



# Client Service Guidelines Risk Assessment and Responses

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Date



**Yukon**

*Education Health and Safety based on EMR source  
documents  
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## 1. Introduction

### 1.1. Authority

This guideline is authorized under General Administration Manual 3.48 – Corporate Health and Safety Policy, under s.2.5, which gives deputy ministers responsibility for developing and maintaining effective departmental health and safety management systems.

### 1.2. Objective

The following guidelines are adapted for Department of Education (Education) from a document produced for the Department of Energy Mines and Resources. The Education guideline was developed in consultation with health and safety committee, which includes members from units that interact regularly with the public.

The guidelines present a systematic approach to risk assessment that will assist employees and supervisors in determining appropriate responses and preventative measures for a range of interactions with clients.

Although the majority of the department has a role and responsibility to serve the public even when some of our interactions are challenging, we understand that some of these interactions cross a line. Our goal for these guidelines is to support staff in managing those interactions professionally and in a way that supports a healthy and safe work environment.

### 1.3. Consistent and fair treatment of clients

As public servants, Education employees have an obligation to serve the public.

In most situations, our interactions with the public are pleasant and courteous. However, in some cases employees will need to use active listening, respectful client communication strategies, and conflict resolution training to prepare for, reduce, and/or avoid negative interactions with clients.

## 2. Defining risk behaviors

### 2.1. Problematic risk behaviors

- a) **Bullying** – using aggressive behaviour, threats, or intimidation to belittle, influence, isolate or coerce an employee or to influence others against an employee; this could include using words, body language, gestures, public media or other means to intimidate.
- b) **Abusive or insulting language** – using disrespectful or insulting language, or excessive profanity towards an employee; this could include swearing, yelling, ridicule, or derogatory comments. It could also include conduct that would be considered discriminatory, under the Yukon Human Rights Act such as:
  - a) Conduct towards an employee that treats the employee unfavorably on any of the prohibited grounds set out in the *Yukon Human Rights Act*; and
  - b) Conduct of a sexualized nature that might reasonably be expected to cause offence or humiliation.

- c) Veiled threats – using threatening language or gestures, either explicit or without saying threatening things to an employee, but that can be understood as threatening (e.g., "I won't be responsible for your safety.", or "it would be in your best interests to change your mind while you still can.").
- d) Aggressive behavior – using dominating stature, body language, gestures or a confrontational tone or words to intimidate an employee (e.g., finger pointing in chest or entering an employee's personal space without being invited).

## 2.2. Potentially criminal risk behaviors

### a) Uttering threats

Section 264 of the Criminal Code of Canada makes it an offence for any person to *"knowingly utter, convey or cause any person to receive a threat*

- a) *to cause death or bodily harm to any person;*
- b) *to burn, destroy or damage real or personal property; or*
- c) *to kill, poison or injure an animal or bird that is the property of any person."*

### b) Assault

Under Section 265 of the Criminal Code of Canada *"[a] person commits an assault when*

- d) *without the consent of another person, he applies force intentionally to that other person, directly or indirectly;*
- e) *he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or*
- f) *while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs."*

## 2.3. Immediate threat or violence by clients

If an Education employee feels their safety is being threatened or they are at risk of harm they should disengage from clients, and if necessary, leave the work area. The RCMP may be called to assist when clients are requested to leave the premises and refuse to do so. These incidents and any calls to the RCMP must be reported and documented as per this guideline. This should always include completing an incident report which should be submitted to the employee's supervisor.  
Incident or Near Miss Form

## 2.4. Use of provisions of the School Trespass Act

The School Trespass Act gives Education the authority to prevent an individual from entering or remaining on the premises of any school or department building in the Yukon until the notice has been withdrawn in writing. The Assistant Deputy Minister, Schools and Student Services, should be notified if Education employees are considering using this provision.

## 2.5. Altering terms and conditions of client services

It may become necessary for a branch to alter the terms and conditions of their services to a client to ensure the safety of employees.

Branches should consider the following when moving to alter terms and conditions of services to a client:

- a) Written and detailed documentation of incidents and responses is essential to justifying any changes.

This means that incidents need to be documented early and every occurrence needs to be recorded. This will help support your decision and make it clear that alterations to service are necessary to provide a healthy and safe working environment for Education staff.

Without written documentation, any alterations may be perceived by clients as an infringement upon their right to receive the same services other clients receive.

- b) Clients must be informed in writing of the terms and conditions of any altered services.

