

Chiefs of Ontario

Harassment in the Workplace:

Employment and Human Resources Guidelines for Policies

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Introduction

Welcome to the Chiefs of Ontario's sample language to help guide leadership teams on Harassment in the Workplace and related Employment and Human Resources Guidelines and Policies. This document can serve as a roadmap for those First Nations seeking to establish more robust employment and human resource frameworks within their organizations.

This document was created to share sample guidelines, terminology examples, and policy templates aimed at aiding in the development of fair and effective workplace policies. While this guide offers valuable insights, it is important to note that it is a sharing of ideas, and it does not replace the necessity for legal counsel. Prior to the implementation of any policies outlined below, it is strongly advised that First Nations seek legal review to ensure alignment with current and applicable laws and regulations.

Guideline for Developing a Code of Conduct and Professional Ethics

Introduction

A Code of Conduct and Professional Ethics can be essential for fostering a positive and ethical work environment within a governance organization. The recommendations below provide possible guidelines to promote the development of a comprehensive and effective Code of Conduct that may apply to staff, internal stakeholders, external stakeholders (including government agencies and community members), and interactions among team members.

Recommendations

- 1. Define Core Values:** Identify the core values that reflect the organization's principles and mission. These values will serve as the foundation for the Code of Conduct and Professional Ethics.
- 2. Inclusivity and Diversity:** Emphasize inclusivity and respect for diversity in all interactions. Acknowledge and celebrate the uniqueness of individuals and communities, fostering an environment that values differences.
- 3. Stakeholder Engagement:** Involve internal and external stakeholders in the development process. Gather input from staff, government agencies, community members, and other relevant parties to ensure a comprehensive and inclusive Code of Conduct.
- 4. Legal Compliance:** Ensure that the Code of Conduct complies with all applicable laws and regulations. Regularly review and update the code to reflect changes in legislation that may impact the organization.
- 5. Clear and Concise Language:** Craft the Code of Conduct in clear and easily understandable language. Avoid jargon and technical terms that may be confusing to stakeholders.
- 6. Ethical Decision-Making:** Provide guidance on ethical decision-making processes. Include scenarios and case studies to help staff and stakeholders navigate complex situations with integrity.
- 7. Confidentiality and Privacy:** Establish guidelines for handling confidential information and respecting the privacy of individuals. Clearly define who has access to sensitive information and the protocols and systems for the protection of information.
- 8. Conflict of Interest:** Address and manage conflicts of interest transparently. Establish procedures for disclosing, managing, and resolving conflicts to maintain the integrity of organizational decisions and actions.
- 9. Professionalism and Respectful Communication:** Promote professionalism and respectful communication among all stakeholders. Encourage open dialogue while fostering an atmosphere of mutual respect.

10. Accountability and Enforcement: Define the consequences for violations of the Code of Conduct. Establish a fair and transparent process for reporting and addressing breaches, ensuring accountability at all levels.

11. Training and Education: Implement training programs to educate staff and stakeholders on the Code of Conduct and Professional Ethics. Regularly update training materials to reflect changes in policies and procedures.

12. Continuous Review and Improvement: Commit to regular reviews of the Code of Conduct to ensure its relevance and effectiveness. Solicit feedback from stakeholders and adjust as needed to address emerging challenges and changing dynamics.

Conclusion

A well-crafted Code of Conduct and Professional Ethics can be fundamental to creating a governance organization characterized by integrity, transparency, and respect. By adhering to these guidelines, the organization can promote ethical behavior, strengthen relationships with stakeholders, and contribute to a positive and inclusive work environment.

Example: Code of Conduct and Professional Ethics Policy

Introduction

This Code of Conduct and Professional Ethics Policy outlines the standards of behavior expected from all employees, contractors, and stakeholders associated with [First Nation or other Organization]. It is designed to promote a culture of integrity, professionalism, and ethical conduct in all interactions. By adhering to this Code, individuals contribute to the positive reputation and success of our organization.

1. **Core Values:** At [First Nation or other Organization], we are guided by the following core values:
 - Integrity: We conduct ourselves with honesty, transparency, and accountability.
 - Respect: We treat everyone with dignity, value diversity, and foster an inclusive environment.
 - Excellence: We strive for excellence in our work and interactions.
2. **Professionalism:** All individuals associated with [First Nation or other Organization] are expected to maintain a high level of professionalism in their conduct, both within the organization and when representing it externally. Professionalism includes punctuality, reliability, and a commitment to continuous improvement.
3. **Respectful Workplace:** We promote a workplace that is free from discrimination, harassment, and bullying. All individuals are expected to treat each other with respect and

dignity, regardless of differences in race, gender, age, religion, or other personal characteristics.

4. **Confidentiality:** Individuals must respect the confidentiality of sensitive information related to the organization, clients, and fellow colleagues. Unauthorized disclosure or use of confidential information is strictly prohibited.
5. **Conflict of Interest:** Employees and stakeholders are required to disclose any conflicts of interest that may compromise their ability to act in the best interests of [First Nation or other Organization]. Avoid situations where personal interests may conflict with the organization's goals.
6. **Compliance with Laws and Regulations:** All individuals must comply with applicable laws and regulations relevant to their roles within the organization. Any concerns regarding legal compliance should be reported promptly.
7. **Ethical Decision-Making:** Individuals are expected to make decisions that align with ethical principles. If faced with ethical dilemmas, employees should seek guidance from supervisors, the HR department, or other designated channels.
8. **Environmental and Social Responsibility:** [First Nation or other Organization] is committed to environmental and social responsibility. Employees are encouraged to contribute to sustainable practices and social initiatives that benefit the community and the environment.
9. **Reporting Violations:** Any individual who becomes aware of a violation of this Code of Conduct is obligated to report it promptly to the appropriate supervisor, manager, or designated authority. Protections are in place for those reporting in good faith.
10. **Consequences for Violations:** Violations of this Code may result in disciplinary action, ranging from verbal warnings to termination of employment or contractual relationships. The severity of consequences will depend on the nature and repetition of the violation.
11. **Training and Education:** Regular training sessions will be conducted to educate individuals on the principles outlined in this Code. Updates and refresher sessions may also be provided to ensure that all stakeholders are aware of the latest policies and expectations.
12. **Continuous Review and Improvement:** This Code of Conduct will be periodically reviewed to ensure its relevance and effectiveness. Feedback from employees and stakeholders will be actively sought to make necessary adjustments.

