

# Introduction to the Template and Human Resource Policies

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## Objectives of the Template

This template is provided as a tool for community foundations to develop policies on all matters related to conditions of employment. There are parts of this policy which also apply to volunteers and individuals working on contract. Those policies that do not apply to volunteers and contractors will be so noted at the beginning of each policy.

Employment-related legislation is a provincial responsibility. All parts of this document are supplementary to applicable federal and provincial legislation. In the event of conflict, such legislation will prevail. Appendix A provides links to legislation in each province and territory. There will be references throughout this document where it is necessary to adapt this policy to align with said legislation.

There will also be notations throughout this policy where local community foundation specific information needs to be inserted.

At the beginning of each policy there is a shaded text box that provides rationale as to why the policy is important, especially from a risk mitigation perspective. The box also includes guidance on adapting the policy for your foundation's use. When developing your foundation's policies, these text boxes can be removed, unless you would like to include them as part of the rationale for each of the policies.

For some community foundations, the senior staff member is the Executive Director (ED) and for others the title is Chief Executive Officer (CEO). For the purposes of this document, any reference to either of these positions will be as ED/CEO.

## Objectives of the Human Resource Policy

It is the intention of the Foundation to create a fair, safe and enjoyable working environment for employees, volunteers, and contractors. As a growing organization, changes are inevitable. All changes are and will be implemented in the best interest of the Foundation in order to provide a positive, dependable work environment.

This Human Resource Policy and Procedures Handbook will provide each employee, volunteer, and contractor with the guidelines necessary in building a healthy environment. There is no guarantee that satisfaction can be given in every case, but the Foundation will endeavor to do the very best to provide an acceptable explanation of its final decisions.

The objectives to this handbook are to:

- Provide a standard reference for the Board of Directors, employees, and contractors in understanding their rights and responsibilities,
- Encourage continuity and consistency in the administration and application of the human resource policy, and,
- Provide direction and authority in the day-to-day administration of human resources.

## Eligibility and Scope

These policies are approved and administered by the ED/CEO and apply to all employees and in identified areas, volunteers and contractors, of the Foundation.

## Implementation and Monitoring

The ED/CEO will be responsible for the implementation and monitoring of the Human Resource Policies and Procedures.

## File Management and Amendments to the Manual

Employees, volunteers and contractors are requested to assist in keeping the human resource policies up-to-date by notifying the ED/CEO whenever problems are encountered or improvements may be made in the administration of said policies and procedures.

## SECTION 2

# General Policies

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## Decent Work

Decent work means more than fair wages and benefits. It reflects a cultural shift that builds on the values that drive your work in your community. Decent workplaces are fair, stable and productive workplaces. Decent work means building a culture of equality and inclusion at work, and ensuring everyone's voices are valued and heard. Decent work means acknowledging the highly gendered nature of the nonprofit sector's workforce - and developing solutions that address women's particular interests and concerns.

Through adopting decent work practices, your organization will be better able to meet your mission and contribute to thriving communities. And in doing so, you help build a stronger, more resilient nonprofit sector.

The above text is used with permission of the Ontario Non-Profit Network. ONN also has an extensive Decent Work Checklist that can help to guide your foundation in incorporating this concept throughout your organization.

<https://theonnc.ca/wp-content/uploads/2019/10/Decent-Work-Checklist-May-2019.pdf>

## Code of Ethics

A code of ethics is important for organizations to establish and ensure that everyone in the organization is clear on the mission, values and guiding principles. The code provides employees, volunteers and contractors with a framework of which rules exist, from a regulatory and law-enforcement standpoint and how to act in the grey areas of values-based ethics that aren't always clear. The policy below provides a framework from which with your foundation can base your policy.

Amend to align with your foundation's practices.

### PREAMBLE:

As a matter of fundamental principle, the Foundation requires the highest ethical standards because public trust in our performance is the bedrock of our legitimacy. Donors, volunteers and grant recipients trust the Foundation to carry out its mission, to be good stewards of endowment funds, and to uphold rigorous standards of conduct.

The Foundation must earn this trust every day. It is therefore essential the people involved with the Foundation, board members, employees and volunteers demonstrate their ongoing commitment to the core values of integrity, honesty, impartiality, openness, respect, and responsibility.

Simple adherence to the law is not enough. The Foundation will often need to go beyond legal requirements

and make sure that its actions are transparent, open and responsive to public concerns.

## CODE OF ETHICS:

The Board of Directors promotes the highest standards of ethical behaviour. The Code of Ethics which relates specifically to Foundation employees includes:

1. **Integrity:** Foundation members shall act with competence, honesty, integrity, respect and fairness while carrying out their obligations for the Foundation.
2. **Role:** The wellbeing of the people of our community will be the primary role of Foundation members. In addition, employees, volunteers and contractors will act in the best interests of the Foundation in fulfilling its mission.
3. **Accountability and Transparency:** In carrying out philanthropic activities employees, volunteers and contractors will act within the letter and the spirit of the law. The Foundation embraces public interest, takes full responsibility for its actions, communicates truthfully, and ensures public records are easily available while maintaining appropriate privacy and confidentiality. The Foundation will manage its resources carefully and frugally, actively avoiding excessive expense.
4. **Diversity and Inclusiveness:** The Foundation will seek diversity and inclusiveness in order to reflect our community. The Foundation will strive to ensure that a full range of perspectives contribute to the common good of our organization. In conducting its business, all members of the Foundation will listen to and treat all others who come together under the auspices of the Foundation with respect.

## Harassment-free Workplace

Harassed employees, volunteers and contractors can develop anxiety, panic attacks and avoidance behaviours that decrease their effectiveness. They can lose motivation and experience a decline in their health and decision-making ability. Harassment can also result in legal costs and can damage the Foundation's reputation.

### Policy and Procedure Statement

The Foundation is committed to providing a work environment that is free of harassment and supportive of the dignity, self-esteem and productivity of every employee. The Foundation will not tolerate any form of harassment of, or by, employees, stakeholders, volunteers, students, contractors, suppliers or other individuals associated with the Foundation while engaged in activities pertaining to the workplace. The Foundation has developed a more comprehensive policy addressing the details surrounding this issue. Please refer to the Anti-Harassment Policy further on in this document.

# Confidentiality

Confidentiality in the workplace is of primary importance to business etiquette. Not only are you showing your stakeholders a level of common courtesy by protecting their data, but you are also fulfilling your legal responsibility to prevent sensitive information from being used inappropriately or being leaked.

Foundations can replace their own confidentiality policy and procedures with the text below. If using this text, Foundations should ask the following question for each of the statements and amend accordingly if the statement does not align: “Does this statement align with our Foundation’s values and principles?”

## Policy and Procedure Statement

### 1. General

Employees, volunteers, and contractors of the Foundation will treat information provided or gathered by the Foundation with discretion. Any information received through involvement with the Foundation will not be used for personal gain.

### 2. Donors

Donor requests for confidentiality and anonymity will be strictly respected. Access to donor information will be restricted to only those who need it for the function of their duties. Paper records will be kept locked and computer records are protected using password protocols. Donor lists will not be shared with any other fundraising organizations.

### 3. Grant Recipients

The Foundation grant making process requires charities and agencies to provide detailed project and organizational information. This information will often be of a sensitive nature, and will therefore be treated in confidence by employees.

### 4. Contracts/Grants

The Foundation as a necessity will contract with professional and business corporations and details of all such transactions will be treated with respect and discretion. Information relating to personnel, litigation and property contracts and resulting transactions will be kept confidential

### 5. Meetings

The Board and all its committees will act as a whole. Deliberations including the opinions of individual Board and committee members will be kept confidential by employees, volunteers and contractors. Third party opinions with respect to contracts or grants applications will be kept confidential.

## Procedures:

1. All employees, volunteers and contractors must sign the Foundation confidentiality agreement during orientation.
2. Two copies of the confidentiality agreement will be made. A copy will go to the person signing the agreement and the second copy will be filed and a scanned copy is saved on the server.

## Conflict of Interest

When a conflict of interest occurs, it can erode public and internal trust, damage the Foundation's reputation, potentially hurt the organization financially and, in some cases, break the law. While one may think conflict of interest applies only to people serving on the Foundation's board, it really can occur at any level within an organization, including part-time employees and contractors.

Foundations can replace their own Conflict of Interest policy and procedures with the text below. Foundations should check with legal counsel to ensure their text is enforceable in their province.

## Policy and Procedure Statement

A Foundation must strive, as far as possible, to conduct its affairs in an honest, forthright, and impartial manner. It is not enough that those making decisions believe that they are operating from the highest motives, and that any particular action is innocent. So far as possible, actions and relationships must avoid any appearance of impropriety that may raise questions in the minds of the public.

The Foundation recognizes that employees will be associated with organizations that, from time to time, may apply for funding. This policy is directed towards the sources of most potential conflict which include conflicts arising as a result of affiliation with:

- an organization or individual which has, or is negotiating, a business relationship with Foundation,
- an organization seeking funding or other support from the Foundation.

## Definitions:

Conflict of interest (as it applies to an "Individual") means an actual, apparent or potential conflict of interest in the exercise of unbiased judgment on behalf of the Foundation and its dealings with any person, who may be obligated to the Foundation or may benefit from dealings with the Foundation.

For the purpose of this definition:

"Individual" means any officer, director, employee, contractor or volunteer who is working for or on behalf of the Foundation and includes members of the Individual's immediate family including, without limitation, the individual's common law spouse. "Person" means an individual person, corporation or body corporate, partnership, organization, or any other recognizable group or association that purports to deal with the Foundation.

**Procedure:**

A conflict of interest on the part of an employee, volunteer or contractor of the Foundation will be disclosed. When any such interest becomes a matter of Board or Committee action, such individuals shall declare the conflict and absent themselves from the discussion. The minutes of all actions taken related to the matter will clearly reflect that these requirements have been met.

## **Reporting Violations**

**Policy and Procedure Statement**

It is each employee's, volunteer's and contractor's personal responsibility to bring violations or suspected violations of the Foundation's Code of Ethics to the attention of the ED/CEO. The Foundation's policy prohibits any retribution against employees, volunteers or contractors who come forward to make such reports. Whenever practical, all reports or allegations will be thoroughly investigated by the ED/CEO prior to judgments being made or action being taken in response to suspected violations.



