



Nishnawbe-Aski Legal Services Corporation (NALSC)

Human Resources Policies and Procedures

Version 12

This HR Policy document supersedes any previous or earlier versions of HR policies.

Preamble

On March 1, 1990, Nishnawbe-Aski Legal Services Corporation ("NALSC") was created to address the shortcomings in the administration of justice within Nishnawbe-Aski Nation ("NAN") and to improve access to justice for members of NAN.

Mission

To promote the programs and services in a culturally appropriate manner sensitive to the unique values, customs, and traditions of NAN communities.

Mandate

To promote creative community-based justice systems and to deliver on a wide range of law-related services including legal, paralegal, public legal education, and law reform services to members of NAN.

Values & Principles

- Unity, Self Governance, and Sustainability
- Respect and Dignity
- Integrity and Honesty
- Sharing and Partnership
- Humility
- Courage
- Compassion and Caring
- Wisdom
- Truth

Purpose of the HR Policy Manual

This HR Policy Manual provides guidance to volunteers, employees, management and Board of Directors regarding operational policies and procedures.

Updating HR Policy Manual

Change is always occurring – to laws, within companies, to technology etc. – therefore, policies need to be updated continuously. Old and outdated employee manuals may not be compliant with new laws and workplace regulations. This may leave the organization open to liability.

Employee manuals will therefore require revisions, from time to time, as dictated by changes in organizational policy, legislation, and labour standards.

NALSC has the right to audit and revise the employee manual at least annually to ensure compliance with changes in policy, standards, and legislation.

Amendment Process

The Board of Directors has the authority to amend the NALSC HR Policies and Procedures.

Legislation

The Provincial government has established sets of rules, regulations, and laws to ensure the health and safety, employment, and human rights of all citizens. It is our duty to comply.

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1.0 Definitions

GENERAL DEFINITIONS

Aboriginal: includes "Indians, Inuit and Métis peoples of Canada" in accordance with section 35 of the *Constitution Act*, 1982.

Candidate: an applicant who is being considered for hire.

Circle: a process that brings together the parties in some type of conflict that requires mediation. A circle consists of the parties to an unresolved dispute, the facilitator, and an elder. A circle is a type of mediation.

Daily rate of pay: means an employee's weekly rate of pay divided by the number of days in a week the employee works.

Employee: means the person(s) who are employed by NALSC Corporate Services.

Employer: means NALSC Corporate Services.

Goals: responsibilities, deliverables, and general performance targets of a job based on the job description and job specification.

Holiday: means the twenty-four-hour period commencing at 00:00 hours of a day designated as a paid holiday in the Canada Labour Code" and includes any day substituted for any such holiday pursuant to section 195."

Hourly rate of pay: means a full-time employee's weekly rate of pay divided by the normal number of hours in his/her work week.

Lay-off: suspension or termination of employment.

Leave: means authorized absence from duty by an employee during his/her normal hours of work.

Mediation: a voluntary process used to resolve conflicts by using a neutral person to help the parties to the dispute resolve their differences in a mutually acceptable manner.

Salary: means an employee's annual income received from the employer.

Secondment: the opportunity to work temporarily in a different organization

Substitute holiday: another working day off work that is meant to replace a holiday in which the employee worked or was on vacation.

Termination: means an end in employment.

Undue hardship: an accommodation requiring significant difficulty or expense. Undue hardship usually occurs when all options have been considered and any remaining options would cause NALSC to incur excessive costs that create significant difficulties for the organization. It can also occur when the remaining options for accommodation would create a health and safety hazard.

Weekly rate of pay: means an employee's regular annual rate of pay (without inclusion of any overtime, benefits, or bonus) divided by 52.

PAYROLL CATEGORIES

Hourly: an employee who is paid an hourly wage for the hours worked. Part-time, temporary, casual, and seasonal employees will usually be paid hourly.

Salaried: an employee who receives a bi-weekly rate of pay regardless of hours worked.

EMPLOYMENT CLASSIFICATIONS

Full-Time Employee: means any employee who works a regular thirty-five (35) hour work week, or more, and has successfully completed their probation period and is not a Term Employee. Full-time employees may be salaried or hourly.

Part-time: means any employee who works their regularly scheduled days whose normal work week is less than thirty-five (35) hours per week. An employee who is employed on a part-time basis:

1. Will be paid according to hourly rates set by the employer.
2. may be called to work at any time and are subject to lay off with one (1) days' notice.

Term Employee: means a full-time or part-time term employee hired for a specific position, for a specific period, where it has a specific start and end date and to perform a specific task. The term employee will sign a contract agreement with NALSC stating the terms and conditions of employment.

1. A term employee is not eligible for benefits and will receive pay on each payroll in lieu of vacation in compliance with the *Employment Standards Act*.

2. The length of the term will not exceed twelve (12) months.
3. Should a term position develop into a permanent position, NALSC reserves the right to offer the term employee the permanent position at the end of the term. The term employee must have been in the position for at least 6 months, successfully completed their probationary period, and must receive a recommendation from their contract manager.

Seasonal: a temporary employee who is employed for no more than four (4) months. Seasonal employees are hourly and ineligible for benefits. Students often fit in this category.

Casual Employee: any employee who works on a “call-in” basis whose employment may vary from day to day and week to week. A casual employee has no commitment to be available when called and NALSC is under no obligation to call casual employees when and if work is available. Casual employees are paid hourly and not eligible for benefits.

Inactive: an employee who remains on either hourly or salary payroll and who may be in receipt of benefits payments, but no pay. This category is also used for employees who are on approved leave of absence, for any reason, for a period longer than one (1) month.

Probationary: an employee who has been newly hired or who has taken on a new position within the organization and has not completed the probation period.

Independent contractors: not considered employees of NALSC. They are either self-employed or work for another organization with which NALSC has contracted for their services. Contract personnel are paid via invoice through Accounts Payable. However, contract personnel are expected to follow NALSC policies when working on the premises.

Director: an employee who is an officer of the organization and whose primary responsibility is to plan, implement, and monitor long term strategies. They are accountable for the overall performance and success of the organization. The Executive Director is accountable to the Board of Directors and all NALSC employees are accountable to the Executive Director.

Lawyer: an employee who is an active lawyer with the Law society of Ontario and whose primary responsibility is to carry out the duties of a lawyer for NALSC.

Management Employee: means any regular full-time employee who is provided a contract of employment as a Manager upon hiring. Management employees are subject to all terms of these regulations unless otherwise stated in their contract of employment.

Program manager: an employee whose primary responsibility is the management of one or more programs. Program managers have the authority to train, discipline, conduct performance appraisals for, and assist in the hiring process of, employees in their programs.


Administrative: an employee whose primary responsibility is the support of one or more program managers, directors, offices, or programs. Normally this category includes receptionists, assistants, and clerks.

Staff: an employee whose primary responsibility is to provide services to clients. Normally this category includes coordinators, facilitators, workers, and writers.

Students: an employee who is temporary or seasonal, hourly or salary, and is attending or returning to a secondary or post-secondary institution.

Changes in Employee Classification

All documents, including hiring documents, that change or modify an employee's employment classification must indicate the revised date and approval. The Executive Director or Human Resources Manager must approve changes to employment classification. Changes are most often the result of a change in job, promotion, or demotion and are accompanied by a formal offer letter.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 1: INTRODUCTION</p> <p>PAGE: 11</p>	<p>VERSION: 0.11</p> <p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>
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2.0 Introduction and Policy Administration

The HR Policy Manual serves as a guide for the NALSC Board of Directors, management, managers, and employees on the day-to-day administration of our human resources and related programs. The policies and procedures assist in increasing understanding, eliminate the needs for personal decisions on matters related to NALSC policies, and help assure consistency throughout our organization.

This manual is made accessible to each employee upon hiring. Employees are expected to read the policies and sign an acknowledgment within two (2) weeks of hiring. Employees are encouraged to ask questions and ensure understanding before signing. The manager or Human Resources Manager can help with any questions or concerns.

Document version control

<u>Version</u>	<u>Comments re: changes</u>	<u>Date</u>
0.01	Creation of document – draft for management review	Nov 4, 2019
0.02	Revision by HR – Draft for Board approval	Nov 19, 2019
0.03	Revision by HR	Jan, 2020
0.04	Revisions by HR	Feb, 2020
0.05	Revisions by HR	March, 2020
0.06	Revisions by HR	May, 2020
0.07	Broken down sections – For Managers' Review	May 12, 2020
0.08	Revisions by legal counsel	October 24, 2020
0.09	Revisions with Irene, Colette, and Mahogany	November 21, 2020
0.10	Revisions by Colette and Cameron based on Policy Committee (employees) recommendations	Feb 12, 2021
0.11	Final revisions by Colette – Approval from Board	March 23, 2021
0.12	Add Mandatory COVID-19 Vaccination Policy	November 22, 2021

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 1: Staff Conduct Policy</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Code of Conduct</p> <p>PAGE: 12</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

3.0 Staff Conduct Policy

The goal of this policy is to provide guidelines for ethical decision making; it helps employees to make decisions that align with the mandate, mission, and values of NALSC. The manual also encourages positive working relationships and acts as a reference to solving ethical issues in the workplace.

NALSC requires employees to make honest, ethical, and safe decisions that are in the best interest of their coworkers, clients, and organization. NALSC expects employees to work in compliance with all applicable laws and legal requirements.

3.1 Professionalism

NALSC asks employees to match our commitment to maintaining a professional work environment by viewing professionalism through our values and principles.

3.2 Gift transparency, and donations

For donations and receipts please refer to NALSC Financial policies and procedures.

This policy is not meant to prohibit the exchange of cultural gifts (ex. sharing tobacco between employees or community members).

3.3 Political activity

NALSC recognizes the importance and responsibility of employees to participate in the political process, especially in our communities. Employees should exercise their right to support political parties, candidates, committees, and causes that reflect their values and ideals. Conversations about political positions are acceptable in the workplace if they are respectful of different perspectives and are not disruptive to getting work done.

- NALSC will not directly or indirectly participate or intervene in any political campaign.

- NALSC will not contribute time, money, or other resources to any political party or campaign, and will not publish or distribute statements on behalf of political candidates.
- Employees must refrain from endorsing any political message or activity on behalf of NALSC.
- Campaigning is not allowed during office hours.

3.4 First Nations community elections

An employee who is nominated and accepts a nomination, for the position of Chief & Council, Deputy Chief, Grand Chief, Ontario Regional Chief and NAN and/or tribal council political roles shall be required to take a leave of absence without pay from the date of nomination until the date of election. This includes employees who are nominated and accept municipal, provincial, and federal political roles.

If the employee is elected, the employee shall be required to resign from NALSC effective the date of entering office. The employee will not be subject to the required two weeks notice of intent to resign.

3.5 Electronic device usage

Any pictures, videos, or audio recordings taken by employees must have the permission of the person involved before sharing publicly or with any media. All recordings are the property of NALSC and shall not be shared without expressed written permission from the person(s) involved and are subject to privacy and confidentiality restrictions. All recordings shall be deleted from all devices when no longer required.

3.6 Work computers

All employees are responsible for the care of any equipment owned by NALSC and must be returned to NALSC upon termination of employment before a final pay cheque is released.

Employees must use these responsibly including:

- Using work computers only for work purposes,
- Not copy NALSC's software or client information,
- Treat the equipment with care and avoid damaging it,
- Avoid downloading damaging things such as illegal content (ex. pirated software) or viruses,
- Keep the computer and its contents secure,
- Always use password protection for the device.

Employees should be aware NALSC computers can be accessed and reviewed by the Corporation at any time.

3.7 Company property

Use of Company Property

All NALSC employees must maintain his or her work environment in an orderly fashion and follow all NALSC rules to ensure its proper use and maintenance.

Any employee who is found to have neglected or misused NALSC property will be subject to disciplinary action up to and including termination. If an employee misuses and damages the property, NALSC reserves the right to require the employee to pay all or part of the cost to repair or replace the property. Misappropriation of NALSC property is grounds for immediate termination and possible criminal action.

NALSC property (including computers, cellphones, copiers, program equipment, fax machines, Internet services and printers) is intended for business use only. Limited personal use as necessary is allowable but should be the exception and not the rule. NALSC reserves the right to discipline employees for excessive personal use of company property.

Recording of Company Property

All company equipment must be recorded in the asset tracking database by the purchaser. All assets maintained in the asset tracking database inventory shall have an assigned owner.

Company assets which cost less than \$100 shall not be tracked.

An asset-tracking database shall be created to track assets. It will include the following purchase and device information:

- Date of purchase
- Make, model, and description
- Serial Number
- Location
- Program
- Warranty
- Borrower (if applicable)

Assigning company property

All employees shall sign an **Agreement to Return and Care for Company Equipment** form before receiving any company equipment from NALSC. The person assigning the

equipment will be responsible for ensuring a form is signed by the employee receiving the equipment. The signed forms will be submitted to human resources to file.

3.8 Social media

Employees must be aware that their communications on social media platforms are governed by the Code of Conduct and any online misconduct may result in discipline or termination.

It is not acceptable to use work computers for personal social media or anything other than work. In some cases, a Manager may approve the use of social media as a form of communication.

Unacceptable personal social media posts by employees may be met with discipline, up to and including termination. Unacceptable social media conduct includes making, sharing, or distributing comments that constitute:

- Threats
- Violent messages
- Defamatory or derogatory comments against NALSC
- Offensive comments

In addition, employees shall:

- Avoid getting sidetracked by social platforms while working.
- Ensure their personal statements do not represent NALSC.
- Not share intellectual property (ex. trademarks) or confidential information
- Ask their manager first before sharing NALSC news.