Conclusion

By adopting and adhering to this Code of Conduct and Professional Ethics Policy, individuals associated with [First Nation or other Organization] contribute to the maintenance of a positive and ethical work environment. Upholding these standards strengthens our reputation and fosters a culture of trust and integrity.

Guideline for Creating Confidentiality and Privacy Policies

Introduction

Confidentiality and Privacy Policies are important to ensure internal commitment to the protection of personal and confidential information pertaining to employees, third parties, and clients. Listed below, are recommendations to guide drafters to ensure the creation of effective and fulsome Confidentiality and Privacy Policies.

Recommendations

1. **Include a Strong Introduction:** A strong introduction should clearly state the organization’s commitment to maintaining confidentiality and privacy, while emphasizing the importance of trust, respect, and compliance with relevant law.
2. **Definitions and Examples:** Clearly define key terms such as “Personal Information,” “Contact Information,” and “Confidential Information,” and provide examples to illustrate the scope of each term.
3. **Purpose of the Policy:** Clearly state the policy’s purpose, ensuring compliance with relevant legislation and highlighting the organization’s commitment to protecting Personal Information and Confidential information.
4. **Application:** Clearly specify who the policy applies to. Reference employment agreements and additional privacy standards applicable to specific positions.
5. **Collection, Use, and Disclosure of Personal Information:** Clearly outline when and how employees may collect, use, or disclose Personal Information. Provide specific examples of permissible purposes. Emphasize the need to limit use and disclosure to the identified purpose. Highlight the responsibility for information destruction when no longer needed.
6. **Consent:** Clearly state the requirement for knowledge and consent. Distinguish between written and verbal consent. Specify types of information requiring written consent. Reference the process for obtaining consent and consultation with the Band Administrator.
7. **Accuracy of Personal Information:** Emphasize the responsibility for ensuring the accuracy and completeness of Personal Information. Encourage consultation with the Band Administrator for guidance on updating information.
8. **Safeguards for Personal Information:** Clearly outline security measures for both hard copies and digital copies of Personal Information. Specify access restrictions to employees based on job responsibilities. Establish an annual review process for compliance and identify potential additional safeguards.
9. **Access to Personal Information:** Clearly state the right of individuals to access their own Personal Information. Define the process for submitting requests and the Band Administrator's responsibilities. Specify circumstances where access may be denied.
10. **Complaints:** Establish a procedure for employees to challenge compliance. Clearly state the option for external complaints to the *Privacy Commissioner under Personal Information*

Protection and Electronic Documents Act (PIPEDA). Reference any other applicable policies, procedures, or practices related to complaints.

11. **Confidentiality Policy:** Introduce the Confidentiality Policy as a separate but complementary document. Emphasize the obligation of employees to maintain confidentiality and the consequences of violations.
12. **Breach of Confidentiality:** Clearly define a breach of confidentiality and provide examples. Emphasize the seriousness of breaches and the potential for disciplinary actions.
13. **Sharing of Information:** Specify conditions under which information may be shared, including written authorization, job-related necessity, legal requirements, or Executive Administrator approval.
14. **Uncertainty in Release of Information:** Encourage employees to consult with the Band Administrator when unsure about information confidentiality.
15. **Conclusion:** Reiterate the importance of adherence to these policies. Emphasize the consequences of non-compliance, including disciplinary actions and potential dismissal.

Example: Privacy and Personal Information Policy

Introduction

The [First Nation or other Organization] expects all employees to comply with this Policy to maintain the privacy of all Personal Information disclosed to [First Nation or other Organization].

Personal Information is shared with [First Nation or other Organization] based on trust and respect with the expectation it will remain private and not used by [First Nation or other Organization] except for the purpose for which it was obtained. Violation of this Privacy Policy is a serious breach of conduct warranting disciplinary actions, up to and including, dismissal for just cause.

Definitions

Personal Information - means information about an individual, including but not limited to name, age, home address, phone number, social insurance number, marital status, religion, income, credit history, medical information, education, employment information, sexual orientation, gender, and ethnicity/race/ancestry. Personal information does not include Contact Information.

Contact Information – means information that would enable an individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email and business fax number.

Purpose of the Policy

This policy is intended to ensure [First Nation or other Organization] is compliant with the *Personal Information Protection and Electronic Disclosure Act* and privacy obligations at common law.

Application

This policy applies to all personal information collected by [First Nation or other Organization] regardless of whether the person providing personal information is an employee.

[First Nation or other Organization] expects all employees to follow this policy and any additional privacy standards as stated in their employment agreements, or as otherwise applicable to their position.

Collection, Use, and Disclosure of Personal Information

Employees may, in course of their employment, collect, use or disclose Personal Information necessary for the proper functioning of [First Nation or other Organization].

Employees will identify the purpose for collection, use, and disclosure of Personal Information at the time of collection.

An Employee may collect, use, or disclosure of Personal Information for the following purposes:

- Obtaining employee contact information;
- Obtaining employee financial information necessary for compensation;
- Providing health services on reserve;
- Providing education services on reserve;
- Providing childcare services on reserve;
- Providing social services on reserve;
- Providing housing services on reserve; and/or
- Resolving disputes between [First Nation or other Organization] and employees, individuals, or other third parties.

Employee's use and disclosure of Personal Information shall be limited to that which is necessary to fulfill the purpose identified at the time of collection.

Employees will destroy, erase, or make anonymous Personal Information that is no longer required by [First Nation or other Organization] to fulfill the purpose identified at the time of collection.

The responsibility for ensuring the destruction, erasure, or anonymization rests with both the Employee who collected the information and the Band Administrator.

Consent

The knowledge and consent of the person providing Personal Information are required for the collection, use, or disclosure of Personal Information.

Consent is only valid if the person providing the Personal Information understands the nature, purpose, and consequences of the collection, use or disclosure of the Personal Information to which they are consenting.

Employees must obtain written consent for collection, use, or disclosure of the following types of Personal Information:

- Personal Health Information;
- Financial Information;
- Employment History;
- Criminal Records or record of involvement in other legal proceedings.
- Personal Information relating children, child welfare, or involvement of social services; and
- All other similarly sensitive information.

