

HUMAN RESOURCE POLICY

Ontario Museum Association



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INTRODUCTION

The Ontario Museum Association (OMA) is committed to providing all prospective and current employees equal opportunities to achieve required job performance, regardless of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered. The OMA Human Resource Management Policy applies to all employees, including permanent and temporary, and volunteers, where applicable.

The OMA represented by the Executive Director (ED), has sole authority to assign job duties and responsibilities.

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All aspects of the OMA's Human Resource Management Policy are to agree with the Canada Labour Code (1985), Ontario Labour Relations Act, Employment Standards Act, Employment Insurance Act, Occupational Health and Safety Act, Workplace Safety & Insurance Act, Pay Equity Act, Privacy Legislation, *Workplace Safety and Insurance Board* regulations and Human Rights Code. It is important that OMA keeps apprised of updated labour regulations and new laws pertinent to employment at both the provincial and federal levels of government. For those aspects that are not specifically outlined in this document, the OMA will abide by the standards established by the Canada Labour Code.

When the employee affected is the Executive Director, the Board of Directors should be read in lieu, unless otherwise stated.

ETHICS

All employees and volunteers of the OMA will adhere to the ethical guidelines laid out in the Canadian Museum Association's Ethics Guidelines (2006) and the ICOM Code of Ethics for Museums (2017). A copy of the Ethics Guidelines is always posted in the OMA offices and can be provided upon request.

This policy applies to all employees, volunteers, vendors, suppliers, contractors and other groups of non-employees who deal with OMA/AMO. This includes representatives of member organizations in their interactions with OMA/AMO. The scope of this policy also includes behaviour defined as harassment when it takes place outside the organization's premises where OMA/AMO conducts business including conferences, hotels when people travel, public meetings, and at events involving the organization's employees.

CONFIDENTIALITY

The OMA staff and Board of Directors will not divulge information regarding employees, volunteers, OMA member organizations and members, unless required by law or as authorized by the Executive Director and/or the Board. Confidentiality extends to past staff members.

RECRUITMENT AND STAFFING

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The recruitment process will ensure applicants' privacy and protection of personal information. The Executive Director has final approval for the hiring of any staff or contractor. The Executive Director is responsible for any recruitment process, but may involve other individuals (such as staff, volunteers, Board Directors or external consultants) as required. When the position is deemed permanent, a staffing team shall consist of at least one other person in addition to the Executive Director. Any Board or Committee representation shall be at the discretion of the Executive Director. The Board of Directors is responsible for hiring the Executive Director.

LETTER OF EMPLOYMENT/CONTRACT

The letter of employment indicates the rights and responsibilities of employees and the OMA. As such, the letter of employment is a legal document, providing protection for staff and the OMA, but more importantly providing the basis for a clear working relationship.

When a decision is made to offer a position, the Executive Director will forward the letter of offer to the prospective employee. In the case of hiring an Executive Director, the Board of Directors will forward a letter of offer to the prospective Executive Director. The letter will contain:

- Start date (and end date if applicable)
- Remuneration
- Directions on accepting the offer
- Any special conditions of work
- Any accommodation needs of employee, as negotiated during the recruitment/staffing process
- Reporting/supervision relationship
- Probation period
- Annual Performance Reviews
- Notification period of termination

Attached to the letter will be the position description and any other general information considered necessary.

One copy of the letter will be kept in the employee's file and another will be given to the employee. The offer must be accepted in writing, within the period specified in the letter. If no response is given, the offer is deemed not accepted and the OMA may continue the recruitment process.

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JOB DESCRIPTIONS

A job description is required for each permanent and temporary position. It will detail the expectations of staff performance, all tasks and activities associated with the position, required qualifications and/or experience, how the position impacts on the mandate of the OMA and legal requirements such as all work produced by the employee is the property of the Ontario Museum Association and all work, keys and equipment will be returned to the OMA.

Duties assigned to any employees will be consistent with, but not limited to those outlined in the job description.

The Board of Directors shall conduct an annual performance review of the Executive Director. Based on the Executive Director's job description and annual performance review, his/her work plan can be adjusted and updated annually.

PERSONNEL RECORDS

There will be only one official personnel record for each employee, which the Executive Director will keep on behalf of the OMA. All personnel files will be housed in a safe and locked location.

