



Office of the
Saskatchewan Information
and Privacy Commissioner

HUMAN RESOURCE POLICY

2.0 IPC EXPECTATIONS **2.01 STANDARDS OF CONDUCT**

Purpose

To provide the employees of the Saskatchewan Information and Privacy Commissioner (IPC) with guidelines for the professional, ethical, legal, and socially responsible behaviour expected from all staff.

Application

This policy applies to all staff and people engaged in work experience programs within the IPC.

Policy

The IPC believes that the highest standards of conduct among employees are essential to maintain trust and confidence of the citizens and public bodies served by the IPC.

Standards of conduct as outlined in this document are expected to be observed in all workplace interactions and any personal situations where an employee's conduct may impact on the reputation of the Legislative Assembly of Saskatchewan or the IPC.

Standards of conduct cannot cover every situation. If an employee is uncertain about any aspect of this policy, or any other IPC policy, or has an ethical problem they cannot resolve, they should seek guidance from their supervisor or the Commissioner. In circumstances where the employee is not able to consult with an appropriate person within the IPC, they should use common sense and good judgment or contact the Employee and Family Assistance Program (EFAP).

If an employee is faced with an ethical dilemma, they may find it useful to refer to or consider the following points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with IPC policy and in line with the standards of conduct?
- What will be the outcomes for the employee, for the employee's colleagues, for the IPC and Saskatchewan Legislative Assembly?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest?
- Would the decision or action withstand public scrutiny? That is, how would the employee feel if details of the decision were made public?

For further details pertaining to online conduct, please see the Social Media Guidelines.

Responsibility

The Commissioner has overall responsibility for this policy and retains the authority to decide whether or not a contravention of the Standards of Conduct has occurred. Supervisors will ensure employees in their respective branch are aware of, review and follow the Standards of Conduct.

An employee who is being investigated for contravention of this policy shall be informed in writing of the allegation and investigation.

Any employee who has knowledge of actions or behaviour by the Commissioner which would be in contravention of this policy shall report it immediately to the Executive Director of Corporate Services . Any allegation of inappropriate behaviour must be made in writing. The Executive Director of Corporate Services will share the written allegation with the Speaker who retains the final authority on whether or not the allegation will be addressed. The Commissioner will also be provided with a copy of the allegation.

If the Speaker decides that the allegation will be investigated, the Director of Human Resources at the Legislative Assembly Service will initiate the process to engage an external subject matter expert who, once engaged, will be provided with a copy of the allegation.

The subject matter expert, in consultation with whoever is deemed necessary, and in consideration of whatever documents are necessary, will make the determination if the allegation falls within the purview of the Standards of Conduct Policy and whether or not the Commissioner's behaviour or actions represents a breach of the Standards of Conduct policy.

The external subject matter expert will provide their final report to the Speaker of the Legislative Assembly of Saskatchewan who, in consultation of whomever they deem necessary, will decide on how results of investigation will be handled or responded to.

If the Speaker decides that the allegation will not be investigated, the person who brought the information forward shall be advised in writing of the rationale for that decision.

Bad Faith Complaint

A bad faith complaint is a complaint made frivolously, maliciously, or without factual basis. A bad faith complaint may constitute defamation, may be actionable by the person being accused and may result in disciplinary action, up to and including dismissal. Allegations of inappropriate behavior should be undertaken with great care because they may result in pain and damage to an employee's reputation and disruption in the workplace.

How should employees serve the IPC?

1. Loyalty

IPC employees have a duty of loyalty to the IPC as their employer. The duty of loyalty requires IPC employees to serve the IPC to the best of their ability.

2. Impartiality

The honesty and integrity of the IPC demands that the impartiality of employees, in the conduct of their duties, be above suspicion. Employees have a principal responsibility to provide effective support and assistance to the IPC, the public, public bodies and Members of the Legislative Assembly (MLAs). An employee's views on particular matters might differ from those of the elected government or the opposition, but such views must not interfere with the performance of their duties.

An employee is required to:

- Be impartial in their treatment of citizens, public bodies and all MLA's, and provide accurate information to the public, public bodies and MLAs equally.
- Provide to the IPC advice that is frank, independent, based on an accurate representation of the facts, and as comprehensive as possible.
- Maintain complete confidentiality in relation to the information an employee provides to, and receives from, citizens, public bodies and MLA's.

2.1 Community Participation

Employee involvement with community based organizations, including any online community involvement, or attendance at public functions, which could be viewed as being "political", can compromise the real or perceived impartiality of that employee. When the impartiality of the IPC employee is compromised, not only is their ability to serve the IPC impaired, but the reputation of the IPC also suffers.