Employees must obtain verbal consent for the collection, use, or disclosure of all other Personal Information not included in the above list.

If there is uncertainty about whether written consent is required prior to collection, employees will consult with the Band Administrator to determine whether personal information requires written consent for disclosure.

- Employees may collect, use, or disclose Personal Information without consent only as specified in Section 7 of the *Personal Information Protection and Electronic Documents Act (PIPEDA)*.

Any person may revoke their consent for [First Nation or other Organization]'s collection, use and disclosure of their Personal Information at any time by submitting the *Request for Personal Information Form*.

Accuracy of Personal Information

Employees responsible for collecting, using, and disclosing Personal Information shall ensure the accuracy and completeness of the Personal Information as is necessary for the purpose for which it is to be used.

Employees responsible collecting, using, and disclosing Personal Information shall not routinely update Personal Information, unless such a process is necessary to fulfil the purposes for which the information was collected. If an employee is unsure whether Personal Information requires updating, that employee shall consult with the Band Administrator.

Safeguards for Personal Information

All Personal Information held by [First Nation or other Organization] shall be protected against loss or theft, as well as unauthorized access, disclosure, copying, and use of modification.

Employees responsible for collection, use, and disclosure of Personal Information shall comply with the following:

- All hard copies of Personal Information shall be stored in a secure filing cabinet;
- All digital copies of Personal Information shall be stored on a password protected secure hard drive;
- All transfers or disclosure of Personal Information between the [First Nation or other Organization] departments or to third parties shall be password protected; and
- Any other security safeguards identified by the Band Administrator as being necessary and appropriate.

Only employees that require Personal Information to perform their duties as described in their employment agreement shall have, or be granted, access to Personal Information.

Employees responsible for collection, use, and disclosure of Personal Information shall annually, and in consultation with the Band Administrator, review compliance with this policy and assess whether further safeguards are required to protect Personal Information in the possession of [First Nation or other Organization].

Access to Personal Information

All persons have the right to access their own Personal Information held by [First Nation or other Organization].

Requests for Personal Information shall be made in writing to the Band Administrator.

The Band Administrator will respond to a request for Personal Information within 30 days. This time limit may be extended:

- By an additional 30 days if responding within 30 days would unreasonably interfere with the activities of the organization; or the time required to undertake consultations necessary to respond would make the time limit impracticable; or,

- For the period that is necessary to be able to convert the Personal Information into an alternative format.

In the case of an extension, the Band Administrator shall, no later than 30 days after the date of the request, send a notice of extension to the individual, advising them of the new time limit, the reasons for extending the time limit, and of their right to make a complaint in respect of the extension.

No person is entitled to access Personal Information held by [First Nation or other Organization] if:

- The information is protected by solicitor-client privilege or the professional secrecy of advocates and notaries or by litigation privilege;
- Doing so would reveal confidential commercial information, unless the Personal Information is severable from the confidential commercial information;
- Doing so could reasonably be expected to threaten the life or security of another individual;
- The information was collected for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
- The information was generated during a formal dispute resolution process; or
- The information was created for the purpose of making a disclosure under the Public Servants Disclosure Protection Act or during an investigation into a disclosure under that Act.

Complaints

Employees may challenge compliance with this Privacy Policy by making a complaint in writing to the Band Administrator. Any other person is entitled to make a complaint to the Privacy Commissioner in accordance with Division II of *PIPEDA*.

The Band Administrator will advise employees of any other applicable policy, procedure, or practice that applies to complaints made under this policy.

Example: Confidentiality Policy

Policy Statement

All employees of [First Nation or other Organization] are expected to maintain confidentiality regarding information obtained in the course of their employment. [First Nation or other Organization] shares confidential information with employees out of trust, respect, and necessity for the needs of the workplace, and expects that employees will, in return, maintain confidential information in strict confidence.

Employees shall not use confidential information obtained while performing duties for [First Nation or other Organization] for personal gain, or to provide another individual with an unfair advantage while seeking employment with [First Nation or other Organization] or submitting bids for service, equipment, or land to [First Nation or other Organization].

The violation of confidentiality is a serious breach of conduct. Failure to abide by any of the procedures in this policy warrants disciplinary action, up to and including, immediate dismissal for just cause.

Breach of Confidentiality

A breach of confidentiality occurs when information obtained in the course of employment is disclosed, intentionally or unintentionally, to an individual who is not entitled or permitted to have that information. The disclosure of confidential information may be considered sufficient cause for corrective action or immediate dismissal. Examples of breach of confidentiality include and are not limited to the following:

- Posting information about an employee or client on a physical or electronic bulletin board without authorization;
- Leaving client or employee related information unattended or unprotected for extended periods of time;
- Releasing information to the media or for educational/public relations purposes where no consent to the release has been given in writing;
- Discussing information relating to a client, co-worker, Chief & Council, or third party obtained during employment with any unauthorized third party; and/or
- Discussing information contained in an employee's personnel file, including release of information on employee's salary or employment history, without express consent to do so in writing.

Sharing of Information

No information learned or obtained during employment or work on behalf of the [First Nation or other Organization] shall be released to any other person or organization unless:

- Written authorization has been received from the person to whom it relates;
- The communication of this information to others is necessary for the proper conduct of the job, and for the delivery of services to community members;
- The disclosure is required by law; and/or
- The Executive Administrator authorizes the disclosure in writing and is so authorized to permit disclosure of the information.

Uncertainty in Release of Information

In a case where an employee is unsure about whether information is confidential, the employee should consult with the Band Administrator for direction.

Harassment and Discrimination Prevention Guideline

Introduction

Clearly state the scope of the policy, including all employees, supervisors, managers, contractors, and subcontractors. Emphasize the purpose of creating a safe workplace free from discrimination, bullying, harassment, and violence.