Written responses should be provided to the client promptly, detail the problematic behaviour with examples, and outline the branch's requirements for acceptable client behaviour with reasons for the restrictions to be applied.

Depending on the circumstances, Education's correspondence with clients may be signed by the branch, Deputy Minister, or Legal Services branch in Justice.

- c) Consider whether the client is also interacting with other Education branches. Disclosure of personal information is not considered an unreasonable invasion of privacy if there are compelling circumstances affecting anyone's health or safety (See the *Access to Information and Protection of Privacy Act* S 25(3)(b)). The Deputy Minister or delegate needs to approve the disclosure in writing in advance.

Our goal is to ensure consistent and fair treatment and inform other Education employees who may potentially be impacted by a client's behaviour. Any intent to share altered terms of service with another branch in Education must be communicated to the client in writing.

- d) Consider whether the client is interacting with other Yukon government departments.

As above, disclosure of personal information is not considered an unreasonable invasion of privacy if there are compelling circumstances affecting anyone's health or safety (See the *Access to Information and Protection of Privacy Act* S 25(3)(b)). We have a responsibility as part of Yukon government to ensure the health and safety of our fellow employees across departments.

Our goal is to ensure consistent and fair treatment and inform other Yukon government departments/branch employees who may potentially be impacted by a client's behaviour. Again, any intent to share altered terms of service with another Yukon government stakeholder must be communicated to the client in writing.

- e) Consider the most appropriate means to communicate with a client.

After minor incidents, a meeting with the client to discuss the situation and clarify expectations going forward may be the most appropriate response.

Should situations escalate a number of other options may need to be considered. For instance, an in-person meeting may not be appropriate and in these cases, we may consider restricting conversations to phone or e-mail.

In all cases updated terms of service including details of how future communication is to occur should be communicated in writing.

In all cases, further incidents should be documented through incident reports and supported by documentation detailing follow-up communication with the client.

- f) Sometimes an employee's assessment of the potential risks in a client interaction may result in an informal change to when, how or where services are provided. The employee will be a key stakeholder in identifying risks and changes that would mitigate those risks and avoid future incidents. It may be helpful to discuss the situation with the employee's supervisor, review, the situation together, and taking into consideration relevant factors such as past history and external situations. These changes form part of the altered terms of service and should also be part of written communication with the client.

- g) Responses by branches should leave room for positive changes in behaviour by clients.

Branches should record their risk assessments (see Section 3 of these guidelines) and periodically review them, adjusting or removing the altered terms and conditions of client services if clients meet the outlined requirements for acceptable behaviour.

## 2.6. Examples of altered terms and conditions of client services

After assessing risk behaviour (see risk assessment matrix Section 3), the terms and conditions of client services may be altered to ensure the safety of Education employees. Altered terms and conditions may include:

- ensuring meetings occur at predetermined times in a safe public area.
- having a colleague present when meeting with clients.
- restricting direct contact between the client and employee(s) by: changing
- branch representative; restricting access to workplace; or meeting clients by appointment only with specific agenda (i.e., no dropping in).
- ensuring employees do not meet alone with the client.



- implementing a written communications protocol with the client.
- meeting with the client to review a letter detailing inappropriate behaviour and expectations going forward.
- having the client communicate only through the manager or a specific designate.
- having the client communicate through an external agent or specified third party contact for future interactions.
- restricting two-way communication to email or letters.
- using a "no reply email" for email communications from clients.
- restricting incoming email acceptance from clients' email addresses through Yukon government email servers.
- restricting the client to communication through legal counsel.

## 2.7. Documentation

It is very important for employees who encounter or witness problematic or potentially criminal behavior by clients to:

- report incidents to their supervisor;
- document the situation or interaction (i.e., take detailed notes); and
- complete incident reports.

The incident report and documentation will be reviewed by the supervisor, who will establish a risk assessment for this client.

Incident reports combined with employee notes/diary records, branch records of responses and documented risk assessments are critical in providing the supporting written justification required to alter or suspend services to clients.

## 2.8. Contacting Legal Services

The branch seeking to alter the terms of service for a client should contact legal services anytime there is a concern about legal risk.

For minor issues and simple changes to how a branch interacts with a client, directors and staff are expected to exercise judgement and manage the situation according to these guidelines. Our goal is to keep staff healthy and safe, provide service to the public, and ensure that clients have access to services that they should rightfully have access to. If the situation continues to escalate, threats get more serious, and more serious restrictions are being considered, it will be important to consult with Legal Services.

Severe restrictions of service carry significant legal risk and legal counsel should be involved in the process leading up to this kind of decision.

