

# Introduction to Human Resources Management in First Nations' Early Childhood Development and Care Programs

2014

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BCACCS is a provincial Aboriginal non-profit organization dedicated to supporting Aboriginal early childhood development and care (Aboriginal ECDC) programs and services in British Columbia. Our services are provided to Aboriginal children, families and communities in rural, remote and urban locations on and off reserve. We develop and share spiritually enriching, culturally relevant, high quality early childhood tools and services in order to ensure every Aboriginal child in BC has access to quality care. We also provide training (delivered directly to communities), research, advocacy, and an annual professional development conference. In addition, we manage two urban Aboriginal Head Start (AHS) Programs.

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BC Aboriginal Child Care Society  
102 – 100 Park Royal South  
West Vancouver, BC V7T 1A2  
Tel: 604-913-9128 / Fax: 604-913-9129  
Email: [reception@acc-society.bc.ca](mailto:reception@acc-society.bc.ca)  
Website: [www.acc-society.bc.ca](http://www.acc-society.bc.ca)



**BC Aboriginal**  
**ChildCare**Society

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## SECTION 1: INTRODUCTION

This publication builds on earlier work by the First Nations Early Childhood Development Council (FNECDC), specifically; the *BC First Nations Early Childhood Development Framework*<sup>1</sup> and research completed by the BC Aboriginal Child Care Society (BCACCS) entitled *Training and Retention in the First Nations ECE Sector: A Report from the Frontlines*.<sup>2</sup>

The study of training and retention issues revealed, among many other significant findings, an urgent need for professional development on the topic of human resource management. This resource is intended to assist the First Nations employers of early childhood personnel as well as the program managers of on-reserve early childhood programs.

First Nations in British Columbia administer various programs for young children and their families. This document has been developed for all on-reserve early childhood programs, including daycare centres, Head Start programs, preschools, language nests, and other related services.

In many First Nations communities, the people who have responsibility for administering human resources are generalists with diverse duties. They may have learned informally from their colleagues and through experience if there were no opportunities to access formal education in human resources management. Diane Carriere, president and CEO of the Canadian Aboriginal Human Resource Management Association (CAHRMA), has stated that the majority of Aboriginal communities do not have human resources departments in place.<sup>3</sup>

Most publications that address human resources in early childhood settings assume the facilities can afford dedicated managerial positions. They assume boards of directors that include personnel committees with policy-development experience. They presume

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<sup>1</sup> <http://fnecdc.ca/wp-content/uploads/The-BC-FNECD-Framework.pdf>

<sup>2</sup> [http://www.accsociety.bc.ca/files\\_2/documents/TrainingandRetentionintheFirstNationsECESectorNov2012.pdf](http://www.accsociety.bc.ca/files_2/documents/TrainingandRetentionintheFirstNationsECESectorNov2012.pdf)

<sup>3</sup> Dobson, S. (2013, January 21). HR a 'Fresh Canvas' for Aboriginal Community. *Canadian HR Reporter*.

<http://www.hrvoice.org/hr-a-fresh-canvas-for-aboriginal-community/>

sufficient numbers of qualified applicants are available to fill job vacancies.<sup>4</sup> These assumptions are unreasonable in many First Nations communities. In some communities the early childhood program managers are not qualified early childhood educators. Many of the senior employees of early childhood programs in small First Nations communities also provide front-line care and education side-by-side with other staff members and act as program managers part-time, as an additional set of responsibilities. Typically, job openings are difficult to fill and qualified applicants are scarce. Retention of staff is a constant challenge and qualified replacement personnel are often in short supply. First Nations communities face some challenges associated with human resources management that are not encountered in other early childhood programs. For example, as Diane Carriere has noted, “In some situations, you have no choice but to hire your own family members. So how do you discipline your own family member?”<sup>5</sup> In addition, First Nations’ perspectives on quality early childhood services call for approaches to human resources management that facilitate Elder involvement as teachers of language and culture. The need to remove barriers to the inclusion of Elders and other cultural teachers and develop and maintain positive working relationships with them are challenges specific to the management of First Nations’ early childhood programs. The special status of First Nations Elders calls for particular sensitivity and awareness of local protocols. Manager-Elder relationships differ significantly from manager-staff relationships and they require different human resources management approaches.

This document introduces both employers and employees to essential generic information regarding early childhood human resources management and, in addition, addresses issues that are specific to First Nations settings. The content is for general informational purposes only and it is not intended as legal advice.

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<sup>4</sup> See, for example, “Chapter 6: Staffing – The Key to Quality” in *Administering Early Childhood Settings: The Canadian Perspective*, 4<sup>th</sup> Ed. by Yeates, McKenna, Warberg, & Chandler (2001).

<sup>5</sup> Dobson, S. (2013, January 21). HR a ‘Fresh Canvas’ for Aboriginal Community. *Canadian HR Reporter*.

<http://www.hrvoice.org/hr-a-fresh-canvas-for-aboriginal-community/>

## **SECTION 2: RESPONSIBILITIES FOR HUMAN RESOURCES MANAGEMENT**

### **2.1 Division of Responsibilities**

Any discussion of the topic of human resources requires clarifying and distinguishing the responsibilities of employers and employees. Policy matters are the exclusive responsibility of employers.

With the exception of owner-operated family childcare and private owner-operated childcare centres, the employers and employees in early childhood programs are two distinct groups. They have a shared interest in the success of their programs but they have different responsibilities and play different roles.

### **2.2 Responsibilities of employers**

In some communities, responsibility for the governance of services such as Head Start, preschool programs, and childcare rests with the Chief and Council. The early childhood services operate as one of the departments within the First Nation's administration. In other communities, responsibility for the governance of on-reserve services for young children and their families has been delegated to Tribal Councils representing a number of First Nations. The governing body, whether it is the Chief and Council of a First Nation or a Tribal Council, is ultimately responsible for the programs. They are the employers.

The governing body sets the direction, defines the mission, sets budgets, and ensures the legal obligations of the programs are met. Each governing body creates its own unique organizational structure. For example, the Chief and Council or Tribal Council might hire someone to manage its Head Start, childcare, and other early childhood services. Governing bodies hire and assess their managers and the managers are accountable to their governing bodies. The job titles used to designate managers vary. The individuals employed to administer early childhood programs are sometimes called program managers, directors, supervisors, administrators, senior educators, team leaders, or principals. The title "manager" is used here to refer to all of these positions.

