

Terms and Conditions of Employment for Temporary Staff in Elections BC Offices



ELECTIONS BC

A non-partisan Office of the Legislature

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Introduction

This policy document outlines the terms and conditions of employment, including standards of conduct and employee benefits, established by the Chief Electoral Officer for temporary staff hired under section 10(3) of the *Election Act*, that is, those hired on a short-term basis to work in Elections BC's head offices. This document does not apply to permanent staff or other temporary staff of Elections BC, such as staff employed in district electoral offices.

Employees hired for temporary work terms are public servants. However, their employment relationship is separate and distinct from permanent employees hired under the *Public Service Act*. The *Public Service Act* does not apply to temporary employees of Elections BC. The Chief Electoral Officer establishes the terms and conditions of employment.

All employees of Elections BC are excluded from union or association membership.

Complying with these employment terms and standards of conduct is a condition of employment. Employees who fail to comply may be subject to disciplinary action up to and including dismissal.

Elections BC may update these policies periodically. Elections BC will communicate any changes to temporary employees by revising this document and providing a copy to all temporary employees.

Employees must review this document annually and direct any questions to their supervisor.

Standards of conduct

Temporary employees are representatives of the CEO and must conduct themselves accordingly at all times. Employees must ensure that their conduct is above criticism at all times to maintain and enhance the public's trust in the provincial electoral process. They must conduct themselves in a manner that will earn and maintain the respect, confidence and trust of the public and the Legislative Assembly of the Province.

Human Resource Policy 9, Standards of Conduct for Public Service Employees, governs the standards of conduct for all persons and organizations covered by the *Public Service Act*. As this policy statement broadly applies to all employees in the public service, Elections BC extends this policy to all temporary employees hired under the *Election Act*.

Upon joining Elections BC, temporary employees must read, understand and generally adhere to Human Resource Policy 9, Standards of Conduct for Public Service Employees, including amendments made from time to time, unless a term in the within document specifically overrides the general Standards of Conduct.

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Human Resource Policy 9, Standards of Conduct for Public Service Employees describes what Elections BC expects of employees, and defines related employer and employee responsibilities. Employees who breach Human Resource Policy 9, Standards of Conduct for Public Service Employees may be subject to disciplinary action up to and including dismissal.

Human Resource Policy 9 is available from the MyHR website at: https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/standards_conduct.pdf

Human Resource Policy 9, Standards of Conduct for Public Service Employees broadly applies to all employees in the public service. Some of the specific language in Human Resource Policy 9, Standards of Conduct for Public Service Employees is not applicable to employees of Independent Offices of the Legislature. Offices have a unique relationship with government and the Legislative Assembly. As a result, the below information is a supplement to and must be read with Human Resource Policy 9, Standards of Conduct for Public Service Employees.

1. References to “Deputy Minister” should be interpreted as the Chief Electoral Officer (CEO).
2. References to “Ministry” should be interpreted as the Office of the CEO (Elections BC).
3. Elections BC employees have a duty of loyalty to Elections BC and the CEO who, in turn is accountable to the Legislative Assembly, not to the government.
4. References to the “Oath of Employment” should be interpreted as the Oath of Office for temporary employees, which the *Election Act* requires every temporary employee to swear or affirm on hire.

In addition to the interpretation guide above, there are certain sections of Human Resource Policy 9, Standards of Conduct for Public Service Employees that are superseded by the requirements of the *Election Act* and/or Elections BC policies. The following policy should be read in conjunction with Human Resource Policy 9, Standards of Conduct for Public Service Employees:

Loyalty

Elections BC employees serve the Legislative Assembly, the CEO and the public impartially and to the best of their ability, not the government of the day.

Confidentiality

Temporary employees will have access to sensitive, confidential and/or personal information as defined under the *Freedom of Information and Protection of Privacy Act*. In addition to the confidentiality requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, temporary employees must comply with Elections BC’s privacy and

information-sharing policies, available on the Elections BC intranet site or from Elections BC's Privacy Officer.

Public comments

In addition to the public comments requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, temporary employees must not speak to the media and should refer media requests to their supervisor.

Political activity

Elections BC is a non-partisan Office of the Legislature. It is essential that staff are, and appear to be, impartial in the conduct of their duties. Policy 24.2, "Being Non-Partisan", available on the Elections BC website at <https://elections.bc.ca/docs/emp/policy-24.2-being-non-partisan.pdf>, and the Elections BC intranet site, outlines prohibited and acceptable political activities for Elections BC staff.

Elections BC policy 24.2 supersedes the Political Activity section outlined in Human Resource Policy 9, Standards of Conduct for Public Service Employees.