Documentation will be critical in supporting any decision to alter terms of services however minor the alteration.

## 2.9. Suspending client services

Education offers a number of services to the public that directly impact people's livelihood. For these services, there is an obligation to continue providing services to clients to meet the department's obligation to serve the public. However, this obligation must be balanced against the department's duty to protect its employees from harm.

When Education has accommodated clients and the accommodation is shown to have failed, the department may consider suspending services to clients. A complete suspension of service carries significant legal risk and legal counsel should be involved in the process leading up to this kind of decision.

Branches will need to ask for assistance from the Legal Services branch with the Department of Justice to provide sufficient notice, clarify expectations and consequences with clients, and substantiate due process (e.g., through progressive loss of services).

## 2.10. Continuous risk assessment

Education employees and branches should continually be assessing the risks that their encounters with clients present, and need to be prepared to follow the response recommendations in these guidelines.

Continuous risk assessment will also help the department respond to similar incidents consistently to ensure fair treatment and due process.

## 3. Risk assessment matrix

The risk assessment matrix is a tool for Education employees and branches to assess the risks associated with various types of risk behaviors. There are four risk classifications with recommended responses, based on increasing levels of threat to the safety of Education employees.

The matrix is intended to guide but not replace the use of active listening, respectful client communication and good judgment by Education employees, supervisors and managers in responding to problematic or criminal risk behaviors by clients.

It is important to note that risk assessment involves perception which can be subjective.

Each workplace (or branch) should rely on its history of client interaction to establish a baseline risk assessment for what staff ought to expect. Training and supports should be provided to staff in accordance to this guideline.

Before classifications are applied, employees should discuss them with their supervisor and branches should consider the risks associated with applying the responses. Risk assessments should be documented and periodically reviewed (the review cycle will be on a case by case basis, aiming for a minimum of 6 to 12 months).



Risk Assessment Matrix					
# of documented occurrences	Risk behaviors and response classifications				
	Bullying	Abusive/Insulting Language	Aggressive Behaviour	Uttering Threats	Physical Violence
1	A	A	B	C	D
2	A	B	C	D	D
3	B	C	C	D	D
Criminal behaviour should be reported to the RCMP immediately.					

## 4. Response classifications

4.1 Response Classification A Bullying – Abusive/Insulting Language	Documentation Required
<p>Managing the situation</p> <p>In this category the situation will usually be managed through effective communication and respectful de-escalation. It isn't unusual for employees to forget about Class A interactions and documenting incidents may be overlooked.</p> <p>Training</p> <p>The branch should ensure staff are provided with communications specific training to support their ability to manage difficult interactions with clients</p> <p>Terms of service</p> <p>No change at this time.</p> <p>Legal Services</p> <p>No involvement at this time.</p> <p>Documentation</p> <ul style="list-style-type: none"> <li>- An incident report may be completed but is not be required.</li> <li>- All instances should be documented (e.g., detailed written notes) and discussed with a supervisor.</li> </ul> <p>Documentation will be essential should the situation reoccur escalate.</p>	
Employee responsibilities:	Supervisor responsibilities:
<p>Immediately</p> <ul style="list-style-type: none"> <li>- Use active listening and respectful client communication to calm clients.</li> </ul> <p>Support investigation and documentation</p> <ul style="list-style-type: none"> <li>- Discuss incidents with supervisor.</li> <li>- Complete incident report to document occurrence.</li> </ul> <p>Follow up</p> <ul style="list-style-type: none"> <li>- Pursue additional training.</li> </ul>	<p>Immediately</p> <ul style="list-style-type: none"> <li>- Ensure employees have appropriate training.</li> </ul> <p>Support investigation and documentation</p> <ul style="list-style-type: none"> <li>- Review incident reports with employee and submit to safety rep or JHSC.</li> <li>- Collaborate with EDU health and safety management coordinator and JHSC as needed to identify trends or potential for future escalation.</li> </ul> <p>Follow up</p> <ul style="list-style-type: none"> <li>- Review this guideline and assess risk.</li> <li>- Continuous risk assessment.</li> </ul>

## 4.2 Response Classification B

### Bullying – Abusive/Insulting Language – Aggressive Behaviour

## Documentation Required

### Incident Report Required

#### Managing the situation

In this category the situation should still be managed through effective communication and respectful de-escalation.

Prompt documentation and review of Class B incidents is important at this level to provide supporting justification to alter the terms and conditions of client services. Repeat occurrences of Class B incidents may precede escalated risk behaviours.

