

TABLE OF CONTENTS

NEW EMPLOYEES	3
1. We don't have a formal recruitment or orientation/on-boarding program. What do I do?	3
2. Do I need an Employment Agreement for a new employee?.....	3
3. What should I tell new employees about the organization when they first start?.....	3
4. What should I know when bringing on a new employee?	3
DAY-TO-DAY OPERATIONS	3
5. An employee showed up to work inappropriately dressed. What do I do?	3
6. Am I required to provide employees with break periods throughout the day?	4
7. How many hours are employees allowed to work each day/week before it is considered overtime? What happens if an employee needs to work overtime, in excess of those hours?	4
8. Do I have to pay the employee out when they work overtime?	5
9. Am I required to pay my employees while travelling for work?	5
HEALTH AND SAFETY.....	5
10. What are my responsibilities as an employer when it comes to Health and Safety?	5
11. What do I do if I witness an accident or an employee reports an injury or accident?.....	6
ENSURING A RESPECTFUL WORKPLACE.....	7
12. What constitutes disrespectful behaviour?	7
13. I heard about a new legislation from WorkSafeBC on bullying and harassment. What is it about?	7
14. What is considered bullying and harassment?	8
15. What do I do when allegations of bullying or harassment are brought forward by an employee?	9
LEAVES	9
16. What are my obligations as an employer when it comes to statutory holidays in BC?	9
17. How do I pay employees for statutory holidays?.....	10
18. What if I need an employee to work on a statutory holiday?.....	10
19. How much vacation are employees entitled to?	10
20. What happens if an employee is terminated and they have outstanding vacation pay?.....	11
21. Do I have to allow employees to take their vacation time?.....	11
22. Are employees entitled to sick leave?	11
23. What are all the types of leaves employees are entitled to?	11
24. When an employee is on a legislated leave, can I terminate them?	12
25. How many weeks are employees entitled to for Maternity and Parental Leave?.....	12

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26. How much notice do employees have to give an organization when going on Maternity and/or Parental Leave?12

27. What do I do when an employee submits their notice to take Maternity and/or Parental Leave?12

28. For voting at elections, I read that employees are entitled to three consecutive hours free from work for Federal elections and four consecutive hours free from work for Provincial elections. What does “free from work” mean?12

EMPLOYEE POLICIES, PROCEDURES & PRACTICES.....12

29. What does “personal information” mean?12

30. What should I know about maintaining employee files?13

31. Employees have access to confidential information about our clients/customers, proprietary information, etc. What can we do to protect ourselves?13

32. What should I do if I suspect an employee of not keeping our information safe and secure?13

33. I have reason to believe that an employee is suffering from a medical condition. What do I do?13

34. I suspect that an employee is under the influence at work. What do I do?13

35. Our employees are given internet access at work and we feel that one employee has inappropriate material on his/her computer. What do I do?14

36. What do I do if an employee isn’t following our policies and procedures?14

37. Our organization has recently developed some new employee policies and procedures. What do we do now?14

PERFORMANCE MANAGEMENT.....15

38. One of our employees is not meeting expectations of the job and/or is not following our policies and procedures. What do I do?15

39. What is a best practice when it comes to performance management?15

TERMINATIONS.....15

40. I want to terminate an employee. What do I do?15

41. What do I do if an employee resigns?16

42. Should I do an exit interview when an employee leaves the organization?16

43. When an employee leaves, am I required to provide a reference?16

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New Employees

1. We don't have a formal recruitment or orientation/on-boarding program. What do I do?

AHMA has worked with Jouta to develop a Recruitment & Orientation Process for its CBOs. This process document contains useful information for Managers when recruiting and orienting new employees, including information on screening applicants, interviewing, preparing for new employees' first days, and regular check-ins.

2. Do I need an Employment Agreement for a new employee?

It is highly recommended that every employee have an Employment Agreement. An Employment Agreement sets out, in part, the terms and conditions of employment before a candidate accepts an offer. This process sets expectations at the outset and helps to avoid misconceptions, misunderstandings, and other problems later. Additionally, Employment Agreements help you to minimize risk and protect your organization. For example, setting out termination provisions in an Employment Agreement may limit your liability in the event that you decide to part ways with an employee in the future.