The type of information contained in the records shall be in line with the Canada Labour Code. Information collected in the personnel record will only be used or disclosed for the purposes for which the information was collected, such as administration of pay and benefits, performance management, or to contact the employee unless otherwise required by law. The Auditor often asks to see employee contracts. Auditor can not review performance reviews or personal information.

Personnel files and the documents therein will be managed in accordance with the applicable laws on document retention, storage, and destruction.

PROBATION

The probation period is intended to provide both the employee and the OMA with the opportunity to assess how the job arrangement is working. During the probationary period,

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both the OMA and the employee will make every reasonable effort to ensure a mutually beneficial relationship develops.

For all individuals who are hired into permanent positions, the probation period will be for 3 months from the start date of employment and will be so stated in the letter of employment. If any leave of absence, including sick leave, is taken, the probation period may be extended by the equivalent number of days. At the discretion of the Executive Director the probation period may be extended a maximum of 3 additional months. In the case of hiring an Executive Director, the Board of Directors can extend the probation period by a maximum of 3 additional months.

For employees hired for temporary employment, the Executive Director will determine the adequate length of the probationary period.

When an employee has successfully completed the probation period, all seniority and similar considerations will date from the beginning of the employment period.

If an employee does not successfully complete the probation period, the employee shall be terminated without severance pay.

PERFORMANCE REVIEW

The performance review process is the responsibility of the Executive Director; who must sign the complete performance reviews of all employees (permanent and temporary). Performance reviews are based on principles of openness, objectivity and equity and are a tool to:

- Assess employee contribution to the strategic plan and direction of the OMA,
- Identify and address areas for improvement in job performance,
- Identify professional development needs,
- Promote staff, and
- Consider salary increases.

A formal performance review must be conducted annually, and result will in a written document. The process for a formal review is:

1. An interview between the Executive Director and/or supervisor and the staff member. The purpose of the interview is to review job performance.

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2. The employee will receive a written copy of any review upon completion of the review process. Employees may submit in writing any comments or documentation related to their job performance.

The review will contain recommendations for salary increases, professional development, and/or remedial action, where warranted. No appeal is possible to the substance of the report, but appeals may be made to the Executive Director based on the process not being followed.

Informal reviews may be conducted throughout the year; however, for any information to be included in the employee's personnel file, the review must include a written document signed by the employee, as read or a written statement by the Executive Director that the employee refused to read the review or to sign the document.

The Executive Committee of the Board of Directors shall carry out the annual performance review of the Executive Director, following the same process as noted above.

HOURS OF OPERATION/WORK SCHEDULES

The normal hours of work are 9 am to 5 pm, Monday to Friday. The OMA provides a 30-minute unpaid rest/lunch break. On occasion employees may be assigned to different work schedules and/or shifts outside of normal hours.

ATTENDANCE

Employees are expected to report to work as scheduled and on time. If it is impossible to report for work as scheduled, employees must call their supervisor as soon as possible before their scheduled starting time. If a supervisor is unavailable, a voice message must be left. If the absence is to continue beyond the first day, the employee must notify their supervisor daily unless otherwise arranged. Absence for three consecutive workdays without notifying the supervisor is considered job abandonment and will result in dismissal of employment unless a reasonable excuse is provided.

HYBRID WORK ENVIRONMENT

Employees are expected to work in the Ontario Museum Association's offices. All positions are in-person based and are "not" remote work-based. However, hybrid work environment options

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may be available under certain circumstances: global pandemic, transportation stoppages and working on a major grant application or report; as examples of causes for hybrid work environment. An employee can work with his/her senior manager (the Executive Director will work with the Board) to determine an appropriate work at home schedule. The employee will be able to take an OMA laptop home in order to complete the tasks from home. The laptop will have all of the requisite software, including a teleconference program such as Zoom, Teams and Webex. The same office hours and work goals/assignments are respected in a hybrid work situation, as they are in an office/in-person work environment.

OVERTIME

On occasion you may be asked to work overtime. You will be given time off in lieu of a one-to-one basis, and in accordance with any applicable laws. Employees working overtime on statutory holidays will be given time off in lieu on a 1:1.5 basis.

COMPENSATION

Employees are paid on the 15th and the last day of each month.

STATUTORY HOLIDAYS

The OMA will observe the following statutory holidays:

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- Civic Holiday
- Labour Day
- Thanksgiving Day
- Christmas Day
- Boxing Day

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At the discretion of the Executive Director, the OMA may close on workdays between Christmas Day and New Year's, and other days as required.