## SECTION 3

# Employment Information

*(this section only applies to employees)*

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## Hours of Work

### Policy and Procedure Statement

Foundations should refer to their provincial employment standards legislation for this section. See Appendix A. The following text can be amended to align with the standards as well as current practices of the Foundation.

The Foundation is open Monday through Friday, except when observing statutory holidays. A normal workday is considered to be a maximum of \_\_\_\_\_ hours per day; these hours are exclusive of a \_\_\_\_\_-minute lunch and \_\_\_\_\_ fifteen-minute breaks. The standard workweek is comprised of a maximum of \_\_\_\_\_ hours per week. *(adjust to align with your Foundation's current practice)*

If an employee is required to leave the Foundation during normal working hours, he/she is required to notify co-workers, as well as the ED/CEO

All employees at the Foundation will be paid on a *weekly/biweekly/monthly* basis with the opportunity of a mid-month advance.

Employees shall be required to submit a completed "Timesheet" in the attached form to the Chief Executive Officer by the 26th of each month *(adjust to fit your Foundation's practices and pay periods)*.

Regular attendance and punctuality are an important part of an employee's responsibility. Therefore, established working hours shall be adhered to. Any lateness or absenteeism shall be reported as far in advance of starting time as possible under unusual circumstances. Foundation employees are expected to telephone the office in these circumstances.

The telephone voicemail system is an acceptable method for reporting lateness or absenteeism.

## Dress Code

Include this policy if dress code at work matters to your Foundation.

### Policy and Procedure Statement

Maintaining a professional, business-like appearance is very important to the success of the Foundation.

Regardless of the employee's interaction with clients, customers, suppliers, contractors, or volunteers, each employee projects the reputation of the organization. Part of this impression depends on each employee's choice of attire.

The Foundation has chosen to offer a casual dress environment for employees. Employees are expected to use good judgment and to show courtesy to their co-workers by dressing in a manner that is presentable and appropriate. At all times employees are asked to be cognizant that regardless of their interaction with clients, customers, suppliers, contractors, or volunteers, the Foundation is still a place of business.

Should employees be asked to attend business meetings with clients, either in the Foundation offices or otherwise, they should dress in appropriate business attire.

## Overtime/Lieu Time

This section needs to align with your provincial employment standards. The policy suggested is an approach that you can take but you may want to handle hours worked beyond the standard work week in a different way than the below policy suggests.

### Policy and Procedure Statement

Overtime is considered to be anything over 8 hours worked in a day and excess of 44 hours in a week for full-time employees.

The Foundation will grant time off for hours worked beyond what would be considered a standard work week. Any hours worked in excess of 8 hours per day or 44 hours in a week will be banked at 1.5 times of the employee's actual hours worked. The time off will be taken at a time mutually agreeable to the ED/CEO and the employee(s). If the accumulated time is not taken within six months, the employer will pay the overtime hours at the prescribed rate of 1.5 times the employee's regular wage.

The maximum time that an employee may claim is 12 hours per day of work time for out of town trips or conferences.

Employees must be properly authorized to work overtime in advance as a condition for being credited for such overtime, except in emergency situations where prior consent cannot be obtained. In such cases, the employee will advise the ED/CEO of circumstances as soon as possible.

Employees shall be required to submit a completed "Overtime Approval Form" to the ED/CEO for approval.

# Travel and Expense Claims

## Policy and Procedure Statement

Employees will be reimbursed for expenses incurred in the fulfillment of Foundation responsibilities, upon submission of appropriate receipts to the ED/CEO for approval within 30 days of the incurred expense. When employees travel out of town to attend overnight Foundation related activities, such expenses include but are not limited to mileage and/or transportation costs, meals and overnight accommodation. The Foundation will not cover the cost of alcoholic beverages. Remuneration for use of personal vehicles for business related activities shall be at the rate of \$0.48 per kilometer (insert your Foundation's rate - some Foundation's use the federal government's standard mileage rate). Employees shall record an odometer log of all kilometers incurred on their personal vehicle during the course of business. Mileage claims start from the employee's normal place of business.

Any and all business activities requiring use of a personal vehicle by the employee must have the prior approval of the ED/CEO.

# Statutory Holidays

## Policy and Procedure Statement

The Foundation observes the following paid holidays (insert provincial statutory holidays):

Part-time employees not scheduled to work on statutory holidays will NOT be paid holiday pay in accordance with the Employment Standards Act. (this clause needs to align with your provincial legislation)

Part time employees receive General Holiday Pay only if it is a scheduled workday and would be paid for the average daily wage.

Holiday pay will be calculated at five percent of wages the four weeks immediately preceding the holiday. Employees will not receive General Holiday Pay if the holiday falls on a day that they are not scheduled to be working i.e. Saturday, except when July 1 lands on a Sunday then Monday is the designated holiday. This affects or could affect Christmas, Boxing Day and New Year's Day. (this clause needs to align with your provincial legislation - however it could be improved upon based on your Foundation's current practice)

# Personnel Confidentiality

## Policy and Procedure Statement

Each employee or applicant for employment has the right to have all information about him/her kept strictly confidential. No personnel file or any other employee report shall be disclosed without the written permission of the employee. (this clause needs to align with provincial privacy legislation affecting employees - see appendix A for links)

## Outside Employment

Foundations should read through the below policy statement and adapt it to fit their current practices. If a Foundation has never considered this type of policy, the following questions help with framing: Are we willing to let staff use Foundation equipment for outside activities? Are we able to limit our employees working at other organizations, and if so, are there any limitations that we could legally impose? What is our position in staff soliciting donors and volunteers for outside employment?

### Policy and Procedure Statement

The Foundation recognizes the right of its employees to privacy and to make use of personal time outside of working hours as they see fit. However, outside employment opportunities should be carefully considered to ensure the employee's ability to perform their responsibilities at the Foundation are not adversely affected. Employees may engage in outside employment that complies with the following:

- A. All outside employment and associated activities must be kept separate from the employee's Foundation responsibilities.
- B. Employees are prohibited from using time, tools, equipment, materials, personnel or information obtained through the Foundation for outside activities.
- C. Where the possibility of a conflict of interest exists, an employee should discuss these activities with the ED/CEO prior to engaging in such activities.
- D. The outside employment should not embarrass or discredit the Foundation.
- E. Soliciting Foundation donors and volunteers for outside employment is strictly prohibited.

## Participation in Community Activities

Does your Foundation encourage employees to participate in community activities? If so, refer to the below policy. If not, this policy is not necessary.

### Policy and Procedure Statement

The Foundation strongly encourages individuals to participate in community activities that promote the general welfare of the community. Employees, who participate in such activities on or off Foundation time, must recognize that they are representatives of the Foundation and should act accordingly.

## Solicitation on Foundation property

Does your Foundation permit solicitation on your property? If so, refer to the below policy.

### Policy and Procedure Statement

Foundation employees must demonstrate their dedication during the performance of job responsibilities to ensure the fulfillment of the goals and objectives of the Foundation.

- A. Employees must refrain from any activity directed toward private gain during working hours. Normal working hours do not include unpaid break periods.
- B. Collection of gifts for fellow employees and Foundation supported solicitations, for sale of merchandise raffle tickets, club memberships or organizations is permitted provided the time does not interfere significantly with the productivity of employees and the activity has been approved by the ED/CEO.

## Personal Use of Foundation Equipment

Does your Foundation permit employees, under certain circumstances, to use Foundation equipment for personal use? If so, refer to the below policy.

### Policy and Procedure Statement

The Foundation's resources should be used for the benefit of the Foundation and not for personal financial gain. Employees will be allowed personal use of Foundation equipment only when:

- A. Advance approval by ED/CEO is obtained.
- B. The item is portable.
- C. The item is non-consumable.
- D. The cost to the Foundation is negligible.

Use of Foundation resources for community or charitable activities must be approved in advance by the ED/CEO.

## Accuracy of Record

This policy is critical as it mitigates risk and limits the liability of the Foundation.

### Policy and Procedure Statement

The Foundation's business transactions must be properly authorized and be completely and accurately recorded in the Foundation's books and records.

- A. Altering or destroying data in an attempt to produce false or misleading records or reports is strictly prohibited.
- B. Reports and evaluations must fairly represent all information relevant to the decision being requested or recommended.
- C. Undisclosed funds or accounts may not be established for any purpose.
- D. Record retention policies established by law or the Foundation must be adhered to.
- E. In the event any falsification of Foundation records or transactions occurs, the employee may be subject to disciplinary action up to and including dismissal.

## Technology - Computer Use, Business Phones, Internet and Email

An effective Technology Use Policy places the responsibility for data security into the hands of the user. Ultimately, a well-defined policy sets the precedence for what your organization is responsible for versus what the users are responsible for regarding security. Use the template below as the basis for your Foundation's policy and amend accordingly.

### Policy and Procedure Statement

Technology resources of the Foundation include but are not limited to email, internet, telephone and new technologies. The Foundation provides electronic and computer equipment for the employee's use in completing their job responsibilities. The Foundation's goal for technology is to help donors and employees by providing the right information and technology at the right place and the right time. The Foundation has a commitment to protect our information assets and to respect the donors' rights to privacy and confidentiality.

No information on the internet should be distributed, viewed, copied or saved which is not related to Foundation business or not in compliance with policies or applicable legislation.

Personal long-distance direct telephone calls from any Foundation telephone are not permitted, except in the instance of a family emergency. Personal telephone charges will be charged back to the employee upon receipt of the Foundation's billing.

