

Job Accommodation Service (JAS)[®] Privacy Policy

The Canadian Council on Rehabilitation and Work (“CCRW”) appreciates that the personal information of our clients must be treated with the utmost respect, sensitivity and strict confidence. This privacy policy is a formal expression of our commitment to protecting the confidentiality, security and privacy of our clients. We hereby establish the policies and practices of the Job Accommodation Service (JAS)[®], a service of the CCRW, regarding the collection and use of your employee’s personal identifying or health information as well as your company’s accommodation process that is under CCRW’s control. This policy is intended to assist you and your employees in making informed choices about the use and disclosure of your information to our service.

I. Definitions

Assessment:

As assessment is an evaluation conducted by an Assessor or a Subject Matter Expert (SME) at the employee’s workplace upon the written consent of an employee or an employment representative.

Assessor:

For the purposes of our services, an Assessor is a Subject Matter Expert (SME) who may be a health care practitioner appointed by CCRW to conduct an assessment. The term Assessor is used interchangeably in this policy with the term Subject Matter Expert or SME.

Case Manager:

A Case Manager is an employee of the Job Accommodation Service who:

- Obtains consent from an employment representative or employee to provide a consultation or arrange for an assessment at the worksite;
- conducts an intake by any means of communication with an employee and his or her manager;
- evaluates the referral information and gathered documentation, provides an opinion, and if necessary, contracts out the referral to the appropriate assessor; and
- manages the referral to closure.

Communication:

Communication includes oral and written correspondence made by use of telephone, e-mail fax or any other electronic or non-electronic method or medium of transmitting information.

Electronic Document:

An electronic document means data that is recorded or stored on any medium in or by a computer system or other similar device and that can be read or perceived by a person or a computer system or other similar device. It includes a display, printout or other output of that data.

Employee:

An employee is a person employed by a business for whom an assessment is requested.

Employer or Employment representative

Includes but is not limited to the employee's direct supervisor, human resources advisor, or the requestor.

File:

A file includes an intake report, an assessor's written report and any other identifying or personal health information that is communicated to CCRW and by CCRW to the employee or employer in written form.

Health Care Practitioner:

A registered professional who is employed or self-employed to perform or provide a health service. CCRW uses the services of health care practitioners such as the following: Audiologists, Neuro-psychologists, Occupational Therapists, Physiotherapists, Speech Language Pathologists, and others.

Identifying Information:

Information that identifies an individual such as a name, work address, work telephone number, e-mail addresses and job title.

Intake:

A preliminary telephone, e-mail or facsimile fact and/or information gathering process conducted by a Case Manager with an Employee and/or an Employment Representative.

Personal Health Information:

For the purposes of this privacy policy and our services, "health information" means information that identifies an employee in oral or written form that relates to:

- any physical or mental health of the employee including information that consists of the health history of the employee
- information concerning any health service provided to the employee

- information that is collected in the course of providing health services to the employee
- information that is collected incidentally to the provision of health services to the individual.
- any health service to an employee, including the identification of a person as a provider of health care

Personal Information:

Identifying information and personal health information.

Report:

The written report of a Case Manager or Assessor made pursuant to an intake or an assessment.

Requestor:

The person who initiates the assessment process by making the request.

Subject Matter Expert (SME):

A professional who may be a health care practitioner who possesses extensive expertise in performing workplace accommodations.

Working age:

The age as established by federal or provincial employment and/or labour standards Act or regulation, that governs the business to which the Job Accommodation Service is provided that defines the minimum age at which a person may work.

Workplace:

The place in which an employee conducts his or her work pursuant to his or her employment contract.

Worksite:

The building, branch, store, division, research centre, field, office, laboratory, or station in which an employee's workplace is situated.

II. Privacy Commitment

The CCRW is dedicated to protecting the personal health information under its control through:

- Principles and policies in place for the protection of identifying information and personal health information;

- Stringent policies that limit access to personal health information;
- Developing, implementing and enforcing data security measures;
- Processes for review and approval of job accommodation assessment requests;
- A Privacy Developer to coordinate and monitor privacy-related activities of the Job Accommodation Service operations;
- Regular review of this privacy policy to ensure compliance with current privacy legislation and data protection practices.
- Mandatory staff training to keep personal health information protection matters in mind;
- A requirement that all staff connected to the job accommodation service and assessors sign a pledge of confidentiality; and

CCRW shall make every effort to balance the privacy right of employees and employers to control the collection, use and disclosure of their personal information for purposes that a reasonable person would consider appropriate in the circumstances.