Recommendations

- 1. Policy Statement:** Promote a work environment characterized by professionalism, collegiality, and harmony. Explicitly prohibit discrimination, bullying, harassment, and violence. Clearly communicate a commitment to taking disciplinary action against offenders. Clarify that the policy does not constrain normal social interactions.
- 2. Definitions:** Define key terms such as “discrimination,” “bullying,” “harassment,” “violence,” and “domestic violence.” Provide clear examples to illustrate the scope of each term.
- 3. Responsibility of the Organization:** Outline the organization's responsibility to provide a safe work environment and emphasize prevention through comprehensive policies and procedures. Establish procedures for responding to and addressing incidents of discrimination, bullying, harassment, or violence and mandate regular training for all staff, conducted at least every three years. Support the establishment of a Workplace Discrimination, Bullying, Harassment, and Violence Committee and provide information about the support services available to employees. Specify the need for maintaining appropriate data collection reporting.
- 4. Annual Review:** Commit to an annual review of the policy. Ensure that all workers receive a copy of the policy regularly.
- 5. Employee Responsibility:** Clearly state the responsibility of employees not to engage in discrimination, bullying, harassment, or violence and encourage the reporting of incidents through specified procedures. Provide guidance on reporting domestic violence that may impact the workplace while mandating compliance with the policy.
- 6. Application:** Clearly define the policy's application to all workers, including permanent, temporary, casual, contract, and student workers. Specify that the policy covers interpersonal and electronic communications, such as email, texting, and social media platforms.
- 7. Internal Complaint and Investigation Procedure:** Encourage employees to address concerns directly with the alleged bully/harasser. Outline the option for a formal complaint or report if the issue persists, or, if the employee is uncomfortable confronting the alleged offender.

a. Internal Complaint or Report

Recommendations

- 1. Establish procedures for making a formal internal complaint or report:** Specify reporting to the Program Manager and Human Resources Manager, with alternatives if

necessary. Mandate prompt notification of the Human Resources Manager and Chief Administrative Officer for investigation initiation. Emphasize the seriousness of all complaints, ensuring they are dealt with fairly and promptly.

2. Investigation Procedure: Clearly outline the investigation process, including an unbiased approach. Designate the Human Resources Manager or other designate, potentially an external investigator, to conduct investigations. Ensure a fair hearing for both the complainant and respondent. Document all investigation proceedings and provide a report with recommendations.

3. Confidentiality: Stress the confidentiality of discrimination, bullying, harassment, or violence complaints. Outline the importance of confidentiality for encouraging reporting. Specify disciplinary consequences for breaching confidentiality. Allow exceptions for legal requirements or necessary disclosures during investigations.

Example: Internal Complainant and Investigation Procedure

Informal Resolution

13. An employee who feels that he or she has been subject to, or has observed Discrimination, Bullying, Harassment or Violence in our workplace (the “Complainant”) is encouraged to begin by approaching the alleged bully/harasser (the “Respondent”), informing the Respondent of his/her discomfort with the behaviour, and asking the Respondent to stop. While this is often the simplest and most effective way to end the Discrimination, Bullying, Harassment or Violence the Complainant is not obligated to confront the Respondent.

14. If the Discrimination, Bullying, Harassment or Violence does not stop, or if the Complainant does not feel comfortable approaching the Respondent directly, the Complainant must proceed to file a formal complaint or report.

Internal Complaint or Report

A formal internal complaint or report may be made either orally or in writing but should be made as soon as possible as outlined below.

1. A formal internal complaint or report of Discrimination, Bullying, Harassment or Violence should be made to [Manager or designate] and a copy to the Human Resources Manager, unless it is not appropriate to do so in the circumstances (for example, where the Manager or Human Resources Manager is the subject of the complaint).

2. In circumstances where the Complainant feels it inappropriate to make a report or complaint to his/her Program Manager, he/she should make the report to the Human Resources Manager.

3. The individual that receives the complaint or report is required to promptly notify the Human Resources Manager and a copy to the Chief Administrative Officer, so that an investigation into the complaint can be commenced.

4. All complaints or reports will be taken seriously and will be dealt with fairly and promptly.

Investigation Procedure

1. If the subject matter of a complaint or report fits within the definition of Discrimination, Bullying, Harassment or Violence it will be investigated. The investigation will be approached in an unbiased manner.

2. Investigations will be conducted by the Human Resources Manager or by his or her designate, which may include an external investigator or advisor.

3. Both the Complainant and the Respondent are entitled to a fair hearing. The investigator will interview the Complainant, the Respondent, and any other witnesses the investigator believes may have information relevant to the complaint or report. The investigator will review any documents he/she considers relevant. The Respondent given the details of the complaint and will be provided with a reasonable opportunity to respond.

4. All investigation proceedings will be documented and upon completion of the investigation, the assigned investigator will file a report of findings with recommendations. The report will be forwarded to the Human Resources Manager who will ensure that it is stored in a manner that maintains the confidentiality of the report.

5. If a complaint or report is found to have merit, then appropriate remedial or disciplinary action will be taken. This action may include education, training, or formal disciplinary action up to and including dismissal of the offending person(s).

6. In appropriate circumstances employees may be referred to our Employee Assistance Program, Northwest Counselling Centre, or be encouraged to seek medical advice.

Confidentiality

1. Complaints and reports Discrimination, Bullying, Harassment or Violence involve confidential and sensitive matters. Confidentiality is required so those who may have experienced or observed Discrimination or Bullying and Harassment will feel free to come forward, and the reputations and interests of those accused are protected.

2. All employees involved in a Discrimination, Bullying, Harassment or Violence complaint or report must maintain the confidentiality of any information they receive during the course of the investigation process. Any employee breaching confidentiality may be subject to disciplinary action, up to and including dismissal.

3. Subject to disclosure which is required by law or is necessary to investigate or resolve a complaint or report, [First Nation or other Organization] will make every effort to keep confidential any information pertaining to the complaint or report.

Review

This policy statement will be reviewed every year. All workers will be provided with a copy.

Example: Harassment and Discrimination Policy

Introduction

All employees of [First Nation or other Organization], including but limited to supervisors, managers, employees, contractors, and subcontractors, have the right to be free from Discrimination, Bullying, Harassment and Violence in the workplace.

Purpose

To provide a safe workplace for all employees of [First Nation or other Organization]. The purpose of this policy is to assist all employees of [First Nation or other Organization] in identifying and preventing Discrimination, Bullying, Harassment and Violence in the workplace, and to provide procedures for handling and resolving complaints. It is intended to promote the well-being of everyone in the workplace and to foster the values of integrity, trust, and harmony that are essential for a sound organization.

[First Nation or other Organization] is committed to providing a working environment where all employees are treated with dignity and respect. Every employee has the right to work in an atmosphere that promotes equal opportunities, and that is free from Discrimination, Bullying, Harassment and Violence.

