

**REGULATIONS TO AMEND THE *EMPLOYEES DIVISION*
REGULATIONS 2017 TO EXHIBIT GENDER NEUTRAL
TERMINOLOGY**

The Treasurer of Nunatsiavut, acting under section 37 of the *Nunatsiavut Civil Service Act* and in accordance with decisions of the Executive Council made on the 7th day of March 2022 is pleased to enact the following regulations:

Short Title

1. These regulations may be cited as the *Employees Division (Amendment) Regulations (Gender Neutrality)*.

Definitions

2. In these regulations:

"Employees Policy Manual" means Annex 1 to the *Employee Division Regulations (2017)*; and

"Temporary and Casual Employees Policy Manual" means Annex 2 to the *Employee Division Regulations (2017)*.

PART A - Employees Policy Manual Amendments

3. **Section 3(B)(2) of the Employees Policy Manual is deleted and replaced with the following:**

"2. All Confidential Information remains the property of Nunatsiavut Government and will not be disclosed to any person other than for purposes and benefit of Nunatsiavut Government. Employees will not use any Confidential Information for personal purposes or for purposes other than those of NG."

4. **Section 3(B)(3) of the Employees Policy Manual is deleted and replaced with the following:**

"3. All employees must sign an oath of office or affirmation agreeing to retain all Confidential Information in the strictest confidence and prevent access to it, a copy of which is attached in Appendix 5. Under no circumstances will the employee disclose Confidential Information during employment or following termination of employment."

5. **Section 3(C)(3) of the Employees Policy Manual is deleted and replaced with the following:**

"3. No verbal or written material about an individual receiving services from NG will be released without their written permission or the permission of the family/advocate. No material that NG receives from other sources about a person

can be forwarded without their written permission. Information or reports received from other agencies can only be released by the originating agency.”

6. Section 3(C)(5)(c) of the Employees Policy Manual is deleted and replaced with the following:

“(c) The informed consent in writing, whenever possible, of every individual should be a requirement prior to the release of personally identifiable information about that person, except where such release is required by law.”

7. Section 3(E)(1) of the Employees Policy Manual is deleted and replaced with the following:

“1. An employee may engage in public awareness campaigns, program promotion and community activities as part of the normal course of the duties of the employee’s position. All other public or media related communications must first receive authorization. A Deputy Minister in conjunction with a Minister shall provide appropriate authorization. Employees are encouraged to consult with their Supervisor to seek direction to ensure compliance with this policy. Failure to seek authorization may result in disciplinary action, which may include suspension or termination.”

8. Section 5(C)(1) of the Employees Policy Manual is deleted and replaced with the following:

“1. Employees who are going to be late for work or are unable to report for work due to illness or other reasons must contact their Supervisor within 10 minutes after the start of the day or if the position requires a replacement worker that employee must call their supervisor or designate at least one hour prior to the start of their working day and provide the following information:

- Name
- Time period that you are unable to work or will be reporting late for
- Reason for your absence or lateness (i.e. illness, family emergency etc.)”

9. Section 7(D) of the Employees Policy Manual is deleted and replaced with the following:

“D. Complaint Process

Step 1 – Filing a complaint

The complainant submits a complaint in writing to the Human Resources Department, within one year of the alleged harassment leading to the complaint. The complaint must include the nature of the allegations; the name of the respondent; the relationship of the respondent to the complainant (e.g., supervisor, colleague); the date and a description of the incident(s); and, if applicable, the names of witnesses. The information provided should be as precise and concise as possible.

Step 2 - Screening and acknowledgement of complaint

Upon receipt of the complaint, the Human Resources Department screens and acknowledges receipt of the complaint. The criteria used in the screening are that the complaint:

- (a) Must be filed within one year of the alleged harassment leading to the complaint,
- (b) unless there are extenuating circumstances; and
- (c) Must include the information noted in Step 1.

If these criteria are met, the Human Resources Department informs the respondent that a complaint has been received and provides the respondent with the particulars of the complaint in writing, including the allegations.

If these criteria are not met, the Human Resources Department informs the complainant in writing that the Human Resources Department cannot accept the complaint. If appropriate, the Human Resources Department suggests other means of resolving the issue.

Step 3 - Review of the complaint

Once the complaint has been acknowledged, the Human Resources Department reviews the complaint and if necessary, seeks additional information to determine if the allegations are related to harassment.