There are many organizational options. In some communities, there is another level of management between the employer and the manager of early childhood programs. For

example, there might be an employee who oversees all education programs, including early childhood programs or there might be an employee who oversees all health and social services, including early childhood programs. In other communities, human resources departments have been created to advise their Chief and Council or Tribal Council on all human resources matters. There are many different organizational models and job titles. Whatever the model or job titles, it is important to distinguish between the governing body's responsibilities as the employer and the early childhood program manager's job as an employee.

The governing body's responsibilities with regard to human resources management include:

- Developing a strategic plan and setting the direction of the program, such as its philosophy, mission, and priorities
- Developing human resources policies that are consistent with the legal requirements of employers, including the *Canadian Human Rights Act*
- Defining the early childhood program manager's responsibilities and authority
- Hiring, monitoring, evaluating, and possibly terminating the manager
- Setting budgets and monitoring expenditures

The individuals who make up the governing bodies might not personally perform these tasks. They might hire people to assist them and consult lawyers when necessary but ultimately the governing bodies are responsible for these matters.

### **2.3 Responsibilities of program managers**

Managers of early childhood programs are employees who put into practice the policies of their employers. There is no single definitive list of responsibilities assumed by early childhood program managers. They come to their jobs with unique experiences, training, and aptitudes and they work in varied administrative structures for employers with unique priorities and expectations.

Although the Child Care Human Resources Sector Council (CCHRSC) no longer exists, its work remains available on-line. The CCHRSC developed comprehensive occupational

standards for administrators of early childhood programs.<sup>6</sup> The standards address all aspects of program management, including the tasks associated with human resources management in early childhood settings. These include:

- Determine staffing needs
- Recruit staff
- Interview prospective staff
- Screen prospective staff
- Offer position to best candidate
- Provide orientation to new staff
- Supervise staff
- Motivate staff
- Evaluate staff
- Address significant performance issues or concerns
- Facilitate professional development
- Process terminations, resignations and leaves of absence

The occupational standards document includes detailed descriptions of the knowledge, skills, and abilities required in order to effectively hire and manage staff. The occupational standards represent a vision of roles early childhood program managers might someday be ready to assume. Graduates of existing training programs for early childhood personnel in British Columbia are not being prepared to perform all of the tasks outlined in the occupational standards. Early childhood program managers usually participate in the hiring process and may have opportunities to provide input but they do not have the final authority to hire, demote, or terminate the staff they supervise. These decisions should be made by the programs' governing bodies or by senior administrators with human resources management experience to whom the governing bodies have delegated that authority. Human resources matters must be handled properly to avoid potential liabilities for the employer. It is prudent to obtain legal advice to ensure transfers, demotions, terminations, and other personnel decisions respect the rights of employees. The *Occupational Standards for Child Care Administrators* are one resource First Nations and Tribal Councils might consider when developing or revising the job descriptions and identifying professional

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<sup>6</sup> [http://www.ccsc-cssge.ca/sites/default/files/uploads/Projects-Pubs-Docs/EN%20Pub%20Chart/OS\\_Admin\\_Web%28final%29.pdf](http://www.ccsc-cssge.ca/sites/default/files/uploads/Projects-Pubs-Docs/EN%20Pub%20Chart/OS_Admin_Web%28final%29.pdf)

development needs of their early childhood program managers. However, they should be used with caution, since it is improbable that many applicants for early childhood program management positions will possess all of the knowledge, skills, and abilities listed.

There is a wide gap between the realities of human resources management in early childhood programs as it is practiced today and the vision expressed in the literature. For example, a widely-used Canadian early childhood administration textbook includes as a model a detailed job description for an early childhood program manager. The recommended qualifications include “Degree in ECE or related credential and/or post diploma certificate in Management of ECE, minimum 5 years’ experience (Chandler, 2012, p. 82).” The field of early childhood education in British Columbia does not have a pool of individuals who possess these qualifications. The British Columbia educational institutions offering recognized training in early childhood education do not yet offer post-diploma certificates in the management of early childhood facilities. At least one of the colleges has proposed the development of a post-diploma early childhood credential focusing on leadership and management skills. It is not yet known if the proposal will be accepted. Meanwhile, program managers are usually early childhood educators who learned some basic human resources management skills informally.

The responsibilities of program managers are defined by their employers. Job descriptions for program managers and the extent of their delegated authority with regard to human resources issues are decisions made by their governing bodies. The Canadian early childhood literature includes visionary descriptions of competencies expected of program managers but accessible, First Nations-specific courses focusing on British Columbia’s labour and regulatory systems are not yet in place to prepare personnel for human resource management responsibilities.

### SECTION 3:

## EMPLOYERS' LEGAL OBLIGATIONS RELATED TO HUMAN RESOURCES MANAGEMENT

At this time, no First Nation in Canada is exercising recognized jurisdiction over labour relations on its lands.<sup>7</sup> In some situations First Nations employers are required to comply with the *Canada Labour Code*, which is federal legislation. In other situations they are required to comply with the *Employment Standards Act*, which is provincial legislation. Determining which legislation applies is complicated and depends on the nature of the enterprise. Lawyers Eamon Murphy and Kathryn Deo discussed the issue:

In general terms, a First Nation employing First Nations employees on reserve is subject to the Code [*Canada Labour Code*], but these determinations are very fact-specific and are made on case-by-case basis. It can be quite complicated to determine which statute applies to you, and it may be best to consult a lawyer. Alternatively, you may wish to ensure that your employment policy complies with both statutes.

It is possible that a First Nation might administer some activities that are required to comply with the federal *Canada Labour Code* and other activities that are required to comply with the provincial *Employment Standards Act*. The case of *NIL/TU,O Child and Family Services v. British Columbia Government and Service Employees' Union* was decided by the Supreme Court of Canada in 2010. The *NIL/TU,O* case established that provincial labour legislation applies to on-reserve child welfare services. It is reasonable to assume, if another case were to be litigated, that early childhood development and care programs would also be found to be subject to provincial labour legislation.

