

JOINT COMMUNICATION AHS/UNA Collective Agreement

Sharing an employee's medical information beyond the Ability Management department

May 8, 2018

Over the years there have been a number of arbitration decisions about employee medical information and privacy. As a result of these decisions, Alberta Health Services houses all employee medical information in the Ability Management department.

At times though, it may be helpful or necessary to share employee medical information beyond the Ability Management department. Doing so is particularly helpful to expedite resolution to an employee issue, or in circumstances where there has been some difficulty in finding appropriate accommodation for an employee.

The Employer and the Union have reached an agreement that will govern when employee medical information is shared beyond the Ability Management department.

In summary, the agreement establishes processes to ensure that sharing of an employee's medical information is done carefully, only when necessary, and only with the employee's informed consent.

Please remember that most cases will not require medical information to be released beyond the Ability Management department.

Medical forms:

- Medical forms (or a list of questions) provided to an employee from the Ability Management department will no longer include authorization for release of information.
- An employee can either take the form to her/his physician (and/or treatment provider), or request to have the Ability Management department send the form directly to her/his physician (copying the employee).
- An employee can either return the form (and any other medical information) to the Ability Management department, or request her/his physician send it directly to the Ability Management department.

Sharing information with an AHS medical consultant:

- In order to share an employee's medical information with a contracted medical consultant, consent must first be obtained from the employee (via email, or by telephone in those cases whereby email is not used by the employee) as follows:

“I would like to share your medical information that was provided by your physician dated X with the assigned medical consultant retained by AHS for review and consultation. Please indicate whether I have your permission to do so.”

- In the event consent is NOT obtained from the employee, medical information may be provided to the medical consultant without names or identifying information.

Physician-to-Physician consultations:

- In certain circumstances, it may be determined that a direct consultation with the employee's physician would assist with the review of the medical information. If so, the Ability Management department will engage HR Business Partnerships (HRBP), and a Union representative will be contacted to discuss. The Employer will request the employee's consent, in a form agreed to by the Employer, employee and Union, prior to the Physician-to-Physician consultation.

Sharing information with a Human Resources representative:

- It may be useful for representatives within Human Resources to review the medical information, for example, when looking for placements related to accommodation.
- In order to share an employee's medical information with a Human Resources representative, consent must first be obtained from the employee (via email, or by telephone in those cases whereby email is not used by the employee) as follows:

“Your assigned individual Human Resources representative (and his/her supervisor, if support and direction is required), and/or assigned individual Labour Relations representative have asked for information on your file to assist them with your X (e.g. job accommodation/return to work). I would like to share your medical information that was provided by your physician dated Y with the assigned individual Human Resources representative and/or assigned individual Labour Relations representative for their review and consultation. You are encouraged to discuss this request with your union representative. Please advise whether I have your permission to do so.”

If you have any questions, please contact your representative identified below:

For the Union:

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United Nurses of Alberta
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For the Employer:

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