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N'Quatqua



TAB 3

CODE OF CONDUCT

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3.0 CODE OF ETHICS

This Code of Ethics is a Guide for Employees of the N'Quatqua First Nation. N'Quatqua tradition serves as a foundation for conduct and behavior on the same basis as Euro-Canadian custom is respected for non-aboriginal staff. The traditions of our staff from other First Nations will be accorded the same respect.

As an N'Quatqua First Nation Employee, you are expected to:

1. Carry out the duties of your position as outlined in your job description with honesty, integrity, loyalty and to the best of your abilities.
2. Respect the purpose of our services as a foundation for all members in the community in relation to their life goals, values, traditions and future as a Nation.
3. Respect the role and responsibility of Chief & Council as the primary decision-makers. Cooperate with them according to their needs related to membership development insofar as community goals indicate N'Quatqua administration involvement is required.
4. Respect each employee as a contributing member of the community to the health and welfare of the community environment and therefore to the overall health of the community.
5. Be on the job every day unless there is a valid reason for your absence, or, unless you are performing your duties in another community or field program.
6. Be courteous and prompt in the performance of your duties.
7. Promote safety in all aspects of work area health which includes air/water safety, fire, electrical safety, and promptly bring any hazardous situation to the immediate attention of the Administrator, and/or, take initiative in protecting the safety of the offices where deemed necessary and appropriate.
8. Ensure you have read all policies associated with the general services of the community, understand and obtained explanation where necessary and indicated support of these policies in the interest of enhancing community spirit and community bonds.

9. Make recommendations for changes in policies that are within your area of responsibility.
10. Ensure equipment, property and supplies are used for the intended purpose within the Administration authorized by the proper authority of N'Quatqua.
11. Use information acquired on the job for its intended purpose not for your own interest or of other persons unless you have consent of the Chief and Council in writing.
12. Remain at your place of employment at all times during working hours, except in cases of emergency, organized activities or personal reasons that the Administrator deems in need of your attention away from the office.
13. Disclose to Chief and Council any conflict of interest you may have in terms of official positions or office if:
 - a. it conflicts with your duties within the Administration.
 - b. it has the potential to or may bring discredit to the N'Quatqua.
 - c. it requires your unauthorized use of community facilities, property or information belonging to the N'Quatqua.
14. Give professional respect to your colleagues by:
 - a. conduct that strengthens and enhances membership respect and confidence for other employees in the Administration and for the role of service providers.
 - b. addressing any of your professional criticism of any colleague to him/her directly, orally and in writing before addressing other colleagues or the Administrator and Chief and Council.
 - c. protecting and enhancing professional efforts of the staff.
15. Take immediate and appropriate action when witnessing problems, follow established procedures in reporting according to the general Administration services flow of authority in the organization chart.

As an employee, you are entitled to:

1. Respect from all other employees, management personnel, committee members, parents, Chief and Councillors and members of the community-at-large.

2. A healthy and safe environment within the working facilities.
3. Sufficient resources to fulfill your obligations according to your professional ethics and code.
4. Equal protection, consideration and treatment by our Chief and Council, Administration & Community Services in your employment.
5. Security of your person while in our employ, in our facilities and your place of residence.
6. Every opportunity to improve, develop and initiate your professional development in a creative environment and/or in conjunction with other employees.

3.1 CONFIDENTIALITY OF INFORMATION

This Confidentiality of Information Policy serves four main purposes:

- a) To create a structure or precautions which have been taken, or will be taken, to protect information.
- b) To alert a new employee to the problem.
- c) To set limits for all employees on the disclosure of confidential information.
- d) To define procedures and state the consequences of failure to adhere to them.

3.1.1 Confidentiality of Information Policy

1. It is the responsibility of all employees to safeguard sensitive information. The nature of our business and the well being of the N'Quatqua people are dependent upon protecting and maintaining confidential information.
 2. Employees include Chief and Council, staff of the Administration, contractors, consultants, committees, and any member carrying out business on behalf of the N'Quatqua.
 3. All N'Quatqua employees are subject to this Policy and as a condition of continued employment must sign the attached declaration. Employees who fail to comply with this policy are subject to disciplinary action.
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4. Each supervisor/manager bears the responsibility for the orientation and training of his/her employees to ensure enforcement of this policy.
5. Sensitive information includes, but is not limited to:
 - Mail/E-Mail
 - Envelopes marked Personal and/or Confidential is to be left sealed for the person to which it is addressed
 - Strategies
 - Committee work
 - Business plans
 - Resolutions
 - Legal
 - Political
 - Financial
 - Negotiations
 - Treaties
 - Contracts
 - Agreements
 - Leases
 - Financial
 - Contracts
 - Salaries
 - Accounts
 - Personnel/Community members
 - Personal information
 - Applications
 - Client information and participation in program/services
 - Elders stories/legends
 - Traditional and un-copyrighted material

