

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: EMPLOYEE DOCUMENTATION, OATHS AND PERSONAL INFORMATION

EFFECTIVE: August 22, 2023

## **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); No. 19-04 (April 2, 2019); and No. 23-15 (August 22, 2023).

### **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, disclosure, security, protection of privacy, retention, and disposal of employees' personal information;
- administration of oaths or affirmations of 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, disclosure, security, protection of privacy, 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 2.4 – Information Management Governance Policy
- 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 Association of Education Professionals
- 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**

**Record** means the same as in the *Access to Information and Protection of Privacy Act*.

**Department** means a department in the public service and includes an agency, branch, commission, board or corporation of the Government of Yukon.

**Personal information** means the same as in the *Access to Information and Protection of Privacy Act*.

**Official personnel file** means a file created and held by 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, qualifications, 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 personnel 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 AND 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 contact information for someone 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 person responsible for the record 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 acceptable method of providing documentation (for example, original or copy; paper or electronic).

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, or by the deadline specified by the hiring department. Some documents may be required before an offer letter will be issued.

3.3 If an employee is unable to provide a required document, they 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 their benefits being delayed or not processed.

3.4 Every employee is responsible for keeping their postal address and telephone number current with the PSC.

### Oaths

3.5 When they are newly appointed to or employed in a position in the public service, every employee must complete an oath of office in the form set out in the Schedule to this policy. The Public Service Commissioner has the authority to amend the text of the oath in the Schedule, as provided by section 69 of the *Public Service Act*.

3.6 An employee may take a solemn affirmation of office in the form set out in the Schedule to this policy, and the affirmation, taken before a notary public or other appropriate officer, will in all cases be accepted from the person in lieu of the oath and have the like effect of the oath.

3.7 An oath or affirmation of office must be completed on initial appointment to the public service, and after any break in service, with the exceptions of a second casual hire into the same position or a returning teacher-on-call.

3.8 Deputy heads for each department will manage the administration of the required oath of office for employees upon hire and will ensure the original record is forwarded to the PSC for retention on the employee's official personnel file.

3.9 The oath or affirmation of office will be administered by a designated Oath Administrator. Oath Administrators are required to be registered on the Yukon Registrar of Notaries as a Government Notary or have equivalent authority. They are responsible for ensuring the employee understands the oath/affirmation of office and how it relates to the ethical framework of the Yukon government public service and for ensuring the employee reads and signs the oath/affirmation.

3.10 The Oath Administrator will give the oath or affirmation of office to the employee on the first day of hire, or as soon as possible thereafter, and they will ask the employee if they would prefer to swear or affirm the oath.

## **4.0 OFFICIAL PERSONNEL AND PAYROLL FILES**

4.1 The PSC will maintain an official personnel file and an official payroll file on every employee.

4.2 Official personnel and payroll files are established at the time of hire for every employee and classified in accordance with GAM policy 2.15 – Security of Public Records.

4.3 Official personnel and payroll files are held by 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 personnel or payroll files of which the employee is unaware.

4.5 Upon request to the PSC, an employee is entitled to review their official personnel or payroll file or may request a copy of it. Reviews will ordinarily take place in the offices of the PSC.

4.6 An employee's official personnel and payroll files are retained by the PSC for one year following the employee's termination from Government of Yukon. The files are 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 their 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 Departments must send relevant employment records to PSC on an ongoing basis to be kept on official personnel or payroll files. PSC may issue guidance to departments on the types of records that should be forwarded to PSC for retention on an employee's official personnel or payroll file.

## **6.0 DISCLOSURE OF PERSONAL INFORMATION**

6.1 A public body may only disclose personal information about an employee if it is in accordance with section 25 of the *Access to Information and Protection of Privacy Act*. If an employee wishes to authorize the disclosure of their personal information to a third party, they must make a request in writing that specifies to whom the personal information may be disclosed.

6.2 Information about the job an employee is currently performing, its functions or salary range, or any other information that is considered public information (for example, business phone number) may be released without the consent of the employee.

## **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 policy 2.4 – Information Management Governance Policy
- Records Retention and Disposal Schedule Manual
- Collective Agreement – Government of Yukon and the Public Service Alliance of Canada
- Collective Agreement – Government of Yukon and the Yukon Association of Education Professionals
- Section M – Conditions of Employment for Excluded Groups

## **SCHEDULE: OATH OF OFFICE**

### **Oath of Office:**

As a member of the Yukon government public service, I [employee name], do solemnly swear that I will:

- Loyal serve Yukoners through their democratically elected government;
- Honour and abide by the Values & Ethics Code for Government of Yukon employees;
- Safeguard confidential information, not disclosing it without authority, and
- Perform my duties to the best of my ability.

So help me God.

### **Solemn Affirmation of Office:**

As a member of the Yukon government public service, I [employee name], do solemnly affirm that I will:

- Loyal serve Yukoners through their democratically elected government;
- Honour and abide by the Values & Ethics Code for Government of Yukon employees;
- Safeguard confidential information, not disclosing it without authority, and
- Perform my duties to the best of my ability.