

Draft Human Resource Policies

EMPLOYEE COMPLAINT REPORTING AND BC CHILD ABUSE PROTECTION REPORTING

All employees are protected from discrimination and harassment in the work place by the BC Human Rights Code. Harassment or discrimination in any form is a serious offense and any allegations must be investigated by the club. A detailed complaint reporting procedure is outlined in [Appendix T](#).

Similarly, in the club's capacity dealing with children, it is the responsibility and legal duty of anyone who has reason to believe that a child has been or is likely to be abused or neglected to report the matter to the Ministry of Children and Family Development. Call the Helpline at 604-310-1234 when there is a concern about the safety and well-being of a child.

Any unlawful act of discrimination or harassment that is in violation of the Human Rights Code will not be tolerated. Through enforcement of this policy and by education of employees, we will seek to prevent, correct and discipline behaviour that violates the Human Rights Code. Prohibited conduct under this policy includes:

Discrimination - is any attempt to harass an individual, in matters related to employment including but not limited to opportunities, benefits or privileges, working conditions, or evaluation standards, on any of the following prohibited grounds: ancestry or place of origin, race, color, religious beliefs, physical disability, mental disability, gender, age, sexual preference, marital status, and family status, any other unlawful criteria.

Harassment - includes discriminatory or sexual harassment as prohibited by law, and means unsolicited or unwelcome conduct, comment, gesture, or contact which causes offence or humiliation to any individual, which engenders fear or mistrust, or which compromises an individual's dignity or sense of self-worth.

Sexual Harassment - is any sexual behaviour, which is unwelcome, personally offensive, undermines morale, and therefore interferes with work effectiveness. It includes: repeated offensive sexual flirtations, unwelcome advances, propositions, continued or repeated verbal abuse of an equal nature, and graphic or degrading verbal comments of a sexual nature about an individual or their appearance. The display of sexually suggestive written or graphic material or objects including calendars, photos or the use of degrading verbal comments creates an offensive atmosphere and is a form of sexual harassment.

In addition, no one should imply or threaten that an applicant or employee's "co-operation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any condition of employment. This includes offering work related rewards. The organization considers harassment, in all its forms, to be a serious offence and shall take appropriate disciplinary measures up to and including termination against any employee who subjects any other individual to harassment.

The organization will investigate all reported incidents of harassment. Disciplinary action may be taken against both the offending party as well as any employee in a Supervisory or Managerial role who becomes aware of, but does not act on, a potential violation of the harassment policy.

Any employee electing to utilize this complaint resolution procedure will be treated courteously. The problem will be handled swiftly and as confidentially as possible in light of the need to take appropriate corrective action. Registering a complaint will in no way be used against the employee, nor will it have an adverse impact on their employment status. While reporting such incidents would be a difficult personal experience, allowing discriminatory or harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.

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Because discrimination and harassment are serious offenses, the organization may elect to have the allegation investigated by an external third party to ensure the investigation is unbiased and in the event that the issued may progress to legal action.

COMPLAINT REPORTING PROCEDURES

The employee who believes they are being harassed, is strongly encouraged to:

- Tell the harasser to stop and firmly state that the specific behavior is objectionable and unwelcome.
- Keep a record of incidents including dates, times, locations, possible witnesses, what happened, etc. and maintain a record of incidents which may strengthen an employee's case and help assist with recalling details if necessary.

If direct communication is ineffective or difficult, the complainant should speak to their Supervisor or Manager without fear of reprisal.

A course of action may be initiated by the employee by filing a written and signed complaint with the person responsible for human resources or the most senior person in the organization. No formal action will be taken against any person under this policy unless a written and signed complaint is on file containing sufficient details to allow the person responsible to determine if the policy may have been violated. If a Supervisor or Manager becomes aware that discrimination or harassment is occurring, either from personal observation or as a result of an employee coming forward, the Supervisor or Manager should immediately report it to the appropriate person.

The person responsible will investigate the complaint promptly to determine whether the complaint falls within the definition of discrimination or harassment. If the complaint falls within the definition of discrimination or harassment, the person responsible will:

- Advise the alleged offender, hereafter named the respondent, of the complaint received.
- Consult with the Supervisor or Manager in charge, investigate the complaint, and interview the complainant and the respondent and others, as appropriate. During these interviews the complaint will be explained, the organization's Discrimination or Harassment Policy will be reviewed, and the version of the facts given will be noted in detail.
- Conclude the investigation by documenting a report of findings with recommendations for resolution including appropriate disciplinary action up to and including termination, to the organization, the complainant and the respondent.
- If the complaint does not fall within the definition of this policy, the employee will be so advised and actions may be taken to resolve the issue as appropriate.

