

9.2 Personal Protection Policy

Policy Statement

The Government of Nova Scotia is committed to providing service to the public in an environment that is safe and respectful. The government has a duty to take reasonable steps to preserve the safety of the workplace for both the people to whom service is provided and employees. The use of physical force or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, by employees of the Government of Nova Scotia, is strictly prohibited except where there is a belief, on reasonable grounds, that it is necessary in order to prevent personal injury or property damage or escape from lawful custody or to maintain order. It is recognized that some workplaces present a risk of violence in which the use of force by employees may be required. The employer has a duty to inform employees of the risk of violence and of the lawful use of force and to minimize the risk of workplace violence.

Policy Objectives

The purpose of the policy is to ensure that reasonable steps are taken to create and maintain a safe environment in the workplace for providing service to the public. The policy has been developed in accordance with the following goals:

- respect for the dignity of both employees and the people to whom service is provided
- the creation and maintenance of an orderly and safe working environment.

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and all bargaining unit staff who are employed by the Province of Nova Scotia.

Policy Directives

- The employer and employees of the Government of Nova Scotia must take reasonable steps to reduce the likelihood of workplace situations that may result in the use of force or employee exposure to violence.

- The use of physical force or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, by employees of the Government of Nova Scotia, is strictly prohibited except where there is a belief, on reasonable grounds, that it is necessary in order to prevent personal injury, property damage or escape from lawful custody or to maintain order.
- No more force than is reasonably necessary shall be used.
- The use of physical force, including corporal punishment, or the use of threatening behaviour, either verbal or physical, which is accompanied by an intent to cause physical harm, shall at no time be used as a form of discipline.
- The use of inappropriate or excessive force shall be deemed to be a violation of this policy.
- A failure to comply with the terms of this policy will result in appropriate disciplinary action being taken that is consistent with collective agreements that the province has with both the NSGEU and CUPE, and the Government of Nova Scotia Management Manual 500.
- All government departments must undertake a hazard assessment, for each workplace, identifying the potential for risk of employee exposure to violence and the potential for the use of force.
- Where a hazard assessment indicates a potential for risk of employee exposure to violence and the potential for use of force, a department is responsible to develop a policy and procedures, to be approved by the Deputy Minister of each department, that are consistent with the policy objectives and directives contained in the Government of Nova Scotia Personal Protection Policy. The procedures must address the following matters:
 - a definition of reasonable force that is consistent with the philosophy and mandate of the respective sector in the context of the nature of the services that are provided to the public, and that is consistent with the Criminal Code of Canada and other relevant legislation
 - guidelines relating to obtaining consent to the use of force for therapeutic or treatment purposes
 - a review mechanism to monitor compliance with the Personal Protection Policy
 - a mechanism for the coordinated, annual review of the Personal Protection Policy and procedures
- a training plan to provide for the implementation of the Personal Protection Policy and procedures

- a communication plan for the dissemination of information to employees regarding the Personal Protection Policy and procedures, including information in written form with respect to the use of force, which contains information about the investigative procedure and complaint procedure.

Policy Guidelines

Policy guidelines may be developed by departments to assist in the implementation of this policy. Departments are responsible to provide leadership and direction to assist agencies, boards, and commissions in developing policy consistent with the Personal Protection Policy.

Accountability

Deputy heads are responsible for ensuring that their respective government departments develop a policy and procedures that are consistent with the policy objectives and directives contained in the Government of Nova Scotia Personal Protection Policy.

Monitoring

The Personal Protection Policy of each respective government department shall be reviewed by the Public Service Commission on a periodic basis to ensure compliance with the Government of Nova Scotia Personal Protection Policy.

References

Criminal Code of Canada

Nova Scotia Occupational Health and Safety Act

Government of Nova Scotia Occupational Health and Safety Policy

Enquiries

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

Approval date: January 24, 2000

Manual release date: January 9, 2003

Approved by: Judith Sullivan-Corney, Deputy Minister

Most recent review:

