



# PERSONNEL POLICY

## N'QUATQUA

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Endorsed by Chief & Council (In Principle)  
July 26<sup>th</sup>, 2018 at a duly convened meeting

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## 1. INTRODUCTION

The purpose of the Personnel Policy is to promote a clear understanding of the workplace for the N'Quatqua Staff.

Personnel policies are finalized by Chief & Council including changers, amendments, and additions.

These policies are based on the original policies including revisions from November 2006, and minor revisions of January 2007, which focused on ensuring consistency with the Canada and BC Labour Codes. Where a disagreement arises between these policies and the applicable Labour Code, the Labour Code shall be taken to be correct.

## 2. BRANCHES OF GOVERNMENT

N'Quatqua Government is divided into six branches. All employment positions fit within one branch only.

These branches are not silos. All staff are expected to work in close coordination and consultation with all other staff. **This is an automatic inclusion to all job descriptions.** Only by working together can true self-reliance and self-government be achieved.

- Executive
  - Responsible for strategic direction, overall management of the organization, ensuring implementation of policy, taking and recording minutes and Band Council Resolutions, interfacing between Political Leadership and Administration.
- Health and Wellness
  - Responsible for charting the course to a future which is happier, with more personal and community wellness. Oversees direct delivery of health, medical, and counseling services. Oversees social assistance, Elders, and others unable to care for themselves.
- Finance
  - Responsible for ensuring N'Quatqua achieves and maintain certification by the First Nations Financial Management Board. Oversees housing rent collection, housing maintenance, new housing construction, and dealing with arrears situations. Controls all accounts payable and all accounts receivable. Maintains ledgers, reports on income and expenditures to all components of the government. Leads development of new policy. Directs economic development initiatives and pursuit of new funding sources. Assists all branches of government in achieving and maintaining up-to-date and accurate financial records.
- Education, Training and Youth
  - The Education/Training department works in cooperation with other staff members working in education to promote productive working relationships in the delivery of education and training services. The department will network and liaise with educators, students, parents and community members

- N'Quatqua Child & Family Development Centre
  - Works with the youngest members of N'Quatqua. Provides a safe place for young children, to learn, grown, eat, and become self-aware and self-reliant.
- Economic Development
  - The Economic Development department within N'Quatqua is responsible for facilitating and promoting community economic development, in order to increase local employment through the growth and development of business.
- Lands and Resources
  - The direct connection to the land. Oversees, the fish, animals, forests, water, agriculture, energy, and mining from N'Quatqua's traditional territory.

## 2.1 BRANCHES OF GOVERNMENT

This section is meant as a guideline, but it is expected that it will be adhered to in all everyday situations.

Chief and Council, the leadership, provide mainly strategic decisions on questions of long-term importance. They provide the vision, the example, and the voice of the people to the government.

The Administrator, with the Executive Assistance, as the executive, provide the primary information link between leadership and government. The Chief and Council re the voice of the people; the Administrator is the voice of the government. He or she takes the strategic direction provided by the Chief and Council, and works on strategic implementation, using staff as needed and appropriate. He or she also filters the information from the government to Chief and Council.

The five Directorates: Land & Operations, NCFDC, Health & Wellness, Finance, and Education, provide detailed implementation plans, write and update policy, and also get involved in everyday affairs.

The Managers and Professionals are where a large portion of on-the-ground work takes place. Most will have a significant amount of independent decision-making authority, as described by their job descriptions.

Both levels of front-line workers generally have low levels of decision-making authority, but these staff provide the services that everyday are used by the members of N'Quatqua. The front-line workers of today are the Directors of tomorrow, and every opportunity will be made to assist them in achieving their personal objectives.

## 3. HIRING

This policy applies to all employment positions with N'Quatqua including but not limited to: administration, finance, programs(s), projects; and part-time positions.

1. All open positions will be posted internally only for 5 days. Following the 5-days, if needed, the open position will then be posted externally for 2-weeks.
2. Unless a position is only being offered to N'Quatqua members, all positions should be posted at the Band Office, plus if possible in a monthly newsletter, a local newspaper, other

government offices, and occasionally internet search engines. All postings shall outline the description of the job; the qualifications required; and the type of employment (i.e. permanent/part-time); request for resumes/applications, whether a criminal record check is required, and deadline for applications. The notice must indicate to whom and where the applications should be submitted.

3. Whenever suitable skills are anticipated to exist amongst N'Quatqua members, all positing's should have an initial N'Quatqua-only round.
4. All applications shall be considered by a hiring committee with fairness, and each applicant shall have an opportunity to present his/her credential for employment. The Hiring Committees shall have at least three (3) members. The members of the hiring committee will change for each position interviewed (full-time/part-time/temporary/contract) but should include the following:
  - Direct Supervisor (Band Administrator and/or departmental Manager)
  - At least one Council member
  - Department Representative(s) from any Departments that will work closely with the incumbent
  - An Elder and Youth
5. In the Social Services and Education Departments, it is especially critical to protect the health and welfare of children in the community. In these positions, greater care shall be taken in establishing who may work with children in any aspect of N'Quatqua program and project work designed for the youth and children in our community. Criminal record checks are mandatory. For these positions, all applicants must agree and authorize the hiring committee to carry out a thorough and in-depth back ground check to their satisfaction.
6. Any conflict of interest (real or perceived) must be disclosed to the hiring committee. Conflict of interest includes:
  - Financial interests
  - Family
  - Personal animosity or conflict
  - Private knowledge of the individual

(see conflict of interest policy in Tab 3 for full information).
7. The hiring committee must review all of the submitted applications prior to interviews or within one (1) week of the end of the postings.
8. The hiring committee meetings are private and confidential and no member other than the hiring committee can be present during the review process.
9. Any applicant has a right to be informed of Committee members who are reviewing applications in order to disclose a conflict. In the event of a conflict, the hiring committee shall have the option of appointing a temporary member for that particular interview.
10. The decision of the hiring committee is final. A Letter of Offer is to be issued within one week of the decision date and must be signed by the new hire prior to commencement of employment. The Letter of Offer will include the following details:
  - Signature line indicating the incumbent has read and understand N'Quatqua Policy and Procedures
  - Wage and hours