In all cases, facts must be written down so that the complaint can be substantiated, if necessary. The organization recognizes that employees may be concerned about the confidentiality of information they share, and will strive to preserve confidentiality to the fullest extent possible. The person responsible will retain all related documentation. If allegations are confirmed and disciplinary action is taken (including possible termination), the documentation will be placed on the respondent's file as part of that disciplinary action. If the allegations prove to be wholly without merit, and in order to protect the respondent's reputation, no documentation will be reflected in either personnel files and those individuals who were involved in the investigation will be advised that the complaint was unfounded.

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Employees are encouraged to report all incidents that they feel may be considered discrimination or harassment under this policy. Regardless of the outcome of a complaint, any employee who submits a complaint or provides related information will be protected from any form of retaliation from either co-workers or superiors.

Nothing in this guideline shall prevent the complainant or the respondent from pursuing formal legal remedies or resolutions.

The following policies cover some of the mandatory human resource topics that should be included in an Employee Manual:

PAID HOLIDAYS

The organization provides 10 paid statutory holidays annually. When a statutory holiday falls mid-week or on a weekend, office announcements will be made regarding observance. If a statutory holiday occurs during a staff member's vacation period, it is recorded as a statutory holiday and not a day of vacation. These statutory holidays are as follows:

- New Year's Day
- Good Friday
- Victoria Day
- Canada Day
- BC Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day

To qualify for statutory holiday pay, employees must have been employed for at least 30 calendar days before the statutory holiday **and** have worked or earned wages on at least 15 of the 30 days immediately before the statutory holiday. Employees who work under an averaging agreement or variance at any time in the 30 days before the statutory holiday do not have to meet the 15-day requirement. Vacation days count as days worked when determining entitlement to a statutory holiday.

If an **ineligible** employee works on a statutory holiday, they are paid as if it were a regular work day.

If an **eligible** employee works on a statutory holiday, they are entitled to 1^{1/2} times their regular rate of pay for the first 12 hours worked, and double-time for any work over 12 hours, **plus** an average day's pay.

When an employee is given a day off on a statutory holiday, or it falls on a regular day off, an eligible employee is entitled to be paid an average day's pay.

An employer and a majority of employees can agree to substitute another day off for a statutory holiday. If this is the case, the regulations apply to the substitute day as if it were the statutory holiday.

Boxing Day and Easter Monday **are not** statutory holidays. Therefore, if worked these are treated as working a regular work day.

MINIMUM DAILY PAY

An employee who reports for work must be paid for at least two hours, even if the employee works less than two hours. If an employee who is scheduled for more than eight hours reports for work, he or she must be paid for at least four hours. However, if any employee reports to work but is unfit to work, they are only paid for the time actually worked.

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FAMILY RESPONSIBILITY LEAVE

An employee can take up to five days of unpaid leave in each employment year to attend to the care, health or education of a child in the employee's care, or to the care or health of any other member of the employee's immediate family.

Employees are expected to give the organization as much notice as possible and provide sufficient information for the organization to understand the reason for the leave. Employees are not required to give notice in writing or disclose personal or private information.

BEREAVEMENT LEAVE

Upon completion of the probationary period, an employee is entitled to three days of paid leave on the death of an immediate family member. Additional leave without pay may be granted if extraordinary circumstances merit a longer leave.

Immediate family is defined as mother, father, husband, wife, common-law spouse, son, daughter, brothers, sisters, grandfather and grandmother and in-laws.

COMPASSIONATE CARE LEAVE

The Employment Standards Act was recently amended to allow workers in B.C. to care for their families during a serious medical crisis without fear of losing their jobs.

All employees are entitled to take up to 8 weeks of unpaid leave to care or support a family member within a period of 26 weeks. The definition of a family member is a member of the employee's immediate family, or the spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, and any person who lives with the employee as a member of their immediate family.

The family member must be suffering from a serious medical condition posing a significant risk of death within 26 weeks. The employee must produce a certificate from a medical practitioner confirming the family member's medical condition and significant risk of death as soon as possible.

