

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: EMPLOYEE DOCUMENTATION, OATHS AND PERSONAL INFORMATION

EFFECTIVE: April 2, 2019

**1.0 SCOPE**

**1.1 Authority**

This policy was issued under authority of Cabinet Minute No. 94-40 (October 27, 1994) and amended under the authority of the Deputy Ministers Review Committee Minute No. 13-05 (April 16, 2013) and No. 19-04 (April 2, 2019).

**1.2 Application**

This policy applies to all individuals employed under the *Public Service Act* and the *Education Act*.

**1.3 Purpose**

The purpose of this policy is to provide general guidance to employees and departments on the:

- collection, use, retention and disposal of employees' personal information;
- administration of oaths of allegiance and office; and
- documentation of employees.

**1.4 Principles**

1.4.1 The Government of Yukon respects and protects the privacy of its employees.

1.4.2 The Government of Yukon acts according to the law, and with integrity, accountability and consistency in the management of employees' personal information.

1.4.3 The collection, use, retention and disposal of employee information is governed by the following legislative and policy framework:

- *Public Service Act* and regulations
- *Education Act* and regulations
- *Access to Information and Protection of Privacy Act* and regulations
- *Archives Act* and regulations

- GAM policy 2.14 – Records Management
- GAM policy 2.15 - Security of Public Records
- GAM policy 2.24 – Access to Information and Protection of Privacy Roles and Responsibilities
- GAM Volume 2 - Guide for Managers - *Access to Information and Protection of Privacy Act*
- Records Retention & Disposition Schedule Manual
- Collective Agreement – Government of Yukon and the Public Service Alliance of Canada
- Collective Agreement – Government of Yukon and the Yukon Teachers’ Association
- Section M – Conditions of Employment for Excluded Groups

1.4.4 Employees who collect, use, administer or manage employee personal information are responsible for doing so in accordance with the legislative and policy framework set out under section 1.4.3 above and in accordance with any guidelines or procedures as may be established from time to time by the Public Service Commission (PSC).

1.4.5 Employees will be given reasonable and timely access to their own personal information.

## **1.5 Background**

The employer requires personal information from its employees in order to develop, maintain, administer and supervise a competent and efficient public service, which includes the provision and administration of employee payroll, benefits and support programs.

## **1.6 Definitions**

|                               |  |
|-------------------------------|--|
| <i>Record</i>                 | means the same as in the <i>Access to Information and Protection of Privacy Act</i> .  |
| <i>Department</i>             | means a department in the public service and includes an agency, branch, commission, board or corporation of the Government of Yukon.  |
| <i>Personal information</i>   | means the same as in the <i>Access to Information and Protection of Privacy Act</i> .  |
| <i>Official personal file</i> | means a file created and held in the PSC for the purpose of retaining personal information and/or records relating to an employee. This information generally includes address, work location, social insurance number, birth and marriage certificates, information regarding pay and position changes, performance evaluations, benefit plan applications and records of disciplinary matters. |

*Personal working file* means a file, other than the official personal file, created by a department for the purpose of retaining personal information and/or records relating to an employee's employment with that department.

*Employee* means a person to whom this policy applies.

*Employer* means the Government of Yukon.

## **2.0 COLLECTION/USE OF PERSONAL INFORMATION**

2.1 Personal information about employees may be collected by the Employer where the information relates to and is necessary for carrying out a program or activity of the Employer.

2.2 Personal information about an employee must be collected directly from the employee the information is about unless another method of collection is authorized by the employee.

2.3 When collecting personal information, the Employer must tell an employee:

- the purpose for collecting it;
- the legal authority for collecting it; and,
- the title, business address, and business telephone number of an Employer contact who can answer the employee's questions about the collection.

2.4 Personal information may only be used for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose.

2.5 Where a department uses an employee's personal information to make a decision that affects the employee, the department must retain that information for at least one year after using it so that the employee has a reasonable opportunity to obtain access to it.

2.6 Reasonable security arrangements must be taken by a department to protect personal information against accidental loss or alteration, unauthorized access, use, collection, disclosure or disposal.

2.7 An employee who believes there is an error or omission in their personal information may request the records manager of the department to correct the information. If no correction is made in response to such a request, the public body must annotate the record with the requested correction.

## **3.0 DOCUMENTATION/OATHS**

### Documentation

3.1 The PSC shall specify all information and documentation required from an employee and the nature of acceptable alternate proof when original documents are not available.

3.2 Each employee is required to submit the specified documents to their hiring department or the PSC within three months of the commencement of employment.

3.3 If an employee is unable to provide a required document, he/she shall provide a copy of the document or other proof satisfactory to the PSC of the contents of the document. Failure to provide the requested documents or satisfactory substitutes may result in dismissal of the employee or may also result in his/her benefits being delayed or not processed.

3.4 Every employee is responsible for notifying the PSC, in writing, of his/her postal address and telephone number and any subsequent changes to his/her postal address and telephone number.

