

Terms and Conditions of Employment for Temporary Staff in District Electoral 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 on a short-term basis to work in district electoral offices. This document does not apply to permanent staff or other temporary staff of Elections BC, such as staff employed at Elections BC's head offices, as enumerators or as election officials at voting places.

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.

Standards of conduct

Temporary employees in district electoral offices are expected to behave in a way that will earn and maintain the respect, confidence and trust of the public and of the Legislative Assembly of British Columbia and will not compromise the integrity of Elections BC.

Elections BC requires every temporary employee to swear or affirm an oath on hire.

Being non-partisan

Elections BC is a non-partisan Office of the Legislature. It is essential that temporary staff are, and appear to be, impartial in the conduct of their duties. Policy 24.2, available in the district electoral office, outlines prohibited and acceptable political activities for Elections BC staff. The District Electoral Officer will provide a copy of this policy to employees on request.

Employment relationships

Employees in district electoral offices report to the District Electoral Officer or to the Deputy District Electoral Officer if the District Electoral Officer is not present. As managers of the district electoral office, they will direct, instruct and guide the work of the staff. Employees who are direct relatives of or who share the same household with the District Electoral Officer, Deputy District Electoral Officer, or Office Manager will not be in a direct reporting relationship to prevent any conflict of interest, inappropriate influence or real or perceived collusion that might compromise the integrity of Elections BC.

Affidavits

Temporary employees must not sign affidavits or legal documents relating to knowledge they have gained through the course of their duties unless those affidavits or legal documents have been prepared by a solicitor on behalf of Elections BC.

Confidentiality

Employees must comply with Elections BC's privacy and information-sharing policies.

During their work at Elections BC, employees may have access to sensitive, confidential and/or personal information as defined under the *Freedom of Information and Protection of Privacy Act*. Employees who are unsure about whether information is sensitive, confidential or personal must ask their supervisor before disclosing, releasing or transmitting information or removing it from the workplace.

Employees must not use information for any purposes other than completing their assigned duties. They must not divulge any sensitive, confidential or personal information except to authorized individuals. Employees who are unsure about whether someone is authorized should ask their supervisor for clarification.

Employees must protect all information in and out of the workplace and after their employment ends.

Conflicts of interest and outside remuneration

Temporary employees have a duty of loyalty to the Chief Electoral Officer as their employer. They must act honestly and in good faith and place the interests of Elections BC ahead of their own private interests and work to the best of their ability.

Employees may have other paying work – for example, they may run a business or have another job – as long as it does not interfere with or create a conflict of interest, or perception of conflict of interest, with their work at Elections BC and will not compromise the integrity of Elections BC.

Employees must keep their role as private citizens separate and distinct from their

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employment responsibilities. Public perception of a conflict of interest can happen when employees act in a way that appears to impair their ability to perform their duties impartially and fairly.

Gifts

Temporary employees must not ask for or accept gifts or other benefits from actual or potential suppliers or clients as gifts may come with an expectation that the favour will be returned. Elections BC's ability to impartially carry out its mandate from the Legislative Assembly could be compromised if employees accepted gifts or favours from outside sources.

Media

Temporary employees must refer media requests to the District Electoral Officer or Deputy District Electoral Officer.

Workplace behaviour

Employees must be courteous, professional, equitable, efficient and effective when serving the public and when working with colleagues. Employees are expected to be sensitive and responsive to the changing needs, expectations and rights of a diverse public. The conduct and language of Elections BC employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. Workplace behaviour concerns are to be reported immediately to the District Electoral Officer, Deputy District Electoral Officer and to Elections BC Human Resources.

Discrimination and harassment

All employees must treat others in the workplace with respect and dignity and must not engage in discrimination or harassment of any kind. Employees have the right to employment without discrimination or harassment. Discrimination and harassment are not acceptable or tolerated in the workplace.

Discrimination and harassment as related to any of the prohibited grounds defined in the *Human Rights Code* violate the fundamental rights, dignity and integrity of an individual. Prohibited grounds covered by the *Human Rights Code* include race, colour, ancestry, place of origin, religion, family status, physical disability, mental disability, sex, sexual orientation, age, political belief and conviction of a criminal or summary offence unrelated to the individual's employment.

Harassment includes inappropriate conduct or comments that a person knew, or reasonably should have known, would cause another person to be humiliated or intimidated. This excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees.

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Discrimination or harassment can be: verbal, non-verbal or physical; deliberate or unintended; or any behaviour determined by a reasonable person to be unsolicited or unwelcome. It can be one incident or a series of incidents, depending on the context.

Sexual harassment is a form of discrimination and is defined as any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the employee being harassed. The definition of sexual harassment is not meant to inhibit interactions or relationships based on mutual consent or normal social contact between employees.

This policy applies to incidents that occur at or outside of the workplace during or outside working hours if a connection exists to the employment relationship.