If the Human Resources Department concludes that the complaint is not related to harassment, the Human Resources Department informs the complainant and the respondent in writing. The Human Resources Department re-directs the complainant to the appropriate avenue of recourse or suggests other means of resolving the issue.

If the allegations are related to harassment, the Human Resources Department determines what efforts have been made to resolve the problem, identifies immediate avenues of resolution if any, and takes appropriate action.

Step 4 - Mediation

If the harassment complaint remains unresolved, the Human Resources Department must offer mediation. If the parties agree to mediation, the Human Resources Department obtains mediation services as noted above under "Human Resources Department", section (f).

Step 5 – Investigation

If mediation has not resolved the complaint, or if mediation was not undertaken, the Human Resources Department launches an investigation and notifies all involved parties. The investigator must meet the requirements as noted previously under "Human Resources Department", section (h). The investigator must provide the Human Resources Department with a written report that includes their findings and conclusions.

If mediation is undertaken at any time during the investigation process, the investigation is suspended. It is resumed only if mediation is unsuccessful.

If the Human Resources Department is satisfied that all the facts have been gathered and that the parties have been heard, the Human Resource Department may decide not to undertake an investigation and to proceed to Step 6.

Step 6 – Decision

The Human Resources Department reviews all the relevant information and decides what action to take. The Human Resources Department then informs the parties in writing of the outcome of the investigation and ensures that corrective and/or disciplinary measures are taken, if warranted.

Other recourse

If harassment is based on one of the grounds of discrimination prohibited under the *Canadian Human Rights Act*, employees have the right to file a complaint with the Canadian Human Rights Commission.

Assaults including sexual assault are covered by the *Criminal Code* and in such cases the police should be contacted.

If a complaint on the same issue is or has been dealt with through another avenue of recourse, the complaint process under this policy will not proceed further and the file will be closed.”

10. Section 8(6) of the Employees Policy Manual is deleted and replaced with the following:

“6. An employee may request in writing to the Director of Human Resources, that a disciplinary document be removed from their personnel file after twenty-four (24) months of good service without any discipline being issued within that period.”

11. Section 8(7) of the Employees Policy Manual is deleted and replaced with the following:

“7. If an employee is dismissed for cause, or is terminated for cause on a probationary period, the employee shall be considered ineligible for re-employment with NG for a period of at least three (3) years from the date of their dismissal. Such employees are required to demonstrate the re-establishment of a positive work history during this period of time before being considered for re-employment with NG.”

12. Section 10(2) of the Employees Policy Manual is amended by deleting the text under the heading “STEP 1” and replacing it with the following:

“STEP 1 - An employee with a complaint is expected to first discuss the matter with their immediate Supervisor with a view to resolving the matter, which must

occur within five (5) working days of the employee becoming aware of the incident giving rise to the complaint.”

13. **Section 11(1) of the Employees Policy Manual is amended by deleting the text under the heading “STEP 1” and replacing it with the following:**

“STEP 1 – an employee with a complaint is expected to first discuss the matter with their immediate supervisor. If the complaint is regarding the employee’s supervisor, the employee may bring the complaint to their supervisor’s supervisor.”

14. **Section 13(A)(4) of the Employees Policy Manual is deleted and replaced with the following:**

“4. An employee who accepts a new position with the same salary level will continue salary progression in the same manner as their former position.”

15. **Section 20(B)(1) of the Employees Policy Manual is deleted and replaced with the following:**

“1. An Employee who has completed twenty-six (26) consecutive weeks of employment and is a parent of a child by the date the employee begins the leave is entitled to Parental/Adoption Leave without pay.”

16. **Section 20(C)(2) of the Employees Policy Manual is deleted and replaced with the following:**

“2. The Deputy Minister must grant a leave of absence under subsection C.1 unless the Deputy Minister determines that to do so would seriously undermine the ability of the Nunatsiavut Government to deliver an essential service to the public.”

17. **Section 20(C)(4) of the Employees Policy Manual is deleted and replaced with the following:**

“4. If the employee is successful in seeking election, then that employee must resign and give notice for their position with the NG. If the employee is defeated then the employee must promptly resume their duties within the NG.”