If you currently don't have an Employment Agreement in place, we recommend developing one with the help of experts. Please contact Jouta (info@jouta.com or 604-488-8885) or seek legal assistance.

3. What should I tell new employees about the organization when they first start?

Provide the employee with an introduction to the organization including:

- The organization's background and history (how it started, when, why, etc.);
- The organization's vision, mission, and values (as applicable); and
- Organizational structure and how their roles fit within the team.

If you have developed an Employee Handbook (e.g. using the *Employee Handbook Template*) or a Personnel Policies and Procedures document, you will want to review this with them as well.

4. What should I know when bringing on a new employee?

Make the employee feel welcome and included right from the beginning. Prior to his/her arrival, prepare the workspace and ensure that the employee will have the necessary supplies. When the employee starts, show him/her around the office/building and introduce their colleagues. Provide an introduction to the organization and a brief safety orientation. If possible, have lunch with the new employees on their first days and conduct frequent check-ins with them to see how they are settling in. If applicable, invite their colleagues to do the same thing.

Day-to-Day Operations

5. An employee showed up to work inappropriately dressed. What do I do?

If an employee shows up for work inappropriately dressed, it is recommended that you address the situation directly.

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Take the employee aside and speak to him/her privately (not in the view or earshot of another employee) and let the employee know that his/her appearance is not in line with your workplace attire policy/dress code or with your daily operations. Use best judgement to determine whether the employee's attire warrants asking him/her to leave and modify the attire. It is a good practice to keep a record of the situation in case it becomes a regular issue that needs more formal follow-up.

Note that this assumes that you currently have a workplace attire/dress code policy in place that has allowed you to conclude that the employee is dressed inappropriately. If you do not have a policy in place, it is still possible to address your concerns with the employee, stating that it does not align with your day-to-day norms and operations. Moving forward, it is recommended that you develop a policy; see the *Employee Handbook Template* for assistance.

For employees working in safety-sensitive jobs and environments, they may be required to wear Personal Protective Equipment (PPE) depending on the situation (e.g. protective eyewear, steel-toed boots, long sleeves, etc. as based on *Occupational Health and Safety Regulations* under the *Workers Compensation Act*). Some PPE can be put on just prior to entering the safety-sensitive site (such as protective eyewear, safety vest, etc.); however, other sites may require employees to come to work already wearing the required PPE. For example, employees may be required to wear long pants, long-sleeved shirts, and steel-toed boots on-site. If an employee arrives to the worksite not wearing the proper footwear, s/he should be asked to leave until the employee has the required PPE.

6. Am I required to provide employees with break periods throughout the day?

Organizations should have a policy that states which breaks all of their employees are entitled to so Managers consistently can follow and apply the same policies and procedures to all employees.

At minimum, as per the BC Employment Standards Act (ESA), employees are entitled to a 30-minute meal break after working five consecutive hours. It is at your organization's discretion whether this is a paid or unpaid break. Employers are not required to provide coffee breaks; however, depending on your organizational culture and the type of work environment you are trying to achieve, you may want to provide employees with additional breaks and write that into your policy.

To create a policy, see the *Employee Handbook Template* for guidance.

7. How many hours are employees allowed to work each day/week before it is considered overtime? What happens if an employee needs to work overtime, in excess of those hours?

BC ESA states that employees can work eight hours in a day and 40 hours/week before they are entitled to overtime. If an employee is required to work overtime, employers are required to compensate their employees at the following rates:

- **Daily:** After working eight hours in a day, an employee must be paid time-and-a-half for the next four hours worked and double time for all hours worked in excess of 12 hours in a day. This applies even if the employee works less than 40 hours in a week.
- **Weekly:** An employee who works more than 40 hours in a week must be paid time-and-a-half after 40 hours. This applies even if the employee never works more than eight hours in a day.

Only the first eight hours worked each day are used to calculate total hours for weekly overtime.

Any policy you develop on Hours of Work or Overtime should meet BC ESA minimum standards.

8. Do I have to pay the employee out when they work overtime?

Based on the BC ESA, employers are expected to pay any overtime worked to employees. However, you can also give employees the option to take time-off in lieu of pay for overtime hours worked, by banking their time. Note that if employees take time-off in lieu, it should be at the same rate they would have been paid out (e.g. time-and-a-half or double-time).