- Start Date
- Name of Immediate supervisor
- Probationary Period
- Pension and Vacation Eligibility
- Requirement for Drivers Abstract, if applicable
- An agreement by the employee to be bound by N'Quatqua's Policies & Procedures.
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### 3.1.1 PROBATIONARY PERIOD

1. All new employees will begin their employment with a 3-month probationary period during which time the employee and employer may assess suitability to the work, the work conditions and the environment.
2. The employer may terminate this position with 1 days' notice, with or without cause, during this probationary period if this is deemed necessary by the Administrator and/or Chief and Council.
3. One (1) week prior to the expiry of the Probationary Period, the Administrator and/or Chief and Council will provide an evaluation to either terminate the employment relationship at that point or make an offer for continued employment, or extend the probationary period.
4. The employee will advise the Administrator and/or Supervisor of his/her decision as to accept continuing long-term employment should it be offered at that time.

### 3.2 STAFF RECORDS

Every employee file shall contain the following:

- Letter of offer / employment contract
- Personal contact information
- Banking information (direct deposit)
- Social Insurance Number
- Job description
- Application or cover letter and resume
- Signed acknowledgement of employee handbook and code of conduct
- Performance evaluation
- Copy of T4

And where applicable to specific roles/staff:

- Copy of Driver's License
- Background checks
- Complete tax forms
- Benefits application
- Discipline letters
- Medical notes
- Mandatory or agreed on deductions
- Status cards
- WCB forms and claims

### 3.3 HIRING CONTRACTORS

This policy pertains to the hiring of Contractors and Consultants.

1. All contracted positions shall be posted in the same manner as hiring of staff.
2. All contractors and consultants must state clearly if there is any conflict-of-interest or potential conflict-of-interest.
3. References must be made available.
4. The contractor or consultant must agree to respect N'Quatqua traditions and reputation.
5. The contractor or consultant must agree to terms of a standard contract.
6. If monies are owed to the N'Quatqua Band by the contractor or consultant, a repayment agreement will be offered for signature and the agreed upon amount will be deducted from the contract fee.

### 4. HOURS OF WORK

#### 4.1 CALENDAR YEAR

The standard number of working days will be 5 days per week. Mondays to Fridays throughout the year; except Statutory Holidays and Additional Leave according to the policy.

#### 4.2 WORKDAY

Hours for the Band Office are 9:00am – 4:30pm Mondays – Fridays.

Hours for the N'Quatqua Child & Family Development Centre and the N'Quatqua Central Service Station are variable depending on service needs and are under control of their respective managers.

Exceptions are employees who have requested pre-approved overtime or have alternatives hours stated in their contracts.

#### 4.3 ATTENDANCE

Leaving Work Early: Any staff member wishing to leave work early must have a valid explanation and the Administrators approval.

Late or Absences: Any staff member who will be late to work or absent is required to call their manager immediately to inform them of the lateness or absence. Chronic or consistent unexcused late arrivals or absences may result in further discussion, investigation or discipline.

#### 4.4 COFFEE BREAKS

All employees are entitled to one morning and one afternoon 15-minute paid coffee break.

#### 4.5 LUNCH

Employees will receive a 60-minute lunch break, of which 30 minutes are unpaid. Lunch is typically taken between 12pm-1pm.

#### 4.6 OFFICE CLOSURES

In the interest of health and safety, the office must be closed during the following conditions:

- Electrical services are interrupted for longer than one hour;
- An epidemic of serious communicable disease(s)
- Any serious danger to health exists.

In respect of N'Quatqua tradition, employees will be permitted to attend a funeral or service of a community member. Employee not attending will be expected to be at work.

The office may also be closed for special circumstances or in recognition of important ceremonial occasion(s) as deemed necessary by the Chief and Council.

All N'Quatqua offices will be closed for one (1) week during the Christmas Season. Typically, this will be from the Monday preceding Christmas Eve to the end of Boxing Day; but may alternatively be the week between Christmas and New Year's. Outside of the statutory paid holidays, staff will use vacation for the other days.

## 5. STATUTORY HOLIDAYS

All staff are paid the average of the number of hours worked per day for the previous three 5-day weeks. For example, if an employee worked a cumulative total of 63 hours during the 1 calendar days before a statutory holiday, that employee would be paid  $63/15 = 4.2$  hours on that holiday.

If the Statutory Holiday falls on a Saturday or Sunday that is a non-working day for an employee, the employee is entitled to a holiday with pay on the working day immediately preceding or following the Statutory Holiday. Employees must have worked fifteen (15) of the preceding thirty (30) days in order to qualify for the statutory holidays. Statutory Holidays Recognized by N'Quatqua are:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| 1. New Year's Day, January 1      | 8. Canada Day (July 1)            |
| 2. Family Day, February 19        | 9. BC Day (August)                |
| 3. Good Friday (March or April)   | 10. Labour Day (September)        |
| 4. Easter Monday (March or April) | 11. Thanksgiving Day (October)    |
| 5. Declaration Day (May 10)       | 11. Remembrance Day (November 11) |
| 6. Victoria Day (May)             | 12. Christmas Day (December 25)   |
| 7. Aboriginal Day (June 21)       | 13. Boxing Day (December 26)      |

14. Reconciliation Day (Sept 30)  
AKA: orange shirt day.

## 6. STAFF MEETINGS

### 6.1 MANAGERS MEETINGS

Managers meeting will be held at least once a month on fixed days. If a staff member will be absent from the meeting, he/she is to let the Administrator know ahead of time.

### 6.2 ALL STAFF MEETINGS

All staff will participate on a 2 to 3 day annual staff retreat, to be held off-reserve, normally near the end of a calendar year. The purpose of these retreats is to review the effectiveness and efficiency of operations, review how well work plan items are being achieved, and prepare budgets for the coming year. Leadership and the Administrator will prepare detailed agendas.

No staff member may claim overtime for the annual all staff meeting, but the Band will cover travel costs, and may provide food in lieu of per diems.