## Procedures

- A. The ED/CEO will be responsible for creating, maintaining and deleting email accounts.
- B. Email is a Foundation resource and personal use must be kept to a minimum. Employees are asked to check personal email, text messaging, and social media accounts during the employee's breaks, lunch breaks or after hours.
- C. It follows that email is not private, and may be reviewed by authorized individuals, including the ED/CEO.
- D. It is the responsibility of the individual users to provide good housekeeping of their email files.  
Note: deleting a message/file may not fully eliminate it from the system.
- E. When sending messages, employees shall identify themselves clearly and accurately.
- F. The computer system should not be used to communicate anything improper or illegal.
- G. Permission for equipment usage for personal reasons will require the approval of the ED/CEO. If approval has been obtained for personal use, all work will be performed in the employee's lunch breaks or after hours if appropriate.
- H. Computer use will exclude the installation of personal hardware or software applications on to Foundation equipment without the express written permission of the ED/CEO.
- I. No email, text or voice mail message should be created, sent or saved that contains intimidating, pornographic, hostile or offensive material prohibited according to the (insert name of province) Human Rights Commission or Criminal Codes.
- J. It is the responsibility of the ED/CEO to monitor personal usage of any computer. It follows that computer use is not private, and may be reviewed by authorized individuals, including the ED/CEO.
- K. Employees will sign a consent form indicating their understanding of the Foundation's policy. They must understand that violation of the policy may result in disciplinary action up to and including dismissal.

# Cell Phone Usage

## Policy and Procedure Statement

The purpose of this policy is to outline the appropriate use of personal cell phones during the course of Foundation business. There is reference to provincial legislation. Foundations need to edit the text to refer to restrictions in their respective legislation. The text below was written for a Foundation in Alberta, and based on your location, this may need adjustments. As you're crafting the policy, answer the following question for each paragraph: Does this align with our culture and practices, and if not, what changes do we need to make?

This policy applies to all Foundation personnel and applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is Foundation-supplied or personally owned.

In compliance with (insert reference to your provincial Highway Traffic Act) the Foundation prohibits its employees from the following activities for business purposes related in any way to the organization, while driving.

- the use of hand-held cell phones, texting or e-mailing, using electronic devices like laptop computers, video games, cameras, video entertainment displays and programming portable audio players (e.g.: MP3 players), entering information on GPS units, reading printed materials in the vehicle, writing, printing or sketching, and, personal grooming (ensure that this text aligns with provincial regulations)

This prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to one's employment; the business; customers; vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Foundation; or any other Foundation related activities not named here while driving.

It is recognized that other distractions occur during driving, however the use of cell phones, while driving, is strictly prohibited by the Foundation. Therefore, employees are required to stop their vehicle in a safe location so that they can safely use a cell phone or similar device.

The Foundation is aware that employees utilize their personal cellular phones for business purposes. At the same time, cell phones are a distraction in the workplace. To ensure the effectiveness of meetings, and as a professional courtesy to others, employees are asked to leave cell phones at their desk. Or, on the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting on vibrate mode.



## Insurance for Employee or Volunteer Use of Own Auto

Most foundations are not in a position to own or lease vehicles, which means employees are using their own vehicles for foundation business. The purpose of this policy is to outline the employee's and the Foundation's insurance coverage when an employee uses their own vehicle for Foundation business. In this instance the Foundation's insurance coverage must include non-owned auto. The policy also applies to volunteers using their automobile on Foundation business. The Foundation's non-owned auto coverage limit needs to be substituted for the limits in the policy below. The Foundation also needs to get confirmation from their employee or volunteer that they are suitably insured.

### Policy and Procedure Statement

When an employee or volunteer is using a personal vehicle while on Foundation business, their personal auto insurance is the primary insurer. The Foundation's limit for non-owned automobiles is \$2 million. This is paid in excess of the underlying automobile insurance for the owner of said vehicle.

For example, if the employee has an underlying liability limit of \$1 million (as is typical) and uses a personal vehicle for Foundation purposes and a claim is substantiated in the amount of \$2.5 million, the owner's automobile policy would pick up the first \$1 million and the Foundation's insurance would pick up the additional \$1.5 million.

## Contact with media

Media relations are important for the Foundation as this gets your name out in the public consciousness and informs the community of your Foundation's impact, your programs, mission, and identity. Having a media relations policy helps to mitigate reputational risk.

The Foundation needs to determine who has the authority to speak on behalf of the Foundation to the media, under different scenarios. Amend the policy below to fit your Foundation's practice.

### Policy and Procedure Statement

The purpose of this policy is to outline the protocol for Foundation contact with the media and applies to all Foundation personnel.

The Chair of the Board of the Foundation is the official spokesperson on governance and policy issues. The ED/CEO and the Chair of the Board speak on major announcements. The ED/CEO is the spokesperson on operational issues. The ED/CEO is the media contact. Should other employees be contacted by the media for comment, they are to refer the media to the ED/CEO who will respond and/or refer appropriately.

## SECTION 4

# Compensation

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## Salaries, Wages & Benefits

An effective compensation policy defines how the Foundation views and manages employee pay and benefits. The policy should motivate current employees and attract new employees. The policy in this template can be used as the basis for your Foundation's compensation policy and can be amended accordingly by asking the following question after each section: does this segment align with our Foundation's standards and practices.

The Foundation is committed to a policy of salary administration which is internally and externally competitive and equitable and also recognizes and encourages individual performance. The purpose of the policy is to:

- Ensure the fair and equitable salary treatment of the Foundation employees
- Set salary levels which will enable the Foundation to recruit and retain qualified employees
- Provide guidelines for ongoing salary administration
- Promote individual performance
- Encourage innovation and creative solutions
- Fulfill the organizational mission, vision and promote strategic direction
- Produce job satisfaction

**Salary Schedule:** The salary schedule will be based on the established salary that will be reviewed annually by the ED/CEO.

**Full-Time & Part-Time Employees:** Salary, benefits and vacation will be confirmed at time of employment and reviewed annually.

**ED/CEO:** Salary, benefits and vacation will be as negotiated through an employment contract and reviewed annually.

Some Foundations provide additional benefits to their employees, such as group insurance, RRSPs or parking. Participating in existing group medical coverage is more cost effective. The local Chamber of Commerce has such coverage. Many provinces have similar group programs for non-profit organizations. Below are some sample clauses for benefits.

**Group Insurance Benefits:** note: if your foundation provides group insurance, enter the parameters into this paragraph, including who pays the premium and when the group insurance starts for new employees.

One component of the Group Insurance plan is an Employee Assistance Program which provides up to 12 hours of face to face counseling per year, per employee.

If the Foundation is still enrolled with the Chamber of Commerce Group Insurance Plan, upon retirement, executive staff, who have been enrolled in the plan for 2 years and who have been employed for 5 years, are eligible to enroll in the Health and Dental benefit program for retiring Chambers of Commerce Insurance Plan for owners and principals. The premiums for this plan are the responsibility of the retiring executive.

**RRSP:** Upon successful completion of the probationary period, full-time and part-time employees are entitled to receive a 4% contribution per pay period towards a self-directed RRSP. There is also an opportunity for employees to contribute to the same self-directed RRSP.

**Parking:** Upon successful completion of the probationary period, full-time employees are entitled to have their parking paid for by the Foundation. Part-time employees are entitled to receive \$40 per month towards parking or bus pass (upon submission of receipts).

## Vacation

Employees need a break from work every now and then in order to maintain their physical and mental health. A number of studies have shown that taking time away from the job can have physical and psychological health benefits. People who take vacation have lower stress, less risk of heart disease, a better outlook on life, and more motivation to achieve goals. Taking vacations also provides employees the opportunity to get more sleep, which leads to better brain function and improved performance upon their return.

Foundations have a couple of options with respect to developing a vacation policy: pay vacation pay, or provide vacation time. Below are policy statements reflecting both options. Foundations need to determine costs and benefits for each as they relate to their circumstances.

### Policy and Procedure Statement (paying vacation pay)

All employees at the Foundation will earn vacation pay on all wages earned from the first day of employment.

After being employed for twelve months, an employee will receive an annual vacation. After completing twelve months of employment, an employee will have earned ten working days of annual vacation.. This means that starting in the second year, an employee must take the vacation earned in the year before.

Employees shall be required to submit a completed “Leave Form” for vacation time. No vacation pay/time will be given in advance.

Vacation will be granted on a combination of seniority, availability, and job coverage.

Although every effort is made by the Foundation to satisfy an employee's choice of vacation time, legislation confirms the Foundation is able to request an employee to take time vacation when the Foundation so chooses.

**Full-time Employees** - The Foundation will provide vacation pay to employees. The Foundation will pay vacation at four percent for the first 4 years inclusive and this then becomes 6% to full-time employees in their fifth year. When vacation time is taken the accrued vacation dollars will be paid to the employee.

It is understood all employees are required to take a minimum two (2) weeks of vacation time each per year. Each employee will take scheduled vacation time off per the following:

- After completing one full year of service                      ten working days
- Five to ten years continuous service                              fifteen working days
- More than ten years of service                                      twenty working days

### **Policy and Procedure Statement (earning vacation days)**

**Full-time Employees** - The Foundation pays vacation time to full-time employees. Vacation should be taken in full during the employment year. Cash payments will not be made in lieu of vacation except upon termination of employment.

#### **Vacation Schedule**

- After completing one full year of service                      2 weeks
- 5 - 10 years continuous service                                      3 weeks (after completion of the 5th year)
- more than 10 years of service                                      4 weeks (after completion of the 10th year)

**Part-time Employees** - Part-time employees will accumulate one day per month in lieu of payment of 4% vacation pay. The day is equivalent to the normal number of hours regularly worked by the employee.

It is understood all part-time employees are required to take a minimum two (2) weeks of vacation time, either paid or unpaid, during the vacation period in accordance with the Employment Standards Act (ensure that this clause aligns with your provincial legislation).

If the accumulated vacation credit is not used by the employee's anniversary date, then it will be paid out to the employee.

# Professional Development

Employees are your Foundation's most important asset. Their training and development is something in which your Foundation should invest. By training employees and investing in their career development you can make them feel valued by the Foundation. Offering professional development training programs and opportunities allows employees to perform better and prepares them for positions of greater responsibility. But it can also help employers attract top job candidates, retain their best workers and identify future leaders.

## Policy and Procedure Statement

The Foundation values professional development for its employees and will budget annually for such opportunities.

From time to time employees will be requested to take up-grading courses or other courses related to their position. The Foundation shall pay flights and accommodations (if required), as well as tuition costs for these courses. The Foundation shall pay for a regular day of work only, travel time is not paid. Employees will be responsible for all meals and incidentals. All courses must have prior written approval from the ED/CEO.

