

Human Resources

Policy

This policy is intended to be interpreted in a manner consistent with all applicable laws, including Manitoba's Human Rights Code and Manitoba's Employment Standards Code. Each employee is expected to be familiar with this policy.

Job Positions, Descriptions and Employee Categories

The Executive Director may establish new or eliminate existing job positions. When amending a job description for an existing employee, the Executive Director will consult with the employee in the process of drafting the job description.

An employee is an individual person hired and receiving a wage directly from MAWA.

Employee Categories:

Permanent – full-time, part-time

Term – full-time, part-time

Casual – hours to be determined as necessary

Permanent employees are full-time or part-time employees who are continuously employed for three consecutive months or more with no designated end date.

Permanent employees are entitled to all employee benefits unless otherwise stated in the Employment Agreement or in the eligibility provisions of any MAWA benefit plan.

Term employees are hired for a specific period of time related to a specific project. Term employees are not eligible for Group Benefit privileges.

Casual employees are hired for work as needed and paid an hourly wage. Casual employees are not eligible for Group Benefit privileges.

Independent Contractors

Independent contractors or consultants are engaged to carry out special projects for a specified period of time at a specific fee for service as specified by contract. The independent contractor or consultant is not an employee and an employer-employee relationship shall not exist.

A MAWA employee may, with Board approval, also hold a contract position.

Non-Discrimination

It is MAWA's policy to hire employees solely on the basis of the ability of the applicant to do the job and without discrimination on the basis of:

- ancestry
- race

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- nationality
- ethnic background
- religion
- age
- circumstances related to pregnancy
- gender determined characteristics
- sexual orientation
- marital or family status
- economic status or source of income
- political beliefs
- association or activity
- health status
- physical or mental disability or related circumstances or characteristics

Because MAWA “encourages and supports the intellectual and creative development of women in the visual arts by providing an ongoing forum for education and critical dialogue”, hiring preference will be given to women and non-binary individuals.

Hiring Procedures

The Executive Director will manage the hiring process for a position other than that of the Executive Director.

A committee established by the Board will hire the Executive Director.

Orientation and Training

MAWA will provide an orientation program for all new employees that will include information regarding the mandate, goals, policies, workplace culture and objectives of MAWA, the job description of the employee and any other matter that may assist the employee in performing her responsibilities.

MAWA is committed to providing appropriate training for its employees, to the extent possible given the financial resources of MAWA.

A copy of this policy will be provided to all new employees.

Probation

A minimum of a three-month probation period applies to all new employees and to employees in a new position at MAWA.

Before the end of the probation period, the Executive Director must complete a written performance appraisal of the employee, provide the employee with a copy of the appraisal, and meet with the employee to discuss the appraisal and the employee's prospects for continued employment at MAWA.

If the Executive Director determines that the performance of the probationary employee is fully satisfactory, the employee will no longer be classified as a probationary employee.

If at any time during the probation period it becomes evident to the Executive Director that the employee's performance is not fully satisfactory, the probation period may be extended or employment may be terminated. Similarly, if at any time during the probation period it becomes evident to the Personnel Committee that the Executive Director's performance is not fully satisfactory, the probation period may be extended or employment may be terminated.

Hours of Work and Overtime

Overtime occurs after an employee has worked in excess of 40 hours in one week. Employees other than the Executive Director must receive the approval of the Executive Director prior to working overtime. The Executive Director must receive the approval of the Chair or Vice-Chair of the Board before working hours that would entitle them to overtime compensation. Overtime is compensated at a rate of 1.5 the regular rate of pay.

Employees will work variable hours per week. Each employee will track their hours. When hours are incurred beyond contracted hours, lieu time is taken with the approval of the Executive Director.

Lieu hours may be banked up to a maximum of 20 hours at any one time and must be used within 3 months of the pay period in which the lieu occurs. Lieu hours must be used before resignation.

Dedication to Duties

Because of the nature of the services provided by MAWA, employees may be required to attend evening, lunch and weekend meetings and events. With the Executive Director's approval, employees will be allowed flexibility in their work schedules.

Employees are expected to comply with all policies established by the Board, including policies regarding confidentiality.

Employees are expected to work cooperatively and attempt to resolve issues and conflicts with colleagues directly. In the event of a serious unresolved conflict, the matter may be brought to an Ombudsperson designated by the Board (see Code of Conduct Policy).

