

## Yukon Corrections: Adult Custody Policy Manual

Section:	<b>E Staff Services and Programs</b>	Effective Date:	January 1, 2012
Number:	<b>E 1 Staff: General</b>		
Item:	<b>E 1.1 Staff Conduct: Authority</b>		
Approved by:	<i>T. Rätel</i>	Revised:	March 6, 2013

### STATEMENT OF POLICY

This policy describes the authority to establish and maintain staff conduct.

### AUTHORITIES


Corrections Act 2009: sections 2(f), 6  
Yukon Human Rights Act  
Community Justice and Public Safety Code of Conduct

### DEFINITIONS

### PROVISIONS

1. The Director of Corrections will establish and maintain rules of staff conduct that apply to all staff of the Corrections Branch.
2. The rules of staff conduct must meet the following standards:
  - 2.1. they are clear in their language and direction;
  - 2.2. they prohibit or regulate staff conduct where that conduct is related to:
    - 2.2.1. the ability of staff to perform their lawful duties;
    - 2.2.2. the willingness of other employees to work with an employee;.
    - 2.2.3. the reputation of the employer with the public and with other justice system agencies;
    - 2.2.4. the trust relationship with the employer and the public at large;
    - 2.2.5. the level of expectation that goes with the status of a Peace Officer.
  - 2.3. they are consistent with the Principles of Corrections that are set out under section 2 of the *Act*;
  - 2.4. they are available to all staff of the branch.
3. All staff must receive notification of the rules of conduct:
  - 3.1. when they commence employment with the Corrections Branch;
  - 3.2. at any time that the rules are altered in any substantial way.
4. The Person In Charge may discipline staff members who breach the rules of conduct.

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5. The Person In Charge may discipline staff for off-duty conduct if it meets one or more of the tests in policy E 1.2 Rules of Staff Conduct.
6. All staff are required to review the rules of staff conduct and ensure that they understand them.

### **Criminal charges**

7. The Person In Charge may discipline staff for being charged with a criminal offence.
8. The Person In Charge will review the employee's criminal charge in accordance with the following guidelines:
  - 8.1. the nature and seriousness of the criminal charge;
  - 8.2. whether the charge occurred in the course of employment with the branch;
  - 8.3. any explanation or statement of mitigating factors provided by the employee for the charge;
  - 8.4. whether the employee is remanded into custody or sentenced to probation, conditional sentence, a custodial term or subject to future legal proceedings;
  - 8.5. the impact that the criminal charge may have on the employee's abilities to perform his or her duties and responsibilities;
  - 8.6. the impact that the criminal charge may have on other employees and on the interests of the department;
  - 8.7. the employment record of the employee;
  - 8.8. the existence of a prior criminal record of the employee, subject to the provisions of the *Yukon Human Rights Act*.
9. The Person In Charge will inform the Director of Corrections in all cases where an employee is charged with a criminal offence.
10. The Person In Charge will ensure that decisions involving employees charged with or found guilty of criminal offences will be based on a comprehensive evaluation of all relevant and available information and on the real or potential effect on the employer's reputation.
11. The Person In Charge will evaluate cases involving employees charged with or found guilty of criminal offences in terms of their ability to fulfill their duties and responsibilities, including:
  - 11.1. they are detained pending legal proceedings or have been sentenced to a custodial term or community supervision;

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- 11.2. they have breached the position of trust that is an intrinsic part of employment in the Public Service or have committed a breach of the employer-employee relationship; and/or
- 11.3. whether they are able to maintain a satisfactory working relationship with peers and/or offenders in their care.
- 12. The Person In Charge will ensure that any decision with respect to disciplining staff who have been charged with a criminal offence is not contingent on the finding of the court in the matter.

### RELATED POLICIES & DIRECTIVES

- E 1.2 Rules of staff conduct
- E 2 Uniforms and Badges

### HISTORY

## Yukon Corrections: Adult Custody Policy Manual

Section:	<b>E Staff Services and Programs</b>	Effective Date:	January 1, 2012
Number:	<b>E 1 Staff: General</b>		
Item:	<b>E 1.2 Rules of Staff Conduct</b>		
Approved by:		Revised:	December 12, 2016

### STATEMENT OF POLICY

This policy describes the rules of conduct that apply to Corrections Branch staff.

