

Administrative Procedure 402 – Appendix

EMPLOYEE HEALTH RECORDS

Background

The Division is committed to ensuring the confidentiality of all employee health information . All written health information pertaining to employees will be contained in individual files and kept within Employee Health Services under the care of the Employee Health Services Case Managers.

Definitions

Access means the right and opportunity to examine, to be informed, to copy and to transmit information.

Confidentiality is the right of individuals to have all information about themselves released only to those to whom they have expressly given consent, except when failure to disclose would place the person or third parties in danger or disclosure is required by law.

Employee Health Record is the record that includes all medical information regarding an employee received by Employee Health Services in the course of its duties.

Informed Consent for Release of Health Information means permission to disclose confidential information based on an understanding of what is to be disclosed, a reason(s) for disclosure, to whom and for what period of time with the right to revoke such permission.

Procedures

1. The employee health record will contain the minimum amount of information required to provide support and to adequately manage the illness, injury and absence(s).
2. Charting employee health information will be precise, accurate and timely.
3. The employee health record is a legal document and must not be altered.
4. The principles of confidentiality regarding employee health information apply equally to verbal and written information.
5. The employee has the right of access to their employee health record. Access by and release of health information to any other individual(s) can only be made with the employee's informed written consent.
6. The physical employee health record including paper and electronic medium is the property of the Division. Property ownership does not give right of access.

7. Content of employee health records has joint ownership between the health professional who developed the information and the employee.
8. Employee health records will be kept for 20 years from the date of last entry or for a total of 40 years whichever is longer.
9. Authorized destruction of employee health information will be by shredding, burning or erasure as in electronic storage.
10. Access to Employee Health Records
 - 10.1 Access to employee health records in Employee Health Services is limited to the Employee Health Services Case Manager and to designated staff of Employee Health Services who have a bona fide need to such access.
 - 10.2 Employee Health Services staff who have access to employee health records are required to understand and sign a Pledge of Confidentiality Document.
 - 10.3 Physical access to employee health records will be restricted by using a locking filing system in Employee Health Services. These records will not be left unattended or accessible to unauthorized individuals. Keys for employee health records filing cabinets will be held by the Employee Health Services Case Manager and Employee Health Services staff.
 - 10.4 Employee health records must be kept separate from general human resources records.
 - 10.5 An employee has a right to access any part or all of his/her health record.
 - 10.5.1 The Employee Health Services Case Manager, as custodian of the record, must remain with the record during access by the employee.
 - 10.5.2 The employee may have a witness in the viewing of the record. A signed statement by the employee that they have requested the witness is to be entered into the record by way of a letter to the file.
 - 10.5.3 During access the employee may submit notations of objection to the contents of the record by way of a letter to the file.
 - 10.6 The general right of access to health records is not absolute.
 - 10.7 Denial of access may occur if the responsible health professional believes it is not in the best interest of the employee to inspect the medical records or if access may endanger the health and safety of a third party(s). In case of denial the onus is on the health professional to justify the reason for denial.
 - 10.8 Disclosure of specific employee health information will only be authorized by informed written consent of the employee and will include:
 - 10.8.1 Date of the request;
 - 10.8.2 Name and description of the person intended to release the health information to be disclosed;

- 10.8.3 Name and description of the recipient of the health information to be disclosed;
 - 10.8.4 A specific description of the health information that is to be disclosed;
 - 10.8.5 Purpose for which the health information is requested and how it will be used;
 - 10.8.6 An expiration date for the validity of the authorization (usually 6 month); and
 - 10.8.7 A statement indicating the employee may rescind or amend authorization in writing at any time prior to the expiration date except when action has taken place in reliance of the authorization.
- 10.9 Disclosure of employee health information without authorization by the employee may occur in the following circumstances:
- 10.9.1 When there is an exchange of information between the Workers' Compensation Board and Alberta Human Resources and Employment Workplace Health and Safety that relates to epidemiology of industrial disease and particular disabilities suffered by claimants.
 - 10.9.2 When a work related injury or illness occurs there is a requirement for exchange of information between the Division and Workers' Compensation Board to establish responsibility for the claim.
 - 10.9.3 When there is a statutory requirement to disclose information under the Public Health Act and/or Alberta Occupational Health and Safety Act for the designation of notifiable diseases.
 - 10.9.4 When child abuse is suspected.
 - 10.9.5 In accordance with a court order during the course of legal proceedings.
 - 10.9.6 When public interest or safety overrides the duty of confidentiality because of a clear danger to the employee, to fellow employees or the public.

Adopted: April 3, 2000
Reviewed/Revised: June 12, 2002, June 28, 2013, June 30, 2017, February 5, 2021

Reference: Education Act, Sections 51, 52, 53, 54, 197, 204, 222
Alberta Human Rights Act
Freedom of Information and Protection of Privacy Act
Nursing Profession Act
Occupational Health and Safety Act
Workers' Compensation Act
Collective Agreements
Public Health Act