

BY-LAW 7 CONCERNING HUMAN RESOURCES MANAGEMENT

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PREAMBLE

This By-law 7 Concerning Human Resources Management is intended to be an essential management tool for the fulfilment of the College's mission and strategic plan. Human resources are the fundamental element on which the College builds in order to provide students with quality teaching and support.

With a view to promoting innovative human resources management, the College wishes to adopt measures likely to be conducive to the development of human resources working within an organization dedicated to teaching and learning.

Through this By-law, the College wishes to establish the basis for a consistent approach and to introduce guidelines fostering management habits compatible with the College's mission and strategic plan. It provides a framework for drawing up management policies specific to the different personnel categories.

This By-law 7 Concerning Human Resources Management meets the expectations and obligations expressed in the *General and Vocational Colleges Act* (CQLR, chapter C-29) and amendments (the "Act"), and is applied in a context of compliance with the overall statutes, regulations, collective agreements, programs, directives or standards to which it is subject.

ARTICLE 1 - GENERAL PROVISIONS

1.1 Background

This By-law is adopted in conformity with section 18.0.2 of the Act and regulations issued thereunder and is intended as one of the core elements enabling the College to carry out its mission and strategic plan. The guiding principles underpinning this By-law are based on respect for individual and collective rights, the promotion of a positive work atmosphere and cooperative work climate, openness in communication, a development of a culture of empowerment, equal opportunities, evaluation and accountability for one's actions.

1.2 Designation

This By-law, designated as Number 7, "Concerning Human Resources Management" establishes the rules governing the employees who are members of an accredited association within the meaning of the *Labour Code* (CQLR, chapter C-27) and management employees governed by the *Regulation respecting certain conditions of employment of senior staff of general and vocational colleges* (*Règlement déterminant certaines conditions de travail des cadres des collèges d'enseignement général et professionnel*) (the "**Senior Staff (Cadres) Regulation**").

1.3 **Definitions**

The definitions set out in Article 1.2 of By-law 1 “Concerning the General Administration of the College” are valid for this By-law.

In addition, in this By-law, the following definitions apply:

a) **Immediate Supervisor**

The senior staff member or employee supervisor designated to that end who is immediately responsible for an employee of the College;

b) **Supervisor**

The senior staff member who supervises, at the next level higher, a senior staff member or employee supervisor designated to that end;

c) **Senior Staff**

Any manager of the College who is classified within the meaning of the Senior Staff (*Cadres*) Regulation. For purposes of clarity, and without limitation, this includes employees classified as Directors and/or Coordinators, Gérant and/or Régisseur. Senior staff may also be referred to herein as management personnel;

d) **Senior Executives**

The Director General and the Academic Dean of the College who are classified within the meaning of the *Regulation respecting certain conditions of employment of senior executives of general and vocational colleges (Règlement déterminant certaines conditions de travail des hors-cadre des collèges d'enseignement général et professionnel)* (the “**Senior Executives (Hors-Cadre) Regulation**”);

e) **Management Committee**

All Senior Staff who are classified within the meaning of Senior Staff (*Cadres*) Regulation.

1.4 **Representation of the College on the Labour Relations and Professional Development Committees**

The Director General, or his/her delegate, shall appoint representatives of the College to the various labour relations or professional development committees formed by virtue of the labour agreements to which the College is a party.

With respect to senior staff, the Director General or his/her delegate represents the College vis-à-vis the local management committee (JACMA).

These representatives shall act for and on behalf of the College on such committees.

1.5 Senior Staff Management Policy; Conditions of Employment

In accordance with the provisions of the Senior Staff (*Cadres*) Regulation, the College establishes a management policy with respect to senior staff, following consultation of the local management committee (the “**Agreement on Management Policy**”).

This Agreement on Management Policy defines the conditions of employment not provided for in the Senior Staff (*Cadres*) Regulation and represents the reference document on conditions of employment for College senior staff.

