the whole process. It can be remarkably hard to take that first step. Do it anyway!

II. Observation

- i. Identify what you see in neutral, objective terms. This is where you describe the facts of the situation as objectively as possible
- ii. What is actually happening?
- iii. When and how is it happening?
- iv. What is the other person doing and, not least, what are you doing?
- v. Only cite observable facts and do not assume or guess at what the other person is thinking or doing

III. Apologize

- i. Apologize for your part in the conflict. Usually everyone involved has done something to create and sustain the conflict
- ii. **Remember: You're not accepting the entire blame; you're taking responsibility for your contribution to the situation**

IV. Appreciate

- i. Praise the other person or people involved in the conflict.
- ii. Tell them why it's worth it to you to solve the conflict.
 - "I know we don't always see eye to eye and that we have very different personalities but I want you to know that I really appreciate your contribution to the program."
- iii. **This can be difficult, but it's a great way to move forward. If you can't think of a single positive thing to say about the other person, you may not be ready to resolve the conflict yourself**

V. Outcome

- i. What is the impact of the conflict for you and for your program, for TFN? Why is it a problem?
- ii. Outlining the outcomes of the conflict shows why it's necessary to resolve the conflict
 - a. For example, a conflict between you and another person led to team meetings that are strained and uncomfortable where your coworkers no longer feel safe to say what they really think

VI. Objective

- i. What would be a good outcome?
 - a. It's essential to set a goal so both parties know the outcome they're aiming for. *This makes reaching the outcome a lot more likely*

VII. Request

- ii. Ask for specific actions that can be implemented right away

The great thing about this conflict resolution process is:

- ii. It gives structure to a difficult conversation
- iii. It minimizes assumptions and accusations
- iv. It focuses on the real problems not just the symptoms
- v. It results in a plan of action - not just vague assurances to do better

Mediation

Some conflicts are so entrenched that they cannot be solved by the participants alone; outside help is needed in the form of conflict mediation. Mediation involves finding a third party trusted by the people involved in the conflict, and then trusting that person to help find a solution. The mediator can be a manager of your program or another program, an EAP provider, etc.

Conflict with Managers?

The expectation is that you can use the TFN Conflict Resolution Policy. If this is not successful and if it is appropriate, employees will take their concern to the Human Resources department. The HR Manager will attempt to resolve the conflict using conflict management skills as indicated, directly with the manager.

What If These Steps Don't Work?

There is no guarantee that the method described here will resolve your conflict at work. If this is not successful and if it is appropriate the conflict may be brought to the Executive Director for further conflict management.

APPENDIX 3. HIRING CASUAL EMPLOYEES

Temagami First Nation defines “casual employees” as any employee who has been pre-screened and is hired on a call-in basis to perform a specific job for a period of less than three months.

If there is a need for a casual employee, managers will connect with HR to receive an up-to-date list of pre-screened casual employees that have been identified as capable of completing the requested position/task. Capabilities will be determined based on the employee’s abilities, experience, ongoing personnel issues, and availability (all departments will have access to the casual list and employees on that list may already be working elsewhere).

Please note: casual work agreements will not be issued for more than two weeks at a time, unless the manager submits a work plan detailing the tasks required for that work agreement over the two week period. If a lengthy work agreement is required, managers should submit for a “fixed-term contract employee” or “term employee” and follow the procedures as defined within the TFN Policy and Procedure Manual. Due to the immediacy and nature of casual positions, hiring this employee classification does not adhere to Policy 1.7 Job Postings as indicated within the TFN Policy and Procedure Manual.

PROCEDURE

To be considered pre-screened, employees must have a resume on file that will outline their skills, abilities, education and experience, as well as contact information (email is acceptable if no phone number is available). This information will be used to determine suitability for requested casual placements.

- I. When managers are requesting the onboarding of a new casual employee, who has not been pre-screened already, the following information must be submitted to the HR Department:
 - a. Individual’s name & contact information, formatted onto a resume/cover letter
 - b. Department & Job Title, including updated job duties to be included on the job description if applicable
 - i. If the job does not already have an established description, manager will provide information needed to craft a description to HR department for creation
 - c. Scope of work if the position is not an already established TFN position
 - d. Proposed wage: must be within the established wage grid of the department and applicable to the requested position
- II. Manager will inform HR of the need for a casual employee, indicating the above-mentioned information in their request.
 - a. If manager has a specific employee in mind, they can request that individual
- III. HR will complete a casual work agreement including the job description and title of the casual employee, and will forward it to Executive Director or designate, for final approval.
 - a. Executive Director has final approval for all casual employee hires
- IV. If ED is in approval, HR will inform supervisor/manager the appointment has been approved and the manager will connect with the employee offering them casual employment for the term as indicated within the casual work agreement, having the employee sign the agreement prior to starting the work.
- V. This agreement will be returned to HR for storage within the employee’s personnel file.

- VI. HR will forward the signed agreement to the finance department to ensure documentation is in place to support a submitted time sheet for that employee. The final agreement will include wage, department, and job description to be included within the employee's personnel file.

Casual employee time sheets that are submitted without a work agreement will not be issued. Managers will be responsible for ensuring the work agreements are in place, prior to allowing employees complete the work required. Ongoing failure to follow this policy may result in disciplinary action for the supervisor/manager by the Executive Director.