Non-partisan policies are not meant in any way to interfere with an employee's rights as a private citizen but focus on the collective responsibilities and public expectations of Elections BC as a whole.

Workplace behaviour

In addition to the workplace behaviour requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, Elections BC extends the following policies to temporary employees:

- Human Resources Policy 11, Discrimination and Harassment in the Workplace, available from the MyHR website at https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/11_discrimination_and_harassment_in_the_workplace_policy.pdf
- Human Resources Policy 4, Occupational Safety and Health, available from the MyHR website at https://www2.gov.bc.ca/assets/gov/careers/managers-supervisors/managing-employee-labour-relations/hr-policy-pdf-documents/04_occupational_safety_and_health_policy.pdf

All employees may expect to work in and have a responsibility to create and maintain a safe workplace.

Workplace behaviour and occupational safety and health concerns are to be reported immediately to the employee's supervisor and/or Elections BC Human Resources.

Discrimination and harassment complaint procedures for temporary employees will follow the procedures for excluded employees of the BC Public Service as explained in Human

Resources Policy 11, Discrimination and Harassment in the Workplace. For purposes of complaint procedures, the Chief Electoral Officer has the same authorities as a Deputy Minister.

Conflicts of interest

Conflict of Interest Guidelines are available on the MyHR website at <https://www2.gov.bc.ca/gov/content/careers-myhr/about-the-bc-public-service/ethics-standards-of-conduct/conflict-interest>. Elections BC's Ethics Advisor is the Deputy CEO, Corporate Services.

Allegations of wrongdoing

In addition to the allegations of wrongdoings requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, Elections BC employees must report allegations or concerns in writing to a Deputy CEO. Where an allegation involves the CEO, the employee will forward the allegation to another appropriate independent officer of the legislature, such as the Ombudsperson or the Auditor General of BC.

Employees may also report allegations of wrongdoing under the *Public Interest Disclosure Act* to their supervisor, designated officer (Deputy CEO, Corporate Services or Director, Human Resources and Development Services) or the Ombudsperson. They must not make disclosures to the BC Public Service Agency designated officer. The BC public service HR Policy on Public Interest Disclosure and the Procedures for Managing Disclosures do not apply to employees of an Office of the Legislature. Elections BC has its own internal procedures under the *Public Interest Disclosure Act*.

Legal proceedings

In addition to the legal proceedings requirements of Human Resource Policy 9, Standards of Conduct for Public Service Employees, temporary employees may only sign affidavits for court proceedings that were prepared or reviewed by a lawyer acting for Elections BC and authorized by the CEO. Employees must not sign affidavits prepared by the Legal Service Branch of the Ministry of Attorney General. Employees are obliged to cooperate with lawyers pursuing or defending Elections BC's interest during legal proceedings.

General terms of employment

Employment term

Compensation and the length of the work term will be outlined to temporary employees at the time of offer of hire. Individuals may have worked as temporary staff for Elections BC in the past, but each temporary position/work term is separate and distinct.

Compensation

Compensation rates for temporary employees are established by Elections BC, and most rates are outlined in the Tariff of Fees for Elections BC (500). Compensation rates reflect role responsibilities and will be communicated in writing at the time of offer of hire.

Employees will be paid bi-weekly through direct deposit to their bank account. Elections BC will make deductions from earnings as required by law for the Canada Pension Plan, income tax and employment insurance.

Reimbursement for travel expenses for pre-authorized travel will be provided according to the Travel Reimbursement Rates document (99032). Travel status generally begins from the place of business and not the residence. Travel to and from work is not a recognized travel expense.

Hours of work

Elections BC's policies on rest and meal breaks, minimum daily pay and hours free from work meet the requirements of the *Employment Standards Act*. For details, see the Employment Standards fact sheet "Hours of Work and Overtime" at <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hours>.

Compensation for full-time employees is based on a 35-hour work week, Monday to Friday. Most staff work a seven-hour workday with a one-hour unpaid meal break. Contact Centre staff and other shift workers may work different hours, but the specific work schedule is confirmed at the time of hire.

Elections BC head office in Victoria provides client support from Monday to Friday, 8:30 a.m. to 4:30 p.m., and staff must ensure that client support is available during that time. The core hours of work for Elections BC head offices, when meetings and the majority of work activities take place, are Monday to Friday, 9 a.m. to 4 p.m. Staff are expected to be working during core work hours unless on approved leave or a meal break.

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Hours between 8 a.m. and 9 a.m. and between 4 p.m. and 5 p.m. are adjustable work hours. Employees may start and end work at any time during these adjustable hours, depending on what work schedule they prefer, as long as their supervisor has approved the schedule in advance. If exceptional circumstances exist, employees can extend their adjustable work hours to 7:30 a.m. and 5:30 p.m., provided the director has approved this schedule in advance.

