



Protocol for the Zero Tolerance Policy for Workplace and Community Violence & Harassment and Member (Citizen) Code of Conduct

Intent

Caldwell First Nation seeks to continually provide a welcoming and comfortable environment which ensures trust and respect for all members (citizens), visitors, staff, associates, and volunteers. Caldwell First Nation strives to provide members with a safe environment, regardless of culture or personal beliefs. In order to maintain this environment, we have established this Protocol for the Member (Citizen) Code of Conduct and the Zero Tolerance Policy for Workplace and Community Violence & Harassment (BCR 2019-11-40).

On March 21, 2019, Chief & Council implemented a Member (Citizen) Code of Conduct and endorsed its Zero Tolerance Statement & Policy for Workplace and Community Violence & Harassment. This policy was reinforced by a Band Council Resolution (BCR 2019-03-89) and indicates that, "This Zero Tolerance Statement & Policy will be strengthened through additional policies, Codes of Conduct, protocols, and any other means as seen fit, as well as training for employees and Caldwell First Nation's Chief & Council. Should any threatening or harassing behavior occur, the police will be notified immediately to protect the safety of everyone." In keeping with the commitment to strengthen this Statement and Policy, a defined approach by which to respond to incidents of workplace violence and harassment is required. This added step will convey to employees (management or otherwise), members of the community, and others that Chief & Council takes seriously the obligation to provide a safe and harassment-free workplace as well as to define the process for potential occurrences.

Guidelines & Expectations of Members (Citizens) (and/or spouses and/or guests and/or friends and/or visitors)

All members (citizens) of Caldwell First Nation (and/or spouses and/or guests and/or friends and/or visitors) are expected to treat our employees, other members, and visitors with the utmost respect and dignity. Caldwell First Nation strictly forbids discrimination or harassment of any kind, whether based on race, colour, national origin, religion, creed, sex, age, physical, mental or developmental disability, marital status, sexual orientation, political ideology, or any other reason. Harassment may include unsolicited or unwelcome remarks, gestures, or physical contact, as well as the display or circulation of inappropriate or derogatory written materials or pictures.

The following is a list of behaviours that will not be tolerated at any time:

- Physical violence;
- Verbal abuse;
- Defamation of character, whether written, online, social media sites, or applications
- Profanity;
- Any form of harassment;
- Intimidation tactics and/or making threats;



- Malicious or harmful statements about others;
- Public disclosure of another's private information;
- Possession of weapon for dangerous purpose (Criminal Code: 88 (1) Every person commits an offence who carries or possesses a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence);
- Solicitation, purchase, or selling of illegal substances.

Members (Citizens) (and/or spouses and/or guests and/or friends and/or visitors) who appear to be under the influence of alcohol or illegal drugs may be asked to leave the premises or be escorted out by a friend or family member.

Of paramount importance to Caldwell First Nation is the safety and security of its employees and members (citizens) (and/or spouses and/or guests and/or friends and/or visitors). This policy applies to all Caldwell First Nation gatherings, events, properties, buildings in respect of all members (citizens) and is strictly enforced. Non-compliance will result in corrective measures being undertaken.

The Director of Operations has the delegated authority of Chief & Council of Caldwell First Nation to exclude any person from accessing services as a consequence of violating this policy (BCR 2019-11-41).

Recording Procedure for all Complaints

All complaints made, whether verbal or written, will be recorded at the time the complaint is made, or as soon as possible afterwards. The complaint should be recorded by the staff member who took the details.

When taking a complaint, staff will record the name and contact details of the complainant, as well as full details of the complaint including the date. Details of all communication with the complainant and any actions to resolve the complaint will be recorded in the same place and it will be issued to the Director of Operations or HR. Someone will follow up with the complainant as soon as is reasonably practicable, and provide them with a date and time to expect a response, where possible.

Recorded complaints will also be monitored for any ongoing trends by Management and HR and efforts will be made to resolve any ongoing issues.

Personal details or details of the complaint will not be divulged to third parties unless necessary

Informing Complainant of Progress

Written complaints will be acknowledged promptly. We strive to resolve all complaints within fourteen days; however, clients will be given an approximate timeframe of resolution at the time that they make their complaint. They will also be informed of the progress of their complaint on a regular basis, especially if there are any delays or changes to what has been provided.



Responding to Complaints

Anyone making a complaint will be treated with courtesy. Where possible, complaints will be resolved at the first point of contact. Complaints that are solved immediately will still be recorded, as outlined above.

Violations Against Employees of Caldwell First Nation

Corrective Measures (Two-Step Process)

Step 1: Seven-Day Suspension

- a) Suspension of all programs, services (health, transportation, etc.) and access to any CFN event or place of work or location where same is provided for a period of seven days.
- b) Person(s) will be notified by the Director of Operations verbally and/or in writing and documented.
- c) Person(s) will be given the opportunity to respond to the complaint/claim within the seven-day period.
- d) During this seven-day period, the Director of Operations and HR will conduct a fact-finding exercise and review the details provided in the complainant's response and any other material available to them to assist in determining the accuracy of the details and the validity of the complaint. In some circumstances, a third party investigator may be required.
- e) If the complaint/claim is found to be invalid, reinstatement of accessibility will be granted and conveyed to the person(s) in writing and/or verbally, as well as to the complainant with the details of the fact-finding exercise.
- f) If the complaint/claim is found to be substantiated, proceed to Step 2.