Leave does not have to be taken all at one time. However, it must be taken in increments of one week or more. For example, if an employee needs two days of leave, it will be deemed that one week of leave has been used.

The Compassionate Care Leave will come to an end in three ways (whichever comes first) – when the family member dies; when the employee has had 8 weeks off within the period of 26 weeks; or 26 weeks after the leave begins, even if the employee has not taken 8 weeks of leave. If the family member does not die within the 26 week period, an employee may take a further leave after obtaining a new medical certificate stating that the family member has a serious medical condition with significant risk of death within 26 weeks.

While on leave, employment is considered continuous for the purposes of calculating annual vacation and termination entitlements, as well as for medical or other benefit plans. The organization will continue to make its share of premium payments to the benefits plan unless advised in writing by the employee.

Upon return to work, the employee will return to their former position, or a comparable one.

While the leave is unpaid, employees may apply for Employment Insurance (EI) benefits and be granted six weeks of special insurance benefits.

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VACATION

It is important that employees have a break from work to maintain their mental and physical well-being.

Vacation entitlement is based on completed months of service and is credited to your vacation account monthly.

Entitlements according to BC Employment Standards are two weeks after completing one year of employment, and three weeks after five years. In addition, Employment Standards does not require any carry forward of unused vacation days but most organizations will allow a week to be carried forward.

In today's busy world, many organizations recognize employees lives are stressful and often provide three week's vacation upon hiring or in the second year of employment.

Vacation entitlement **based on common practice** is as follows:

LENGTH OF SERVICE	ANNUAL ENTITLEMENT	MONTHLY ACCRUAL (based on each completed month of service)
Staff members with less than 1 year of continuous service	10 days	.83 days
Staff members who have completed 1 year of continuous service	15 days	1.25 days
Staff members who have completed 5 years of continuous service	20 days	1.67 days
Staff members who have completed 10 years of continuous service	25 days	2.08 days

- Newly hired staff will accrue vacation entitlement based on completed months of service beginning from the first day of employment. If a staff member joins at a time other than the first day of the month, the first month's entitlement will be prorated.
- Annual vacation entitlement increases with the number of years of continuous service to the Organization. Additional entitlement begins to accumulate on a prorated basis beginning from the first day of the month in which advancement to the next entitlement category occurs. For example, a staff member, who at July 1 has completed one year of service, will begin to accrue additional annual entitlement at the rate of 1.25 days per month commencing July 1.
- Staff are encouraged to use vacation entitlement in the year in which it is earned; however, a maximum of 5 days entitlement may be carried forward to subsequent years.
- Accrued entitlement in excess of 5 days' entitlement at December 31 (the vacation year-end) will be forfeited.
- Vacation entitlement will be paid out only in the event of leaving the organization. Vacation pay is 4% of the employee's total earnings from the previous year for the first five years of consecutive employment, and 6% thereafter. Vacation pay is not payable if employment is five calendar days or less.
- Each employee must complete 6 months of continuous employment to take vacation days and cannot be away continuously for more than 3 weeks.
- Management is responsible for balancing employee needs with the requirement that all departments must continue to operate satisfactorily throughout the year.

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VACATION PAY

It is critical to keep track of each employee's vacation time taken and vacation pay received to avoid any problems. Vacation pay should also be listed on an employee's pay stub.

Vacation pay is calculated at 4% of gross earnings after 5 days of continuous employment for the first five years, and increases to 6% thereafter. It is calculated from earnings and it does not matter if an employee is salaried or hourly. For salaried employees, most organizations simply pay them their regular amount of pay and this amount is deducted from their vacation pay accumulated account. If an employee is paid hourly, they will be paid out their vacation pay that has been accumulated to that point. Vacation pay is payable at least seven days before the start of an employee's annual vacation, or on regular pay days if agreed to in writing by the employer and the employee.

Some organizations may choose to pay an employee's vacation on each scheduled pay day. This must be mutually agreed to in writing by both parties. However, you are not obliged to do this unless it's part of a collective agreement and it may be problematic. You are required to ensure employees take the required two weeks off following their first year of work. If vacation pay is paid out on each payday, your employee may not have money saved to cover the time off.

Employers have the final say when an employee can go on vacation. However, once an employer tells an employee they can take time off, the employer could face consequences for revoking the decision later on without very good reason. Remember, a happy employee is a good employee and not allowing them to choose their vacation could have a negative impact on their productivity and morale.

