

Integrity in Enforcement Professionalism in the Workplace



A staff guide for
Occupational Health and Safety
& Employment Standards Employees

Alberta

Introduction

The purpose of this guide is to provide direction for staff in Safe, Fair and Healthy Workplaces (SFHW), particularly those who interact with Albertans and Alberta businesses. While 'Working with Pride and Dignity in the Alberta Public Service' provides internal directives on a respectful workplace, this guide is designed to help ensure consistency in professionalism when applied externally, to our stakeholders – the Alberta public.

Professionalism in the Workplace provides a consistent set of expectations to uphold public trust and provide the highest level of quality service. The success of SFHW is measured by the services we deliver and, equally as important, how we conduct ourselves in the delivery of those services. The degree to which we consistently and fairly apply our professionalism is integral to how we are perceived by our peers and Albertans as a whole.

This guide identifies common ground between the Alberta Public Service (APS) values of Respect, Accountability, Integrity and Excellence; APS Competencies; and Leadership Principles – and combines them to identify fundamentals of professionalism within SFHW:

- Honesty and Integrity
- Respect and Diversity
- Fairness and Objectivity
- Collaborative
- Confidential
- Knowledgeable and Competent
- Responsive and Timely
- Enforcement and Risk



Professionalism in the Workplace formalizes how SFHW program delivery staff are expected to conduct themselves in all workplaces, including our own. Reinforcing these fundamentals of professionalism, and measuring success through annual performance reviews, will provide a consistent level of service excellence for the people of Alberta.

Jody Young, Assistant Deputy Minister
Safe, Fair and Healthy Workplaces
Alberta Labour

Alberta Public Service Values

RESPECT ACCOUNTABILITY INTEGRITY EXCELLENCE

Proudly working together to build a stronger province for current and future generations



Respect

We foster an environment in which each individual is valued and heard.



Accountability

We are responsible for our actions and for contributing to the effectiveness of the public service.



Integrity

We behave ethically and are open, honest and fair.



Excellence

We use innovation and continuous improvement to achieve excellence.



Fundamentals of SFHW Professionalism

Honesty and Integrity

Definition: SFHW staff who have contact with the public will conduct duties in a manner that inspires confidence and respect for the position of public trust by always being honest and transparent.

Intent: SFHW staff should not engage in activities that are, or could appear to be, incompatible with their responsibilities and duties, or call into question their objectivity, integrity and impartiality.

Expected SFHW Standard:

- Follow and apply program policies and procedures in all interactions with the public, including external and internal stakeholders.
- Fully explain the rationale behind a decision and ground it in the legislated authority (see Alberta Ombudsman – Administrative Fairness guidelines).
- While internal constructive feedback can be beneficial and lead to improvements, do not be critical of the work of the division, the ministry, or the Alberta Public Service in general in conversation with the public, or in a public-facing forum.
- Anticipate and actively avoid situations where there is a real or perceived conflict of interest or perception of bias.
- Compile information from all parties accurately, completely and without bias.
- Base decisions on current and relevant information, as supported by government, department or SFHW policies and procedures.
- Ensure that you are viewed as above reproach and impartial by all parties.
- Fully explain options to employers and workplaces, and provide details of the inspection/investigation/auditing processes – either verbally or through provided documentation (e.g. Legislation/ complaint resolution/mediation), web links etc.
- Fully and transparently share all relevant information with the public, where appropriate, while complying with confidentiality, legislative (i.e., FOIP) and anonymity requirements.

Example: While auditing the payroll records of a local sawmill, Valerie realized the Human Resources Manager was a good friend of her sister. Recognizing there could be a perception of conflict of interest, Valerie contacted her supervisor, who asked another Employment Standards officer to assume the audit.

Respect and Diversity

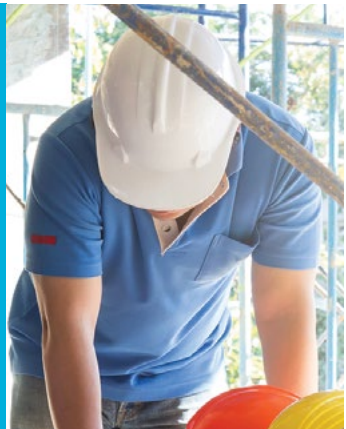
Definition: Treat everyone with respect by being courteous at all times and in all situations, regardless of whether you are being respected in return. Value all cultures, races, religious beliefs, disabilities, ages, genders and gender-identities within the province, drawing on the strengths, capabilities, and points of view abundant within each.

