



# ENHANCED DISABILITY MANAGEMENT PROGRAM CBA CONFIDENTIALITY AND PRIVACY POLICY

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## COMMITMENT TO CONFIDENTIALITY AND PRIVACY

The purpose of the Enhanced Disability Management (EDMP) is to facilitate an employee-centered, proactive, appropriate and customized Disability Management Program for employees with occupational and non-occupational illness/injury.

Employees are required to share personal information, including personal medical information, for the purpose of delivering disability management services under the EDMP in relation to their current illness and/or injury.

The Parties to the EDMP recognize the sensitivity of the information and are committed to ensuring that employee information is protected. Employees' personal information will be collected, used, and disclosed in accordance with applicable legislation, the collective agreement, and this Policy.

Memorandum of Agreement #1 states:

- Confidential medical information will be protected. EDMP will be compliant with legislation and regulations (eg Workers' Compensation Act, human rights legislation, including duty to accommodate and privacy laws) and the Collective Agreement.

## POLICY

### A. Providing Personal Information

Employees are expected to provide sufficient personal information<sup>1</sup>, including medical information, to allow the EDMP to be delivered effectively. The personal information requested must be relevant and necessary. Upon enrolment to the EDMP the employee will be required to provide information about the illness/injury that is causing her/his absence. The information submitted should include the following:

- a. Nature of illness/injury
- b. Impact of illness/injury on ability to attend work regularly
- c. Prognosis for recovery
- d. Summary of restrictions (related to specific job demands/modified light duties)
- e. Duration of restrictions (temporary or permanent)
- f. Other non-medical barriers to RTW (if applicable)
- g. Is the prescribed treatment or therapy likely to impair performance or safety (nature of treatment or therapy not required)

If the initial information presented is sufficient for the development of an appropriate Case Management Plan ("CMP") and/or Return-to-Work ("RTW") planning then the request for additional medical information may not be required.

Generally, more personal information will be required as the Case Management Plan ("CMP") becomes more complex. In cases where additional personal information is required, this information will be

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<sup>1</sup> "Personal Information" is information about an identifiable individual and includes medical information

requested through written correspondence (medical questionnaire) with the health care provider, and the following process will be used:

- All questions in the questionnaire must be reasonably necessary to assist in the development of an appropriate CMP and for the purposes of RTW planning.
- The Disability Management Professional ("DMP") and EDMP Representative may discuss the questions and a copy of the questionnaire will be provided to the EDMP Representative before the correspondence is sent.
- The employee will be provided with a copy of the correspondence.

The questionnaire will include the following statement:

*The purpose of this form is NOT to inquire into illnesses/injuries or restrictions/limitations that are unrelated to this patient's current illness and/or injury.*

The following authorization will be included in the medical questionnaire:

*I, \_\_\_\_\_ have authorized \_\_\_\_\_, my Health Care Provider, to complete this medical questionnaire. In addition I authorize my Health Care Provider to submit this form to my Disability Management Professional (DMP).*

*I understand that my DMP will only use the information in this form for the purpose of delivering disability management services to me under the EDMP in relation to my current absence from work.*

Information sought in the medical questionnaire may include, but is not limited to, the following:

- a. Nature of illness or Diagnosis (if reasonably necessary)
- b. Prognosis for recovery
- c. Specific Treatment Plan (or recommendations for treatment)
- d. Is the patient following a prescribed or recommended course of treatment for the injury/illness? If no, why.
- e. Is recovery progressing as expected? If no, are additional assessments/treatments required? Explain.
- f. Has the patient been referred to a specialist in relation to the illness/injury causing her/his current absence from work?
- g. Outline specific physical/functional or psychosocial/cognitive restrictions/limitations to consider in the planning of a return to the workplace.
- h. Are limitations expected to be temporary or permanent?

### **B. People Who Collect, Use and Disclose Personal Information under the EDMP**

The parties to the EDMP are:

- a. The Ministry of Health Services (the "Ministry")
- b. The Health Employers Association of British Columbia (The "HEABC")
- c. The Health Authorities
- d. The Community Bargaining Association (The "CBA")

(Collectively the "Parties")



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Under the EDMP the Parties, and the following individuals, may have a role in collecting, using, or disclosing personal information:

- a. Disability Management Professionals,
- b. Union Representatives,
- c. Third-party benefit providers (i.e. Healthcare Benefit Trust, Great West Life, and WorkSafe BC),
- d. Provincial Steering Committee ("PSC") and Working Group members,
- e. Managers/Supervisors,
- f. HR/LR Employer Representatives.

Individuals who collect, use, or disclose personal information under the EDMP will only collect, use, or disclose, the amount and type of information necessary to fulfill their roles and responsibilities under the EDMP.

### C. Information Practices

The Parties and the individuals who collect, use, or disclose personal information under the EDMP are required to follow these 10 information practices:

a. Accountability

The Parties and the PSC are accountable for compliance with this Policy and relevant privacy legislation.

Individuals who are responsible for day-to-day collection and processing of personal information have been trained with respect to custody and control of that information, including ensuring it is not used or disclosed for any purpose other than as permitted under the EDMP, or required by law.

b. Purposes

Individuals who collect personal information under the EDMP will identify to the individual from whom they collect personal information (and explain as necessary) the purposes for the collection.