III. Collection of Personal Information:

The JAS[®] shall not collect information indiscriminately. Information that is collected from an employee shall be used to identify and find solutions to the barriers and/or challenges to employment encountered by an employee in his or her workplace. Information collected includes but is not limited to:

- Specific and relevant identifying information for the purposes of conducting an intake and assessment
- Specific and relevant personal health information for the purposes of conducting an intake and assessment

IV. Use

An employee shall have the right to refuse to provide the personal health information as described above. Failure to disclose the requested information will in certain instances be treated as an absence of consent and will result in the closure of the employee's file within seven working days of receiving an electronic notice to that effect.

V. Disclosure

Disclosure of information collected from employers about their employees and by employees via telephone or electronic document during an intake is made to one or more of CCRW's pre-screened assessor.

VI. Means of Transfer

Information is transferred via confidential electronic documents to an assessor for use in an assessment.

VII. Consent

No information shall be used, disclosed or transferred to a third party without the knowledge and written or implied consent of the person for whom an assessment is requested. Consent shall be deemed to be implied when an employee's employment representative communicates by telephone, voicemail or any electronic medium a request for an assessment that contains the employee's identifying information.

For greater certainty, neither the CCRW nor the JAS[®] shall release to any third party any information concerning the status of the employee; the nature of the employee's disability; any assistance that the employee may require; any specific aid or accommodation required for that employee in the workplace; the employee's relationship with managers or co-workers; or the name of any individual involved in the accommodation situation, without the consent of the employee.

The party to whom the CCRW has contracted its Job Accommodation Service shall disseminate no communication about the accommodation services under an agreement with CCRW and an Employer, or any other policy or related programs, without the written consent and agreement as to its content.

VIII. Assessment

The assessor representing CCRW shall document the assessment in a written report.

- The conduct of the assessment and content of report shall be conducted in accordance with the reporting guidelines, ethical standards and professional code of conduct established by the professional order of which the Assessor is a member and the CCRW non-disclosure agreement with assessors as established by Schedule A of this privacy policy.
- If the assessor is not a registered health professional, the conduct of the assessment and content of report shall be conducted in accordance with the CCRW non-disclosure agreement with assessors as established by Schedule A of this privacy policy.

This report shall be forwarded to the CCRW by electronic medium.

IX. Personal Information Security

All reports drafted by Assessors are communicated as a confidential electronic document and are password protected. Passwords are communicated via telephone or voicemail. Passwords shall be communicated to one or all of the parties involved in the referral, namely:

- employee,
- requestor,
- employment representative(s)

X. File Retention

A hard or soft copy of the Assessor's report and the case manager's intake report shall be maintained in a separate confidential file at CCRW for a minimum of 5 years. Personal health information that is no longer required to fulfil the identified purposes, that has been retained for a period exceeding 5 years, or that is in multiple copies, shall be destroyed, erased, or made anonymous by an employee of the Job Accommodation Service forthwith.

XI. Accuracy:

Personal health information shall be as accurate, complete and current as is necessary for the purposes for which it is to be used. Health information may be updated during the course of a follow-up intake with an employee and/or the employment representative. An employee or employment representative may communicate to a Case Manager or Assessor any information to correct or complete the employee's file.

XII. Changes to this policy

This privacy policy may be updated from time to time to reflect new features and services to be provided by the JAS[®] or to observe or comply with new privacy practices, legislation or regulations.

XIII. Prohibition on Disclosure of Financial Information

To ensure confidentiality and to respect an employee's privacy, all reports containing financial information sent to the financial services department of the employer shall not state an employee name, work location or any other identifying information. The CCRW and employer may determine whether to create a coding system, suitable to both organizations.

XIV. Scope of Contractual Services

Any information provided by an employment representative or his or her staff to the CCRW relating to the affairs of the business entity shall be confidential and the CCRW shall not use or release any such information for any purposes other than those set out in the terms of the contractual agreement.

XV. Complaints

Any complaints or inquiries concerning the actual or potential infringement of this policy may be made to the Director of the Job Accommodation Service.