#### Training

If client interactions in this category are regular the branch is encouraged to provide specialized de-escalation training to staff to support their ability to manage this kind of event. Psychological health and well-being related training would be a benefit.

#### Terms of Service

Under this classification the branch may begin altering the terms of service.

#### Legal Services

For situations that fit this risk profile the restrictions will usually not be of a severity that would dictate the involvement of Legal Services. Branch directors will be expected to exercise judgement.

#### Documentation

- Incident reports will be required
- All instances should be documented (e.g., detailed written notes) and discussed with a supervisor. Documentation will be essential should the situation reoccur or escalate.

#### Employee responsibilities:

##### Immediately

- Use respectful client communication and conflict resolution to calm clients and gain control of situation.
- Disengage from clients; ask clients to return at another scheduled time.

##### Support investigation and documentation

- Discuss incident with supervisor and complete incident reports to document occurrences.

##### Follow up

- Follow any altered terms and conditions of client services.
- Pursue additional training.

#### Supervisor responsibilities:

##### Immediately

- Ensure physical safety of employees.
- Identify steps that can be taken immediately to ensure employee health and safety.

##### Support investigation and documentation

- Review incident reports with employee and submit to safety rep or JHSC.
- Collaborate with EDU health and safety management coordinator and JHSC as needed to identify trends or potential for future escalation.
- Notify the ADM.

##### Follow up

- Review this guideline, assess risk, and determine appropriate responses.
- Communicate any alterations in terms and conditions of services to clients in writing.
- The ADM should be aware of all alterations to terms of service.
- Periodic review of any altered terms and conditions of client services.
- Continuous risk assessment.

### 4.3 Response Classification C

Abusive/Insulting Language – Aggressive Behaviour – Uttering Threats

Documentation Required

Incident Report Required

#### Managing the situation

These situations should be managed through specialized de-escalation methods. Staff should ensure their own safety, seek support to resolve the interaction, and remove themselves from the situation if needed.

Involved staff should debrief with their supervisor and take the time they need to manage their own stress and psychological well-being as needed following the interaction (e.g., anything from taking a walk or going for coffee, up to making use of illness leave and discussing other leave options with a supervisor).

Class C incidents have high potential for repeat occurrences and escalation. Responses must be prompt and well supported with documentation to ensure the current and future safety of employees.

Any potentially criminal behaviour must be reported to the RCMP immediately. Safety measures

The branch should review and implement measures to address workplace security and ensure staff's physical and psychological safety.

#### Training

If client interactions in this category are regular the branch is encouraged to provide specialized de-escalation training to staff to support their ability to manage this kind of event.

Psychological health and well-being training and/or other supports to help manage critical incident stress should be provided.

#### Terms of service

Under this classification the branch may consider serious alterations to the terms of service for a client.

#### Legal Services

At this point it would be recommended to involve Legal Services.

#### Documentation

- Incident reports will be required.
- All instances should be documented (e.g., detailed written notes) and discussed with a supervisor. Documentation will be essential should the situation reoccur or escalate.

#### Employee responsibilities:

#### Supervisor responsibilities

##### Immediately

- Ensure immediate personal safety, disengage from clients; if necessary, leave workplace.
- If risk behaviour escalates, call RCMP.

##### Immediately

- Ensure immediate physical safety of employees.
- Ensure no employee meets with clients alone when this category of risk is known.
- Other mitigations as appropriate.

##### Support investigation and documentation

- Discuss incidents with supervisor and complete incident report to document occurrence.

##### Support investigation and documentation

- Review incident reports with employee and submit to safety rep or JHSC.

##### Follow up

- Follow any altered terms and conditions of client services.

- Collaborate with EDU health and safety management coordinator and JHSC as needed to identify trends or potential for future escalation. Specific focus on workplace

Pursue additional training.

security.

- The ADM, HR Director and potentially the DM should be notified.

#### Follow up

- Ensure any calls to the RCMP are documented.
- Review this guideline to classify risks and determine appropriate responses.
- Seek assistance from Legal Services in determining responses and communicating with clients.
- Communicate any alterations in terms and conditions of service to clients in writing.
  - o The ADM should be aware of all alterations to terms of service.
  - o The DM should be aware of any serious alterations to service.
- Periodically review of terms and conditions of altered client services.

Continuous risk assessment especially for escalated risk and urgency.

#### 4.4 Response Classification D Uttering Threats – Physical Violence

Documentation Required  
Incident Report Required

##### Managing the situation

These situations should most often be managed by staff removing themselves from the situation. Specialized de-escalation methods may be engaged if it is safe to do so. Staff should ensure their own safety and that they follow the protocol to call for external assistance (such as RCMP) as soon as appropriate.