Another piece of provincial legislation relevant to employers is the *Workers Compensation Act*. There are health and safety regulations pursuant to that legislation. The *Occupational Health and Safety Regulation*<sup>8</sup> promotes workplace health and safety. Under the workers compensation system, employers are assessed different amounts, depending on the sizes of their payrolls and the nature of their industries. The funds are used to rehabilitate and compensate workers who are injured on the job. The *Occupational Health and Safety Regulation* is enforced by WorkSafeBC. The federal government also has health and safety

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<sup>7</sup> *BCAFN Governance Toolkit*

<sup>8</sup> <http://www2.worksafebc.com/Publications/OHSRegulation/Home.asp>

regulations, the *Canada Occupational Health and Safety Regulations*.<sup>9</sup> First Nations employers might be following those regulations in other on-reserve activities.

At the time of writing, most First Nations' early childhood programs in British Columbia are using the provincial licensing system and complying with the *Child Care Licensing Regulation (CCLR)*.<sup>10</sup> The *CCLR* includes human resources components. For example, the *CCLR* specifies minimum educational qualifications for employees, group sizes, employee to children ratios, and records that need to be maintained for each employee. The *CCLR* also requires licensees to have written policies on some topics. It is the responsibility of employers to set policies.

### 3.1 Where can employers find essential information?

Prior to the NIL/TU,O judgment, First Nations employers complied with the *Canada Labour Code*. Since 2010 they need to comply with the provincial *Employment Standards Act* for some activities – child welfare services definitely but possibly early childhood development and care services as well. Fortunately, there are easy to obtain and easy to use resources available to employers. First Nations and Tribal Councils operating early childhood programs need to meet their legal obligations to their employees. The following resources are recommended as basic introductions to the *Employment Standards Act*:

- *Top 10 Things BC Employers Should Know*. This is a YouTube video prepared by the BC Employment Standards Branch.  
<http://www.labour.gov.bc.ca/esb/videos/welcome.htm>
- *A Guide to the Employment Standards Act*. This 2014 publication summarizes in clear language the essentials of the legislation.  
<http://www.labour.gov.bc.ca/esb/esaguide/guide.pdf>

First Nations are required to ensure their organizations comply with the *Canadian Human Rights Act*. This means their human resources policies and practices must be fair and equitable and that they help prevent discrimination, harassment or retaliation towards

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<sup>9</sup> <http://laws.justice.gc.ca/eng/regulations/sor-86-304/index.html>

<sup>10</sup> For an overview of licensing issues, see Section 2 of BC Aboriginal Child Care Society's 2013 publication *Research Report: Licensing First Nations' Early Childhood Programs*.

employees or individuals who receive services from the organization. These are the 11 grounds of discrimination protected under the *Canadian Human Rights Act*:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex
- Sexual orientation
- Marital status
- Family status
- Disability
- A conviction for which a pardon has been granted or a record suspended

The following resources are recommended as basic introductions to the *Canadian Human Rights Act*:

- *Quick Facts*. This two page summary was written specifically for people who work for First Nations governing bodies responsible for providing service to First Nations communities, particularly Chief and Council members, band managers, officers and administrators, accountants, financial and human resource officers.  
[http://www.doyouknowyourrights.ca/en/organizations\\_organisations/quickfacts\\_enbref](http://www.doyouknowyourrights.ca/en/organizations_organisations/quickfacts_enbref)
- *Human Rights Handbook for First Nations: Rights, Responsibility, Respect*. This handbook was written specifically for people who work for First Nations governing bodies responsible for providing service to First Nations communities, particularly Chief and Council members, band managers, officers and administrators, accountants, financial and human resource officers.  
[http://www.doyouknowyourrights.ca/sites/nai-ina/files/pdf/fn\\_handbook.pdf](http://www.doyouknowyourrights.ca/sites/nai-ina/files/pdf/fn_handbook.pdf)

The publication *Small Business Primer: A Guide to WorkSafeBC* summarizes essential information for employers related to workers compensation and occupational health and safety. See:

[http://www.worksafebc.com/publications/how\\_to\\_work\\_with\\_the\\_wcb/assets/pdf/primer.pdf](http://www.worksafebc.com/publications/how_to_work_with_the_wcb/assets/pdf/primer.pdf)

Unfortunately, there are no user-friendly summaries of the human resources management requirements embedded in the *CCLR*. Employers are encouraged to study the regulations, with particular attention to Part 3, Division 1 and 2. See [http://www.bclaws.ca/Recon/document/ID/freeside/332\\_2007](http://www.bclaws.ca/Recon/document/ID/freeside/332_2007).

The Child Care Human Resources Sector Council developed an excellent on-line human resources toolkit for the early childhood education and care sector. See <http://www.ccsc-cssge.ca/hr-resource-centre/hr-toolkit>. Employers will find a wealth of information in the toolkit. On the right side of the “Welcome to the CCHRSC’s HR Toolkit” page, employers will find a link entitled “I am a board member of a childcare organization.” This section of the toolkit includes information for the governing bodies of early childhood programs. On the left side of the “Welcome to the CCHRSC’s HR Toolkit” page, the link entitled “Toolkit Index” leads to many examples of policies, checklists, forms, job descriptions, and other valuable resources.

## Section 4:

### Program Managers' Responsibilities Related to Human Resources Management

Early childhood program managers need to clearly understand their employers' human resources policies and develop procedures to apply them in the early childhood programs they administer. Program managers also need to be aware of the *Employment Standards Act* and the *Canadian Human Rights Act* so the procedures they put in place are consistent with the applicable legislation. For example, when planning work schedules for staff, managers must keep in mind the *Employment Standards Act* requirements for meal breaks.

Program managers who work in licensed facilities need a thorough working knowledge of the sections of the provincial *Child Care Licensing Regulation (CCLR)* addressing human resources topics. Managers ensure licensed programs meet the minimum standards contained in the *CCLR* with regard to group sizes, ratios, who may replace absent employees, and staff records. If their budgets permit them to do so, program managers can put in place procedures that exceed the requirements of the *CCLR*.

