

## 6.3 Employee Assistance Program

### Introduction

The Government of Nova Scotia cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Serious personal or family problems are usually amenable to treatment and rehabilitation. For instance, alcoholism is a treatable disease that has devastating effects on one's personal health, family, and work life. Drugs, gambling, family problems, and emotional distress can have similar effects. Most people solve their problems either on their own or with the advice of family and friends however, people sometimes need professional advice. The Government of Nova Scotia, through its Employee Assistance Program, provides access to professional counselling services for its employees, and those in need of professional assistance are encouraged to use the program.

### Purpose of the Employee Assistance Program

The purpose of the Employee Assistance Program is to offer confidential assistance to employees who have the potential to be adversely affected by personal problems.

### Basic Principles

- Early intervention is desirable in dealing with any personal or family problems.
- Management and unions working co-operatively through the Employee Assistance Program can help employees deal with personal problems.
- In formal referrals, the employer's concern with employee problems is limited to efforts to address deteriorating work performance. The supervisor or manager is responsible for identifying with the employee when job performance is below standard. The supervisor is not responsible for diagnosing the nature of a personal problem, and the Employee Assistance Program is not designed to interfere with an employee's private and social life.
- The Employee Assistance Program applies equally to all government employees, dependents, and significant others.
- The Employee Assistance Program encourages employees to voluntarily seek help (self-referral) for personal problems. The Employee Assistance Program is strictly voluntary; mandatory referral is not used.

- Confidentiality is the cornerstone of the Employee Assistance Program. Employees' access to the program is voluntary and will not be conditional on a consent to release information to management. Information is not released to anyone without the employee's written consent. Legally, "confidentiality" refers to the obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information.
- An employee's current job and opportunity for promotion or advancement will not be jeopardized by using the services of the Employee Assistance Program.
- The Employee Assistance Program recognizes the need for granting of leave for the purpose of counselling and or treatment; existing agreements covering employee health benefits will be used.
- The Employee Assistance Program does not alter management's responsibility to maintain discipline or the right to take disciplinary measures within the framework of the agreement, nor does it alter the union's prerogatives.
- The Employee Assistance Program is not designed to assist in "conflict resolution" between employees and/or managers. These matters should be resolved through established administrative procedures and/or collective agreements. The Employee Assistance Program can help the employee deal with personal consequences of conflicts that may be work related.

### **Access to the Government Employee Assistance Program**

- civil servants
- statutory departmental appointments (including adult correctional institutions)
- casuals with over six months of accumulated service
- members of the Canadian Union of Public Employees employed with the Department of Transportation and Public Works
- Order-in-Council appointees
- MLAs
- retirees
- any of the above who are on long-term disability
- other groups might be added, due to mobility of departments, with approval of the advisory committee.

To be included in the category of family members for the purpose of inclusion in the Employee Assistance Program are the following:

- spouses (including common law spouse and significant others)
- dependent children, as defined under the benefits plan.

### **Areas of Assistance**

The Employee Assistance Program provides assistance with a broad range of personal concerns, including, but not limited to:

- marital, family and relationship problems
- substance abuse (alcohol, drugs, prescription medication) and other addictive behaviours such as gambling
- personal debt and financial management problems
- stress (family, social, job)
- family violence
- psychological problems
- sexual harassment
- work-related conflicts.

### **Eligibility for the Program**

The program is available to all individuals as outlined in the employee groups and dependents list.

### **Program Operation**

- The Employee Assistance Program acts as an intake and referral system, using agencies and services in the community to provide ongoing assistance as appropriate and required. Early recognition of a problem is an important objective, to enable an employee to receive help before a crisis develops. Whenever possible, public community services will be used initially.
- Participation in the Employee Assistance Program is not an alternative to discipline, nor is it to be used by management as a disciplinary measure. Mandatory referral is not used in the Employee Assistance Program. The intent is to allow employees the chance to voluntarily seek help with personal problems.
- Any employee can consult, on a confidential basis, with the Employee Assistance Program Coordinator concerning access to the program or to ask general information.
- There shall be an Employee Assistance Program Advisory Committee composed of

three members from management, three members from the Nova Scotia Government Employees Union, two members from Canadian Union of Public Employees, the Employee Assistance Program Coordinator as advisor, and advisors as agreed upon by the advisory committee.

- There is no cost for employees to consult with the Employee Assistance Program Coordinator. If further counselling is necessary, the Employee Assistance Program Coordinator will outline community and private services available. Any costs associated with private services are the responsibility of the employee unless otherwise advised.