Personal information is collected under the EDMP for the purpose of delivering disability management services under the EDMP in relation to their current injury and/or illness. In particular, personal information is collected for the purposes of:

- i. Determining eligibility for the program,
- ii. Identifying and addressing barriers to staying at or returning to work,
- iii. Providing services to facilitate staying at work or earliest possible return to work,
- iv. Planning and facilitating recovery at work,
- v. Planning and facilitating return to work, either in an employee's own job or in an alternate job,
- vi. Determining eligibility for and paying benefits,
- vii. Permitting collaboration among the Parties and third party benefit providers regarding these purposes,
- viii. Other purposes permitted or required by law.

Personal information may be collected anonymously for statistical reporting as permitted or required by law.

When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose will be identified. Unless the new purpose is permitted or required by law, consent is required before the information can be used or disclosed for that purpose.

**c. Consent**

An employee is required to provide relevant personal information in order to participate in the EDMP.

Employees participating in the EDMP will be asked to sign an Authorization Form consenting to the collection, use, and disclosure of personal information for the purposes of the EDMP.

An individual may withdraw consent at any time, but the withdrawal cannot be retroactive.

**d. Limiting Collection**

Individuals who collect personal information under the EDMP will limit the amount and type of personal information they collect to that which is necessary to fulfill the purpose identified.

Individuals who collect personal information under the EDMP will collect personal information using the least intrusive method that will fulfill the purpose identified.

The amount and complexity of personal information required will generally increase as the duration of the absence and/or complexity of the CMP increases.

**e. Limiting Use, Disclosure, and Retention**

Use and disclosure of personal information is only for the purposes for which it was collected, and will be limited to those Parties and individuals identified on the Authorization Form and Medical Questionnaire. Consent will be obtained if it is necessary to disclose personal information to anyone not identified in this policy, except as permitted or required by law.

Personal information will be retained in accordance with the policy of the Party retaining the personal information, and as required by law. Otherwise it will be destroyed, erased, or made anonymous.

**f. Accuracy**

To the extent reasonably possible, personal information will be as accurate, complete, and up to date as is necessary for the purpose for which it is to be used.

**g. Safeguard**

The Parties must ensure that individuals who collect personal information under the EDMP on their behalf implement security safeguards for the personal information they hold, including:

- Physical measures (such as locked filing cabinets);
- Organizational measures (such as permitting access on a "need to know" basis only), and
- Technological measures (such as the use of passwords, encryptions, and audits).

Individuals who collect, use, or disclose personal information under the EDMP are aware of the importance of maintaining the confidentiality and protecting the privacy of personal information. The Parties will ensure that individuals who collect, use, or disclose personal information under the EDMP on their behalf sign appropriate confidentiality agreements and undertake appropriate privacy training.

Care is used in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information.

### **h. Transparency**

Information about the policies and practices relating to the management of personal information under the EDMP is available, including:

- Contact information for the Privacy Officer(s) for each of the Parties;
- Contact information for the PSC;
- The process for obtaining access to personal information under the control of each of the Parties, and making requests for its correction;
- A description of the type of personal information under the control of each of the Parties, including a general account of its use and disclosures (Freedom of Information and Protection of Privacy Act (FIPPA) and Personal Information Protection Act (PIPA)); and/or,
- A copy of information (including this Policy) that describes privacy policies, standards, or codes applicable to individuals who collect, use, or disclose personal information under the EDMP.

### **i. Individual Access**

Individuals may make written requests to have access to their records of personal information in compliance with the policy for access and correction of records of the Party retaining the personal information, and as required by law.

The Parties to the EDMP will respond to an individual's request within reasonable timelines and costs to the individual, as governed by legislation. They will take reasonable steps to ensure that the requested information is made available in a form that is understandable.

Individuals who believe that there is an error or omission in their personal information under the control of one of the Parties may ask that it be corrected. A request for a correction must be in writing with sufficient detail to enable a Party with reasonable effort, to identify the personal information and the correction being sought.

If the personal information is demonstrated to be inaccurate or incomplete, the Party will correct the information as required. If the correction is not made, the Party will make a note saying that the correction was requested but not made. If the Party decides to correct the information, it will be done as soon as possible.

If the Party has disclosed the personal information to any other Party, it must notify that Party of either the correction or the annotation. Upon receipt of this notice, the Party must correct or annotate the personal information in its files.

**j. Challenging Compliance**

An individual may address a challenge concerning compliance with this Policy to the Party responsible for the challenged collection, use, or disclosure or to the PSC at:

EDMP Provincial Steering Committee  
c/o Health Employers Association of BC  
#200 – 1333 W. Broadway  
Vancouver, BC V6H 4C6  
Attn: Alannah Fox

The PSC will receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. It will inform individuals who make inquiries or lodge complaints of other available complaint procedures.

The PSC and the Party responsible for the challenged collection, use, or disclosure will investigate all complaints. If a complaint is found to be justified, the PSC and the Party will take appropriate measures.