It's important that you monitor your employee's banked time as this could leave the organization open to future liability if not monitored or handled properly. For example, if employees continuously bank time for overtime worked and do not schedule or take time off in lieu, if their employment is terminated, you would be required to pay out the balance of their banked time, which, if left unmonitored, could be a significant amount to pay out all at one time.

9. Am I required to pay my employees while travelling for work?

Organizations are generally required to compensate their employees for their travel time when they are required to travel for business purposes. Therefore, it is best practice to ask employees to travel during their normal working hours or arrange for them to work different hours to accommodate their travel arrangements. This is to help you manage your overtime costs.

Health & Safety

10. What are my responsibilities as an employer when it comes to Health and Safety?

You are encouraged to read about your responsibilities on Health and Safety on WorkSafeBC's website (<http://www.worksafebc.com/>). Familiarize yourself with the laws and regulations, including what steps need to take place in case of an accident at work.

We have noted a few of the employer's general responsibilities and hazard control responsibilities as per *Occupational Health and Safety (OHS) Regulations* under the *Workers Compensation Act*. Please visit WorkSafeBC for a full list of responsibilities, including supervisor's responsibilities and employee responsibilities.

- Ensure the health and safety of all employees and other workers present in the workplace.
- Establish occupational health and safety policies and an OHS program.
- Provide general direction to management, supervisors, and employees about their roles and responsibilities in providing a safe and healthy workplace.
- Provide specific direction and delegate authority to those responsible for health and safety.
- Identify potential hazards through regular inspections and either eliminate or control the hazards without delay.
- Develop written safe work procedures.

It's important to note that workplaces with less than 10 employees do not require health and safety representatives or a joint committee. Workplaces with 10 or more employees but less than 20 are required to have a health and safety representative. Organizations with 20 or more employees are required to establish and maintain a joint health and safety committee. The act and regulations

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state provisions around selection of representatives, duties of the committee, and reporting. For more information on the requirements, please visit WorkSafeBC's website.

Additionally, all OHS programs must have the following 7 elements:

- .1 An OHS policy statement that has the aims of the program and the responsibilities for health and safety;
- .2 Regular inspection of premises, machinery, tools, equipment, and work practices;
- .3 Appropriate written instructions for workers;
- .4 Periodic management meetings to discuss health and safety;
- .5 Investigation of accidents and other incidents in order to take action to prevent similar incidents;
- .6 Records and statistics; and
- .7 Instruction and supervision of workers.

Visit WorkSafeBC for more information. Also available through WorkSafeBC is a toolkit on "How to Implement a Formal OHS Program."

(http://www.worksafebc.com/publications/health_and_safety/by_topic/assets/pdf/howtoimplement_ohs.pdf)

For assistance on developing a policy statement with regards to health and safety at your workplace, please see the *Employee Handbook Template* for an example, along with other policies around health and safety (e.g. fire safety, emergency management, etc.).

11. What do I do if I witness an accident or an employee reports an injury or accident?

According to WorkSafeBC, your responsibilities when a worker is injured on the job include:

- Transporting the injured employee to the nearest location where medical treatment can be obtained. You are also responsible for paying for transportation;
- Reporting the incident/injury to WorkSafeBC within three business days of the injury's occurrence or within three business days of you or your health and safety representative becoming aware of the injury; and
- Submitting an Incident and Injury Report (Form 7) or completing and sending the Employer's Report of Injury or Occupational Disease (Form 7) to WorkSafeBC.

Report fatalities and serious injuries immediately to WorkSafeBC's Prevention Emergency Line.

If the employee misses work time as a result of his or her injury (i.e. more than the day s/he was injured), ensure that s/he calls WorkSafeBC as soon as possible to report the injury. Otherwise, ensure that s/he completes a Worker's Incident and Injury report or sends an Application for Compensation and Report of Injury or Occupational Disease (Form 6) to WorkSafeBC.

For more information, on reporting an injury or illness, visit WorkSafeBC's website (http://worksafebc.com/claims/report_injury/default.asp).