3.9 Internet usage

Employees must not use NALSC's internet connection to:

- Download or upload obscene, offensive, or illegal content.
- Send confidential information to unauthorized recipients.
- Invade another person's privacy or intentionally gain access to their sensitive information.
- Visit potentially dangerous websites that can compromise our network and computers' safety.
- Perform unauthorized or illegal actions, like hacking, fraud or buying/selling illegal goods.

Do not click on any links unless it is 100% certain to be a legitimate email. If an email seems suspicious, forward it to your Manager and they will confirm the legitimacy of the link or

email for you. If deemed suspicious, you will be notified, and a notification will be sent to all staff.

3.10 Cell phone

NALSC allows the use of personal cell phones at work within reason. Please ensure that your devices will not distract you or other employees from work. The following rules apply to cell phone usage at work:

- Work cell phones must be password protected.
- Do not play games on your phone or text excessively during work hours.
- Do not use your phone for any reason while driving for work purposes.
- Do not use your phone to record proprietary or sensitive corporation information.
- Do not download or upload inappropriate, illegal, or obscene material using our corporate internet connection.
- Employees shall avoid making or receiving personal calls during work time, and use personal cell phones only during scheduled breaks, lunch periods or for personal emergency matters.
- If you do use your phones to take work-related photos, delete them immediately after you are done.

NALSC reserves the right to disconnect devices or disable services without notification.

Lost or stolen devices must be reported to **Finance** as soon as possible after discovery.

The employee is personally liable for all costs associated with his or her lost or stolen corporate device for which he or she is responsible, and for any non work-related data overage charges or fees.

3.11 Work email

NALSC email accounts are intended for work-related use only.

NALSC email accounts, the messages sent and received using them are the property of NALSC. Managers may access any materials and information stored on employee computers at any time. NALSC expects all employees to avoid:

- Signing up for illegal, unreliable, disreputable, or suspect websites and services.
- Sending unauthorized marketing content or emails.
- Sending insulting or discriminatory messages and content.

All employees with an NALSC email account are expected to monitor and check their email in a timely and consistent manner.

3.12 Passwords

Use strong passwords and be vigilant in catching emails that carry malware or phishing attempts.

No employee or corporate passwords shall not be disclosed to, or shared with, other users or third parties. If a user has reason to believe his/her password has been compromised, the user must inform IT (Information Technologist) or NALSC administrative personnel immediately.

3.13 Dress code

NALSC's official dress code is business casual. Clothing should be clean, not torn or see-through, and not overly revealing.

If the employee frequently meets with clients or attends court, a more formal dress code is required.

NALSC respects and permits grooming styles, clothing and accessories that are dictated by religious beliefs, culture, ethnicity, or disability.

Managers are expected to address inappropriate dress or grooming respectfully and privately with the employee. An employee may be sent home to change. This would be considered time away from work without pay.

3.14 Workplace visitors

Employees are expected to inform their Manager in advance of all anticipated visitors, as well as informing the receptionist. All visitors are required to sign in.

NALSC is a legal workplace. Employees must be extremely careful to ensure that confidential information is not accidentally disclosed. Employees with visitors have the following responsibilities:

- Keep visitors away from areas where there are confidential records or health and safety hazards,
- Take responsibility for the visitor by ensuring the visitor is aware of all office and building safety requirements,
- Always supervise visitors,
- Ensure that the visitor, and/or nature of visit does not affect or disturb the work or productivity of other NALCS employees, and
- All visitors must be signed out before leaving the premises.

Bringing children to work must be pre-approved by your Manager and a waiver signed prior to the children's arrival. The following rules apply:

- This waiver must be submitted to the Human Resources Manager upon arrival. (Appendix 5)
- Children must always be supervised and must not disrupt the work of other staff in the office.
- Children who are ill will not be permitted into the office.

3.15 Privacy and confidentiality

NALSC will protect the privacy and confidentiality of employees. All employees at NALSC are expected to respect each other's privacy by not sharing other employees' personal information without the express written consent of NALSC or unless legally required to do so.

3.16 Conflict of interest

A conflict of interest exists where an NALSC employee could use their position with the organization to promote a private or personal interest in a way that interferes with their duties and the organizational goals of the Corporation.

A conflict of interest may be perceived or actual. Regardless, it must be reported to the manager as soon as the employee becomes aware of, or involved in, a conflict of interest. The employee cannot avoid disclosing it because they feel that they will not be influenced by the conflict. There is no "presumption of guilt" by the mere existence of a relationship with an outside firm or person.

The manager and the employee will discuss the conflict and record actions to mitigate the risk. The Human Resources Manager may be involved in helping to identify mitigating actions. All declared conflicts of interest will be kept on file by the Human Resources Department and reviewed and signed off by the employee and their manager.

Declaring a conflict of interest:

As soon as an employee is aware of an actual or perceived conflict of interest:

1. The employee must notify their manager.
2. The manager and employee have a discussion and document the steps they will take to mitigate the conflict using a "conflict declaration form" provided in **Appendix 1**.
3. The manager will inform the Human Resources Manager, who may seek legal counsel if required, to identify mitigating actions, approve the actions already discussed, and help implement the mitigating actions. If the risks of the conflict cannot be mitigated, the Executive Director will be involved to find an alternative solution.

4. The Human Resources Department maintains a list of all conflicts of interest, how they are mitigated, and ensures sign-off by the employee and manager every year.
5. The employee shall inform their manager, in writing, if the conflict of interest is resolved. The manager will inform the Human Resources Manager who will close out the disclosure in the Human Resources Department files.

3.17 Employee relationships

NALSC encourages respectful, appropriate, and harmonious relationships at work. We ask you to always behave professionally.

Close personal relationships between coworkers:

Employees who work together may naturally form friendships, which can help with communication and collaboration. However, it is important that friendships do not result in issues of bias, favouritism, or cause others to feel excluded in the workplace.

An intimate relationship between coworkers is acceptable if it does not constitute a conflict of interest, both employees maintain professionalism and personal discussions are kept outside of working hours.

Employees must not work together in any circumstance where a conflict of interest, breach of confidentiality, or unfair advantage may be perceived to be gained from the overlap of a personal and professional relationship.


Relationships with managers:

To avoid accusations of favoritism, abuse of authority, conflict of interest, and sexual harassment, managers are subject to the following rules with respect to their relationships with coworkers:

- Managers must not engage in intimate relationships with their direct reports
- Managers must immediately disclose any intimate relationship or encounter with a direct report to human resources.
- Managers must not be involved in the recruitment, selection, appraisal, promotion, or any other managerial activity involving an intimate partner or immediate relative.

Close personal relationships with clients:

Employees shall not engage in close personal relationships with existing clients. If an employee has an immediate family member or close friend who may become a client or is involved in the case of a client of NALSC, the conflict of interest must be declared.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 3: EMPLOYMENT POLICIES</p> <p>POLICY: Recruitment and Selection</p> <p>PAGE: 20</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

4.0 Recruitment and Selection Policy

Policy Intent

This policy covers the hiring process, orientation content, who has hiring authority, and potential hiring conflicts. The Human Resources Manager and the prospective employee's manager will lead recruitment and selection efforts with the help of the Executive Director.

The primary criteria for employment at NALSC are professional excellence. The goal of the recruitment policy is to promote the employment of Aboriginal people and in particular members of the Nishnawbe Aski Nation. However, no candidate shall be recommended who does not meet the criteria for the position in question.

The Nishnawbe Aski Legal Services Corporation (NALSC) exists to provide a wide range of legal services to the Nishnawbe Aski Nation (NAN) in a culturally appropriate manner that is sensitive to the unique values, customs, and traditions of the communities it serves. These objectives are best served by hiring members of these communities. This policy also serves to assist the important goals of promoting indigenous self-government, cultural autonomy, and economic development.

NALSC remains committed to its obligations under provincial human rights legislation and will apply this Policy in a way that complies with the Ontario *Human Rights Code* to promote diversity in its workforce and prohibit discrimination.

Accommodations: Any applicants requiring accommodations for protected grounds under the *Human Rights Code* are encouraged to apply and NALSC will accommodate the **applicant** according to the Accommodations and Human Rights Policy (Policy 20.0) and the Accessibility Plan and Policy (Policy 21.0).

4.1 Staffing requests

A written request must be submitted to human resources by the manager when filling a position. The request should include a current job description and the following information:

- Job location
- Salary details
- Job classification

By NALSC's Accommodation and Human Rights Policy (Policy 20.0) and Accessibility Plan and Policy (Policy 21.0), the Human Resources Manager will make efforts to accommodate any **applicant** who discloses a need for accommodation based on protected grounds included in the Ontario *Human Rights Code* and *Canadian Human Rights Act*.

4.2 Job posting

The Human Resources Manager will

- Confirm if the current job description is accurate with the position's manager.
- Make any necessary updates to the job description and job posting before publishing them.
- Advertise the job vacancy **concurrently** for a total of ten (10) business days.
- **Internal Applicants** - If there are qualified, suitable internal applicants they will be considered for the position first.
- **External Applicants** - Upon determination that there are no qualified, suitable internal candidates, external candidates will then be screened and may be selected for interviews after the posting expires.

Concurrent is posting a job vacancy internally and externally at the same time.

Internal applicants consist of current NALCS employees only.

External candidates who belong to a NAN community and/or are employed with a NAN affiliated organization will be considered prior to external candidates with no association to NAN communities and affiliated organizations.

Term employee – NALSC reserves the right to offer a position to the existing term employees subject to section "Definitions" (page 8 – 9)

Procedure

- a) Employment opportunities within NALSC shall be advertised to all NAN member communities and posted on the NALSC website as a concurrent posting. (internal & external at the same time)
- b) Applicants will be asked to submit a cover letter and resume. Applicants must clearly demonstrate in their application how they meet the qualification requirements for a position and should indicate whether they are NAN members.

Job competitions will be determined based on suitability of qualifications, skills, education, and experience.

c) All NALSC job postings shall contain the following statement:

NALSC invites applications from qualified members of NAN. Please indicate in your cover letter how you meet the criteria for the position and whether you are a NAN member.

We thank all candidates for their interest, however, only those selected for an interview will be contacted.

For more information, please visit our website: www.nanlegal.on.ca

Privacy and Confidentiality

The hiring processes and related documents are confidential. Personal information is managed and protected in accordance with the *Freedom of Information and Protection of Privacy Act*.

4.3 Interviews

All applications are reviewed by human resources and the manager of the advertised position. From there, qualified applicants will be selected for interviews. The hiring committee shall consist of

- The human resources manager/assistant,
- The manager of the advertised position, and
- A hiring committee member(s) with knowledge about requirements for the position.

The manager of the advertised position shall appoint the hiring committee member(s) and notify human resources.

Interview questions will be reviewed by the hiring team to ensure they are relevant to the tasks done on the job. The questions will be the same for every candidate interviewing for a specific position. Once the interviews are conducted, the successful **candidate** suggested for hire will be presented to the manager for the final hiring decision (or the Board of Directors for the position of Executive Director). The manager will make the final hiring decision based on the information presented. The Human Resources Manager will attempt to notify the **applicants** who were not selected.

4.4 Former Employees

Applications are welcome from former employees. All applications will be reviewed and discussed for eligibility. The following shall apply:

To be considered for rehire, former employees should have left the company for one of the following reasons:

- Voluntary resignation
- Company Lay-offs
- Expired contract
- Termination for reasons other than illegal or unethical behavior

Employee status and benefits

Employees who were working for our company for **less than [36] months** will be considered '**new hires**' if rehired. New hires are usually expected to undergo hiring and onboarding procedures, partly or entirely.

By contrast, employees who were with the company for **longer than [36] months** might not have to go through the same procedures as new hires. Their service can be recognized for seniority and benefit(s) reinstated after the probationary period. All previous employees' wages will be outlined in their new employment contract. Previous wages will not be reinstated.

For employees to be eligible for benefits, there is one condition: they should not have been absent for a period that exceeds their time of employment with our company. For example, if an employee worked for our company for three years but was absent for four years, they will be considered 'new hires.' If, however, they were absent for only two years, they will be eligible for benefits.

At any case, employees who were absent for **more than five years** are considered new hires.

Fair decisions

However, we may give precedence to former employees who apply for positions compared with other candidates. This precedence is reasonable because former employees know our company better than new external candidates. Among former employees who are considered for rehire, there will be no discrimination or unfair disqualification.

Procedure

When an employee applies for a position or contacts our company about rehiring, the following procedure should be followed:

1. HR department reviews personnel records to decide whether the employee is eligible for rehire.
2. If they are eligible, they can be considered for the position.

4.5 Recruitment and hiring restrictions

Hiring of Relatives

We use the term “relatives” to refer to any person who has a relation by blood or marriage within the third degree with an employee. We also include people who live together in a domestic partnership or children who were adopted. This includes parents, stepparents, grandparents, in-laws, spouses or domestic partners, children, stepchildren, adoptive children, grandchildren, siblings, uncles, aunts, nieces, and nephews.

We aim to keep our hiring process free of discrimination. We may hire a person who is related to one of our current employees if we consider that person the best fit for a position. We may also accept referrals from employees.

Favoritism or conflict of interest may occur when managers are involved in a process with their relatives. Examples are when:

- Managers decide which team member to promote.
- Managers complete performance reviews.
- Managers discipline their relative.
- Managers are part of a hiring committee.

To avoid such incidents or suspicions of favoritism and conflict of interest, we have established the following limitations:

- Employees who are related must not be involved in a supervisory/reporting relationship with one another.
- Employees can not be transferred, promoted, or hired inside a reporting relationship with a relative.
- Employees can not be part of a hiring committee, when a relative is considered for the position.

Please report any relationship with a relative to HR, if you will be in a reporting relationship with that relative, or in a hiring committee that considers that relative for employment. If you do not, you may face disciplinary action.

We ask you to act professionally when working with a relative and seek counsel from your manager or HR if there are any problems.