## 7. REMUNERATION

### 7.1 PAYDAYS

Pay is processed every second Thursday, and delivered electronically the following Friday. For those employees requiring payment by cheque, the cheque will be mailed on, or may be picked up, the Monday following payday.

### 7.2 WAGES

1. Pay periods are bi-weekly (every two weeks) with a one week hold back.
2. In the event of lay-off, the employee is entitled to a two-week notice or severance pay of two weeks, plus two days per year of full-time employment.
3. In the event of termination severance pay may be suspended at the discretion of the N'Quatqua Chief and Council if the termination of the employee is for just cause.
4. If monies are owed to the N'Quatqua Band, a repayment agreement will be offered to the employee for signature, the amount settled upon in writing in the repayment agreement will be recovered per the agreed upon payment schedule.
5. If monies are owed to the N'Quatqua Band, the entire amount of any raise, including annual pay raises or any income from discretionary pay, shall be applied in full to the amount owing.
6. All pay increases may be delayed if funding is inadequate to meet the increased paygrade for the employee. The objective test for this is if the departmental code of the budget for a position is in the negative, after taking into account operating expenses, benefits, and training costs for the position. Staff may not receive retroactive pay if funding increases at a later date.

### 7.3 ACTING POSITIONS

Whenever an employee leaves a position for more than 2 weeks, their immediate supervisor or an immediate support staff shall agree to fulfill the Essential duties of the non-present employee.

If this temporary work last 14 calendar days or more, the employee fulfilling these duties shall be paid an addition to their regular pay equal to 10% of the pay of the non-present employee.

This policy does not apply if the essential duties of a position are not being fulfilled.

### 7.4 TIMESHEETS

1. Payday is every other week.
2. All employees are required to have completed their timesheets for approval by 11:00am on the Tuesday before a payday.
3. Any timesheets delivered after this cut-off time will be paid out on the subsequent cheque run day or payday.

### 7.5 OVERTIME

#### 7.5.1 General

1. Except for extenuating circumstances, overtime must be approved by the Administrator before an employee proceeds to work beyond the hours outlined in the general services policy and/or contract.
2. Periods of overtime less than 15 minutes in duration will not be considered.
3. Overtime constitutes any time worked over 8 hours worked in any 24-hour period, required work on a statutory holiday, or work undertaken on a 7<sup>th</sup> consecutive day.
4. Overtime is paid at 1.5 (one and a half) normal pay rate for time worked that is more than 8 hours and less than 12 in any 24-hour period, and 2 (double) normal pay rate for when more than 12 hours are worked in any 24-hour period.
5. Overtime is paid at 1.5 (one and a half) normal pay rate for required time worked on a statutory holiday or on a 7<sup>th</sup> consecutive day.
6. If overtime is to be paid as banked time off, it cannot be accumulated longer than six (6) months.
7. Policies related to overtime used for travel:
  - a. Travel to and from work-related functions shall normally be paid at half-rate (the employee is expected to contribute their time for the return journey, as they are receiving a personal benefit). For more extensive training programs, other arrangements must be negotiated between the employee and the Administrator.
  - b. Travel to and from cultural or staff functions shall be negotiated on a case-to-case manner in advance.

#### 7.5.2 Travel

From time to time, employees may be required to travel on behalf of N'Quatqua. Such travel costs shall be reimbursed by the Administration upon return according to the following procedure:

1. A travel form shall be filled out by the employee upon return from the trip to claim these expenses which must be approved by the Administrator before payment.
2. Advances for these trips are allowable for a portion of the total costs which can be estimated at the time of request. Such advances must be accounted for and approved by the administrator.
3. Lengthy trips (more than 3 days) must have prior approval and no commitments to outside agencies must be made until prior approval from the Administrator is given.
4. A minimum of 5 days is required for processing advance cheques and adequate notice must be allowed for.
5. Time spent on a trip does not constitute overtime unless prior arrangements are made with the Administrator.
6. For travel for training or conferences, only one-half of the travel time shall be paid.
7. Trips paid for by other Agencies where N'Quatqua will benefit from employee involvement, shall be considered and these policies continue to apply.
8. Budget limitations may affect travel expense policies from time to time.
9. Business Insurance coverage is required for vehicles being utilized for work purposes.
10. Where use of personal vehicles is required, mileage shall be reimbursed at a rate of approximately 80% of the current Federal mileage reimbursement rate for the Province of British Columbia. Where use of personal vehicles is required for access to roads in poor condition or in remote areas, additional compensation maybe negotiated.

## 8. EMPLOYEE BENEFITS PLAN

N'Quatqua offers a comprehensive Employee Benefits plan. To qualify the Employee must:

1. Successfully complete the three (3) month probationary period and evaluation (see section 5.10)
2. Employee must work twenty (25) hours or more per week to qualify.
3. Employees working 24-hours or less are not entitled to benefits.
4. Upon meeting these requirements the employee must request an enrollment package from the Accounting Department. The package includes:
  1. Registered pension Plan
    - a. 5% of the employees wage will be contributed to the RPP. This amount will be matched by the band.
  2. Extended Health and Life Insurance which includes:
    - a. Group Life Insurance
    - b. Accidental Death and Dismemberment
    - c. Dependent Life
    - d. Long Term Disability
    - e. Extended Health
    - f. Extended Vision Care
    - g. Extended Dental

If an employee resigns, retires or is discharged, or hours of work change to less than 24 per week, he/she is no longer entitled these benefits.

## 9. LEAVE

### 9.1 ABANDONMENT/FAILURE TO APPEAR

1. Except for certified medical reasons or emergencies, employees not showing up for work, and who did not notify their colleagues or supervisor, may not claim any form of leave compensation.
2. Where a certified medical reason or emergency occurs, the employee shall contact the employer within three (3) calendar days.
3. When an employee, without communication or explanation, does not show up for work for more than three (3) calendar days, Chief and Council may determine that the position is abandoned and vacant. If such a determination is made, the employee may not return to work, but may re-apply when and if the position is re-posted.
4. Failure to appear is a valid reason for disciplinary action.