### Oaths

3.5 Except as otherwise authorized in writing by the PSC, every employee shall take the following oath of allegiance and oath of office.

*Oath of Allegiance: I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second. So help me God.*

*Oath of Office: I, \_\_\_\_\_, do solemnly and sincerely swear that I will truly and faithfully and to the best of my skill and knowledge execute and perform the duties that devolve upon me by reason of my appointment or employment in the Public Service, including the duty not to disclose or make known, without due authority in that behalf, any matter that comes to my knowledge by reason of such appointment or employment. So help me God.*

3.6 An employee shall be permitted to take the following solemn affirmation of allegiance and solemn affirmation of office, as the oath of allegiance and the oath of office, and those affirmations, taken before a notary public or other appropriate officer, shall in all cases be accepted from the person in lieu of the oaths and have the like effect of the oaths.

*Solemn Affirmation of Allegiance: I, \_\_\_\_\_, do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.*

*Solemn Affirmation of Office: I, \_\_\_\_\_, do solemnly and sincerely affirm that I will truly and faithfully and to the best of my skill and knowledge execute and perform the duties that devolve upon me by reason of my appointment or employment in the Public Service, including the duty not to disclose or make known, without due authority in that behalf, any matter that comes to my knowledge by reason of such appointment or employment.*

3.7 At the request of an employee, an exemption from taking the oath or affirmation of allegiance may be granted by the PSC. The PSC will consider all the circumstances of the case, including whether or not taking the oath is a coercive burden on one's conscientiously-held beliefs.

3.8 Deputy heads for each department shall manage the administration of the required oath of allegiance and oath of office for employees upon hire and shall forward the original record to the PSC for retention on the employee's official personal file.

#### **4.0 OFFICIAL PERSONAL FILES**

4.1 The PSC shall maintain an official personal file on every employee.

4.2 An official personal file is established at the time of hire for every employee and classified in accordance with GAM policy 2.15 – Security of Public Records. The security status of the record will be stamped in red ink on the file cover.

4.3 Official personal files reside in the PSC and are created, used, retained and disposed of by the PSC in accordance with the legislative and policy framework set out under section 1.4.3 above.

4.4 Every reasonable effort shall be made to ensure that there is no information on an employee's official personal file of which the employee is unaware.

4.5 Upon request to the PSC, an employee is entitled to review his/her official personal file or may request a copy of it. Reviews will ordinarily take place in the presence of a PSC representative in the offices of the PSC.

4.6 An employee's official personal file is retained by the PSC for two years following the employee's termination from Government of Yukon. The file is then forwarded to the Records Centre for retention/disposal in accordance with the Records Retention & Disposition Schedule.

#### **5.0 PERSONAL WORKING FILES**

5.1 The PSC may establish personal working files on employees of the Government of Yukon.

5.2 Departments may establish personal working files on their own employees.

5.3 Departments and the PSC shall ensure that the use, retention and disposal of personal information collected and held by them in personal working files complies with the legislative and policy framework set out under section 1.4.3 above.

5.4 Upon request to the department or the PSC, an employee is entitled to review his/her personal working file or obtain a copy of it. Reviews will ordinarily take place in the presence of a department or PSC representative.

5.5 On termination or transfer of an employee to another department, the employee's home department shall deliver the employee's personal working file to the PSC for amalgamation with the employee's official personal file

## **6.0 DISCLOSURE OF PERSONAL INFORMATION**

6.1 A public body may only disclose personal information about an employee if it is not an invasion of the employee's personal privacy to disclose it or in accordance with section 36 of the *Access to Information and Protection of Privacy Act*. Included in section 36 is the ability of the employer to disclose personal information about an employee:

6.1.1 if the employee the information is about has authorized the disclosure in writing and specified to whom the personal information may be disclosed and how it may be used;

6.1.2 for the purpose for which it was obtained or for a use consistent with that purpose (i.e., that has a reasonable and direct connection to that purpose, and is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses the information or to which the information is disclosed);

6.1.3 to an officer or employee of the public body or to a Minister, if the information is necessary for the performance of the duties of the officer, employee or Minister; or

6.1.4 so that the next of kin or a friend or an injured, ill or deceased employee may be contacted.

6.2 Personal information about the job an employee is currently performing, its functions or salary range, or any other information that is considered public information (e.g., classification level) may be released without the consent of the employee. For more information on the types of personal information the release of which is not considered an invasion of an employee's privacy, see section 25 of the *Access to Information and Protection of Privacy Act*.

## **7.0 RELATED DOCUMENTS**

- *Public Service Act* and regulations
- *Education Act* and regulations
- *Access to Information and Protection of Privacy Act* and regulations
- *Archives Act* and regulations
- GAM, Volume 2 - Policy 2.14 Records Management
- GAM, Volume 2 – Policy 2.15 Security of Public Records
- GAM, Volume 2 – Policy 2.24 Access to Information and Protection of Privacy Roles and Responsibilities
- GAM, Volume 2 – Guide for Managers (ATIPP)
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