Step 2: Fixed-Term Suspension

- a) Director of Operations prepares a report for Chief & Council outlining the recommendation to enact Step 2 of the Protocol (Fixed-Term Suspension). Chief & Council may also review the complainant's response (if exercised).
- b) Provided the recommendation is accepted by Chief & Council, the Fixed-Term Suspension will be enacted.
- c) Suspension of all programs, services (health, transportation, etc.) and access to any CFN event or place of work or location where same is provided will extend for the period defined by this protocol: **Six-Month Suspension for first occurrence or Twelve-Month Suspension for second occurrence.**
- d) Person(s) will be notified by the Director of Operations verbally and/or in writing and same will be documented.
- e) HR will be notified and maintain records related to employees. The Director of Operations will maintain records related to citizens or other individuals.
- f) Person(s) will be notified in writing when the suspension period has ended.



Violations During a Suspension Period

If a suspension is in effect and the person(s) violate the terms of the suspension, the following will be attempted, if it is safe to do so:

- a) Person(s) will be asked to leave and advised that they are aware that they are under suspension.
- b) If the person refuses to leave, they will be advised that the police will be called.
- c) If the person still refuses to leave, the police will be called and the individual may be charged with trespassing.
- d) The incident will be recorded and become a part of the initial complaint.

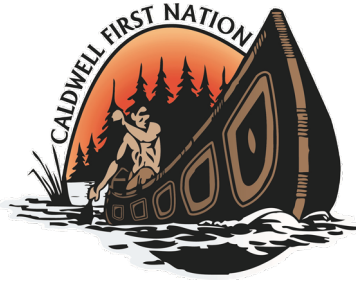
Complaints Against Employees of Caldwell First Nation

The employees of Caldwell First Nation fall under the Caldwell First Nation Human Resources Policy and as such, may be subject to progressive disciplinary measures if a complaint against them has been substantiated. Federally regulated organizations (as is Caldwell First Nation) that conduct business in Canada are always subject to PIPEDA. Under PIPEDA, personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as:

- age, name, ID numbers, income, ethnic origin, or blood type;
- opinions, evaluations, comments, social status, or disciplinary actions; and
- employee files, credit records, loan records, medical records, existence of a dispute between a consumer and a merchant, intentions (for example, to acquire goods or services, or change jobs).

As a result of PIPEDA, complainants are not privy to any potential disciplinary action that may or may not be taken against staff, nonetheless, all complaints will be investigated and documented. Frivolous complaints may be considered harassment.

Complaints Against Citizens of Caldwell First Nation or Other Individuals



This Protocol will apply during the course of Caldwell First Nation's regular business, events, programs, services, meetings, consultations, or other sponsored or hosted events whether on-site or off-site, as well as Caldwell First Nation social media pages and website. Caldwell First Nation will not tolerate the behaviours listed on Page 1 of this Protocol and will take the necessary steps to enact this Protocol for the Zero Tolerance Policy for Workplace and Community Violence & Harassment. ***Note: It is not the responsibility of Caldwell First Nation to enact this Protocol on behalf of members outside of the course of Caldwell First Nation's regular business, events, programs, services, meetings, consultations, or other sponsored or hosted events whether on-site or off-site, as well as Caldwell First Nation social media pages and website.***

Should said behavior be exhibited or reported by anyone during Caldwell First Nation's regular business, events, programs, services, meetings, consultations, or other sponsored or hosted events whether on-site or off-site, as well as Caldwell First Nation social media pages and website, the process below may apply. ***Step 1 may not be applied in all circumstances, or may only apply to circumstances where significant information is available to substantiate the initial complaint. It is important to note that not all complaints will result in the outcome desired by the complainant, but all complaints will be reviewed and responded to.***

Corrective Measures (Two-Step Process)

Step 1: Seven-Day Suspension

- a) Suspension of all programs, services (health, transportation, etc.) and access to any CFN event or place of work or location where same is provided for a period of seven days.
- b) Person(s) will be notified by the Director of Operations verbally and/or in writing and documented.
- c) Person(s) will be given the opportunity to respond to the complaint/claim within the seven-day period.
- d) During this seven-day period, the Director of Operations and HR will conduct a fact-finding exercise and review the details provided in the complainant's response and any other material available to them to assist in determining the accuracy of the details and the validity of the complaint. In some circumstances, a third party investigator may be required.
- e) If the complaint/claim is found to be invalid, reinstatement of accessibility will be granted and conveyed to the person(s) in writing and/or verbally, as well as to the complainant with the details of the fact-finding exercise.
- f) If the complaint/claim is found to be substantiated, proceed to Step 2.

Step 2: Fixed-Term Suspension

- a) Director of Operations prepares a report for Chief & Council outlining the recommendation to enact Step 2 of the Protocol (Fixed-Term Suspension). Chief & Council may also review the complainant's response (if exercised).
- b) Provided the recommendation is accepted by Chief & Council, the Fixed-Term Suspension will be enacted.
- c) Suspension of all programs, services (health, transportation, etc.) and access to any CFN event or place of work or location where same is provided will extend for the period defined by this protocol: ***Six-Month Suspension for first occurrence or Twelve-Month Suspension for second occurrence.***



- d) Person(s) will be notified by the Director of Operations verbally and/or in writing and same will be documented.
- e) HR will be notified and maintain records related to employees, as any place where Caldwell First Nation business is carried out is considered place of employment. The Director of Operations will maintain records related to citizens or other individuals.
- f) Person(s) will be notified in writing when the suspension period has ended.

Violations During a Suspension Period

If a suspension is in effect and the person(s) violate the terms of the suspension, the following will be attempted, if it is safe to do so:

- a) Person(s) will be asked to leave and advised that they are aware that they are under suspension.
- b) If the person refuses to leave, they will be advised that the police will be called.
- c) If the person still refuses to leave, the police will be called and the individual may be charged with trespassing.
- d) The incident will be recorded and become a part of the initial complaint.