### 9.2 SICK LEAVE

1. N'Quatqua protects against dismissal, lay-off, suspension, demotion or discipline because of absence due to illness or injury.
2. After the probationary period, an employee is protected for any absence not exceeding 12 weeks, but must provide a medical certificate of inability to work within 15 (fifteen) days of the commencement of the sick leave. The certificate must have the expected period of absence. Failure of the staff member to appear the day after the period of absence stated in the medical certificate, the position will have be considered vacated.

3. Notwithstanding a special circumstance, N'Quatqua does not provide sick leave compensation.

### 9.3 VACATION

1. Where an employee has been with N'Quatqua for a long period of time, and receives vacation leave benefits higher than those listed in point 4 below, the employee shall retain their current benefits, until such date that the scale below provides the same vacation leave benefits. At that time, the employee will fall under the scale in point 4.
2. An employee must complete six months of continuous employment to be entitled to their initial accrued Vacation Leave. For clarity, that means that new employees may take one week vacation leave between their seventh and twelfth month of continuous employment.
3. Vacation leave is based on a fiscal calendar year and shall be calculated and made available April 1<sup>st</sup> of each year. The full amount of accrued vacation must be used by an employee by March 31<sup>st</sup>.
4. An employee earns vacation leave provided as a percentage of hours worked. As determined by N'Quatqua policy, vacation leave accumulates according to length of service.<sup>3</sup>

<u>1<sup>st</sup> year:</u>	<u>4%</u>	- 2 wks - 63 hrs
<u>2<sup>nd</sup> - 5<sup>th</sup> (completed):</u>	<u>6%</u>	- 3 wks - 94.5 hrs
<u>6<sup>th</sup> - 10<sup>th</sup> (completed):</u>	<u>8%</u>	- 4 wks - 126 hrs
<u>11+ years:</u>	<u>10%</u>	- 6 wks - 189 hrs.

5. All employees must submit a written request to their supervisor or Administrator for Vacation leave a reasonable period in advance.
6. If the April 1 for vacation leave proves to be too low (in other words, they are working more hours than anticipated), the difference may be carried forward to the next calendar year.
7. Vacation Leave is to be taken yearly and cannot be carried over to the next calendar year unless written approval is given by the Administrator.
8. Monetary payouts of vacation leave will be generally be requested only under extraordinary circumstances and must be approved by Administrator.
9. If an employee changes positions within the organization, so long as no time lapses between the old and new positions, the employee still qualifies for Vacation leave for total time of service.
10. Should the employee cease to be employed by N'Quatqua, they shall upon their departure be paid out their accrued Vacation leave entitlement.

### 9.4 SICK DAYS

Sick days are used for illness of an employee. There is a maximum of 8 days per calendar year.

If a new employee starts mid-way through a calendar year, their sick day entitlement is pro-rated.

There is no carry over of sick days to the next calendar year. There is no cash value of sick days.

An employee who takes a sick day must call in to their supervisor and manager as soon as the office is open to let them know they are ill and not able to come into work.

#### 9.5 TRAINING LEAVE

The Administrator may authorize or require periods of paid training or conferences to staff members up to the equivalent of one week of the position's standard hours, per year. Overtime policy will apply to travel.

The Education Leave policy applies to training that will be greater than one week of a position's standards hours, per year.

#### 9.6 BEREAVEMENT LEAVE

1. N'Quatqua will provide an employee with 5 paid days for the death of an immediate family member. These 5 days can be taken immediately following the death or at the time of the funeral or service. Requests can be made, to the Administrator, for unpaid leaves longer than 5 days.
2. Immediate family includes mother, mother-in-law, father, father-in-law, brother, sister, spouse including common law, grandparents, and children including adopted children.

#### 9.7 COMPASSIONATE CARE LEAVE

The Canada Labour Code provides protection against employee dismissal, lay off, suspension, demotion or discipline because of absence due to compassionate care leave.

1. Compassionate care leave is an unpaid leave that allows an employee to take up to 28 weeks of leave within a 52-week period to provide care and support to a family member who has a serious medical condition with a significant risk of death. It is available to all employees regardless of their length of service with their employer.
2. An employee must obtain a medical certificate from a medical doctor or nurse practitioner, stating that the family member has a serious medical condition and as a result, there is a significant risk of death within 26 weeks.

If requested by the employer in writing, the employee must provide a copy of the medical certificate within 15 days of the employee's return to work following the period of the compassionate care leave. An employee who refuses to produce a medical certificate at the

employer's written request is not entitled to the compassionate care leave and the protections it provides.

A new medical certificate is not required if the family member remains gravely ill after 26 weeks.

An employee must also give the employer written notice, as soon as possible. The notice must advise the employer of the reason(s) for the leave and the intended length of the leave. If the leave taken is more than four weeks and the employee wants to change the length of his leave, a four weeks' notice must be provided to the employer, unless there is a valid reason why that cannot be done.

3. The leave begins during one of the following weeks, whichever occurs first:
  - the week the medical doctor or nurse practitioner signs the medical certificate; or
  - the week the doctor or nurse practitioner examines the gravely ill family member; or
  - the week the family member became gravely ill, if the doctor can determine that date (for example, the date of the test results).

The leave end when:

- 28 weeks of compassionate care have been completed; or
  - the gravely ill family member dies or no longer requires care or support; or
  - the 52-week period has expired.
4. Family member includes mother, mother-in-law, father, father-in-law, brother, sister, spouse including common law, grandparents and children including adopted children.
  5. Upon requesting compassionate care leave the employee can request that a Record of Employment (ROE) be issued so that he/she can apply for Employment Insurance Benefits.
  6. Upon return from compassionate care leave the employee will be reinstated to his/her former position, or be given a position in the same location with the same wages and benefits.
  7. Extended benefits in section 5.3 can continue during the leave provided the employee pays any contributions that would have normally been paid. Non-payment of contributions would mean a lapse in benefits during the leave period.

