

HUU-AY-AHT FIRST NATIONS



Report of Executive Council on Establishment of Human Resources Committee (Selection Committee)

**For consideration at the session of the
Huu-ay-aht First Nations People's Assembly
on November 26, 2011**

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BACKGROUND

The following Citizen's Motion will be presented by Molly Clappis for consideration of the Assembly:

“BE IT RESOLVED to recommend that Executive Council direct Finance Committee to prepare a report to Executive Council reviewing and setting out options regarding the establishment of a Human Resource Committee comprised of a Director, the Human Resource Manager, and between 1 and 3 citizens knowledgeable in this area. Such report to be completed by January 31st, 2012.”

Huu-ay-aht First Nations enacted a detailed Human Resources Policy Regulation on April 1st, 2011. This regulation was reviewed by legal counsel before it was enacted and now has the force of law.

The regulation establishes a selection committee (Human Resources Committee) and has specific provisions dealing with selection and recruitment of employees. There are legal checks and balances in the regulation to prevent any conflict of interest or nepotism in the selection process.

Please refer to the attached excerpts from the Human Resources Policy Regulation.

DISCUSSION

The Huu-ay-aht government has already established a selection committee (Human Resources Committee) with strong checks and balances.

An individual who believes that the Huu-ay-aht government has broken the law when recruiting or selecting an employee has a variety of options and potential legal remedies.

OPTIONS

The Assembly has several options regarding the motion:

Option 1 – Approve the motion.

Option 2 - Approve the motion with amendments.

Option 3 – Not approve the motion.

IMPLICATIONS

Any implications of changing the regulation would be outlined in the Finance Committee Report.

Human Resources Policy Regulation Excerpts

There are a number of important General policies related to recruitment & selection of employees:

- ✓ The Huu-ay-aht Government and its federally-regulated public bodies are equal opportunity employers that shall promote and practice fairness in the recruitment and selection of employees.
- ✓ Every reasonable effort shall be made to employ the most suitable/qualified candidates, based on predetermined bona-fide occupational requirements, with a preference given to qualified Huu-ay-aht citizens.
- ✓ The employer shall not accept nepotism in the recruitment/selection of employees.
- ✓ Before a position is posted, there must be an approved and current position description and position qualifications.

As well as general policies, there are a number of Specific policies that need to be adhered to:

- ✓ The Selection Committee responsible for the recruitment and selection of employees, other than the Executive Director or a Director, shall consist of:
 - the Executive Director,
 - the Human Resource Manager,
 - the relevant Director (Chair of the Selection Committee), and
 - other employees or consultants as may be approved by the Executive Director.
- ✓ The Selection Committee shall be responsible for reviewing and understanding the relevant position description and position qualifications, determining the list of applicants for interview, interviewing, and the reviewing of applicant references.
- ✓ A member of a Selection Committee must declare a conflict of interest and withdraw from the Committee immediately, where the list of applicants includes an immediate family member, or any other person with whom the member has a close personal relationship that may be perceived as a conflict of interest. If the Executive Director, the Human Resource Manager or a Director has a conflict, a replacement from among the Directors will be appointed by the Executive Director.

The definition of “an immediate family member” reads as follows:

Immediate family member shall mean:

1. spouse (including common-law)
 2. father and mother (natural, step or common law)
 3. child(ren), foster child or ward
 4. stepchild
 5. sibling
 6. grandparent
 7. father-in-law or mother-in-law (including common-law)
 8. grandchild
 9. biological uncle or aunt
 10. any other relative of the employee who resides permanently in the employee’s household or with whom the employee permanently resides
- ✓ The Selection Committee shall endeavor to interview a minimum of three (3) applicants for each vacant or new position except when hiring temporary or casual employees. All personnel hired by the Huu-ay-aht Government or a federally-regulated Huu-ay-aht public body shall be interviewed prior to employment.