

23-399 – link for critical incident

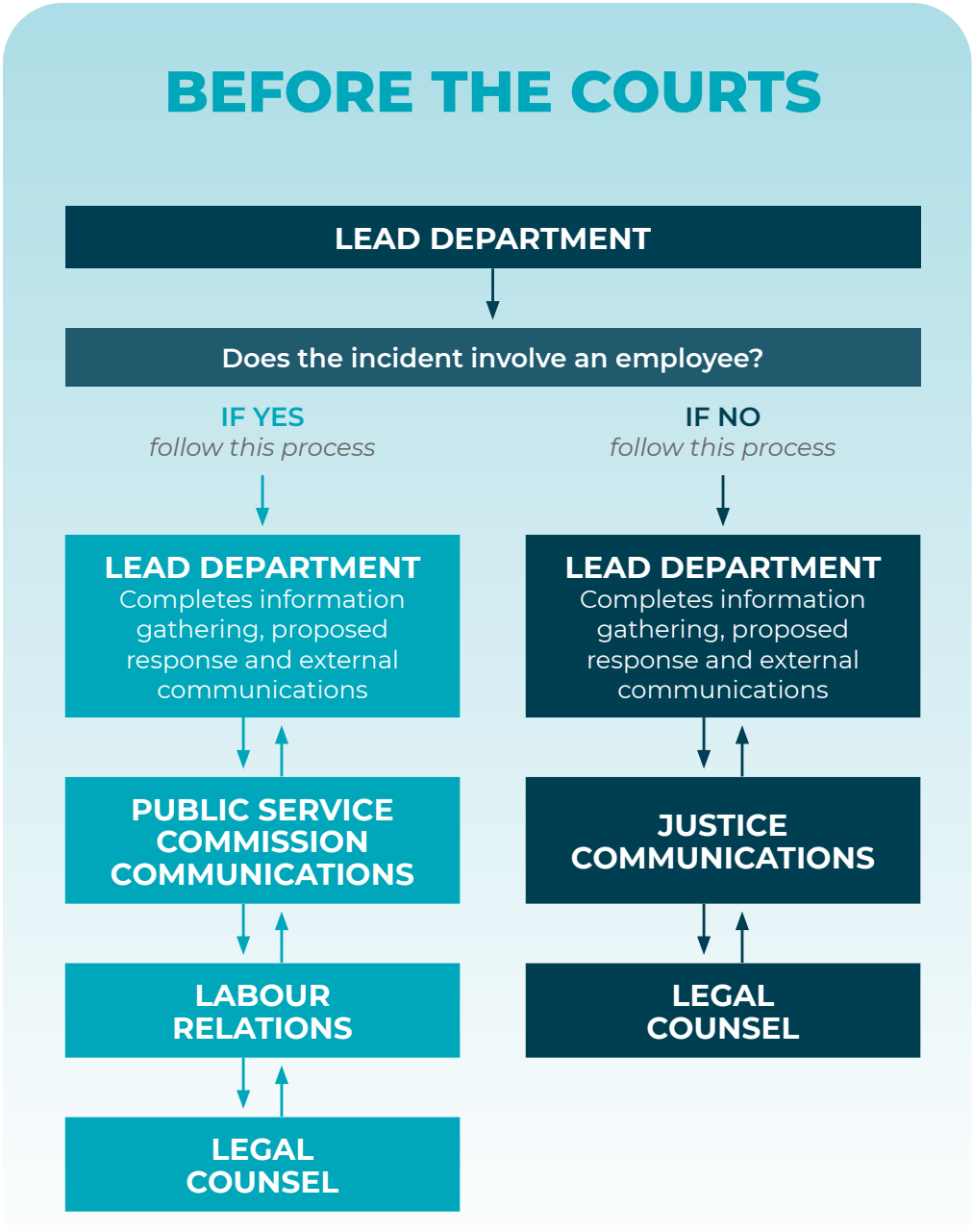