Ensuring a Respectful Workplace

12. What constitutes disrespectful behaviour?

Discriminating Against Others

The *Human Rights Code of BC* legislates the provision of equal opportunity to employment and services without discrimination. Under the code, employers must not refuse to employ or continue to employ a person or discriminate against a person because of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age, or because they've been convicted of a criminal or summary conviction offence that is unrelated to the employment.

General Harassment

Harassment is defined as any conduct, comment, gesture or contact that is objectionable and unwelcome and should reasonably be known as objectionable and unwelcome. It serves no legitimate work purpose and detrimentally affects the work environment or leads to adverse job-related consequences for the person being harassed.

There are numerous forms of harassment, including, but not limited to, bullying and harassment, sexual harassment, and harassment based on any of the prohibited grounds of discrimination set out above.

Sexual harassment is defined as any unwelcome conduct of a sexual nature that detrimentally affects the work environment and that might reasonably be perceived by an employee as placing a condition of employment, training or promotion. It generally leads to other adverse job-related consequences or a poisoned work environment.

All employees have a right to a work environment that is free from discrimination or harassment.

13. I heard about a new legislation from WorkSafeBC on bullying and harassment. What is it about?

In 2012, Bill 14 came into effect which resulted in significant changes to the Workers' Compensation Act (http://www.bclaws.ca/civix/document/id/complete/statreg/96492_01#section5.1).

The changes included an expanded definition of "mental disorder," which if caused by work could include a reaction to one or more traumatic events related to the workplace or a work-related stressor (which now includes bullying and harassment).

In response to this, in 2013, WorkSafeBC approved new OHS workplace bullying and harassment policies that organizations within BC are expected to comply to. According to WorkSafeBC, employers are now required to:

Take reasonable steps to address the hazard by:

- Developing a policy statement with respect to workplace bullying and harassment not being acceptable or tolerated;
- Taking steps to prevent the hazard, where possible, or otherwise minimize workplace bullying and harassment;

- Developing and implementing procedures for employees to report incidents or complaints of workplace bullying and harassment;
- Developing and implementing procedures for how the employer will deal with incidents or complaints of workplace bullying and harassment;
- Training supervisors and workers regarding bullying and harassment;
- Conducting an annual review of policies, procedures, practices, and training;
- Not engage in bullying and harassment of employees and managers; and
- And apply and comply with your policies and procedures on bullying and harassment.

As an organization in BC, you want to make sure you are in compliance. Using the *Employee Handbook Template*, you will be able to develop a policy on “Respectful Workplaces” that addresses the policy requirement of the legislation.

For assistance on ensuring compliance on the other steps listed above, including facilitating the required training, we invite you to contact Jouta.

To read more on this topic, visit

<http://www2.worksafebc.com/Topics/BullyingAndHarassment/Home.asp>.

14. What is considered bullying and harassment?

Bullying and harassment includes any inappropriate 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. It excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

Bullying and harassment is a type of personal harassment and a form of power through aggression that may include physical, verbal or emotional abuse. It includes acts or verbal comments that could mentally hurt or isolate a person but can also involve negative physical contact, as well.

Workplace bullying and harassment can be both open and hidden and includes, but is not limited to:

- Yelling, shouting or using profanity;
- Criticizing a person constantly or persistently;
- Undermining or deliberately obstructing a person’s work;
- Publicly making derogatory comments about a person or their work;
- Refusing to speak to a person, giving them the ‘silent treatment,’ being condescending or patronizing;
- Belittling a person’s opinions;
- Spreading malicious rumours, gossip, or information that is not true;
- Using insulting or condescending nicknames;
- Intruding on a person’s privacy by asking inappropriate and/or excessive questions about personal matters or teasing about personal issues;
- Interfering with a person’s personal belongings or work equipment;
- Public displays of temper or tantrums; and

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- Removing areas of responsibilities without cause or constantly changing work-related guidelines.

15. What do I do when allegations of bullying or harassment are brought forward by an employee?

View all allegations of bullying and harassment as serious allegations. If an employee approaches you alleging that bullying and harassment has occurred towards him/her, advise the employee that if s/he feels comfortable to do so, say “No” and to make the alleged harasser aware of his/her disapproval and/or discomfort with the comments, actions or behaviour.