# Leave of Absence

Leave of absence policies are meant to provide employees with work-life balance and, in certain circumstances, to give employees needed time away from work in urgent and compelling circumstances. Your provinces' Employment Standards Act prescribes specific instances when leave must be granted. Appendix A provides links to provincial ESAs.

## Policy and Procedure Statement

It is the policy of the Foundation to comply with the Employment Standards Code, and the Foundation reserves the right to change its policy without notice if there is a change in such law. Due to the complexities of family and medical leaves, it is important to contact the ED/CEO regarding specific leave requirement requests.

Requests for leave are accepted for the following periods of unpaid leave:

**Emergency Leave:** An employee may receive up to ten days of leave to attend to family emergencies. This leave will be unpaid, but will not affect seniority, benefits or the employee's position. This leave will comply with the Employment Standards Act. The ten days do not have to be taken consecutively. The employee must inform their employer as soon as possible if they will need to take any of these days off. The employer has the right to ask for proof of the emergency.

**Personal Leave:** A personal leave may be granted on a limited basis depending on business needs. This leave will be unpaid. This leave complies with the Employment Standards Code. If an intermittent or reduced leave is

requested on this basis, the Foundation may require the employee to temporarily transfer to an alternative position with equivalent pay and benefits which better accommodate the intermittent or leave schedule.

**Medical/Disability Leave:** An employee may be granted a medical leave because of a serious health condition or non-work-related injury due to an accident. This leave complies with the Employment Standards Code. As a condition of the employee returning from a leave because of the employee's own serious health condition, the Foundation may require medical certification from his/her health care provider that the employee is able to resume work. This leave may be paid or unpaid according to the short-term disability policy provisions for the Foundation.

**Pregnancy/Parental Leave:** As per the Employment Standards Code.

**Parental Leave for Birth and Adopting Parents:** As per the Employment Standards Code.

**Family Responsibility Leave:** As per the Employment Standards Code.

**Bereavement Leave:** As per the Employment Standards Code.

**Compassionate Care Leave:** As per the Employment Standards Code.

**Bereavement Leave:** As per the Employment Standards Code.

**Jury Duty:** As per the Employment Standards Code.

**Reservists' Leave:** As per the Employment Standards Code.

## Sick Leave

Sick days reduce turnover. Studies have shown that companies that offer paid sick leave see a reduction in employee turnover somewhere between 3.61% to 6.43%. Low turnover maintains consistent productivity, boosts employee engagement and morale, and builds a sense of unity between staff and managers. Foundations are encouraged to include this policy within their document as it provides clarity for handling employee absence due to illness. The following policy can form the basis of one developed for your Foundation.

### Policy and Procedure Statement

This policy applies to bona fide non-occupational illnesses and injuries. The accumulation of sick leave time allows continuation of full base pay plus benefits when an eligible employee is required to be absent from work because of non-occupational illnesses, injuries or medical conditions.

Sick leave is accrued based on a staff member's regularly scheduled hours of work. A full-time employee accrues sick leave at the rate of ten days each calendar year. A regular part time employee accrues sick leave on a pro-rata basis. Sick leave may not be carried over into a subsequent calendar year and it cannot be cashed out as it has no intrinsic cash value. Sick leave balances are not earned compensation nor are they payable at termination of employment. Sick leave is paid on a straight time basis not to exceed the scheduled

hours for the scheduled work hours missed.



Sick leave will not accrue for any period during which an employee is absent from work for more than ten workdays, except for absence due to holidays, vacation and personal days and approved Employment Standard Act leaves. When an eligible employee will be off on Sick leave, he/she must notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. Employees must notify their supervisor on each day of absence unless other arrangements have been made.

When an eligible salaried employee has been out on sick leave for more than three (3) consecutive scheduled work days, he/she is required to submit documentation from a health care provider to their supervisor certifying the medical necessity for the absence and expected date of return to work. Sick leave may be used for illness of the eligible employee or for illness of a member of his/her household (up to three (3) days per calendar year). Sick leave is provided for the reasons stated in this policy and may not be used for other purposes. Sick leave pay may not be advanced.

In cases of illness, which is expected to continue beyond sick leave accrual, the Short-Term Disability Benefit (if applicable) and/or Family or Personal Leave provisions of applicable provincial legislation will apply. Regular full-time employees earn sick leave from the first full payroll period worked. Paid sick leave may not be taken in advance of accrual. However, employees are allowed 10 'personal emergency leave' days under the Employment Standards Act. These may be taken at any time once an employee begins work (i.e. regardless of probationary period). However, they do not need to be paid.

Sick Leave must be recorded as such on payroll time sheets so that accurate records can be maintained. All information about an employee's medical condition is confidential and must be kept by the ED/CEO in a file separate from the employee's personnel file. When an employee is absent for medical reasons, the employee's regular personnel file will contain only the dates of the medical absence, not the medical reason(s) for the absence.

The Foundation reserves the right to have an employee visit an alternate physician, participate in an Independent Medical Examination (IME) or to make other appropriate investigations in cases of protracted illness or frequent absences.

## Time Off For Medical Appointments

Employees are requested to make appointments at times that will minimize time away from work. Conditions of taking time off will be at the discretion of the supervisor.



## SECTION 5

# Health and Safety

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## Health and Safety

Canadian health and safety legislation requires employers to have a health and safety program in their workplace. A written policy helps to promote an effective program. Such policy should reflect the special needs of the workplace and should be regularly reviewed and updated.

Foundations should refer to their provincial Occupational Health and Safety regulations when developing this policy, links to which can be found in Appendix A.

### Policy and Procedure Statement

The Foundation acknowledges it has a duty under the current Occupational Health & Safety Legislation (insert appropriate name of provincial legislation) and Federal Labour Standards to take all reasonable precautions to protect all persons working on site, (employee, volunteers, board members, donors) and all visitors.

Fire exits are located throughout the premises. For everyone's own safety, all persons should be familiar with the locations of these exits and the most efficient route to exit in case of fire.

The Foundation will maintain all Statutory Health and Safety practices and implement such others as are consistent with the needs and position as a charitable organization. All persons when on site are required to refrain from any activity which may jeopardize the health and safety of others.

### Employee, Volunteer and Contractors' Rights

There are three basic rights for employees, volunteers and contractors under the joint responsibility health and safety model:

- The right to know about workplace safety hazards,
- The right to refuse unsafe work if they have "reasonable cause to believe the work is dangerous",
- The right to participate in the occupational health and safety process.

### Employee, Volunteer and Contractors' Obligations

Maintaining a safe work environment requires the continuous cooperation of all employees, volunteers and contractors.

- They must recognize that it is their duty to comply with all Health and Safety rules, regulations and guidelines.

- They are required to refrain from any unsafe practices or hazardous actions and to exercise due care and diligence.
- Any unsafe conditions, materials or equipment and all accidents or injuries must be reported to the ED/CEO.

## Fitness for Duty

This policy refers to the use of drugs and alcohol while on duty. There may be instances where this is permitted. Given the legalization of cannabis, the clarity of this policy is critical. The policy below provides direction on when, and when not, such use is acceptable. Foundations need to reflect on each of the statements to ensure that they comply with their values, principles and practices that are acceptable in their community.

### Policy and Procedure Statement

All Foundation employees are required to:

- Come to work fit for duty
- Take reasonable care to protect the health and safety of themselves and others at all times
- Refrain from being impaired by alcohol, marijuana and any other drugs while on duty
- Notify their supervisor if they suspect that a co-worker is unfit for duty
- Consume intoxicants in a responsible manner at all times when at Foundation events and other functions where employees represent the Foundation.

The Foundation will help and encourage employees who recognize a problem by referring them to treatment facilities. Employees who would like additional information regarding this matter should contact the ED/CEO. All such inquiries will be treated with the utmost confidence.

#### Use of Illegal drugs:

- The use, sale, purchase or possession of illegal drugs while on the job or Foundation property is strictly prohibited.
- Employees may not report to work under the influence of illegal drugs.
- Employees are required to immediately notify the ED/CEO of any suspected instance of use, possession, or knowledge of someone under the influence of such substances on Foundation property.

In addition, any employees of the Foundation convicted of any drug-related crime must notify the ED/CEO within five days of any such conviction.

### **Use of Alcohol:**

The Foundation does not provide funds for the purchase of alcohol at Foundation sponsored activities. However, employees may consume alcohol if they so choose under the following guidelines:

- A. Employees are expected to make travel arrangements at functions where they are representing the Foundation and at which they are consuming alcohol, such as: assign a designated driver, take alternate transportation, arrange to stay in a hotel
- B. An employee may be asked to stop consuming alcohol if it is believed they are exhibiting inappropriate behaviour.

Any employee found to be in violation of the preceding paragraph will be subject to disciplinary action which may include termination of employment.

## SECTION 6

# Hiring

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## Hiring Process

Being open and clear with candidates helps to set proper expectations, avoid disappointments, and shape a positive candidate experience. By being transparent, your Foundation will not only have an easier time recruiting top talent, you will also have higher rates of retention because expectations have been clear from the beginning. Given that the Foundation benefits the community, it is important in the hiring practices, to ensure that the workplace reflects their community and to authentically grow a commitment to gender equity as an organization.

This policy provides guidelines that will help to mitigate risk in all aspects of the hiring process. Use this as a guideline when developing your Foundation's process and amend to fit your practices.

### Policy and Procedure Statement

The success of the Foundation in attempting to achieve its vision depends on having the right employees, properly trained and motivated, applying their skills and talents to all assigned responsibilities outlined in job descriptions.

The Foundation will follow consistent hiring guidelines in order to maximize the chances for success in fulfilling its mission by hiring the most qualified and competent applicants for all employment vacancies. The Foundation adheres to PIPEDA rules relating to employee information.

### Procedures:

1. To be eligible for employment with Foundation, applicants must:
  - meet the stated requirements for the position being sought,
  - be willing to work in accordance with the Foundation's vision, goals, objectives, policies and procedures, and
  - be legally entitled to work in Canada.
2. The Foundation is an equal opportunity employer and adheres to the (appropriate provincial Human Rights Act).
3. The recruitment, selection and hiring process will be fair and consistent.
4. Throughout the recruitment, selection and hiring process, applications and applicants' information will remain confidential.