For Contact Centre staff and other shift workers, specific work hours will be discussed at the time of hire, and a schedule will be provided by the supervisor.

Most temporary staff will take a one hour unpaid meal break over the lunch hour. Some program areas may choose to have a 30-minute unpaid meal break. Any variation of the one-hour unpaid meal break must be approved in advance by the supervisor. An employee must not work more than five hours in a row without a 30-minute meal break. Coffee breaks are at the discretion of the supervisor and will be scheduled per operational requirements.

Employees must record their hours of work on time sheets provided by Elections BC.

To meet operational requirements, shift changes may occur. Elections BC will provide employees with 24 hours' notice of shift changes unless the shift change results in the employee being on overtime.

If employees are unable to be at work during their regular work hours due to illness or other circumstances, they must follow the procedures outlined in the Unpaid leave options and Short-term illness and injury leave benefit sections of this document.

Overtime

Work schedules are designed to limit overtime. Any overtime must be pre-approved by work unit director. Temporary employees may be requested to work overtime to deal with unexpected operational demand.

Where authorized in advance by the work unit director, employees will be entitled to overtime compensation for time worked or travelled on Elections BC business in excess of seven hours in a day or 35 hours in a week. Overtime worked will be paid at the following rates:

- An employee will be paid 1.5 times their regular wage for time they are directed to work over seven hours on a regularly scheduled work day.
- An employee will be paid two times their regular wage for time they are directed to work over nine hours on a regularly scheduled work day.
- An employee will be paid 1.5 times their regular wage for time they are directed to work over 35 hours in a week. Only the first seven hours worked each day are used to calculate total hours for weekly overtime no matter how long the employee works on any day of the week.
- An employee will be paid overtime if they are required to work during the 32 consecutive hours they are normally entitled to have free from work each week. Typically, these hours of rest would fall on a Saturday or Sunday. If the employee works on both the Saturday and Sunday during the 32-hour period, overtime is paid at 1.5 times their regular wage for hours worked on the Saturday and two times their

regular wage for hours worked on the Sunday. If the employee works only on one day, either the Saturday or the Sunday, overtime is paid at 1.5 times their regular wage.

- An employee who works in excess of 2.5 hours immediately before or after completion of their scheduled daily hours of work will be entitled to a meal break of one half-hour with pay at the overtime rate.

Overtime compensation is monetary only. No averaging agreements or banked overtime agreements are permitted.

Statutory holidays

Eligibility for statutory holiday pay is as per the *Employment Standards Act*. To be eligible for statutory holiday pay, a temporary employee must have:

- been employed for 30 calendar days before the statutory holiday, and
- worked or earned wages on 15 of the 30 days preceding the statutory holiday

An ineligible employee who does not work on a statutory holiday will not receive statutory holiday pay. An eligible employee who does not work on a statutory holiday will receive an average day's pay as defined by section 45 of the *Employment Standards Act* at www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96113_01.

An ineligible employee who works on a statutory holiday will be paid as if it were a regular work day. An eligible employee who works on a statutory holiday will be paid at the rate of two times their regular wage for the time worked, with the exception of Christmas and New Year's Day when they will be paid at the rate of 2.5 times their regular wage for time worked.

Staff in Payroll are available to answer specific questions about statutory holiday pay.

Vacation

Temporary employees who have been employed for at least five calendar days receive 4% of their gross salary on each payday in lieu of paid vacation leave.

After 12 consecutive months of employment, or at an earlier date, if approved by the work unit director, the employee can choose to bank this vacation pay toward future paid vacation leave. An employee who works for more than 12 consecutive months must take at least two weeks of vacation leave in their second year of employment. For details, see the Employment Standards fact sheet "Annual Vacation" at <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/vacation>.

Unpaid leave options

When accepting temporary employment terms, employees are indicating to the best of their knowledge that they are available to work that term.

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Temporary employees are entitled to certain types of unpaid leave as specified by the *Employment Standards Act*. For details, see the Employment Standards fact sheet “Leaves of Absence” at <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/leaves-of-absence>. Other unpaid leave may be granted by the supervisor depending on operational requirements. The supervisor must approve all leave in advance, and the employee must complete a Temporary Employees Leave Management form (535).

Employees must notify their supervisor if unforeseen circumstances prevent them from working a designated shift and must complete form 535 when they return to work. See the Short-term illness and injury leave benefit section of this document for more details about leave related to illness or injury.

An employee who is not on approved leave and not at work will be considered to have abandoned their contract and severed their employment relationship with Elections BC.

