

June 30, 2017

1. Public Service Agency policy on internal disclosure.

Communication of personal information internal to the ministry and government must be strictly on a need-to-know basis and in compliance with Freedom of Information and Protection of Privacy Act (FOIPPA). Care must be taken to minimize risks of inappropriate information sharing, hearsay, or possible reputational damage or internal disruption while an employment-related investigation is under-way. Ministry decision-makers must consult with the Public Service Agency (PSA) Employee Relations Specialists and should consult with the Chief Records Officer, or designate, before engaging in any internal communications regarding any allegations of misconduct and any subsequent investigation or disciplinary response.

In the event of a workplace absence due to an ongoing investigation, such as a temporary suspension or leave of absence, workflow and authorizations will need to continue with the minimal disruption possible.

2. Government Communications and Public Engagement Policy on general public disclosure of general HR matters

2.1. When communicating publicly about HR matters, government will communicate in a way that preserves the presumption of employee innocence and respects privacy and labour relations obligations, while addressing public confidence in the effective administration of government activities.

During and following investigations into employee misconduct, care is used to ensure not to disclose the name of the person or any information that could identify the person being investigated and the consequences, if any, arising from the investigation. Even in circumstances where an employee has engaged in serious misconduct, the employee's or former employee's right to privacy is respected.

2.2. Unless there is an immediate risk to public health, safety, or other similar exceptional circumstances, government should not publicly announce that it has referred the conduct of a public servant to the police prior to Crown Counsel approving charges.

2.3. Legal advice must first be sought prior to making any decisions on general public disclosure of personal information in HR matters (should disclosure be authorized under FOIPPA), including employee misconduct. Disclosure should be approved by the head of the public body, in consultation with the Deputy Minister of Government Communications and Public Engagement (GCPE) or delegate, the Deputy Minister of the Public Service Agency or delegate, and Legal Services Branch.