The persons conducting interviews have a responsibility to make candidates aware of this provision and to enquire as to immediate family relationships that would exist if the candidate were to be appointed to the position.

4.6 References and formal police records check

NALSC will comply with all federal and provincial legislation regarding the protection of human rights for applicants when conducting any type of record check. NALCS strives

to hire the most qualified individuals to fill positions. Record checks act as an important part of the selection process at NALSC.

The Human Resources Manager will conduct a **reference check** from the references provided by the successful candidate.

Type of Check: A formal **police, criminal, or vulnerable sector records check** will be required from the successful candidate **within six (6) weeks** of their start date. The information disclosed in a candidate's record check will be kept strictly confidential and will only be used in a manner and for purposes consistent with the *Human Rights Code* and the bona fide requirements of the position in question.

Results: Although disqualification from NALSC employment is possible, a previous conviction does not automatically disqualify an applicant from consideration for employment with NALSC. 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 NALSC. NALSC shall review the results of the record check to see if it is relevant to the job. If the results of a record check are not satisfactory for the position, NALSC will withdraw any conditional offers made.

False Information: If an applicant attempts to withhold information or falsify information pertaining to any previous convictions, the applicant will be disqualified from further employment consideration in any position with the company due to falsification of an application.

Privacy: NALSC shall ensure that all applicant information is kept confidential the record check to see if it is relevant to the job. If the results of a record check are not satisfactory for the position, NALSC will withdraw any conditional offers made.

4.7 Offer of employment

NALSC will issue offers of employment upon a successful background check including references, the employee agreeing to NALSC's organizational policies and other required conditions of employment.

All employee salaries are subject to approved annual funding and program contribution agreements.

Once a successful candidate accepts and sign the offer of employment, they will be considered an employee. The employee's probationary period begins on their start date and lasts three (3) months, as per the Probationary Period Policy (Policy 5.0).

The Human Resources Manager keep records of the applications of all candidates for one (1) year. If the successful candidate leaves their position within one (1) year of hire, NALSC may contact previous candidates with offers of employment.

INTERNAL TRANSFERS

Employees applying to internal job postings must first get approval for an internal transfer from their manager. Once approved, they will undergo the normal hiring process. If an employee is successful and transfers to a new position, they will begin a new probationary period (See Policy 5.0).

4.8 Orientation

When a new employee arrives for their first day of work, they will be greeted by Human Resources and provided with an orientation package. The first day is dedicated to orientation. The employee will begin completing their tasks and other job-related responsibilities after orientation is complete.

Newly hired employees will receive all health and safety, human rights, and job responsibility training required to succeed on the job. This training will be paid for by NALSC. Additional training requested by the employee must be considered by the manager, Human Resources Manager, and the Finance Manager before it is approved.

When training is required off-site, employees are paid for the travel time taken from NALSC's office to the training facility and back. Travel should be done during work time to prevent overtime. See the Hours of Work and Overtime Policy (Policy 11.0) for more information. Managers are responsible for coordinating the travel of employees to off-site training if employees are travelling as a group.

Orientation Package

New staff members will receive formal orientation within the first day of their employment. The orientation will be the responsibility of the program manager.

A new employee will be given an orientation package to include the following:

1. Job description
2. A copy of all NALSC policies and procedures
3. Policy manual acknowledgement
4. Health and safety documents
5. Benefits information and brochures
6. Time sheets
7. TD1 forms
8. Request for banking information form (bank account, SIN, copy of DL)
9. Police Records Check Request form
10. Employee information form
11. Status exempt form – TD1 IN (if applicable)
12. Passwords for HR Downloads, Computer, Email

13. Date of 3-month performance review with their Manager
14. Blank forms for travel, leaves, and various other requests

4.9 Hiring authority

The Executive Director, HR Manager and Program Managers have the authority to hire for all positions including other management positions.

4.10 Orientation procedure

The Orientation process teaches the employee how to navigate the organizational structure and learn how the organization operates. It also allows employees to:

- Introduce the new staff to fellow workers.
- Familiarize each new staff member with NALSC's general working conditions, specifically the new staff member's department.
- Provide instruction for the use of all equipment.
- Introduce all NALSC's policies and procedures.
- Familiarize the new staff member with the organizational structure of NALSC.
- Receive legislatively required training (HR Downloads training modules)
- Be made aware of any workplace hazards.

New hires are responsible for reviewing all orientation documents and filling out any forms in the orientation package.


Managers will guide new hires in their department through:

- A review of the job description including responsibilities and expected job outcomes.
- Touring the facilities and working area.
- Introduction to colleagues and other managers in person.
- Provide any necessary equipment or technology.
- Developing a Performance Improvement Plan according to the Performance Management Policy (Policy 7.0) to guide the employee through the probationary period.

As employees work through their orientation, training, and probationary period, they are expected to notify the manager of any barriers they face. Barriers may be addressed by mentorship, accommodation plans, training, performance plans, or another way that the manager and employee can work together to determine. NALSC wishes the best for new hires and wants to support their success and growth.

4.11 Training

All new hires will receive the mandatory training described in the Training and Development Policy (Policy 6.0). Additional training may be approved and provided upon request.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

5.0 Probationary Period Policy

NALSC provides all employees starting a new role with an employment contract outlining the probationary period. The contract also includes any provisions for ending employment during probation. The offer letter takes precedence over this policy.

All new staff are subject to a **3-month** probationary period. A **probationary period** provides the opportunity to evaluate the behaviours and abilities in a new role. It also serves as an orientation period to learn and understand what is expected in the employment relationship.

A formal performance evaluation will be done **before the 3-month probationary period ends**. Even without any formal notice, probation ends on the date outlined in the contract. **It is not automatically extended.**

The requirement to serve a probationary period can be waived at the Manager's discretion for employees who have **at least 6 months** of service with NALSC.

5.1 Managing the employee during the probationary period

Managers will have weekly one-to-one meetings with all new employees to provide information, support, set standards, provide feedback on performance and progress, and to address any concerns. These meetings can be done in person or over the phone. Managers will document any feedback provided, both positive and constructive. This feedback will become the base of the content for the formal written evaluation—done together prior to ending the probationary period. A copy of this evaluation is forwarded to the Human Resources Manager.

Managers will provide a recommendation to either **end or extend** the probationary period, or to terminate employment.

5.2 Extension to the probationary period

If an employee takes a job-protected leave during probation, the probationary period will automatically be extended by that amount of time. This allows both the manager and employee to continue to assess the ability to perform the job.

A probationary period may be extended when the performance, behaviour or conduct of the employee has not met the required standards and it is believed that these can be addressed during the extended period.

Extensions to probation will always be in writing. It will include the reason, length of the extension, and any support or training that will be provided where improvements are necessary.

Termination of employment during the probationary period

Managers will make reasonable efforts to provide Employees with feedback and make them aware of any concerns regarding their performance, behaviour or conduct during probation.

An employee dismissed during the probationary period is only entitled to the minimum termination entitlements provided in the *Employment Standards Act, 2000*.

An employee who is on probation due to starting a new position (not a new hire) is not guaranteed to return to their previous position if they do not successfully complete the probationary period. While NALSC will try to work with the employee to find a suitable position, if one that fits the employee's skills and abilities is not available, their employment may be terminated.


5.3 Vacation and benefits during the probationary period

An **employee** will accumulate vacation time and pay during probation but is not entitled to take vacation time until probation is complete. See the Vacation Policy (Policy 13.0) for more details on vacation entitlements.

New NALSC **employees** are not eligible for benefits until probation is complete. Those who change positions will maintain their benefits.

After completing 50% of the **probationary period**, an **employee** is eligible to apply internally for NALSC positions.

The employer has the authority to grant vacation and benefits before the end of the probationary period and can use this as a tool for recruiting.

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6.0 Training and Development Policy

6.1 Mandatory training

All employees will receive the following mandatory training:

- Health and safety,
- Human rights, and
- Job responsibility training.


All the above is required to meet legal requirements and to succeed on the job. New hires will receive this training during their orientation.

6.2 Additional training

An employee may identify a need for additional training. In such cases, employees may notify the manager of their interest in additional training. The manager must consider if:

- The training program will help employees develop the skills as advertised.
- The skills employees gain from this additional training will benefit them and the organization.
- Training opportunities are provided fairly amongst all employees in the team; and
- NALSC has the budget to support employees taking this additional training.

If, after considering the above list, the manager is convinced the additional training will support the employee and the organization, and the cost is within their expense-approval limit, they may provide the request for training to their manager. The request for training may be discussed in a Management Meeting to see if other departments would also like to partake in the additional training.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

7.0 Performance Management Policy

This policy applies to all employees.

This policy outlines the process for creating a performance plan. It is called a **performance improvement plan (PIP)** and is used primarily for providing employees with additional support.

This policy also covers the process for holding **annual performance reviews**, the timeline for holding reviews, and the complaint process for employees who feel their performance plans are not realistic or reasonable.

7.1 Performance improvement plans (PIP)

If either the employee or their manager feels as if the employee is underperforming for any reason, they will both work together to develop a **performance improvement plan (PIP)**. Employees transferred into a new position will also develop a PIP with their new manager. A PIP template is included at **Appendix 2**. Through honest and respectful discussion, the employee and manager will fill out a PIP template detailing these three (3) sections:

1. The specific goals/requirements of the job.
 - a. This is based on the job description and job specification.
2. Which goals/requirements are not being met?
 - a. It is also important to take time to recognize which goals are being met and what conditions led to those successes.
3. A timeframe and path to reach the goals/requirements not being met in the immediate future.
 - a. A timeframe to reaching goals/requirements can be flexible but should not exceed the time to the next performance review.
 - b. A path to reaching goals/requirements may include taking up additional training or developing an accommodations plan.

Once a PIP is created, performance reviews will generally be held every two (2) weeks. Performance reviews may be scheduled differently according to the employee's need for feedback. Coaching and feedback will be directly related to the progress of the

individual towards achieving the unmet goals identified in the PIP. The PIP may be altered during formal performance reviews. Employees may face progressive discipline, up to and including termination if they are not following their PIP.

If a realistic and reasonable PIP is established and the employee cannot reach their goals, the manager will review any need for accommodations under the protected grounds outlined in the *Human Rights Code*. If there is no need for accommodation and the employee fails to fulfill acceptable levels of performance, they may be subject to progressive discipline. In the event of a serious offence, an employee may be terminated immediately, and progressive discipline may be superseded.

7.2 Annual performance review

Annual performance reviews are scheduled by every manager for each of their employees. Annual performance reviews are to be scheduled on the one year hiring anniversary for each employee. A performance review does not always result in an automatic salary increase.

When an employee first starts their position and during their annual performance review, they will create a **goals and performance plan (GPP)** which will be attached to the annual performance review. The GPP is meant to align an employee's efforts with the organization's long-term goals. The GPP will outline Performance review check-ins are scheduled midway through the year and are meant to review an employee's progress towards their goals outlined in their GPP.

The performance review meetings will be booked in advance so both parties can prepare and will be held in a private and confidential location. The meetings may also be done over video or telephone. During the meetings, the manager and employee will discuss while the manager takes notes on:

- The employee's perspective on their progression towards the goals outlined.
- The manager's perspective on their employee's general performance based on the employee job description; and,
- How the employee will address any performance issues going forward, such as establishing or amending performance plans.

Both the manager and employee will sign and date any new or amended performance plans and a copy will be kept in the employee's file. The manager is responsible for forwarding all performance plans to the Human Resources Department.

Timelines for performance management

Probationary Employees:

Probationary employees will have a **Performance Review** created for them at least one week before the end of the probation period.

Promoted/Transferred Employees:

Promoted or transferred employees will have a **PIP** created within their first week at the new position. Informal reviews can be held monthly to help the employee with transitioning into the new role. A formal review will be held three months after starting the new position to assess progress towards their new goals.

7.3 Changes in employee roles and responsibilities

Any changes in an employee's job description that modifies duties and/or responsibilities, must include the revision date and a copy provided to the employee. Job descriptions will be updated by the program manager and reviewed by human resources.

Changing an employee's designation to a management or supervisory role must be pre-approved by the Executive Director.

If an employee's supervision changes, the employee will be notified by their manager prior to the change taking place.

7.4 Changes in employee salary


Salary increase requests must be supported by a performance appraisal and a rationale for the salary change. All salary increases must be submitted by the manager and must be pre-approved by Finance, human resources (HR) and the Executive Director.

Managers may not discuss any proposed action with the employee until all written approvals are obtained.

7.5 Conflicts in the performance review process

Employees who feel their performance reviews and plans outline unrealistic goals or that they are unfairly treated during the performance review process should discuss their concerns with their manager. Often unrealistic goals and expectations are set because of a lack of communication. Employees and managers are expected to work together throughout the whole performance management process.

If an employee still experiences conflict with their manager after discussing their goals, the employee may contact the Human Resources Manager for additional support. The Human Resources Manager will work with the employee and the manager to adjust the employee's performance plan(s).

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	POLICY: Progressive Discipline Policy PAGE: 35	Date: April 2019 Revised: Mar 23/21 Approved: Mar 23/21

8.0 Progressive Discipline Policy

All employees are covered under this policy.

We expect employees to follow job description and follow the Code of Conduct.

Discipline may be administered at any time, either because an incident or developing pattern of behaviour creates a serious concern. Prior to progressive discipline, the manager will provide coaching and training and will inquire into possible causes related to protected grounds under the *Human Rights Code*. If a protected ground is the cause of unacceptable behaviour, the manager and employee will follow the Accommodation and Human Rights Policy (Policy 20.0).

8.1 Levels of progressive discipline

If coaching conversations and corrective action are not effective, formal discipline will be implemented. Discipline is progressive so that the employee has the chance to understand the severity of the concern and improve their behaviours. Situations of concern will be investigated by the manager.

