



**YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD**

SUBJECT: CLAIMS & BENEFITS POLICY NO.: CL - 44
 BOARD APPROVAL: [Signature]
 APPROVAL DATE: 93-11-17
 BOARD ORDER NO.: _____
 EFFECTIVE DATE: 93-11-17

POLICY STATEMENT

SECTION REFERENCE: **15, 19**

REVOKED
JUL 01 2008

POLICY: **RELEASE OF CLAIMS INFORMATION TO EMPLOYERS**

GENERAL INFORMATION

On any given claim, a number of key decisions are made concerning entitlement, benefits, medical treatment, fitness for employment and rehabilitation.

The Workers' Compensation Act recognizes that employers who have employees receiving compensation have the right to certain relevant information pertaining to those claims.

However, the Act also recognizes the right to a workers' privacy, and, as such provides a specific appeal mechanism to workers who do not wish certain information to be disclosed.

POLICY

A. RELEVANT INFORMATION

Only relevant information shall be released to an employer or their agent from a claim file.

Relevant Information means information that pertains only to the compensable disability, and is not a disclosure of personal information which constitutes an unjustified invasion of personal privacy or confidentiality of the worker.

Release of Claims Information to Employers con't.**B. DECISION REPORTS**

There are several important benchmark decisions made on any claim for compensation.

An employer of a worker who has made a claim for compensation shall be notified of the following decisions:

- (i) whether or not the claim has been accepted;
- (ii) the worker's entitlement to benefits;
- (iii) whether a worker is now fit to return to work, or
- (iv) whether benefits have stopped;
- (v) whether case management is taking place.

A Decision Report may be a copy of a letter sent to the worker, a separate letter or a form.

C. PROGRESS REPORT

An employer of a worker who has made a claim for compensation shall, upon written request, receive a Progress Report concerning that worker.

The Progress Report shall contain:

- (i) the current status of the worker regarding their fitness to return to work;
- (ii) whether the worker will be sent outside of the territory for medical or rehabilitation;
- (iii) any proposed or active rehabilitation plan.

D. CONFIDENTIALITY

Any information released to an employer in a Progress Report or a Decision Report is confidential and may not be used by an employer for any purpose other than an appeal unless authorized by the board.

E. INFORMATION FOR THE PURPOSES OF APPEAL

An employer who is a party to a review under section 17 or an appeal under section 18, may, upon written request, examine and copy any information in the board's possession that the board considers relevant.

A worker, or the dependants of a deceased worker shall immediately be notified of this request, and may object in writing to the President to the release of any information contained on the file within 14 days.

Release of Claims Information to Employers cont.**F. WORKER'S OBJECTION**

If a worker has objected in writing to the President to the release of any information on the file, the President will make the final determination of whether the information shall be provided to the employer.

No appeal lies against this decision unless where the appeal panel, during the hearing of the appeal, determines that the information is relevant to an issue under appeal, in which case the employer shall be provided with the information.

G. CONFIDENTIALITY OF INFORMATION RELEASED FOR THE PURPOSES OF APPEAL

Information released to an employer for the purposes of an appeal may only be used by the employer for the purpose of appeal. Any employer who uses this information for purposes other than an appeal commits an offence under the Workers' Compensation Act and may be liable, upon summary conviction, to a fine of up to \$5000 or up to six months imprisonment or both.

H. PERMANENT REMOVAL OF INFORMATION FROM A CLAIM FILE

A worker may request in writing the removal of specific information on his/her claim file. Information that is not considered relevant to the claim may be removed from a claim file on the recommendation of the Claims Adjudicator and with the approval of the Director of Claims.

I. FEES

No fee will be charged to a worker, their dependant or agent, or an employer or their agent when a copy of a claim file is requested.

Any subsequent requests will be subject to an administration fee of \$50.00 (fifty dollars) plus \$0.25 (twenty five cents) per page.