As a general rule, employees should recuse themselves and/or not participate in community based activities involving public engagement with partisan political parties and/or their representatives. Please see the "Political Neutrality Declaration" form for further information on this topic.

When an employee is in doubt as to whether or not they may be in a conflict of interest situation with respect to community participation, they will discuss it immediately with their respective supervisor, who will review the nature of the activity in consideration of the policy. The Supervisor will consult with the Commissioner if they are unsure of policy or past practice with respect to the questionable type of employee involvement in community activity. Once the supervisor has concluded their research, they shall advise the Commissioner of the situation and the Commissioner shall decide whether a conflict of interest situation exists.

2.2 Public Comment

An employee should ensure that any public comment they engage in does not conflict with their duty to serve the public, public bodies and MLA's in a politically impartial manner or be of the nature or kind of public comment that the employee's political impartiality or perceived impartiality is compromised.

Public comment includes public speaking engagements, comments to journalists, statements on radio and television or letters to newspapers, as well as expressing views in books, journals, on social media, blogs, internet chat rooms, and notices. Publication and commentary on social media carries similar obligations to any other kind of publication or commentary. If a post would violate any of IPC's policies in another forum, it will also violate them in an online forum.

Only the Commissioner, or other designated employee, will make statements in an official capacity for the IPC. An employee must not make public comments on issues relating to the IPC unless they have been specifically authorized to do so by the Commissioner.

3. Confidentiality

Confidential and/or sensitive information that employees receive through their employment must not be divulged: employees must not talk about this information outside the workplace and must not pass it on to anyone other than those who are authorized to receive the information. An employee who is in doubt as to whether a piece of information is confidential must ask their supervisor, or the Commissioner before sharing it publically. Caution and discretion extends to ensuring employees are using practices that will ensure the confidential handling and storage of confidential information (i.e. sensitive computer files password protected, documents stored or locked away overnight, or when out of the office.)

Confidential information that an employee acquires through their employment must not be used for the purpose of furthering any private interest or for personal gain.

4. Professional Integrity

The people of Saskatchewan are entitled to expect the business of the IPC to be conducted with efficiency, economy, fairness, impartiality and integrity. Employment with the IPC carries with it a particular obligation to the public interest. Employees are expected to meet a

standard of professional behavior that promotes and maintains public confidence and trust in the work of the IPC. This includes treating colleagues, citizens and public bodies with courtesy and sensitivity, ensuring that an employee's actions do not compromise the reputation of the IPC.

4.1 Positive Work Environment

The IPC expects that the behavior of all employees reflects a professional attitude. Employees are expected to maintain a positive work atmosphere by acting and communicating in a manner that is respectful of citizens, public bodies and co-workers. A respectful environment is one where all people feel safe and valued, and an environment that is focused on one's work not their personal attributes or activities. A positive work environment is one in which each employee refuses to engage in, or stand silently by as a witness to, rumors or gossip, sarcastic interactions, the ridiculing or criticism of others, intimidation or ostracism of people, or any other behaviors which a reasonable person would know are disrespectful and could be hurtful in impact. Treating others with disrespect may be construed as personal harassment and this type of behavior will not be tolerated in the IPC. See Policy #2.03 – Anti-Harassment and Respectful Workplace for further information and detail regarding personal harassment.

4.2 Responsibility to Citizens and Public Bodies

An IPC employee is expected to stay up to date and be informed on legislation, policy, and guidelines affecting their role to ensure that they provide accurate information and/or advice to citizens and public bodies. At all times, employees will abide by lawful and reasonable directions, policies, procedures, and the law.

4.3 Tolerance

The conduct and language of an IPC employee in the workplace must meet acceptable social standards and must contribute to a positive work environment. An IPC employee should always act in a manner that is inclusive, tolerant, and respectful of people.

4.4 Attending Functions

Employees need to exercise discretion when attending private functions or celebrations held in the IPC office. Employees are expected to conduct themselves in a professional manner while attending any function.

4.5 Drugs and Alcohol

Employees must not arrive or remain at work, or undertake any work related activity if adversely affected by the consumption of alcohol or other drugs. An employee may be directed to stop work or leave the workplace if they are affected by alcohol or drugs to the detriment of their work.

If the use of alcohol or drugs is causing an employee personal or professional problems, he or she has access to employer-sponsored professional support and counseling through the [Employee and Family Assistance Program](#).