## 9.8 MATERNITY/PATERNITY LEAVE

1. An employee who has worked for the same employer for at least six months and has provided her employer with a certificate of a qualified medical practitioner certifying that she is pregnant is entitled to up to 17 weeks of maternity leave to have her child. Additional parental leave of up to 63 weeks is available to natural or adoptive parents, if each has worked for the same employer for at least six months and has or will have care and custody of a child. Except where leave is extended following an employer's refusal to allow an interruption (see the Canada Labour Code) the combined maternity and parental leaves cannot exceed 78 weeks.

2. Maternity leave can be extended up to the day on which the child is born if the birth has not occurred within the 17-week leave period.
3. If the child is hospitalized during the employee's maternity or parental leave, the employee can request to have the leave interrupted. Also, while on parental leave, an employee may interrupt the leave in order to take other statutory leaves (except for purposes of annual training for reservist leave)
4. The employee shall give the Administrator four (4) weeks' notice in writing of the day the employee intends to begin the leave of absence and provide the Administrator with a certificate of a legally qualified medical practitioner. The notice must advise the employer of the intended length of leave.
5. In special circumstances, any requests for a change in the leave must be given in writing, four (4) weeks in advance of expected change. The change in the leave must be covered by the Canada Labour Code otherwise job protection will not be guaranteed.
6. With the prior approval of the Administrator, a prospective father employee is entitled to a maximum of two (2) days with pay to be present at the birth of his child.

#### 9.9 SPECIAL LEAVE

Special leave with or without pay will be granted to an employee at the discretion of the Administrator or Chief and Council under the following conditions:

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1. When subpoenaed to appear as a witness;
2. To conduct research, attend conferences and related activities which benefit the community;
3. Other circumstances which the employee must inform the Administrator or Chief and Council of, in writing.

For clarity, it is understood that special leave less than three (3) working days can be authorized by the Administrator at his/her direction, while three (3) or more days should involve Chief and Council.

#### 9.10 EDUCATION LEAVE

1. Applications for Education leave must be submitted to the Chief and Council. All applications must be accompanied by a statement outlining the program to be followed, and potential value to the employee and the employer.
2. All applications are to be reviewed by the Chief and Council. The employee shall be advised in writing whether the application request has been approved or not.

3. An employee who is a N'Quatqua member, on Education leave for one year, may receive allowances according to Post-Secondary allocations for that year.
4. The condition for the Chief and Council granting leave is that the employee must return to the service of N'Quatqua for a period equal to the period of leave granted. A letter of agreement must be signed, if required by the Chief and Council.
5. Should the employee fail to abide by terms of this agreement, he/she shall repay the employer those allowances paid to them during the term of Education Leave.

#### 9.11 UNPAID LEAVE

The Administrator retains the discretion to approve unpaid leave for any staff member who requests it, and, in the Administrator's judgment, whose workload allows for it.

#### 9.12 COMMUNITY ACTIVITIES

Employees who take part in extra community activity will be allowed to participate, with the Supervisor's consent, if such activities take place during the work day. Suggestions can be made at staff meetings regarding different activities in which employees can be involved.

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Children and Youth under the age of 15 years participating in community activities must have signed written permission from the parent especially if this involves going outside of reserve boundaries. Written permission is required for travel. The parent(s) must be notified if Children or Youth are going to be taken into the outdoor environment. N'Quatqua employees engaged in these activities must know where the Children or Youth are at all times.

All precautions must be taken to ensure Children and Youth are not placed in situations where they may be hurt by adults or left alone without sufficient information and knowledge to contract the employee. Every child must feel he/she can come to the employee if he/she feels there is danger.

#### 10 DRESS AND ETIQUETTE

Managers and the Administrator have the discretion to decide if the fashion of dress or etiquette being exhibited by an employee is inappropriate to the position, and instruct, within reason, the employee to adjust their behavior and/or dress.

#### 11 JOB DESCRIPTIONS

Chief and Council have the right, within reason<sup>4</sup>, to alter Job Descriptions of employees. They also have the right to phase out, change the hours, or terminate positions that no longer hold relevance or can no longer be afforded, but incumbents must be given preferential hiring to any

new positions that arise, provided the required skills and experience is present. Changes to job descriptions that will impact an employee's income or which significantly change the hours or conditions of work, must provide, in writing, a minimum one-month or in accordance to the Canada Labour Code required notice period, whichever is greater formal notification to the employee in advance.

#### 11.1 QUARTERLY REPORTS

<sup>4</sup>At a minimum, changes to job descriptions should be made in consultation with the employee and must be justified by a significant organizational objective.

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All Directors must complete quarterly reports for themselves and all staff that reports to them. The Quarterly Report format is included near the end of the Personnel Policies. **This is an automatic inclusion to the Job Description for all Directors.**

#### 11.2 ANNUAL EVALUATIONS

All staff must be evaluated annually using the form located near the end of this document. Changes to the job description, and discretionary pay rates, are to be discussed at the annual evaluation.

#### 12 TERMINATION WITHOUT CAUSE

The employer may choose to dismiss any employee, at any time, without cause.

If this decision is made, Chief and Council and/or the Administrator will either:

- Provide the employee with at least two weeks advance notice of the dismissal, plus a severance package at least that required by law: or,
- Dismiss the employee without notification and provide pay in lieu of notice as required by law.

In all cases, one member from Chief or Council will personally ensure that the dismissed employee receive a Record of Employment within seven (7) working days of their last day of employment.

In all cases, if no severance agreement has been signed by the last date of the employees position with N'Quatqua, one member from Council shall ensure that the dismissed employee is provided the minimum severance permitted under this policy, within 5 (five) working days of the employees last day of work.

In all cases of dismissal without cause, Chief and Council will support the dismissed employee through a self-imposed permanent and irrevocable gag order. Staff will be requested to the same, should they be found to be gossiping. No negative aspects of the employees past performance, real or perceived, will be discussed by Chief and Council, with anyone outside Chief and Council, at any time. This is both to help the dismissed employee maintain their

reputation as they pursue new work opportunities, and to protect Chief and Council against charges of defamation or unjust dismissal.