There are three (3) levels of discipline:

- A. Verbal warning
- B. Letter of warning
- C. Suspension or dismissal

VERBAL WARNING

A verbal warning occurs when coaching has not produced the desired results, or a situation has become progressively worse.

Verbal warning by the employee's manager will identify the **unacceptable behaviour** or situation, why it is a problem, what the expected behaviours are, how the employee can improve, and when the improvement should happen. The manager will send an email outlining the verbal warning to both the employee and the Human Resources Manager as record.

LETTER OF WARNING

A letter of warning will be issued if **unacceptable behaviour** continues after the employee has received a verbal warning, or if an incident is considered sufficiently severe to warrant it.

The letter will identify the **unacceptable behaviour** or occurrence, why it is unacceptable, what the expected behaviours are, and warn that suspension or termination may result if further contraventions occur.

The manager will send the letter of warning to both the employee and Human Resources Manager as record.


SUSPENSION OR DISMISSAL

Suspension or dismissal may result if an employee exhibits **unacceptable behaviour** after receiving a letter of warning, or if a single incident is sufficiently severe to warrant immediate suspension or dismissal.

The manager, with the support of the Human Resources Manager, will review the details carefully and seek legal counsel if required. The Executive Director must approve suspension or termination of employment. Where immediate serious remedial action is required to correct gross insubordination or to protect the health and safety of employees, a manager may suspend an employee prior to consultation.

Depending on the situation, the employee may be suspended for up to thirty (30) days or dismissed. If suspended, the manager will inform the employee verbally and in writing of the suspension, the length and reason for the suspension, and whether it is with or without pay. Upon returning to work, a performance improvement plan (PIP) will be implemented to support the employee with the expected behaviours.

If dismissed, the manager and human resources will inform the employee verbally and in writing of the dismissal, the reason for it, whether it is for cause or not for cause, and the effective date.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

9.0 Attendance Management Policy

This policy applies to all employees.

When employees are unable to work or arrive on time, employees are encouraged to discuss their options with their manager.

When employees have unplanned **absences** or **lateness**, they are expected to communicate their situation to their manager as soon as possible. When discussing their situation, the manager and employee must determine if the employee has **reasonable** cause for their **absenteeism** and if an accommodation for protected grounds under the *Human Rights Code* are required. Otherwise, employees with unexplained **absenteeism** may experience progressive discipline, up to and including termination.

9.1 Absences and lateness

Employees are required to give notice and plan for **absences** where possible. Employees are encouraged to use job-protected leaves and have open communication with their manager when they realize they will be unable to attend work or need to leave work early for an unavoidable reason.

For unplanned **absences** and **lateness**, employees must notify their manager as soon as possible by phone, text message, emails, or voicemails no later than thirty (30) minutes after their shift starts. If the manager cannot be reached, the Human Resources Manager should be notified instead. If the employee is missing work due to an emergency, they are asked to notify their manager once the emergency is over and it is safe to do so.


When **absent** or **late** employees next arrive to work, they should inform their manager of the reason they have missed work if they have already not done so. Medical **absences** of three (3) or more days must be supported by a medical certification.

9.2 Absenteeism without reasonable cause

Absenteeism is a pattern of regularly missing work or leaving early. Sometimes, employees may have **reasonable cause** for regularly missing work, such as having a chronic illness

or having medical appointments. These employees should discuss their situation with their manager so they may plan the employee's work accordingly. If necessary, the employee and manager can work together to develop an accommodation plan for the protected grounds under the *Human Rights Code*.

Employees without **reasonable cause** and with consistent **absences** or **lateness** that are cause for concern may experience progressive discipline, up to and including termination. The manager is responsible for identifying **absenteeism** among their employees and discussing the issue first before taking any disciplinary action.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

10.0 Termination of Employment and Lay-off Policy

10.1 Termination of employment for cause

NALSC may terminate an employee at any time for **cause**, which includes wilful misconduct, disobedience, or wilful neglect of duty.

An employee terminated for **cause** will not receive notice, pay in lieu of notice, statutory severance pay, or any other compensation or entitlements except accrued and unpaid base salary and vacation pay, and any amounts owed to the employee under the *Employment Standards Act, 2000* (the "ESA").

10.2 Termination of employment without cause

NALSC may terminate an employee's employment at any time **without cause** and give the employee only the minimum entitlements prescribed by the *ESA*. The employee is not entitled to any damages at common law over and above his/her statutory entitlements.

Examples of termination without cause include being terminated for poor work performance, because of the employer's finances, restructuring of an organization, or because of a lack of "fit" with the organization.


10.3 Resignation

An employee may resign their employment upon the giving of two (2) weeks' written notice to NALSC.

NALSC, at its own discretion, may waive the requirement for an employee to work during the employee notice period, and instead pay the employee the wages they would have earned in lieu plus any other accrued by unpaid entitlements.

10.4 Temporary lay-off

NALSC has the right to implement temporary lay offs. These lay-offs will remain temporary lay-offs for the purposes of the *ESA*. Any such temporary lay-off shall not constitute a termination of employment.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Hours of Work and Overtime Policy</p> <p>PAGE: 40</p> <p>Pages: 1 of 4</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

11.0 Hours of Work and Overtime Policy

This policy provides the hours of work for all employees of NALSC.

NALSC's **regular full-time** working hours are 35 hours per week, Monday to Friday. The usual business workday begins at 9:00am and ends at 5:00pm and may vary according to program, with an unpaid hour lunch.

The hours of work for all **part-time** and casual employees shall depend upon the operational requirements of NALSC and is also conditional of receiving prior approval from their Manager.

Non-management employees are eligible for overtime if they work more than 35 hours in a week. This time is to be taken as **lieu time** and approved by the manager. **Overtime** is calculated on a weekly basis. Managers are not eligible for **overtime** or **lieu time**; instead, they are compensated with one **management day off** per month.

11.1 Office hours

NALSC's offices in Thunder Bay, Timmins, Kenora and Sioux Lookout are open to the public for business Monday to Friday from 9:00am to 5:00pm.

The offices are closed on weekends, statutory and designated holidays.

Employees absent during office hours for work related responsibilities must communicate with their manager regarding their whereabouts. If the absence is personal, appropriate leave request forms must be completed and approved by their manager prior to taking leave.

Exceptions to regular hours of work

An employee seeking to change their regular hours of work for less than two (2) weeks requires the approval of their manager. A change that would extend longer than two (2) weeks requires the approval of the Executive Director.

11.2 Overtime

For the purposes of this policy, **overtime** means any hours of work in excess of 35 hours per week. Despite this definition, this policy does not reduce the **overtime** threshold of 44 hours as described in the *Employment Standards Act, 2000*.

Overtime approval process

Employees are not authorized to work overtime without approval from their manager. Overtime must be requested within the pay period in which it was accumulated. Employees will not be compensated for unauthorized hours of work. **Employees are not authorized to approve their own overtime.**

If the employee anticipates overtime, they must contact their manager and submit a **Request for Overtime Form** for approval.

Calculating lieu time

For each hour of approved overtime worked between 35 and 44 hours per week, an employee is entitled to one hour of lieu time. For each hour of approved overtime worked more than 44 hours per week, an employee is entitled to 1.5 hours of lieu time. All lieu time must be approved by the manager.

11.3 Use of lieu time

Lieu time must be:

- Requested in writing at least three (3) days in advance,
- Used before vacation leave is used,
- Used within three (3) months of being earned, and
- Approved by the manager.

Managers may:

- Deny the use of **lieu time** to continue established standards of service, meet a deadline, or cover other absences, and
- Schedule an employee's **lieu time** if the employee has failed to schedule it within three (3) months of becoming entitled to it.

Employees **must** use all their accrued **lieu time** prior to the end of the fiscal year on **March 31**. Managers may unilaterally schedule lieu time to ensure that it is used by this date. In exceptional circumstances (i.e., for lieu time accumulated in March that cannot be used

prior to March 31), the Executive Director may permit an employee to carry over their **lieu time** entitlement to the following year.

If an employee's job ends before they can use their **lieu time**, the employee will be paid for all unused **lieu time** on their last pay cheque.

Abuse of Overtime

Employees working overtime hours without approval may be subject to discipline. Subsequent offences may result in disciplinary action, up to and including termination.

Managers who authorize overtime on a regular basis, where it should not be necessary, will receive a warning and may be placed on a performance improvement plan (PIP).

11.4 Travel, overnight travel, and attending events

When employees are required to travel for work, every effort must be made to arrange transportation during regular work hours. When employees must travel for work outside of regular work hours, the manager will either approve the employee to take time off during regular work hours or approve **overtime** to cover the duration of the travel. Employees are not authorized to approve their own overtime.

The following also applies:

1. The signing of travel advance forms or travel expense claim forms by the Manager does not imply authorization for overtime,
2. Commuting between home and work is not considered working or travelling for work, and
3. When an employee attends conferences, meetings, or training during regular work hours, and these events are on weekends or after regular hours, the manager will either approve time off during regular work hours or **overtime** to cover the extra time.

11.5 Lunch and breaks

NALSC provides each employee a one (1) hour unpaid lunch period each workday and two fifteen (15) minute breaks. Break times should be communicated and scheduled at the discretion of the employee's Manager.

Occasional cases of using half of a lunch break (30 minutes) to leave early or attend a personal appointment may be used at a manager's discretion and approval.

11.6 Management days

Managers have a greater responsibility to the organization and safety of all NALSC employees. NALSC recognizes that, as a result, managers will often work more than 35 hours per week. Employees who carry out managerial duties do not qualify for **overtime** or **lieu time**. Instead, they are compensated with one (1) **management day off** per month.


Managers are encouraged to use their management days monthly. However, they will have the flexibility to carry the day for three (3) months. Management days not used before the earlier of three (3) months from the date earned or by the end of the fiscal year, are forfeited.

11.7 Office closures

NALSC offices may be closed under special circumstances such as:

1. Extreme weather conditions i.e., heavy snowfall, freezing rain, etc.
2. Unforeseen circumstances i.e., Power outage, heater malfunction.

The decision to close the office shall be at the discretion of the Executive Director and or delegated manager(s). The office may remain open with essential services and reception services. Staff are required to leave a contact number and be available and on call during regular work hours.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Statutory and Designated Holiday Policy</p> <p>PAGE: 44</p> <p>Total</p>	<p>VERSION: 0.11</p> <p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

12.0 Statutory and Designated Holiday Policy

All NALSC employees are eligible for the **designated** and **statutory holidays** in this policy. Employees are entitled to **holiday pay** so long as they work all their last regularly scheduled shift before the holiday and the first regularly scheduled shift after the holiday unless they have **reasonable cause** for missing the shift.

12.1 Holidays

NALSC provides more than the minimum requirements for holidays. The table below lists the nine (9) Ontario **statutory holidays** plus an additional four (4) **designated holidays** provided by NALSC, identified by "(NALSC)" beside them. Employees who qualify will receive these days off work with **holiday pay**.

HOLIDAY	DATE
New Year's Day	January 1
Family Day	Third Monday in February
Good Friday	Friday before Easter Sunday
Easter Monday (NALSC)	Monday after Easter Sunday
Victoria Day	Monday before May 25
National Indigenous Peoples Day (NALSC)	June 21
Canada Day	July 1
Civic Holiday (NALSC)	First Monday in August
Labour Day	First Monday in September
Thanksgiving Day	Second Monday in October
Remembrance Day (NALSC)	November 11
Christmas Day	December 25
Boxing Day	December 26

If the holiday falls on a Saturday, the preceding Friday is taken as the holiday and if the holiday falls on a Sunday, the following Monday is taken as the holiday.


When a holiday falls on an employee's non-working day or during an employee's vacation, the employee is entitled to a **paid substitute holiday**.

Prior to any long weekend holiday, the working day will end at 3pm on the Friday.

12.2 Holiday pay and substitute holidays

Holiday pay is calculated by adding up the employee's regular wages and vacation pay entitlement earned in the four weeks before the week during which the holiday occurs and dividing that amount by 20.

If the Manager and employee agree, the employee may work on the holiday. They will be paid regular wages for that day and earn a paid **substitute holiday**. This **substitute holiday** must be taken within three (3) months.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Vacation Policy</p> <p>PAGE: 46</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

13.0 Vacation Policy

Vacation allows employees the opportunity to withdraw from work and enjoy extended personal time. It is important to recognize that vacation time is distinct from travel and must be scheduled despite any travel restrictions that may be in place at any given time.

NALSC values its employees' opportunities for personal time, but this must be balanced against NALSC's commitment to provide its services an appropriate level of quality.

This policy covers the process for taking **vacation leave** and **vacation pay**. Employees are expected to submit a leave request form for approval before for taking **vacation leave** and are expected to use their **vacation leave** within the **vacation entitlement year**. This policy also covers how employees can handle holidays occurring during their **vacation leave** and how to address outstanding **vacation pay** when employment ends.

13.1 Entitlement to vacation pay and vacation leave

All **regular full-time employees** earn vacation days at the following rates:

Years employed	Vacation leave
0 - 1 years completed	Accrued at 1.25 days/month
1 - 3 years completed	3 weeks
4 - 9 years completed	4 weeks
10 - 14 years completed	5 weeks
15 - 19 years completed	6 weeks
20+ years completed	7 weeks

Employees earn **vacation leave** at a rate of 1.25 days per month but may not take a vacation leave until they have completed six (6) months of employment.

Employees who are **not regular full-time** shall earn vacation pay in accordance with the Employment Standards Act (ESA). This vacation pay will be added to the regular bi-weekly pay based on submitted time sheets.

Employees who normally work fewer than 5 days per week who do not wish to take their **vacation leave** entitlement in weekly blocks may take the number of days they work in an average week.

13.2 Submitting vacation leave requests

Employees must take their **vacation** days during the **fiscal year** it was earned. NALSC will not pay an employee for any unused vacation days.

