



Treasury Board of Canada
Secrétariat

Secrétariat du Conseil du Trésor
du Canada

Canada

Policy on Employee Assistance Program

Published: Dec 01, 1999

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Published by Treasury Board of Canada, Secretariat
90 Elgin, Ottawa, Ontario, K1A 0R5, Canada

Catalogue Number: BT43-155/1999E-PDF
ISBN: 978-0-660-09910-1

This document is available on the Government of Canada website, Canada.ca

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Politique sur le programme d'aide aux employés

Policy on Employee Assistance Program

Policy objective

To foster and maintain the well-being and productivity of employees by providing confidential assistance or short-term counselling to those who are experiencing personal or work-related problems.

Policy statement

The government recognizes that it is possible in the work environment to identify employees with problems, including those related to substance abuse, and to motivate them to seek assistance or treatment at an early stage. Although there are numerous organizations in the community to help people with various problems, assistance is often required to determine the most appropriate resource. To this end, the government makes available to employees a confidential and voluntary Employee Assistance Program (EAP) without prejudice to job security or career progression.

Application

This policy applies to the departments and agencies listed under Part I of Schedule I of the *Public Service Staff Relations Act*.

Policy requirements

Departments must ensure that:

- an EAP coordinator is appointed;
- employees are provided with EAP services that conform to this policy, including definitions in Appendix A;
- the confidentiality and privacy of EAP information is maintained in accordance with Appendix B;
- EAP practitioners abide by the Code of Ethics in Appendix C;
- EAP services are accessible to disabled employees;
- EAP services are available in both official languages;
- employees are kept informed about the program and how to access its services;
- managers and supervisors are provided with education on matters related to the program and informed of their responsibility to refer employees with work performance problems related to personal difficulties to their departmental EAP;
- where employees are likely to be involved in critical incidents because of the nature of their work, a procedure is established to provide an initial stress debriefing session as soon as possible after such an incident and EAP follow-up if required;
- leave credits for treatment and rehabilitation are used in accordance with existing collective agreements and Public Service policies;
- employee representatives are consulted and are provided with the opportunity to develop jointly and to participate fully in the application of the departmental EAP, including its referral, educational and promotional aspects.
- the quality and accountability of the EAP is periodically assessed.

Services to families

Departments must ensure that reasonable access to departmental EAP services is provided to dependants of employees who live, have lived, or will live outside Canada under the provisions of the Foreign Service directives, or who are subject to the Isolated Posts Directive, or in exceptional circumstances such as a work related hostage-taking incident.

Departments have the option of expanding EAP services to the dependants of all their employees. Services may be offered to dependants separately or at the same time as the employee. They may also be offered generally or only when EAP practitioners perceive a need. Finally, departments may decide not to provide family services beyond the policy requirements in the previous paragraph.

Where family services are offered, these are limited to assessment and referral services with very short-term counselling (see definitions), in keeping with the intent of the Program. The counselling is intended primarily to assist employees and their dependants to recognize the need to obtain appropriate counselling services from a specialist in the community. It is not intended to replace community counselling services that are available for families.

If files are created, the same precautions must apply to the personal information of family members as to that of the employee. Other considerations include compliance with the requirements of the *Privacy Act*, the *Access to Information Act* and the Government Security Policy.

External services

Where EAP services are provided by a non-governmental agency or another department, departments must ensure that the services conform to this policy. Moreover, departments must continue to assess the quality and accountability of the program.

When preparing EAP contracts, the departmental contracting unit or the officer responsible for service contracts should be consulted. Where neither exists, assistance should be sought from the specialists in professional service contracting at Public

Works and Government Services Canada.

Contracts must specify that personal information collected for EAP purposes is deemed to be under the control of the department and is consequently subject to the *Privacy Act*.

Responsibilities

On request, Health Canada, through the Public Service Health Program, shall:

- provide professional and technical advice about the EAP to departments;
- provide or arrange for medical diagnosis or initial counselling on alcoholism or other health problems and refer clients to community agencies for subsequent treatment; and
- provide consultative services to departments and the Public Service Commission with respect to the health-medical aspects of training programs.

Health Canada shall ensure the continuous professional development of its occupational health personnel, including nurses and physicians, on substance abuse counselling and rehabilitation techniques.

