

AFOA - ONTARIO



Human Resource Code

FORWARD

The purpose of this “Code” is to provide a template that First Nations may use to implement a code of their own.

The “generic” terms used throughout as well as certain clauses/sections (in italics) maybe amended as per each First Nation’s interpretation.

The Mission Statement contained in this “Code” is very basic and only an example. Each First Nation will insert their own in it’s place.

Mission Statement

To develop and practice standards of acceptable rules and workplace philosophy which will create honest and agreeable administration and governance practices.

TABLE OF CONTENTS

Section #	Contents
	Definitions
1.0	Purpose
2.0	Principals
3.0	Hiring Procedures
4.0	Appointment
5.0	Conduct at Work
6.0	Conditions of Employment
7.0	Remuneration
8.0	Vacation and Leave
9.0	Termination and Dismissal
10.0	Employee Assistance
11.0	Dispute Resolution
12.0	Breach of Code
13.0	Amendment to Code
14.0	Acceptance and Signatures

DEFINITIONS

Fiscal Year	The twelve month period commencing on April 1st and continuing to March 31st in the following year.
Human Resources	The resources of the First Nation/Organization, in the staff employed by the First Nation to deliver programs and projects
Interview Committee	A committee appointed as required for the purpose of interviewing candidates for new and vacant positions.
MERC'S (Mandatory Employee Related Costs)	Deduction from pay cheques that that are mandatory by law, usually limited to CPP, EI and where applicable income tax.
Professional Designation	A degree or designation required to practice in a professional capacity, i.e. R.N. to be a nurse.
Professional Services	Services required by the First Nation, usually on a contract basis and of a limited duration, where special skills are required.
Progressive Discipline	A process of discipline for employees, in which the penalty for non-compliance is more severe at each stage, the purpose of which is to encourage employees to improve their behavior.
Re-assignment	Change of duties or change to another position within the current staff.
Equal Opportunity Employer	Means that every individual shall have an equal opportunity for employment. There shall be no discrimination by reason of age, sex, ethnic or racial origin, religion or disability, provided that any exemptions may be permitted where an affirmative action procedure is in place.
Code	Is a document that lays out the principals by which a First Nation governs itself and is ratified by the membership, and can only be amended by the membership.
Policy	A document that supports a code with details of it's practical application of a code. It can be changed by it's governing body from time to time.



Human Resource Code –Reference Material

CATEGORY: 1	PAGE: 1 of 1
NUMBER: 1.0	EFFECTIVE:
TITLE: Purpose	REVISED:

PURPOSE

1.0 The purpose of this code is:

- a) To set up the principals values and standards to manage the human resources of the _____ First Nation, in a fair and equitable manner.
- b) To outline the requirements for hiring, behavior, discipline and all matters relating to the management of human resources needed to ensure successful delivery of programs to the community and applicable labour codes.
- c) To ensure that the management of human resources is consistent with the principles and values of the community.
- d) To provide accountability and transparency to the community members, in the management of human resources. This document together with the Election Code, the Administration Code and the Financial Code shall be the basis of good governance and accountability in the community. This code is the basis for all human resources policies and management of those resources.



CATEGORY: 2	PAGE: 1 of 1
NUMBER: 2.0	EFFECTIVE:
TITLE: Principals	REVISED:

2.0 **PRINCIPALS**

This code is intended to ensure that the management of human resources follows the approved directions of the duly Elected Chief and Council, and that the community members have approved and agree with the principals and systems to which Chief and Council and staff members must abide.

- 2.1 Chief and Council, in consultation with the Elders, will ensure that the traditions and customs of the _____ First Nation, are reflected when managing human resources.
- 2.2 The _____ First Nation is an equal opportunity employer.



CATEGORY: 3	PAGE: 1 of 1
NUMBER: 3.0	EFFECTIVE:
TITLE: Hiring Procedures	REVISED:

3.0 **HIRING PROCEDURES**

3.01 All new or vacant positions are to be posted except:

- a) Professional services or/contracts
- b) Casual staff may be retained by the Program Manager, in consultation with the First Nation Manager.
- c) Promotion from within existing staff members may occur in consultation with First Nation Manager.

