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## 1.2 HUMAN RESOURCES POLICY

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### Introduction

1. The Ontario Cerebral Palsy Sports Association (OCPSA) believes that the strength of the organization is dependent on the people who make up the organization, and recognizes the need to continue to attract and retain highly motivated and skilled staff to provide the high quality programs that embody our mission:
2. OCPSA recognizes that its Human Resources Policy (“the policy”) plays a key role in attracting and retaining the high caliber of staff it requires to fulfill this mission.
3. Although this policy attempts to clarify the roles and responsibilities of the parties in their employment relationship, OCPSA recognizes that maintaining the mutual trust and respect that the parties hold for each other also requires ongoing and conscious effort on the part of the board and staff to communicate clearly and effectively with each other.
4. All parties are expected to comply with this policy, as amended from time to time by the board. Proposed changes or additions to the policy should be directed to the Board of Directors for consideration.

### Purpose

5. The purpose of this policy is to set out workplace policies and practices, ensure consistency of practice, and ensure compliance with applicable legislation.

### Roles and Responsibilities

6. Board of Directors’ Executive Committee. The Executive Committee is responsible for:
  - a) The hiring and firing of the Executive Director
  - b) Approving all employment-related policies
  - c) Approving any changes in staff compensation
7. Executive Director. The Executive Director is the chief administrative officer of OCPSA and ultimately is responsible for the general administration of this policy, subject to direction by the board.

8. Executive Director may delegate other functions to other staff as appropriate, unless otherwise restricted by this policy. For example, responsibility for hiring program coordinator positions may be delegated by the Executive Director to a Program Director. However, the authorization of the Executive Director is required prior to:
  - a) Recruiting for any position
  - b) Taking disciplinary action
  - c) Terminating an employee for disciplinary or non-disciplinary reasons

## Human Rights

9. OCPA is committed to providing a workplace environment free of discrimination, harassment and hate activity, based on age, ancestry, citizenship, creed (religion), colour, disability, ethnic origin, family status, marital status, place of origin, race, record of offences, sex, sexual orientation or any other grounds protected under the Ontario Human Rights Code.
10. "Spouse" includes married, common law, and same sex partners.
11. All parties are expected to comply with OCPA's anti-discrimination policy.

## Classification of Staff

12. Definitions of employee categories:
  - a) Permanent employees are those hired into positions expected to be of a duration of more than one year, and may be full-time or part-time.
  - b) Contract employees are those hired into positions for a specified term, and may be full-time or part-time.
  - c) Such employees are hired, for example, to staff pilot programs or replace staff on leaves.
  - d) Temporary employees are those hired into position for a period of less than three months, and may be full-time or part-time. Such employees are normally hired as short-term relief staff or vacation placements.
  - e) A full-time employee works 24 hours or more per week.
  - f) A part-time employee works less than 24 hours per week.

## Hiring

13. OCPA aims to attract job candidates who share the values and principles reflected in the organization's mission statement.
14. OCPA may hire immediate relatives of employees provided those relatives do not work in the same program area and do not work in a supervisory relationships with one another. For purposes of this section, immediate relatives include parent, step-parent, child, step-child, sibling, step-sibling, and spouse.
15. Hiring Procedures:
  - a) The approval of the Executive Director is required before recruiting for any position. In the case of the hiring of the Executive Director; Executive Committee approval is required.
  - b) The Executive Director or designate shall determine if and how any vacancy shall be advertised and what steps shall be taken for the recruitment of candidates.

- c) Subject to any discretion from the board, the Executive Director shall determine the process to be used for hiring into any position, including the composition of any hiring committee.
- d) In the case of hiring for the Executive Director position, the board is responsible for striking a hiring committee, subject to board approval, and approving the interview process, including its format and questions.
- e) The Executive Director or designate is responsible for negotiating terms and conditions of employment with employees, consistent with this policy, except in the hiring of the Executive Director in which case the board is responsible.
- f) The Executive Director, or board chair in the case of the Executive Director, will provide a written offer of employment to a successful job applicant, setting out the general terms and conditions of employment, together with a copy of the Policy. The offer will include:
  - i. Job title
  - ii. Start date
  - iii. If contract or temporary employee, the duration of employment
  - iv. Duration of probationary period and provision for performance appraisal dates, if applicable
  - v. Salary and benefits
  - vi. Hours of work
- g) All individual applicant information (e.g. applications, interview information) related to the hiring process will be kept confidential in accordance with the provision of OCPSA Confidentiality Policy, as amended from time to time.
- h) Contract employees hired into permanent positions will maintain their initial hire dates and accrue benefits, including vacation, based on original hire date.