If the employee does not feel safe approaching the alleged harasser or if the outcome of speaking directly with the alleged harasser does not achieve the desired result, the employee may approach the Manager again. It’s important that you advise the employee not to discuss the details with anyone else. It is advisable to refrain from judging or attempting to provide justification for someone’s behavior. Alternatively, you may hear or suspect that bullying is occurring. When this occurs, you have a duty to inquire.

When an employee approaches you, speak with your Executive/Director to discuss the situation and your next steps (unless the Executive is the alleged bully or harasser). Ideally, your organization will have a policy and procedures in place that guides the steps that you need to take when this occurs, one of them being a formal investigation to determine if bullying or harassment has occurred (either by someone internal who is trained to do this or by an external investigator).

When this occurs, employees are expected to cooperate with the investigator and provide details of incidents they have experienced or witnessed. At the conclusion of the investigation, the complainant and respondent should be advised of the investigation findings. If necessary, appropriate corrective action should be taken and a record of the investigation and findings should be kept on file.

See the *Employee Handbook Template* to help develop your own policy and procedures on bullying and harassment and respectful workplace.

Allegations of bullying and harassment are complex and should be dealt with diligently. It is advisable that you seek assistance when this occurs. We encourage you to contact Jouta for advice.

Important Note: As a Manager, if you are aware of discrimination or harassment that is taking place, but do nothing to stop it, you along with your organization may be held liable by WorkSafeBC or a Human Rights Tribunal.

Leaves

16. What are my obligations as an employer when it comes to statutory holidays in BC?

The BC ESA defines which statutory holidays organizations in BC are required to observe. Depending on your organization’s policies, you may go above and beyond the legal requirements. To see an example of a policy around statutory holidays, please see the *Employee Handbook Template*.

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17. How do I pay employees for statutory holidays?

As per BC ESA, employees who have been employed for a minimum of 30 days prior to the statutory holiday and have worked more than 15 days of the last 30 days are entitled to be paid their average days' pay for the holiday (normally the equivalent of a normal work day). This applies to both full-time and part-time employees.

We want to make a note that it's not uncommon for organizations to pay employees for statutory holidays as of their first day of employment for full-time regular employees (i.e. not waiting until they've completed 30 days of employment). This goes above and beyond what's legislated under the BC ESA and is not mandatory.

18. What if I need an employee to work on a statutory holiday?

If you require an employee to work on a statutory holiday, the employee will be entitled to time-and-a-half for hours worked up to 12 hours and double time their normal wages for hours worked in excess of 12 hours. This is in addition to their average day's pay that they would be entitled to if they were eligible (see question above).

19. How much vacation are employees entitled to?

For vacation entitlement, at minimum, BC ESA states the following:

- An employer must give an employee an annual vacation of
 - At least two weeks, after 12 consecutive months of employment, or
 - At least three weeks, after five consecutive years of employment.
- An employer must ensure an employee takes an annual vacation within 12 months after completing the year of employment entitling the employee to the vacation.
- An employer must allow an employee who is entitled to an annual vacation to take it in periods of one or more weeks.
- An annual vacation is exclusive of statutory holidays that an employee is entitled to.

For vacation pay, BC ESA states that:

- An employer must pay an employee the following amount of vacation pay:
 - after five calendar days of employment, at least 4% of the employee's total wages during the year of employment entitling the employee to the vacation pay;
 - after five consecutive years of employment, at least 6% of the employee's total wages during the year of employment entitling the employee to the vacation pay.
- Vacation pay must be paid to an employee
 - at least seven days before the beginning of the employee's annual vacation, or
 - on the employee's scheduled paydays, if
 - agreed in writing by the employer and the employee, or
 - provided by the collective agreement.

Important Note: The legislation around vacation pay and vacation entitlements can be confusing and challenging to interpret, whether you're a manager or an HR professional. We recommend contacting Jouta for assistance.

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20. What happens if an employee is terminated and they have outstanding vacation pay?

The BC ESA states that “Any vacation pay an employee is entitled to when the employment terminates must be paid to the employee at the time set by Section 18 [of the BC ESA] for paying wages”. Therefore, employers are required to pay out any accrued vacation pay with the final paycheque. Please see BC ESA for more details around paying wages.