Involved staff should debrief with their supervisor and take the time they need to manage their own stress and psychological well-being as needed following the interaction (e.g., anything from taking a walk or going for coffee, up to making use of illness leave and discussing other leave options with a supervisor).

Depending on the situation, consider making illness stress support resources available to the office (e.g., critical incident stress debriefing or ad-hoc incident review). Please communicate with Education health and safety to coordinate a response as appropriate.

All Class D incidents represent a serious potential threat to employees' health and safety, must be reported to the RCMP immediately, and documented as soon as possible.

##### Safety measures

The branch should review and implement measures to address workplace security and ensure staff physical and psychological safety.

The branch should have a plan in place to support staff managing critical incident stress. Supervisors should seek guidance from Education health and safety.

##### Training

If client interactions in this category are regular the branch is encouraged to provide specialized de-escalation training to staff to support their ability to manage this kind of event.

Psychological health and well-being training and other supports to help manage critical incident stress should be provided.

##### Terms of service

Under this classification the branch may consider serious alterations to the terms of service for a client or outright suspension of services.

##### Legal Services

Legal Services must be involved. Documentation

- Incident reports will be required.
- All instances should be documented and discussed with a supervisor.
- Other documentation may be needed depending on the severity of the situation. Documentation will be essential should the situation reoccur or continue to escalate.



Employee responsibilities:	Supervisor responsibilities:
<p>Immediately</p> <ul style="list-style-type: none"> <li>- Ensure immediate personal safety, disengage from clients and leave workplace or field worksite.</li> <li>- Call RCMP immediately.</li> </ul> <p>Support investigation and documentation</p> <ul style="list-style-type: none"> <li>- Discuss incidents with supervisor and complete incident reports as soon as possible to document occurrence.</li> </ul>	<p>Immediately</p> <ul style="list-style-type: none"> <li>- Ensure immediate safety of employees.</li> <li>- Inform all staff in workplace of potentially dangerous situations.</li> <li>- Ask all employees to report client sightings in workplaces or field work sites to supervisor.</li> <li>- Ensure no employee interacts with clients alone.</li> <li>- Ensure incidents are reported to RCMP.</li> </ul> <p>Support investigation and documentation</p> <ul style="list-style-type: none"> <li>- Review incident reports with employee and submit to safety rep or JHSC.</li> <li>- Collaborate with EDU health and safety management coordinator and JHSC as needed to identify trends or potential for future escalation. Specific focus on workplace security.</li> <li>- Notify the ADM, HR Director and DM.</li> <li>- Critical Incident Group is notified per Critical Incident Response Guidance.</li> <li>- If there was an assault that resulted in injury, YWSCB must be notified and YWSCB reporting completed. Other documentation may be necessary.</li> </ul>
<p>Follow up</p> <ul style="list-style-type: none"> <li>- Follow instructions from supervisor regarding future service protocols for this client.</li> </ul>	<p>Follow up</p> <ul style="list-style-type: none"> <li>- Provide debriefing or crisis support as appropriate where interested staff may participate.</li> <li>- Review physical security at workplace.</li> <li>- Review client service guidelines to classify risks and determine appropriate responses.</li> <li>- Seek assistance from Legal Services in determining responses and communicating with clients.</li> <li>- Communicate any alterations in terms and conditions of service to clients in writing. <ul style="list-style-type: none"> <li>o The ADM and DM should be aware of altered terms of service.</li> </ul> </li> <li>- Continuous risk assessment especially for escalated risk and urgency</li> </ul>

## 5. Resources and training

The Workers' Compensation and Safety Act and regulations holds the employer responsible for ensuring that employees are trained and that the employer has provided training toward preventing occupational injuries (e.g., OHS Act s3(1)(c) and Regulations 1.04(d)). For a number of the recommendations listed in this guideline, corporate offerings for training will be available and sufficient for addressing this requirement.

Training resources for employees and supervisors are available corporately through the YGLearn training portal.

More specialized training may not continually be available corporately. In those situations, branches/divisions will need to work with Education Health and Safety to define needs and identify training options.

## 6. Conclusion

Interacting with and providing services to clients who display risk behaviour is challenging and requires a team approach with consistent messaging. Often there is no simple solution when dealing with such clients and they require considerable time, resources and energy to manage. These guidelines aim to enhance the health and safety of employees while maintaining client services to meet the department's obligation to service the public.