#### 4.1 Where can managers find essential information?

The following publications provide basic information relevant to program managers:

- Employment Standards Branch Factsheet: *Managers*.  
<http://www.labour.gov.bc.ca/esb/facshts/pdfs/manager.pdf>
- Employment Standards Branch Factsheet: *Hours of Work and Overtime*.  
[http://www.labour.gov.bc.ca/esb/facshts/pdfs/hours\\_overtime.pdf](http://www.labour.gov.bc.ca/esb/facshts/pdfs/hours_overtime.pdf)
- BC Aboriginal Child Care Society (2014). What you Need to Know about the Inclusion of Elders in Early Childhood Development Settings.  
[http://www.accsociety.bc.ca/files\\_2/documents/InclusionofEldersInfoFINALCOPY\\_reduce.pdf](http://www.accsociety.bc.ca/files_2/documents/InclusionofEldersInfoFINALCOPY_reduce.pdf)

The CCHRSC's on-line human resources toolkit for the early childhood education and care sector includes a great deal of information specifically for managers. See <http://www.ccsc-cssge.ca/hr-resource-centre/hr-toolkit>. On the right side of the "Welcome to the CCHRSC's HR Toolkit" page, managers will find a link entitled "I am an administrator." This section of

the toolkit includes information for the managers of early childhood programs. Managers can locate information related to specific topics using the “Search the Toolkit” link.

## SECTION 5:

### THE BIG ISSUE IN EARLY CHILDHOOD PROGRAM HUMAN RESOURCES MANAGEMENT: SALARIES

The major challenges associated with human resources management in First Nations' early childhood programs are not the need for better job descriptions, interview questions, reference checklists, or other accoutrements of recruitment. The essential problems are financial. Recruitment and retention of early childhood personnel are difficult for employers because the prevailing wages are low and the sector as a whole is poorly resourced. The problems have been well documented.<sup>11</sup>

#### 5.1 Principle-based human resources management

Human resources management calls for more than knowledge and skills. Successful human resource managers have specific professional knowledge and skills but the job also involves the application of personal and professional ethics. The management of human resources in early childhood settings is more complex than ensuring staff know and follow the employer's policies and procedures, comply with labour laws, and meet licensing requirements. Although it requires considerable knowhow, it is essentially about how people are treated. That puts human resources management firmly in the ethical domain. It involves deciding the "right" thing to do, in an ethical or moral sense.

The BCACCS *Statement on Quality Child Care*<sup>12</sup> includes a principle that may assist both employers and employees in First Nations' early childhood settings when they are making human resources decisions:

Quality Aboriginal child care programs are exemplary employers, providing all personnel and volunteers with training, support, respect, and recognition for the important work they do.

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<sup>11</sup> BC Aboriginal Child Care Society (2012). *Training, Recruitment and Retention in the First Nations ECE Sector: Background Paper*. [http://www.accsociety.bc.ca/files\\_2/documents/BackgroundPaper.pdf](http://www.accsociety.bc.ca/files_2/documents/BackgroundPaper.pdf); BC Aboriginal Child Care Society (2012). *Training and Retention in the First Nations ECE Sector: A Report from the Frontlines*. <http://fnecdc.ca/wp-content/uploads/Training-and-Retention-in-the-First-Nations-ECE-Sector.pdf>

<sup>12</sup> <http://www.fnesc.ca/Attachments/ECD/ECD%20Consultation%20Document%20Dec%2017%2009.pdf>

This guiding principle provides an ethically defensible foundation for First Nations' early childhood human resources policies. It can be contrasted with the ethically indefensible principles that appear to be guiding human resources policies of other organizations, such as: keep labour costs as low as possible; squeeze employees to do more for less; and denigrate the value of front-line workers.

## 5.2 Respect, recognition, and remuneration

Low wages have long been a defining feature of employment in the early childhood field. The problem has been written about, discussed at conferences and in staffrooms, researched, measured, and lamented by critics for decades. The people who work in early childhood programs are underpaid and they are, in effect, subsidizing the services they provide by working for less than they could earn in similar jobs in other fields.<sup>13</sup>

Early childhood personnel working on-reserve in British Columbia are not being paid on a single salary grid. There is considerable variation from community to community. The Aboriginal Financial Officers Association of BC (AFOA of BC) has compiled salary data for positions employed by First Nations, Tribal Councils, and Aboriginal Health/Family Services organizations in British Columbia.<sup>14</sup> The report includes minimum, average, and maximum salaries being paid to people in these job categories: Day Care Manager (Supervisor, Administrator), Early Childhood Educator (ECE, Day Care Worker), and Early Childhood Educator Assistant (Day Care Assistant). The AFOA of BC report illustrates the range of rates of pay in these positions and allows easy comparison with over 60 other positions.

The research report *Occupational Standards & Fair Wages for Aboriginal Early Childhood Educators* by Linda McDonnell also found that personnel in First Nations' early childhood programs are paid differently from community to community. In addition, McDonnell points out the diverse roles, responsibilities, and job titles, and variability in the employers' ability to pay. She met with focus groups to discuss standardized job titles linked to corresponding levels of pay, ranging from Aboriginal Early Childhood Assistant at Level 1 to Aboriginal Early Childhood Manager at Level 5. The focus groups expressed support for the

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<sup>13</sup> Bertrand, J. (2008). *Understanding, Managing, and Leading Early Childhood Programs in Canada*. p. 163.

<sup>14</sup> BC First Nations Salary Survey Report 2013 Edition. [www.afoabc.org/downloads/2013-salary-survey.pdf](http://www.afoabc.org/downloads/2013-salary-survey.pdf)

development of standards that include steps to acknowledge qualifications, experience, and length of service. McDonnell's report includes wages recommended by the Early Childhood Educators of BC (ECEBC) for each of the five levels of practice. The recommended hourly wages are very close to the average hourly rates reported by the AFOA of BC. For example, ECEBC recommends wages from \$14 to \$16 for early childhood assistants. The AFOA of BC report shows assistants were earning, on average, just over \$15. ECEBC recommends wages from \$16.50 to \$23 for early childhood educators. The AFOA of BC report shows early childhood educators were earning on average, between \$16.77 and \$18.26. ECEBC recommends between \$20 and \$26.45 for managers. The AFOA of BC found managers were earning, on average, between \$20.35 and \$24.87. If First Nations adopt the grid being proposed by ECEBC, the budget implications would be relatively small since most are already paying their employees wages that are within the recommended ranges.