3.1.2 Procedures for Handling Confidential Information

1. Before employment with the N'Quatqua First Nation, employees must read, sign and date a written declaration (see attached declaration) undertaking not to disclose confidential information during their employment with the N'Quatqua or subsequently. To enforce these confidentiality requirements against employees or third parties who obtain protected information wrongfully, managers and supervisors of employees must have a system, which is reasonably communicated and enforced.

2. All information shall be appropriately marked or verbally identified to each employee. When information is transferred from one employee to another, the transferor must do the following:
 - a) Determine that the transfer of information is necessary.
 - b) Determine that the transferee has a need to know the information and the necessary clearance.
 - c) Ensure that all cover sheets or markings that identify the information as confidential are conspicuous.
 - d) Give the information directly to the transferee and verbally identify the confidential information as such; do not give it to an employee such as a secretary or office colleague who may not be pre-cleared to receive the information, and do not leave it unattended on the transferee's desk

 3. Once the Band Administrator or Chief and Council determine the level of security required for confidential information, the following techniques will be used to protect the information.
 - a) Secure areas of the building - Only persons with a pre-determined need to know and a pre-arranged clearance are allowed within the secured area. This area will have special access requirements such as locks or perhaps an alarm system. These persons will be identified to all employees as the authorized personnel who have access to confidential information in the secured areas.
 - b) Classified documentation system - Documents are assigned a classification depending on their sensitivity. Stamp documents with a classification such as "Strictly confidential" or "Private." The importance of this is to notify anyone who handles these documents that they must be protected. Such notice is essential to enforce the protection of the information.
 - c) Sign-out of Classified Documents - Only authorized personnel with pre-arranged clearance can sign-out classified documents. These personnel will keep a record of all classified information that is signed out, including the:
 - name of the employee to which the information was signed out,
 - date,
 - required date of return,
 - Signatures of both the authorized personnel and the employee to which the information was assigned.
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- Computer access codes - this allows only those with a need-to-know to have access to computer information.
- d) Visitor registration - All visitors must be signed in and accompanied by an employee while on the premises where confidential information is stored.

3.1.3 CONFIDENTIALITY OF INFORMATION DECLARATION

As an employee of the N'Quatqua, I have read and understand the Confidentiality of Information Policy, and I have been forewarned of the ethical and moral integrity expected of me to safeguard confidential information.

Accordingly, I understand that I will be exposed to information and materials which are confidential and of vital importance to the well-being of the N'Quatqua people. I will not at any time disclose or use, either during or subsequent to my employment, any information, knowledge or data which I receive or develop during my employment which is considered confidential. Such information, knowledge or data includes the following, which is by example only: business plans and strategies, negotiations, contracts, financial information, personal information on N'Quatqua people, salary information, and un-copyrighted material.

I further agree that upon termination of my employment with the N'Quatqua, I shall promptly return any and all documents containing the information, knowledge, or data, which includes, but is not limited to all categories of information detailed in the Confidentiality of Information Policy.

I understand that if I violate this policy, I am subject to disciplinary action, this could include immediate dismissal. Further, I understand that if I violate this policy and the Chief and Council deems that irreparable harm is the result of my actions, I am subject to two other possible consequences:

- 1) I will be required to atone for my actions as determined by N'Quatqua cultural values; or
- 2) I may be the subject of legal action according to Canadian legal standards.

Signed this _____ day of _____ (month), _____ (year).

Name of Employee

Signature of Employee

Administrator

3.2 CONFLICT OF INTEREST

Conflict of Interest (an act that goes against the N'Quatqua's interests) occurs when a person(s) hired by the N'Quatqua, or carrying out business on behalf of the N'Quatqua, engages in activity that is in direct conflict with the stated goals, cultural values, traditions, and spiritual beliefs of the N'Quatqua. It is also any activity that conflicts with the N'Quatqua's commitment to strengthen and revive our beliefs in our Elders' teachings regarding our language, history, stories, and all that relates to our identity.