1.6 Conditions of Employment of the Director General and the Academic Dean

The conditions of employment of the Director General, not provided for in the Senior Executives (*Hors-Cadre*) Regulation, are determined by the Chair of the Board who concludes the hiring of the Director General, as per By-law 2 “Concerning the Appointment, the Renewal of Mandate and the Evaluation of the Director General and the Academic Dean” (“**By-law 2**”).

The conditions of employment of the Academic Dean, not provided for in the Senior Executives (*Hors-Cadre*) Regulation, are determined by the Director General who concludes the hiring of the Academic Dean, as per By-law 2.

1.7 Personnel Files

The personnel file of every employee is confidential and is maintained by the Office of the Director of Human Resources Services.

ARTICLE 2 - PERSONNEL MANAGEMENT

2.1 General Rules

2.1.1 Subject to the Act and the regulations issued thereunder, to the labour agreements in force and to the Agreement on Management Policy, and subject also to the rules contained in this By-law, day-to-day human resource management shall be under the responsibility of the Director of Human Resources Services, or their delegates.

2.1.2 Each member of management personnel, or other supervisor of personnel, must assume the day-to-day management of all personnel for whom such person is responsible, particularly with respect to motivation of employees, preparation of annual goals and objectives, evaluation of employees'

performance, monitoring of absences and recommendations for promotion, advancement, suspension or dismissal.

- 2.1.3 When the management of human resources requires a decision which may involve a provision of a labour agreement, such decision must be made only after consulting the Director of Human Resources Services, or the person to whom the latter has delegated such responsibilities so as to ensure that such a decision complies with the relevant labour agreement.
- 2.1.4 Board and Executive Committee decisions required under this By-law are subject to Article 12 of the Act. Board members are also subject to Policy No. 5 Concerning Code of Ethics and Professional Conduct for Members of the Board of Governors, as amended from time to time.

ARTICLE 3 – ESTABLISHMENT, MODIFICATION AND ABOLITION OF POSITIONS

3.1 General Rules

For regular teachers, the attribution of the number of teachers allocated to the College among study programs and teaching disciplines is carried out according to a plan established by the Academic Dean, subject to the regulations of the Ministry of Education (currently, MEES) and to the provisions of the labour agreement between the College and its teachers.

3.2 Specific Rules

- The creation of senior staff, professional and support staff positions is the responsibility of the Director General upon recommendation from the Service concerned, in consultation with Human Resources;
- The modification and abolition of senior staff, professional and support staff positions are the responsibility of the Director General, upon recommendation from the Service concerned, in consultation with Human Resources;
- The creation, modification and abolition of teaching positions are the responsibility of the office of the Academic Dean within the framework of the annual allocation for teachers in regular education, in consultation with Human Resources;
- The creation, modification and abolition of teaching loads in Continuing Education are the responsibility of the Director of Continuing Education, in line with the needs of the Continuing Education Department, in consultation with Human Resources.

ARTICLE 4 – DECISION TO FILL A VACANT POSITION

4.1 Management Positions

Any decision to fill a vacant senior staff position shall be made by the Director General.

4.2 Teaching Personnel Positions

Any decision to fill a vacant teaching position shall be made by the Dean, duly mandated by the Academic Dean, in consultation with Human Resources.

The vacant position must be within the annual allotment of teachers granted, to the respective discipline and be in compliance with the collective agreement.

4.3 Professional and Support Staff Positions

Any decision to fill a vacant professional or support staff position shall be made by the Director General, upon recommendation from the Service concerned, in consultation with Human Resources.

ARTICLE 5 - EQUAL ACCESS EMPLOYMENT PROGRAM

5.1 The College Equal Access Employment Program (the “**Program**”) is a program approved by the *Commission des droits de la personne et de la jeunesse* under the authority of *An Act Respecting Equal Access of Employment in Public Bodies* (CQLR, chapter A-2.01) (the “**Equal Access Act**”). The Program calls for the application of temporary corrective measures and equal opportunity measures in the hiring of new personnel.