18. **Section 23(C) of the Employees Policy Manual is amended by deleting the text under the heading “Failure to Cooperate” and replacing it with the following:**

“Failure to Cooperate

An employee may be subject to a suspension, reduction or loss of their benefits under the Act for failing to cooperate; NG may be subject to a penalty levied by the Commission for its failure to cooperate.”

19. **Section 24(B)(3) of the Employees Policy Manual is deleted and replaced with the following:**

“3. An employee who suspects they have an alcohol or drug dependency problem is urged to seek advice and follow the appropriate treatment before the dependency results in job performance problems. An employee may request permission to attend a treatment program at any time.”

20. **Section 5 of Appendix 1 of the Employees Policy Manual is deleted and replaced with the following:**

“5. Change in Shift

When an Employee’s regularly scheduled shift is changed by NG, it is the responsibility of NG to notify the Employee affected by the change as soon as possible before the employee reports to work.”

21. **Section A(4) of Appendix 3 of the Employees Policy Manual is deleted and replaced with the following:**

“4. Labrador Allowance shall be paid bi-weekly on a pro-rated basis in accordance with the employee’s hours of work to a maximum of 1820 hours.”

22. **Section B(4) of Appendix 3 of the Employees Policy Manual is deleted and replaced with the following:**

“4. Travel Allowance shall be paid in April on a pro-rated basis in accordance to the employee’s hours of work in the past previous twelve (12) month period ending March 31st to a maximum of 1820 hours.”

23. **Section C(2) of Appendix 3 of the Employees Policy Manual is deleted and replaced with the following:**

“2. NG will provide furnished housing to nursing and social worker positions as identified by Human Resources; utilities will be charged based on the number of bedrooms of the unit occupied and as identified in Table “E”. If housing is not available or required by the Employee then an annual housing allowance as indicated in Table “D” will be payable and pro-rated bi-weekly in accordance with the employee’s hours of work to a maximum of 1820 hours. This housing benefit is taxable at market value.”

24. **Section F of Appendix 3 of the Employees Policy Manual is deleted and replaced with the following:**

“F. Recruitment/Retention

1. Recruitment/Retention Bonuses are intended to increase the remuneration for nursing and social worker positions as identified in job postings and by Human Resources in an effort to improve NG’s recruitment and retention strategy.

2. NG will pay a one-time recruitment bonus to nursing and social work positions as identified by job postings and Human Resources, payable in a lump sum on

the second payday following the employee's start date. The employee has to work for six months following receipt of this bonus.

3. If the Employee fails to remain continually employed with NG for a six (6) month period, the Employee will repay to NG an amount equal to one-sixth of the recruitment bonus for each month or part of a month that the employee does not work.

4. NG will pay a retention bonus to nursing and social work positions as identified by job posting and Human Resources on the second payday following every subsequent six-month completion of employment. The payment will be prorated in accordance with the employee's hours of work to a maximum of 1820 hours and paid out biannually within the fiscal year earned.

5. On termination of employment the Employer agrees to pay the Employee an amount equal to one-sixth of the retention bonus for each full month that the employee works for the employer, less any amounts paid under subsection (4) above."

25. Section G(2) of Appendix 3 of the Employees Policy Manual is deleted and replaced with the following:

"2. NG shall pay the food allowance to nursing and social work positions as identified by job postings and Human Resources, payable bi-weekly and prorated in accordance with the employee's hours of work to a maximum of 1820 hours."

26. Section 7 of Appendix 4 of the Employees Policy Manual is deleted and replaced with the following:

"7. Change in Shift

When an employee's regularly scheduled shift is changed by NG, it is the responsibility of NG to notify the employee affected by the change as soon as possible before the employee reports to work."

PART B - Temporary and Casual Employees Policy Manual Amendments

27. Section 2(A)(4) of Appendix 3 of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:

"4. Conflict of Interest means any situation or activity where an employee's personal or private interests or considerations (including the interests and considerations of family member (as defined in subsection D4) affect, or can reasonably be perceived to affect the employee's judgment in acting in the best interest of NG; and/or any situation or activity where an employee participates in decision-making, where the employee ought reasonably to know that there is the opportunity to personally benefit (or family member as defined in subsection D4) improperly, directly or indirectly."