# Recruitment

A good recruitment process is very important for your Foundation, but in more ways than you may think. The process itself speaks volumes about your company. It is a direct reflection of the validity and professionalism of your organization. Not only do your prospective employees as well as current employees use this as a standard of measure for your Foundation, your donors, customers and the community do as well. This policy provides guidelines that will help to mitigate risk in the recruitment process. The policy and procedures below outline a recommended practice. Amend to fit your Foundation's practices.

## Policy and Procedure Statement

The Foundation will endeavour to recruit the most competent individuals to fill all positions.

### Procedure:

1. Approval to recruit for vacant or newly created positions will be granted by the (insert appropriate level of authority for your Foundation).
2. Job advertisements shall include the following information:
  - Job Title
  - Essential requirements for education and experience
  - Knowledge and skills required
  - Salary range
  - Starting/ending date where applicable
  - Hours of work
  - Closing date of competition
  - Respondent

# Selection

Going through a systematic set of questions and even skills tests will determine if candidates are able to fulfill the job needs. This helps establish confidence in knowing that you have logically gone through a recruiting process and choose people based on defined metrics rather than gut feelings. When you do this, you increase your chances of having someone succeed in the job. If you don't need to constantly replace people, you will save time and money on the recruiting and training of new candidates. Understand that downtime could negatively affect your Foundation's revenues if you become short-staffed; keeping turnover low is important. There are costs and time spent putting out job ads, interviews and training new people. Taking the time to choose properly the first time helps mitigate this. Use this policy and procedures below as guidelines when developing your Foundation's selection process. Amend to fit your Foundation's practices.

## Policy and Procedure Statement

The Foundation will conduct a selection process that is fair and equitable.

### Procedures:

1. It is the responsibility of each applicant to demonstrate that he/she meets the requirements of the position.
2. For support employees positions the appropriate supervisor receives and reviews all applications; those that meet the requirements will be contacted for interviews. The supervisor will conduct interviews. There may be instances where a second individual participates in the interview. This individual will be determined by the supervisor in consultation with the ED/CEO.
3. In the event that a new ED/CEO must be hired, the applications will be received and reviewed by the **Board of Directors or the Board Hiring Committee**. For this position, the Board of Directors will choose a Hiring Committee that consists of a minimum of three persons. **(note: this clause should be discussed by the full board and amended accordingly)**.
4. A short list of applicants that meet the basic requirements will be invited to an interview.
5. Second interviews will be held when several candidates demonstrate equal abilities.
6. Once a final candidate has been determined a verbal offer of employment can be made, except if the position being filled is that of the ED/CEO, in which case the Board of Directors must give approval. Following receipt of approval to hire, a verbal offer can be made to the candidate. IT should be noted that a verbal offer is legally binding on the Foundation.

# Written Offer of Employment

A job offer letter allows the employer to itemize the facts about the offer, outline the job's responsibilities and highlight relevant details about the company. In the event that the candidate requests to negotiate issues like salary or vacation, the job offer letter serves as the critical reference point. A clearly written offer of employment is also a risk mitigant. The policy and procedures below outline a recommended practice. Amend to fit your Foundation's practices.

## Policy and Procedure Statement

All employees shall receive an employment package outlining the conditions of employment.

### Procedures:

1. Once a verbal offer has been made and a verbal offer of acceptance has been received, a written offer of employment is prepared that includes:
  - Position Title
  - Job Description
  - Salary & Benefits
  - Vacation Entitlement
  - Starting Date
  - Hours of work
  - Probationary period of \_\_\_\_months
  - Statement that candidate will uphold the bylaws of the foundation
  - Specific conditions that may apply
2. Two copies of the offer of employment will be made. The potential employee will be requested to sign one and will be given the other for their personal records.
3. Upon receipt of written acceptance from the applicant, the Foundation will respond in writing to all unsuccessful applicants who were interviewed.
4. The employment package will include a copy of the Human Resources Policy and Procedure Handbook, Code of Ethics and Confidentiality policies, travel expense claim and the appropriate overtime tracking document.

The employee will sign a confirmation that the employee has read and understood the employee package.

# Orientation

Orientation is important because it provides the new employee with concise and accurate information to make him/her more comfortable in the job, encourages employee confidence and helps the new employee adapt faster to the job, contributes to a more effective, productive workforce, improves employee retention; and promotes communication between the supervisor and the new employee. An effective orientation program is also a risk mitigant. The policy and procedure below is one example of a program. Amend to fit your Foundation's practices.

## Policy and Procedure Statement

The Foundation recognizes the importance of providing essential information to newly hired employees. All new employees will be provided with an orientation session during the first week of employment with the Foundation. Contract employees will be provided with the necessary information to carry out the responsibilities of their contract.

### Procedure:

1. The immediate supervisor will conduct the orientation, except if the new employee is the ED/CEO. In this situation the Chair of the Board of Directors or his/her designate will conduct the orientation.
2. Brief the new employee on the role, purpose, vision and mission of the Foundation. Provide the employee with copies of recent annual reports, newsletters and other supporting documents that help to define the mandate of the Foundation.
3. Review relevant policy and procedure manuals, including the Human Resource's Policies and Procedures. Have them sign that they have read and understood these policies.
4. Have the employee read and sign the Confidentiality Agreement, file the signed copy in the employees file. Give a duplicate copy of the agreement to the employee for their records.
5. Inform the new employee of expected responsibilities and review the job description.
6. Inform the new employee of the probationary performance evaluation.
7. Inform the employee about pay administration.
8. Answer any questions as required.



# Probationary Review

No matter how robust the recruitment process, it is all too easy to employ someone who underperforms or simply doesn't fit the organization. Having a probationary period gives you the opportunity to assess suitability for a role. You could find, a few weeks or months into the relationship, that the employee isn't able to deliver the performance or doesn't have the skills promised at interview, has poor attendance or timekeeping or just doesn't fit in terms of company culture or personality. Having a probationary period is also a risk mitigant. The policy and procedure below is one example of a program. Amend to fit your Foundations's practices.

## Policy and Procedure Statement

All employees have a six-month probationary period. A three-month evaluation of all new employees will be conducted followed by a probationary review that will be conducted at the end of the sixth month of employment.

### Procedure:

1. The employee's immediate supervisor will complete the probationary review and shall inform the employee in writing, not less than two weeks prior to the end of the probationary period, the date of the review.
2. If the ED/CEO is the new employee, an elected representative(s) from the Board of Directors will complete the review and shall inform the ED/CEO in writing, not less than two weeks prior to the end of the probationary period, the date of the review.
3. The immediate supervisor or Board of Directors shall complete the performance appraisal and inform the employee in writing of the successful completion of the probationary period. A copy of the performance appraisal and the letter are placed in the employees personnel file.
4. If it is not possible to determine if the employee is suitable for ongoing employment, the probationary period may be extended for up to six months. The employee shall be notified in writing that the probationary period has been extended for a specific time period.

# Performance Appraisals

An effective appraisal and performance management process can have a significant impact on an organization's culture, staff morale and employee engagement levels - all of which enhance the Foundation's brand and support the retention of key talent. There is a debate as to whether traditional appraisal systems are still effective for the needs of an evolving workforce. Organizations such as Deloitte have announced that they are moving towards more ongoing discussions and feedback with employees. Whether it's traditional six or twelve-month reviews and appraisals, or ongoing one-to-ones and performance catch ups, the important element is that there is a clear and consistent approach to performance management and reviews. The most significant benefit of the appraisal system is that it provides a document of employee performance over a specific period of time, which is a significant risk mitigant. The policy and procedure below is an example of a system conducted twice a year. Considering the Deloitte process is something which the Foundation should undertake.

Regardless of whichever process is used, it's critical that there is a formalized process with documentation in place. The policy below refers to a Performance Appraisal Form. There are many such forms being used across the CFC network. Check with your CFC colleagues or the national office for samples and amend to fit your appraisal process.

## Policy and Procedure Statement

All staff of the Foundation shall receive performance reviews after six months and one year. In the second year of employment, performance reviews for new employees will be conducted annually at the same time as other Foundation employees. The Chair of the Board of Directors evaluates the performance of the ED/CEO. Employees' immediate supervisor evaluates the performance of the employees whom they are supervising.

## Procedures:

1. Support employees will be notified in writing at least two weeks prior to the date of the performance review. A blank copy of the "Performance Appraisal" form, with the exception of the "Goals and Objectives" section, will be provided to the employee. Employees are asked to fill out the evaluation based on how they would appraise themselves. The evaluation form needs to be completed and returned to the Chief Executive Officer within one week.
2. The employee's supervisor will complete the "Performance Appraisal" form, with the exception of the "Goals and Objectives" section prior to meeting with the employee.
3. During the review, the supervisor and the employee will review the evaluation and an open discussion will be encouraged. At this time, the employee and their supervisor will discuss and develop the "Goals and Objectives" for the next year. This will be completed on the form provided.
4. When both parties feel confident about the outcomes of the review and the development of the goals and objectives, the "Performance Appraisal" form will be signed.
5. A copy of the appraisal will be placed in the employee's personnel file.

Pay increases may be considered after the probationary period of six months and thereafter on the one-year anniversary date and shall be at the discretion of management in accordance with annual and local inflation. Pay increases for performance may be considered annually on the one-year anniversary date thereafter.

Decisions with regard to rate increases are determined using the following criteria:

- Job and technical knowledge
- Problem solving and judgment
- Quality of work
- Quantity of work
- Teamwork and cooperation
- Communication, and,
- Self-management.

It is the expectation of the Foundation that wages shall not be discussed between employees.

## SECTION 7

# Problem Resolution

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## Progressive Discipline

Employee discipline is a necessary evil for most employers. It's never fun to do and can lead to unhappy employees. Moreover, there is always the risk that discipline will lead to discrimination or other work-related claims, whether merited or not. But the long-term consequences of neglecting employee discipline can soon outweigh the short-term discomfort of doing so. Although there is not a way to make employee discipline completely pain free, implementing a progressive discipline policy can help alleviate some of the discomfort.

A progressive discipline policy provides many benefits to employers and employees. Along with other benefits, the policy provides structure and predictability to the discipline process, sets a basic set of discipline standards for supervisors to follow, helps supervisors document disciplinary actions and can be instrumental in defeating discrimination, unemployment, and other work-related claims.