### 13. DISCIPLINE POLICY

Disciplinary measure are not to be used to punish or personally criticize employees. The goal of discipline is to address wrongdoing and performance issues while making a positive contribution to the employee's self-esteem to increase work productivity and overall morale. For this reason, discipline should not be carried out in public, but done in a way that respects the privacy and dignity of the individual(s) concerned. Discipline which is designed to correct a hurt against another individual must help to heal the relationship between the individuals affected.

#### 13.1 General Duties of Staff Members

All staff must respect the rights of others, and. The confidentiality of staff records as per the Code of Conduct.

##### 13.1.1 All Staffs Duties towards Community Members

1. Properly assume your first duty is the effective service of your membership.
2. Strive to instill excellence in all your endeavors within the office.
3. Be consistent and just in all your relations with members
4. Be concerned for the welfare of the members.
5. Strive to promote positive attitudes toward the goals of the community including N'Quatqua history, language, and cultural development.

##### 13.1.2 All Staff duties toward the N'Quatqua Chief & Council/Administration

1. Familiarize yourselves with the policies developed and administered by Chief & Council.
2. Cooperate with Chief & Council to improve the quality of community living.
3. Respect the legal authority of Chief & Council
4. Understand the organization flow of authority regarding Administrative services.
5. Keep and respect the terms of your employment and/or contract with Chief & Council.

##### 13.1.3 All staff duties toward the Community

1. Promote good will among the staff and community
2. Work closely with the community towards attainment of their goals

##### 13.1.4 Social Media

It is common for people to be active on social media, however, information shared on outlets such as Facebook, Twitter, Instagram and other platforms, is not private. Where social media crosses from being personal to the workplace is when an employee's posting impacts the organization, community, employees or other work related stakeholders. Where the reputation, confidentiality, privacy and/or well-being is called into question from an employee's posting, this becomes a problem the organization must address. As such, employees must not post anything related to work-related activities, employees, training, community members and other N'Quatqua related business where there might be perceived or real confusion, concern or misunderstanding. If you are ever in doubt, please ask your Manager or Administrator for guidance. An employee may share an approved post (by another official N'Quatqua

business site) or may promote a community event or activity. If there is an activity, by an employee or council member, that contravenes this policy, the Manager, Administrator or Chief will address directly with the employee.

A system of discipline is developed to indicate to each employee what is expected in terms of duties and allows for specific action when an employee refuses to complete tasks.

1. All disciplinary action should be thought of in a serious manner by you, the employee, and employer.
2. Every employee must be given the opportunity to present his/her case to the person responsible for the disciplinary action being taken.

This Code of Discipline is designed to promote and assure proper order, efficient control and acceptable conduct in the management of the Administration. Our desirable objective is to give each employee every reasonable and possible chance to play a positive and satisfactory role in the operation of the Administration and development of full services.

### 13.2 Complaints Policy

Procedures for all staff or community members' complaints regarding staff conduct and/or work performance:

1. On occasion, staff or community members may encounter or become aware of conduct unbecoming a fellow colleague in the performance of duty, in representing the professionalism of staff or the services of N'Quatqua.
2. The staff or community member who is aware of misconduct may talk to the individual concerned as a colleague and offer to bring any problem to the Administrator in a professional capacity for such individual to obtain help; or,
3. If the individual refuses help and such conduct will adversely affect the services of the Administration, the staff or community member may inform the individual that his/her conduct will be brought to the attention of the Administrator and ultimately to Chief & Council for disciplinary action.
4. Under no circumstance are staff or community members to perpetuate or encourage rumour of any other staff member under any circumstances.
5. If a member of Chief & Council is approached with a complaint in writing, they shall facilitate the complaint being directed to the appropriate staff member, but shall not attempt to deal with the complaint themselves.

### 13.3 Disciplinary Action

As an employee, you may be disciplined and/or discharged for the following reasons:

- a. Incompetence and incapacity in the performance of duties described in your contract;
- b. Disruptive influence at work and/or in the community;
- c. Abandonment for more than 3 (three) days of the position without good cause and without notifying your supervisor;
- d. Misconduct in terms of your attendance, work performance or personal behavior;
- e. Refusal or neglect in complying with our policy manual and employment agreement;

Any of the following five (5) steps can be taken for disciplinary action:

1. Oral Reprimand
2. Written Reprimand
3. Suspension with pay
4. Suspension without pay
5. Termination of Employment/Contract

All N'Quatqua Employees are subject to this Code of Discipline. Although disciplinary interviews will be conducted in private, this does not prevent the affected employee from having a representative of the employees or a colleague who agrees to be present if the presence of a witness is wanted and warranted. All communication will be with the band unless a legal arrangement to the contrary is signed by the employee.

#### 13.3.1 Oral Reprimand

An oral reprimand is normally a first step and is used to:

- a. Make an employee aware of the problem;
- b. Emphasize expectations;
- c. Emphasize the need for improvement;
- d. Plan for corrective behavior;
- e. Outline consequences should behavior continue.

While this is the least severe of disciplinary actions, an employee should see this as a signal to correct whatever the shortcoming is that is identified by the Administrator and prevent further severe action;

An oral reprimand is given in private. In an interview, the Administrator or Supervisor will bring the problem to the attention of the employee and talk about the need for improvement until a joint plan is worked out for constructive ways to overcome the problem; a record of dates will be kept detailing any:

- a. Meetings
- b. Training Sessions
- c. Warnings
- d. Performance Reviews

#### 13.3.2 Written Reprimand

If an oral reprimand does not appear to be an option for disciplinary action, or, in having given one, does not have the desirable effect, the Administrator will give an interview in which the employee is informed of the severity of his/her action, and/or, that his/her conduct has not improved. The employee will receive a written reprimand which confirms the interview with the employee regarding the problem identified to him/her; encourage the employee and outlined what is required as far as change or correction in behavior is concerned. It is expected that the employee will sign off on the letter in order to indicate that they have read and understood the concerns and agree to work on remediating the issue(s).

The employee will be given an opportunity to make explanations on his/her own behalf either in writing or orally to have the situation or problem clearly understood by both parties. The employee will be

asked if they need assistance in communicating their side of the story; if so, such assistance will be provided.

