

# MIDWIFERY

## HUMAN RESOURCES CHECKLIST

### LEGAL RELATIONSHIPS

- Be clear about which category practice group workers fall into (partner, independent contractor, dependant contractor, or employee).
- With the advice of a lawyer, develop a partnership agreement that describes each of the critical elements of a partnership.
- Use a non-expired agreement with independent contractors to describe your mutual expectations of each other and a conflict resolution process.
- Use a non-expired employment agreement with all employees.

### WORKPLACE OBLIGATIONS

- After reviewing the types of workers in your practice, be aware of the implications of each type of worker.
  - Review the ESA responsibilities of employers, and ensure you meet the basic obligations, including:
    - Posting the Employment Standards Act poster ([bit.ly/esaposter](http://bit.ly/esaposter))
    - Monitoring employees' hours of work and periods of rest to ensure compliance with the ESA.
    - Paying employees according to their contract (no less than minimum wage), including vacation pay, statutory holiday pay and overtime pay.
    - Giving careful consideration to legal obligations around leaves of absence and terminating employment.
    - Keeping the required records for at least three years and promptly provide employees with Records of Employment.
- Seek legal advice before terminating a worker because liability may arise from allegations of inadequate notice or termination because of protected personal characteristics (e.g., disability, pregnancy, gender identity, etc.)
- Develop a policy on human rights and accommodations, including a complaint process.
- For practices with six to 19 workers, identify a health and safety representative. For practices with 20 or more workers, develop a health and safety committee with at least one worker and one management representative.
- For practices with six or more workers, develop a health and safety policy that is reviewed annually and implement it.
- Provide information, instruction, and supervision to workers to protect their health and safety, including advising them of any potential risks to health and safety and on the safe handling of workplace hazardous materials (e.g., cleaning products, toner; i.e., WHMIS).
- Assist in a medical emergency by providing any relevant information, even if confidential business information, to a doctor on request
- Post required poster ([bit.ly/HSposter](http://bit.ly/HSposter)), the Act ([bit.ly/healthandsafetyact](http://bit.ly/healthandsafetyact)) your health and safety policy, workplace violence and harassment policies, and list of JHSC members.

- For practices with one to four workers, prepare a policy on workplace violence and harassment and review it annually. With five or more workers, prepare a written policy; review as often as necessary (at least annually).
- Assess, as often as necessary, the risks of workplace violence (including domestic violence) and share the results with the health and safety committee, the health and safety representative, or the workers.
- Prepare and implement a program to control the identified risks of workplace violence and accept reports, investigate, and respond to violence and harassment.
- Use safety-engineered needles.
- Establish and provide for the operation of a health and safety program including site specific orientation and training to meet the appropriate legislative requirement applicable to the Agency.
- In the event of a student workplace injury, complete a safety/incident report and notify the appropriate university education programme.
- Be aware of health and safety obligations to students.
- Decide whether your practice group wishes to opt into WSIB coverage.
- Open a payroll account by registering online, by phone, or by mail. See the CRA website ([bit.ly/CdnRevenue](http://bit.ly/CdnRevenue)).
- Employers must get a social insurance number from each employee.
- Calculate and make appropriate deductions from payroll and ask employees with more than the basic personal tax credit to complete a TD1 form ([bit.ly/TD1Form](http://bit.ly/TD1Form)).
- Regularly remit your employees' payroll deductions along with your employer share to the CRA.
- Report the employee's income and deductions on a T4 or T4A, which must be provided to the employee and filed with CRA by the end of February each year.
- Complete a Record of Employment ([bit.ly/employrecords](http://bit.ly/employrecords)) whenever an employee experiences an interruption in earnings.
- Administer benefits, including long-term disability, to ensure that all premiums are deducted (as appropriate) and paid to the benefits provider.

## HUMAN RESOURCES PLANNING

- Assess what skills the workers at your practice currently have, what skills the practice will need in the future, and where gaps may exist.
- If considering practice group growth, plan for it and consider the budgetary, call, caseload, workload, space, hospital, practice culture, and support implications?

## RECRUITMENT

- When recruiting, think about the criteria, skills and the qualities necessary for a successful addition to the practice to inform job descriptions and job postings.
- Develop interview questions tailored to the position for which you are recruiting and to avoid inequities and interviewer bias.
- Before recruiting workers, draw up a description of the worker's responsibilities and the experience needed to fulfill those responsibilities.
- Consider developing midwifery position descriptions, to clarify expectations.
- Prior to advertising a position, develop a recruitment strategy.

- Develop and review your posting to ensure it is engaging for candidates.
- Provide information about the practice to the candidate and be prepared to answer questions during interviews to help assess whether they are a good fit.
- Reflect on your practice's past successful and unsuccessful recruitment to identify improvements to the process, including non-traditional strategies.
- Before providing a reference (e.g., when a student is applying to another practice group), be sure that the candidate has consented to you providing a reference.
- Ask the candidate to identify one to three references. Ask specific questions of the referee about the candidate's work and for specific examples of how they meet the requirements of the job.
- Consider whether to do a background check for candidates, such as credit checks, criminal record checks or requests for letters of professional conduct.
- Enter into a written agreement (i.e., contract) with all types of workers – whether independent contractors or employees – that details start date, length of contract, compensation details, benefit details, general or specific role duties, expectations and what happens in the event of termination of the contract.
- Consult a lawyer when making modifications to the AOM's template agreements.
- Decide whether to offer benefits to employees. If you do, be mindful of enrollment deadlines for employees who are newly eligible.
- Encourage candidates to have the employment agreement or contract reviewed by a lawyer before signing.

## KEEPING QUALITY PEOPLE

- Develop a practice protocol or checklist on orientation to the practice. Consider what a new worker will need to know to succeed.
- Consider what other support your practice group can offer to midwives at various stages along their learning spectrum.
- Decide how the practice wishes to support professional development.
- Develop a peer feedback process for midwives.
- Designate a partner to supervise employees, develop their objectives, and meet with them to review their progress.

## THE END OF THE RELATIONSHIP

- List all areas of expertise of your practice, such as administration, information technology, risk management, human resources, finances, performance management, and protocols.
- Identify who is currently responsible for these function and who has knowledge and experience in these areas.
- Identify where there are gaps – either in knowledge, skills, documentation, training, or other areas – and develop a plan to fill those gaps.
- Seek legal advice before terminating a contract if there are no notice periods in the contract, if the contract is many years old, if you are not planning to provide notice, or if someone has recently returned from or is planning a medical, parental or familial leave of absence.
- Develop exit interview questions for practice members who leave the practice group voluntarily.