Policy Statement

[First Nation or other Organization] promotes a work environment that is characterized by professionalism, collegiality, and harmony. This policy prohibits conduct defined below as either Discrimination, Bullying, Harassment, or Violence. [First Nation or other Organization] will not tolerate Discrimination, Bullying, Harassment or Violence in any interactions connected to work with [First Nation or Other Organization], and where such conduct is found to have occurred, disciplinary action may be taken when appropriate.

[First Nation or other Organization] also considers false allegations of Bullying and Harassment to be serious workplace misconduct subject to disciplinary action, up to and including termination. Discrimination, Bullying, Harassment and Violence in our workplace is unacceptable and will not be tolerated. Reporting of all incidents of Discrimination, Bullying, Harassment or Violence, regardless of who the offender may be, is encouraged.

Definitions

“**Bullying and Harassment**” includes any inappropriate action, conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated or other physical or psychological injury or illness to an employee. Examples of Bullying and Harassment include, but are not limited to, such things as:

- Words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- Threats or intimidation;
- Cyber bullying; or
- Persistent rudeness, taunting, malicious gossip, patronizing behaviour, vandalizing belongings, or other conduct which adversely affects working conditions or work performance.

“Discrimination” means discrimination in employment based on a person’s sex, race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, age, or criminal conviction which is unrelated to the person’s employment. Discrimination includes Sexual Harassment, as defined below.

“Domestic Violence” refers to any form of physical, sexual, emotional, or psychological abuse including financial control, stalking and harassment.

“Sexual Harassment” means conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual harassment includes, but is not limited to, such things as:

- Unwanted touching;
- Unwelcome sexual flirtations, advances, or propositions;
- Sexually suggestive, obscene, or degrading comments or gestures;
- Offensive jokes of a sexual nature;
- Leering or staring;
- Displaying or circulating pictures or other material of a sexual nature; or
- Unwelcome questions or remarks about a person’s sex life, appearance, or clothing.

“Violence” includes the attempt to, or exercise of, physical force that could cause physical injury to the worker. Worker violence includes but is not limited to:

- Vandalism;
- Yelling or verbal abuse;
- Voyeurism or stalking;
- Texting, emailing or use of social media to threaten direct or indirect violence;
- Slamming objects, punching walls; or

- Pushing or other physical assault.

Responsibility of [the First Nation or Organization]

- To provide a safe work environment for all employees, free from Discrimination, Bullying, Harassment or Violence;
- To prevent Discrimination, Bullying, Harassment or Violence throughout comprehensive prevention policies and procedures;
- To respond to all occurrences of Discrimination, Bullying, Harassment or Violence in the workplace;
- To provide Discrimination, Bullying, Harassment or Violence Training to all staff at least every three years;
- To develop and support a Workplace Discrimination, Bullying, Harassment and Violence Committee;
- To maintain appropriate reporting data collection; and
- To make available information respecting support services to employees.

Responsibility of Employees

- To not engage in Discrimination, Bullying, Harassment or Violence in the course of their employment;
- To report any instance of Discrimination, Harassment or Violence that is observed or experienced using the following procedures Discrimination, Bullying, Harassment or Violence; and
- To apply and comply with this Policy.

If you are experiencing domestic violence that would expose you to physical injury in the workplace, or if you believe that the domestic violence has the potential to occur in the workplace, you should report it to your supervisor.

Application

This policy statement applies to all workers, including permanent, temporary, casual, contract, and student workers. It applies to interpersonal and electronic communications, such as email, texting, and all social media platforms.

Guideline for Performance Management

Introduction

This document serves as a comprehensive guideline for implementing a robust Performance Management Policy within [First Nation or other Organization]. It outlines key principles and practices to foster a culture of continuous improvement, accountability, and professional development.

Recommendations

- 1. Introduction:** Clearly state the purpose of the policy. Emphasize the organization's commitment to fostering a culture of continuous improvement and accountability through effective performance management.
- 2. Scope:** Specify the policy's applicability to all employees, including full-time, part-time, temporary, and contract workers. Clarify any exceptions or specific roles covered by the policy.
- 3. Objectives:** Outline the primary objectives of the performance management system. Include goals such as enhancing employee performance, aligning individual and organizational objectives, and supporting professional development.
- 4. Performance Expectations:** Define clear performance expectations for employees. Align individual goals with departmental and organizational objectives. Clarify the importance of performance expectations in achieving overall organizational success.
- 5. Performance Planning:** Establish a formal process for setting performance goals and expectations. Encourage collaboration between employees and managers in setting realistic and challenging goals. Specify the timelines for goal setting and any mid-year adjustments.
- 6. Regular Feedback:** Promote a culture of continuous feedback. Encourage managers to provide regular, constructive feedback to employees. Specify the frequency and format of feedback sessions, including both formal performance reviews and ongoing, informal discussions.
- 7. Performance Reviews:** Outline the process for conducting formal performance reviews. Define the criteria used for evaluating employee performance. Specify the timing and frequency of performance reviews (e.g., annually or bi-annually). Emphasize the importance of a two-way discussion during performance reviews.
- 8. Development and Training:** Highlight the link between performance management and professional development. Encourage the identification of training and development needs based on performance reviews. Provide support for employees to enhance their skills and capabilities.

- 9. Recognition and Rewards:** Acknowledge the importance of recognizing and rewarding exceptional performance. Specify the criteria for merit increases, bonuses, promotions, or other rewards. Emphasize the fairness and transparency of the reward system.
- 10. Performance Improvement Plans (PIPs):** Outline the process for implementing PIPs when necessary. Clearly define the purpose, expectations, and timelines of PIPs. Emphasize the supportive nature of PIPs as a tool for improvement.
- 11. Confidentiality:** Address the confidentiality of performance-related information. Clearly state who has access to performance records and under what circumstances. Emphasize the organization's commitment to protecting employee privacy.
- 12. Grievance Procedure:** Provide a clear procedure for employees to address concerns or disputes related to their performance management. Establish a formal grievance process that allows employees to express concerns and seek resolution.
- 13. Continuous Review and Improvement:** Commit to regular reviews of the performance management system. Encourage feedback from employees and managers to identify areas for improvement. Demonstrate a commitment to adapting the system to changing organizational needs.
- 14. Conclusion:** Reiterate the organization's commitment to employee development, fairness, and continuous improvement. Encourage open communication and collaboration between employees and management to ensure the success of the performance management process.