The purpose of the written reprimand is to begin a record of employee competence and productivity on the job and will be placed on the employee's personnel file. The purpose should be stated in the written reprimand and the fact it will be on the record of his/her file and will remain on file until three (3) years after employee for any reason, vacates the position.

### 13.3.3 Suspension With Pay

Suspension is a signal to the employee of the seriousness of his/her actions which will begin to affect his/her association with colleagues. This action is not to be taken lightly and requires authority from Chief & Council who must be fully informed of the circumstances which involve neglect and/or breach of duty. Suspension is an enforced temporary absence from duty not exceeding ten (10) working days. If misconduct is serious, suspension may be imposed immediately.

An unbiased investigation must be made and the suspension must be confirmed in writing once the employee is notified of the suspension. Written confirmation must include details of the problem and investigation with conclusions.

### 13.3.4 Suspension Without Pay

This action requires the authority of Chief & Council after being fully informed of the breach of duty or circumstances involving serious neglect. It is the most serious disciplinary action the Chief & Council can take before an employee is terminated for cause, and, directly affects the livelihood of the employee.

Suspension without pay is an enforced temporary absence from duty not exceeding ten (10) working days in which the employee will not be paid for those ten (10) working days.

An unbiased investigation must be carried out. The employee must be notified in writing which outlines the breach of duty and/or neglect, the investigation procedures undertaken, the results of the investigation and interview and the details of suspension without pay.

### 13.3.5 Termination of Employment

Upon recommendation of the Administrator, the N'Quatqua Chief & Council may, where a serious violation of the employment standards or policy manual seriously affects the welfare of the community, terminate its employment with an employee, with written notice.

Usually, an employee is discharged only after other corrective measures have been tried but failed in their objectives. Where the offense warrants it, the employee will be discharged without any prior disciplinary actions being taken.

Only the N'Quatqua Chief & Council may discharge an employee with cause. The employee must receive written notice of the decision to discharge him/her and the basis for the action.

## 14 Workplace Safety

### 14.1 Safety & Security

1. All safety equipment is vital to the safety and welfare of all staff and visitors to the office.

2. Tampering or interfering with any safety equipment is against the governing laws and policy of N'Quatqua.

3. N'Quatqua Administration will ensure that all safety equipment adheres to appropriate regulations and standards including fire extinguishers, exit lights and posted evacuation routes.

#### 14.2 Accidents, Injuries, Sickness

1. Accidents must be reported to the Administrator immediately. In case of serious injury:

- Call for medical help immediately;
- If medical help is not immediately available, have the administrative office arrange for emergency help.

2 All emergency numbers and procedures will be kept visible and available in the Administrative Assistant's office. Every office must have this information visible in bold letters and employees made regularly aware of the procedures.

3. Fire Safety: Staff must be made aware of primary exits in case of fire.

#### 14.3 Fire Alarm & Drills

The fire alarm and drill procedures as follows:

1. Keep calm
2. Check your doors for heat. If the door is hot, do not open the door. Wait in the closed room for help or exit a window if possible.
3. The Receptionist must be aware of all children and members of the community in the office in the event of a fire and ensure they are safe.
4. Everyone must leave the building in an orderly fashion: no running, pushing, shoving or shouting. Walk quickly. If there is smoke, do not walk, crawl on hands and knees.
5. Once outside, remain at least 30 feet (10) meters away from the building, in front of it and be willing to help account for everyone in the building at the time. Anyone missing should be brought to the attention of firemen immediately.
6. No one should re-enter the building.

#### 14.4 Bullying and Harassment Policy

Every employee is entitled to a work environment free from bullying and harassment.

A worker is bullied or harassed when someone takes an action that he or she knew or reasonably ought to have known would cause that worker to be humiliated or intimidated. When an employer or supervisor takes reasonable action to manage and direct workers, it is not bullying and harassment.

Examples include, but are not limited to:

- Verbal aggression, insults or calling someone a derogatory name;
- Vandalizing work or personal belongings;
- Spreading malicious rumours;
- Harmful hazing or initiation practices;
- Sabotaging work;

- Personal attacks;
- Cyber-bullying;
- Aggressive or threatening behavior.

Additionally, sexual harassment is not tolerated. Sexual Harassment is any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offense or humiliation to an employee: or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Behavior outside the workplace is generally excluded except where the conduct creates humiliation or intimidation at work and/or the behavior has an adverse effect on a person's ability to perform his or her job.

Every employee is expected to engage in respectful workplace behavior. It is expected that if there are any bullying or harassment behaviors, it is reported to a manager, the Administrator or a member of Chief and Council. N'Quatqua takes a report of bullying and harassment seriously and below is a procedure for addressing:

1. Report the situation to a manager, the Administrator or a member of Chief and Council
2. The situation will be investigated, including interviewing witnesses and anyone involved.
3. Following an investigation, if bullying or harassment is apparent, the steps to address may include additional education, discipline or termination. There may be situations in which local authorities such as Stl'at'imc Tribal Police are notified.
4. N'Quatqua will not tolerate false accusations or retaliation in the case of a report. Any such behavior will result in disciplinary action up to termination of employment.
5. N'Quatqua will not disclose the name of the complainant or the circumstances related to the complaint to any person unless disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation to the complaint.

#### 14.5 Health and Safety

Statement of Policy: N'Quatqua is committed to providing a safe workplace for all of its workers.

We recognize that all workers have the right to work in a safe and healthy environment, consistent with the Occupational Health and Safety Act, the Regulations for Construction Projects and any other applicable legislation.

N'Quatqua is committed to take every reasonable effort to eliminate the hazards that cause accidents and injuries.

Disregard or willful violations of this Policy by employees at any level may be considered cause for disciplinary action.