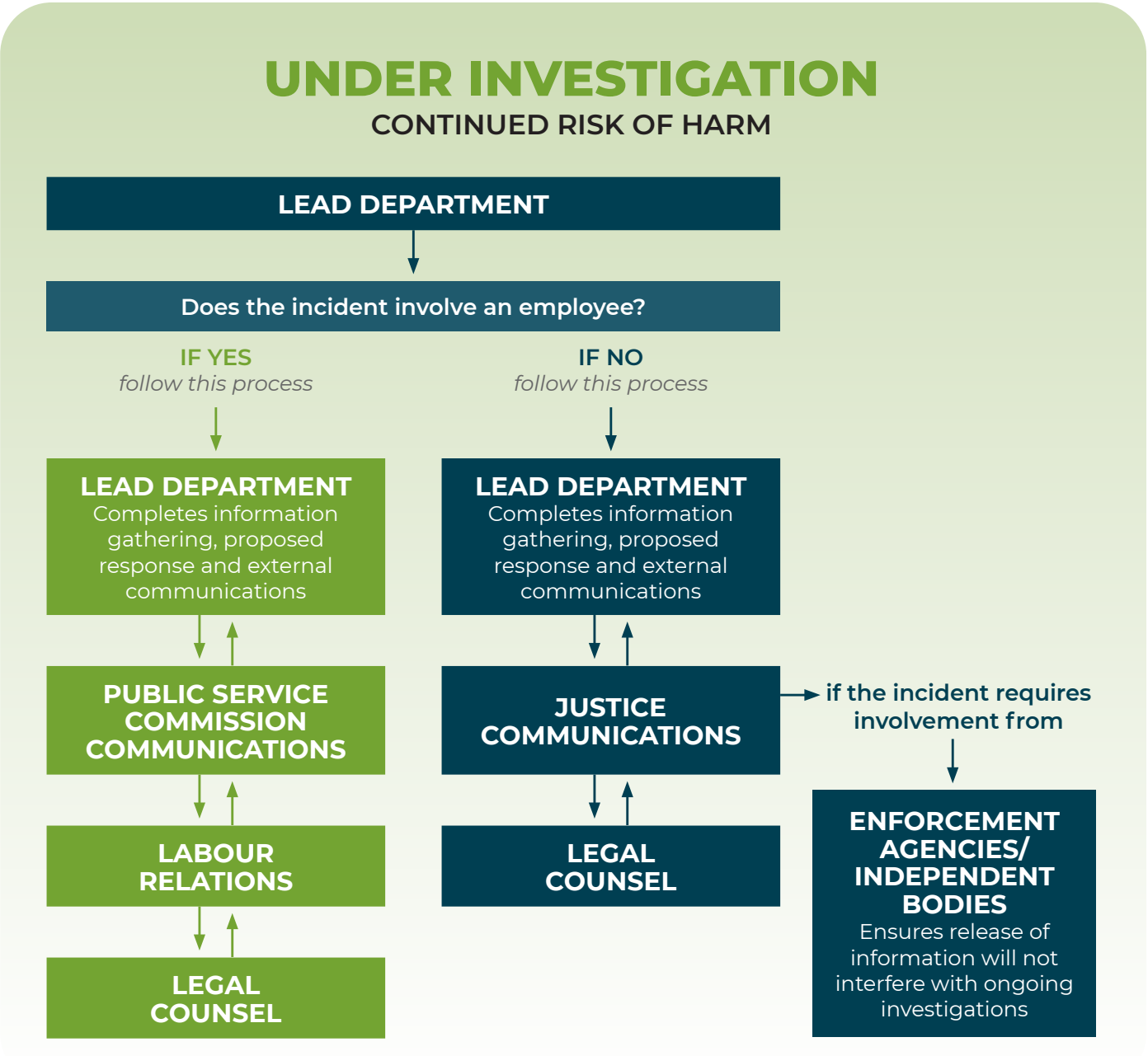
<https://yukongovernment.sharepoint.com/SitePages/Critical-Incident.aspx>