An organization may choose to close down for a week or two and have employees take that as their vacation. If you plan to do this, provide as much written notice as possible and advise your employees they will be paid for the time as part of their vacation.

Employees do not have the option of being paid out vacation pay without taking the time off. Nor can an employee work through an annual vacation and be paid for this time as well as receive vacation pay.

If an employee is employed for more than five calendar days but less than one year, they are not entitled to vacation time but they still qualify for vacation pay.

Employees who voluntarily end their employment must be paid all outstanding wages, including any outstanding vacation pay, within six days. However, if an employee is terminated, they must be paid all outstanding wages, including any outstanding vacation pay, within 48 hours.

MATERNITY AND PARENTAL LEAVE

Unpaid maternity leave of up to 17 weeks is available to a birth mother or birth father through Employment Insurance (EI). Maternity leaves can commence no earlier than 11 weeks preceding the estimated date of birth. Request for maternity leave must be submitted in writing to the employee's immediate Supervisor or Manager and be accompanied by a certificate from a medical practitioner stating that the employee is pregnant and the estimated due date. During such leave, an employee may apply for and collect maternity benefits through Employment Insurance (EI).

An employee may apply for EI benefits up to ten weeks prior to the anticipated birth. However, the Record of Employment (ROE) will be issued with the employee's last pay.

Regardless of when maternity leave commences, the leave shall end no earlier than six weeks following the actual date of birth (unless the employee requests a shorter period). A request for a shorter period of maternity leave must be

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submitted in writing at least two weeks prior to the date that the employee indicates she intends to return to work and must be accompanied by a doctor's certificate.

Unpaid parental leave of up to 35 weeks is also available to a birth mother or father through Employment Insurance (EI). This leave provision must be taken immediately following the maternity leave.

Combined maternity and parental leave shall not exceed a total of 52 weeks. However, a leave may be extended by up to thirteen weeks if the natural mother is medically unfit to work at the end of the maternity leave. Written notice of the employee's intent to return to work or apply for parental leave is required four weeks in advance of their expected return date.

During a maternity leave, the organization will continue to pay its share of premiums if an employee chooses to maintain coverage for benefits. On return from maternity leave, the organization will endeavour to place the employee in their former position; however, it cannot guarantee what the position will be.

Full-time employees on maternity/parental leave continue to earn vacation time.

ADOPTION LEAVE

Unpaid leave of up to a maximum of 37 weeks is available through Employment Insurance (EI) for adoptive parents. This leave may be extended up to five weeks if the child requires an additional period of parental care. Request for parental leave must be in writing and include proof of either the child's birth (birth certificate) or an adoption placement certificate.

TIME OFF TO VOTE

All employees who are legally eligible to vote are entitled by law to three consecutive hours for the sole purpose of casting his or her vote on a Federal Election Day, and four consecutive hours on a Provincial Election Day. If an employee's work hours do not allow for the required consecutive hours in which to vote before, during or after his or her normal working hours, then they will be permitted to paid time off to provide for the required consecutive hours away from the workplace to vote.

In the interest of providing the best customer service, it is preferred that voting occur at the beginning or end of the working day, or combined with a lunch break and should be scheduled with the employee's Supervisor or Manager to ensure adequate staff coverage is provided throughout the day.

This policy does not apply to an employee who has already voted in an Advance Poll or by Special Mail Ballot.

JURY DUTY

An employer is not required to pay an employee who is required to attend Court as juror. This is considered unpaid leave for the period of their jury duty.

However, many employer's recognize it is everyone's civic duty to serve on a jury but do not want their employees to experience financial hardship. Therefore, in some organizations employees receive full pay for time off if they are called on to perform jury duty or subpoenaed as a witness (other than on their own behalf) for a period not to exceed 7 weeks. The Organization does not pay for additional transportation costs, parking fees, meals, or other expenses which may be incurred while on jury duty or acting as a witness. It is the employee's responsibility to ensure that any remuneration they receive for jury duty, or for acting as a witness, is remitted to the employer to compensate them for full coverage of the employee's regular pay.

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OVERTIME

Full-time non-managerial employees will be paid overtime at a rate of 1^{1/2} times the regular hourly rate. The employee must complete a minimum of 8 hours in the day and must also complete a minimum of 40 hours in the week to be eligible for overtime.