##### 14.5.1 Responsibilities

###### 14.5.1.1 Senior Management/Administrator

Senior management / the Administrator shall:

- Ensure that equipment, materials, and protective devices are provided and maintained in good condition
- Review annually N'Quatqua's written health and safety policy
- Provide the necessary resources to implement, support, and enforce N'Quatqua's health and safety policy and program
- Review all accident reports at least quarterly (use WCB reports)
- Promote the exchange of health and safety information with outside groups
- Review site training plans for health and safety and ensure adequate measures are available
- Review the site health and safety program with all N'Quatqua Managers and all subcontractors to N'Quatqua, identifying their responsibilities and emphasizing cooperation among all parties
- Provide compensation and time necessary to N'Quatqua employees who are selected as a Health & Safety Representative or as a Joint Health & Safety Committee member.
- Appoint one full-time employee as the First Responder/ Safety Coordinator, and ensure this employee has at least a current Level 1 First Aid Certificate (Level 3 or equivalent preferable) Managers/Supervisors

#### 14.5.1.2 All Managers/Supervisors shall:

- Ensure that employees use or wear the equipment, protective devices or clothing that N'Quatqua requires to be used or worn
- Ensure that employees work in the manner and with the protective devices, measures and procedures required by the Occupational Health & Safety Act and applicable Regulations
- Provide orientation for new employees
- Conduct weekly safety talks for outdoor and field crews
- Inspect safety equipment weekly for outdoor and field crews
- Inspect tools and equipment at least weekly and ensure that they are properly maintained
- Review safety aspects of each task with employees
- Conduct accident investigations
- Report safety problems to N'Quatqua's senior management
- Ensure housekeeping is done at least daily
- Review MSDSs with employees before using hazardous materials
- Review minutes from safety minutes, Ministry of Labour orders, and safety directives with employees.

#### 14.5.1.3 Employees

##### All employees shall:

- Work safely in accordance with N'Quatqua's Health & Safety Policy and Program, and with the project or client's health and safety program (Including the Occupational Health and Safety Act and Regulations)
- Use or wear the equipment, protective devices or clothing that N'Quatqua requires to be used or worn
- Report hazards or unsafe conditions to their manager/supervisor after taking appropriate immediate action

- Report all accidents, injuries, and near misses to the manager/supervisor or safety coordinator (if applicable) as soon as possible
- Clean up their own work area at least daily
- Inspect personal protective equipment before use and report defects or damage to their manager/supervisor

#### 14.5.1.4 Subcontractors

All subcontractors to N'Quatqua shall:

- Work safely in accordance with N'Quatqua's Health & Safety Policy and Program, and the project or client's health and safety program (including the Occupational Health & Safety Act and applicable Regulations)
- Ensure that all their employees comply with the site Health & Safety Policy and Program
- Provide training to their employees in the requirements of the safety policy and program
- Ensure that their employees are properly licensed, qualified as required by contract, or trained for their duties
- Provide, inspect, and maintain necessary safety equipment as required for their direct-hire employees
- Monitor site conditions daily and record all injuries, accidents or near-misses
- Notify N'Quatqua's supervision of any lost-time injuries or medical aid cases occurring on the project
- Conduct clean-up of work areas daily  
(Note: If waste and debris create a hazard and are not cleaned up in a reasonable time, they will be cleaned up by N'Quatqua at the expense of the subcontractor.)
- Conduct regular weekly toolbox talks in addition to specific hazard training when required

#### 14.6 Incident Investigation Procedure

##### 14.6.4 Policy Statement

N'Quatqua requires all employees to immediately report to their managers/supervisors all accidents and incidents that result in injury or property damage, and all near misses with the potential for serious injury or property damage. Managers/Supervisors will report the accident promptly to senior management to ensure timely submissions to WCB. Each incident will be analyzed to determine causes and contributing factors and the analysis will be used to reduce or eliminate the risk of further incident.

##### 14.6.2 Definitions

An **Accident** is defined as an unplanned event that causes harm to people or damage to property. Accidents are categorized as one of the following

- **Lost Time Injury (LTI)** refers to any injury that prevents a worker from coming to work on the day following the day of the injury
- **Medical Aid** refers to any injury not severe enough to warrant more than the day of injury off, but where medical treatment by a doctor is given.
- **First Aid** refers to only injuries that can be treated on the job without any days lost
- **An Incident** is defined as property damage but with no injury to workers

- A **Near Miss** is a situation in which no injury or damage occurred but might have if conditions had been slightly different
- **Occupational Illness** is defined as a condition resulting from a worker's exposure to chemical, biological or physical agents in the workplace to the extent that the health of the worker is impaired.
- **Critical Injury** is defined as an injury of a serious nature that:
  - a. Places life in jeopardy;
  - b. Produces unconsciousness;
  - c. Results in substantial loss of blood;
  - d. Involves the fracture of a leg or arm but not a finger or toe;
  - e. Involves the amputation of a leg, arm, hand or foot but not a finger or toe;
  - f. Consists of burns to a major portion of the body; or
  - g. Causes the loss of sight to an eye.

#### 14.6.3 Role of Manager/Supervisor in an Accident Investigation

The manager/supervisor and the Senior Management must investigate all accidents and incidents that involve workers. This includes completing Accident Investigation Report, taking statements from witnesses and collecting any other pertinent information and ensuring the injured worker has received the necessary medical assistance.

The manager/supervisor is responsible for ensuring that all accident reports are transmitted to Senior Management as described below. If a worker sustaining a First Aid later seeks medical aid, the manager/supervisor must advise Senior Management and have the treating practitioner complete a Functional Abilities Form.

If we are not the Constructor, report the accident to the Constructor through their Safety Coordinator or Project Manager.

The manager/supervisor should contact the injured worker as frequently as the injured deems, or at least once a week. If you require assistance, contact Senior Management.

Procedure:

1. The employee reports a work related accident
2. Administrator first aid as required
3. Arrange for transportation for injured employee to medical treatment if required
4. Ensure Return to Work package accompanies worker
5. Eliminate the hazard if possible or guard the accident scene if worker is critically injured
6. Investigate the cause of the accident and report findings in the Accident/Incident Report form. Ensure all areas of the form are completed.
7. Send copy of the form to N'Quatqua Band Office
8. Report all accidents/incidents as follows:
  - Lost Time Injuries
  - Medical Aid
  - First Aid
  - Incidents and Near Misses