Outside Employment

Employees are entitled to hold employment outside of MAWA provided the employment does not unduly affect the performance of the employee's duties and does not constitute a conflict of interest.

Gifts

Employees shall not accept gifts, including money or artwork, as compensation. This prohibition is intended to prevent conflicts of interest, and does not apply to the trading of work by practicing artists, including employees.

Dress and Conduct

Employees are expected to dress and conduct themselves in a manner appropriate to their responsibilities.

Pay Periods

Pay periods will be every two weeks. Employees will be paid for the immediately preceding pay period on an identified payday, which will ordinarily be within seven days of the end of the preceding pay period.

Deductions

MAWA will make all deductions and remittances required by law, including Canada Pension Plan, Employment Insurance and Federal and Provincial Income Tax from the pay of employees. Employees are required to complete all required forms associated with the deductions and remittances.

Vacation

Employees will earn 3 weeks of vacation per calendar year. However, beginning in the year that an employee has their third anniversary of employment, the employee will earn 4 weeks of vacation per calendar year. This applies to all employees unless otherwise negotiated in their contracts.

Employees in their first year of employment with MAWA will accrue vacation days proportionate to their entitlement above, based on the length of their employment in that year.

Term employees will receive vacation pay in accordance with The Employment Standards Code.

The Executive Director will schedule employees' vacations in consultation with employees. Every effort will be made to accommodate requests for employee vacations. In the event of an irresolvable scheduling conflict between two or more employees, scheduling will be at the discretion of the Executive Director.

Holidays

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General holidays will be observed by MAWA:

New Year's Day	Labour Day
Louis Riel Day	Thanksgiving Day
Good Friday	Remembrance Day
Victoria Day	Christmas Day
Canada Day	August Civic Holiday

Staff are paid for the above holidays; proportionate to the hours they work or 5% of the gross wages of the previous 4 weeks.

MAWA is closed Christmas Day to New Year's Day inclusive. Employees are not required to work, and the days between Christmas and New Year's will be considered time off with pay.

Employees who are required to work on a holiday will receive regular stat holiday pay plus overtime wages.

MAWA respects diversity. Employee requests for accommodation of religious holidays and observances will be negotiated with the Executive Director. All reasonable efforts will be made to accommodate such requests.

Staff Benefits

MAWA will provide health benefits to all permanent employees who work a minimum of 20 hours per week. Exceptions to this policy will be determined by the Board.

Sick Leave

Permanent employees are entitled to one working day per month as sick leave with pay. A sick day is calculated at the rate of 9.375 hours per month based on a 37.5 hour work week, and is prorated for part-time employees. Sick leave may be accumulated up to a maximum of 12 days, and must be used within the fiscal year.

Sick leave with pay may only be used by an employee when the employee is unable to attend a regularly scheduled workday due to illness or injury. Where an employee is absent from work for three or more consecutive days due to illness, they may be required to provide a doctor's certificate stating the medical reasons for their absence from work.

Compassionate Leave

An employee is entitled to take up to three days with pay in the event of the death of a family member. An additional two days with pay is available for an employee who must travel for funeral purposes. Compassionate leave will be at the discretion of the Executive Director. All reasonable efforts will be made to accommodate an employee in their time of loss.

MAWA will attempt to accommodate reasonable requests from an employee for leave without pay for bereavement or other legitimate reasons, such as family leave and compassionate care leave, as per Manitoba's Employment Standards.

Expense Reimbursement

MAWA employees are eligible for reimbursement in accordance with the Financial Policy. With prior approval, expenses incurred in the course of employment, such as the use of personal vehicles for work purposes, will be reimbursed.

Performance Review

All employees will receive ongoing feedback regarding their job performance. MAWA conducts formal performance reviews of employees annually. These reviews may include:

- review of the goals and objectives of MAWA;
- review of the responsibilities of the employee in their job description;
- evaluation of how well the employee is meeting their responsibilities and helping MAWA to meet its goals and objectives;
- evaluation of the cooperative and collaborative skills demonstrated by the employee and strategies that were used for conflict resolution and problem-solving;
- opportunity for the employee to identify professional development and career goals;
- opportunity for the employee to discuss the operation of MAWA and to make recommendations about MAWA;
- recommendation from the Executive Director (or the Personnel Committee and Board Chair in the case of a performance review of the Executive Director) about adjustments in the rate of pay of the employee for merit;
- in the case of an appraisal of a probationary employee, a determination by the Executive Director whether the performance of the employee is satisfactory and whether their employment will be continued;
- any other relevant matter.