The policy below is a best practice and it is advisable that your Foundation check with legal counsel to ensure that risk is mitigated and that the process is fair and transparent.

### Policy and Procedure Statement

The Foundation will use progressive discipline for all employees whose performance requires improvement. The purpose of the process is to correct, not punish, those employees who have not followed Foundation guiding principles, policies and procedures. Consistent and fair procedures for progressive development give employees ample opportunity to improve.

### Definitions:

#### Progressive discipline:

- Emphasizes correction and establishes clear goals to help employees change from unsatisfactory performance to satisfactory performance.
- Focuses on the performance rather than the person.

## Procedures:

1. The employee's supervisor will implement progressive discipline when addressing performance issues.
2. If, through the application of progressive discipline, conduct or performance problems are unable to be resolved, the Foundation will institute a process, which will result in increasingly directive actions to correct the employee's performance. The employee's supervisor will follow a consistent procedure to:
  - Let employees know that continuing improper actions will lead to increasingly directive corrective actions, up to and including termination.
  - Provide a written report on all actions taken.
3. The steps in the effective disciplinary process are as follows:
  - Verbal warning (with written documentation)
  - Written Warning (and privately hold a second discussion with that employee regarding conduct)
  - 2nd written warning or suspension with or without pay (this may be purged from the employee's file if there is no recurrence over the next 24 months)
  - Termination

## Complaint and Anti-Harassment Policy

All employers are responsible for providing a workplace free from harassment. Employers are obligated to take appropriate action against any employee, volunteer or contractor who harasses someone. Otherwise, an employer can be held responsible for harassment committed by them. Adopting a harassment policy can foster an environment of respect for human rights and helps people in the organization understand their rights and responsibilities. Policies can protect an organization from discrimination complaints. The policy below, created by an Alberta-based foundation, is a template upon which your Foundation can base your policy. The Canadian Human Rights Commission also has anti-harassment policy templates, which can be found at [www.chrc-ccdp.gc.ca/en](http://www.chrc-ccdp.gc.ca/en). Appendix A includes links to provincial human rights legislation and regulations.

## Policy and Procedure Statement

The Foundation will ensure every employee, volunteer and contractor fair and equal treatment and consideration. According to the Alberta Human Rights Code, harassment is engaging in an abusive or vexatious course of comment or conduct that is known or ought reasonably to be known to be unwelcome. It is a form of discrimination and can include behaviour such as demands, threats, gestures, innuendo, unwelcome remarks, jokes, slurs, display of offensive material, physical or sexual assault or taunting about a person's body, clothing, habits, customs or mannerisms. Harassment can also include inappropriate or unwelcome comments

regarding a person's physical characteristics and/or mental health.



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The Foundation has a legal obligation to ensure the safety and well-being of all employees, volunteers and contractors therefore, depending on the nature and gravity of an incident, the Foundation reserves the right to conduct an investigation regardless of whether or not a formal complaint has been filed.

It is the responsibility of any employee, volunteer or contractor experiencing or aware of any type of harassment within the Foundation to report the situation to their supervisor. The supervisor is to confirm the employee, volunteer or contractor has taken steps to resolve per the following procedure.

## **Harassment and Discrimination Prevention**

The Foundation is committed to providing every employee, volunteer or contractor with a workplace free from harassment and discrimination, whether prohibited by human rights legislation or otherwise. The Foundation will not tolerate incidents of harassment or discrimination brought to its attention and will act swiftly to investigate and resolve all such matters.

The Foundation recognizes that employees, volunteers and contractors may also be subject to harassment and discrimination from others who conduct business with the Foundation. In these circumstances, because this policy is intended to apply in all cases of harassment and discrimination, the Foundation will assist and support the person affected by the harassment or discrimination.

The Foundation also recognizes that prohibited harassment and discrimination can occur at places other than the physical workplace. Employees, volunteers and contractors have the right to be free from harassment and discrimination in all locations where work is conducted on behalf of the Foundation, or where the individual is present at the location only by virtue of their work with the Foundation.

## **Definitions:**

**Discrimination:** Means any action, inaction or behaviour which negatively affects the status of an employee or anyone with whom he/she comes into contact at the Foundation. It is also the treatment of anyone unequally, on the basis of any prohibited ground under human rights legislation, such as sex, race, colour, creed, religion, national or ethnic origin, age, disability, family or marital status or sexual orientation.

**Workplace:** The workplace is not solely the office in which business of the Foundation is conducted. Any improper conduct occurring outside of the office but having repercussions in the work environment and adversely affecting employment, volunteer or contractor relationships may also be defined as workplace harassment.

**Verbal Harassment:** Foul or obscene language, derogatory racial comments, demeaning ethnic jokes or slurs, unwanted sexual comments, implied or expressed promises of reward for complying with, or threats or reprisal for not complying with, a sexually oriented request.

**Physical & Sexual Harassment:** These include practical jokes, pushing, shoving, aggressive behavior and the like. Acts of sexual harassment include any unwanted physical contact, unnecessary touching, or physical interference with work or movement.

**Visual Harassment:** These include obscene gestures, demeaning posters, cartoons, graffiti or drawings which are shown to an individual or group or displayed in plain view. Where these have a sexual orientation, this will constitute sexual harassment.

## Procedure:

Where, in the opinion of the employee, volunteer or contractor unfair treatment has been rendered or a problem arises, the following procedure shall be followed.

1. If possible, immediately tell the person whom you feel is harassing you that their conduct or behaviour is unwelcome and that you wish it to be stopped.
2. Make some notes about what happened (what was said or done), when it happened (date, time and place), who was involved and who may have witnessed the incident. You will want these details to refresh your memory and in case the problem is not corrected and you have to take the matter further.
3. If the harassing behaviour continues, or if you feel unable to approach the harasser directly about this problem, report the incident to the appropriate supervisor within seven (7) days of the incident. If the supervisor is the cause of the problem the situation should be discussed with the ED/CEO. If the ED/CEO is the cause of the problem the situation should be discussed with the Board Chair. The employee, volunteer or contractor has the choice of either discussing the problem (in the case of an informal concern) or submitting a formal or written concern.
4. In cases where the concern can be corrected in an informal manner, the supervisor (or Chair of the Board) may discuss the situation with everyone involved, develop an action plan, and check with the employee periodically to ensure the problem is being resolved.
5. In cases where the concern has been put in writing a full investigation will be carried out, every effort will be made to resolve the problem to the employee's satisfaction.
6. If the supervisor has been unable to resolve the situation within (10) working days, the supervisor shall take the matter to the ED/CEO. The ED/CEO shall attempt to resolve the issue within seven (7) working days. If the ED/CEO has been unable to resolve the situation, the matter will be taken to the Board Chair. The Chair of the Board, in consultation with two Board members, shall attempt to resolve the issue within seven (7) working days.
7. Should the matter remain unresolved after the above steps have been taken, the employee shall retain the right to refer the issue with the appropriate legal body without fear of recourse. The Foundation shall retain the right to dispute the complaint as it feels necessary.

## Right to Discipline

Nothing in this Policy shall be deemed to limit or in any other way affect the right of the Foundation to discipline employees for violations under this policy, or other breaches, whether or not the action was part of the violation under this Policy.

## Prevention of misapplication of the policy

Purposeful misapplication of the processes by anyone will lead to appropriate consequences, including some form of discipline as the misapplication of this policy is inappropriate behaviour. It is a misapplication of this policy to make a false report against another employee, volunteer or contractor. False, vexatious or malicious harassment complaints may result in disciplinary action, up to and including termination of employment or



relationship with Foundation.

## SECTION 8

# Change of Status

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## Resignation & Termination

Having clear processes for when employees leave your Foundation can mitigate legal risks and negative feelings.

### Policy and Procedure Statement

Employees are requested to provide written notice to their immediate supervisor of their intended resignation.

Employees giving notice or receiving notice of termination will receive a record of employment, together with all wages outstanding, including any vacation pay accrued.

All cases of employer termination shall comply with provincial/federal employment standards legislation.

## Issuing References

No opinions on an employee's competency or qualifications should come through a reference. Only standard issue HR information should be in the reference. True, the difficult burden of proving a former employee didn't get a new job because of your reference lies with the employee, but a disgruntled employee could still make you litigate or alternatively the new employer could sue if the old manager didn't mention something important. Having a neutral policy that applies to everyone means that your Board and lawyer sleep better at night.

### Policy and Procedure Statement

It is the policy of the Foundation to respect the confidentiality of employee records and therefore discretion and sensitivity are used when issuing references and employee verification.

### Procedure:

Letters of reference will be issued at the request of the employee and will include employee name, title, dates of employment, a brief overview of key tasks and accomplishments, and rate of pay (if requested by employee).

## APPENDIX A

# Legislation affecting relationship between employers and employees in Canada's provinces and territories

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## ALBERTA

### Employment Standards Code and Regulations

The Employment Standards Code establishes Alberta's minimum standards of employment in many areas including payment of wages, hours of work, overtime, vacation, and holidays, leaves and termination of employment. It establishes the processes by which an employee can seek recourse if the standards have not been met.

<https://www.alberta.ca/alberta-employment-standards-rules.aspx>

### Alberta Human Rights Act

The Alberta Human Rights Act prohibits discrimination in employment based on the grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation. Employers are expected to create an inclusive workplace that respects the dignity of every individual. Employees can also play an important role in creating an inclusive workplace by understanding their rights and responsibilities under the AHR Act.

[https://www.albertahumanrights.ab.ca/employment/employer\\_info/Pages/employer\\_rights\\_and\\_responsibilities.aspx](https://www.albertahumanrights.ab.ca/employment/employer_info/Pages/employer_rights_and_responsibilities.aspx)

Many of the human rights protected under the Canadian Human Rights Act are specific to First Nations. The Human Rights Handbook for First Nations was created specifically for people who work for First Nations governing bodies responsible for providing service to

First Nations communities.

[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## **Personal Information Protection Act**

This act is Alberta's private sector privacy law and includes rules for how organizations collect, use, and disclose personal employee information and limits how that information can be used.