### AUTHORITIES

Canadian Charter of Rights and Freedoms

Corrections Act 2009: sections 2, 6

Criminal Code

Public Service Act

Yukon Human Rights Act

Community Justice and Public Safety Code of Conduct

Government of Yukon Conflict of Interest Guidelines

Collective Agreement between the Government of Yukon and the Public Service Alliance of Canada


### DEFINITIONS

PSAC: Public Service Alliance of Canada

### PROVISIONS

1. These rules of staff conduct apply to all employees of the Yukon Corrections Branch.
2. All staff are required to comply with the Principles of Corrections under sections 2 and 6 of the *Act*.
3. All employees of the Corrections Branch are also subject to policies and legislation that apply to Government of Yukon employees.
4. The Person In Charge will ensure that all employees are informed and advised of the rules of staff conduct.
5. All staff have a duty to comply with legislation and policy that has specific application to corrections employees, including but not limited to:
  - 5.1. *Canadian Charter of Rights and Freedoms*;
  - 5.2. *Criminal Code*;
  - 5.3. *Public Service Act*;
  - 5.4. *Yukon Human Rights Act*;
  - 5.5. *Yukon Corrections Act* and Regulations;

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- 5.6. Government of Yukon, Conflict of Interest Guidelines;
- 5.7. Yukon Government/PSAC Collective Agreement.
- 6. All staff occupy positions of public trust and must conduct themselves in a responsible and law-abiding manner at all times.
- 7. All staff will maintain an acceptable level of competence and fitness to ensure that they are able to perform all aspects of their duties and responsibilities as Peace Officers in a corrections environment.


### Integrity

- 8. All staff will communicate with and act towards all people with respect, courtesy and professionalism.
- 9. All staff will conduct themselves in a manner — both on duty and off duty — that will not damage their reputation or that of the Corrections Branch.
- 10. Staff must not engage in business transactions with clients nor establish personal relationships with clients.
- 11. Staff must not take any action or do anything that will provide them with personal gain at public expense.
- 12. Staff will immediately advise the Person In Charge if they become associated with clients or recent clients of the Corrections Branch including:
  - 12.1. incidental or unplanned contacts;
  - 12.2. contacts through volunteer work or community or school functions;
  - 12.3. persons who are family or friends; or
  - 12.4. as part of their job responsibilities.
- 13. Staff must not engage in political activities while at work or use Government of Yukon resources for these activities.
- 14. Staff will not respond directly to media inquiries.

### Professionalism

- 15. All staff will treat inmates and other clients with respect for their social, ethnic and cultural backgrounds.
- 16. Staff will not act in a manner that would reasonably be known to cause humiliation or embarrassment to an inmate or other client.
- 17. Staff will communicate and conduct themselves in a manner that displays respect for Yukon First Nations cultures, traditions and practices.

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18. Staff will dress and conduct themselves in a manner that is appropriate for their working environment and consistent with reasonable public expectations of dress and behaviour in professional and public offices and facilities.
19. Staff will act in a manner that supports a respectful workplace.

### Service to the public

20. While off duty, staff will not:
  - 20.1. engage in any activity or work that could impede or otherwise be detrimental to the effective, safe and productive operation of the workplace;
  - 20.2. be charged with a criminal offence;
  - 20.3. conduct themselves in a manner that would reasonably be known to be harmful to the reputation of the employer with the public or with other justice system agencies;
  - 20.4. represent themselves as a corrections employee when expressing their personal or political views in a public forum; or
  - 20.5. conduct themselves in a manner that will interfere with their ability to carry out their lawful duties or cause substantial discomfort to other employees.
21. While on duty, staff will adhere to the terms and conditions of their employment, including:
  - 21.1. correct use of leave for illness or other cause;
  - 21.2. avoidance of union activities;
  - 21.3. use of government information networks and computers;
  - 21.4. use of personal equipment such as cell phones while at the workplace.
22. Staff will not come to work if intoxicated or when displaying signs of recent intoxication.
23. Staff will not become intoxicated while wearing their uniform.
24. Staff will not drink alcohol while on duty, take illegal drugs at any time or bring those items into the work place.
25. Staff using any medication that may reasonably impede or affect performance of their regular duties must advise the Person In Charge before reporting for duty.
26. Staff will not communicate or act in a manner that may reasonably be seen as an attempt to impose their religious, political or other personal views on staff, inmates or other clients.



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27. Staff will take all necessary action to prevent and report any violation or potential violation of law or professional misconduct on the part of staff, inmates or other clients.
28. Supervisors must take prompt action when they observe or are made aware of conduct that is contrary to these rules of staff conduct.
29. Staff will not do anything that interferes with their ability to pass a security check during their employment.
30. Any staff member who becomes aware of facts that will interfere with their ability to pass a security clearance will report the circumstances to the Person In Charge immediately.

### **Employees charged with, or found guilty of criminal offences**

31. An employee who is charged with or found guilty of a criminal offence must notify the Person In Charge without delay. Information provided by the employee will include:
  - 31.1. the nature of the offence;
  - 31.2. whether the charge arose in the course of employment with the Corrections Branch;
  - 31.3. the scheduling of any future legal proceedings in the matter.

