

## Employment Files

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### Introduction

The agency is required to maintain an employment file with personal information on each Board of Health member, employee, student and volunteer of the health unit.

### Purpose

The purpose of this policy is to inform Simcoe Muskoka District Health Unit Board of Health members, employees, students and volunteers of their rights and obligations in relation to the personal information about them that is collected by the agency for employment purposes. This includes parameters around collection, use, disclosure and access and the administrative, technical and physical safeguards and practices that the Health Unit maintains with respect to this information.

### Legislative Authority

Municipal Freedom of Information and Protection of Privacy Act  
 Canada Revenue Agency  
 Human Resources and Social Development Canada  
 Workplace Safety and Insurance Board  
 Occupational Health and Safety Act

### Policy Definitions and Interpretation

**“personal information”** means recorded information about an identifiable individual, including:

- information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- any identifying number, symbol or other particular assigned to the individual,
- the address, telephone number, fingerprints or blood type of the individual,
- the personal opinions or views of the individual except if they relate to another individual,
- correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- the views or opinions of another individual about the individual, and

- the individual's name if it appears with other personal information including personal health information relating to the individual or where the disclosure of the name would reveal other personal information including personal health information about the individual.

### ***Policy***

**Human Resources** shall maintain an official employment file on each employee. The employee's file will be treated with all due confidentiality and will be utilized for Health Unit business purposes only. All original documentation will be kept in the Human Resource employment file.

**Human Resources** is responsible for ensuring the following information/documents are contained within the employee's official employment file: Employee personal information that is reasonably required for the purpose of establishing, managing, maintaining or terminating the employment relationship such as but not limited to:

1. resumé
2. proof of qualifications
3. proof of annual certification
4. proof of annual required declarations
5. employment offer/employment contract with original signed back acceptance from the employee
6. letter of fitness to work
7. orientation/onboarding record
8. position description with original signed back acknowledgement from the employee
9. acceptable use policy signed by the employee
10. confidentiality agreement signed by the employee
11. staff Proof of Influenza Immunization Form, Statement of Medical Exemption for Influenza Immunization Form or Refusal of Influenza Immunization form
12. performance evaluation reports
13. letters of counselling and discipline
14. letters of commendation
15. Employment Insurance correspondence
16. Workplace Safety and Insurance Board correspondence
17. Wage/salary/benefit/pension information
18. banking information
19. special agreements
20. garnishee notices
21. top up information
22. health unit equipment assigned to the employee

23. course certificates
24. physician note/medical information supporting sick leave /STD/LTD
25. proof of mandatory training completion

Notwithstanding, the MOH, Department Director/CNO/Manager/Supervisor may maintain a personal working file for each employee within their office, be that electronic or paper, to assist in the daily leadership and management of their staff. The file may contain the following items:

1. letter of appointment with signed back acceptance of the employee (copy from employment file)
2. special agreements (copy from employment file)
3. "personal managerial confidential and privileged notes to file" including but not limited to: verbal discussion/reprimands or other documentation to assist in the preparation of Performance Evaluation Reviews, performance management including attendance issues or progressive discipline discussions, misconduct investigations, forewarnings, and any employee coaching or counselling.
4. Performance Evaluation Reviews (copy from employment file)
5. list of health unit equipment assigned to the employee (copy from employment file)
6. formal discipline, coaching, counselling and warnings letters (copy from employment file)

Any letter of reprimand, suspension or other sanction copied from the official Human Resources employment file to the direct supervisor's personal working file shall be removed in accordance with the time lines contained within either agency policy or the collective agreement.

## ***Procedures***

### **A. Access**

1. Access to the official Human Resources employment file is available only to:
  - Medical Officer of Health
  - Human Resources staff
  - the employee, upon a prearranged appointment and request to Human Resources, while accompanied by a staff member of Human Resources. As employment references are given in confidence to SMDHU they are housed in a separate file. Accordingly, staff are not able to access such confidential references or direct supervisory confidential personal notes and/or files.
  - the Department Director for all Department area staff
  - Manager/Supervisor for direct reporting staff or with HR's approval for non-reporting staff in recruitment or job posting competitions.
2. When personal information is sought from a third party or entity, it is the responsibility of the Health Unit to provide a signed consent form from the employee to the agency/person from whom the information is sought.

3. Employment files will not be removed from Human Resources.
4. Managerial employee working files are to remain confidential to Management of SMDHU only. Upon an employee transfer such working files will transfer to the new direct supervisor.

**B. Correction**

1. If upon review of their official HR employment file, an employee feels that the information contained therein is not accurate this will be reviewed by the Human Resource Manager and the employee's direct supervisor as appropriate.
2. The employee and the direct supervisor will then be notified of any agency agreed upon corrections to the information contained in the employee's employment file.

**C. Retention/Destruction**

1. The direct supervisor, on termination of an employee, will forward all contents of their personal employee working file to Human Resources.
2. The contents of the Human Resources official employment file will be retained for 15 years after a staff member leaves the agency.

***Related Policies***

- Policy IM0101 Personal Information Including Personal Health Information Privacy – Principles
- Policy IM0102 Personal Information Including Personal Health Information Privacy – Accountability
- Policy IM0103 Personal Information Including Personal Health Information Privacy – Consent
- Policy IM0104 Personal Information Including Personal Health Information Privacy – Collection & Use
- Policy IM0105 Personal Information Including Personal Health Information Privacy – Disclosure
- Policy IM0106 Personal Information Including Personal Health Information Privacy – Access
- Policy IM0107 Personal Information Including Personal Health Information Privacy – Correction
- Policy IM0108 Personal Information Including Personal Health Information Privacy – Privacy Breach

***Related Forms***

N/A

***Final Approval Signature:*** \_\_\_\_\_

Review/Revision History:

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September 2010 Policy re-numbered – previous number B3.040

October 26, 2016 Clarification