Conflict of Interest policy is necessary to ensure good business ethics. The Council Authority of N'Quatqua is protecting its interests by advising prospective employees of its stated goals, its policies and procedures and by forewarning employees of the ethical and moral integrity expected of them.

Employees include Chief and Council, administration, staff, contractors, consultants, committees, and any member carrying out business on behalf of the N'Quatqua. A prospective employee's potential for conflict of interest will be reviewed before employment, and/or periodically during employment.

All N'Quatqua employees are subject to this Conflict of Interest Policy and as a condition of continued employment must sign the attached declaration. Employees who fail to comply with this policy are subject to disciplinary action.

3.2.1 Conflict Of Interest Policy

Conflict of interest policy includes, but is not limited to the following:

1. Outside business involvement which interferes with the employee's ability to devote full time and attention to his/her responsibilities.
2. The giving or receipt by an employee of gifts, money, or other items of value by customers, suppliers, competitors, or N'Quatqua members in exchange for services, or for consideration of or gaining priority over other members for services.
3. An employee's involvement in an outside business interest which competes with the activities of the N'Quatqua.
4. The employee's outside business operates in such a manner as to reflect adversely on the N'Quatqua.

5. The employee has an ownership interest in a competing business which is using confidential information obtained from the N'Quatqua.
6. Any activity that involves the exploitation of other employees or members in the community for personal gain.
7. Any unauthorized use of facilities, property, or information belonging to the N'Quatqua.
8. The use of N'Quatqua assets for collateral in any personal loan.
9. The acquisition of assets, leases, agreements, or credit for personal use by using the N'Quatqua's name or good credit rating.

Other types of conflict of interest include any activity that conflicts with the stated goals of the N'Quatqua as outlined under the following major program areas:

- Resource: Environment/Conservation
Forestry; Fishing; Tourism;
- Corporate: Environment
B.C. Hydro; B.C. Rail; Government of British Columbia; Government of Canada; Tourism;
- Community Assets/Interests
Housing - Establishing a waiting list/Who gets the home; Education; Social Services – Priorities for Special Needs Funding;

3.2.2 CONFLICT OF INTEREST DECLARATION

As an employee of the N'Quatqua First Nation's Council, I have read and understand the N'Quatqua's Conflict of Interest Policy, including N'Quatqua's stated goals, other policies and procedures, and I have been advised of the ethical and moral integrity expected of me.

Accordingly, I shall not maintain an outside business or financial interest, or engage in any outside business or financial activity, whether as an officer, director, shareholder, partner or otherwise, which conflicts with the interests of the N'Quatqua, or which interferes with my ability to fully perform job responsibilities.

I do not have any proprietary or financial interest in any business that furnishes products, materials, or services to the N'Quatqua or in any related transaction.

I shall not benefit directly or indirectly from a third party who furnishes products, services, or materials to the N'Quatqua.

I have disclosed any financial or other interests held by me or by my immediate family members in such companies so that it can be determined whether a conflict exists. Members of my immediate family includes my spouse (including common-law), children (including adopted children), and any other relative sharing the same home as me.

I understand that if I violate this policy, I am subject to disciplinary action, which could result in immediate dismissal. Further, I understand that if I violate this policy and the N'Quatqua deems that irreparable harm is the result of my actions, I am subject to two other possible consequences:

- 1) I will be required to atone for my actions as determined by N'Quatqua cultural values; or
- 2) I may be subject to legal action according to Canadian legal standards.

Signed by me this _____ day of _____ (month), _____ (year).

Name of Employee

Signature of Employee

Administrator

3.3 DISCLOSURE OF INFORMATION

The N'Quatqua First Nation is committed to governing itself in a manner which respects the confidentiality of information as required to protect the interests of the N'Quatqua. At the same time, Chief and Council wish to maintain a principle of openness with respect to disclosing information to the N'Quatqua which is not deemed confidential as identified in the Confidentiality of Information Policy.

3.3.1 Disclosure of Information Principles & Policy

This section outlines the disclosure of information principles and policy expected of N'Quatqua Employees.