### **Employees required to testify in court**


32. If an employee is notified that he or she has to testify in court, they will inform their Supervisor forthwith.
33. Whitehorse Correctional Centre requires that staff be subpoenaed to testify in court. If the employee has not received a subpoena, they should also advise their Supervisor of this.
34. Supervisors will make every effort to ensure that a staff member is properly prepared to testify in Court through liaison with the Office of Public Prosecutions.

## **RELATED POLICIES & DIRECTIVES**

- E 1.1 Staff Conduct: Authority
- E 2 Uniforms and Badges

## **HISTORY**

## Yukon Corrections: Adult Custody Policy Manual

Section:	<b>E Staff Services and Programs</b>	Effective Date:	July 29, 2013
Number:	<b>E 1 Staff: General</b>		
Item:	<b>E 1.8 Respectful Workplace Conduct and Reporting Protocol</b>		
Approved by:		Revised:	June 14, 2017

### STATEMENT OF POLICY

This policy sets out the protocols for respectful conduct in the workplace and for the reporting of an incident of disrespectful conduct.

### AUTHORITIES

Corrections Act Regulations 2009: section 8(1)(c)

Yukon Respectful Workplace Policy: 3.47

Yukon Human Rights Act: section 7

The Collective Agreement between Government of Yukon and the Public Service Alliance of Canada: Article 6, Disrespectful Conduct

Community Justice & Public Safety Code of Conduct

### DEFINITIONS

*Disrespectful Conduct*: Improper behaviour by a person employed in the Government of Yukon that is directed at, and offensive to, another person employed in the Government of Yukon, and which the first person knew or ought reasonably to have known would be offensive. Disrespectful conduct includes objectionable conduct, comment or display that could reasonably be expected to demean, belittle, or cause personal humiliation or embarrassment to the recipient.


*Sexual Harassment*: Any conduct, comment, gesture, display or contact of a sexual nature that might reasonably be expected to cause offense or humiliation, or that might reasonably be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

### PROVISIONS

1. Under Government policy, deputy ministers and employees in a managerial or supervisory role are required to take appropriate preventive or corrective action in addressing disrespectful conduct whether or not a formal complaint is filed with Yukon Employees Union or the Respectful Workplace.
2. Whitehorse Correctional Centre will not tolerate disrespectful conduct in the workplace.



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3. The Incident Reporting Protocol recognizes the employer's responsibility in preventing workplace disrespectful conduct; in educating employees on acceptable conduct; and in addressing incidents affecting any employee, through a formalized incident investigation and reporting process.
4. The Incident Reporting Protocol conveys to employees that the employer regards disrespectful conduct as a threat to the well-being of all employees and is detrimental to the workplace in general.
5. The Protocol ensures that employees have a process in place to bring forward incidents as well as general concerns about workplace behaviour. Employees may come forward in confidence and with the understanding that complaints will be treated seriously and in a timely manner.
6. The Protocol ensures that:
  - 6.1 incidents are addressed quickly and formally;
  - 6.2 incidents are documented; and
  - 6.3 steps are taken to reduce or eliminate reoccurrence of the same type behaviour that gave rise to a complaint.
7. A formal protocol and investigation process to ensure an immediate and appropriate response to inappropriate conduct in the workplace which will contribute to a respectful work environment.
8. The protocol does not restrict in any manner an employee's rights to file a formal grievance under Article 6 of the Collective Agreement or to file a formal complaint of disrespectful conduct or to seek informal resolution under Policy 3.47 – Respectful Workplace.

### Investigation

9. Not all incidents will require a full formal investigation; some may be resolved by formal apology, mediation, or conflict resolution.
10. All incidents will however, require a formal report of action taken and the outcomes of actions in response to the receipt of a complaint and of any other incident that become known to the employer.
11. Investigation will be undertaken by the manager assigned by the Deputy Superintendent.

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12. Investigation will be a priority for assigned managers and will be undertaken as soon as possible following the filing of a complaint.
13. A threat or perceived threat to personal safety will be investigated immediately.
14. Any employee who may be subject to discipline as result of a complaint has the right to have a union representative present during interviews.
15. Managers and supervisors will receive training in receipt of complaints in the investigations and preparations of reports. (Investigations and reports may result in formal discipline and will need to stand the test of the grievance process.)
16. Disrespectful conduct prevention and awareness is incorporated into correctional officer training to ensure staff understand expectations for a respectful workplace.

### RELATED POLICIES & DIRECTIVES

- E 1.1 Staff Conduct: Authority
- E 1.2 Rules of Staff Conduct

### HISTORY

Formerly E 1.9.

Includes former Standing Order – Workplace Harassment – Reporting Protocol