Vacation requests for the current fiscal year must be submitted with as much notice as possible by **March 31st**. At the beginning of each fiscal year, employees are encouraged to submit their vacation requests by **May 1st** to allow other staff to plan their vacation.

Pursuant to section 35(1) of the Employment Standards Act, 2000, Managers have the right to schedule vacation. Once your **vacation leave** has been scheduled or approved, an employee cannot change the schedule without the approval of their Manager.

13.3 Interruption of vacation for a job-protected leave

During their vacation, an employee may become entitled to take a job-protected leave under the *Employment Standards Act, 2000* (ex. bereavement leave or sick leave). When this happens, the employee may contact the Human Resources Manager to request that their vacation be suspended so they can begin the job-protected leave. Human resources will notify the employee's Manager of the change.

13.4 Carrying over vacation leave

While employees are expected to use their **vacation leave** during the **fiscal year** in which it was earned. A maximum of five (5) **vacation leave** days may be carried over from the previous **vacation entitlement year** with approval from the Manager.

13.5 When a holiday occurs during a vacation


When a holiday, as defined in the Statutory and Designated Holiday Policy (Policy 12.0), occurs during an employee's vacation, the employee is still entitled to the holiday.

The employee can have a substitute holiday off work with public holiday pay which must be taken within 1 month of the holiday.

13.6 When employment ends

If employment ends, the employee is entitled to **vacation pay** they have earned but not yet been paid. Unpaid vacation pay will be paid on the employee's last day at NALSC.

If the employee has taken unearned vacation days, this amount will be owed to the employer and calculated at the employee's rate of pay at the time the employment ended.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

14.0 Sick Leave Policy

Sick leave is taken in hours when the employee or a family member is injured, ill, or has a medical emergency. It is not meant to be used for any other personal reason.

A medical certificate (doctor's note) is required after **three (3) consecutive** sick leave days. Failure to follow this policy without reasonable excuse may result in progressive discipline, up to and including termination of employment.

14.1 Sick leave credits

Eligible permanent **full-time employees** earn **sick leave credits** at rate of 1.25 days for each calendar month worked to a maximum of fifteen (15) days per fiscal year.

Eligible permanent **part-time employees** earn **sick leave credits** at a rate of 0.625 days for each calendar month worked to a maximum of 7.5 days per fiscal year.

Unused **sick leave credits** can not be carried over into the subsequent year.

14.2 Taking a sick leave

If possible, employees must notify their manager by 9:30am on the day they intend to take a **sick leave**. Email or text message are acceptable methods of notification. The manager is to ensure the employee fills out the necessary forms when they return to work.

If an employee fails to notify their manager without **reasonable cause**, the employee may be considered absent without **reasonable cause** and this may result in progressive discipline, up to and including termination of employment.

If an employee becomes ill while at work and must leave, they must notify their manager at the time of departure. The employee will be paid regular wages for the hours they worked and, if available, can use their sick leave credits for the remainder of the hours.

An employee may not exceed a balance of seven (7) days of unearned **sick leave credits** within the fiscal year or exceed their annual entitlement within the **sick leave** year.

If the employee reaches the maximum of seven (7) unearned **sick leave credits**, they must look to access other forms of leave.

If an employee qualifies for a **sick leave** while on vacation, they can take the sick leave and their **vacation leave** entitlement will be adjusted. They must notify their manager when they become ill and provide a medical certificate if the illness is longer than 3 days.

14.3 Illness after all sick leave credits have been used

If an employee has used all their **sick leave credits** but is still ill or if the situation still requires further leave, other available leaves should be considered, including:

- Other Job-Protected Leaves, *(refer to Policy 17.0)*
- Personal Leave of Absence,
- Short-term disability benefits, or
- Remaining vacation leave entitlement.

14.4 Providing a medical certificate


After three (3) consecutive **sick leave** days, an employee is required to provide a medical certificate (i.e., doctor's note) to their manager. NALSC also reserves the right to require evidence of illness earlier depending on the circumstances.

Information about the diagnosis of the employee's medical condition is not required and should not be disclosed. However, the medical certificate must state:

- The duration or expected duration of the absence.
- The date the employee was seen by a health care professional.
- The health care provider's signature.
- The providers name/location.

14.5 Coming to work sick

Employees should not attend work if they are ill. If an employee reports to work with a communicable disease or illness, they may be sent home at the discretion of the manager. Employees may request to use their sick leave credits or other leave available to them. Should the illness exceed three (3) consecutive days, employees will require a doctor's note to return to work.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Bereavement Leave Policy</p> <p>PAGE: 51</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

15.0 Bereavement Leave Policy

Permanent employees of NALSC qualify for paid bereavement leave.

For bereavement, the following definitions will be used to approve an employee's bereavement leave entitlement:

DEFINITIONS

Common-Law Partner: A person who has been cohabiting with an individual in a conjugal relationship for at least one (1) year.

Immediate Family: For this policy, an employee's immediate family is considered to include:

- spouse (includes both married and unmarried couples, of the same or opposite genders),
- parent, stepparent, foster parent, child, stepchild, foster child, grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse,
- Parents of the spouse,
- Spouse of the employee's child,
- Brother or sister of the employee, and
- Relative of the employee who is dependent on the employee for care or assistance.

Extended Family: For this policy, an employee's extended family is considered to include:

- Uncles, aunts, nieces, nephews, cousins, or immediate family of the employee's spouse.

15.1 Entitlement

Loss of an immediate family member: If the death was of an immediate family member, five **(5) days** of paid bereavement leave are provided.

Loss of a spouse or child: If the loss involved an employee's spouse or child, the employee's manager can approve an **additional five (5) days** for bereavement leave with pay.

Loss of an extended family member: If the death was of an employee's extended family member, three **(3) days** of paid bereavement leave are provided. Additional days for travel purposes will not be provided.

Additional Travel: If long-distance travel is necessary to attend a funeral or similar ceremony for an immediate family member, an employee's manager can approve an additional three (3) days of paid bereavement leave for this purpose.

Close Family Member: A manager may approve up to one (1) day of paid bereavement leave to attend the funeral of a close non-family member. Managers will review for approval on a case-by-case basis.


If an employee qualifies for a bereavement leave while on vacation, they may take the **bereavement leave** and have an equivalent amount of their vacation leave entitlement restored.

Proof of entitlement

NALSC reserves the right to request proof of entitlement from the employee.

Requesting more time off

If the employee does not qualify for bereavement leave or wishes to request more time off than this policy provides, vacation, lieu time, personal leave of absence, unpaid time off, and other relevant job-protected leaves should be considered.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Pregnancy & Parental Leave Policy</p> <p>PAGE: 53</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

16.0 Pregnancy and Parental Leave Policy

Pregnancy and parental leave are provided to permit employees of NALSC to have authorized time off that coincides with the birth or adoption of a child. The leaves have been designed to allow employees to recover from childbirth, bond with, and care for their newborn or adopted children, without fear of a negative impact on their employment status or any opportunities with NALSC.

Employees that have become a new parent in the following regards shall be eligible for either pregnancy, or parental leave.

Pregnancy Leave

- Biological birth mother

Parental Leave

- Mother
- Father
- Adoptive Parent
- Domestic Partner

16.1 Qualifying for Pregnancy/Parental Leave

A new parent or pregnant employee is entitled to pregnancy/parental leave whether he or she is a full-time, part-time, permanent or contract employee.

Request for Pregnancy/Parental Leave Procedure

To ensure that NALSC can make the necessary arrangements to accommodate an employee taking pregnancy or parental Leave, employees are encouraged to provide **at least two (2) weeks' notice** before entering pregnancy or parental Leave.

This is to help NALSC procure staffing solutions and alleviate any additional work stress on other employees that may occur because of the employee's absence.

Submission of a request for pregnancy/parental leave must be accompanied by the appropriate documentation.

Employees are expected to give **four (4) weeks' notice** regarding their expected date of return to work or their letter of resignation if they choose not to return to work. Their supervisor should be contacted as soon as possible in the event of any changes to their leave.

16.2 Duration of Leave Parameters

Pregnancy Leave

- Pregnant employees have the right to take up to seventeen (17) consecutive weeks (or longer in certain circumstances) of job-protected unpaid time off work.
- Usually, the earliest a pregnancy leave can begin is seventeen (17) weeks before the employee's due date. However, when an employee has a live birth more than seventeen (17) weeks before the due date, she will be able to begin her pregnancy leave on the date of the birth.
- The latest a pregnancy leave can begin is on the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.
- Pregnancy leave can last a maximum of seventeen (17) weeks for most employees. However, if an employee has taken a full seventeen (17) weeks of leave but is still pregnant, she may continue the pregnancy Leave until the birth of the child.

Parental Leave

- New parents have the right to take parental leave when a child is born or first comes into their care.
- Birth mothers who took pregnancy leave are entitled to up to sixty-one (61) weeks' leave.
- Birth mothers who do not take pregnancy leave and all other new parents are entitled to up to sixty-three (63) weeks of parental leave.
- Parental leave is not part of pregnancy leave and so a birth mother may take both pregnancy and parental leave.
- The right to parental leave is independent of the right to pregnancy leave.
- All other new parents must begin their parental leave no later than seventy-eight (78) weeks after the date their baby is born; or the date their child first came into their care, custody, and control.
- The parental leave does not have to be completed within this seventy-eight (78) week period. It just must be started.

A birth mother who takes pregnancy leave must ordinarily begin her parental leave as soon as her pregnancy leave ends. However, an employee's baby may not yet have come into her care for the first time when the pregnancy leave ends. For example, perhaps her baby has been hospitalized since birth and is still in the hospital's care when the pregnancy leave ends.

In this case, the employee can either commence her leave when the pregnancy leave ends or choose to return to work and start her parental leave later. If she chooses to return to work, she will be able to start her parental leave anytime within seventy-eight (78) weeks of the birth or the date the baby first came home from the hospital.

Any employee that elects not to use the maximum amount of leave available shall not have the option of taking any unused leave time at a later date.

Once the employee has started pregnancy or parental leave, the employee must take it all at one time and cannot split it up.

Miscarriages and Stillbirths

An employee who has a miscarriage or stillbirth more than seventeen (17) weeks before her due date is not entitled to a pregnancy leave. However, if an employee has a miscarriage or stillbirth within the seventeen (17) week period preceding the due date, she is eligible for pregnancy leave. The latest date for commencing the leave in that case is the date of the miscarriage or stillbirth.

The pregnancy leave of an employee who has a miscarriage or stillbirth ends on the date that is the later of:

- Seventeen (17) weeks after the leave began; or
- Twelve (12) weeks after the stillbirth or miscarriage.

This means that the pregnancy leave of an employee who has a stillbirth or miscarriage will be at least seventeen (17) weeks long. In some cases, it may be longer. Employees whose partner has a miscarriage or stillbirth are not entitled to parental leave but may qualify for another leave outlined in the Other Job-Protected Leaves Policy (Policy 17.0) or the Personal Leave of Absence Policy (Policy 17.0).

16.3 Use of Sick Leave Benefits and/or Vacation

If an employee requires use of sick leave benefits at any time prior to the commencement of a pregnancy/parental leave period, the NALSC Sick Leave Policy shall apply.

After the pregnancy/parental leaves have concluded, employees shall be allowed to use up any unpaid vacation time, and/or sick days.

If an NALSC employee requires an extension of leave following a pregnancy leave, the employee may use his or her family medical leave up to a maximum of eight (8) weeks, where medically substantiated.

Employees that elect to extend their leave using accrued vacation time are required to comply with the NALSC Vacation Policy, and provide **four (4) weeks' notice**, prior to the exhaustion of the leave.

NALSC employees that elect to extend their leave using family medical leave are requested to provide NALSC with as much advance notice as possible prior to the exhaustion of pregnancy leave.


Effects of Benefit Entitlement

Group insurance benefits coverage shall be maintained, and the insurance premium thereof shall be paid by NALSC while on leave.

16.4 Returning from Parental Leave

An employee returning from parental leave of absence under this section shall be reinstated to his/her former position immediately prior to such leave and shall be assigned his/her former classification and be paid at the step-in salary range that she had attained when the leave of absence was granted. The returning employee shall not lose seniority of benefits that had accrued prior to commencement to the leave.

Should the new mother return to work while still breastfeeding, every attempt will be made to accommodate the continuation of this practice in keeping with the traditional teachings of our culture to ensure bonding between the mother and her child.

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		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

17.0 Personal Leave of Absence Policy

All regular employees employed by NALSC for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence, pending approval from the Executive Director or Board of Directors. Job performance, absenteeism, and departmental requirements all will be taken into consideration before a request is approved. The regular termination process still applies during the leave of absence.

17.1 Requesting personal leave

Employees taking a **personal leave of absence** must make their request in writing at least two (2) weeks prior to the leave period. If the employee is a manager, supervisor, or other professional staff, they must make the request at least four (4) weeks in advance of the leave. Employees submit their request to their supervisor; if the supervisor supports the request, they will submit it to the Human Resources Manager. If the Human Resources Manager also supports the request and believes it is feasible, they will forward the request to the Executive Director for approval.


Employees requesting a **personal leave of absence** may be required to use all their vacation time prior to commencing the leave period.

Benefits during leave

During the first four weeks of a personal leave of absence taken under this policy, employees are **entitled to holiday pay**.

Benefits Coverage: benefits coverage under the following programs **do not** continue during the leave of absence:

- Extended Health Care Plan
- Dental Plan
- Long Term Disability Insurance
- Pension Plan

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 4: PAY AND BENEFITS POLICIES</p> <p>POLICY: Other Job Protected Leaves</p> <p>PAGE: 58</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

18.0 Other Job-Protected Leaves

All employees are eligible for leaves of absence described in this Policy, subject to a minimum length of employment which is stated in the relevant sections below.

NALSC provides for 14 **job-protected** leaves in line with the *Employment Standards Act, 2000*.