DEFINITIONS

What is a critical incident?
A “critical incident” is any actual or alleged event or situation that creates a significant risk of substantial or serious harm to the physical or mental health, safety or wellbeing of an individual or group of individuals.

What is criminal law?
Criminal cases are *always* started by the state (either a provincial or federal government). Criminal cases are prosecuted by the state in the name of the King, and can easily be recognized by the name of the case, because the state will always be named in the action as “Rex”, “R.” or “His Majesty the King”.

EXTERNAL COMMUNICATIONS FOR CRITICAL INCIDENTS



CONSIDERATIONS

- For employee incidents, ensure the lead department Human Resources is aware of the matter.
- Clearly identify the intended audience of the messaging.
- When obtaining advice from PSC or Justice, ensure they are aware of the context, privacy considerations and any other important information.
- Advice from counsel, PSC and other specialists should be provided to the decision maker.

Responding to critical incidents

Internal communications

Purpose

To ensure all necessary decision-makers within the Government of Yukon are made aware of and can properly respond to a variety of critical incidents of a criminal nature involving individuals employed by the Government of Yukon and members of the public such as clients accessing government services and individuals under its care.

In the event of a critical incident, or series of incidents, public servants have a duty to ensure that a multidisciplinary, collaborative approach is taken to provide timely, appropriate supports to individuals and communities. This guidance will help support a coordinated and victim-centred response from government and external organizations.

These guidelines are intended to serve as a living document and will be subject to revision as the Yukon government gains further experience responding to critical incidents using this approach.

Definition of a critical incident

Any actual or alleged event or situation of a criminal nature that creates a significant risk of substantial or serious harm to the physical or mental health, safety or wellbeing of an individual or group of individuals.

Critical incidents in this context may concern matters related to possible criminal conduct, allegations or investigations. The definition of a critical incident does not include routine operational matters involving government employees whose role is to assist individuals involved in critical incidents (e.g. victims services workers, probation officers, social workers, corrections officers, operational accidents or disasters that affect highway users, etc.).

This critical incident definition and guidance stands alongside other guidance which exists within departments where sometimes the terms 'critical incident' and 'serious incident' are used interchangeably; however, in some cases, there is a clear delineation between the two stemming from operational protocols (e.g. under the *Worker's Safety and Compensation Act*, there is a clearly defined serious incident reporting process for situations such as serious injury or worker death, which is unrelated to the scope and definition of critical incident contained in this guidance. As well, the Department of Justice uses the term 'serious incident' in another highly prescribed way, which is separate and apart from this government-wide corporate guidance).



Guidance

Initial critical incident occurrence

When a manager becomes aware of a situation that may lead to criminal charges against an employee of YG, civil court challenges, or significant safety risks to employees or members of the public, the attention of any public oversight body (privacy commissioners, ombudsman, advocates) that manager shall initiate the following process for timely and comprehensive internal communications and involvement of the Critical Incident Group:

- The employee will immediately notify their supervisor.
- The supervisor will immediately notify their Assistant Deputy Minister (or equivalent supervisor) and Human Resources Director.
- The department will prepare an Issue Alert, Information Note or equivalent to inform the Deputy Minister of the Executive Council Office and the interdepartmental Critical Incident Group (CIG), other affected departments and the Cabinet Office. The department's Assistant Deputy Minister will lead this process, with support from their communications team.
- The Assistant Deputy Minister will brief the department's Deputy Minister and senior management team as soon as is practicable.

Important note: Reporting departments are obligated to notify the Executive Council Office Deputy Minister as well as CIG members of all critical incidents, but will ensure they do so consistent with existing privacy legislation (HIPMA/ATIPP) and with a view to protecting the privacy rights of any potential victims.

On-going response and management of critical incidents

Ensuring broad awareness internally of the details of a critical incident is the starting point. From there, additional coordination and support from key departments is required to manage an effective critical incident response, which may extend weeks, months or even years beyond the initial incident.

If a determination is made to activate and involve the Critical Incident Group at the onset of a critical incident, or at key inflection points thereafter, that team will help guide government actions and response recommendations, including the development of a response plan and the facilitation of legal counsel and inter-departmental guidance as required.


Support from the Critical Incident Group

The Critical Incident Group (CIG) is made up of ADMs from six key departments including the departments of Health and Social Services, Justice, Public Service Commission (PSC), Community Services, the Executive Council Office (ECO) and Education.

Each department will be responsible for maintaining the contact list with their designated Assistant Deputy Minister. The list will be maintained on the CIG intranet page along with the Terms of Reference and other relevant materials. ECO and PSC will co-chair the CIG until the group first convenes. The department reporting the incident [the “lead department”] would also be included in any decision making undertaken as part of the response. The lead department will provide updates, outline initial steps taken and articulate potential supports needed to the CIG members in order to facilitate timely response and coordination.

Further, this guidance document supports public servants to fulfill obligations outlined in the General Administration Manual communications policy 1.3, including section 1.4.3 “A responsible public service”, which states: all staff preparing communications are responsible for consulting and using existing policies and guidance on communication activities, and seeking advice to navigate complex and competing legal requirements.

This guidance also supports the fulfillment of obligations under communications policy section 1.4.8 “Emergency communications and critical incidents”, which states: preparing communications to support an emergency response to critical incidents requires staff to balance the duty to inform with the need to respect constraints that may exist when matters are under investigation or before the courts. Decisions on how to manage critical incident communications should be made in accordance with department direction, available corporate guidance, legal advice and advice from relevant government committees.