Statutory holiday pay will be paid out as indicated in the Canada Labour Code.

VACATION

Permanent Full-Time Staff

Employees are eligible for vacation leave after one (1) complete year of employment. The Executive Director may grant vacation leave prior to one (1) complete year of employment. For purposes of calculation, the employee's anniversary of employment date will be used to determine vacation leave.

All permanent full-time employees are expected to take time off. The vacation allotment for full-time permanent staff is based on his or her years of service:

- First three (3) years of employment - ten (10) vacation days per year
- Three (3) to six (6) years of employment - fifteen (15) vacation days per year
- Six (6) to eighteen (18) years of employment - twenty (20) vacation days per year
- Eighteen (18) to thirty (30) years of employment - twenty-five (25) vacation days per year
- More than thirty 30 years of employment - thirty (30) vacation days per year

Full-time employees must use vacation time in the year in which they accumulate. The vacation year end will correspond with the fiscal year end. Vacation time up to five (5) days may be carried into the next fiscal year provided the Executive Director agrees and is notified in writing prior to the fiscal year end. However, it is the responsibility of the OMA to ensure that annual vacation is taken within the year, and annual work plans will be designated to accommodate the amount of annual vacation. The Executive Director may assign vacation if the employee does not plan vacation time.

Vacations will be scheduled with the Executive Director early in the OMA fiscal year. Permission shall not normally be withheld unless the OMA has prior commitments that require the employee. Employees are expected to plan accordingly and with respect being given to ongoing projects.

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Employees who become sick during their vacation may, with a doctor's certificate, utilize sick leave rather than vacation time, but are expected to use accumulated vacation within the year earned.

Part-time Permanent Staff

Part-time employees will receive vacation pay calculated at 4% of their gross pay. Vacation pay may be paid at every pay period.

No salary is due to part-time permanent staff for annual vacation.

SICK DAYS

Sick leave is accumulated at the rate of 1.25 days per month of paid work, beginning with the first day of employment with the OMA. Sick leave is credited at the end of the month and may not be taken in advance of earning it.

Sick leave may be used for:

- Personal illness
- Medical appointments
- Sickness in the immediate family

For absences of more than 3 days, a medical certificate may be required.

Unused sick leave will not be carried over into the next calendar year.

PROFESSIONAL DEVELOPMENT

Permanent employees will be offered professional development opportunities that will enhance their skills to benefit the Ontario Museum Association.

GENERAL LEAVE OF ABSENCE

Any permanent employee may request, in writing, a leave of absence without pay. The leave may be full-time or part-time. Approval of such leave is at the discretion of the Executive Director.

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In granting such a leave of absence, consideration must be given to the needs of the OMA regarding program commitments, workloads of other staff, and the ability of the OMA to provide coverage for the position. A general leave of absence will not normally be granted for longer than 12 months.

At the expiration of the leave, the employee may return to work at the OMA. The period of leave, for the purpose of calculating vacation days and sick leave would include the period of the leave.

OTHER FORMS OF LEAVE

With respect to other types of leaves such as pregnancy, parental, family responsibility, family caregiver, family medical, critical illness, organ donor, reservist, child death, crime-related child disappearance, domestic or sexual violence, the OMA will abide by the standards established by the Canada Labour Code.

JURY DUTY

Any employee who is called for jury duty or who is subpoenaed (other than when the staff member is the plaintiff), shall be granted leave of absence.

At the discretion of the Executive Director, the leave may be with or without pay. If the leave is granted with pay, the employee will remit to the OMA all compensation received from the court except for expenses.

The employee will inform the Executive Director as soon as possible after receiving notification of being required to appear.

TEMPORARY EMPLOYMENT

The OMA offers temporary employment opportunities to achieve its mandate and goals and such positions are not intended to duplicate the work of existing permanent positions. Temporary positions exist within an employee-employer relationship as defined by the Canada Revenue Agency, rather than a business relationship.

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CONFLICT OF INTEREST

A conflict of interest occurs when an employee attempts to promote a private or personal interest that results in an interference with the objective exercise of their responsibilities or gains any advantage by virtue of their position with the OMA. Conflicts of interest may be real, potential, or perceived.

