



## **Southern First Nations Network of Care**

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### **AGENCY STANDARDS Agency Operations Human Resource Practices**

### **Workforce Qualifications: Front Line Workers**

Effective date: January 15/07  
Last revision:

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## **Introduction**

*This section pertains to agency human resource practices. It applies to the mandated child and family services agencies that come under the auspices of the First Nations of Southern Manitoba CFS Authority (Southern Authority).*

## **Legislation**

[The Child and Family Services Act](#)  
[The Adoption Act](#)  
[The Child and Family Services Authorities Act](#)  
[Other Relevant Legislation](#)

## **The Child and Family Services Authorities Act**

Ministerial responsibilities under [section 24](#) of *The Child and Family Services Authorities Act* include establishing policies and standards for the provisions of child and family services. Child and family services include adoption services under *The Adoption Act*.

[Section 19](#) of the Act lists the duties of child and family services authorities. Clause 19(b) requires authorities to develop objectives and priorities for child and family services consistent with provincial objectives and priorities. Under clause 19(d), authorities must ensure that culturally appropriate standards they develop are consistent with provincial standards, objectives, and priorities. [Clause 19 \(f\)](#) of the



Act requires child and family services authorities to establish hiring criteria for persons to be hired to provide child and family services and to ensure those criteria are implemented.

## The Child and Family Services Act

[Clause 86\(k.1\)](#) of *The Child and Family Services Act* provides for the making of a regulation with respect to qualifications to be met by persons who provide services to or for agencies. Section 3 of the [Child and Family Services Regulation](#) pertains to child abuse, criminal record and prior contact checks. Section 4 applies to agency contract staff.

## The Adoption Act

[Clause 127\(2\)\(c\)](#) of *The Adoption Act* provides for the making of a regulation with respect to qualifications to be met by persons who provide services to or for agencies. Section 45 of the [Adoption Regulation](#) pertains to persons who provide adoption services for an adoption. Section 46 applies to persons who provide adoption services for a child and family services agency on a contract basis.

## Other Relevant Legislation

In addition to the specific provisions noted above, the following federal and provincial Acts may impact on human resource practices:

- The [Canadian Charter of Rights and Freedoms](#) guarantees equality and mobility rights and freedom from unreasonable discrimination.
- [The Human Rights Code](#) (Manitoba) prohibits unreasonable discrimination on matters relating to employment. The Code requires managers to make reasonable accommodation of differences related to characteristics prohibited by the Code. It also allows for employment equity programs and other special programs.
- [The Employment Standards Code](#) sets out minimum working conditions for all individuals employed in Manitoba who fall within provincial jurisdiction
- [The Labour Relations Act](#) (Manitoba) promotes fair labour practices. This Act only applies to unionized workplaces (and union organizing campaigns).
- The [Canada Labour Code](#) governs federal works, undertakings, or businesses that are within the legislative authority of Parliament. Organizations such as First Nations agencies are likely governed by

provincial labour laws; however, this is a complex legal / jurisdictional matter that requires legal direction on any particular issue.

- [\*The Civil Service Act\*](#) and [\*The Civil Service Superannuation Act\*](#) apply only to provincial government departments and agencies and their employees and have no application to employees of agencies under the auspices of the Southern Authority.
- [\*The Workers' Compensation Act\*](#) provides for compensation to eligible persons injured in the workplace.
- [\*The Workplace Safety and Health Act\*](#) sets out the responsibilities of employers with respect to workplace safety and health.

## Policy

### [Agency Hiring Practices for Front Line Mandated Workers](#)

#### [Agency Human Resource Policies](#)

## Agency Hiring Practices for front line mandated workers

Southern First Nations CFS agencies are expected to employ or retain skilled and experienced workers capable of delivering services under *The Child and Family Services Act* and *The Adoption Act*. Within that framework, agencies are to give priority to developing an Aboriginal workforce. Where appropriate, agencies may adopt an affirmative action program. All applicants for employment as agency staff, including contracted persons, are subject to a satisfactory criminal record and child abuse registry checks. Applicants will also be subject to a check of their academic credentials.

A “front line mandated worker” refers to any individual who is authorized to carry out duties under *The Child and Family Services Act* and *The Adoption Act*. For child and family services agencies, entry level qualifications for front line mandated workers must reflect the following considerations:

- Academic credentials
- Competency based skills
- Suitability and relevance of work experiences
- Equivalencies
- Cultural appropriateness



## Agency Human Resource Policies

Southern First Nations Child and Family Service Agencies are required to have a Human Resource Policy Manual that meets the standards of the Southern Authority developed pursuant to [section 19](#) of *The Child and Family Services Authorities Act*.

### Standards

This standard applies to front line mandated workers working in a CFS agency under the auspices of the Southern Authority.