Leave and Absence Management Guideline

Introduction

In recognizing the dynamic nature of a workforce and the importance of maintaining a harmonious work-life balance, [First Nation or other Organization] is committed to developing and implementing a comprehensive Leave and Absence Management Policy.

This guideline serves as a roadmap for crafting a policy that not only ensures consistent and fair leave procedures but also acknowledges the diverse needs of our workforce, including cultural observances and traditions. By establishing clear processes, eligibility criteria, and communication channels, this policy aims to foster a supportive work environment, enabling employees to manage their time away from work effectively while contributing to the overall success of the organization. The inclusion of specific sections for Cultural Leave and Extended Cultural Leave underscores our commitment to cultural sensitivity and inclusivity within the workplace.

Recommendations

1. **Introduction:** The purpose of this guideline is to provide a framework for the development and implementation of a comprehensive Leave and Absence Management Policy within [First Nation or other Organization]. This policy aims to ensure fair, consistent, and transparent procedures for managing employee leaves.
2. **Scope:** This guideline applies to all employees, including full-time, part-time, temporary, and contract workers. It encompasses various types of leaves, including but not limited to sick leave, vacation, personal leave, and cultural leave.
3. **Objectives:** Clearly outline the objectives of the Leave and Absence Management Policy, emphasizing the organization's commitment to supporting employees while maintaining operational efficiency.
4. **Types of Leave:** Enumerate different types of leave, including sick leave, vacation, personal leave, family and medical leave, and cultural leave. Specify the eligibility criteria and conditions for each type.
5. **Request and Approval Process:** Define a standardized process for requesting and approving leaves. Specify the required notice period, documentation, and communication channels.
6. **Cultural Leave:** Introduce a dedicated section for Cultural Leave, recognizing the importance of cultural observances and traditions. Specify the following:
 - The definition of “Cultural Leave”;
 - Eligibility criteria;

- Duration and frequency limitations;
- The process for requesting cultural leave;
- Documentation requirements; and
- The approval process and timelines.

7. Extended Cultural Leave: Acknowledge the need for extended periods of cultural leave for significant cultural events or responsibilities. Include details such as:

- The definition of “Extended Cultural Leave”;
- Eligibility criteria for Extended Cultural Leave;
- Process for requesting and approving Extended Cultural Leave;
- Documentation requirements; and
- Communication and planning considerations during Extended Cultural Leave.

8. Notification of Absence: Outline the employee's responsibility to notify their supervisor or the designated authority promptly when they need to take leave. Specify acceptable communication methods.

9. Medical Certificates: Establish the requirement for medical certificates for extended sick leave or medical-related absences. Clearly communicate the process for submission and confidentiality.

10. Record-Keeping: Define a systematic approach to record-keeping, emphasizing the importance of accurately documenting leave balances, approvals, and any supporting documentation.

11. Return-to-Work Procedure: Detail the process for an employee's return to work after a leave, including any required documentation and reintegration considerations.

12. Communication: Emphasize the importance of clear and open communication between employees and management regarding leave requests, approvals, and changes to planned absences.

13. Review and Update: Commit to regular reviews and updates of the Leave and Absence Management Policy to ensure its relevance and alignment with evolving organizational needs and legal requirements.

14. Conclusion: This guideline provides a foundational framework for the creation of a Leave and Absence Management Policy, emphasizing the importance of inclusivity, transparency, and cultural sensitivity. It serves as a reference for both employees and management involved in the leave management process within [First Nation or other Organization].

Example: Termination and Exit Procedure Policy

Purpose: The Termination and Exit Procedure Policy is designed to provide clear guidelines and procedures for the termination of employees and the subsequent exit process. This policy aims to ensure a smooth and respectful transition for both departing employees and the organization.

Scope: This policy is applicable to all employees, including full-time, part-time, temporary, and contract workers.

Termination Process:

1. Notification:

- Employees should be informed of their termination in a private and confidential setting.
- The termination notice should include the effective date and reason for termination.

2. Documentation:

- Maintain detailed records of the termination, including the reason, discussions, and any supporting documentation.
- Document the return of company property, access cards, and any other assets.

3. Exit Interview:

- Conduct an exit interview to gather feedback and insights from the departing employee.
- Use the information gathered to identify areas for improvement and enhance the work environment.

4. Employee Benefits:

- **Benefits Continuation:** Clearly communicate the status of employee benefits after termination, including health insurance, retirement plans, and other applicable benefits.

5. Final Paycheck:

- Specify the timeline for providing the final paycheck, including any accrued but unused vacation or leave balances.

6. Return of Company Property:

- **Procedure**

Outline the process for returning company property, such as laptops, phones, access cards, and any other assets. Clearly communicate the consequences of failing to return company property.

7. Security and Access:

- **Access Revocation**

Clearly define the process for revoking access to company premises, systems, and confidential information. Ensure the timely removal of the departing employee's access credentials.

8. Non-Disclosure and Confidentiality

- **Reminders**

Reinforce the obligation to maintain confidentiality even after termination. Clearly outline the consequences of violating non-disclosure agreements.

9. Post-Employment Relations

- **Reference Requests**

Establish a process for handling reference requests for former employees. Train employees to provide references in a consistent and fair manner.

10. Compliance with Employment Laws:

- **Legal Compliance**

Ensure that the termination process complies with all relevant employment laws and regulations. Consult legal counsel when necessary.

11. Communication

- **Internal Communication**

Communicate the departure of an employee to relevant staff members in a professional and respectful manner. Emphasize the importance of maintaining a positive workplace culture.

12. Review and Update

- **Periodic Review**

Regularly review and update the Termination and Exit Procedure Policy to align with organizational changes and legal requirements. This Termination and Exit Procedure Policy should be communicated to all employees, and any updates should be promptly

disseminated to ensure compliance and understanding. Violations of this policy may result in disciplinary action, up to and including termination.

Employee Grievance and Dispute Resolution

Introduction

Creating a comprehensive Employee Grievance and Dispute Resolution Policy is essential for maintaining a healthy and productive work environment. This guide will help you draft a policy that addresses employee concerns, promotes fairness, and establishes a structured process for resolving disputes in the workplace.