16. Probationary Period:

- a) New employees will normally have a probationary period of three months, except the Executive Director or other manager positions, for whom the probationary period will be set and agreed to on a case by case basis. A probationary period may be extended, with the approval of the board. In such cases, the probationary employee will be provided with a letter clearly setting out the time frame and the expectations to be met.
- b) A review will normally be held midway through the probation period in order to provide an opportunity for discussion, questions and feedback regarding work performance.
- c) At the sole discretion of OCPSA, an employee may be terminated at any time during the probationary period, in which case the employee will be entitled to receive the minimum statutory notice, or pay in lieu of such notice, required under the Employment Standards Act, 2000, and will not be entitled to any further or additional notice or pay in lieu of notice.

## Hours of Work and Overtime

17. Hours of Work:

- a) The normal work week is 37.5 paid hours per week. Employees will receive a half hour unpaid lunch break and two paid 15 minute breaks each day. "Flex time" arrangements may be made with the approval of the Executive Director or designate.

18. Overtime:

- a) Employees must obtain approval in advance from Executive Director or designate in order to be eligible for overtime compensation. Such approved overtime shall be compensated as time in lieu at regular rate.
- b) In order to schedule compensatory time off, they must be approved by the Executive Director or designate.

## Pay Period

19. Employees are paid bi-weekly.

## Public Holidays and Float Days

20. At minimum, OCPA will comply with the Ontario *Employment Standards Act, 2000*.  
OCA will be closed during the following holidays: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day.
21. If a holiday falls on a Saturday or Sunday, then either the preceding Friday or the following Monday will be designated as the holiday in accordance with bank closing.
22. If a statutory holiday falls on an employee's vacation or non-working day, the employee is entitled to another day off with pay, to be scheduled at a mutually agreeable time.
23. Employees working less than 37.5 hours per week will be compensated for statutory holidays on a pro-rated basis.

## Religious Observances

24. Employees who require additional time off for religious observance purposes will be accommodated, provided they give reasonable notice. Such accommodation may be provided, for example, through the use of flexible scheduling, float days, compensatory time, etc.

## Vacation

25. Permanent full-time employees begin accumulating vacation credits at the rate of 1¼ days per month (three weeks per year) when they begin work at OCPA. After one year of continuous employment, such employees shall accumulate vacation credits at the rate of 1 2/3 per month (four weeks per year).
26. Part-time permanent employees shall accumulate 1 ¼ vacation days per month (three weeks per year).
27. Annual vacation pay entitlement for part time employees will be calculated based on 6% of the employee's earnings for the previous calendar year.
28. Contract and temporary employees receive 4% vacation pay or the equivalent number of days off with pay, and must indicate their choice at the time of hiring.
29. On their return to work, employees who take pregnancy/parental leave or family medical leave in accordance with the Ontario Employment Standards Act, 2000 will receive credit for the vacation time (but not vacation pay) that they would have accrued had they been actively at work during their period of statutory leave.

30. Vacations will be scheduled at a mutually satisfactory time; however, employees will not normally be permitted to take any vacation time before completing their probationary period.
31. Employees are expected to use their full vacation entitlements by their anniversary date.

## Benefits

32. All employees will receive the statutory benefits to which they are entitled.
33. Following three months' employment, all full-time permanent employees (i.e 24 hours of more per week) and full-time contract employees who are hired into position of at least six month's duration, are eligible for the benefit plans which include:
  - a) Extended Health
  - b) Dental Plan
  - c) Vision Care
34. OCPSA pays the premium for the plans. Employees may not opt out of the plan unless their spouse is covered under another benefit plan.