#### **1. Entry Qualifications for Child Protection Workers**

Persons hired or retained as front line mandated workers must meet one of two designation levels at the time of entry: Designated Level – Worker 1 (DLW1) or Designated Level-Worker 2 (DLW2). These designation levels apply to persons (incumbents) not to jobs (positions).

DLW1 and DLW2 designated applicants are hired to the same position level and are therefore not subject to different work assignment criteria. Persons with a DLW1 designation are considered only if there are no qualified applicants who can meet the DLW2 designation requirements and the person being considered can perform the duties of the job and where service needs require the position to be filled.

Persons designated as DLW1 must commit in writing to an education and training plan that will lead to a DLW2 designation.

#### **2. Designation Level-Worker 2 (DLW2)**

An agency must not designate a person hired to do front line mandated work as a DLW2 unless the person meets one of the following criteria:

- A Bachelor of Social Work degree from an accredited university
- A Master of Social Work degree from an accredited university
- A completed Pre-Master in Social Work from an accredited university
- A related human services degree from an accredited university, plus one year direct child welfare experience
- A post-secondary diploma in a related field, plus three years direct child welfare experience



- A post-secondary certificate in a related field, plus five years of direct child welfare experience
- A completed Grade 12 education, plus ten years of direct child welfare experience.

Direct child welfare experience is calculated as one year for one year of front line mandated work and one year for two years of all other social services related employment.

New hires that meet one of the above criteria will be designated as DLW2 by the agency. No formal application process is required.

### **3. Designation Level – Worker 1 (DLW1)**

An agency must not hire a person to do front line mandated work without meeting the conditions as outlined in #1 above. Staff who cannot be designated as DLW2 must meet the criteria for a DLW1 designation. To get a DLW1 designation, the applicant must meet all of the following criteria:

- Completion of a grade 12 diploma or GED
- Demonstrated stability in their personal life demonstrated through skills in decision-making, problem-solving, and leadership
- Significant approval and respect from members of the community where the person will be working
- A cultural background consistent with the community where the person will be working or a sound understanding of the community's cultural traditions
- An acceptable level of interpersonal skills demonstrated through prior work experience

Qualifications that are considered an asset but are not required include a person's affiliation with a community and an ability to speak or understand an Aboriginal language.

### **4. Supervision of Persons with DLW1 Designation**

An agency must provide each DLW1 front line mandated worker with additional supervision on a weekly basis to assist them in carrying out their duties. Supervisors are required to record on personnel files the amount and frequency of supervision provided, progress reports with respect to education and training plans, and results of performance reviews.



Each supervisor shall supervise no more than three DLW1 designated staff. Where an agency cannot meet the above ratio and is required to have more than three DLW1 designated staff assigned to one supervisor, the agency must inform the Southern Authority.

#### **5. Mentoring of persons with DLW 1 Designation**

Within one month of hiring a front line mandated worker designated as DLW1, an agency must assign a mentor to the person and complete in writing a formal mentoring arrangement. The mentor must be a worker with a DLW2 designation and at least 2 years direct child welfare experience. Any necessary workload adjustments for the mentor are the responsibility of the agency. The terms of the arrangement must include the following at a minimum:

- A statement that a mentor will be provided for a minimum of six (6) months.
- A description of the role of the mentor and the fact that the relationship does not replace and should not undermine the role of the supervisor. The assigned mentor may not be the worker's supervisor.
- The nature and frequency of contacts between the mentor and the worker and a commitment to ensuring an opportunity for daily contact of some form between the DLW1 and the mentor. It should be noted that mentoring can be provided other than by face to face meetings.
- The types of mentoring to be provided include job shadowing and coaching, case advice/guidance, emotional support, and orientation to the agency and community resources. The mentoring arrangement must state the types of mentoring that will be used.

#### **6. Probationary Period of Employment**

All new employees, whether designated as DLW1 or DLW2, are subject to a six month probationary period. During this time, their suitability for ongoing employment with the agency will be assessed. Any employee who does not meet performance expectations or any other employment obligations will be subject to employment review and action, such as an extension of probation or termination of employment.

#### **7. Education and Training Plan**

All persons with a DLW1 designation hired to do front line mandated work must agree in writing to an education and training plan as a condition of employment. The following terms and conditions must be met:



- During the first three months of the individual's employment, the agency must develop and submit to the Southern Authority an education and training plan for that individual. Training plans for DLW1 designated staff must be approved by the agency Executive Director and a copy forwarded to the Southern Authority.
- The education and training plan must provide for some training to begin during the six month probationary period.
- The education and training plan must provide for the individual to produce confirmation of registration in one of the post secondary academic programs listed in #2 above within the six month probationary period. When circumstances warrant it, the agency Executive Director may grant the individual an extension, in increments not to exceed three months at a time, to produce the required registration. The total of all such extensions cannot exceed six months.
- The education and training plan must indicate when the individual will have met the requirement for the DLW2 designation. It is expected that the DLW2 designation will be achieved in a reasonable period of time. An individual who does not follow through on the requirements of their training plan may have their employment terminated.
- Changes to the education and training plan must be approved by the agency Executive Director. Any change to the education and training plan that will result in the individual's DLW2 designation being delayed must be approved by the Southern Authority.