3.02 The hiring practices of the _____ First Nation will be in accordance with the organizational chart hierarchy.

3.03 Chief and Council, with the advice of the First Nation Manager, shall decide the location of the posting for a vacant or new position.

3.04 Prior to the posting of any vacancy, Chief and Council, in consultation with the First Nation Manager will decide the criteria and qualifications, by which all candidates will be assessed.

3.05 The _____ will appoint an Interview Committee of at least ____ people.

3.06 The _____ in selection of the Interview Committee shall ensure that all those appointed to the committee, meet the conflict of interest criteria as outlined in the Administration Code.



Human Resource Code –Reference Material

CATEGORY: 4	PAGE: 1 of 1
NUMBER: 1.0	EFFECTIVE:
TITLE: Appointments	REVISED:

4.0 APPOINTMENT

- 4.01 Chief and Council shall be advised of the successful candidate at a duly convened meeting of the council.
- 4.02 The successful candidate will be provided a written offer of employment.
- 4.03 On the first day of employment each new employee, shall sign an acknowledgement of receipt of the codes and policy manual(s), and will receive a thorough orientation in accordance with Human Resource policies.



Human Resource Code –Reference Material

CATEGORY: 5	PAGE: 1 of 1
NUMBER: 5.0	EFFECTIVE:
TITLE: Conduct at Work	REVISED:

5.0 CONDUCT AT WORK

- 5.01 All employees represent the dignity of the _____ First Nation and as such personal behavior and professional conduct shall be of the highest standard befitting the membership.
- 5.02 Employees shall maintain a satisfactory standard of dress and appearance appropriate to their duties and the occasion.
- 5.03 Employees are expected to conduct themselves in a courteous and professional manner at all times.
- 5.04 Employees shall not seek or take personal advantage of any information that becomes available to them in the course of their employment, when that information is not generally available to the membership at large.
- 5.05 Employees shall arrange their personal and family affairs as to prevent interference in the performance of their duties.



CATEGORY: 6	PAGE: 1 of 1
NUMBER: 6.0	EFFECTIVE:
TITLE: Conditions of Employment	REVISED:

6.0 CONDITIONS OF EMPLOYMENT

- 6.01 All employees are expected to maintain confidentiality at all times in accordance with the Personal Information Protection and Electronic Documents Act (PIPEDA).
- 6.02 Where a valid driver's license is a requirement for employment, that license shall be of the classification appropriate to the duties.
- 6.03 All employees who require professional designation in their employment will keep that designation up to date, and will provide the First Nation Manager with a copy of the current designation.
- 6.04 All employees are subject to reassignment, when the needs of the programs or the requirements of a funding agency change. The First Nation will make every attempt to reassign a staff member, when a program's criteria changes or when a program is withdrawn. In any such reassignment, the staff member will retain their seniority with respect to benefits, but may have their salary changed due to resources available.



CATEGORY: 7	PAGE: 1 of 1
NUMBER: 7.0	EFFECTIVE:
TITLE: Remuneration	REVISED:

7.0 REMUNERATION

7.01 Remuneration will be in accordance with the policies of the _____ First Nation.

7.02 All employees will be paid on _____, a day established from time to time.

7.03 Salaries are subject to mandatory deductions, and any authorized payments.

7.04 If any staff member seconded or assigned to any external organization, shall be in accordance with the policies of the _____ First Nation and the agreement of the employee.

7.05 Any employee of the _____ First Nation who is appointed to any board, will report to the First Nation any honorarium they may receive.



CATEGORY: 8	PAGE: 1 of 1
NUMBER: 8.0	EFFECTIVE:
TITLE: Vacation and Leave	REVISED:

8.0 VACATION AND LEAVE

8.01 Vacation leave is accrued as per the policy of the _____
First Nation.

8.02 All employees are eligible for statutory holidays as outlined in the
supporting human resources policies of the _____ First
Nation.