## Leave Provisions

35. Bereavement and Compassionate Leave:
  - a) Employees shall be granted a paid leave of absence for up to three days for bereavement in the event of a death in their immediate family. For this purpose, immediate family includes parent or step-parent, sibling or step-sibling, child or step-child, and spouse.
  - b) At the discretion of the Executive Director or designate, employees may be granted up to 5 days of paid compassionate leave per calendar year. Factors such as the reason for the leave and length of service will be considered in determining whether such leave will be granted. Any day taken as a compassionate leave day under this policy counts as an emergency leave day under the *Ontario Employment Standards Act, 2000*.
36. Pregnancy and Parental Leave:
  - a) At minimum, OCPSA will comply with the Ontario Employment Standards Act, 2000.
37. Leave of Absence without Pay (LOAWP):
  - a) Employees may be granted a leave of absence without pay for purposes other than pregnancy/parental leave for a period of up to one year, after completing at least one year of continuous employment with OCPSA.
  - b) Vacation credits must be used before the leave of absence begins.
  - c) Employees must request such leave in writing, to the Executive Director. The Executive Director may approve a request for a leave not exceeding 30 calendar days and will notify the board of the decision.
  - d) In deciding whether or not to grant a leave under this section, the operating requirements of OCPSA will be the major consideration.
  - e) Employees must notify the Executive Director of their intention to return to work no later than 30 days before the LOAWP expires.
  - f) Employees on leave exceeding 30 calendar days may elect to continue their benefits plan coverage by paying the full amount of the premiums in advance to OCPSA (eg. post-dated cheques). Employees who do not elect to continue their benefit plan coverage may be

subject to an eligibility waiting period on their return to work, subject to the rules established by the current insurer.

- g) Service will not accrue during a leave exceeding 30 days granted under this section, and anniversary dates will be adjusted accordingly.

38. Family Medical Leave:

- a) All full-time, part-time, contract employees are entitled to take up to eight weeks' leave of absence without pay to provide care of support to specified family members who are terminally ill.
- b) Family medical leave can be taken in respect of the following family members: spouse, parent, step-parent or foster parent of employee, a child, step-child or foster-child or the employee or the employee's spouse, siblings, grandparents and grandchildren, certain in-laws, aunts and uncles, nieces and nephews, certain step-relationships; and a person who considers the employee to be like a family member.
- c) In order for an employee to qualify for family medical leave, the individual in question must have a serious medical condition with a significant risk of dying within a period of 26 weeks, which must be confirmed in a certificate issued by a qualified medical practitioner. The employee must inform their manager/supervisor that he or she will be taking family medical leave before the leave begins, or as soon as possible thereafter. If the family member is still critically ill at the end of the 26-week period, the employee is entitled to another 8 weeks' leave, provided that a new medical certificate is obtained.
- d) To the extent that the Family Medical Leave provisions of the Ontario *Employment Standards Act, 2000* differ from the provisions of the Family Medical Leave policy, the provisions of the statute will prevail.

## Jury Duty

- 39. Employees on jury duty will continue to receive their regular salary for a period of up to six weeks.
- 40. Employees who are required to serve jury duty for a period exceeding six weeks will be deemed to be on a leave of absence without pay; however, OCPA will continue to pay the premiums for their benefits plan coverage.
- 41. Any fees paid to an employee by the court for jury duty during the first six weeks must be remitted to OCPA.

## Staff Development

- 42. Staff development is intended to enhance employee skills and contribute to OCPA's ability to meet its mission and objectives.
- 43. Permanent full-time employees will be provided with opportunities for professional development in keeping with the performance review process and the organization's budget.
- 44. The Executive Director will determine the staff development budget in consultation with the board. All expenditures related to staff development must be approved in advance by the Executive Director or designate.

## Expenses

45. General: OCPSA will reimburse employees for reasonable expenses incurred in the course of conducting their work within the limits of the approved annual budget for each program area. Employees are expected to be prudent in incurring such expenses.
46. Travel: Employees will be reimbursed at a rate of \$0.45 per km for mileage, incurred in the course of their work responsibilities. This does not include transportation costs incurred while travelling between one's residence and the worksite, and OCPSA is not responsible for any traffic or parking violations.
47. Meals: Employees may be reimbursed for reasonable meal expenses incurred in the course of their work responsibilities. Such expenses are expected to occur only infrequently and must be approved in advance by the Executive Director or designate.
48. Telephone/Fax Expenses: Whenever possible, business requiring long distance telephone calls or faxes will be conducted at OCPSA.
49. Expense Claims: Employees will submit expense claims, with appropriate documentation, to the Executive Director or designate for approval. Such claims should be submitted within one month of incurring the expense.

## Health and Safety

50. OCPSA is a smoke-free workplace.
51. OCPSA will comply with the provisions of the *Occupational Health and Safety Act*, and will establish and maintain a joint health and safety committee in accordance with the Act.
52. Employees should report any condition that the employee believes is unsafe. All workplace injuries must be reported immediately to the employee's supervisor.