Monitoring

To assess the effectiveness of this policy, the Treasury Board Secretariat requires that departments submit a report on program structure and a statistical summary of its EAP activities. The statistical reports should not permit the identification of clients. The Secretariat requests the first report for the two year period ending March 31, 1993 and subsequently every two years.

The Privacy Commissioner has a responsibility to ensure that the privacy rights of individuals are respected. Discretionary audits conducted by the Privacy Commissioner's Office provide an independent verification that the promises of confidentiality are being kept in regard to the collection, use, disclosure, retention and disposal of personal information.

References

Treasury Board documents :

- Occupational Safety and Health Policy;
- Security, Organization and Administration Standard;
- Physical Security Standard;
- Information Technology Security Standard;
- Indemnification of Servants of the Crown
- Provision of Services for Employees with Disabilities
- Conflict of Interest and Post Employment
- Harassment in the workplace
- Contracting Policy
- Contracting Policy Guideline
- Regulations respecting government contracts(Appendix B)
- Contracts Directive (Appendix C)

Provision of Legal Services to Public Servants, T.B. Circular 1983-52

General Records Disposal Schedules of the Government of Canada, PAC 86/001

Policy Guide: *Access to Information Act and Privacy Act*, Treasury Board Secretariat, 1992

Access to Information Act

Canadian Human Rights Act

Official Languages Act

Privacy Act

Public Service Employment Act

Enquiries

Enquiries about this policy should be directed to the responsible officers in departmental headquarters who, in turn, may seek interpretations from:

On EAP, health and safety policy issues

Safety, Health, Employee Benefits and Services Group
Human Resources Management Division
Human Resources Branch

Appendix A - Definitions

Client (*client*) - an employee or a dependant who accepts the assistance of the EAP

Critical incident (*incident critique*) - a traumatic event that produces a strong emotional reaction that could affect one's ability to cope

Dependant (*personne à charge*) - as defined in the policy, the Foreign Service Directives and the Isolated Post Directives, and includes the spouse

Employee Assistance Program (EAP) (*programme d'aide aux employés (PAE)*) - a program to identify, provide short-term counselling and referral service to employees with personal or work-related problems to resources within the Public Service or the community, when appropriate, and provide follow-up. These services do not replace those provided by the Public Service Health Program

EAP coordinator (*coordonnateur du PAE*) - an individual designated by a department to manage or coordinate the EAP

EAP practitioner (*intervenant du PAE*) - an individual qualified by training or certification in the techniques of assessment of problems, particularly in respect of substance abuse, and of intervention. This includes, but is not limited to, social workers, occupational health nurses and physicians, and volunteer peer referral agents trained in EAP

Referral (*orientation*) - an oral or written recommendation to use departmental EAP services or other comparable services to assist in resolving personal or work-related problems that may affect performance

Short-term counselling (*conseils à court terme*) - discussions leading to identification of clients' problems and referral to appropriate resources, normally up to three sessions

Appendix B - Confidentiality and Privacy

1. General

1.1 In accordance with the Government Security Policy and the *Privacy Act*, departments shall have policies and procedures that safeguard client information in records or gathered in counselling sessions.

1.2 Individual client case files are required only where documentation is necessary for practitioners to carry out their EAP functions. When information is recorded, it should be kept to a minimum and it may include dates, the general nature of problems, minimal progress notes, recommended referrals and non-medical reports related to a client's work capability or limitations. Practitioners should refrain from recording in an individual case file personal information relating to a third party. Individual case files shall be designated sensitive and marked as PROTECTED - EAP.

1.3 To enhance confidentiality, personal identifiers such as the client's name, title and address may be replaced with a number which is cross-referenced to a master file that contains this information separately.

1.4 At the outset of the initial interview, the practitioner shall advise the client, orally or in written format, of the confidentiality policy and its limitations.

If personal information is collected, the client is advised that it will be treated in accordance with the provisions of the *Privacy Act*. This includes advising clients of the following:

- the type of information that will be collected, the purpose for which the information was obtained and the length of time it will be kept in the individual case file before being destroyed;
- the right to review information contained in the file, to request corrections or to attach notes;
- the right to complain to the Privacy Commissioner about any decisions on access to personal information collected for EAP purposes, whether for delays, requested exemption, language of choice or any irregularity affecting the collection, use, disclosure, retention and disposal of this information;
- the possibility that this information may be reviewed by the Privacy Commissioner.