If you have a policy that is different than what’s stated in the BC ESA, you will need to take your policy into consideration when calculating the employee’s final vacation accruals.

21. Do I have to allow employees to take their vacation time?

According to BC ESA, employees are entitled to take their vacation within 12 months of earning it. Employers do have the right to schedule vacation according to business requirements, as long as they can take vacation within those 12 months. However, it’s not acceptable to have a “use it or lose it” policy.

Please visit the BC Labour website for more information: <http://www.labour.gov.bc.ca/> or contact Jouta for assistance.

22. Are employees entitled to sick leave?

There are no provisions around sick leave in the BC ESA. Therefore if employees are ill and unable to come into work, it is recommended that they stay home to get better and minimize the risk of getting others sick at the workplace. It is at your discretion whether you would like to pay them for their leave.

Please see the *Employee Handbook Template* for guidance on developing your policy on sick leave.

23. What are all the types of leaves employees are entitled to?

As per BC ESA, employees are entitled to the following unpaid leaves:

- Family Responsibility Leave
- Compassionate Care Leave
- Bereavement Leave
- Jury Duty
- Reservists Leave
- Maternity Leave
- Parental Leave

Employees are also entitled to leave time to vote in elections under the Elections Act of BC (http://www.bclaws.ca/civix/document/id/complete/statreg/96106_00) and the Canada Elections Act (<http://laws-lois.justice.gc.ca/eng/acts/e-2.01/>). As an organization that may employ people of Aboriginal ancestry, you may also want to consider allowing your employee’s time to vote in Band Elections.

The *Employee Handbook Template* contains sample policies around each leave to guide you when developing your leave policies.

24. When an employee is on a legislated leave, can I terminate them?

Terminating employees while they are on a legislated leave can be tricky and many factors need to be taken into consideration when making this decision. If you find yourself in this situation, please contact Jouta for guidance or seek legal assistance.

25. How many weeks are employees entitled to for Maternity and Parental Leave?

Please see the *Employee Handbook Template* for more detail on Maternity and Parental Leaves and the policy you can develop around this. It includes information on duration of leave, notice to end leave, and continuation of benefits.

26. How much notice do employees have to give an organization when going on Maternity and/or Parental Leave?

Employees are required to give a minimum of four weeks' notice with their proposed start date for their leaves.

27. What do I do when an employee submits their notice to take Maternity and/or Parental Leave?

It is best practice to issue employees a letter confirming the details of their leaves to avoid confusion. This may include the projected start and end date of their leaves, details about their benefits, and details about their vacation entitlements.

28. For voting at elections, I read that employees are entitled to three consecutive hours free from work for Federal elections and four consecutive hours free from work for Provincial elections. What does “free from work” mean?

For example, four consecutive hours free from work is not the same as four hours off work. If the polls close at 8 pm, an employee would be able to leave work at 4 pm if s/he felt s/he needed that time to vote. Employees should be qualified electors to access this leave.

Employee Policies, Procedures & Practices**29. What does “personal information” mean?**

Maintaining the security of an employee's personal information is extremely important as there are obligations that you have under the Personal Information Protection Act of BC (PIPA). Ensure all employees' personal information is in a secure place (with electronic and physical safeguards), where access only is given to authorized individuals ensuring that there is no loss, destruction or modification to the information.

“Personal information” includes:

- Name, age, weight, height;
- Home address and phone number;
- Race, ethnic origin, sexual orientation;
- Medical information;
- Income, purchases, and spending habits;

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- Blood type, DNA code, fingerprints;
- Marital status and religion;
- Education; and
- Employment information.

30. What should I know about maintaining employee files?

Employee files should only contain the information that is reasonably necessary for the purpose of employment with you. Any casual notes (e.g. handwritten on ‘post-its’) that might provide misleading information or legal liability should not be kept in the employee file at any time.

Employees have the right to view their employee file at any time during the course of their employment and for at least two years following termination (the amount of time the Employment Standards Act requires employers to retain files). Employees may also request a copy of all or part(s) of their personnel file.