Intent: SFHW staff should be respectful, courteous and professional when representing the division, regardless of how difficult or strained the situation.

Expected SFHW Standard:

- Listen carefully and acknowledge the concerns/complaints of all stakeholders regardless of their position within a business or stature within society.
- Recognize Alberta's diversity and treat each person with respect.
- Maintain an even, calm composure at all times.
- While ensuring compliance with legislation, take personal sensitivities, difficulties and circumstances into account.
- Acknowledge difficulties and challenges that may be caused by disruptions to business routines, and mitigate these challenges when possible.
- Deliver decisions, orders or official documents in a way that is sensitive to possible adverse reactions.

Example: After inspecting a warehouse and preparing to approach the health and safety representative about violations, Steven determined many staff members were in the midst of daily prayers. He waited patiently until the prayers were complete, then proceeded with issuing orders.



Fairness and Objectivity

Definition: Perform all duties impartially, objectively, fairly and without discrimination, favours or ill will. All situations should be dealt with in an administratively fair manner.

Intent: SFHW staff should treat all clients / stakeholders with objectivity, impartiality and fairness, making decisions solely on current legislation, APS values, and division policies and procedures.

Expected SFHW Standard:

- The law is the law, and SFHW officers have considerable authority that shall be consistently applied. If either ES or OHS legislation is not being followed, then the appropriate enforcement action will be taken – whether that’s issuing orders, reviewing payroll records, educating the employer, considering administrative penalties, issuing stop work orders, mediating settlements between parties, and more.
- Focus on the circumstances, evidence, and what you observe – not on personalities or personal preferences.
- Use appropriate communication skills to enhance the effectiveness of any encounter with stakeholders.
- Treat everyone fairly, regardless of the strength or length of the relationship.
- Ensure your decisions are informed by legislation, training, policies, procedures, observations and the facts at hand.
- Immediately disclose any possible conflict of interest to your supervisor.
- Follow the Alberta Ombudsman guidelines to ensure administrative fairness.
- Consider all viewpoints from the parties involved.
- Base your decision solely on relevant and reliable information.
- Avoid personalizing the situation when making decisions.
- Do not allow any challenging stakeholder to alter your decision or negatively impact your work.

- Avoid wearing clothing that displays, or gives the impression of endorsing, any particular company or association (i.e. logos), unless the logo is that of the GoA, OHS or ES, so as not to compromise your impartiality. If you're not sure what is suitable, please discuss with your manager.

Example: Following an inspection of a machine shop, Hannan was in the process of writing orders when the operations manager questioned whether that was necessary, adding that those orders could damage his company's reputation. Hannan calmly and confidently explained the reasons for the orders, and that her job was to work with the Health and Safety Committee to resolve the issue. She assured the manager she would return to re-inspect once corrective action is taken.

Collaborative

Definition: Work with team members, colleagues and partners to build consensus, leverage specific skills, solve problems, and share responsibility within your branch and across the division. For OHS, involve joint work site health and safety committee co-chairs, or worker health and safety representatives with your inspection/investigation – where appropriate – to better understand unique work environments and develop solutions that adhere to legislation.

Intent: SFHW officers, regardless of their own experience and skillset, should routinely access additional expertise of colleagues and team leads – and where appropriate within OHS – joint work site health and safety committee co-chairs or representatives, to ensure all the facts are in place prior to drawing conclusions. Collective wisdom leads to the best outcomes.

Expected SFHW Standard:

- When possible, and when time allows, seek the opinions and expertise of SFHW colleagues, both in delivery and policy, to ensure your decisions are sound.
- In cases of imminent danger, officers are expected to utilize their best instinctive judgement and issue orders or contact the appropriate authorities.
- When appropriate, OHS officers are encouraged to request health and safety committee members or a worker health and safety representative to accompany the officer during an inspection.
- Represent the department and the division in all interactions and act as an information or referral source for enquiries that relate to other branches.
- On occasion, OHS and ES officers will be required to conduct joint pro-active inspections. Ensure you work collaboratively when these situations arise; resulting in a cohesive and professional interaction with the stakeholder.

Example: While conducting an OHS inspection, Yan heard staff complaining that they were again working a 15 hour day and hadn't had a break in six hours. Upon returning to the office, Yan immediately provided the information to ESPD for follow-up.

Confidential

Definition: Treat all confidential information obtained by any means in confidence unless the performance of duties or legalities take precedence.

Intent: SFHW staff should adhere to Alberta's Freedom of Information and Protection of Privacy Act to ensure that confidentiality and sensitivity of stakeholders and information provided by those stakeholders is respected. Staff should collect and apply all internal and external information in compliance with legislation regulations, policies and procedures.