1.5 The practitioner cannot promise confidentiality in the following situations:

- the circumstances set out in subsection 8(2) of the *Privacy Act* which include court subpoenas;
- suspected cases of child abuse; or
- a threat of suicide or illegal activity.

When such information is received, the practitioner is advised to consult the departmental EAP Coordinator and legal counsel immediately, while respecting the confidentiality of the individual's identity.

1.6 Employee Assistance Program case files are a personal information bank that must conform with *Privacy Act* requirements on the collection, use, disclosure, retention and disposal of personal information and must be described in Info Source (Sources of Federal Employee Information).

1.7 Personal information collected by an agency providing EAP services under contract to a department is deemed to be personal information under the control of that department and is therefore subject to the *Privacy Act*.

1.8 When assessing or auditing their EAP, departments must protect the confidentiality of personal information.

2. Physical security

2.1 The government Security policy and standards requires that sensitive personal information receive enhanced protection. The files must be protected by particular storage and transmittal standards in accordance with the Treasury Board Security Organization and Administration Standard, Physical Security Standard and Information Technology Security Standard.

2.2 All client case files and sensitive program information require the use of approved locked storage space and containers. Only authorized personnel have access to EAP case files.

2.3 Departments must ensure that agencies providing EAP services under contract to departments provide a level of security for EAP information equivalent to that described in paragraphs 2.1 and 2.2 above.

3. Release of information

3.1 Personal information relating to individual case files of EAP clients is released only with the written consent of the client or where the law requires or permits the release of that information.

3.2 Written consent shall include the following:

- the name of the person or agency to whom the information is to be released;
- the specific information to be released;
- the date of consent;
- the client's signature; and
- the expiry date of the consent.

3.3 EAP practitioners should allow clients to view, to the extent possible, the information that concerns them without obliging them to present an official request in accordance with the *Privacy Act*. Recourse to the *Privacy Act* would only be required in exceptional circumstances.

Note:

Practitioners should refer to the Employee Privacy Code and their departmental procedure for guidance on employee access to the data banks listed in Info Source.

4. Role of the Privacy Commissioner

4.1 In the course of an investigation of a presumed violation of the *Privacy Act*, the Privacy Commissioner has access to relevant information in EAP files. Investigations carried out by the Privacy Commissioner as a result of complaints are secret and may not be discussed publicly.

4.2 The Office of the Privacy Commissioner may also conduct periodic compliance reviews of EAP case files to provide independent verification that privacy rights are being protected and to ensure that the information contained therein is collected, used, retained and disposed of in accordance with the *Privacy Act*.

4.3 The EAP practitioner who has custody of the files will be present during these EAP case file reviews by officers from the Office of the Privacy Commissioner.

5. Disposal of records

5.1 PROTECTED-EAP case files must be retained and disposed of in accordance with schedules approved by the National Archivist and issued in General Records Disposal Schedules of the Government of Canada, PAC 86/001. Individual case files must be destroyed two years after the date of the client's most recent contact with EAP. PROTECTED - EAP case files may be destroyed earlier, with the client's consent, or at the client's request. In situations where the client or the EAP practitioner involved is leaving the department, or in the event that a contract is cancelled or not-renewed, the EAP case files may only be transferred to the new service provider with the client's consent. In other situations, EAP case files are to be destroyed.

5.2 Employee Assistance Program case files should be disposed of in an appropriate manner, which may involve burning under controlled conditions, pulping, pulverizing, shredding or another destruction method using equipment appropriate to the level of sensitivity of the information involved. The departmental information management staff provides guidance on the measures to apply.

Appendix C - Code of Ethics

Introduction

This Code sets out the ethical attitudes expected of Employee Assistance Program (EAP) practitioners in the Public Service regardless of their formal preparation, place of work or population focus.

Respect for the dignity and rights of persons

Fundamental to the principle of respect for the dignity of persons is the belief that all persons have a right to appreciation of their innate worth as human beings.

Every EAP client must be respected regardless of race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, conviction for which a pardon has been granted, political affiliation, social or economic status, or physical or mental capabilities or characteristics or other similar grounds.

Clients of EAP have a right to consent to matters that affect their treatment and that are within their control. Moreover, EAP is directed at decreasing the dependency of clients who seek advice and sponsoring positive personal control.