The employee must disclose conflicts of interest, in writing, to the Executive Director. The Executive Director will consider the nature of the employee's responsibilities and degree of potential or apparent conflict in deciding the course of action needed to remedy the conflict of interest. Refusal to resolve the conflict in accordance with the Executive Director's proposed course of action may result in a request for resignation, disciplinary action, or dismissal. The Executive Director will inform the OMA Board of Directors of any potential conflict of interest.

The OMA recognizes that employees may wish to pursue other paid employment in addition to their position with the OMA. However, such activity may also create a conflict of interest. It is the responsibility of the employee to ensure that such employment does not:

- Interfere with job requirements/performance with the OMA,
- Conflict with goals, objectives and/or the public image of the OMA,
- Create any real or perceived conflict of interest, and/or
- Create any expectations of the OMA.

Employees are encouraged to discuss external employment with the Executive Director, however, if a conflict of interest develops, the employee will be expected to resolve the conflict of interest, which may include discontinuing such employment. The Executive Director will inform the OMA Board of Directors of any potential outside of OMA employment/contracts.

Resources/assets of the OMA, such as internet/email access, computer equipment, meeting space, etc. will not be used to complete any requirements of the external employment.

EXPENSES

The OMA will cover expenses incurred by employees and volunteers while conducting OMA business at rates approved by the OMA. Employees are encouraged to manage their work responsibilities so that expenses incurred are cost-effective.

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Travel expenses are reimbursed at a rate of \$0.30/km. To receive reimbursement for travel expenses, the employee or volunteer must have an accurate record of the kilometers traveled, dates traveled, and purpose of travel.

Expense claims must be submitted monthly, by the last day of the month to the Executive Director.

Original receipts are required for reimbursement. All expenses must be approved in advance by the Executive Director or representative.

COPYRIGHT

Materials produced for the OMA by employees and volunteers are the property of the OMA.

When the OMA uses external consultants or instructors to develop material that can be protected by copyright, before the consultant is engaged a copyright agreement, between the OMA and the consultant or instructor granting copyright to the OMA will be negotiated and signed.

USE OF THE OMA RESOURCES/ASSETS

The OMA resources and assets are used primarily for work associated with the OMA's goals, objectives and mandate and are not meant for personal use, unless granted permission by the Executive Director.

Employees and volunteers must not access website, download files, nor send or receive electronic mail messages or other types of communication involving content that can incite hatred or whose focus is pornography, nudity, or sexual acts.

Employees and volunteers must ensure that any personal messages sent using the OMA electronic mail or equipment not be construed to represent the views of the OMA, and do not embarrass the OMA through such things as inappropriate language, political advocacy, or criticism, or negative comments about third parties.

Employees and volunteers must not send chain letters, viruses, or hoaxes; threatening or demeaning messages, racially and/or sexually harassing messages; personal campaigns, and unsolicited electronic mail.

Abuse or misuse of the OMA's resources or assets may result in disciplinary measures including dismissal.

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RESPECT IN THE WORKPLACE

Employees are required to take preventative action to ensure that risks to an individual's health and safety due to violations of respect are eliminated or reported.

- If an incident that relates to violations of respect occurs, employees are encouraged to seek resolution of the incident.
- There shall be no adverse job consequences against any person for notifying management of a violation of this policy unless investigation determines that the person intentionally fabricated the complaint against the accused. Complaints that are made in bad faith or are malicious or frivolous are considered serious and will result in discipline including dismissal.
- There shall be no retaliation from employees directed at an individual making a complaint. In the event it is found that retaliation against an employee who exercises her or his rights under this policy has occurred, severe discipline will be imposed, up to and including dismissal.
- Investigations will be conducted with as much confidentiality as can practicably be afforded and will advise employees involved or consulted through the course of the investigation that discretion is an important part of the process.
- Persons found in violation of this policy may be subject to discipline and/or corrective action including but not limited to:
 - Fulfilling a requirement to take a course and/or undergo counseling.
 - Participating in mediation
 - Verbal and/or written warning
 - Suspension
 - Dismissal

RELIGIOUS OBSERVANCE

The OMA will make every reasonable effort to accommodate the religious observances of its employees. It is the employee's responsibility to inform the Executive Director of any accommodations needed.

It is expected that any employee requiring accommodation for religious observance will fulfill the terms of their employment.