Recommendations

1. Policy Statement: Clearly define the purpose of the Employee Grievance and Dispute Resolution Policy. Emphasize the organization's commitment to providing a fair and transparent process for addressing employee concerns and resolving disputes promptly.

Example: "The purpose of this policy is to establish a formalized and transparent procedure for addressing employee grievances and resolving disputes within our organization. We are committed to maintaining a positive work environment that promotes open communication and fair resolution of issues."

2. Scope and Applicability: Specify the scope of the policy, outlining the types of issues covered, and the employees to whom it applies. Clearly state whether the policy covers all employees, specific departments, or levels within the organization.

Example: "This policy applies to all employees within [First Nation or other Organization] and covers grievances related to workplace conditions, employment terms, interpersonal conflicts, and any other concerns affecting the work environment."

3. Definitions: Include clear definitions of key terms used in the policy, such as "grievance," "dispute," "mediation," and "arbitration." This ensures that everyone understands the terminology used in the document.

Example:

- **“Grievance”:** A formal complaint raised by an employee regarding a workplace issue.
- **“Dispute”:** A disagreement between two or more parties that requires resolution.
- **“Mediation”:** A voluntary process where a neutral third party assists in facilitating communication and reaching a resolution.
- **“Arbitration”:** A process where an impartial third party makes a binding decision to resolve a dispute.

4. Grievance Procedure: Outline the step-by-step process for employees to follow when raising a grievance. This should include:

- The individual or department to whom the grievance should be reported.
- A timeframe for reporting grievances.
- Investigation process, including who will conduct the investigation.
- Communication of the resolution to the involved parties.

Example:

- Employees should report grievances to their immediate supervisor within [X] days of the incident.
- The Human Resources department will conduct a thorough investigation within [Y] days of receiving the grievance.
- The resolution, along with any recommended actions, will be communicated to the involved parties within [Z] days of completing the investigation.

5. Dispute Resolution: Provide options for resolving disputes, such as mediation and arbitration. Clearly explain the differences between the two methods and under what circumstances each would be utilized.

Example:

- Mediation: A voluntary process where a trained mediator facilitates communication between parties to reach a mutually agreeable resolution. Both parties must agree to participate.
- Arbitration: A formal process where an impartial third party makes a binding decision after reviewing evidence and hearing arguments from both parties. This process is binding, and the decision is legally enforceable.

6. Confidentiality: Address the confidentiality of the grievance and dispute resolution process. Emphasize the importance of maintaining confidentiality to protect the privacy of the involved parties.

Example: "All parties involved in the grievance and dispute resolution process are expected to maintain confidentiality. Information disclosed during the process should not be shared with

individuals outside of the resolution proceedings. Breach of confidentiality may result in disciplinary action."

7. Review and Update: Outline a schedule for periodically reviewing and updating the Employee Grievance and Dispute Resolution Policy to ensure its effectiveness and relevance.

Example: "This policy will be reviewed annually by the Human Resources department to ensure its alignment with current laws, regulations, and organizational needs. Any necessary updates will be communicated to all employees."

8. Communication: Clearly communicate the existence of the Employee Grievance and Dispute Resolution Policy to all employees. Provide training to ensure that employees understand the policy and know how to use the grievance procedure.

Example: "Employees will receive training on the Employee Grievance and Dispute Resolution Policy upon onboarding and as part of ongoing professional development. The policy will be accessible to all employees through the company's intranet, and updates will be communicated via email."

9. Conclusion: By following these guidelines, you can create a robust Employee Grievance and Dispute Resolution Policy that promotes fairness, transparency, and a positive workplace culture. Regularly review and update the policy to ensure its effectiveness in addressing the evolving needs of your organization and its workforce.

Termination and Exit Procedure

Introduction

Crafting a Termination and Exit Procedure Policy is crucial for maintaining consistency and fairness when employees leave your organization. This guide will help you create a comprehensive policy that outlines the steps to be taken during the termination process, ensure your compliance with relevant laws, and foster a professional and respectful transition for your departing employees.

Recommendations

1. Policy Statement: Begin by clearly stating the purpose of the Termination and Exit Procedure Policy. Emphasize the organization's commitment to handling terminations in a fair, legal, and respectful manner.

Example: "The purpose of this policy is to establish a standardized and fair process for handling employee terminations and exits within [First Nation or other Organization]. We are dedicated to ensuring that all terminations are conducted in compliance with applicable laws and regulations and with the utmost respect for the departing employee."

2. Scope and Applicability: Define the scope of the policy by specifying the types of terminations covered and the employees to whom the policy applies. Clearly state whether the policy covers voluntary resignations, involuntary terminations, retirements, or other forms of separation.

Example: "This policy applies to all employees within [First Nation or other Organization] and covers voluntary resignations, involuntary terminations, retirements, and other forms of employment separation. It is applicable to all levels and departments within the organization."

3. Termination Process: Outline the step-by-step process for initiating and completing a termination. Include the following key elements:

- i. Notification procedures for the employee and relevant stakeholders;
- ii. Documentation requirements, such as termination letters, final paychecks, and return of company property;
- iii. Exit interviews and feedback collection; and
- iv. Handling company property, access, and confidentiality.

Example:

- The immediate supervisor or department head must notify Human Resources of the impending termination and provide relevant details.

- Human Resources will conduct an exit interview with the departing employee to gather feedback on their experience and reasons for leaving.
- The employee's access to company systems will be promptly deactivated, and all company property must be returned on or before the last day of employment.

4. Compliance with Laws: Address legal considerations related to termination, such as adherence to labor laws, notice periods, and final paycheck distribution. Emphasize the importance of compliance to avoid legal consequences.

Example: "All terminations will be conducted in compliance with federal, state, and local labor laws. Notice periods, final paycheck distribution, and other legal requirements will be strictly adhered to. Human Resources will stay informed of any changes to relevant laws and update procedures accordingly."

5. Communication Plan: Establish a clear communication plan for informing relevant stakeholders about the employee's departure. This may include notifying team members, clients, and other departments as necessary.

Example: "Upon confirmation of the termination, Human Resources will coordinate with the employee's immediate supervisor to communicate the departure to the affected team, clients, and relevant departments. The communication will be handled professionally and with respect for the departing employee's privacy."