The questions remain: What would a fair salary grid look like? What amounts would be consistent with the principle of providing early childhood personnel with respect and recognition? What amounts would ease the current recruitment and retention problems? Advocates calling for better wages for early childhood educators base their proposals on estimates of a "living wage." It is arguable that those recommendations are unreasonably low. A grid based on a living wage might result in modest raises for some but it would reinforce the status quo and keep early childhood personnel near the bottom of the income ladder. To do so is not respectful of the important work done by early childhood personnel. Furthermore, to endorse these low wages exacerbates the recruitment and retention issues that exist in First Nations communities. As both a practical matter and as a matter of principle, exemplary employers raise the bar and provide wages and benefits above mere living wage levels.

### 5.3 Defining "fair" rates of pay

There is no formula for determining fairness in the wages paid to people in different occupations. Evaluating fairness is complicated.

- **Labour laws** define the lowest rung on the ladder by setting minimum wage rates. In BC the minimum is \$10.25. Employers who pay the minimum are complying with the law, but fairness is more than that.

- **Market forces** influence wages. Employers determine how much they have to pay in order to attract and keep employees with the knowledge, skills, and aptitudes required to do the jobs that need to be done. Other things being equal, a large pool of people capable and willing to do available jobs will keep wages down. A shortage of workers will push wages up. Fairness is more complicated than the wages determined by market forces.
- **Collective bargaining** influences wages. Unionized employees negotiate collective agreements with their employers and agree on wages and working conditions and benefits that exceed the minimums in the *Employment Standards Act*. Negotiated settlements have raised wages for some and created disparities between unionized and non-unionized workers. Negotiated settlements are a useful starting point for determining fair wages. They are reached with consideration given to the needs and limitations and interests of both employers and employees.
- **Wages in other occupations** have not been influential in determining the wages paid to early childhood personnel. Comparisons with better-paid jobs requiring less training and better-paid jobs requiring as much post-secondary training as early childhood educators have not resulted in wage increases. Wage advocacy expressed in terms such as “I deserve this amount because X is being paid this amount” has been ineffective. Those comparisons have, however, caused early childhood personnel to feel their wages are unfair. For example, AFOA of BC reported that teachers working on-reserve were being paid between \$27.97 and \$32.07. These salary scales were negotiated by the Public Service Alliance of Canada.
- **Old attitudes** continue to influence wages in early childhood programs. The historical undervaluing of women’s work and lack of awareness of the importance of children’s early years or the benefits of high quality early childhood programs have enabled the perpetuation of unreasonably low wages in this sector. Old biases and assumptions have clouded judgments of the fairness of the wages paid to early childhood personnel.

The collective agreements in place in unionized child care facilities and the pay scales for StrongStart facilitators can help both employers and employees quantify “fair” rates of pay for early childhood personnel. The wages and benefits received by StrongStart personnel and by unionized child care employees are of use to First Nations employers evaluating the

fairness of their own pay scales and benefits and assessing their adequacy for the purposes of recruiting and retaining personnel.

It is informative to consider the wages early childhood personnel are being paid and the benefits they receive as a result of collective bargaining. For example:

- In 2014, early childhood educators working as StrongStart facilitators were earning from \$22.71 to \$25 per hour.<sup>15</sup> StrongStart personnel have early childhood education certificates or diplomas.
- The Capital Regional District, an employer whose personnel are members of CUPE, is advertising for an auxiliary (temporary) ECE preschool instructor to begin work in Sooke in September 2014. The position pays \$20.55 per hour plus 13% in lieu of benefits.<sup>16</sup>
- The SFU Childcare Society, an employer whose personnel are members of the BCGEU, advertised for a permanent part-time early childhood infant/toddler educator starting in August 2014. The position pays \$17.90 per hour with 100% family medical, single dental health coverage, pro-rated vacation of 4 weeks annually, sick leave benefits, and “outstanding professional development opportunities.”<sup>17</sup>
- A Haida Gwaii employer whose employees are members of the BCGEU is presently advertising for a permanent full-time Senior Manager for a Masset child care program. The position pays \$19.02 to \$22.15 per hour.<sup>18</sup> The same employer is advertising for a permanent part-time ECE Assistant. That position pays \$14.15 to \$16.64 per hour.<sup>19</sup>
- The University of Victoria child care employees are members of CUPE. Their collective agreement expired in April, 2014. The 2013 salary schedule for supervisors was between \$23.26 and \$23.55. The 2013 salary schedule for early childhood educators was between \$20.74 for temporary employees who are not

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<sup>15</sup> Make a Future: Careers in Education. Exclusive Jobs for ECEs & Education Assistants

<http://www.makeafuture.ca/news/exclusive-jobs-for-ec-es-education-assistants/>

<sup>16</sup> <http://www3.crd.bc.ca/careers/jobdescriptions/00533.pdf>

<sup>17</sup> [http://www.ecebc.ca/job\\_postings/0717\\_kaphoo.pdf](http://www.ecebc.ca/job_postings/0717_kaphoo.pdf)

<sup>18</sup> <http://www.hgpeace.ca/news-updates/Early-Childhood-Educator-Senior-Manager/>

<sup>19</sup> <http://www.hgpeace.ca/news-updates/employment-opportunity/>

eligible to participate in the staff pension plan and \$21.65 for post-probation employees participating in the staff pension plan.<sup>20</sup>

## 5.4 Salary grids

The Aboriginal Financial Officers Association of BC reports that 70% of the 50 First Nations and 23% of the 22 Tribal Councils and Aboriginal Health/Family Services organizations they surveyed did not have and did not use established salary ranges.<sup>21</sup> This suggests that many employers are setting wages and benefits for their early childhood personnel and other employees on an *ad hoc* basis, resulting in inconsistencies within and between communities. The absence of transparent salary and benefits grids that allow for increases related to formal education, responsibilities, and experience creates barriers to staff recruitment and retention.