Part-time employees: hours may vary during a week, but shall not exceed 8 hours in the day or 40 hours in a week. If a part-time employee chooses to exceed these hours, these hours will be paid at the regular hourly rate. All overtime must be approved in advance by the immediate supervisor.

BANKING OF OVERTIME

At the written request of an employee, an employee may establish a time bank and credit the employee's overtime wages to the time bank instead of paying them to the employee. If a time bank is established, the employee may at any time request the employer to do one or more of the following:

- a) pay the employee all or part of the overtime wages credited to the time bank;
- b) allow the employee to use the credited overtime wages to take time off with pay at a time agreed by the employer and the employee;
- c) close the time bank.

The employer can close the employee's time bank after one month's written notice to the employee. Within six months of closing the time bank, the employer must pay to the employee all overtime wages credited to the time bank, OR allow the employee to use the credited overtime wages as time off with pay; OR pay the employee for part of the overtime wages credited to the time bank and allow the employee to use the remainder as time off with pay.

AVERAGING AGREEMENTS

An employer and an employee can agree to average scheduled work hours over a period of one to four weeks. Averaging agreements must be in writing and have a start and an end date. Overtime is payable after 8 hours in a day if extra hours have been added to an employee's schedule, or if the employee works more than an average of 40 hours in a week over the period of the averaging agreement.

SICK TIME

Employment Standards does not require employers to provide paid sick days. However, most organizations offer five (5) paid sick days each year. These days are to be used for sick time, doctors appointments, or staying home to tend to sick children. For absences lasting longer than five (5) days, no portion of the employee's salary will be paid. A note from a medical doctor explaining the reason for the employee's absence may be required.

Excessive sick time, regardless of whether it's paid or unpaid, can often be a burden for employers, particularly in a small office environment. You are able to terminate an employee while they're on medical leave as long as you pay the minimum required severance **HOWEVER**, the organization may become liable for a Human Rights Violation. The test for human rights is *whether or not their disability (in this case, excessive sick time) was a factor in an employee's termination of employment.*

You have the right to ask an employee to provide you with current medical information from a licensed medical practitioner outlining their condition and expected return to work date and continue to ask for written updates until the employee returns to their normal duties.

In order to be able to terminate the employee and not be liable under the Human Rights Act, you must prove undue hardship and this is quite difficult. To mitigate your risk, we recommend you seek legal advice on how to proceed with an employee termination under these circumstances.

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EMPLOYMENT INSURANCE SICKNESS BENEFITS

Sickness benefits may be paid up to **15 weeks** to a person who is unable to work because of sickness, injury or quarantine. To receive sickness benefits, employees are required to have worked for **600 hours** in the last 52 weeks or since their last claim. A medical certificate must be obtained to confirm the duration of your incapacity.

A person who makes a claim for sickness benefits is not only required to prove to be unable to work but also that he or she would be otherwise available for work.

CONFLICT OF INTEREST

A disclosure procedure will help to deal with potential conflicts of interests such as accepting gifts, volunteering or working part time.

If an employee wishes to work part time or volunteer at other organizations, they may be expected to advise their manager or supervisor prior to accepting a position to ensure no conflicts exist.

The employer may consider establishing the role of ombudsman or a "conflict committee," perhaps including a past President who is no longer involved in the day-to-day operations but who knows the organization well and understands the issues. This committee provides an unbiased group who can deal with situations that arise.

An organization may put a limit on what types of gifts may be accepted; for example, allowing employees to accept gifts of up to \$25 in value and donating gifts with a higher value to the club or association's charity of choice.

On a regular basis, the employer may ask for feedback from athletes and parents. By doing this, you will start to see if there are any trends, including coaches who are not performing or acting with the level of integrity and fairness that you expect.

REIMBURSEMENT OF TRAINING

Recognizing the critical importance of educational development, we will assist employees who wish to obtain additional education or training in order to further increase competence in their present jobs. Employees will be reimbursed 100% of their tuition fees for courses approved by management. An application for reimbursement must be approved by your Manager prior to the start of the course. Approved courses will be reimbursed 50% at the time of registration and the remaining 50% upon proof of successfully completing the course.

MEMBERSHIPS AND PROFESSIONAL DUES

Professional dues for memberships that are a requirement of the job will be paid for by the organization upon presentation of an invoice from the applicable professional body. However, should the employee terminate employment within three months of these dues being paid, the employee will be required to reimburse the organization any paid professional dues and memberships on a pro-rated basis.