## **Rights and Responsibilities**

### **PREAMBLE**

- Maintenance of acceptable job performance is a shared responsibility.
- Performance goals must be set by the manager along with the employee and achievements measured against these goals.
- The employee, coached by the manager, responds by accepting responsibility for maintaining satisfactory job performance.
- Declining job performance should be addressed from a number of perspectives. The organization must have policies and procedures in place for setting standards and measuring performance as well as documented procedures to consistently respond to the results, both positively and negatively.
- The organization acknowledges exemplary performance by recognition of individuals and groups of employees for this type of performance.

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES**

- Personal information concerning employee participation in the Employee Assistance Program is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file. Access is limited to Employee Assistance Program staff. An employee may review the Employee Assistance Program file at any reasonable time. The Employee Assistance Program file is destroyed after seven years following closure of the case.
- Participation in the Employee Assistance Program shall not jeopardize an employee's job nor prejudice any opportunity for promotion or advancement.
- Leave may be granted in accordance with the collective agreement and/or terms and conditions of employment for professional assessment, counselling, and treatment.
- It is the responsibility of the employee to maintain satisfactory job performance. In the event that personal problems cause deterioration of work performance, the

employee has a responsibility to obtain the necessary help to bring job performance up to an acceptable level. The Employee Assistance Program offers a means to obtain this help.

**MANAGER'S RESPONSIBILITIES**

- Address work performance problems through normal supervisory procedures.
- Be consistent and treat employees fairly.
- Make employees aware of the Employee Assistance Program in instances where declining job performance has been determined, if appropriate.
- Do not attempt to diagnose personal problems of the employee or offer a personal opinion.
- Provide follow-up and support to employees upon return to work, if appropriate.
- Do not require the employee to divulge the nature of the problem when requesting leave for an appointment with the service providers under the Employee Assistance Program. If necessary, the employee can provide verification of attendance through the Employee Assistance Program Coordinator.
- Maintain a strict level of confidentiality with all cases.

**UNION'S RESPONSIBILITIES**

- Be knowledgeable about the program and the referral procedure.
- Encourage members to use the Employee Assistance Program if appropriate.
- Maintain a strict level of confidentiality with all cases.

**EMPLOYEE ASSISTANCE PROGRAM COORDINATOR'S RESPONSIBILITIES**

- Oversee the Employee Assistance Program to ensure effective and consistent application of the policy and procedures.
- Provide information sessions to management and union personnel regarding the Employee Assistance Program.
- Promote the Employee Assistance Program in the workplace.
- Develop and maintain an accurate, current data bank on "helping" resources and services in the community, including a brief description of services available and the cost, if any, of the service.
- Liaise with service providers to assure service standards are acceptable and meet the requirements of clients.
- Conduct screening and preliminary assessment for persons contacting the Employee Assistance Program for assistance. Provide full information regarding participation in the program.
- Refer the employee to a professional counsellor for detailed assessment and treatment as appropriate.

- Follow up as appropriate with the individual to assure assistance was beneficial.
- Assist the employee in his or her return to the work environment as appropriate.
- Provide consultation to managers regarding the Employee Assistance Program services.
- Organize and/or facilitate, on an ongoing basis, educational programs for employees about the Employee Assistance Program's services.
- Maintain all information on employees participating in the Employee Assistance Program in a confidential, secure manner.
- Prepare and submit an annual report on the program to the Employee Assistance Program Advisory Committee and the Minister.
- Provide feedback to management as to areas where special attention or training is required.

#### **ADVISORY COMMITTEE'S RESPONSIBILITIES**

- Review established policy to ensure agreement and understanding of procedures and practices.
- Develop and recommend changes in program policy as necessary after receiving input from interested parties.
- Develop strategies in conjunction with the Employee Assistance Program Coordinator to ensure that employees are aware of the Employee Assistance Program.
- Oversee an evaluation of the program.
- Prepare a report on the activities of the committee as deemed necessary or required.

### **Access, Referral, and Offers of Assistance**

Access to the Employee Assistance Program can be either self-initiated or employer-initiated. The decision to seek assistance through the Employee Assistance Program is always voluntary. When an offer of assistance is made by the employer, it is not mandatory for the employee to accept the offer.

#### **SELF-INITIATED**

An employee recognizes that a problem exists and seeks assistance by calling the Employee Assistance Program Coordinator directly. This may have resulted from a process of self-realization or from a family member, friend, co-worker, or supervisor sharing concern for the employee and informally suggesting the use of the Employee Assistance Program. These self-referrals are treated with strict confidentiality. The

employee's supervisor will not be informed of the nature of the problem unless the employee requests this to happen. The employee is responsible for obtaining approval for any required time-off associated with the use of the Employee Assistance Program.

