

**LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA
POLICY MANUAL**

SECTION	Human Resources
POLICY	4055 – Employee Files

Objective To outline the process for maintaining, accessing, and retaining the employment records of employees of the Legislative Assembly.

Application This policy applies to all employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66).

Authority Legislative Assembly operational policies are approved by the Clerk of the Legislative Assembly, as per *Policy 1000 – Legislative Assembly Policy Framework*.

Key Definitions “**employee file**” means a collection of records maintained by Human Resources about an individual’s employment relationship with the Legislative Assembly;

“**employee record**” means a form, notes, report or other documentation, in any medium, relating to or having an impact on the employment relationship of an individual with the Legislative Assembly, including hiring documentation, employment or leave status, salary, performance, benefits, disciplinary action, and training;

“**departure**” means the end of the employment relationship;

“**personal information**” means recorded information about an identifiable individual other than business contact information (including name, position name or title, business telephone number, business address, business email, or business fax) that enables an individual to be contacted.

- 1. General**
- .01 Employee records are confidential and will be held and maintained in a manner that protects an employee’s personal information and prevents unauthorized access, use, disclosure, or disposal.
 - .02 Employee files are property of the Legislative Assembly and are created and maintained by Human Resources, who makes reasonable security arrangements for the protection of personal information.
 - .03 Human Resources staff may access employee files in the course of carrying out their responsibilities and in doing so may share information and records in an employee file with a service provider of the Legislative Assembly if the information or record is necessary for the performance of the duties of the service provider in relation to the Legislative Assembly.

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- 2. Internal Requests for Access**
- .01 An employee may view their employee file or request a copy of one or more records by submitting a written request to Human Resources with at least 48 business hours of advance notice. An employee shall only access their employee file under the supervision of Human Resources staff within the Human Resources offices and cannot amend or remove any documents.
- .02 The following individuals may request access to an employee file or request a copy of one or more records where necessary for the performance of their duties by contacting Human Resources:
- a) an employee’s supervisor, manager, department head, or Clerk’s Leadership Group member responsible for overseeing the employee’s department;
 - b) internal auditors;
 - c) legal counsel; and
 - d) the Clerk of the Legislative Assembly.
- .03 All information or documents accessed or provided to an individual under section 2.02 must be treated with the strictest confidence.
- .04 Requests for reasons other than that described in section 2.02 or for access to an employee file or a copy or one or more records by an individual not listed in section 2.02 may be granted on an exceptional basis by the Chief Human Resources Officer in consultation with the Law Clerk and Parliamentary Counsel.
- 3. Disclosure and External Requests for Access**
- .01 Human Resources may release employee records to a third party in the following circumstances:
- a) to an employee’s legal representative (e.g., legal counsel, power of attorney, executor/administrator);
 - b) for the purpose for which personal information was collected;
 - c) if written consent has been provided by the employee;
 - d) for the protection of the health or safety of the employee;
 - e) to the Office of the Auditor General or external auditor of the Legislative Assembly for audit purposes; or
 - f) as required by law.
- 4. Records Retained**
- .01 Requests to amend or remove documents from an employee file must be made in writing to Human Resources.

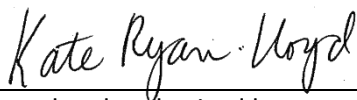
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- .02 The following information and records will be contained in an individual’s employee file:
- a) hiring documentation (e.g., offer and confirmation letter, qualification confirmation documentation);
 - b) policy confirmation documentation (e.g. oath of employment, Standards of Conduct acknowledgement, *Retirement Allowance Acknowledgement Form*);
 - c) performance reviews and/or evaluations;
 - d) benefits and pension documentation;
 - e) personal information (i.e., birth date, marital status, contact information, and emergency contacts);
 - f) written disciplinary action;
 - g) letters of resignation and documentation of departure; and
 - h) other relevant information regarding the employee’s employment with the Legislative Assembly.
- .03 Employee files will be retained for a minimum of seven years following the departure of an employee and will thereafter be securely destroyed.
- .04 Human Resources will regularly review employee files to:
- a) remove disciplinary records in accordance with *Policy 4050 – Progressive Discipline*; and
 - b) ensure that employee files are securely destroyed in accordance with this policy.

Contact Please contact Human Resources with any questions regarding this policy at Human.Resources@leg.bc.ca.

References *Policy 4050 – Progressive Discipline*



Approved and authorized by
Kate Ryan-Lloyd, Clerk of the Legislative Assembly

July 7, 2021

Date

POLICY HISTORY

Version 1	July 7, 2021
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