28. **Section 3(B)(2) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“2. All Confidential Information remains the property of Nunatsiavut Government and will not be disclosed to any person other than for purposes and benefit of Nunatsiavut Government. Employees will not use any Confidential Information for personal purposes or for purposes other than those of NG.”

29. **Section 3(B)(3) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“3. All employees must sign an oath of office or affirmation agreeing to retain all Confidential Information in the strictest confidence and prevent access to it, a copy of which is attached in Appendix 5. Under no circumstances will any employee disclose Confidential Information during employment or following termination of employment.”

30. **Section 3(C)(4) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“4. No verbal or written material about an individual receiving services from NG will be released without their written permission or the permission of the family/advocate. No material that NG receives from other sources about a person can be forwarded without their written permission. Information or reports received from other agencies can only be released by the originating agency.”

31. **Section 3(C)(6)(c) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“(c) The informed consent in writing, whenever possible, of every individual should be a requirement prior to the release of personally identifiable information about that person, except where such release is required by law.”

32. **Section 3(E)(1) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“1. An employee may engage in public awareness campaigns, program promotion and community activities as part of the normal course of the duties of the employee’s position. All other public or media related communications must first receive authorization. A Deputy Minister in conjunction with a Minister shall provide appropriate authorization. Employees are encouraged to consult with their Supervisor to seek direction to ensure compliance with this policy. Failure to seek authorization may result in disciplinary action, which may include suspension or termination.”

33. **Section 7(D) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“D. Complaint Process

Step 1 – Filing a complaint

The complainant submits a complaint in writing to the Human Resources Department, within one year of the alleged harassment leading to the complaint. The complaint must include the nature of the allegations; the name of the respondent; the relationship of the respondent to the complainant (e.g., supervisor, colleague); the date and a description of the incident(s); and, if applicable, the names of witnesses. The information provided should be as precise and concise as possible.

Step 2 - Screening and acknowledgement of complaint

Upon receipt of the complaint, the Human Resources Department screens and acknowledges receipt of the complaint. The criteria used in the screening are that the complaint:

- (a) Must be filed within one year of the alleged harassment leading to the complaint,
- (b) unless there are extenuating circumstances; and
- (c) Must include the information noted in Step 1.

If these criteria are met, the Human Resources Department informs the respondent that a complaint has been received and provides the respondent with the particulars of the complaint in writing, including the allegations.

If these criteria are not met, the Human Resources Department informs the complainant in writing that the Human Resources Department cannot accept the complaint. If appropriate, the Human Resources Department suggests other means of resolving the issue.

Step 3 - Review of the complaint

Once the complaint has been acknowledged, the Human Resources Department reviews the complaint and if necessary, seeks additional information to determine if the allegations are related to harassment.

If the Human Resources Department concludes that the complaint is not related to harassment, the Human Resources Department informs the complainant and the respondent in writing. The Human Resources Department re-directs the complainant to the appropriate avenue of recourse or suggests other means of resolving the issue.

If the allegations are related to harassment, the Human Resources Department determines what efforts have been made to resolve the problem, identifies immediate avenues of resolution if any, and takes appropriate action.

Step 4 - Mediation

If the harassment complaint remains unresolved, the Human Resources Department must offer mediation. If the parties agree to mediation, the Human Resources Department obtains mediation services as noted above under "Human Resources Department", section (f).

Step 5 – Investigation

If mediation has not resolved the complaint, or if mediation was not undertaken, the Human Resources Department launches an investigation and notifies all involved parties. The investigator must meet the requirements as noted previously under "Human Resources Department", section (h). The investigator must provide the Human Resources Department with a written report that includes their findings and conclusions.

If mediation is undertaken at any time during the investigation process, the investigation is suspended. It is resumed only if mediation is unsuccessful.

If the Human Resources Department is satisfied that all the facts are gathered and that the parties have been heard, the Human Resource Department may decide not to undertake an investigation and to proceed to Step 6.

Step 6 – Decision

The Human Resources Department reviews all the relevant information and decides what action to take. The Human Resources Department then informs the parties in writing of the outcome of the investigation and ensures that corrective and/or disciplinary measures are taken, if warranted.

Other recourse

If harassment is based on one of the grounds of discrimination prohibited under the *Canadian Human Rights Act*, employees have the right to file a complaint with the Canadian Human Rights Commission.

Assaults including sexual assault are covered by the *Criminal Code* and in such cases the police should be contacted.