## Annual Performance Review

53. The purpose of an annual performance review is to provide staff with a constructive forum for mutual feedback regarding job performance and expectations, training needs and professional development, and to provide an opportunity to discuss and agree on goals and performance standards in the coming year.
54. An employee's annual review shall be conducted by the Executive Director or designate no later than three months after her/his anniversary date. In the case of the Executive Director, the review will be conducted by the board chair or designate.
55. The performance review will result in a written document, to be signed by both the employee and the Executive Director or designate (or chair of the board in the case of the Executive Director's review). Employees will have the opportunity to note and disagreements in writing, and it is understood that the purpose of signing off on the review is to indicate that it has been read and not as evidence of agreement with the content.
56. The signed document will be kept in the employee's personnel file and a copy will be provided to the employee.
57. It is understood that the performance review process does not replace ongoing supervision, communication, or feedback on job performance.

## Discipline

58. The aim of progressive discipline is to bring about a positive change in behaviour or conduct, and such discipline is normally implemented in four stages: verbal warning, written warning, suspension, and dismissal for cause.
59. Under normal circumstances, the initial occurrence of a minor incident warrants only a verbal warning.
60. Continuation of further minor incidents may result in progressive disciplinary action up to and including dismissal for cause. More serious incidents may result in more severe disciplinary action even in the first instance, up to and including dismissal for cause.
61. Dismissal for cause usually applies only where reasonable efforts to correct the behaviour have not been successful or where there has been an occurrence of intolerable misconduct. Examples of the latter include: falsification of employment information; theft abuse/harassment of employees, volunteers or members of the public.
62. Notwithstanding the foregoing, the Executive Director shall have the discretion to determine the appropriate discipline in any circumstances.
63. Prior to taking any disciplinary action, the Executive Director is designate will first investigate the matter and ensure that the affected employee has an opportunity to be heard. In the case of the disciplinary action involving the Executive Director, the board chair is responsible for such investigation.
64. In the event that criminal charges are laid against an employee that is relevant to her/his work at OCPSA the board shall meet immediately to decide on the appropriate course of action given those particular circumstances.
65. The reasons for discipline, including the behaviour at issue will be made clear to the employee concerned.
66. The disciplinary action, including the reasons for such action, will be confirmed in writing and a copy placed in the employee's personnel file. Any disciplinary action requires prior authorization by the Executive Director, except when it involves the Executive Director, in which case the board must authorize such action.
67. Employees who are subject to discipline may seek a review of such action under the complaint procedure outlined below.

## **Termination/Resignation**

68. OCPSA may dismiss an employee for non-disciplinary reasons including a shortage of work or funds, elimination of the position, or other material change in the organization.
69. OCPSA may dismiss an employee at any time after the conclusion of the probationary period, for any reason, by providing him or her with the minimum amount of notice of termination, or pay in lieu thereof, and benefits continuation (as and if applicable) required under the Ontario *Employment Standards Act, 2000*, as amended from time to time.
70. OCPSA may dismiss an employee at any time, for cause, without any notice or compensation in lieu of notice.
71. In cases of resignation, employees are required to provide two weeks' notice.
72. Employees will be compensated for their unused vacation credits in the case of resignation or termination.

73. Exit interviews:

- a) Employees who resign or who have their employment terminated will, where reasonably possible, be given the opportunity of an exit interview.
- b) The purpose of the interview is to provide an opportunity for exiting staff to provide comments regarding job descriptions, OCPSA operations, philosophy, approach, etc., and/or to express any concerns or recommendations to the appropriate individuals, committees, and/or board members at OCPSA.

74. Exit interviews will involve:

- a) The exiting staff member, who may at the discretion of the staff member, be accompanied by another staff member or other person involved with OCPSA (e.g. volunteer, including a board member); and
- b) The Executive Director or designate (or a board officer, in the case of the Executive Director).
- c) Executive Director will report to the board on the content of the exit interviews.

## **Complaint Procedure**

75. If there is a complaint about the application of the employment policy; staffs are encouraged to bring it first to the Executive Director or designate. If no resolution can be reached, he or she may submit their complaint in writing to the board, normally within one month of the circumstances in question. The board will investigate the issue, meet with the staff person, if they deem it necessary, and respond to the staff person in writing within one month.