31. Employees have access to confidential information about our clients/customers, proprietary information, etc. What can we do to protect ourselves?

It is recommended that you develop a policy around confidentiality to explicitly state your expectations around keeping information confidential. Please see the *Employee Handbook Template* for guidance.

Additionally, we recommend including a more explicit clause in your Employment Agreement with regards to confidentiality.

32. What should I do if I suspect an employee of not keeping our information safe and secure?

Given the sensitivity of this information, speak with the employee immediately if you notice him/her leaving out files, etc. Depending on the severity of the possible consequences, speak with the employees first to let them know your concerns and discuss expectations to keep information private moving forward.

33. I have reason to believe that an employee is suffering from a medical condition. What do I do?

If you have reason to believe that an employee is suffering from a medical condition (whether it be a medical illness/disorder such as diabetes; a mental health condition such as depression; or a substance abuse disorder such as alcoholism), it's very important to address the issue either promptly upon detecting differences in behaviour or if there's any cause for concern.

Under Human Rights legislation, drug and alcohol dependencies, whether perceived or real, fall within the definition of disability. As a result, you have a legal obligation to accommodate those dependencies up to the point of undue hardship. If you have information or evidence to suggest an addiction in your employees, encourage them to seek treatment and rehabilitation. Note that you may be required to offer assistance in the form of medical treatment or refer them to counseling unless it represents undue hardship.

34. I suspect that an employee is under the influence at work. What do I do?

If you witness or suspect an employee is under the influence (the use of illicit drugs, alcohol, or the misuse of medications (“substances”) at work), it's important that you address it immediately,

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sensitively, and carefully. As noted above, these situations should not be handled as disciplinary cases until more information is known. While it could be a one-off situation, it's also possible that the employee may be dependent upon the substance. If the employee is clearly intoxicated, send him/her home immediately via taxi (i.e. ensuring safe arrival); in no circumstances should the employee be allowed to continue working or drive home.

This can be a very sensitive and difficult issue to handle. We recommend contacting Jouta or seeking legal assistance when dealing with these matters.

35. Our employees are given internet access at work and we feel that one employee has inappropriate material on his/her computer. What do I do?

If you have reason to suspect that employees have inappropriate material on their computer, the best approach is the direct approach.

Speak to the employee in a private area and explain your concern to him/her. Next, ask the employee for permission to view his/her computer and/or email. While you have the right to examine the computer at any time, asking permission is a show of respect. If the employee refuses permission, ask him/her to explain why. Based on the explanation, decide if you want to arrange to view the computer or email despite the employee's objection or provide him/her with an opportunity to return to the workstation and remove any inappropriate material. If the employee agrees that inappropriate use has occurred but s/he is apologetic and commits to following policy in the future, proceed with appropriate discipline (depending on severity of the issue).

The best way to avoid situations like this is to put policies in place that outline your expectations of employees when it comes to using your technology and resources. Please see the *Employee Handbook Template* for an example.

36. What do I do if an employee isn't following our policies and procedures?

If an employee is acting unethically or in a manner that knowingly contravenes your policies, this is considered misconduct and should be handled in the same manner as a performance or conduct issue. Refer to the section on "Performance" for a best practice.

37. Our organization has recently developed some new employee policies and procedures. What do we do now?

Communicate your new policies and procedures to your employees. A best practice is to walk through the policy with them, explain your rationale behind developing the policies, and ensure they understand the intent. Obtain sign-off from them acknowledging that they've read and understand the new policies or procedures.

Ideally, you will have a one-stop shop for all your policies and procedures through a policy manual or Employee Handbook. At the end of your manual or handbook, include an acknowledgment form that requires the employees to sign off that they've read and understood all the policies and procedures, and understand that it forms part of the terms and conditions of employment. It's recommended that you review your policies and procedures annually and obtain sign-off from your employees every year.

Please see the *Employee Handbook Template* to develop your handbook and for an example of the Acknowledgment Form.

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Performance Management

38. One of our employees is not meeting expectations of the job and/or is not following our policies and procedures. What do I do?

If you feel that an employee is not meeting the expectations of the job or not following your policies and procedures, it is best practice to first and foremost have a conversation with the employee. Speak with your employees about your observations, reconfirm what your expectations are/the importance of following policy/procedures, and give them an opportunity to respond. Depending on the severity, an informal discussion may be all you need to correct their performances.