Because of the frequency of use, the following three (3) leaves are covered under their own separate policies:


- Sick leave (Policy 14.0)
- Bereavement leave. (Policy 15.0)
- Pregnancy and parental leave, (Policy 16.0)

Other statutory leaves include:

1. Family caregiver leave
2. Family medical leave
3. Critical illness leaves
4. Organ donor leave
5. Reservist leave
6. Child death leave
7. Crime-related child disappearance leave
8. Domestic or sexual violence leave
9. Emergency leave: declared emergencies and infectious disease emergencies
10. Family Responsibility Leave

For more information about the above, please visit the following website:

<https://www.ontario.ca/document/your-guide-employment-standards-act-0>

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19.0 Acting Appointments Policy

This policy applies to any employees temporarily filling in an **acting appointment** and managers of those positions.

Employees filling in an acting appointment cannot work two (2) positions and they must choose to either serve in the acting appointment or discuss with the employer why they are unable to fill the position.

Duration: When an employee is assigned to a position in an acting capacity for more than ten (10) consecutive days, he/she may be compensated at a rate to be determined by the Executive Director. On returning to their former position, the employee will receive his/her former rate of pay.

- If an employee is in an acting appointment for less than twenty (20) days, their original position may not be filled. As a result, other managers and employees may be asked to provide support.

Supervision: When an employee is placed into an acting appointment they will be supervised by the acting appointment's regular manager. When filling in an acting capacity for the Executive Director:

- The Board of Directors will have responsibility of monitoring the work of the acting Executive Director,
- The Board of Directors will provide special support to meet the needs of staff under this temporary leadership situation and should establish more intensive communication between the Board of Directors and the acting Executive Director,
- The acting Executive Director will be responsible for daily operations including but not limited to:
 - Approving leaves,
 - Managing staff, and
 - Working with the Board of Directors for any additional or extenuating circumstances.


Benefits: The employee's acting pay will be used as the basis for calculating benefits tied to the employee's salary (ex. vacation pay or sick leave with pay).

Job Classification: While in an acting appointment, employees are subject to the terms and policies of that job classification.

Calculating Pay: An employee in an acting appointment for more than ten (10) consecutive workdays will have their payment calculated according to the Acting pay formula below:

Acting pay = daily rate of acting position × days in acting position

Daily rate of acting position = $\frac{\text{acting position's annual salary} \times 1.2}{52 \text{ weeks} \times 5 \text{ days}}$

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Workplace Violence & Harassment Policy</p> <p>PAGE: 61</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

20.0 Workplace Violence and Harassment Policy

Every NALSC employee is covered under this policy as soon as employment begins. Volunteers, students, and any other workers are covered under this policy.

NALSC is committed to providing measures and procedures to prevent and control the risks of workplace violence and workplace harassment. Workplace violence and harassment is unacceptable from anyone and will not be tolerated. We are ultimately responsible for worker health and safety and will take all reasonable precautions to protect workers from the hazards of workplace violence, harassment, and sexual harassment from all sources, including from managers, co-workers, volunteers, students, clients, strangers, domestic or intimate partners, or other third parties.

NALSC will ensure that this policy and the supporting violence and harassment programs are implemented and maintained and that all workers and managers have the appropriate information and instruction to protect them from violence and harassment in the workplace.

Managers: Managers will adhere to this policy and the supporting programs. Managers are responsible for ensuring that measures and procedures are followed by workers and that workers have the information that they need to protect themselves.

Workers: Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence or harassment and to report any violent incidents or threats.

NALSC will investigate and address incidents and complaints of workplace violence and harassment in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

This policy outlines:

1. Definitions and examples of workplace violence, workplace harassment, and sexual harassment.
2. The process for assessing the risk of workplace violence.

3. The steps to take if you witness or experience violence or harassment in the workplace.
4. What to do if immediate assistance or emergency services are needed.
5. How to file a complaint.
6. The responsibilities and steps taken to respond to a complaint (an “investigation”) including possible consequences, and
7. Confidentiality and documentation regarding complaints.

This policy is posted in a visible area of the workplace and updated annually.

20.1 Definitions and examples

“**Complainant**” means the person making a violence or harassment complaint.

“**Respondent**” means the person accused of workplace violence or harassment.

“**Workplace violence**” means,

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker.

Examples of **workplace violence** include:

- Hitting, shoving, or striking another person or object.
- Throwing objects, regardless of size or target, where a reasonable person would consider the intent to be aggressive or assaultive in nature.
- Threatening of harm to anyone or to their property; or,
- Acts such as obscene gestures, “getting in your face” and fist shaking.

“**Workplace harassment**” means,

- engaging in a course of vexatious (causing or tending to cause annoyance, frustration, or worry) comments or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment.

Examples of **workplace harassment** include:

- Berating/belittling an individual
- Unwarranted criticism
- Undermining or deliberately impeding a person's work

- Spreading malicious rumours, gossip, or innuendo
- Taunting and teasing where the intention is to humiliate and embarrass
- Display of offensive material either in hardcopy or electronic form which is intended to intimidate or humiliate an individual.

“**Workplace sexual harassment**” means,

- engaging in a course of vexatious (causing or tending to cause annoyance, frustration, or worry) comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or,
- making a sexual solicitation or advance where the person making the solicitation or advance can confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of **workplace sexual harassment** include:

- gestures, remarks, leering, innuendo.
- unwanted physical contact.
- the display of sexually offensive material.
- sexual solicitation or demands; unwanted attention; and,
- implied or express promise of reward or benefit in return for sexual favours or an implied or express threat or act of reprisal if sexual favours are not given.

20.2 Workplace violence risk assessment

- NALSC uses the workplace violence survey (Appendix 3) to assess the risk of workplace violence.
- The risk assessment is shared with the joint health and safety committee (JHSC) to provide comments and make recommendations.
- Risks will be reassessed annually, and,
- Specific actions will be taken to reduce or minimize the risk in each workplace.

20.3 Requesting immediate emergency assistance

- In the event of workplace violence, first try to remove yourself from the situation.
- If necessary, and as soon as possible and when you are safe, notify police or emergency responders for immediate assistance by dialing 9-1-1 or contacting local first responders.
- Next, notify a manager and other people near you of the situation.
- Avoid the area until it has been cleared by emergency personnel.
- Once the emergency is over, the manager will ensure the complaint process is carried out.

- If workplace violence tragically results in a person being critically injured or killed, NALSC will notify, by phone or in person:
 - The person's family if we have their contact information.
 - The workplace's joint health and safety committee, and
 - A Ministry of Labour inspector.

20.4 Workplace violence not requiring immediate emergency assistance

- If you experience workplace violence and the incident does not warrant emergency services, and if you feel safe, explain to the person that the action is harmful and not welcome.
- As soon as possible, report the incident to your manager, who will ensure the complaint process is properly carried out.
- You will be asked for a written statement of what happened.
- The manager will call the police in the case of physical assault.

20.5 Harassment, bullying, or sexual harassment

- Let the harasser know that the behaviour is unwelcome and must stop.
- Document the incidents related to the harassment and maintain a written record which should include who, where, when, how and names of any witnesses.
- If the harassment does not stop, bring it to the attention of your Manager. If situation involves your manager, you can bring it to the attention of the Executive Director or Human Resources Manager.
- The appropriate person will be provided information about the complaint to investigate further.

20.6 Others and harassment, bullying or sexual harassment

- Speak to the person you believe is being harassed and ask if they would like your support to report it.
- Document the incidents related to the harassment and maintain a written record which should include who, where, when, how and names of any witnesses.
- Even if the person does not want to report harassment, if you are aware of inappropriate conduct, bring the situation to the attention of a manager or the Human Resources Manager.
- Managers have the responsibility to report actual, perceived, or potential harassment to the Human Resources Manager.

20.7 Filing a complaint

Complaints should be made as soon as possible after the incident(s) occur. An employee may file a complaint by contacting the manager or the Human Resources Manager. If the manager is the concern, the Human Resources Manager will inform the Executive Director. Only complaints involving the Executive Director will be presented to the Board Chair.

The complaint may be verbal or in writing. If the complaint is made verbally, the person to whom it is reported will record the details provided by the worker and review the written record with them.

The person making the complaint should be prepared to provide complete details including:

- What happened?
- When did it happen?
- Where did it happen?
- How often has it happened?
- Who else was present (if applicable)?

NALSC will conduct a fact finding when presented with concerns of violence or harassment, even if it raised by a third party and even if the complainant does not want to lodge a formal complaint.

20.8 The investigation

A member of the human resources office will investigate all complaints unless the Executive Director and/or the Board of Directors, as applicable, decides to retain a neutral third party.

When a complaint is received, the general nature of the incident and the identity of the individuals involved will be shared with the Executive Director.

An investigation will be done that is appropriate in the circumstances. However, all investigations will involve meeting with the parties and documenting the steps taken including the outcome or conclusions.

All investigations will be completed within **12 months** of the filing of a complaint. In exceptional circumstances, an investigation may take longer. In such case, all parties will be provided written notification.

An individual against whom a complaint has been made will:

- be treated fairly and with respect,
be advised that a complaint has been filed,

- be advised of the details of the allegations,
- be given an opportunity to respond to all allegations made,
- maintain confidentiality over all aspects of the investigation including after the employment relationship ends, and
- receive a written summary of the conclusions.

An individual who makes a complaint will:

- be treated fairly and with respect,
- maintain confidentiality over all aspects of the investigation including after the employment relationship ends, and
- receive a written summary of the conclusions.

The complainant or the respondent may be assigned to different work areas during the investigation or sent home with pay.

Information obtained about the incident or complaint including identifying information about any individuals involved will be disclosed to the Human Resources Manager, the Executive Director, and any managers involved in the investigation. The confidentiality of identifying information about the individuals involved will be maintained to the extent possible.

If both the complainant and respondent are willing to participate and resolve an issue, a **circle or mediation** will be facilitated if both parties agree. Should a party wish to request a circle, they can fill out a **Circle Request Form**. (Appendix 4) While mediation or alternative dispute resolution will be pursued it will not be a substitute for an investigation of the complaint.

The investigation reports

The investigator will prepare a confidential report to be submitted to the Executive Director and Board of Directors, as applicable.

If a complaint is substantiated, NALSC will take appropriate steps to address the misconduct.

20.9 Consequences of violating this policy

If an employee is found to have violated this policy, consequences and remedies can include:

- apologies,
- training,
- mediation,
- a **restorative justice circle**, and
- progressive discipline up to and including termination.

The corrective action for any discipline is confidential.

If a complaint is made in **bad faith**, the complainant will be subject to discipline up to and including termination of employment for cause.

Anyone who **breaches confidentiality** will be subject to discipline up to and including termination of employment for cause.

Anyone who **retaliates** against a person who has been involved in a violence or harassment complaint or investigation will be subject to discipline up to and including termination of employment for cause.

20.10 Documentation

The investigation report will be kept confidential and in a separate file managed by the Human Resources Department.

The summary report will become part of each parties' personnel file. If applicable, documentation regarding discipline to the respondent will be a part of the respondent's file only. A note that identifies where the full investigation report is located, will be included.

20.11 Other redress

If you believe that the complaint has not been handled according to the procedures contained in the Workplace Violence and Harassment Policy, contact the Executive Director by e-mail or phone, within one year of the completion of the investigation.

Policy annual review

This policy will be reviewed as often as necessary, but at least once annually in collaboration with the joint health and safety committee.

20.12 Privacy and confidentiality

NALSC will investigate and address all incidents and complaints of workplace violence or harassment in a fair and timely manner, respecting the privacy of all concerned as much as possible.


The Executive Director will be informed of the general nature of any active investigations as well as the identity of the individuals involved. In line with the *Occupational Health and Safety Act*, once an investigation into a complaint is complete, the complainant and the respondent will be notified of the conclusion of the investigation.

In the case of criminal violence or harassment, the police will be contacted. Any information required by law will be shared with the police.

Unless required by law, parties and witnesses shall not discuss the details of an investigation with anyone apart from the investigator. This includes individuals who are not NALSC employees. The obligation to maintain confidentiality continues even after the employment relationship ends.

Should an employee require additional health and wellness supports such as EAP (Employee Assistance Program), mental health, Elders, etc., they may contact Human Resources for more information.

In the case of a person with a history of violent behaviour, managers will disclose as much information as necessary about the situation as needed to protect workers from physical injury while considering the privacy rights of those involved. The information disclosed will allow workers to identify the person with the violent history and triggers of their potential aggression.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Accommodation & Human Rights Policy</p> <p>PAGE: 69</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

21.0 Accommodation and Human Rights Policy

NALSC will work to ensure that individuals protected under the Act are able to work effectively, by adjusting or modifications to the work, or the work environment, up to the point of undue hardship.

NALSC will work with the individual that requests accommodation to ensure that the measures taken are both effective and mutually agreeable. NALSC encourages individuals to make any needs for accommodation known to their manager, and to work with them in addressing the issue(s). Individual employees have a duty to enable their accommodation by providing timely and thorough information respecting their need for accommodation, and the reasonable steps necessary to achieve the accommodation.

21.1 Accommodation

Accommodation will be provided for individuals where a disability or religious requirement requires that the work be modified or adjusted to address the needs of the individual, based on protected grounds of discrimination under Human Rights legislation.

NALSC will provide accommodation as appropriate, using a consultative approach that involves the organization, the individual, and as appropriate, any applicable healthcare professionals and other third parties that are required to assist in the accommodation process.

Accommodation may be temporary, or permanent, based on the requirements of the individual.

21.2 Accommodating Employees with Disabilities

Any employee requesting accommodation must make a request to their Manager. The Manager is responsible for ensuring that a written description of the accommodation plan is prepared for any employee.

NALSC will create an accommodation plan and attempt to determine methods of achieving the requirements for success in the position in alternative manners.