5.2 The Director of Human Resources Services, as the authority designated to implement the Program, is responsible for ensuring that the provisions of the Equal Access Act and the Program are carried out.

5.3 The Director of Human Resources Services is responsible for providing in-service training to College personnel on the objectives of the Equal Access Act, the measures of the Program and selection procedures.

ARTICLE 6 - SELECTION OF CANDIDATES

6.1 Selection of Employees

The selection, hiring and appointment of employees, is subject to the provisions of the Policy on Conflicts of Interest for College Employees (Policy No. 8).

6.2 Selection Criteria

With respect to categories of personnel other than senior staff, selection criteria not provided for in collective agreements or classification plans shall be determined by the senior staff responsible for the sector or department, in consultation with Human Resources.

With respect to senior staff, selection criteria not provided for in the Agreement on Management Policy shall be determined by the Director General, in consultation with the senior staff responsible for the sector or department and Human Resources.

6.3 Senior Staff Personnel

When it is appropriate to form a selection committee for the hiring of senior staff, the composition of the committee takes place in compliance with the Agreement on Management Policy.

For positions in the classification plan of levels 6 and higher, the selection committee would include:

- Director General or their delegate
- Director of Service of potential hire or their delegate
- Director of Human Resources Services or their delegate
- Member of management committee

For positions in the classification plan of levels 5 and below, the selection committee would be the above composition excluding the Director General.

6.4 Regular Teachers

When it is appropriate to form a selection committee for the hiring of regular teachers, the composition of the committee takes place in compliance with the collective agreement. The College's representatives are two (2) in number, one being the Academic Dean, or the individual he/she designates to replace him/her, and the other being the Director of Human Resources Services, or the individual he/she designates to replace him/her.

6.5 Continuing Education Teachers

When it is appropriate to form a selection committee for the hiring of Continuing Education teachers, the composition of the committee takes place in compliance with the collective agreement or, if applicable, the local agreement between the College and the John Abbott College Faculty Association (JACFA). The College's representatives are two (2) in number, one being the Director of Continuing Education, or the individual he/she designates to replace him/her, and the other being the Director of Human Resources Services, or the individual he/she designates to replace him/her.

6.6 Non-Credit Courses – Teachers

In the absence of a selection committee, notably for non-credit courses not covered by the collective agreement, the selection is made by the senior staff duly mandated by the Director of Continuing Education.

6.7 Professional Personnel

When it is appropriate to form a selection committee for the hiring of professionals, the committee is formed in compliance with the provisions of the collective agreement. The College's representatives are the Director of the Service concerned or an individual he/she delegates to replace him/her, the immediate supervisor and the Director of Human Resources Services or an individual he/she delegates to replace him/her.

6.8 Support Staff

When the College deems it appropriate to form a selection committee to fill a regular support staff position, the College's representatives are the Director of the Service concerned or an individual he/she delegates to replace him/her, the immediate supervisor, who is not a support staff member, and the Director of Human Resources Services or an individual he/she delegates to replace him/her.

6.9 Observer

With respect to all selection committees, when it is deemed necessary, an "observer" may be invited to participate in a selection committee as required.

ARTICLE 7 - HIRING AND APPOINTMENT OF REGULAR EMPLOYEES

7.1 Regular Teachers

Subject to the provisions of the collective agreement binding the College and its teachers, authorization to proceed with the hiring of a regular teacher is given by the Academic Dean or his/her delegate. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of such hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

7.2 Continuing Education Teachers

Subject to the provisions of the collective agreement or, if applicable, the local agreement between the College and the John Abbott College Faculty Association (JACFA) binding the College and its teachers who teach credit courses in Continuing Education, authorization to proceed with the hiring of a Continuing Education Teacher is given by the Director of Continuing Education or his/her delegate. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of

such hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

7.3 Professional and Support Staff

Subject to the provisions of the respective collective agreement binding the College on the one hand with its professional employees and on the other hand with its support staff, authorization to proceed with the hiring of a professional or support staff is given by the Director General upon recommendation from the Director of the Service concerned. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of such hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

7.4 Other Hirings

In the case of a person hired for duties not governed by a collective agreement or the Agreement on Management Policy, the Director General is responsible for authorizing the hiring. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of such hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

ARTICLE 8 - HIRING OF NON-PERMANENT OR STUDENT EMPLOYEES AND OVERTIME

8.1 Prior Authorization

Within the limits of the Departmental budget, the Director of a Service or, under the responsibility of that Director, the person delegated by him/her to that end, may authorize the hiring of a non-permanent employee or a student, or the performance of overtime work.

