



## **Xats'ul First Nation- Community Service Code**

### **Principles**

#### **Background**

1. Council Members and employees of Xats'ul First Nation are committed to providing Community Members with the best possible service.
2. This Code describes the fairness and service principles that we follow when dealing with Community Members.
3. The purpose of this Code is to encourage open and respectful communication to:
  - a) prevent problems before they occur;
  - b) identify problems early; and
  - c) find appropriate solutions sooner

#### **Rights of Community Members**

4. In your dealings with Council Members and employees of Xats'ul First Nation, Community Members have the right to **courtesy and respect**, including our:
  - a) being clear in our communication with you;
  - b) being respectful in our interactions with you;
  - c) listening to your concerns;
  - d) responding in a timely manner, and in writing when requested;
  - e) making sure you can contact the Council Member or employee best able to assist you; and
  - f) acknowledging our errors and correcting them in a timely manner.
5. In your dealings with Council Members and employees of Xats'ul First Nation, Community Members have the right to **privacy and confidentiality**, including our collection, storage, usage and distribution of your information in accordance with law by:
  - a) complying with Band policies and applicable laws about privacy, confidentiality and access to information;
  - b) sharing your information only with those Council Members and employees who are entitled to the information and require it in order to perform their jobs;
  - c) not accessing information about you or your family members unless it is required in order to perform their jobs; and

- d) not providing your information to persons purporting to be your representative unless you provide us with such authority in writing.
6. In your dealings with Council Members and employees of Xatśúll First Nation, Community Members have the right to **fair treatment**, including our applying laws and rules fairly and impartially by:
- a) acting honestly;
  - b) avoiding conflicts of interest or the appearance of conflicts of interest in providing services or making decisions of concern to you;
  - c) considering all relevant factors, including personal circumstances where appropriate, and applying laws and rules consistently and impartially;
  - d) providing you with a fair opportunity to provide information and evidence supporting your position;
  - e) consistently applying penalty and collections policies when obligations to the band have not been met;
  - f) making just, fair and timely decisions and explaining them to you thoroughly;
  - g) providing you with written decisions upon request; and
  - h) access to a fair process for appealing or reviewing decisions and information about that process.
7. In your dealings with Council Members and employees of Xatśúll First Nation, Community Members have the right to **obtain help**, including our:
- a) being available during regular office hours, subject to other work commitments, in person or by telephone;
  - b) accommodating disabilities;
  - c) accommodating your work schedule where feasible;
  - d) responding to your communications in a timely manner;
  - e) advising you of the steps in the decision-making process and a time by which you can expect a decision;
  - f) making available up-to-date information on programs and services available to you in a variety of manners including electronic information, written documents, and information sessions; and
  - g) providing you with complete, accurate, clear and timely information in a format that is accessible and convenient to you.

### **Rights of Council Members and Employees**

8. Council Members and employees of Xatśúll First Nation have the right to protection from abuse and harassment in the workplace, including:
- a) the enactment and enforcement by Band Council of anti-abuse and anti-harassment policies in the workplace;
  - b) training in dealing with abuse and harassment;
  - c) information about past incidents of abuse and harassment in the workplace, and the steps being taken to address them;
  - d) the right to terminate an abusive or harassing incident; or
  - e) the right to discontinue an abusive or harassing incident by:

- (i) asking the abuser or harasser to leave; or
  - (ii) leaving the communication;
- f) where appropriate, intervention in an abusive or harassing incident in the workplace by a fellow employee, supervisor or Council Member.
- g) debriefing, follow-up and other active support from the supervisor and Band Council after an abusive or harassing incident;
- h) where the abuse or harassment amounts to a criminal offence, support from the supervisor and Council in reporting the matter to the RCMP; and
- i) protection from retaliation after reporting an abusive or harassing incident.