A practitioner must:

1. respect all clients regardless of their personal characteristics.
2. respect the client's right of self-determination by encouraging active involvement in decisions related to treatment and referral;
3. respect the client's right to privacy and confidentiality by collecting only personal information that is relevant and by sharing it only to the extent required for referral, with the informed consent of the client.
4. respect the client's right of informed consent by providing all the information necessary so that a reasonable person in similar circumstances would be able to make a reasoned and informed choice;
5. obtain, except in those instances where the law requires or permits the release of information*, signed consent forms from the client in all situations where the release of personal information is requested.
6. honour commitments made to the client;
7. not exploit relationships with clients to enhance the practitioner's own self-worth or position in the department, agency or community;
8. encourage respect for the dignity of others and avoid practices that are inconsistent with the legal, civil or human rights of others;
9. respect the social norms and moral attitudes of the community in which the practitioner works; and
10. respect the right of the client to discontinue participation in the program at any time.

* The Canadian social system provides for the protection of legal, civil and human rights. However, the needs and rights of others in the same social context mitigate the recognition and expression of these rights.

Conflict of interest

Practitioners must conform to the government's Conflict of Interest and Post-Employment policy.

A practitioner must:

1. remain within the scope of the program;
2. resist exploiting of the professional relationship with the client to further any social, political, economic, personal or business interest;
3. refer a client to another resource when the practitioner, for a personal reason, cannot provide service to the client;
4. inform concerned parties of possible or actual conflicts of interest;
5. initiate steps that precipitate a reasonable solution without causing undue harm to the client or the organization; and
6. remain neutral in conflicts between the client, the union, or management.

Competency

A responsible counsellor recognizes the need to make continuous efforts to upgrade and refine skills. Practitioners should acknowledge their limitations and provide services that are consistent with their skills.

A practitioner must:

1. offer services that are within his or her established competence and the program's defined parameters. When the problems of clients are beyond these limits, practitioners must refer clients to an appropriate resource;
2. seek consultation with fellow practitioners or other appropriate resources in managing cases when the practitioner encounters clients or situations that are beyond the program's parameters or the practitioner's expertise;
3. ensure that appropriate referrals are made to recognized resources;
4. continually evaluate his or her own background, experiences and values so as to assess their influence on interactions with others and attend, in accordance with departmental policies, educational programs directed at improving performance; and
5. accurately represent his or her own professional qualifications, competence and purposes of the program.

Appendix D - Guidelines on Employee Assistance Program Services

Counselling service

1. A response to a request for service should occur as soon as possible, preferably within one working day.
2. The first counselling session should occur within two weeks unless unforeseen circumstances arise.
3. Follow-up should be an integral part of the EAP service, usually by meeting with the client. Sometimes a letter or telephone call is appropriate.
4. The program normally offers up to three sessions for each new case.
5. Where employees are likely to be involved in critical incidents because of the nature of their work, the department must develop a procedure for initial counselling and follow-up. The same can apply to cases that involve threats of violence or suicide.

Advisory service

A response to a request for advisory services from managers, supervisors or unions should occur as soon as possible and, at the latest, within a week.

Education service

1. EAP training sessions for managers and supervisors should cover, at a minimum:
 - the scope and limits of EAP, the confidentiality aspects, the *Privacy Act* provisions and the procedure for accessing the program;
 - the administrative role with respect to EAP and referrals;
 - the concepts and methods that allow for early detection of problems that interfere with job performance;
 - constructive methods to deal with employees experiencing performance problems due to personal or behavioural problems; and
 - support approaches to assist the employee.
2. Every new employee should receive a brochure, information sheet or other appropriate format containing information that describes the scope and means of accessing the EAP services.
3. The departmental program should keep all employees informed of the service, its location and how to access it.

Prevention activities

Consistent with the program design and the organizational mandate, preventive programs should be held to educate employees about personal problems related to life style and work environment, and the possible responses. This may involve cooperation with the Public Service Health Services and the departmental safety and health committee or the safety and health representative.

Notes

As indicated in the Occupational safety and health policy, the Treasury Board has delegated the administration of the Public Service Health Program to Health Canada.

The Committees and Representatives standard encourages safety and health committees to establish and promote programs to educate employees represented by the committee.