Hiring and appointments shall only be authorized within the limits of the budgetary allocation available to the sector or department.

8.2 Employment Pool

The Human Resources Department maintains a pool of qualified candidates.

8.3 Selection

Subject to the provisions of the various collective agreements to which the College is a party, the selection of a non-permanent employee is the responsibility of the Director of the Service concerned or his/her delegate, who takes into account the pool of candidates provided by Human Resources.

Selection of student employees is done in compliance with the College's Administrative Policy on Hiring Student Employees.

8.4 Hiring

Confirmation to the interested party of his/her hiring as a non-permanent employee or student employee and determination of the terms and conditions of such hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

ARTICLE 9 - TRANSFERS, PROMOTIONS AND DEMOTIONS

9.1 General Rule

Any movement involving a transfer, promotion or demotion must comply with the terms and conditions of the collective agreement or the Agreement on Management Policy applicable to the affected employee.

9.2 Specific Rules

The Director of Human Resources Services or his/her delegate shall coordinate the transfers, promotions and demotions of personnel within the framework of the annual staffing plan of the College.

ARTICLE 10 – ADMINISTRATIVE AND DISCIPLINARY MEASURES

10.1 General Rules

Any warning or reprimand shall be decided by the immediate supervisor after consulting with Human Resources, in accordance with the collective agreement or the Senior Staff (*Cadres*) Regulation, as applicable.

An administrative measure, which is related specifically to the contractual obligations of an employee, shall be decided by the Director of Human Resources Services or his/her delegate after consulting with the employee's immediate supervisor.

10.2 Dismissal or Suspension

Any dismissal or suspension must be preceded by a consultation with the employee's immediate supervisor. A decision concerning such sanctions shall be made:

- (a) by the Board upon the recommendation of the Director General in the case of management personnel;
- (b) by the Director General in the case of professional and support staff; and
- (c) by the Academic Dean in the case of teachers.

ARTICLE 11 - PERSONNEL EVALUATION

11.1 Periodic Performance Evaluation

Pursuant to the evaluation policies established by the College for each category of personnel, each employee's performance must be evaluated periodically, particularly when a decision must be made to grant regular or permanent status to such employee.

ARTICLE 12 - PROFESSIONAL DEVELOPMENT

12.1 Professional Development Policies

For each category of personnel, the College shall establish policies to encourage and promote the professional development of its employees.

ARTICLE 13 – SIGNING AUTHORITY FOR SPECIFIC PURPOSES

13.1 Hiring of Management Personnel

The Director General or his/her delegate signs for, and on behalf of the College, the employment contract for every person who is hired as a member of management personnel.

13.2 Hiring of Non-Management Personnel

Subject to article 13.1 above, the Director of Human Resources Services or his/her delegate, for and on behalf of the College, signs the employment contract for every person hired in all categories of personnel.

ARTICLE 14 – RESPONSIBILITY FOR HUMAN RESOURCE MANAGEMENT

The Director General is responsible for Human Resources Management.

With respect to the application of this by-law, the Director of Human Resources Services or his/her delegate provides any required assistance to those who manage or supervise employees. To this end, Human Resources Services assume responsibility for the development or revision of policies, procedures, or tools required for the implementation of this by-law.

All senior staff are responsible, within their departments or services, for the application of this by-law as well as of all related policies and procedures.

ARTICLE 15 – COMING INTO FORCE

This By-law will come into force when enacted.