Employees are not entitled to time off to vote on General Voting Day for a provincial general election as per section 74(5) of the *Election Act* and are encouraged to use advance voting opportunities.

Earned time off (ETO)

On one occasion each month, full-time temporary employees in continuous work terms of six months or longer may take one day (or two half-days) as paid leave, provided they earn this leave by working at least seven hours over and above their regular hours during the month. The employee’s supervisor must agree in advance to the time being earned and the time to be taken, and the employee must complete a Temporary Employee Earned Time Off form (534).

Staff who exercise this option may work up to a maximum of eight hours a day in order to accumulate time. They must not work more than eight hours in a day or 40 hours in one week, nor through meal breaks, to accumulate time. A minimum of a 30-minute unpaid meal break must be taken each day for shifts longer than five hours.

All hours accumulated in this manner are to be used only for occasional earned time off and not for regularly scheduled flex time or modified work weeks.

These accumulated hours must be used before the end of the work term in which they are earned and cannot be carried forward into another work term. Employees should try to take earned time off in the same month they accumulate it; however, under certain circumstances, time earned in one month may be banked for up to three months, subject to approval of the employee’s supervisor. At no time may an employee take more than three days or six half-days of earned time off in one month.

Any leave taken over and above leave earned under this policy must be taken as unpaid leave.

Employee benefits

Regardless of the length of their work term, temporary employees:

- will be informed by Payroll if they become eligible to enrol in the Public Service Pension Plan and may enrol at that time
- may access the services of the Employee and Family Assistance Program

Employees in work terms of six months or longer also receive six days of short-term illness and injury leave per calendar year.

Short-term illness and injury leave benefit

Temporary employees in work terms of six months or longer are entitled to the illness/injury leave benefit on the first day of active employment.

Employees in work terms of less than six months who are subsequently offered an extension to their temporary work term or a new position that puts them in a work term of six months or longer will be entitled to the benefit, effective the date of extension or employment in the new position. Benefits are not retroactive in this case.

The illness/injury leave benefit for eligible, full-time employees is six days (42 hours for full-time employees) per calendar year. Eligible part-time employees are entitled to the illness/injury leave benefits based on the percentage of full-time employment determined at the date of their appointment. The benefit is 100% of the regular pay.

For employees who begin their employment term after the beginning of the calendar year, the six days of leave benefit is prorated at the rate of 3.5 hours per month during the first year of employment. If an employee's work term spans two calendar years, regardless of when an employee's work term ends during the second calendar year, they are entitled to the full illness/injury leave benefit for the second year.

The maximum benefit is six days in any one calendar year. In exceptional circumstances, the Chief Electoral Officer may grant additional leave.

Unused benefit days are not accumulated, but the six days entitlement is renewed at the beginning of each calendar year. An employee who was absent due to illness or injury on the last scheduled working day of a calendar year must report for work in the subsequent year to qualify for the new six days entitlement.

Employees who are not eligible for the illness/injury leave benefit will be on unpaid leave for any shifts they miss due to illness.

Employees must:

- Inform their supervisor as soon as possible of the inability to report to work because of illness or injury and provide their expected date of return to work.
- Complete a Temporary Employees Leave Management form (535) to record the period of absence due to illness or injury.

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- Provide medical evidence of the inability to work when requested by their supervisor if it appears that a pattern of consistent or frequent absence from work is developing.

End of employment relationship

Temporary employees are hired for, and enter into an agreement for, a specific work term with an anticipated end date. An employee's employment will end automatically on that anticipated end date without further notice or pay required. If for some reason employees are not able to complete their term and resign, Elections BC requests that they provide as much notice as possible.

Terminations by Elections BC may occur on or before the projected completion date of any Elections BC project due to unforeseen circumstances, including, but not limited to, changes to policy or financial considerations. When Elections BC terminates the employment, the work term is considered over. In addition, termination by Elections BC can occur at any time, without notice, for cause, and in that case, an employee will receive no further compensation or benefits effective the date of termination, except only for any earned and accrued pay.

Elections BC may also terminate an employee without cause, at any time prior to the anticipated expiration of the work term, in its sole discretion in which event Elections BC will provide the employee with notice of the termination, or pay in lieu of notice, in an amount equivalent to the minimum amount of notice to which the employee is entitled to under the *Employment Standards Act*, R.S.B.C. 1996, c.113. For details, see the Employment Standards fact sheet "Termination of Employment" at <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/termination>.

Letters of reference will be provided at the discretion of the supervisor. Letters of reference will be copied to Elections BC Human Resources to be placed on employee files.

Records of employment are mailed to the home address on file.

Employee files are kept for two years. After that time, it is not possible for Elections BC to provide any information regarding employment for references or other reasons .

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