#### **8. Application for DLW2 designation prior to meeting all of the DLW2 requirements**

Upon providing written confirmation of completion of 60 credit hours of the Bachelor of Social Work degree, plus two years direct child welfare experience, a DLW1 worker may apply to the agency for a DLW2 designation.

The agency will assess the application, and then forward it to the Southern Authority, along with a recommendation.

The Southern Authority will review the application and determine if DLW2 status is to be granted. The Southern Authority will consider the applicant's overall performance based on the following criteria:

- the types of courses that make up the 60 credit hours
- the grade point average





- past performance reviews completed by the supervisor
- the agency recommendation based on the work performance of the individual
- the commitment of the individual to complete the requirements as outlined in the approved training plan

If the application is successful, the person can be permanently designated DLW2; this designation applies only within the agencies that are under the auspices of the Southern Authority.

Other Authorities are not bound by the decision of the Southern Authority regarding a DLW2 designation under this standard.

## **9. Exceptions**

An exception may be granted to the requirement in #3, that a person must have a completed Grade 12 or GED in order to get a DLW1 designation. Exceptions must be approved by the Southern Authority and will be permitted only in the following instances:

- i) In the case of isolated and/or reserve communities and providing the applicant meets the other criteria. In these cases, the agency must verify that the individual has acceptable reading and writing skills AND there is a plan in place to allow the applicant to obtain a GED within a two year period.
- ii) In the case of isolated and/or reserve communities and providing the applicant meets the other criteria, where on call staff is contracted for after hours work only. In these cases, the agency must have a qualified supervisor approve all decisions made by the staff.

Exceptions under this standard will be approved only if there are no qualified applicants who meet the full requirements for a DLW1 and where service needs require the position to be filled.

## **10. Exemptions to Education and Training Plan Requirements**

A front line mandated worker with a DLW1 designation may apply to the Southern Authority for an exemption to the education and training plan requirements as outlined in #7 in the following circumstances:





- None of the post-secondary academic programs listed is available or accessible to the DLW1 employee due to community remoteness<sup>1</sup>, or the individual can verify other compelling circumstances that may exist; and
- The DLW1 employee has signed a written training and professional development contract with the agency that is approved by the agency Executive Director, who provides the Southern Authority with a written copy of the approved plan; and
- There are no qualified DLW1 applicants who meet the education and training plan requirements and where service needs require the position to be filled.

Where a worker is unable to satisfy the requirements for a DLW2 designation under these circumstances, a provisional DLW2 designation may be granted by the Southern Authority on a case by case basis providing that the individual has completed the training and professional development plan to a level acceptable to the Southern Authority. A provisional DLW2 is not portable and applies only to the current position of the incumbent. A change of position within the same agency will necessitate a new application. Should the worker begin employment in another CFS agency that falls under the auspices of the Southern Authority a new application for a provisional DLW2 must be made.

In considering such an application, The Southern Authority shall consult with the Director of Child and Family Services. The Southern Authority shall notify, in writing, the Director of Child and Family Services where an exception under this clause is granted by the Southern Authority.

## **11. Grandparenting**

Employees of a southern First Nations mandated child and family services agency working in a front line capacity as at January 15/2007 shall:

- Be designated as DLW2 if they meet the requirements as per #2; *OR*
- Be given a provisional DLW2 designation which is restricted to the position and the agency where they are working at the time

In order to get a DLW2 designation that is not provisional, the employee must be able to meet the requirements as per #2 or #8.

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<sup>1</sup> Remoteness can be defined as: no year round road access; fly in communities; no reasonable current community access to computer technology for training purposes



## Agency Human Resource Policies

### *Written Agency Human Resource Policies*

An agency must have written human resource policies that at a minimum contain information on the following:

- the organization (charts, job descriptions, terms for each position)
- conditions of employment (hours, breaks, outside work, other conditions)
- staffing policy (recruitment and hiring, probation, retirement, resignation)
- compensation (salaries, terms of payment, overtime, vacations, sick pay, benefits, expenses, absence from work)
- performance reviews, professional development and reclassifications
- confidentiality
- conflict of interest
- employee rights (reporting protocols, grievance procedures, termination)

*The best interests of children are, in all cases, the paramount consideration in the granting of an exception under this standard by the Southern Authority.*