If a complaint on the same issue is or has been dealt with through another avenue of recourse, the complaint process under this policy will not proceed further and the file will be closed.”

34. Section 8(6) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:

“6. An employee may request in writing to the Director of Human Resources, that a disciplinary document be removed from the employee’s personnel file after twenty-four (24) months of good service without any discipline being issued within that period.”

35. Section 8(7) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:

“7. If an employee is dismissed for cause, or is terminated for cause on a probationary period, the employee shall be considered ineligible for re-employment with NG for a period of at least three (3) years from the date of their

dismissal. Such employees are required to demonstrate the re-establishment of a positive work history during this period of time before being considered for re-employment with NG.”

- 36. Section 10(2) of the Temporary and Casual Employees Policy Manual is amended by deleting the text under the heading “STEP 1” and replacing it with the following:**

“STEP 1 - An employee with a complaint is expected to first discuss the matter with their immediate Supervisor with a view to resolving the matter, which must occur within five (5) working days of the employee becoming aware of the incident giving rise to the complaint.”

- 37. Section 11(1) of the Temporary and Casual Employees Policy Manual is amended by deleting the text under the heading “STEP 1” and replacing it with the following:**

“STEP 1 – an employee with a complaint is expected to first discuss the matter with their immediate supervisor. If the complaint is regarding the employee’s supervisor, the employee may bring the complaint to their supervisor’s supervisor.”

- 38. Section 13(A)(4) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“4. An employee who accepts a new position with the same salary level will continue salary progression in the same manner as their former position.”

- 39. Section 13(B)(1) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“1. If an employee has the minimum requirements of the position, the employee shall be placed at Step I of the five-step salary progression.”

- 40. Section 19(B)(1) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“1. An Employee who has completed twenty-six (26) consecutive weeks of employment and is a parent of a child by the date the employee begins the leave is entitled to Parental/Adoption Leave without pay.”

- 41. Section 19(C)(2) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“2. The Deputy Minister must grant a leave of absence under subsection C.1 unless the Deputy Minister determines that to do so would seriously undermine the ability of the Nunatsiavut Government to deliver an essential service to the public.”

- 42. Section 19(C)(4) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“4. If the employee is successful in seeking election, then that employee must resign and give notice for their position with the NG. If the employee is defeated then the employee must promptly resume their duties within the NG.”

43. **Section 22(C) of the Temporary and Casual Employees Policy Manual is amended by deleting the text under the heading “Failure to Cooperate” and replacing it with the following:**

“Failure to Cooperate

An employee may be subject to a suspension, reduction or loss of their benefits under the Act for failing to cooperate; NCS may be subject to a penalty levied by the Commission for its failure to cooperate.”

44. **Section 23(B)(3) of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“3. An employee who suspects they have an alcohol or drug dependency problem is urged to seek advice and follow the appropriate treatment before the dependency results in job performance problems. An employee may request permission to attend a treatment program at any time.”

45. **Section 5 of Appendix 1 of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“5. Change in Shift

When an Employee’s regularly scheduled shift is changed by NG, it is the responsibility of NG to notify the Employee affected by the change as soon as possible before the employee reports to work.”

46. **Section 1(d) of Appendix 3 of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“(d). Labrador Allowance shall be paid bi-weekly on a pro-rated basis in accordance with the employee’s hours of work to a maximum of 1820 hours.”

47. **Section 7 of Appendix 4 of the Temporary and Casual Employees Policy Manual is deleted and replaced with the following:**

“7. Change in Shift

When an employee’s regularly scheduled shift is changed by NG, it is the responsibility of NG to notify the employee affected by the change as soon as possible before the employee reports to work.”

PART C - Miscellaneous

Effective Date

48. These regulations have immediate effect.

MINISTERIAL CERTIFICATE OF ENACTMENT OF SUBORDINATE LEGISLATION

Authority: This Order is made under section 37 of the *Nunatsiavut Civil Service Act*.

Title: **EMPLOYEES DIVISION (AMENDMENT) REGULATIONS (GENDER NEUTRALITY)**

Date Enacted: **March 18 2022**

Certified a True Copy of the Regulation as enacted by the Treasurer of Nunatsiavut.

Signed:



Anthony Andersen

Minister of Finance, Human Resources and Information Technology