Expected SFHW Standard:

- Recognize and respect legal rules regarding the collection, use and disclosure of information (FOIP, Canadian Charter of Rights and Freedoms).
- Monitor and ensure control and custody of all documents and information received verbally.
- Ensure that all personal, confidential and sensitive information is not discussed with, or disclosed to, unauthorized persons knowingly or unknowingly, within or outside the division.
- Advise individuals that some of the information they are providing may be accessible by others under the FOIP Act.
- For Freedom of Information requests, direct stakeholders to the appropriate FOIP coordinator in the department.

Example: Sylvia was in the midst of investigating a complaint over pay. While going through the payroll records of dozens of employees, the employer said he could be more helpful if Sylvia disclosed the name of the worker who filed the complaint. The officer politely explained that wasn't possible as it would breach confidentiality with the workers, and that the scope of her investigation wouldn't be limited to the employee or employees who filed a complaint.

Knowledgeable and Competent

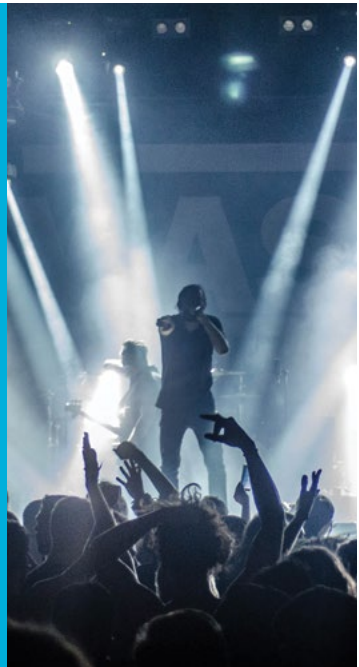
Definition: Enhance and improve the level of knowledge and competencies of operational staff within SFHW.

Intent: SFHW staff should ensure they are knowledgeable through a commitment to continuous learning and are competent when exercising their responsibilities.

Expected SFHW Standard:

- Continually monitor your state of job knowledge and competency, and be self-motivated in seeking learning opportunities and materials.
- Consistently update yourself on relevant legislation, policy, terminology and procedures.
- Proactively monitor local and mass media, along with social media, for developments, trends and events that may impact the division or the stakeholders you interact with.
- Serve as an information resource for your coworkers and clients.
- Develop and maintain a basic level of organizational awareness about the work of other departmental branches and identify linkages when they arise with clients.
- Attend division and branch-led workshops, town hall sessions and other educational-related events. Declining should be a rare exception.

Example: A recent media announcement of a new outdoor music festival in rural Alberta caught the attention of Connor, an Employment Standards office manager and ‘weekend musician’. Social media was quick to spread the word and a sellout resulted in rumours of the promoters discussing stage alterations. Aware of past challenges with stage safety at outdoor venues, Connor discussed the situation with his OHS colleagues, resulting in proactive inspections to ensure worker safety at the concert site.



Responsive and Timely

Definition: Conduct and conclude activities, including investigations, inspections and follow-up on orders in a timely fashion, utilizing best practices and the most efficient means of communications available. Engage with employers and other stakeholders including the general public and staff to find out how we can do better. Monitor and measure personally to ensure you are meeting goals.

Intent: SFHW staff should adhere to legislative requirements, policies and procedures to ensure that established timelines are met.

Expected SFHW Standard:

- Respect internal and external timelines.
- Organize yourself using appropriate time-management tools and strive to increase your skills in this area.
- Establish reasonable timelines for your work, and clearly communicate those timelines to co-workers, supervisors, and workplaces.
- Promptly communicate and negotiate if your original established timelines cannot be met.
- Promptly respond to internal/external clients regarding inquiries that affect their ability to conduct business.
- Ensure decisions are made and communicated as soon as possible to stakeholders involved in inspections/investigations/audits according to legislation, policies and procedures.

Example: After receiving a stop-use order on a grooming machine and making what he believed to be the necessary repairs, the manager of a popular ski resort contacted Anika, the issuing OHS officer for follow-up. Anika retrieved her messages at the end of the day and made it a priority to contact the ski resort manager first thing the next day. The two arranged a convenient time the following day for Anika to return, re-inspect, and lift the stop-use order.

Enforcement and Risk

Definition: Manage risk when planning and undertaking enforcement activities.

Intent: SFHW enforcement activities will target pro-active and reactive efforts on high-risk and/or non-compliant areas and use compliance tools that are flexible and proportionate to the level of risk and the nature and circumstances of the contravention.

