

## Confidentiality of Employee Health and Medical Records

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Vice-President,  
Finance and Administration

### Applicable Legislation:

*The Regulated Health Professions Act, 1991*

*The Occupational Health and Safety Act (OHSA), R.S.O. 1990*

### Relevant Standard:

*Confidentiality of Worker Health Records, Ministry of Labour, 1996*

**Intent:** To outline the University's responsibility and commitment to preserving confidentiality of employee health and medical records.

### Policy:

1. The University of Guelph shall regard all health and medical information about any employee or applicant for employment as confidential medical information.
2. Confidential medical information shall be obtained, filed, used, and disseminated only by authorized professionals in accordance with the principles of medical ethics and applicable legislation.

### Guidelines:

The University and Occupational Health Services are committed to its responsibility that employee health and medical records be kept confidential. Assurance that personal information will be maintained in confidence is essential for honest and candid communication between a worker and a health professional.

Health professionals employed by the University or employed under contract to the University are bound to the confidentiality requirements of the medical or allied-medical professions.

## Regulatory Requirements in Ontario

### *The Regulated Health Professions Act, 1991*

Many health professionals have obligations under this Act as well as in common law to maintain health records in confidence. Employers and workers should be aware of these obligations. In particular, occupational health professionals should advise all workplace parties of their responsibility to protect the privacy of worker health records.

### *The Occupational Health and Safety Act, R.S.O. 1990*

Two subsections of the *Occupational Health and Safety Act (OHSA)* address confidentiality of worker health records:

*63.(1)(f) no person shall disclose any information obtained in any medical examination, test or x-ray of a worker made or taken under this Act except in a form calculated to prevent the information from being identified with a particular person or case.*

This prohibition pertains only to medical examinations, tests or x-rays made or taken under the OHSA. Examples would be tests and examinations done for the medical surveillance outlined in the designated substance regulations.

*63.(2) No employer shall seek to gain access, except by an order of the court or the tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent.*

For further information, see the Human Resources Manual, Section 702 found at the web site: [www.uoguelph.ca/HR/hrmanual/702.htm](http://www.uoguelph.ca/HR/hrmanual/702.htm)