The levels proposed in Linda McDonell's report are a useful starting point for creating salary grids:

- Level 1: Aboriginal Early Childhood Assistant
- Level 2: Aboriginal Early Childhood Educator
- Level 3: Aboriginal Infant Toddler Educator and Aboriginal Special Needs Educator and Cultural Teacher
- Level 4: Senior Aboriginal Early Childhood Educator and Cultural Teacher
- Level 5: Aboriginal Early Childhood Manager

Within each level there should be a range from the starting wage for a novice with the minimum required education with predictable raises to acknowledge the successful completion of additional training and years of experience. The dollar amounts for each level should be higher than a living wage in order to meet the standard of First Nations becoming "exemplary employers," show respect to employees, and help early childhood personnel catch-up after decades of underpayment. Better wages, predictable increases for completing more education, and increases to acknowledge experience are likely to have a positive impact on the recruitment and retention difficulties experienced by many early childhood programs.

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<sup>20</sup> <http://www.uvic.ca/hr/assets/docs/labourrelations/salarieschedules/2013%20CUPE%20951%20Child%20Care%20Rates.pdf>

<sup>21</sup> BC First Nations Salary Survey Report 2013 Edition (p.17). [www.foabc.org/downloads/2013-salary-survey.pdf](http://www.foabc.org/downloads/2013-salary-survey.pdf)

The First Nations and Tribal Councils that employ early childhood personnel are diverse in many ways, including the sizes of their annual budgets and their ability to pay higher wages. Employers need to address the human resources problems in the early childhood sector. The first step in this process is the development of transparent salary grids that provide incentives for employees to access education, reward experience, and establish a career ladder. First Nations employers might give consideration to collaboration in the development of a single salary grid that could be used throughout British Columbia. High quality early childhood services delivered by well-paid personnel who feel fairly treated and see career paths open to them will yield benefits for First Nations communities.

Strategies for accessing the funds needed to effectively manage human resources in early childhood programs are beyond the scope of this document. First Nations individually and collectively will decide how best to address this urgent need. Early childhood programs provide a foundation for school success. Initiatives to close the “achievement gap”<sup>22</sup> must include attention to and increased funding for early childhood services.

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<sup>22</sup> Drummond, D. & Rosenbluth, E.K. (2013). *The Debate on First Nations Education Funding: Mind the Gap*. Working Paper 49, Queen’s University Policy Studies. <http://www.queensu.ca/sps/publications/workingpapers/49-Drummond-Rosenbluth.pdf>

## SECTION 6: ESSENTIALS OF HUMAN RESOURCE MANAGEMENT

Human resource management is a specialized area of professional practice. First Nations and Tribal Councils wishing to build their capacity in this area might consider supporting employees to access training in human resources management. The Courses BC Website includes a directory of available on-line/distance courses. See <https://coursesbc.ca/index.jsp> and search for “Human Resource Management.” There are many undergraduate courses available. In addition, Thompson Rivers University offers a post-baccalaureate diploma in human resources management.<sup>23</sup>

There is a lot to learn in order to become a professional human resources manager. Although some employers assign responsibilities for human resource management to individuals who have not been adequately prepared for their jobs, it is false economy to do so. Employers who do not comply with laws pertaining to the rights of employees can be penalized. The obligations of employers are enforced and violators are subject to audits, fines, and seizure of assets. The fact that the Thompson Rivers University diploma includes 17 courses is an indication that human resources management is a complex area. There are no shortcuts to acquiring human resource management expertise. The information that follows is a very brief overview of some key elements of human resource management, not a substitute for formal education.

### 6.1 Human resources planning

An employer begins the process of human resources planning by identifying the knowledge, skills, and formal and informal education of existing employees. The employer evaluates whether present human resources are sufficient to enable the program to reach its goals. The employer makes a judgment about whether the employees with their existing skills can achieve the program’s vision. The analysis may reveal that gaps in the skills of employees are making it difficult for the program to move toward its vision and achieve its goals. If gaps are identified, an employer might choose to provide opportunities for employees to upgrade their skills by accessing additional training or make personnel changes to fill

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<sup>23</sup> <http://www.tru.ca/business/programs/post-bacc.html#Post-Baccalaureate%20Diploma%20in%20HRM>

knowledge and skills gaps. The identified skills gaps should inform recruitment of new employees.

It is not uncommon for employers to discover gaps in the skills and knowledge of their employees. Throughout the field of early childhood development and care there are high numbers of employees in positions for which they are inadequately trained. An Early Childhood Educator Assistant might have completed only one basic course in early childhood education. Although this is permitted under the *CCLR*, it is insufficient preparation for the demands of the job and it makes it difficult for programs to deliver high quality professional services. Qualified employees encounter additional stress when partnered with colleagues who are inadequately trained. The employment of unqualified personnel has the effect of driving qualified personnel out of the field, exacerbating staffing problems.

## 6.2 Recruiting personnel

The governing bodies that employ early childhood personnel need written job descriptions with clearly defined roles and responsibilities for each position, the qualifications required, the desirable additional qualifications, and the corresponding salaries and benefits. The required qualifications should meet or exceed those specified in the *CCLR*. High quality early childhood programs for First Nations children introduce children to their Nation's worldview, involve Elders, and teach children the local language, cultural practices, and protocols. The ability to deliver a culturally-appropriate curriculum is essential.

First Nations and Tribal Councils may already have personnel recruitment policies that comply with the *Canada Labour Code*. As discussed in Section 3 above, if those policies predate the NIL/TU,O decision, they may need to be revised to comply with provincial legislation.