Expected SFHW Standard:

- Clearly communicate the goals and employer responsibilities to the employer.
- Evaluate and use a range of progressive enforcement tools and choose the best option(s) for the circumstance.
- Issue orders that are consistent with policies, procedures and directives.
- Actively monitor orders issued to ensure compliance is achieved.
- Follow-up on compliance orders.
- Prioritize assignments with respect to risks posed to workers/employees and the public.
- Build and utilize partnerships, including with Joint Workplace Health and Safety committee members, or Health and Safety representatives (OHS) to provide information, training and education to foster compliance.
- Use appropriate operational/program/sector plans to identify employers/sectors to best utilize time to target high-risk employers and activities.



Example: While conducting a pro-active Employment Standards inspection of a hotel, Patrick discovered cleaning staff were being forced to work without pay, and were being forced to live in sub-standard conditions as repayment for their relocation to Canada as temporary foreign workers. Patrick contacted his Justice partners including local police, Canadian Border Services, Temporary Foreign Worker Advisory Office and Occupational Health and Safety to conduct reviews of the worksite and personnel. Patrick also conducted a payroll inspection resulting in the employer being issued an Officer Directed Audit. Later that month, when the Employer failed to comply with the officer's directions, Patrick conducted the audit, applied audit fees, and issued an Order of Officer for \$78,000. Patrick's proactive inspection also uncovered a human trafficking ring resulting in numerous arrests.



How is *Professionalism in the Workplace* any different from how staff conducted themselves before?

This document formalizes the high level of professionalism already expected and modelled across the division. By reinforcing our values, *Professionalism in the Workplace* provides a consistent set of expectations across OHS and ES. This results in a consistent level of excellence for employers and stakeholders, including the general public.

How will *Professionalism in the Workplace* be utilized?

Each of the eight fundamentals of professionalism will be embedded in your Performance Agreements. Examples of how you personally adhere to each element will be part of your annual review. Additionally, this document will be posted on the ES and OHS public-facing websites, and will be available as a handout for senior and executive management to share with stakeholders, including employers and the general public.

How do I, employers, workers and the public benefit from this document?

The public benefits from a high level of professionalism practiced by all divisional staff, particularly those who interact frequently with the public. These fundamentals of professionalism ensure that businesses and the public are treated fairly and respectfully. Businesses will understand they are being inspected, investigated or audited in a consistent, professional manner. On a personal level, ***Professionalism in the Workplace*** increases credibility and respect with employers, workers, the general public and your co-workers.

Does *Professionalism in the Workplace* apply to internal interactions with my colleagues?

This document is primarily intended to guide the work of all divisional staff who interact with the public, although the fundamentals listed are also applicable to how we interact with our colleagues. ‘Working with Pride and Dignity in the Alberta Public Service’ also provides internal directives on a respectful workplace.

Does this document change how I do my job?

Professionalism in the Workplace does not replace rights in legislation guiding inspections, investigations and audits. This document does, however, formalize a high level of professionalism widely practiced by division staff. Embedding the fundamentals of professionalism in your annual Performance Agreements and sharing these expectations with the general public will further entrench those high standards, and ensure they are practiced every day on the job.

How do we know if someone isn’t following these fundamentals of professionalism?

Senior and executive management closely monitor any complaints from the public or businesses dealing with SFHW staff. Additionally, SFHW has an internal complaint investigation process. Responses through either avenue will focus on whether the fundamentals of professionalism contained within this document have been followed in all interactions with businesses and the public. Non-compliance with these fundamentals of professionalism will be addressed in the same manner as any other issue identified where an employee fails to meet job expectations.

What if there are circumstances not addressed in this document?

An intriguing aspect of working with Employment Standards and Occupational Health and Safety is that every inspection, investigation and audit is unique. No two situations are exactly alike, and elements within each situation differ. These fundamentals of professionalism are intended to act as a guide and are expected to be applied in every situation. There may, however, be occasions when the answers to a specific situation are not found within this document. In these cases, consult with your manager who will provide appropriate direction.

Is there a professional dress code for my colleagues and me?

Public-facing staff within the division are supplied with clothing/ jackets that identify them representing either Employment Standards or Occupational Health and Safety. This clothing is expected to be worn when entering a business or public premise to perform an inspection, investigation or audit. You are expected to be impartial, which includes dressing in a manner that does not create an actual or perceived conflict of interest. If you're not sure what is appropriate for a specific circumstance, discuss your concerns with your manager.





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