In the creation of an accommodation plan, NALSC will:

1. Identify the need for accommodation,
2. Determine objectives for performance in the role, and potential barriers,
3. Create a plan for achieving the objectives in an alternative manner,
4. Examine the options for accommodation and select the most appropriate avenue for accommodation,
5. Implement the accommodation process,
6. Provide training as appropriate,
7. Review and revise based on feedback,

Inability to Accommodate

In the event an employee cannot be accommodated in their current position it will be reasonable to accommodate an individual in another position, at the appropriate salary range for that position. The new position will not result in a decrease in salary.

The Human Resources Department will attempt to place the employee in another available position.

Where an employee is placed in an alternate position, NALSC will ensure that the employee has the requisite qualifications and skill-sets necessary for success in the position, can perform the tasks associated with the position, and that the employee agrees that the alternate work is acceptable.


Undue Hardship

NALSC shall work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where all options have been considered and it is established that no forms of appropriate accommodation exist, or where the creation of accommodation would cause excessive costs that create undue hardship for the organization, or where the accommodation would create a health and safety hazard.

Where the provision of accommodation is found to cause undue hardship on the organization, NALSC shall work to find a fair and equitable compromise that meets the needs of the employee and the organization to the greatest extent possible.

If requests for accommodation require new materials, or equipment, the Finance Manager may also be involved in creating the accommodation plan.

If requests for accommodation require job redesign, the Human Resources Manager, must be involved in creating the plan.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Accessibility Plan & Policy</p> <p>PAGE: 71</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

22.0 Accessibility Plan and Policy

Statement of commitment

NALSC is committed to providing accessibility to all employees, job applicants, and individuals who interact with the organization through visiting, reading the website, or any other way.

NALSC is committed to training staff and volunteers on Ontario's accessibility laws and aspects of the *Human Rights Code* that relate to persons with disabilities. Training is specific to the role or position held. Communication with people with disabilities considers their disability. When asked, we will provide information about our organization and its services, including public safety, in accessible formats or with communication supports.

Employees, potential hires, and the public are notified during recruitment and hiring that accommodations can be made.

Employees are notified that supports are available for those with disabilities and individual accommodation plans are in place for those employees. Where needed, NALSC will also provide customized emergency information to help an employee with a disability during an emergency. Performance management, career development, and internal recruitment processes consider the accessibility needs of all employees.

NALSC is committed to providing accessible customer service to people with disabilities. This means that we will provide services to people with disabilities with the same high quality and timeliness as others.

When building or making major changes to public spaces, like reception areas, they will be made accessible, in accordance with the laws.

Existing policies that do not respect and promote the dignity and independence of people with disabilities will be modified or removed.

22.1 Accessibility plan

Barriers to accessibility are obstacles that make it difficult — or sometimes impossible — for people with disabilities to fully participate in life. Barriers usually develop because the needs of people with disabilities are not considered.

The Joint Health and Safety Committee (JHSC) will conduct a full assessment of the entire workplace every year by breaking it into six (6) sections and assessing one section every two (2) months.

Sections will include:

1. policies,
2. programs,
3. services offered,
4. physical buildings,
5. software and programs, and
6. workstations.

The JHSC will complete these assessments based on input from employees, clients, and the public. The goal of the assessment is to identify barriers and recommend ways to remove them to the Executive Director. Once the recommendations are given to the Executive Director, it will be the Executive Director's responsibility to remove those barriers.

The JHSC will search for these types of barriers:

- **Attitudinal barriers:** when disabled individuals are treated differently than people without disabilities.
- **Informational and communication barriers:** when disabled individuals cannot easily receive and/or understand information that is available to others.
- **Systemic barriers:** policies, practices, and procedures may cause disabled individuals to be treated differently or sometimes excluded altogether.
- **Physical and architectural barriers:** when the environment prevents access for people with disabilities, and,
- **Technological barriers:** when technology or the way it is used does not meet the needs of people with disabilities.

The Human Resources Manager will ask any employees who have self-identified as having a disability to identify the barriers in the workplace. The person's name will remain confidential unless they choose to participate in the assessment and plan. The feedback will be shared with the JHSC. The employees who identify barriers may also request an accommodation plan from the manager if the barriers are prohibiting them from completing any tasks. The manager will then create an accommodation plan with that employee according to the Accommodation and Human Rights Policy (Policy 20.0).

All employees are asked to provide their feedback on barriers in the workplace to the JHSC.

The assessments identify the existing barriers to accessibility and the barriers that have been removed or mitigated. These are the categories of barriers:

- Customer service.
- Information and communication.
- Employment.

The JHSC will use all the input received from assessments, the Human Resources Manager, and employee feedback to develop a 2 section Accessibility Plan.

The Human Resources Manager will keep an updated copy of this policy published online on the organization's website and send out a memo outlining any significant changes to this policy.


Listing and addressing existing barriers

The list of existing barriers and the requirements under Ontario Accessibility for Ontarians with Disabilities Act (AODA) guide the determination of which actions to take first. Legal requirements and deadlines that NALSC are required to meet will be prioritized first, and then barriers or requirements with later deadlines will be addressed.

NALSC is not able to remove or eliminate all barriers immediately; instead, the highest priority ones will be tackled first. The full list of actions and timelines is maintained by the Human Resources Manager. The recommendations and full list are created by the JHSC, in consultation with employees and clients. The actions are approved by the Executive Director. Each item on the action list has an owner and a deadline. The timeline should be practical, realistic, and implemented in stages that will result in the barrier being removed or prevented.

22.2 Making information accessible to people with disabilities

NALSC will provide, on request, information in an accessible format or with communication supports to people with disabilities in a manner that considers their disability.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p> <p>POLICY: Smoke and Vape-Free Policy</p> <p>PAGE: 74</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

23.0 Smoke and Vape-Free Policy

This policy applies to all employees and visitors who are in an **enclosed workplace** of NALSC.

This policy establishes that it is **not** permissible to smoke in an **enclosed workplace** of Nishnawbe-Ask Legal Services Corporation (NALSC). Exceptions from this rule are outlined for Indigenous cultural and spiritual reasons. Violations of this policy may result in progressive discipline, up to and including termination.

Smoking and vaping are prohibited in enclosed workplaces

Smoking and **vaping** are prohibited in NALSC **enclosed workplaces**, which include company vehicles and any other remote offices or locations used for work.

23.1 Where it is permissible to smoke

TRADITIONAL USES

As permitted by the *Smoke-Free Ontario Act, 2017*, the traditional use of tobacco that forms part of Indigenous culture used for a cultural or spiritual purpose is permissible.

The employee or individual leading any ceremonies or exercises where tobacco is lighted in an enclosed workplace is required to:

- First get permission from the manager on site,
- Notify all staff in the building **30 minutes** prior to the ceremony to allow staff who are affected by smoke to vacate the building, and
- Identify emergency exits and regular exits for those who are attending the ceremony.

PERSONAL USES

Employees taking smoking breaks must always be **9 metres away from any entrances** to NALSC's enclosed workplaces. Employees should avoid smoking near public areas such as sidewalks or staff entrances.

Violations of this policy


If an employee is found to be **smoking** where it is not permissible, NALSC may pursue progressive disciplinary action, up to and including termination.

If employees wish to make a complaint about another individual **smoking** in the **enclosed workplace**, they should send their complaints to their manager, who will then address the issue with the Human Resources Manager.

23.2 Employees wishing to quit smoking

Accommodations for the protected grounds under the *Human Rights Code* are available for employees requiring accommodations for a smoking addiction or employees using marijuana for physician-approved medicinal purposes.

Employees should disclose smoking addictions to their manager who will work with them to develop an accommodation plan.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Fragrance/Scent-Free Workplace Policy</p> <p>PAGE: 76</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

24.0 Fragrance/Scent-Free Workplace Policy

Exposure to perfumes and other scented products can trigger very serious health reactions in individuals with asthma, allergies, migraines, or multiple chemical sensitivities.

The health effects of fragrances range in severity from mild to debilitating and can include headaches, migraines, dizziness, nausea, fatigue, shortness of breath and wheezing. For some people, especially those with asthma and other respiratory disorders, exposure to fragrances can trigger the need for emergency medical treatment.

Perfumes and colognes are considered the most concentrated form of fragrance; however, fragrances can be found in a wide range of products including soaps, shampoos, deodorants, hairspray, and cosmetics.


Additional scents to consider are:

Sage: (smudging) although we support various traditional practices, some workers can be highly sensitive to smudging.

Flavoured Coffee: Some flavored coffee is very strong. Staff are encouraged to check with other staff in their area before using.

To protect our co-workers with chemical sensitivities, all staff are to:

- avoid wearing scented personal care products such as perfume, cologne, aftershave, scented lotions or creams for the body, face, or hands. Most brands have fragrance-free products available.
- notify others in your office at least thirty (30) minutes prior to smudging to allow staff and visitors to leave if they need to,
- scent-free poster(s) shall be posted throughout the office workspace.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p>	<p>VERSION: 0.11</p>
	<p>POLICY: Impairment in the Workplace Policy</p> <p>PAGE: 77</p>	<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

25.0 Impairment in the Workplace Policy

This policy applies to all employees during work hours, whether they are on or off the properties of NALSC.

During work hours, NALSC prohibits intoxication by **alcohol, drugs (including cannabis)** or other impairing substances, whether legal or illegal.

While the use or intoxication by **drugs, alcohol,** and **drug paraphernalia** are prohibited at work, this policy is not meant to punish individuals for having substance dependency issues or disabilities. Employees are encouraged to disclose their dependencies so that managers and the employer may address the issues in the best interest of the employee.

For employees who do not wish to speak with their manager or the Human Resources Manager but still need immediate assistance with a substance dependency, please contact the Drug and Alcohol Helpline at 1-800-565-8603 or by email at the following <https://www.ementalhealth.ca/index.php?m=record&ID=9861>

25.1 Impairment at work

Employees are expected to arrive and remain sober at work. Employees may be subject to disciplinary action up to and including termination of employment for failing to comply with this requirement.

If there is a reasonable belief that an employee is impaired, then:

1. The manager will privately consult with the employee to determine the cause of the suspicion of impairment. If the employee is visibly impaired and may put their self or others at risk, they will be sent home.
2. If the employee is impaired, two managers must discuss the employee's status and whether the employee is unfit for work; the managers do not require a breathalyzer or blood test to agree on the employee being unfit.
3. A taxi or shuttle service paid by NALSC will be arranged for an unfit employee to take them home or to a medical facility. The employee may be accompanied by a manager if necessary.

4. An impaired employee will not be allowed to drive. If an impaired employee refuses the taxi or shuttle service and decides to drive their personal vehicle, the manager will contact the police to make them aware of the situation.
5. A meeting will be scheduled for the employee's next working day to review the incident and determine a course of action, including treatment plans.

25.2 Possession and Dependencies

Alcohol, drugs (including cannabis), and drug paraphernalia are prohibited at NALSC's workplace; NALSC's workplaces include all owned or leased property used by employees, such as parking lots, vehicles, lockers, desks, and closets.

Possession of **alcohol, drugs, and drug paraphernalia** is also prohibited while employees are acting on behalf of the organization, on and off NALSC's premises. This includes attending external events as an organization representative. While in NAN communities' employees are to follow the community bylaws.

Substance Dependency


NALSC understands some individuals may become dependent on certain drugs, alcohol, or other impairing substances. These employees may face an illness or disability. While employees are expected to complete their duties, NALSC offers accommodations to employees needing help with addiction and substance dependency as one of the protected grounds under the *Human Rights Code*.

Voluntary Identification

Drug and alcohol addiction are recognized disabilities. Disabilities are one of the protected grounds under the *Human Rights Code*, therefore NALSC will accommodate drug and alcohol addictions. Employees are encouraged to communicate past or current dependencies so their rights are protected, and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort. See the Accommodation Policy (Policy 20.0) for more information.

Medical Substances

Employees should disclose to the Human Resources Manager when they use cannabis or any other impairing substances (whether it is inhaled, ingested, applied topically, or otherwise) for medical reasons. Employees are expected to provide a copy of their medical documentation to their manager. The copy of the medical documentation will not be stored, and the copy will be given back or destroyed after the manager has viewed it. An accommodation plan may then be made with the employee according to the Accommodations Policy (Policy 20.0); a copy of the accommodation plan will be stored with the Human Resources Manager.

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 5: HEALTH & SAFETY POLICIES</p> <p>POLICY: Mandatory COVID-19 Vaccination</p> <p>PAGE: 1 of 5</p>	<p>VERSION: 0.03</p>
		<p>Date: Nov 9, 2021</p> <p>Revised: Nov 10, 2021</p> <p>Approved: Nov 22, 2021</p>

26.0 Mandatory COVID-19 Vaccination Policy

The health and safety of Nishnawbe-Aski Legal Services Corporation (NALSC) employees is a priority. NALSC is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19. Vaccination is a key element in the protection of NALSC employees against the hazard of COVID-19. This Policy is designed to maximize COVID-19 vaccination rates among NALSC employees as one of the critical control measures for the hazard of COVID-19. To this end NALSC employees are required to be vaccinated against COVID-19 to enter the worksite and work-related events hosted indoors.

26.1 Background and Current Situation

Full vaccination has been shown to be effective in reducing COVID-19 virus transmission and protecting vaccinated individuals from severe consequences of COVID-19 and COVID-19 variants including the Delta and other variants currently circulating in Ontario and worldwide.

Given the continuing spread of COVID-19, including the Delta and other variants, within Ontario, the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population and the increasing levels of contact between individuals as businesses, services, and activities have reopened, it is important for NALSC employees to be fully vaccinated in order to protect themselves against serious illness from COVID-19 as well as to provide indirect protection to others, including colleagues.