After making the decision to recruit a new employee, an employer might follow these steps:

- ✓ Review the existing job description and, if necessary, revise it or update it. See <http://www.ccsc-cssge.ca/hr-resource-centre/hr-toolkit/recruitmentiring/job-description#s3-anchor6> for assistance drafting job descriptions

- ✓ Draft and circulate a posting that includes the key elements of the job description. Postings used in the past provide a starting point. Other examples of job postings for early childhood positions can be found in the CCHRSC *HR Toolkit for the Early Childhood Education and Care Sector* and at the BCACCS Job Postings Web page. The CCHRSC *HR Toolkit* recommends that job posting include:
  - A brief description of your organization, its mission or purpose
  - The title and a description of the position
  - Duties and responsibilities
  - Qualifications
  - The supervising authority
  - The salary and benefits attached to the position (specify the starting salary or salary range, or say the salary depends on experience)
  - The application deadline
  - Start date
  - A request for references
  - The format in which you would like to receive the information
  - Contact information
  - Your organization's Website address
- ✓ Identify the applicants who have the required qualifications and invite them to be interviewed.
- ✓ Prepare questions for the interviews. *Human Rights in British Columbia: Information for Employers*<sup>24</sup> includes a section entitled "What to Ask and What Not to Ask" is helpful in avoiding questions that violate the human rights of job applicants. *Job Interview Questions to Ask and Avoid*<sup>25</sup> includes some generic interview questions. The CCHRSC *HR Toolkit* includes sample "Teacher Interview Questions" that could be adapted to fit a specific job. Questions intended to assess an applicant's cultural knowledge must be drafted with great care to avoid violating the human rights of applicants.
- ✓ Conduct interviews and select the best candidate for the position.

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<sup>24</sup> <http://www.ag.gov.bc.ca/human-rights-protection/pdfs/EmployerInfo.pdf>

<sup>25</sup> <http://www.bcjobs.ca/hr-advice/the-job-interview-%C2%96-questions-to-ask-and-avoid/>

- ✓ Check the best candidate's references. The CCHRSC *HR Toolkit* includes a sample "Reference Check Form." If the references raise concerns, consider the applicant who was second following the interviews. Check that applicant's references.
- ✓ Make a formal job offer to the preferred candidate and, if it is accepted, notify other applicants that the position has been filled. For a sample employment offer letter, see <http://www.ccsc-cssgeca/hr-resource-centre/hr-toolkit/other-policies-0> and click on "Sample offer Letter."

Clear documentation of the hiring process enables an employer to justify hiring decisions if unsuccessful applicants make accusations of discrimination. If called upon to do so, employers should be able to show their hiring decisions were based on merit and that their selection processes were fair.

While employers are interviewing job applicants, it is important to remember that the job applicants are also assessing the employers. Individuals with knowledge and skills that are in demand can be selective in their choice of employers. They evaluate employers, job descriptions, workplaces, the wages and benefits being offered, opportunities for career growth, and other features of the work environment. The interview is a two-way exchange of information. Employers are competing to attract and retain personnel.

### **6.3      Orienting new employees**

When a new manager is hired, the employer should ensure the individual is provided with complete information concerning the organization's policies and procedures. Since organizational structures and administrative systems within which early childhood programs operate vary from employer to employer, it is essential to inform the early childhood program manager of local practices.

The orientation of a new manager should include introductions to members of the governing body, administrative personnel, members of early childhood advisory groups, as well as the employees and volunteers with whom the manager will be working. If the manager is not a community member who knows local protocols regarding Elders, the employer should provide this essential information. Given the importance of language and culture in on-reserve early childhood programs, the orientation should prepare the manager to establish or maintain a strong cultural program. An early childhood program

staff member can be asked to familiarize the new manager with the facility and answer questions and provide support while the manager settles into the job.

The program manager orients new early childhood personnel, ensuring they are welcomed, introduced, and made aware of the program's policies and procedures.

## 6.4 Assessing employees

An essential component of human resources management is the assessment of employees. It is the responsibility of the governing body to assess the performance of the manager. The job descriptions of managers typically include responsibility for assessing the performance of the early childhood program staff whose work they supervise. Assessment is not an end in itself. It fills several purposes:

- ✓ Assessments provide employees with feedback on their work.
- ✓ Assessments may identify gaps in the knowledge and skills of individual employees. In the case of managers, this information allows employers to plan professional development opportunities for them. In the case of other employees, this information allows program managers to plan professional development opportunities for them.
- ✓ Assessments completed over time document professional growth and progress.
- ✓ Assessments document unsatisfactory work and can ultimately lead to dismissal.

Performance reviews should be tailored to each employee's job description. The expectations should be clear and the person completing the assessment must be able to explain the criteria used to evaluate whether an individual's work is "satisfactory" and meets expectations. The performance standards should be clear to both parties. Generic employee evaluation forms are of limited value because they do not address the specific tasks associated with particular jobs.

Human resources managers recognize that employees may go through different stages as they acquire new skills. A number of authors have identified stages of increasing competency. The NIH Proficiency Scale<sup>26</sup> is just one example:

1. Fundamental Awareness (basic knowledge) – The employee has a common knowledge or an understanding of basic techniques and concepts.

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<sup>26</sup> National Institutes of Health. <http://hr.od.nih.gov/workingatnih/competencies/proficiencyscale.htm>

2. Novice (limited experience) – The employee has the level of experience gained in a classroom or as a trainee on-the-job. The employee can be expected to need help when performing this skill.
3. Intermediate (practical application) – The employee is able to successfully complete tasks in this competency as requested. Help from an expert may be required from time to time, but the employee can usually perform the skill independently.
4. Advanced (applied theory) – The employee can perform the actions associated with this skill without assistance. The employee is recognized within the workplace as “a person to ask” when difficult questions arise regarding this skill.
5. Expert (recognized authority) – The employee is known as an expert in this area. The employee can provide guidance, troubleshoot, and answer questions related to this area of expertise and the field where the skill is used.

It is impractical to set performance standards based on the knowledge and skills of expert practitioners. Employees who have basic knowledge and limited experience should be supported to build on their knowledge and skills in order to move to more advanced levels. Assessment of the performance of employees is an ongoing process. Managers observe their staff and routinely provide verbal feedback on the spot, noticing things that are done well and, when necessary, suggesting alternative approaches. Particularly in small programs in which managers and staff collaborate and work as a team, assessment is continuous and usually informal. It is not something that happens once a year when the manager arrives with a clipboard and a checklist. Nevertheless, early childhood program managers are also usually responsible for:

- ✓ Documenting the performance of their staff for their personnel files
- ✓ Meeting with each staff member to discuss performance and plan for the future
- ✓ Reporting to the employer on human resources matters
- ✓ Recommending next steps to the employer, ranging from raises to professional development support to disciplinary action.