At least two members of the Personnel Committee will conduct the Executive Director's performance review. The Executive Director will conduct the performance review of all other employees, with one or more members of the Personnel Committee present. The employee is entitled to have their comments recorded as part of the review. All parties present sign the performance review and a copy is given to the employee. The performance review is placed in the employee's personnel file.

Resignation

Permanent employees will provide to MAWA a minimum of 2 weeks written notice of resignation from employment, as per Manitoba's Employment Standards. MAWA will

attempt to accommodate those employees who, because of extenuating circumstances, wish to resign with less than 2 weeks' notice.

The Executive Director is required to give longer notice as per their contract.

Layoff

MAWA has the right to lay off employees by reason of reorganization, reduction of funding, a shortage of work or other reason. A layoff is a temporary break in employment. However, a layoff that is longer than 8 weeks in a 16-week period becomes a termination and notice is required.

While no notice is required for a layoff, MAWA will endeavour to provide 2 weeks written notice to the affected employee or employees advising of the layoff and the reasons for the layoff.

Personnel Files

MAWA will maintain a personnel file for each employee containing all written notations respecting the status and performance of the employee.

An employee is entitled to review their personnel file upon request with reasonable notice, but is not entitled to remove any notation from the file.

An employee may appeal any notation on their file in accordance with the process set out below.

MAWA will take all reasonable steps to ensure the confidentiality of personnel files.

Disciplinary Action

Disciplinary action of any employee other than the Executive Director is the responsibility of the Executive Director, in communication with the Personnel Committee. Disciplinary action of the Executive Director is the responsibility of the Personnel Committee and/or the Board of Directors.

An employee may be subject to disciplinary action for conduct contrary to the professional standards of MAWA, such as insubordination, harassment including sexual harassment (see Code of Conduct Policy), impairment, absence without cause, failure to follow instructions, theft or incompetence.

Forms of Disciplinary Action

Disciplinary action for an employee may include:

- verbal reprimand;
- written reprimand or warning;
- mandatory training;

- suspension without pay ranging from one week to one month;
- disciplinary probation for a period not to exceed three months;
- termination of employment.

When an employee is suspended without pay, return to work conditions may be included as part of the suspension.

Disciplinary action will be proportionate to the reasons for disciplinary action. Disciplinary action should afford an opportunity for improved performance, unless inappropriate due to the seriousness of the infraction. The disciplinary action will typically become more severe for second and subsequent cases.

Procedure for Disciplinary Action

In all cases of disciplinary action, the employee will be advised of the reasons for disciplinary action. When the disciplinary action takes the form of a written reprimand or warning, suspension or termination, documentation will provide space for the signature of the employee and provide opportunity for comments by the employee.

In all cases where it is reasonable to do so, no decision on disciplinary action will be made until the employee has an opportunity, within a reasonable time limit, to comment on the alleged reasons for disciplinary action.

Appeal Procedure

An employee may appeal any disciplinary action by submitting a notice in writing to the Executive Director within seven days of notification of the disciplinary action. The Executive Director will forward the notice to the Board of Directors, who will consider and rule on the appeal.

The Executive Director may appeal disciplinary action by submitting notice in writing to the Board of Directors.

Termination

Termination is a permanent loss of employment. MAWA conforms to Manitoba's Employment Standards and will give employees appropriate notice dependent upon period of employment, typically a minimum of 2 weeks.

Cause for termination includes, but is not limited to:

- failure to fulfill the requirements of the job;
- acting in a manner that is inconsistent with the standards, goals, and policies of MAWA;
- inability or refusal to work effectively with staff, the Board of Directors, and the MAWA community.

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The Executive Director will make the decision whether to terminate an employee. A decision to terminate the Executive Director will be made by the Board of Directors.

Except when circumstances warrant, MAWA will attempt to provide a reasonable opportunity for improvement in job performance before terminating any employee.

An employee may be terminated with pay in lieu of notice for cause, such as: insubordination, harassment including sexual harassment (see Code of Conduct Policy), impairment, wilful neglect of duty, wilful misconduct, or theft.

I, _____, have read and understood this policy.

Signature

Date