



huu ay aht

ANCIENT SPIRIT, MODERN MIND

**HUMAN RESOURCES POLICY  
REGULATION AMENDMENT  
REGULATION (NO. 2), 2018**

Provisions of the *Financial Administration Act*, HFNA 7/2011, relevant to the enactment of this Regulation: section 84 and 93.



## REGISTRY OF LAWS CERTIFICATION

I certify that the *Human Resources Policy Regulation Amendment Regulation (No. 2), 2018* was passed by Executive Council on:

November 14, 2018



Chief Councillor, Robert Dennis

I certify that the *Human Resources Policy Regulation Amendment Regulation (No. 2), 2018* is enacted as law on:

November 14, 2018



Ta'yii Hawilth, Derek Peters

I certify that the *Human Resources Policy Regulation Amendment Regulation (No. 2), 2018* came into force on:

November 14, 2018



Melinda Skeels, Acting Law Clerk



## ***Human Resources Policy Regulation Amendment Regulation (No. 2), 2018***

### ***Contents***

- 1 Amendment
- 2 Commencement
- 3 Consolidation

### **Amendments**

**1** *The Human Resources Policy Regulation, HFNR 9/2011, is amended as follows:*

*(a) Section 5 is repealed and replaced by:*

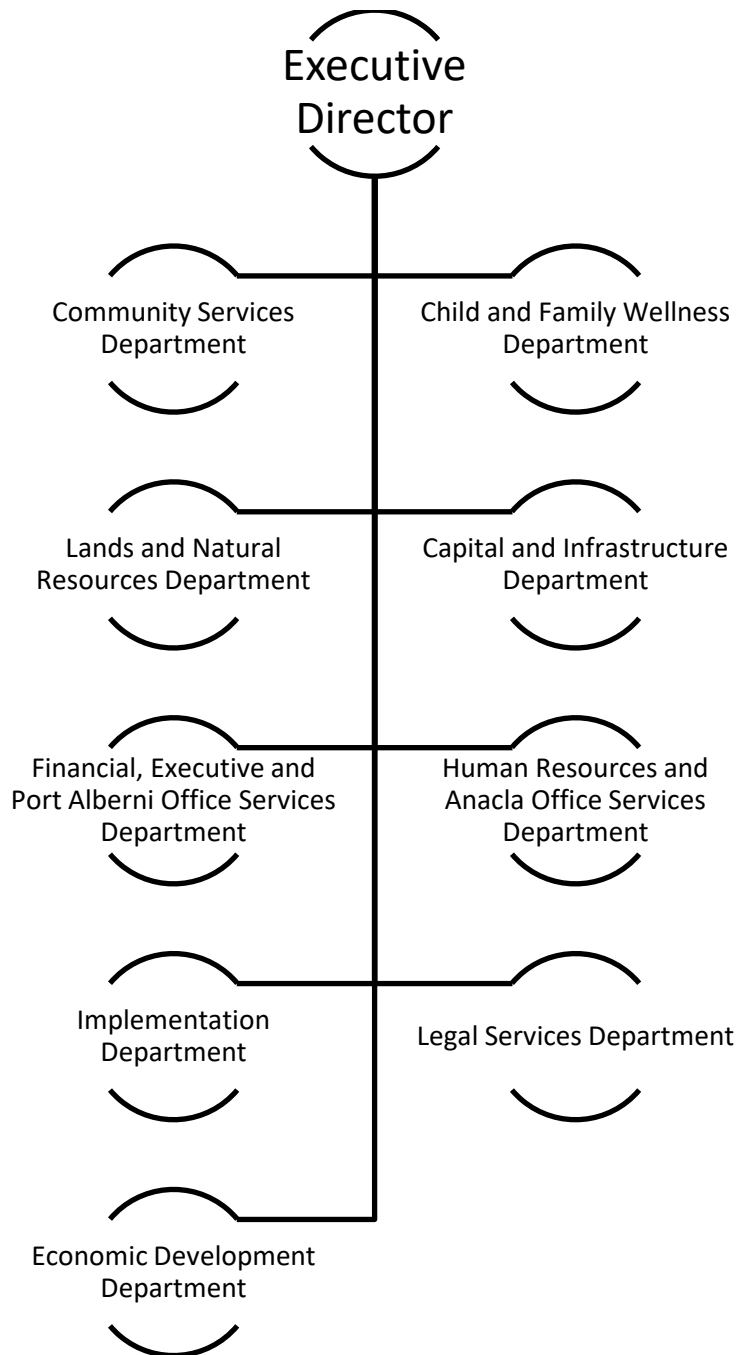
#### **“Organization of administration**