If you require a more formal process to address the performance issue, AHMA and Jouta have developed a *Performance Improvement Plan Template* for you to use.

Ideally, you will have a policy in place that outlines your philosophy on performance management. See the *Employee Handbook Template* for help in developing your policy.

39. What is a best practice when it comes to performance management?

Day-to-day discussions, honest feedback, and questions are a few best practices in performance management. Be sure to discuss job performance, goals, and accomplishments on a regular basis. Encourage your employees to ask questions on a regular basis and if you have feedback to give (positive or otherwise), provide it immediately and face-to-face whenever possible. There is a time and place to provide feedback; therefore, we recommend asking if it is a good time for the employee as well. If not, set up a time to connect.

Additionally, consider implementing a formal performance program for your organization, consisting of regular formal discussion on each employee's role, performance, and expectations. See the *Best Practices for Performance Management* guide for more information on performance programs.

Terminations

40. I want to terminate an employee. What do I do?

When deciding to terminate, there are two categories – “with cause” and “without cause.” An easy way to think of it – although simplified – is that with cause could mean that an unacceptable (perhaps criminal) action was taken by the employee, such as theft or violence. Without cause is geared towards issues such as lack of performance/fit or an organizational restructuring.

When you feel that a situation has gotten to a point where you feel that you need to terminate an employee without cause, it's recommended that you first ensure that you've taken the necessary steps to correct the issue and have communicated your concerns to the individual.

All terminations are complex (whether they are with cause or without cause) and many factors need to be considered including the employee's current employment agreement, BC ESA (e.g. notice periods or pay in lieu of notice, etc.), and common law. It's important to ensure that you are not opening up your organization to future liabilities. That said, it is highly recommended that you seek outside advice (Jouta or legal) before terminating an employee.

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41. What do I do if an employee resigns?

Below is a process you can follow when an employee resigns:

- Request that the employee provides you with written notice stating when his/her last day is. There is no legislation around how much notice the employee is required to provide; however, if you have an Employment Agreement in place that states how much notice s/he agreed to provide, request that the employee provide you with the minimum notice set out in the Agreement;
- Consider scheduling an exit interview;
- Prepare final pay to be issued within six days of the employee's last day (as per BC ESA);
- File a Record of Employment within five days of the employee's last day (as per the Employment Insurance Regulations);
- Confirm the employee's current address (for forwarding the ROE, T4, etc.);
- On the last day, retrieve any key or other organization-owned items and disable any security or computer access; and
- File any final forms in the employee's personnel file.

42. Should I do an exit interview when an employee leaves the organization?

Exit interviews can help you learn about what you're doing well as an organization and address any issues or make improvements on your procedures in the future. It's recommended that these interviews are voluntary, so that you can ensure that the information you are collecting is genuine and honest. To ensure employees are comfortable, exit interviews are best done by another Manager and not conducted by their own Managers.

Typically, this is only done with employees who have voluntarily resigned from the organization or whose terms are ending – not employees who you've terminated.

43. When an employee leaves, am I required to provide a reference?

Providing a reference is up to your discretion and your organization's practice. It is advised that you never provide contact information for an employee to anyone outside of your organization without your employee's permission.

It's important for you to know that organizations can be held liable if information is interpreted differently than it was intended. In some cases, interpretations could be more negative than intended, leading to potential defamation of character claims. In others (for instance, following a termination), interpretations could be more positive than intended, leading to potential wrongful dismissal claims. To avoid this, a good practice is to develop a policy that advises employees that you will only confirm dates of their employment and their position and that if they want you to provide a more detailed reference that they submit their request to you. Let them know that by providing this permission for this type of reference, that you may also provide information regarding challenges they faced in their roles.

If a former employee asks that you provide a detailed reference, it is recommended that you have them sign a letter that indicates his/her consent to provide additional information, such as:

- What strengths make this person excel at the job?

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Frequently Asked Questions



- In what areas might the candidate need to develop?
- Would you hire this person again?

The same would apply to written letters of reference.

See the *Employee Handbook Template* for an example policy.

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