If employees observe or experience discrimination or harassment, they must report it to the District Electoral Officer, Deputy District Electoral Officer or to Elections BC Human Resources, who can help them find a resolution or explain the complaint process. The 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," available from the MyHR website at www2.gov.bc.ca/myhr/article.page?ContentID=f402ff33-6eb4-e9e4-6bdc-2765bf68dca2&PageNumber=3. For the purposes of the complaint procedures, the Chief Electoral Officer has the same authorities as a Deputy Minister.

This policy does not prevent an employee from filing a complaint under section 13 of the *Human Rights Code*; however, employees are not entitled to duplication of process. If an employee files a complaint of discrimination or sexual harassment through the British Columbia Human Rights Tribunal, Elections BC will not pursue the complaint through the formal process specified in Policy 11.

Health and safety

The regulations and requirements in the *Workers Compensation Act* apply to all employees. Employees will receive an orientation to health and safety standards, policies and procedures when they begin work. All employees may expect to work in and have the responsibility to create and maintain a safe workplace. Employees must immediately report all workplace accidents, safety hazards or unsafe conditions to the District Electoral Officer, Deputy District Electoral Officer or Elections BC Human Resources. WorkSafeBC Occupational Health and Safety Regulations are available at www2.worksafebc.com/publications/ohsregulation/home.asp.

Violence in the workplace is unacceptable and will not be tolerated. Violence includes any expressed threat of, attempt to use or actual instance of physical force that causes or could cause an injury. Employees must immediately report to their supervisor all violent incidents, including threats, whether directed to themselves, to clients, or to co-workers. Any threat or incident of violence in the workplace will be addressed immediately.

Employees must be physically and mentally capable of performing their duties. If unable to do so due to injury, impairment or illness, they may be considered a risk to other employees and sent home.

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. Most employment terms in a district electoral office will be less than three months in duration. Individuals may have worked as temporary staff for Elections BC in the past, but each temporary position/work term is separate and distinct. Due to the short-term nature of the employment, offers of employment may be verbal or in writing.

Compensation

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

Employees will be paid bi-weekly and the pay cheque is mailed to the employee's home address. 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 Tariff of Fees for District Electoral Officers (500a). Travel status generally begins from the place of business and not the residence. Travel to and from work is not a recognized travel expense.

Elections BC does not provide extended health or dental benefits to temporary employees in district electoral offices.

Hours of work

Elections BC's policies on rest and meal breaks, minimum daily pay, overtime 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 www.labour.gov.bc.ca/esb/facshts/hours_of_work_and_overtime.htm.

District electoral offices are open to the public in accordance with direction from Elections BC head office.

Most temporary employees in district electoral offices will work part-time shift work, as required. Work hours may include weekends and evenings.

For district electoral offices, a standard work day is eight hours of work time, with a minimum 30 minute unpaid meal break. Specific work hours will be discussed at the time of hire, and a schedule will be provided by the supervisor. Employee shifts may change

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during advance voting and on General Voting Day to ensure staff are available during extended hours of operation.

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.

Work schedules will be posted in the district electoral office. 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 notify the District Electoral Officer or Deputy District Electoral Officer immediately.

Overtime

Work schedules are designed to limit overtime. Any overtime must be pre-approved by the District Electoral Officer or Deputy District Electoral Officer. Temporary employees may be requested to work overtime to deal with unexpected operational demand.

Where authorized in advance by the District Electoral Officer or Deputy District Electoral Officer, employees will be entitled to overtime compensation for time worked or travelled on Elections BC business in excess of eight hours in a day or 40 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 eight 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 12 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 40 hours in a week. Only the first eight 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 1.5 times their regular wage for time if they are required to work during the 32 consecutive hours they are entitled to have free from work each week.

Overtime compensation is monetary only. No averaging agreements or banked overtime agreements will be made.

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 1.5 times their regular wage for the time worked, up to 12 hours, and two times their regular wage for time worked over 12 hours.

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

Vacation

Temporary employees in district electoral offices are not entitled to take annual vacation. 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.

For details, see the Employment Standards fact sheet "Annual Vacation" at www.labour.gov.bc.ca/esb/facshts/annualfact.htm.

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.

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 and Jury Duty" at www.labour.gov.bc.ca/esb/facshts/leave.htm. Other unpaid leave may be granted by the supervisor depending on operational requirements. The supervisor must approve all leave in advance.

Employees must notify their supervisor if unforeseen circumstances prevent them from working a designated shift. Employees will be on unpaid leave for any shifts they miss.

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.

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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 other voting opportunities.

Employees absent from work due to illness or injury 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.
- 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. 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 changes to work flow or financial considerations. When Elections BC terminates the employment, the work term is considered over. Notice of a change to the end date of an employee's temporary work term will be provided as per requirements of the *Employment Standards Act*. For details, see the Employment Standards fact sheet "Termination of Employment" at www.labour.gov.bc.ca/esb/facshts/termination.htm.

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 provided on request.

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.

Contact

Phone toll-free: 1-800-661-8683 / TTY: 1-888-456-5448

Mailing address: PO Box 9275 Stn Prov Govt
Victoria, BC V8W 9J6

Phone: 250-387-5305

Fax: 250-387-3578 / Toll-free: 1-866-466-0665

Email: electionsbc@elections.bc.ca

Website: elections.bc.ca