

Medical Leaves of Absence

Policy No. 202.6R

REGULATIONS

Regulations for Managing Employee Medical Certificates and Related Documents

Introduction

Generally, employee medical information is considered sensitive personal information. As a result employees have a right to expect that such information will be treated confidentially, with a higher degree of privacy protection than is required for less sensitive human resources information.

These regulations are intended to strike a balance between school districts' need to collect, use and disclose employee medical information for legitimate work related purposes and employees' rights to privacy and confidentiality in respect of such information.

Employee Consent

- Authorization for gathering medical certificates should be obtained from an employee in advance. The medical certificate forms utilized in the district contains a section for the employee's written consent for the completion of the form.
- The purpose for which the medical certificate information will be used may include establishing eligibility for benefits, fitness to work, accommodation requirements, etc.
- Failure to provide timely consent could affect the employee's eligibility for sick leave benefits.

Use of Medical Certificates and Related Documents

- Access to and use of employee medical certificates and related documents is to be limited to those individuals who have a responsibility to manage health related absences, to administer benefit and related sick leave, disability or income replacement programs.
- Employees working with this information are to be instructed regarding appropriate practices and procedures set out in this policy relating to the handling of such information to ensure its confidentiality.

Protection of Employee Medical Certificates and Related Documents

- Although such information forms part of the personnel record, medical certificates and related documents should be kept in a discrete file, accessible only to those with work responsibilities that requires access to the information.

- Due to the sensitivity of such information, reasonable and appropriate safeguards should be used to secure this information against unauthorized access, collection, use, disclosure or disposal.
- Employees dealing with these documents are to be made aware of the requirements in place regarding the retention and disposal of employee health records.

Employee Access to Medical Information

Upon written request, an employee or claimant may obtain access to information held by a school district in accordance with Section 4 of the *Freedom of Information and the Protection of Privacy Act*.

Safety Exception to Access

Any health professional's report or opinion about an employee is the individual employee's personal information. However, in some circumstances, the release of information to an individual may be refused where the information may be harmful to that person or a third party (e.g., where there is a concern that the individual is suicidal or dangerous to others – refer to the *Freedom of Information and the Protection of Privacy Act* Section 19).