4.6 Making Representations to Members and Ministers

If an employee wishes to meet with or make a representation to a Member or a Minister on a personal issue, they should approach them as a constituent in the same way that any other constituent would initiate contact. An employee should not approach Members or Ministers for a private purpose through their official role.

5. Conflicts of Interest

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties and responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise the public's confidence in the employee's ability to discharge work responsibilities or the trust that the public places in the office of the IPC.

An employee has a responsibility to ensure that his or her personal interests (financial or non-financial), associations, and activities do not conflict with their duties. An employee should discuss with their supervisor and the Commissioner any actual, potential, or apparent conflict of interest as soon as they become aware of it so that an informed decision can be made about the action to be taken. As a normal course of business, the Executive Director of Corporate Services should be consulted when dealing with these types of decisions.

See Policy #2.02 - Conflict of Interest for details on conflict of interest situations. The conflict of Interest Policy contains policy including, but not limited to:

- Acceptance of gifts,
- Outside employment,
- Post-separation employment.

6. Value for Money

Employees of the IPC should seek to ensure the people of Saskatchewan are receiving value for the public money that has been entrusted to the IPC. Employees are expected to use IPC resources economically and should avoid any action or situation which could create the impression that IPC property, equipment, services or facilities are being used by employees or any other person, for private benefit.

IPC resources such as (but not limited to) office equipment, stationery, telephones (land and cell) or computers, should only be used for official purposes. However, it is recognized that occasional personal use will occur in a limited manner. For example, local private telephone calls, faxes, emails and use of internet. See IPC Policy 3.10 – Use of Office Issued Iphones and 2.04 - Information Technology Resources for details regarding appropriate usage of IPC computer systems.

7. Accountability

All IPC employees must accept responsibility for their own acts and omissions. If an employee is directed to perform actions which they believe to be illegal or improper, they should query them, and if the employee still feels the directions are inappropriate, may refuse to perform them, and explain why.

7.1 Managerial and/or Supervisory Leadership

Supervisors within the IPC are expected to set the example and support the development of a culture which values honesty, integrity and accountability.

Supervisors are also responsible for acts or omissions of those staff if those acts or omissions are so serious, repeated or widespread that a supervisor should have known of them and corrected them. A supervisor is expected to ensure that employees under their supervision understand what their duties are, how they are expected to perform them, and what results are expected.

7.2 Allegations of Wrongdoing

Any employee who has knowledge of a suspicious incident within the IPC, which may involve a fraud (such acts as theft, false representation, misappropriation, bribery or corruption) or similar illegal act, shall report it immediately to their supervisor or the Commissioner. This includes incidents which involve an employee, a citizen, public body, a supplier, a contractor or other third party.

Employees with knowledge of a suspicious incident within the IPC, which may involve a fraud or similar illegal act, should contact their supervisor or the Commissioner. Where there is reason to believe an employee's supervisor may be involved, the employee should contact the Commissioner directly. If the Commissioner is involved, report the matter to the Executive Director of Corporate Services who will forward it to the Speaker.

Employees reporting serious incidents under this policy should treat the matter as confidential and not discuss it with anyone other than their immediate supervisor, the Commissioner or the Speaker. A formal response (e.g. investigation) into an allegation of wrongdoing requires a written statement from the person making the allegation.

Reasonable measures shall be taken to maintain confidentiality and to protect, to the extent possible, the identity of employee(s) reporting suspected fraud or similar illegal acts.

No employee who has acted in good faith shall be subject to any reprisal for reporting, or proposing to report, a suspected fraud or similar illegal act. However, any malicious unfounded reports will be reviewed and considered for appropriate discipline of the reporting employee.

Where an employee believes that the matter has not been properly resolved, the employee may then refer the allegation to the Speaker and/or to the appropriate legal authority.

8. Sanctions for Breaches

Sanctions may be applied if an employee's conduct breaches these Standards of Conduct. Depending on the severity of the breaches and the impact on the IPC, an employee may be subject to disciplinary action including dismissal.

Authority

The Freedom of Information and Protection of Privacy Act, section 43.1

Influencing Sources

The Public Service Act, 1998

Saskatchewan Public Service Human Resource Manual, Section 804

Legislative Assembly Service Human Resource Policy 2.1

IPC Policy 2.02 Conflict of Interest

IPC Policy 2.03 Anti-Harassment and Respectful Workplace

IPC Policy 2.04 Information Technology Resources

IPC Guidelines for Internal Social Media Policy 2.07