Some early childhood program managers ask staff to prepare for their performance review meetings by completing self-evaluations in advance. Self-evaluation questionnaires provide a useful structure for the discussions. See <http://www.ccsc-cssge.ca/hr-resource-centre/hr-toolkit/other-policies-0> and click on “Sample Employee Performance Review Questionnaire” for a template.

## 6.5 Supporting the professional development of employees

CCHRSC's *Occupational Standards for Early Childhood Educators*<sup>27</sup> summarizes the knowledge and skills needed by early childhood personnel. The occupational standards are a generic list of the many and varied tasks early childhood educators need be able to perform. The tasks range from facilitating children's cognitive development to building relationships with families, from accommodating children's allergies to creating partnerships with colleagues. The occupational standards represent a vision of professional practice and as such they provide targets to work toward. Both employers and employees might find them useful when identifying in-service training needs.

For First Nations early childhood programs, the *Occupational Standards for Early Childhood Educators* are incomplete since they do not address the cultural elements that are essential to quality early childhood programs. BCACCS has developed additional standards to supplement those found in the CCHRSC's occupational standards. Publication is scheduled for September, 2014. The BCACCS standards include additional knowledge, skills, and abilities early childhood educators require in order to deliver high quality, culturally-appropriate early childhood programs in First Nations settings. Programs using either the CCHRSC or the BCACCS occupational standards to develop performance standards for their early childhood personnel should keep in mind that it takes training, encouragement, modeling, and time to master the skills and be able to work at an advanced or expert stage.

Research completed by the BC Aboriginal Child Care Society in 2012 found high numbers of employees who work directly with children in First Nations early childhood programs do not have Early Childhood Education certificates.<sup>28</sup> The provision of training for these employees was identified as a priority. Having fully qualified personnel is known to improve staff morale, positively impact the quality of services being delivered, reduce stress and burnout, and thereby address retention problems. Providing support for employees to access training to increase their knowledge and skills is a practical strategy with benefits for both the individual employees and the children with whom they work.

Exemplary employers provide their employees with support so they can access the training needed to do their jobs well. For example:

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<sup>27</sup> [http://www.ccsc-cssge.ca/sites/default/files/uploads/ECE-Post-Secondary-docs/OSECE\\_2010\\_EN.pdf](http://www.ccsc-cssge.ca/sites/default/files/uploads/ECE-Post-Secondary-docs/OSECE_2010_EN.pdf)

<sup>28</sup> [http://www.accsociety.bc.ca/files\\_2/documents/TrainingandRetentionintheFirstNationsECESectorNov2012.pdf](http://www.accsociety.bc.ca/files_2/documents/TrainingandRetentionintheFirstNationsECESectorNov2012.pdf)

- See [https://www.mcf.gov.bc.ca/childcare/ece/pdfs/training\\_institutes.pdf](https://www.mcf.gov.bc.ca/childcare/ece/pdfs/training_institutes.pdf) for the list of recognized public and private institutions offering early childhood courses. Section C of the list includes the institutions offering the courses in distance education formats. Training from these institutions has the advantage of providing the learners with recognized credentials.
- Mentoring relationships provide opportunities for employees to gain knowledge and skills. Mentor - protégé relationships are not supervisory and they are not a component of employee assessments. The mentor responds to specific concerns and answers the protégé's questions related to practice issues. These relationships need not be face-to-face. Technologies enable mentoring relationships at a distance. Employers can support the professional development of employees by contracting with experts who are able to act as mentors.
- Coaching can be used to build the skills of an individual or a group. Coaching may involve questioning, listening, observing, reflecting, giving feedback, prompting, modeling, and practice until the skills have been mastered. Coaching need not be delivered face-to-face. In some jurisdictions, coaching is in the early stages of becoming established as a career specialty within the early childhood field. Although the term "coaching" is being used in the context of human resources management, there is not yet a readily identified group of Canadian early childhood coaches. Employers wishing to hire coaches to help their employees develop specific skills are advised to identify individuals with expertise and contract with them for the delivery of coaching services.
- Conferences and workshops provide professional development for employees and they enable early childhood educators to complete the hours of training the *CCLR* requires in order to renew their certificates.

## 6.6 Disciplining employees

Disciplining employees is one of the most difficult aspects of human resources management. Responding to employees who demonstrate incompetence or violate the employer's policies and procedures is stressful for both the people administering the discipline and the employees being disciplined. It can be particularly difficult in small early childhood programs in which managers and staff work together closely and friendships have developed that extend beyond the workplace.

Authority to discipline employees rests with employers. Depending on the terms of employment, a manager might be given the authority to use the first step of progressive discipline, a verbal warning. A verbal warning is most often used after a minor violation or an initial violation.

Taking disciplinary action is a very serious step and it must be handled with care and sensitivity and confidentiality must be maintained. In a case of a policy or procedure violation on the part of either the manager or other employee, the employer needs to:

- ✓ **Determine what happened.** Before any disciplinary actions are taken, the first step is to determine what happened. The facts of the matter can be determined by observation, a written or oral report volunteered by another employee, descriptions of the event from other witnesses, and the explanation provided by the employee.
- ✓ **Determine whether it was willful.** In some cases the violation of policies and procedures is due to uncertainty or lack of awareness on the part of the employee. There may be an opportunity to resolve the matter by training to ensure the employee is fully aware of policies and procedures. If the employee was aware of expectations but willfully violated them, and there are no mitigating considerations, discipline may be called for.
- ✓ **Evaluate the seriousness of the incident.** Although disciplinary actions are usually progressive, beginning with a verbal warning, in cases of very serious violations, the appropriate disciplinary action may be immediate suspension. Very serious violations would include behaviour such as:
  - verbal abuse of children, their families, or colleagues
  - theft
  - physical violence or abuse
  - consuming drugs or alcohol while working
  - actions that endanger children, their families, or colleagues

If a manager believes that a violation has occurred that calls for a more serious response than a verbal warning, the employer should be notified. If an employee is to be demoted, suspended, reassigned, or dismissed, the matter should be dealt with by the employer or a senior administrator who has responsibility for human resources. A manager can easily mishandle a disciplinary matter and thereby create potential liability for the employer if the

disciplined individual decides to sue the employer. Given the complexity of employment law, it is recommended that employers consult legal counsel for advice.

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