<https://www.alberta.ca/personal-employee-information.aspx>

## **Labour Relations Code**

The Code outlines the rights and responsibilities of employers, trade unions and employees in labour relations. In Alberta, the Code guarantees that employees have the right to collective bargaining with employers.

The Code creates ways for employees to choose trade union representation.

<http://www.alrb.gov.ab.ca/guide/guide.pdf>

## **Workers Compensation Act**

The Workers' Compensation Act creates the Workers' Compensation Board (WCB) as a corporation and grants it authority to administer a system of workplace injury insurance for the workers and employers of the province of Alberta. WCB insurance coverage is mandatory for most employers and workers in Alberta. It is the only insurance that offers protection from lawsuit for all parties covered by WCB.

<https://www.wcb.ab.ca/>

# BRITISH COLUMBIA

## Employment Standards Act

B.C. has minimum standards for wages and working conditions for most workplaces in the province. The Employment Standards Act sets out rules on hours of work, time off, notice, severance pay and other topics.

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards>

## Human Rights Code

The Human Rights Code forbids discrimination in employment. Employers and others have a duty not to discriminate regarding employment. This includes a duty to take all reasonable steps to avoid a negative effect based on a personal characteristic. Many of the human rights protected under the Canadian Human Rights Act are specific to First Nations. The Human Rights Handbook for First Nations was created specifically for people who work for First Nations governing bodies responsible for providing service to First Nations communities.

[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Personal Information Protection Act

Under the act, individuals have the right to access their own personal information. The law also states the rules by which organizations can collect, use and disclose personal information from customers, clients and/or employees.

<https://www2.gov.bc.ca/gov/content/employment-business/business-managing-a-business/protect-personal-information>

## Accessibility Act

The Act had its first reading in May 2018. To gather feedback in preparation for the development of the law and its standards and policies, the government held a public engagement from September 16 to November 29, 2019, allowing citizens to provide feedback and ideas to help inform the legislation.

## Occupational Health and Safety Regulation

The Regulation contains legal requirements that must be met by all workplaces under the inspectional jurisdiction of WorkSafeBC and covers most workplaces in B.C. The purpose of the Regulation is to promote occupational health and safety and to protect workers and other persons present at workplaces from work-related risks to their health, safety, and well-being.

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/sustainable-ohs-regulation/ohs-regulation/part-03-rights-and-responsibilities#SectionNumber:3.2>

## Workers Compensation Act

The occupational health and safety provisions of the Act address matters such as the rights and responsibilities of workplace parties, joint committees and worker representatives, the right to refuse unsafe work, accident reporting, investigations, enforcement, offences, and administrative procedures. The Act is administered by WorkSafeBC.

<https://www.worksafebc.com/en/for-employers>

# MANITOBA

## Employment Standards Code

The Employment Standards Code provides employers and employees with information regarding minimum wage standards, protection for young workers, paying wages and more.

[https://www.gov.mb.ca/labour/standards/doc.quick\\_guide.factsheet.html](https://www.gov.mb.ca/labour/standards/doc.quick_guide.factsheet.html)

## Human Rights Code

The Human Rights Code is Manitoba's provincial human rights law. It protects individuals and groups in Manitoba from discrimination and is administered by the Manitoba Human Rights Commission.

<http://www.manitobahumanrights.ca/v1/education-resources/resources/reasonable-accommodation.html>

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[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Accessibility for Manitobans Act

The Act outlines a clear and proactive process to identify, remove and prevent barriers in key areas of daily living, including employment. The Accessibility Standard for Employment calls on all employers to have measures, policies and practices to provide reasonable accommodations for employees and applicants. Employers need to consider reasonable accommodation at various stages of employment as it applies to their organizations. This includes recruitment, offer of employment, on the job, return to work, and training.

<http://www.accessibilitymb.ca/business-and-non-profit-employment.html>

## Workplace Safety and Health Act

The Act and associated regulations are in place to protect the safety and health of workers in Manitoba. From policy to training to providing proper equipment, employers have a responsibility to do their best to keep workers safe on the job.

<https://www.safemanitoba.com/Roles/Pages/Employer.aspx>

## Workers Compensation Board

Workers compensation coverage is required for most businesses in Manitoba. If you are in a mandatory industry, everyone who works for your business is considered a worker and is entitled to WCB coverage regardless of: the number of hours they work or the structure of their pay. The main categories of workers that are not covered by traditional workers' compensation are: business owners, volunteers, independent contractors, federal employees, railroad employees, and longshoremen.

<https://www.wcb.mb.ca/workers-compensation-coverage>

# NEW BRUNSWICK

## Employment Standards Act

The Employment Standards Act sets minimum rights and responsibilities for all provincially regulated employers and employees in the province, governing such things as wages, vacation pay, public holiday pay and various leaves, among other things.

[https://www2.gnb.ca/content/gnb/en/departments/post-secondary\\_education\\_training\\_and\\_labour/People/content/EmploymentStandards.html](https://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/People/content/EmploymentStandards.html)

## Human Rights Act

The Act, which is often called the Human Rights Code, is a provincial law that prohibits discrimination and harassment based on 16 prohibited grounds of discrimination (with specific provisions for sexual harassment and reprisal) in specified activities that fall under provincial jurisdiction. It is the principal legal instrument through which equality rights are enforced in the province.

<https://www2.gnb.ca/content/gnb/en/departments/nbhrc/human-rights-act/summary.html>

Many of the human rights protected under the Canadian Human Rights Act are specific to First Nations. The Human Rights Handbook for First Nations was created specifically for people who work for First Nations governing bodies responsible for providing service to First Nations communities.

[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Occupational Health and Safety Act

The Act and corresponding regulations contain legal requirements that must be met by all New Brunswick workplaces ensuring employers take every reasonable precaution to ensure the health and safety of employees.

<https://www.worksafenb.ca/media/58747/ohs-by-numbers-les-chiffres-et-lois-sst.pdf>

## Workers Compensation Act

Under the WC Act, all employers with three or more workers at any time during the year must register for coverage with WorkSafeNB. These workers may be full-time, part-time, casual workers or non-registered contractors, subcontractors, or brokers. This is referred to as mandatory coverage.

<https://www.worksafenb.ca/media/59384/guidefornewbemployers.pdf>

# NEWFOUNDLAND AND LABRADOR

## Labour Standards Act

The Labour Standards Act requires all employers establish conditions of employment that meet at least the legislated minimum standards in areas such as hours of work, minimum wage, leave entitlements, termination of employment, paid public holidays, vacation, etc.

[https://www.gov.nl.ca/aesl/files/labour\\_relations\\_work.pdf](https://www.gov.nl.ca/aesl/files/labour_relations_work.pdf)

## Human Rights Act

The Act protects people from discrimination and harassment. The Human Rights Act recognizes the inherent dignity and worth of all people, that we all have equal rights and opportunities and should live free from discrimination and harassment.

Discrimination is treating someone unfairly because of their personal characteristics, such as their race, age, sex, or disability. These characteristics are also called prohibited grounds. Harassment is a form of discrimination. It happens when a person experiences unwanted and offensive comments and/or conduct because of their personal characteristics.

<https://thinkhumanrights.ca/>. Many of the human rights protected under the Canadian Human Rights Act are specific to First Nations. The Human Rights Handbook for First Nations was created specifically for people who work for First Nations governing bodies responsible for providing service to First Nations communities.

[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Workplace Health, Safety and Compensation Act

The Act imposes certain minimum conditions on all workplaces that ensures that workers are provided with an environment that neither impairs their health or imperils their safety. An employer shall ensure, where it is reasonably practicable, the health, safety and welfare of his or her workers. (g) shall cooperate with a person exercising a duty imposed by this Act or regulations.

Employers that do business and have employees in Newfoundland and Labrador must register with WorkplaceNL and pay assessments based on their workers' earnings.

<https://workplacenl.ca/employers/>

## Accessibility Act

The Government of Newfoundland and Labrador is committed to working with advocacy groups and community stakeholders to create new accessibility legislation. The purpose of this legislation is to prevent and remove barriers faced by persons with disabilities. The Disability Policy Office has partnered with the Public Engagement Division, as well as the Coalition of Persons with Disabilities (the coalition) and the Provincial Advisory Council for the Inclusion of Persons with Disabilities (the advisory council) to conduct public engagement process that will inform the proposed legislation.

<https://www.engagenl.ca/engagement-initiatives/accessibility-legislation>



# NOVA SCOTIA

## Labour Standards Code

The Labour Standards legislation sets out the minimum employment rules in Nova Scotia that employers and employees have to follow. It also sets out rules specific to the recruitment of workers and the hiring of foreign workers. Employees, employers, and recruiters have rights and responsibilities under these rules.

<https://novascotia.ca/lae/employmentrights/docs/labourstandardscodeguide.pdf>

## Human Rights Act

The Act prohibits actions that discriminate against people based on a protected characteristic (20 in total) in combination with a prohibited area, which includes employment.

<https://humanrights.novascotia.ca/know-your-rights/businesses-and-other-organizations>

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[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Occupational Health and Safety Act

Health and safety in the workplace are protected by Nova Scotia's Occupational Health and Safety Act and Regulations. The Department of Labour and Advanced Education is a key part of Nova Scotia's Workplace Safety and Insurance System. Their staff promote, coordinate, administer, and enforce occupational health and safety for you.

<http://www.worksafeforlife.ca/Home/Injury-Prevention/Employer-Checklists>

## Workers Compensation Act

Only businesses with 3 or more employees need to have Workers' Compensation. Coverage is optional for businesses with less than 3 employees. The Workers' Compensation Act (the "Act") provides the legal framework for the administration of the WCB's prevention, return to work, assessment, and compensation programs. WCB Overview. WCB Nova Scotia is the province's provider of workplace injury insurance. Pursuant to the Workers' Compensation Act, we provide workplace injury insurance to workers and employers in Nova Scotia.

<https://www.wcb.ns.ca/Workplace-Injury-Insurance/Do-I-Need-to-Register.aspx>

## Accessibility Act

Nova Scotia's Accessibility Act, also known as Bill 59, was passed in April 2017. The legislation aims to make Nova Scotia inclusive and barrier-free by 2030. The government is working with people with disabilities, and public and private sector organizations to create six standards, including one for employers, for an accessible Nova Scotia. These standards will be drafted in phases and will be available for public consultation before coming into force.