- 5** (1) Government administration is divided into the following departments:
- (a) Community Services;
  - (b) Child and Family Wellness;
  - (c) Lands and Natural Resources;
  - (d) Infrastructure and Capital Projects;
  - (e) Economic Development;
  - (f) Financial;
  - (g) Legal and Administrative Services;
  - (h) Human Resources and Anacla Office Services;
  - (i) Implementation.
- (2) The Community Services Department is responsible for all of the following:
- (a) community health services;
  - (b) social services;
  - (c) language and cultural programs;
  - (d) secondary and post-secondary education;
  - (e) trades and employment programs;
  - (f) communications.
- (3) The Child and Family Wellness Department is responsible for all of the following:
- (a) prevention and protection support services for children and families;
  - (b) early childhood development.

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- (4) The Lands and Natural Resources Department is responsible for all of the following:
- (a) lands administration;
  - (b) natural resource management and trade.
- (5) The Infrastructure and Capital Projects Department is responsible for all of the following:
- (a) construction, maintenance and operation of community infrastructure;
  - (b) provision of local services to those living on Treaty Lands;
  - (c) housing;
  - (d) information technology services.
- (6) The Economic Development Department is responsible for all of the following:
- (a) the powers, duties and functions of the economic development officer as set out in the Economic Development Act;
  - (b) project analysis.
- (7) The Financial Department is responsible for all of the following:
- (a) financial matters including accounting, bookkeeping and providing financial advice;
  - (b) funding specialist services;
- (8) The Legal and Administrative Services Department is responsible for all the following:
- (a) the powers, duties and functions of the Law Clerk as set out in Huu-ay-aht legislation;
  - (b) records management;
  - (c) administrative and support services for the Port Alberni Government Office
  - (d) administrative support to Executive Council, Directors and the Executive Director ;
  - (e) policy analysis.
- (9) The Human Resources and Anacla Office Services Department is responsible for all the following:
- (a) human resources management;
  - (b) administrative and support services for the Anacla Government Office.
- (10) The Implementation Department is responsible for all the following:
- (a) oversight of all special agreements that the Huu-ay-aht is a party to;
  - (b) ensuring that all obligations that Huu-ay-aht has under special agreements are being met in a timely fashion;

(c) ensuring that Huu-ay-aht is receiving all of the benefits that it is entitled to under special agreements.

(11) The government’s departmental organizational chart is as follows:



*(b) By repealing pages 63 to 65 of the Schedule and and replacing them with the Schedule to this regulation.*

**Commencement**

- 2 This regulation comes into force on the date of its enactment by Executive Council.

**Consolidation**

- 3 The Law Clerk is directed to consolidate the *Human Resources Policy Regulation*, HFNR 9/2011 to include the amendments contained in this regulation.