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SAFE WORK ENVIRONMENT

The Executive Director will ensure issues related to occupational health and safety are discussed at staff meetings at least once a year. All new staff, volunteers and interns will be trained in occupational health and safety requirements. The OMA will follow the guidelines in the Occupational Health and Safety Act.

Employees with supervisory responsibilities are expected to:

- Enforce safe work procedures, rules and regulations appropriate to the industry comparable to the OMA
 - Report accidents,
 - Inspect the OMA offices and work areas regularly and course/conference spaces as required,
 - Ensure equipment is properly maintained,
 - Promote the attitude of safety.

The OMA discourages employees from working alone at the office, especially outside of office hours. If an employee plans to work alone in the office outside of office hours he/she must request and receive permission for the regularly to do so.

At least two (2) full-time employees (either temporary or permanent), shall have up to date first aid training and certification.

The OMA will ensure that all office equipment and furniture does not contribute to workplace injuries.

At the discretion of the regularly, the OMA office may be closed should the physical work environment be judged detrimental to employee health, safety or should weather conditions impede safe travel to or from the office.

If travel conditions prevent employees from coming to work, they may be granted leave with or without pay, at the discretion of the Executive Director.

IMPAIRMENT AT WORK

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Employees, interns or volunteers found working while impaired will be subject to disciplinary action, which may include suspension or dismissal of their employment or position with the OMA.

The OMA recognizes that alcohol, drug and substance abuse as health problems. As necessary, sick leave benefits will be granted for the treatment of such health problems just as these benefits apply to other health issues.

RESIGNATION

Each position will have a specified notice period of no more than two (2) weeks. This notice period will be indicated in the job description and letter of employment; however, the OMA recognizes that employees may choose to provide more or less notice.

Following receipt of a letter of resignation, the Executive Director will acknowledge the letter in writing.

In the case of the Executive Director, the notice period is defined in the contract letter and notice must be given, in writing, to the OMA Board of Directors.

DISMISSAL/LAYOFFS

The OMA will abide by the guidelines established by the Canada Labour Code with regards to dismissals.

EMPLOYEE DISCIPLINE

To ensure employees are aware of the OMA's expectations, supervisors will advise employees of job expectations and standards. Failure to comply with these expectations could result in disciplinary action. A supervisor is responsible for identifying and responding to any unacceptable conduct or performance.

The progressive disciplinary process is intended for situations in which policies, procedures or professional practices have been ignored or contravened, or performance fails to meet acceptable standards. The disciplinary process consists of three stages:

- On first offence: employee will be given a verbal warning.
- On second offence: employee will be given a written warning.

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- On third offence: employee's employment will be suspended without pay or terminated.

However, some forms of misconduct including criminal activity, theft, fraud, violence, violations of the substance use policy or the respect in the workplace policy will generally result in immediate dismissal for cause.

GRIEVANCES

Employees are encouraged to discuss job problems with their immediate supervisor before submitting a formal grievance.

A formal grievance may be submitted by the affected employee, in writing, and addressed to the Executive Director stating the specific grievance and citing the circumstances. The grievance must be submitted as soon as the circumstances pertaining to the grievance occur, but not later than two (2) months after the initial circumstance occurs.

If the Executive Director has not addressed the grievance to the employee's satisfaction within one (1) month of receipt of the grievance, then the affected employee(s) may forward the grievance to the President of the OMA's Board of Directors act within thirty (30) days of receipt of the grievance. The Executive Director will file a written response with the Board, a copy of which will be given to the employee.

There is no appeal of the Board of Directors' decision.

In the case of the Executive Director filing a grievance, the grievance shall be directed to the Board.

ROLES AND RESPONSIBILITIES

The OMA Board of Directors and the Executive Director ensure that the Human Resources Policy is consistently and appropriately adhered to, and that staff are treated in a fair and equitable manner; and that the policy is reviewed and updated as required.

REVIEW

The Human Resources Policy is reviewed and updated every five years or as required.

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All aspects of human resource management at the Ontario Museum Association, including recruitment, performance evaluation and termination, will be conducted in an ethical manner and will be consistent with accepted practice and applicable legislation. With regard to human resources, the Museum is bound by all applicable law. The Museum is also bound by other HR related OMA policies.

APPROVAL STATUS

Final

APPROVAL DATE

April 28, 2023

Signed,

Cathy Molloy, Board President

April 28, 2023

Date

Michael Rikley-Lancaster, Board Secretary

April 28, 2023

Date