Another corporate guideline of importance is the [Guidelines to Disclosing Wrongdoing](#) stemming from the *Public Interest Disclosure of Wrongdoing Act*. Wrongdoing under the Act in part means “doing something that creates a substantial and specific danger to people”. There is a clear pathway to support employees coming forward to make a disclosure if they reasonably believe that a serious wrongdoing has occurred.

Protocol

Once in receipt of an Issue Alert or Information Note, the Deputy Minister of ECO will, in consultation with CIG Deputies, make a determination as to the risk rating and therefore whether the CIG will convene and undertake further action.

The Issue Alert or Information Note shall contain a recommendation for severity (see definitions below).

The standardized scale for risk rating includes:

Red – Severe risk: Incident and its severity require immediate action. Upon deputy direction, CIG should convene immediately. All impacted YG departments to be notified by forwarding an Issue Alert or equivalent. Additional resource mobilization and actions expected.

Orange – High risk: Incident has the potential to escalate and require near-term action. Identifying department will gather more information. CIG is on standby to assist if deputy direction received. Issue Alert may be shared with all or affected departments only.

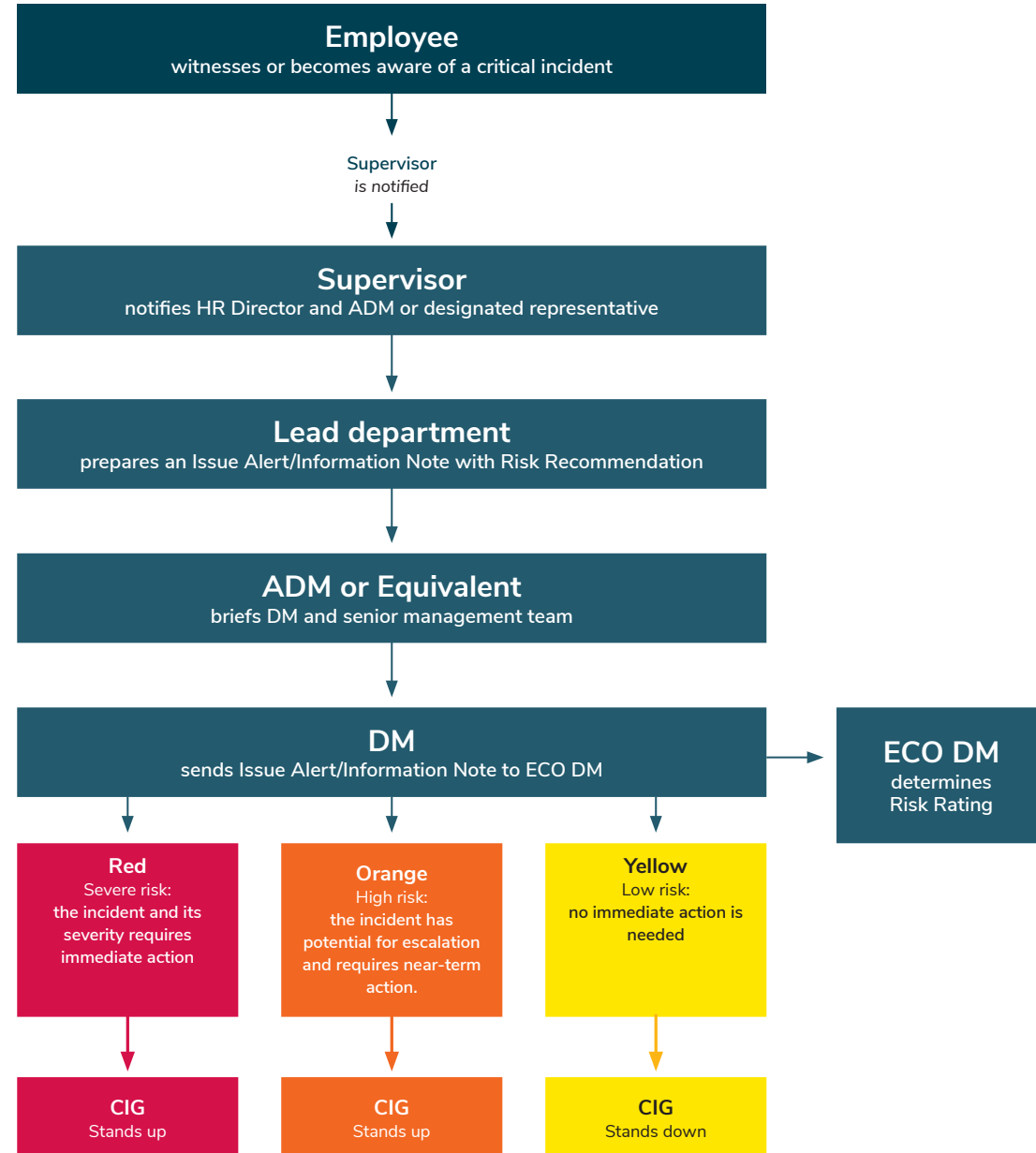
Yellow – Elevated risk: No immediate action needed. Issue Alert is for awareness and may be shared with CIG and other departments. Identifying department is the lead. Incident under control.