**SCHEDULE**  
**Replacement Pages 63-35 for the Human Resource Policy**  
**[3 pages to follow]**



**HUU-AY-AHT FIRST NATIONS  
HUMAN RESOURCE POLICY MANUAL**

<b>POLICY</b>	<b>Policy Number:</b>	<b>E 1.0</b>
<b>Harassment – Continued</b>	<b>Effective Date:</b>	
	<b>Revision Date:</b>	
		<b>Page: 6 of 8</b>

**SPECIFIC POLICIES**

**Once a Complaint has Been Made - Continued**

17. If harassment is found to have occurred, the discipline policy will be followed.

**(b) Where the Alleged Harasser is a Member of the Public**

18. As soon as the Executive Director receives a complaint of harassment, he or she will meet with the complainant to determine whether any changes in working conditions are necessary while the complaint is being investigated.

19. The Executive Director or her/his delegate will, within two business days of receiving the complaint, send a copy of it (or summary of it if it was made verbally) to the alleged harasser and encourage the alleged harasser to prepare a response to the complaint.

20. Where the complaint relates, in part or in whole, to matters within the purview of Executive Council or in cases of repeated harassment by the same harasser, the Executive Director will immediately inform Executive Council and may turn the complaint over to Executive Council for investigation. Executive Council may retain a third party to assist in the investigation of a harassment complaint.

21. The complaint investigator will interview the complainant, the alleged harasser, and any witnesses identified by either party as soon as possible after receiving the complaint. Interviews will be recorded on audiotape wherever possible. The individual conducting the investigation will then prepare a report of the investigation results summarizing their findings and making a determination as to whether harassment occurred. The report will be provided to the Executive Director (if written by someone other than the Director) within five (5) business days of the completion of the report.

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		<b>Page: 7 of 8</b>

**SPECIFIC POLICIES**

- 22.** The Executive Director will review the report and within five (5) days will:
- a. advise the alleged harasser and the complainant of the report results, in writing; and
  - b. advise the complainant and the alleged harasser in writing that the employer accepts or rejects the report and that appropriate action will be taken, as warranted.
- 23.** Within 10 days of receiving the report, the Executive Director will advise Executive Council of the report results and, after consulting with Executive Council, the Executive Director will determine any appropriate corrective or disciplinary action. The Executive Director will implement corrective or disciplinary action promptly. If the Executive Director is the complainant, Executive Council will make the determination as to whether a corrective action is required and will implement any such action.
- 24.** For the first occurrence of harassment, the harasser will be warned in writing that such conduct is unacceptable and must not reoccur.
- 25.** For the second occurrence of harassment, there is be a range of possible consequences, taking into account the seriousness of the harassment, including the following:
- loss of access to the premises where the complainant works for a period of up to three months;
  - loss of internet access to the complainant for a period of up to three months; and
  - loss of telephone access to the complainant for up to three months.
- 26.** For the third occurrence of harassment, there is to be a range of possible consequences, taking into account the seriousness of the harassment, including:

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HUMAN RESOURCE POLICY MANUAL**

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	<b>Revision Date:</b>	
		<b>Page: 8 of 8</b>

**SPECIFIC POLICIES**

- a declaration by the Executive Director, after consulting with Executive Council, that the harasser has interfered with the employee in his or her capacity as a public officer, which is a contravention of section 34 of the *Code of Conduct and Conflict of Interest Act*, with the result that a ticket will be issued in accordance with Division 3 of Part 3 of the *Offence and Law Enforcement Act*;
  - loss of access to the premises where the complainant works for a period of up to twelve months;
  - loss of access to specified Huu-ay-aht government meetings for a specified time
  - loss of internet access to the complainant for a period of up to twelve months;
  - loss of telephone access to the complainant for up to twelve months; and
  - the withholding of any discretionary benefit that the harasser would otherwise have been eligible to receive.
- 27.** Subsequent occurrences of harassment may result in additional tickets and progressively larger fines in accordance with section 34 of the Code of Conduct and Conflict of Interest Act.
- 28.** The Executive Director is “another authority” for the purposes of the Offence and Law Enforcement Act and is authorized to carry out the enforcement of this harassment policy.

**Right to File a Complaint**

- 29.** This policy does not preclude an employee from filing a complaint of harassment under the Canadian Human Rights Act.