Disclosure of information is based on the following principles:

- a) To maintain openness and honesty in the governance of N'Quatqua programs and services.
- b) For decisions which require the consent of the N'Quatqua membership, to ensure the membership has all information required to make an informed decision.

N'Quatqua Policies and Procedures are available to any member of the N'Quatqua for viewing at the office. Copies are available upon request.

Other information such as program plans, goals and objectives will require time to retrieve in some cases.

The Administration will accommodate your requests as quickly as possible.

The following lists are types of information that you may request from the Administration at any time during regular working hours.

Policies and Procedures:

- Code of Ethics
- Confidentiality of Information Policy and Procedures
- Conflict of Interest Policy
- Daily Operation of the Office
- Decision-making: N'Quatqua First Nation
- Dispute Resolution Policy
- Employment Policy

- Financial Policy and Procedures
- Hiring Procedures
- Leaves of Absence
- Nepotism
- N’Quatqua Management Organizational Structure: Programs and Services to the N’Quatqua Membership
- N’Quatqua Administration: Program Services and Delivery
- Prevention of Child Abuse Policy and Procedures
- Special Needs Policy

Plans, Priorities, Goals and Objectives for:

- Capital Projects
- Community Health
- Education
- Employment Development
- Housing
- Land Use
- Social Development
- Treaty updates

3.4 NEPOTISM POLICY

The purpose of this policy is to ensure that nepotism is avoided in the workplace at N’Quatqua First Nation. We recognize that as a First Nation community, there are often many individuals who are related to one another through marriage or blood relations. However, by adhering to the nepotism policy, any conflicts of interest can be avoided.

3.4.1 Employment of Spouse

It is the policy of the N’Quatqua First Nation not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants on the basis of marital status. No employee, prospective employee or applicant will be denied employment or benefits of employment solely on the basis of marital status. This policy also applies to the selection of persons for a training program leading to employment or promotion.

Notwithstanding the above provision, the N’Quatqua First Nation retains the right:

1. To refuse to place one spouse under the direct supervision of the other spouse where such has the potential for creating an adverse effect on supervision, safety,

security or morale.

2. To refuse to place both spouses in the same department, division, or facility where such has the potential for creating an adverse effect on supervision, safety, security or morale, or involves potential conflicts of interest.

3.4.2 Employment of Other Relatives

Generally, employee's relatives will be eligible for employment with the N'Quatqua First Nation as long as no conflicts in supervision, safety, security, or morale, or potential conflicts of interest exist. Relatives include an employee's parent, child, spouse, brother, sister, in-laws, step-relationships, and adopted children.

3.4.3 Procedure for Resolving Potential Conflicts Arising From the Employment of an Employee's Spouse or Relative

1. If two employees marry or become related, and a conflict arises, only one of the employees will be permitted to stay in the employ of the N'Quatqua First Nation unless reasonable accommodations can be made to eliminate the potential conflict.
2. The decision as to which relative will remain in the employ of the N'Quatqua must be made by either of the two employees within 14 calendar days, or by the Chief and Council on the basis of service value.

3.4.4 Chief & Council Relations

In the event that a member of the Chief and Council is related to the employees under evaluation for a potential conflict, then that member of the Chief and Council must remove himself/herself from the decision to determine the outcome of the evaluation.

The remaining members of the Chief and Council will select a neutral third party to replace the Council member removed from the decision-making process.

3.5 DISPUTE RESOLUTION POLICY

The N'Quatqua Chief and Council are committed to the principle of equality in the treatment of the N'Quatqua membership and in the delivery of programs and services to the N'Quatqua people. The Dispute Resolution policy is available to all members of the N'Quatqua First

4. The Chief and Council will consider all written submissions and other relevant material and information in the course of investigating the dispute.
5. All parties named in a dispute have the right to hear the grievance that is brought against them, and the right to hear who has made the grievance.
6. All parties named in a dispute have the opportunity to respond to the grievance brought against them.
7. The Chief and Council will set a time and place to resolve the dispute, which is mutually agreeable to the parties of the dispute and to the Chief and Council.
8. Upon resolving the dispute, the Chief and Council will provide a written decision to all parties of the dispute. The written decision will review the evidence upon which the decision was made and will state the reasons for the decision.
9. The decision will be made and signed by the Chief and Council.
10. The decision of the Chief and Council will normally be binding on the parties.