Other response measures and communications decisions about an incident will be led by the impacted department(s) in coordination with the CIG. Supporting partner departments on the CIG will recommend additional supports or actions consistent with their mandate, an effective whole of government response and with the focus on safety and preventing further harm.

If the Critical Incident Group is activated, it will advise on further actions and communications responses.

The lead affected department will make the final determination on response measures with on-going support from CIG.

Internal communications for Critical incidents



Responding to critical incidents

External communications

Introduction

A “critical incident” is defined as any actual or alleged event or situation that creates a significant risk of substantial or serious harm to the physical or mental health, safety or wellbeing of an individual or group of individuals.

This document is intended to provide departments with guidance on preparing external communications for critical incidents. While each incident is unique, all critical incidents require a timely response that reflects the urgency of the circumstances specific to that incident and that recognizes the need to protect the public safety.

When formulating briefing materials or public-facing response, the privacy of those involved in the incident, the risk of interfering with an active investigation or the legal consequences of communicating details of an incident are important considerations. Further, it is essential for decision makers to be fully briefed on the facts of the incident and any legal risks or implications in order to make informed decisions concerning communications.

While each lead department will follow its own internal approval process, its response may benefit from advice provided by the Public Service Commission or the Department of Justice. The attached flow chart provides guidance on how and when to seek advice. It is important to note that the decision on how and what to communicate rests with the lead department, further the lead department is responsible for completing the external communications.

What is criminal law?

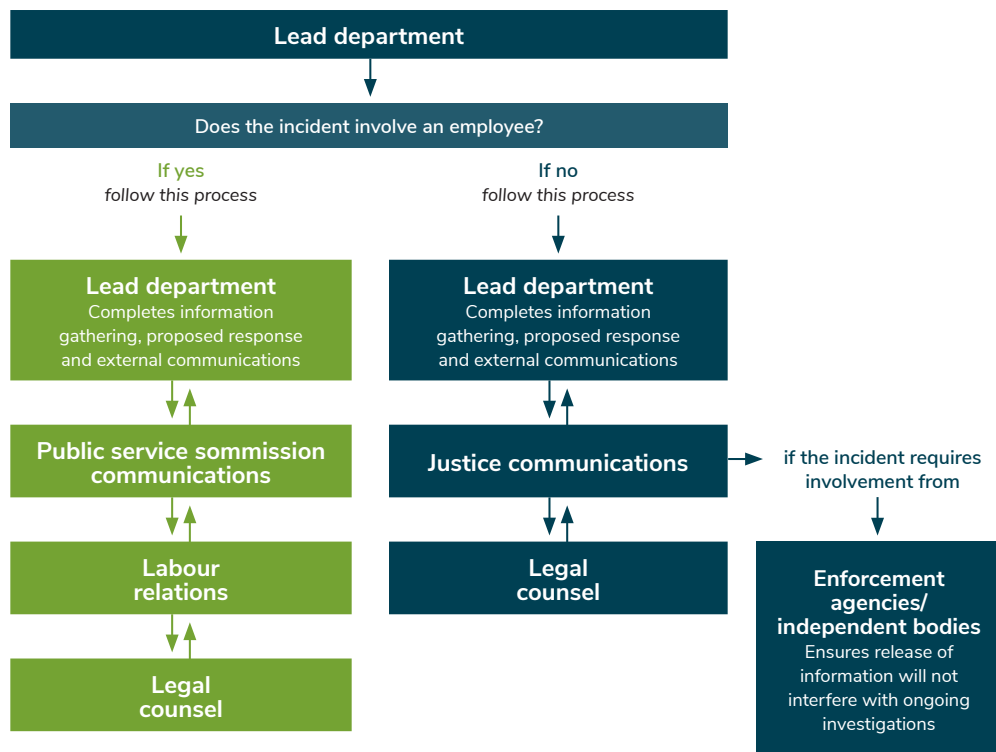
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External communications for Critical incidents

Under investigation

continued risk of harm



Before the courts



Considerations

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