<https://siteimprove.com/en-ca/accessibility/nova-scotia-accessibility-act/#what-is-nova-scotias-accessibility-act?>



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# NORTHWEST TERRITORIES

## Employment Standards Act

The Act applies to most employees and employers that perform work in the Northwest Territories and sets out the minimum employment standards for the NWT.

<https://www.ece.gov.nt.ca/en/services/employment-standards>

## Human Rights Act

The NWT Human Rights Act protects the equal human rights of everyone in the NWT. It is against the law to

discriminate against anyone in any of the following areas: Northwest Territories or Nunavut, you must register with Employment including looking for work. The NWT Human Rights Act applies to businesses, industries, organizations, and government agencies which are regulated by the NWT.

<http://nwthumanrights.ca/your-rights/jurisdiction/>

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[http://nwthumanrights.ca/wp-content/uploads/2020/05/fn\\_handbook.pdf](http://nwthumanrights.ca/wp-content/uploads/2020/05/fn_handbook.pdf)

## Safety Act, Occupational Health and Safety Regulations

The Workplace Safety & Compensation Commission is the agency responsible for administering the Act and the Regulations for both NWT and Nunavut. No matter how small your business is or the type of work you do, you must provide and maintain a safe workplace. Developing an Occupational Health and Safety (OHS) Program builds a framework to manage health and safety as an integral part of your business. If you operate a business in the

the WSCC. Employers who fail to register within the ten days of operating or establishing a business are charged a penalty.

<https://www.wsc.nw.ca/employer-services>

# NUNAVUT

## Employment Standards Act

The Act sets out the general rights and responsibilities for both employers and employees.

<http://nu-lsco.ca/faq-s#:~:text=THE%20LABOUR%20STANDARDS%20ACT%20IS,FOR%20BOTH%20EMPLOYERS%20AND%20EMPLOYEES.>

## Human Rights Act

The Act protects the equality rights of Nunavummiut and safeguards an equal opportunity to enjoy a full and productive life free from discrimination and harassment.

<http://www.nhrt.ca/english/resources>

## Safety Act, Occupational Health and Safety Regulations

The Workplace Safety & Compensation Commission is the agency responsible for administering the Act and the Regulations for both NWT and Nunavut. No matter how small your business is or the type of work you do, you must provide and maintain a safe workplace. Developing an Occupational Health and Safety (OHS) Program builds a framework to manage health and safety as an integral part of your business. If you operate a business in the Northwest Territories or Nunavut, you must register with the WSCC. Employers who fail to register within the ten days of operating or establishing a business are charged a penalty.

<https://www.wsc.nt.ca/employer-services>

# ONTARIO

## Employment Standards Act

The Employment Standards Act, 2000 (ESA) provides the minimum standards for most employees working in Ontario. It sets out the rights and responsibilities of employees and employers in most Ontario workplaces.

<https://www.ontario.ca/document/your-guide-employment-standards-act>  
[-0](#)

## Accessibility for Ontarians with Disabilities Act

The Accessibility for Ontarians with Disabilities Act's purpose is to improve accessibility standards for Ontarians with physical and mental disabilities to all public establishments by 2025.

<https://www.aoda.ca/what-is-the-employment-standard/>

## Ontario Human Rights Code

The Ontario Human Rights Code gives everybody equal rights and opportunities without discrimination, harassment, and reprisal with respect to employment, trade, self-governing profession, services, goods, contracts and facilities.

<http://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures>

## Occupational Health & Safety Act

This Act sets out the rights and duties of all parties in the workplace. It establishes procedures for dealing with workplace hazards and it provides for enforcement of the law where compliance has not been achieved voluntarily by workplace parties.

<https://www.ontario.ca/document/guide-occupational-health-and-safety-act>

## Workplace Safety & Insurance Act

The Workplace Safety & Insurance Board is the provincial agency that provides support and insurance for workers injured on the job.

<https://www.wsib.ca/en>

# QUEBEC

## Labour Standards Act

The Labour Standards Act sets out the minimum working conditions in Québec.

[http://www.qappd.com/cms/images/cms\\_images/cnt\\_quebec\\_labour\\_standards.pdf](http://www.qappd.com/cms/images/cms_images/cnt_quebec_labour_standards.pdf)

<https://www.cnt.gouv.qc.ca/accueil/index.html>

## Occupational Health and Safety Act

This Act deals first and foremost with the prevention of work-related accidents and diseases. The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST or Labour Standards, Pay Equity and Workplace Health and Safety Board) is in charge, amongst other things, of applying the Act respecting labour standards and informing the public about workplace rules.

[https://www.csst.qc.ca/en/Pages/all\\_english\\_content.aspx](https://www.csst.qc.ca/en/Pages/all_english_content.aspx)

[https://www.csst.qc.ca/en/Pages/CSST\\_communications\\_french\\_only.aspx](https://www.csst.qc.ca/en/Pages/CSST_communications_french_only.aspx)

## Charter of Human Rights and Freedoms

The Charter is a fundamental law that takes precedence over all laws in Québec. Its main purpose is to foster harmonious interactions between people in Québec and between individuals and their institutions, including the Government. The Charter guarantees to each individual in Québec; fundamental rights and freedoms, right to equality (i.e. non-discrimination), political rights, judicial rights, economic and social rights.

<https://www.cdpcj.qc.ca/en/droits-de-la-personne/vos-droits-au-quebec/Pages/charte.aspx>

(Click on translate button located on top right of screen to get information in either English or French). Once on the site, click on 'right to equality' for more detailed information.

## Pay Equity Act

The goal of the Act is to correct salary differences due to gender discrimination. Companies with 10 employees or more must make sure there is pay equity between jobs done by women and comparable jobs done by men. The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST or Labour Standards, Pay Equity and Workplace Health and Safety Board) is in charge, amongst other things, of applying the Act respecting labour standards and informing the public about workplace rules.

[https://www.csst.qc.ca/en/Pages/all\\_english\\_content.aspx](https://www.csst.qc.ca/en/Pages/all_english_content.aspx)

[https://www.csst.qc.ca/en/Pages/CSST\\_communications\\_french\\_only.aspx](https://www.csst.qc.ca/en/Pages/CSST_communications_french_only.aspx)

## Protection of Personal Information in the Private Sector

The Act covers private sector employers and regulates the protection of personal information that an employer collects, holds, uses, or communicates to third persons while carrying on its business. The legislation is being amended at the writing of this document. Employers should consult with their lawyer as to the current legislation and regulations.

<http://legisquebec.gouv.qc.ca/en/showdoc/cs/P>

[-39.1](#)

<http://legisquebec.gouv.qc.ca/fr/ShowDoc/cs/P>

[-39.1](#)

## Voluntary Retirement Savings Plans

A VRSP is a retirement savings plan administered by a financial institution in which employees are automatically enrolled. Employees can opt out if they wish. The requirement to offer a VRSP applies where the employer has a group of employees who are ineligible to participate in a registered pension plan, group retirement savings plan or group tax-free savings account. A VRSP must be made available to these employees by: December 31 2016 if there are 20 or more employees; December 31 2017 if there are 10 to 19 employees; or December 31 2018 if there are five to nine employees. Employers with fewer than five employees are exempt from the requirement to offer a VRSP. Employers can, but are not required to, contribute to the VRSP.

## PRINCE EDWARD ISLAND

[https://yukonhumanrights.ca/contact\\_us.shtml](https://yukonhumanrights.ca/contact_us.shtml)

### Employment Standards Act, Youth Employment Act

These two Acts clarify the rights and obligations of employees and employers and set minimum standards to ensure individuals are treated fairly in the workplace.

<https://www.princeedwardisland.ca/sites/default/files/publications/web-guide-to-employment-standards-english-august-2019.pdf>

### Human Rights Act

The Act prohibits discrimination in areas such as employment and services on the basis of certain personal characteristics or grounds (sex, race, disability...).

Discrimination is the unequal, stereotypical, or prejudicial treatment of persons.

[http://www.gov.pe.ca/photos/sites/humanrights/file/Workplace%20Right\\_s-english-web.pdf](http://www.gov.pe.ca/photos/sites/humanrights/file/Workplace%20Right_s-english-web.pdf)

## YUKON

### Employment Standards

The Employment Standards Act sets the minimum standards for employment in Yukon. It sets out such things as minimum wage, hours of work, vacation pay, notice provisions and special leave. The Act applies to all employers and employees in Yukon, with some exceptions (note: community foundations are not excluded).

<https://yukon.ca/en/employment/find-out-about-employment-standards-act>

### Human Rights Act

Every individual is free and equal in dignity and rights. The Yukon Human Rights Commission (YHRC) promotes equality and diversity through research, education, and enforcement of the *Yukon Human Rights Act*. If you are an employer and would like information on accommodations or human rights policies contact the YHRC at:

## Occupational Health and Safety Act

The Act and its Regulations describe the minimum standard of occupational health and safety on PEI and the general safety principles for Island workplaces. The Workers Compensation Board of PEI is responsible for administering workplace safety legislation. All businesses must register, including both new and existing businesses, if they employ one or more workers on a regular, part-time, or contract basis. WCB coverage covers all of your workers, including temporary or part-time workers. It is important that employers register with WCB. If you do not, you may be charged penalties.

[http://www.wcb.pe.ca/DocumentManagement/Document/pub\\_informati onforemployers.pdf](http://www.wcb.pe.ca/DocumentManagement/Document/pub_informati onforemployers.pdf)

## Workers Compensation Act and Occupational Health and Safety Act

Workers' compensation is mandatory for all employers, even if the company only has one employee. Yukon Workers' Compensation Health and Safety Board is governed by two pieces of legislation, the Workers' Compensation Act and the Occupational Health and Safety Act. As an employer, you play an important role in preventing workplace accidents and injuries and promoting a safe and healthy workplace. Under Yukon's two Acts employers have a legal obligation to properly inform, instruct and supervise their employees and to do everything they reasonably can to protect them.

<https://www.cfib-fcei.ca/en/resources/occupational-health-and-safety-act-workplace-OHS-YK>