#### **EMPLOYER-INITIATED**

The manager is responsible for addressing with the employee deteriorating work performance and providing guidance to help the employee improve work performance. An employee accepts responsibility for keeping job performance at a pre-established acceptable level. If job performance does not improve or shows continuing deterioration, then the manager may initiate a formal offer of assistance. It is not mandatory for the employee to accept this offer. Prior to initiating a formal offer of assistance, the supervisor should consult with the Employee Assistance Program Coordinator concerning the appropriateness of the offer.

#### **INFORMAL**

The supervisor will ensure that the employee receives an informal offer of assistance prior to initiating a formal offer of assistance. Such offers will be documented. Certain workplace behaviour could result in an employer-initiated formal offer of assistance without there being previous informal offers.

#### **FORMAL**

The formal employer-initiated offer of assistance is to be in writing on the prescribed form (Appendix 6-A). The employee has the right to refuse the offer. A formal offer of assistance is to be delivered confidentially to the employee, with a confidential copy to the Employee Assistance Program Coordinator and a copy retained in a confidential departmental/agency master personnel file.

### **Referral by the Employee Assistance Program Coordinator**

#### **ASSESSMENT**

The employee is responsible for making contact with the Employee Assistance Program staff. During the initial contact, the Employee Assistance Program staff will explain the Employee Assistance Program, including confidentiality of the program and the exceptions, the employee's rights and responsibilities, and full information about participation in the program.

The employee assistance professional and the employee will conduct a preliminary assessment of the problem. The coordinator will provide information and, if

appropriate, encourage the employee to accept referral for counselling and treatment. Upon completion of the preliminary assessment, the coordinator and the employee will discuss the options that appear to be most realistic and attainable for the employee in resolving the problem. The employee will choose the treatment service, and a referral will be facilitated.

#### **REFERRAL**

The employee assistance professional will conduct a preliminary assessment of the problem with the employee. The employee assistance professional will be knowledgeable about the appropriate services in the community and will assist the employee with making referral arrangements.

#### **COORDINATION AND FOLLOW-UP**

The employee assistance professional will maintain an informal but planned follow-up procedure. The employee assistance professional will work with the employee to ensure appropriate services are received in a timely manner. Contact with any treatment agency or the employer will only be at the request of the employee.

### **Confidentiality**

A primary principle of Employee Assistance Program is to maintain confidentiality throughout every level of the program. An employee accessing the Employee Assistance Program needs confidence in the privacy of this relationship.

Legally, “confidentiality” refers to the obligation to refrain from willingly disclosing information that has been received in confidence and not to situations in which a court or statute compels a person to disclose information.

An Employee Assistance Program worker who is subpoenaed to surrender records or to testify in court is not in breach of his or her confidentiality obligations.

An Employee Assistance Program worker would not be in breach of confidentiality obligations by complying with the mandatory reporting provisions of the provincial child abuse legislation or the obligation to warn intended victims of violence.

The Employee Assistance Program Staff will maintain the minimum amount of information required to assist the employee. Files will be available for review by the employee at any reasonable time. Employee Assistance Program files shall be destroyed after seven years following closure of the case.



In many cases, the employee contacting the Employee Assistance Program Coordinator will wish to remain anonymous. Personal identifying information will not be required to carry out preliminary assessment and referral to a helping resource in the community.

All persons employed within the Employee Assistance Program are bound by conditions of strict confidentiality.

### **Summary**

The Employee Assistance Program can benefit everyone. Employees obtain help with personal problems that may be affecting their well-being, family life, or work performance. The employer benefits by retaining employees with valuable skills and knowledge. Early use of the program can contribute to the prevention of serious problems for the individual employee, family, and employer.

### **Enquiries**

General Enquiries, Public Service Commission (902) 424-7660

### **Appendix**

Appendix 6-A - Formal Offer of Assistance Form

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*Approval date:*

*Manual release date: January 9, 2003*

*Approved by:*

*Most recent review:*

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**Appendix 6-A**

# Confidential Formal Offer of Assistance

TO:

DATE:

On \_\_\_\_\_ we discussed your job performance and the

opportunities available through the Employee Assistance Program.

If you decide to accept this offer, an appointment is scheduled for you at

\_\_\_\_\_ (time) on \_\_\_\_\_ (date).

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Supervisor

Read and understood \_\_\_\_\_

Signature of Employee

- 1) This is not a mandatory referral and the employee is not obligated to attend.
- 2) A copy of this form is to be delivered to the departmental/agency master personnel file maintained in a separate, confidential manner by the Human Resource Manager.