

## Union Statement on Medical and Return to Work Process

The Union has compiled the following information to assist you when you have to deal with Occupational Health when they returning to work. Please remember that Occupational Health and Air Canada management are part of the AC Corporation, but OC has to keep medical records separate from AC management.

Let this be your guide. Print it; post it at the Local; pass the information to you VP's; to the members who need guidance, and remember that OC cannot ask to have the WIP form because "it's easier". That form is too intrusive as it contains too much medical information. ***Please refer to your Local Union Office for additional guidance.***

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See below information Legal has provided to assist members being asked to provide more medical info to OHS for their return to work.

The Company is entitled to ensure that the employee is physically fit to perform his or her work safely and efficiently (Monarch Fine Foods Co. Ltd. and Milk & Bread Drivers, Dairy Employees, Caterers & Allied Employees, Local 647 (1978), 20 L.A.C. (2d) 419 (M.G. Picher))

They are entitled to know:

1. Nature of the illness. For example, "degenerative disc in the neck", "blood disorder" or "abdominal surgery." The diagnosis itself is not required.
2. Permanent or temporary. Is the illness or condition likely to stay the same, improve, or worsen over time? If the illness or condition is likely to improve, what is the estimated time frame for improvement to occur?
3. Restrictions and limitations. In as much detail as possible, what the employee can do and what the employee cannot do in relation to their current job duties and possible alternative duties.
4. How the medical conclusions were reached. Were diagnostic or other objective tests performed or was most information self-reported? For example, were x-rays taken? The results of the x-rays and the x-rays themselves do not necessarily have to be provided nor do clinical notes have to be provided.
5. Treatment or medication. Any treatment or medication that might impact the accommodation or the employee's ability to perform his or her job should be disclosed. (United Nurses of Alberta, Local 33 v. Capital Health Authority (Royal Alexandra), [2006] A.G.A.A. No. 60 (QL) (Ponak))

**\*\*If the Member refuses to provide the information, she will not be cleared, and the medical review procedure could be triggered (Article 12). That process is more, and not less, invasive\*\***

## **New! Protection of Personal Medical Information / Nouveau! Protection des renseignements personnels d'ordre medical - Occupational Health**

### Protection of Personal Medical Information

The purpose of the Protection of Personal Medical Information Policy is to specify guidelines for governing the collection, use and disclosure of employee medical information to ensure compliance with the Personal Information Protection and Electronic Documents (PIPED) Act by Air Canada.

Air Canada collects, uses and discloses employee medical information for a variety of purposes including, without limitation, benefits administration, managing and responding to worker's compensation claims, assessing and determining fitness for work, providing accommodation. This policy specifies the roles and responsibilities of the Privacy Office, Management, Disability Management and Occupational Health Services ('OHS').

### **Guidelines**

- **Collection of Information** - In order for Air Canada to satisfy itself of an employee's ability to safely return to his/her duties, it collects personal medical information in relation to the treatments an employee has received, the medication prescribed, and the existence of any functional limitations of the employee.
- **Use of Information** - Personal medical information may only be used in relation to the purposes for which it was collected. For employees who work in safety-sensitive positions and/or where circumstances dictate the need to assess an employee's capacity or limitations, Air Canada, can through the use of doctors and nurses in OHS, require more information including the general nature of an employee's illness or injury.
- **Disclosure of Information** - Personal medical information collected by Disability Management and/or OHS will only be used by and shared amongst Disability Management and/or OHS personnel on a need-to-know basis. No personal information, except that which is necessary, will be disclosed to anyone else within or outside Air Canada except where required or authorized by law. As such, personal medical information may be disclosed to the these persons/departments or authorities\*:
  - OHS, if medically required;
  - OHS doctors and/or nurses, in order to establish the existence of medical restrictions that need to be implemented to protect the employee's health and well being;
  - Air Canada's Disability Management Department, if applicable;

- workers' compensation agencies if necessary for a workers' compensation benefit determination or in order to assess and manage an employee's claim against Air Canada;
- if required to do so by a court or administrative ordered subpoena, discovery request, or qualified protective order; and
- managers, for staffing purposes and accommodation measures.

Air Canada's HR Connex call center will only receive limited information reasonably necessary for their purposes such as payroll.

\*The above lists are not exhaustive.

**More Protection of Personal Medical Information:** [HR Policy - Protection of Personal Medical Information](#)

**Related Information:** [Personal Information Protection](#)