26.2 Application

This policy applies to all NALSC employees, student placements, Advice Lawyers, Board members, and any persons acting on behalf of NALSC.

Employees in certain NALSC communities may have obligations in addition to this policy under a community Band Council Resolution (BCR) regarding COVID-19 vaccination and guidelines applicable to them.

New employees are required to be fully vaccinated against COVID-19 as a condition of being hired by NALSC, subject to any applicable exemptions that may apply for human rights-related reasons.

26.3 Support for COVID-19 Vaccinations

NALSC's COVID-19 Vaccination Policy supports employees in obtaining their COVID-19 vaccination. If operationally feasible, and with the permission of their immediate supervisor, NALSC employees can be released on work time to be vaccinated while on-duty, at a designated vaccination site, without loss of compensation or the requirement to use credits, to a maximum of one day.

26.4 Continued Compliance with all Health & Safety Precautions

Unless a legislated or regulatory exemption applies, all NALSC employees are required to continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established workplace access controls (e.g. screening), wearing a mask or approved face covering, using provided PPE, maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms when at work or otherwise engaged in NALSC business. Employees are required to remain home if they are symptomatic or have tested positive for COVID-19. Employees who remain unvaccinated due to a substantiated Human Rights Act related accommodation request under NALSC's Accommodation Policy, procedures, and guidelines, may be required to take additional infection and prevention control measures, including providing ongoing proof of a negative COVID-19 test prior to attending the workplace, as well as self-isolate if exposed to COVID-19 and the continuance of working from home as part of their approved accommodation plan.

26.5 Responsibilities

All levels of management are responsible for the administration of this Policy.

Managers are expected to:

- Lead by example, and;
- Ensure employees complete any required education or training about COVID-19, including regarding vaccinations and safety protocols.

Employees are expected to:

- follow all health and safety policies and protocols, and;
- complete any required education or training about COVID-19, including regarding vaccinations and safety protocols.

26.6 COVID-19 Vaccination Requirement

- All NALSC employees must receive **one dose** of a COVID-19 vaccine series by **December 15/21**.
- All NALSC employees must receive **two doses** of a COVID-19 vaccine series and be fully vaccinated by **January 15/22**.

26.7 Proof of COVID-19 Vaccination

NALSC requires proof of COVID-19 vaccination from all persons to whom this policy applies as per *Section 24.2, Application*. Proof means documentation verifying receipt of vaccination series approved by Health Canada or the World Health Organization.

To obtain proof of COVID-19 vaccination, please follow this link:

<https://covid19.ontariohealth.ca/>

Employees must disclose their vaccination status to Human Resources, in accordance with the established process, by no later than **December 15, 2021**. Employees are required to provide updates, in accordance with the established process, to Human Resources if there is a change in their vaccination status.

NALSC will maintain vaccination disclosure information, including documentation verifying receipt of a vaccination series approved by Health Canada or the World Health Organization, in accordance with privacy legislation. This information will only be used to the extent necessary for implementation of this COVID-19 Vaccination Policy, for administering health and safety protocols, and infection and prevention control measures in the workplace.

Employees may also be required to disclose their vaccination status by law or to otherwise give effect to this policy, including, but not limited to, situations where employees are directed to stay home as a result of the daily screening in order to comply with the clearance criteria to return to work (e.g., after experiencing symptoms, a COVID-19 exposure, or a travel quarantine exemption).

26.8 Accommodations in Accordance with the Human Rights Act

Employees who are not able to obtain a COVID-19 vaccine for a reason related to a protected ground as set out in Ontario Human Rights Act (Ex. Medical), can request accommodations using NALSC's accommodation request process *and* cooperating in the accommodation process as set out in NALSC's Accommodation Policy.

All accommodation requests require written proof of the need for accommodation to be submitted. If the accommodation requested is for a disability-related need, medical documentation from a physician or nurse practitioner (as applicable) may also be required, including whether a medical reason is permanent or time-limited.

NALSC will work with eligible employees to create an accommodation plan. That plan will consider the health and safety risk to the employee and others in the workplace.

The accommodation plan may result in changes to the employee's duties or location. For example, the employee may be asked:

- To work from home or in a location away from others where applicable, or
- To adjust their working hours to be in the workplace when other people are not present.

NALSC will select the method that is least disruptive to employees and poses the least risk to the health and safety of others.

Please note: the Human Rights Act does not require employers to accommodate people who choose not to get a vaccine for non-human rights-related reasons.

26.9 Ongoing Monitoring & Assessment of COVID-19 Workplace Safety Measures

NALSC will continue to closely monitor its COVID-19 risk mitigation strategy and the evolving public health information and context, to ensure that it continues to optimally protect the health and safety of employees in the workplace and the public that they serve. To that end, and in consultation with Public Health and occupational health and safety experts, NALSC will continue to assess other available workplace risk mitigation measures, including, for example, requiring proof of a negative COVID-19 test, etc. If it is determined that additional precautions are necessary, NALSC may decide to deploy new measures (including at an individual level) to protect employees and from COVID-19 and may amend this policy accordingly and/or communicate the required precautions to impacted employees.

COVID-19 safety measures continue to be in place and rules still apply. This includes daily screening, mask wearing and social distancing.

26.10 Consequences of Non-Compliance with COVID-19 Vaccination Policy

Unvaccinated staff without exceptions identified under protected ground set out in NALSC Human Rights Policy (Ex. Medical), are prohibited from attending indoor staff events and must be masked at all times during outdoor work-related events. Consequences will be determined on a case-by-case basis.


26.11 Personal Opinions about COVID-19 Vaccine

Employees are required to remain respectful of others with respect to issues regarding COVID-19 and related health measures. Personal opinions or propaganda, inflammatory comments, unprofessional remarks, or disparaging remarks made against the COVID-19 vaccine, health and safety protocols including masks may not be expressed through email or social media as per NALSC HR Policies. Employees will be held accountable for what they write through NALSC communication and may result in disciplinary action.

26.12 COVID-19 Vaccination Policy Review

The NALSC Covid-19 Vaccination Policy will be reviewed every **6 months** from the effective date. All amendments must be in line with provincial and federal regulations and will be subject to approval.

Effective Date: November 22, 2021

 <p>POLICIES & PROCEDURES MANUAL</p>	<p>SECTION 6: GENERAL EMPLOYEE POLICIES</p> <p>POLICY: Travel Policy</p> <p>PAGE: 79</p>	<p>VERSION: 0.11</p>
		<p>Date: April 2019</p> <p>Revised: Mar 23/21</p> <p>Approved: Mar 23/21</p>

27.0 Travel Policy

General Travel

Mileage paid to staff traveling with their personal vehicles at the request of NALSC and will be at the rate specified in the **NALSC Travel Request Form**.

If there are mileage discrepancies between an expense report and this chart, the NALSC Mileage chart will prevail.

a) Mileage Within City Limits

- i) Mileage will be granted when using personal vehicle for business related trips when you start driving for work relate purposes.
- ii) When transporting clients, employees must have 2-million-dollar liability insurance.
- iii) For other winter road travel, please consult a representative from the Finance Department as they have a map with distances labeled between points for the winter roads, which is too difficult to reproduce here.

Air Travel

- a) For the purposes of the non-owned aircraft insurance coverage NALSC carries for chartered aircraft, no staff is permitted or authorized to pilot or otherwise operate any aircraft used for NALSC or Legal Aid Ontario business under any circumstances, regardless of whether an employee may be a qualified pilot.
- b) No passengers who are not pre-approved or named on a passenger manifest in advance of a chartered flight shall be permitted to "hitch" a ride on any NALSC paid air charter flights. This applies to those who are not NALSC employees or persons required to fly on a NALSC charter for NALSC or related business. No exceptions will be permitted to this policy.

Mileage: All employee mileage will be determined by "destination to destination" using Google Maps. You can find this at <https://maps.google.ca/>

APPENDIX

APPENDIX 1 – Declaration of Conflict of Interest

Declaration of Conflict of Interest		
Date:	Name of employee declaring a conflict of interest:	Name of supervisor of employee:
Is the conflict of interest actual or perceived? (Circle one. This form must be completed regardless of the response)		Actual / Perceived
Outline the details of the conflict of interest:		
List at least 3 mitigating actions to reduce the risk to the organization of a conflict of interest:		
Employee Signature:	Supervisor signature:	HR Manager signature:
Annual review date:	Annual review signatures:	

APPENDIX 2 – Performance Improvement Plan (PIP)

Performance Improvement Plan (PIP)		
Date:	Name of employee:	Name of supervisor:
Goals of the employee's position:		
Which goals are not being met:		
Timeline and path for reaching those goals:		
Next meeting date:		

APPENDIX 3 – Health and Safety Risk Assessment



Workplace Violence and Harassment Risk Assessment Form

The fundamental principle of a Health and Safety Program is to reduce the danger of injury, disease and violence to employees. In an effort to reduce the incidents of violence and harassment in the workplace, new legislation is being introduced across Canada. In order to conduct a thorough Risk Assessment you should complete this Risk Assessment Form in the most comprehensive manner. Hazard identification is crucial in the workplace.

Once the Risk Assessment has been completed, the committee or a health and safety representative, if any, must be advised of the results of the assessment, and provide a copy if the assessment is in writing. Then the risks must be mitigated by developing policies and programs and facilitating worker and management training.

Conducting Risk Assessment

Step 1 – Documentation review

The first step in your Risk Assessment process will be a review of your organization's policies, procedures, worker training records and past incident reports. Reviewing this information will allow you to uncover potential risks, and valuable insight to be used when developing or adjusting your current policies and training.

Step 2 – Workplace audit

Determine the Risks Associated Similar Workplaces

It is imperative that when conducting your Risk Assessment you consider similar workplaces. When thinking of comparable workplaces you must think of similar duties, products, services, suppliers, environments and customers.

Determine the Risks Associated your Specific Workplace

Once you have been able to gather an exhaustive list of potentials risks associated with similar workplaces, you can determine the risks that are specific to your workplace. Do remember to consider incidents that have almost escalated to violence, even if they are far between.

Determine any other prescribed elements that could be Risk factors

Take into consideration any other elements that could arise, such as special and annual events, special assignments and cross training.

Step 3 – Employee survey and/or interviews

One powerful step in completing a thorough risk assessment is gathering information from your employees. They will be an excellent source of specific information, since they will have firsthand experiences and incidents to draw from. Use this information when completing the ranking, probability and consequences of the risks assessed.

Rank the Exposure

1 = Unlikely: A person is exposed to the hazard 1x per job or project

2 = Occasionally: A person is exposed to the hazard 2 x per job or project

3 = Often: A person is exposed to the hazard more than 3x to 5x per job or project

4 = Frequently: A person is exposed to the hazard 5 or more times per job or project
5 = Continuous: A person is exposed to the hazard continually

Determine the Probability of Occurrence

1 = Unlikely to occur

2 = Some chance

3 = Could occur

4 = Good chance

5 = Will occur if left unattended

Determine Potential Consequences

1 = Insignificant: a person receives a very minor injury, no damage to property

2 = First aid or minor property damage: a person administers first aid to self

3 = Injury results in lost time, seeking medical help or significant property damage

4 = Injury results in permanent disability, serious health effects or property damage

5 = Injury results in a fatality, or there is major property damage

Add the Numbers to Determine a Total Risk Rating

Serious (11 – 15) means the hazard must be attended to immediately, prior to the commencement of the job. Controls must be put into place. A safe job procedure must be in place prior to the commencement of the job.

Moderate (6 – 10) means the hazard requires attention. Controls should be put into place. A safe work procedure should be in place prior to the commencement of the job, but could be attended to once the job has commenced. Employees must be aware of the hazard. The safe work procedure must be in place prior to the completion of the job.

Low (3 – 5) means the hazard requires monitoring. Controls are recommended. A safe work procedure is recommended.

Hazard Controls

Depending on the risk rating, if the hazard cannot be eliminated, then controls must be implemented to reduce the risk.

There are three types of controls: Engineering, Administrative and Personal Protective Equipment (PPE). Some examples of the controls include:

Engineering Controls

- Design of a workplace
- Isolation/enclosure
- Implementation of Security Measures including surveillance and/or access cards

Administrative Controls

- Policies and procedures
- Training
- Organizing and planning work
- Rotation of workers
- Safety plan/procedure

Personal Protective Equipment (PPE)

- Access to alarms
- Communication devices

Violence Assessment Form

This Form must be completed in accordance with the established guidelines for hazard identification and assessment.

Description of work area:	Assessment performed by: Name: _____ Signature: _____	Date:
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Description of Hazard (condition/circumstance)	Exposure (1 –5)	Probability (1 – 5)	Consequences (1 – 5)	Total	Rating	Controls (EC/AC/PPE)

APPENDIX 4 - Children in the Workplace Agreement

To assist Nishnawbe-Aski Legal Services Corporation (NALSC) employees, we have agreed to permit employees to bring children to work under certain conditions to allow our employees to meet both their family and work responsibilities. The following will apply:

1. Employees must provide their supervisor with the names and ages of all children who will be present on NALSC property.
2. Employees must receive approval from their supervisor before bringing their children to work.
3. Employees are responsible for always supervising their children while they are on the premises and the children must exclusively stay in the employee's office or workspace.
4. Employees who decide to bring their children to work agree to accept full responsibility for the safety of their children.
5. Employees agree to ensure that their children are not disruptive and do not interfere with normal office operations.
6. Employees may not bring sick children to work with them.

DISCLAIMER CLAUSE

Nishnawbe-Aski Legal Services Corporation (NALSC) is not responsible for any loss, injury, or damage, including property loss or damage, which my child(ren) () may suffer as a result of being at any of our NALSC offices during or after work hours.

AGREEMENT

By signing this Agreement, I certify that I understand and agree to comply with the terms and conditions above.

Signature of Manager

Date

Signature of Parent/Employee

Date