6. Exit Interviews and Feedback: Encourage the use of exit interviews to gather valuable feedback from departing employees. This information can be instrumental in identifying areas for improvement within the organization.

Example: "Exit interviews will be conducted with departing employees to collect feedback on their experience with the organization. This information will be used to identify trends, improve workplace practices, and enhance the overall employee experience."

7. Record Keeping: Specify the retention period for termination-related documents and records. Outline the types of records that will be maintained and the security measures in place to protect sensitive information.

Example: "All termination-related documents, including termination letters, exit interview records, and related correspondence, will be securely maintained by Human Resources for a period of [X] years. After this period, records will be appropriately disposed of in compliance with data protection regulations."

8. Review and Update: Establish a schedule for reviewing and updating the Termination and Exit Procedure Policy to ensure its continued effectiveness and alignment with legal requirements.

Example: "This policy will be reviewed annually by the Human Resources department to ensure its alignment with current laws, regulations, and organizational needs. Any necessary updates will be communicated to all relevant stakeholders."

9. Conclusion: By following these guidelines, you can create a robust Termination and Exit Procedure Policy that ensures consistency, fairness, and legal compliance in managing employee separations. Regularly review and update the policy to adapt to changing circumstances and maintain the professionalism of the termination process within your organization.

Guideline for Creating a Briefing Package

Introduction

When preparing a briefing package for post elections, it is crucial to provide Grand Chief and Chiefs comprehensive information to ensure a smooth transition and set them up for success.

Recommendations

Key components to include in the briefing package:

- 1. Welcome Letter:** Begin by expressing a warm welcome and excitement for their new role. Provide an overview of the departments / portfolio's culture, and mission. Emphasize the importance of their contribution to the departments / portfolio's success.
- 2. Portfolio / Department Overview:** Include a high-level overview of the departments / portfolio's history, structure, and key projects. Provide a chart showcasing reporting lines and key positions. Share any recent achievements, challenges, or changes within the organization.
- 3. Executive Team Profiles:** Introduce the current executive team members with their roles and responsibilities. Include a brief biography or summary of their backgrounds, expertise, and achievements. Highlight key relationships and collaborations with other executives.
- 4. Strategic Objectives and Priorities:** Clearly outline the strategic objectives and long-term goals. Summarize current projects, initiatives, and strategic priorities. Provide an overview of the managers / technician's specific role in achieving these objectives.
- 5. Key Stakeholders:** Identify and provide information on key internal and external stakeholders. Highlight their roles, interests, and importance. Include any ongoing or upcoming collaborations or partnerships.
- 6. Financial and Operational Information:** Share relevant financial data, such as recent financial reports or budgets. Provide an overview of operational processes, systems, and key performance metrics. Summarize any challenges or opportunities related to the finances or operations.
- 7. Policies and Procedures:** Share important organizational policies, such as code of conduct, ethics, and compliance. Provide information on governance structures and decision-making processes. Highlight any specific policies or procedures relevant to their executive role.
- 8. Resources and Support:** Share available resources, such as employee handbooks, manuals, and guides. Provide information on support services, including IT, HR, and

administrative assistance. Offer guidance on accessing training, professional development, and mentorship opportunities.

9. Contacts and Networking: Include a contact list of key individuals within the department and their roles. Provide networking opportunities by introducing relevant colleagues and stakeholders. Encourage the use of internal communication channels for building relationships and seeking support.

Keep in mind the briefing package should be organized, concise, and visually appealing. Feel free to customize the package to suit the specific needs and preferences of each stakeholder.

Guideline for Creating an Ethical Space for Discussions

Introduction

Promoting ethical discussions is crucial for fostering an inclusive and respectful environment. This guiding document provides a framework for creating an ethical space where participants can engage in meaningful conversations while upholding principles of respect, empathy, and open-mindedness. By following these guidelines, facilitators can ensure that all voices are heard, diverse perspectives are valued, and a positive exchange of ideas is fostered. Ethical space can be used to open each new gathering or meeting.

Recommendations

1. **Set the Purpose:** Clearly define the purpose and objectives of the discussion to ensure participants understand the intended outcomes. This will help establish a common ground and guide the conversation towards constructive paths.
2. **Establish Ground Rules:** Consider creating a set of ground rules that promote ethical behavior and participation. These rules may include:
 - **Respect:** Encourage participants to respect one another's opinions, experiences, and backgrounds, even if they disagree. Remind them to use inclusive language and avoid personal attacks.
 - **Active Listening:** Emphasize the importance of active listening, allowing others to speak without interruption, and seeking clarification rather than making assumptions.
 - **Constructive Criticism:** Encourage participants to provide constructive criticism while being mindful of the impact their words may have on others. Ensure criticism is focused on ideas and not individuals.
 - **Confidentiality:** Create a safe space by emphasizing that personal stories or sensitive information shared during discussions should remain confidential.
 - **Time Management:** Set time limits for each topic or speaker to ensure everyone gets a chance to contribute. Encourage participants to be mindful of time and avoid dominating the conversation.
3. **Facilitate Open-Mindedness:** As a facilitator, ensure that all participants feel comfortable expressing their opinions, even if they differ from the majority. Encourage open-mindedness by:
 - **Encouraging Diverse Perspectives:** Emphasize the value of diverse perspectives and actively seek contributions from all participants, regardless of their background or status.
 - **Challenging Assumptions:** Encourage participants to challenge their own assumptions and biases, fostering an environment where critical thinking is valued.

- **Encouraging Questions:** Promote the asking of questions to promote curiosity, clarification, and deeper understanding.

4. Manage Power Dynamics: Recognize and address power imbalances that may exist within the discussion. Ensure that everyone has an equal opportunity to participate and that dominant voices do not overshadow others. Strategies to manage power dynamics include assigning rotating roles (such as timekeeper, note-taker, facilitator).

Summary

The Guides in this document were developed to help the Chiefs of Ontario's leadership teams draft and implement policies and guidelines on Harassment, Employment and Human Resources in the workplace. First Nations organizations who wish to implement effective frameworks instrumental to their operations may use this document for their aid in navigating that process.

Sample guidelines, terminology examples, and policy templates were shared in this document for ease of use and straightforward demonstration. As noted in the Introduction, this document does not replace the necessity for legal counsel and review to ensure compliance with current and applicable laws and regulations.