8.03 Employees of the _____ First Nation are entitled to sick
leave protection. No employee may be dismissed, laid off, demoted or
subject to disciplinary action because of absence due to a bone fide
illness or injury. This applies only to job protection. Accumulation of sick
leave credits shall be in accordance with the supporting human
resources policies.

8.04 The _____ First Nation recognizes that the employees of
the First Nation may at times require leave for special circumstances
and has, in the supporting human resources policies, outlined the
eligibility and conditions for the following:

- a) Compassionate and bereavement leave
- b) Maternity leave
- c) Court and jury duty as subpoenaed
- d) Education leave
- e) Election leave
- f) Personal leave
- g) Leave of absence without pay
- h) Cultural leave
- i) Any other leave outlined in the attached policies of the
_____ First Nation.

All leave must be approved in writing.



CATEGORY: 9	PAGE: 1 of 1
NUMBER: 9.0	EFFECTIVE:
TITLE: Terminations and Dismissal	REVISED:

9.0 **TERMINATION AND DISMISSAL**

- 9.01 The _____ First Nation acknowledges that all employees are entitled to fair and equitable treatment, but to ensure that the community members receive the service to which they are entitled, the First Nation will adopt a policy of progressive discipline.
- 9.02 Termination of employment may be the result of changes to the internal organization or to the withdrawal of resources for a program where the employee is dismissed, in these circumstances the _____ First Nation will remunerate the employee as outlined in the supporting human resources policies.



Human Resource Code –Reference Material

CATEGORY: 10	PAGE: 1 of 1
NUMBER: 10.0	EFFECTIVE:
TITLE: Employee Assistance	REVISED:

10.0 EMPLOYEE ASSISTANCE

10.01 The _____ First Nation recognizes that employees may be exposed to factors that adversely affect the performance of their duties. Assistance with the problem from the First Nation is preferable to the dismissal of the employee. All employees will have access to the employee assistance program .



CATEGORY: 11	PAGE: 1 of 1
NUMBER: 11.0	EFFECTIVE:
TITLE: Dispute Resolution	REVISED:

11.0 DISPUTE RESOLUTION

11.1 The _____ First Nation acknowledges that all employees are entitled to fair and equitable treatment, and to ensure that the community members receive the service to which they are entitled, the _____ First Nation will adopt a policy for Dispute Resolution.



CATEGORY: 12	PAGE: 1 of 1
NUMBER: 12.0	EFFECTIVE:
TITLE: Breach of Code	REVISED:

12.0 BREACH OF CODE

12.1 The _____ First Nation acknowledges that all employees are entitled to fair and equitable treatment, and to ensure that the community members receive the service to which they are entitled, the _____ First Nation will abide by it's policy for Breach of Code.



CATEGORY: 13	PAGE: 1 of 1
NUMBER: 13.0	EFFECTIVE:
TITLE: Amendment to Code	REVISED:

13.0 AMENDMENT OF THIS CODE

13.01 This Code when ratified by the membership can not be changed by Chief and Council without the consent of the Electorate.

13.02 Prior to any ratification of any amendments to this code, a special general meeting must be called to discuss the proposed amendments and the reasons for those amendments. A full copy of the proposed amended code must be provided to the membership.



Human Resource Code –Reference Material

CATEGORY: 14	PAGE: 1 of 1
NUMBER: 14.0	EFFECTIVE:
TITLE: Acceptance and Signature	REVISED:

This Human Resources Code was ratified by the membership at a meeting called for that purpose on the _____ day of _____, 200__.

This code was ratified by a majority of the Electors in accordance with the requirements of _____.

This code was proclaimed as the Human Resources Code of the _____ First Nation at an open council meeting held on the _____ day of _____, 200__.

Chief

Councillor

Councillor

Councillor

Councillor