## **Complaint Procedure**

### **Step 1- Informal Resolution**

9. A Community Member (the "Complainant") who feels that they have not been treated fairly or appropriately in accordance with this policy shall first raise their concern directly with the Council Member or employee in question.
10. The Complainant may have another person accompany him or her when raising a concern under the previous paragraph, provided that other person conducts themselves in accordance with the spirit of this policy.
11. The Council Member or employee shall provide the Complainant with information on the policy and other factors on which the original action or decision was based and discuss the matter with the Complainant in an effort to resolve the complaint in an informal manner.
12. If the complaint is not resolved to the satisfaction of the Complainant, the Council Member or employee shall advise the Complainant of the process for appealing or reviewing the employee's action or decision and, upon request, provide the Complainant with the decision and the reasons for it in writing.

### **Step 2- Supervisory Review**

13. Where there is a process for appeal or review provided for by statute, regulation by-law or policy, the Complainant shall use that process to attempt to resolve the complaint.
14. Where there is a no process for appeal or review otherwise provided for by statute, regulation by-law or policy, the Complainant may submit the complaint for review by completing Form A and giving it to:
  - a) the Department Head where the action or decision complained of is that of another employee in that Department;
  - b) the Band Manager where the action or decision complained of is that of a Department Head or Council Member; or

- c) Band Council where the action or decision complained of is by the Band Manager.
- 15. Within 10 working days of receiving a completed Form A, the Department Head, Band Manager or Band Council, as the case may be, shall:
  - a) consider submissions from both the Complainant and Council Member or employee complained about;
  - b) review applicable law and policy;
  - c) take such other steps as the reviewer deems appropriate in order to resolve the complaint, and
  - d) provide a written decision on Form A as to the resolution of the complaint to the Complainant and the Council Member or employee complained about, and tell the Complainant how he or she may request a further review.

### **Step 3- Further Review**

- 16. If the Complainant is not satisfied by the decision of a Department Head under the previous paragraph, he or she may request a further review by submitting Form A, together with the written review decision and any further written submissions, to the Band Manager.
- 17. Within 10 working days of receiving a request for further review, the Band Manager shall:
  - a) consider submissions from both the Complainant and the Council Member or employee complained about;
  - b) review applicable law and policy;
  - c) take such other steps as the Band Manager deems appropriate in order to resolve the complaint, and
  - d) provide a written decision as to the resolution of the complaint to the Complainant and the Council Member or employee complained about.
- 18. A review or further review by the Band Manager is final.

Alternative: There may be an appeal to Band Council from a review or further review by the Band Manager, except on the basis that the decision of the Band Manager on review or further review was patently unreasonable.

### **Frivolous or Vexatious Complaints**

- 19. The Band Manager may refuse to review or further review a complainant that it frivolous or vexatious.

### **File Retention**

- 20. The Band shall maintain a file of all Complaints made under this policy together with all related materials.

**Form A- XAT'SULL COMMUNITY SERVICE COMPLAINT FORM**

<b>Your name:</b>	<b>Date:</b>
<b>Your address:</b>	<b>Contact phone number:</b>
<p align="center"><b><u>YOUR COMPLAINT AND REQUEST FOR REVIEW</u></b></p> <p><b>Complaint submitted to:</b></p> <p><b>[Please describe the decision or action you are complaining about, the date it happened, and the Council Member or employee whose decision or action it was. Use more paper if necessary].</b></p>	
<p align="center"><b><u>REVIEW DECISION AND REASONS</u></b></p>	
<b>Name of Reviewer:</b>	<b>Date of Review:</b>

### **FURTHER REVIEW**

1. If you are not satisfied with a review decision made by a **Department Manager**;
2. You can request a further review by giving this form and any further written submissions to the **Band Administrator**.
3. The Band Administrator will make a final decision and provide it to you in writing within **10 working days** of your complaint.
4. If you are still not satisfied with the decision, you can **appeal** to the **Chief and Council, only after you went through the proper procedure**; by providing all documentation on the same form; to the Band Administrator, of which the Band Administrator will forward to the Council.
5. The Chief and Council will make a decision, and may require you to attend a Chief and Council meeting. **However; if they do not need further information, they will make a final decision, and provide it to you in writing within 10 working days of your complaint.**