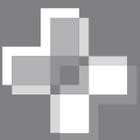




BALANCING WORKPLACE MENTAL HEALTH ISSUES AND EMPLOYEE PRIVACY RIGHTS



EXECUTIVE SUMMARY:

In recent years, workplace mental health issues have assumed greater significance in Canada due to a number of major initiatives and publications focused on mental health strategies and policy solutions.

The increased incidence of mental disorders across Canada, coupled with the growing cost of prescription drugs used to treat mental health issues and the lack of access to timely treatment, is an ongoing financial concern for businesses and governments. As a result, most employers today recognize the value of implementing their own workplace mental health strategies.

As Canadians focus greater attention on workplace mental health issues, employers will play a key role in assessing the risks associated with managing medical disclosures in the workplace. Such disclosures, if improperly managed, can trigger negative repercussions and lead to greater business liabilities.

This paper addresses the following key issues of concern to employers:

- In response to mounting focus on workplace mental health strategies, there is a critical need for organizations to appropriately address their privacy policies.
- Though employer strategies for prevention and treatment are outlined in many existing resources, there is a current gap in addressing the appropriate diagnosis of mental health conditions, especially in the context of workplace support mechanisms.
- A medical assessment can serve as a highly effective tool to support workplace mental health goals.
- Forward-thinking medical assessment providers are focusing on clinical solutions to help employers manage their ongoing health and productivity objectives, including effective employee engagement, return-to-work plans, and the promotion of a healthy workplace.
- Cira Medical Services' enhanced medical assessment is an objective, professional diagnostic tool that is designed specifically to help employers better manage their workplace health and productivity targets. The service is focused on helping employees stay on a pathway to optimal mental and physical health outcomes.

Given the legal and business risks involved in managing mental health issues in the workplace, it is vital for employers to develop and implement robust strategies that provide timely access to support for affected employees, including working with third-party service providers to ensure employee privacy while identifying more effective pathways to diagnosis and treatment.



INTRODUCTION

Workplace mental health issues are a significant concern for many Canadian employers. On any given work day approximately 500,000 Canadians are absent from the workplace due to a mental health condition (this includes approximately 355,000 disability cases due to mental and/or behavioural disorders).¹ The estimated annual cost of mental illness to the Canadian economy in terms of health care and lost productivity is approximately \$51 billion², and according to the World Health Organization, depression will be the single largest medical burden on health by 2020.

A number of influential reports issued over the past few years advocate a range of strategies and policy solutions – everything from enhanced funding to improved treatment. There appears to be a strong consensus within many of the reports and recommendations for organizations to implement their own workplace mental health standards, particularly in regard to the prevention and mitigation of risk.

In 2013, the Mental Health Commission of Canada (MHCC), in partnership with the Bureau de normalisation du Québec (BNQ), and CSA Group (an independent not-for-profit association dedicated to safety), developed Canada's first-ever *Psychological Standards for Workplace Mental Health* (the "Standard"). This voluntary Standard is designed to help organizations and their employees improve workplace psychological health and safety. The Standard is supported by scientific literature from many relevant areas of workplace health and safety, social science, and law.

Workplace Mental Health: a review of several key publications in Canada

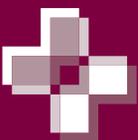
January 2009: *Toward Recovery and Well-Being: A Framework for a Mental Health Strategy in Canada.*³

The first comprehensive Canadian mental health proposal was published by the Mental Health Commission of Canada (MHCC) and is considered a milestone document in the ongoing effort to bring mental health to the forefront of workplace health and safety.

April 2011: *The Road to Psychological Safety*⁴

MHCC also commissioned a 2011 study co-authored by Dr. Martin Shain, one of the country's leading consultants in the area of workplace mental health and safety. The report contains a comprehensive corporate blueprint for mental health in the workplace outlining the following recommendations:

- Routine identification of psychological job hazards, as well as those physical aspects of the job that may lead to psychological risks;
- routine internal audit that reviews all available data pertaining to mental health among employees; and
- a system for responding to identified risks in an organized and prioritized manner with validated, practical responses.



Workplace Mental Health: a review of several key publications in Canada *continued*

Most importantly, the report advocated for the establishment of policies and procedures related to the prevention and management of mental disorders. The report stated that these policies and procedures should address the following workplace issues: accommodation; return to work; access to treatment by trained and certified service providers; employee assistance programs that involve education and training of all supervisors; and staff sensitization to the issue of mental health. Not surprisingly, the report also recommended the establishment and development of national standards for the identification, assessment, and management of psychological risks in the workplace.

June 2011: *Building Mentally Healthy Workplaces: Perspectives of Canadian Workers and Front-Line Managers*⁵

The Conference Board of Canada published this research paper which includes the findings of a comprehensive national survey of employees and managers and supervisors. The survey results showed that employees with mental health issues face a number of workplace challenges. The key findings are as follows:

- Only 26% of surveyed employees felt that their supervisor “effectively manages mental health issues,” while 44% of managers revealed that they had no training on how to manage employees with mental health issues. Managers did indicate, however, that they felt they would benefit from receiving additional training to recognize the signs and symptoms of various mental health issues.
- While 82% of senior executives surveyed reported that their company promotes a mentally healthy work environment, only 30% of employees believed that was the case.

December 2011: *Brain Health + Brain Skills = Brain Capital*⁶

The Global Business and Economic Roundtable on Addiction and Mental Health, the world’s leading forum examining issues associated with mental health in the workplace, published this landmark report. The report was co-authored by Bill Wilkerson, the Economic Roundtable’s Chairman and CEO, and Michael Wilson, the former Canadian Ambassador to the United States. Key recommendations from this report include the following:

- The adoption of mental health as a governance matter by boards of directors;



Workplace Mental Health: a review of several key publications in Canada continued

- the inclusion of mental health in occupational health and safety rules and standards; and
- the adoption of national standards for psychologically healthy workplaces.

May 2012: *Changing Directions, Changing Lives*⁷

The second phase of the MCHH 2009 mental health report focused on the following recommendations:

- Promoting psychologically healthy workplaces, with an emphasis on prevention efforts;
- fostering recovery for people with mental health problems and illnesses by pinpointing the right combination of services, treatments, and supports and by removing barriers to full participation in work, education, and community life;
- reducing disparities in access to mental health services; and
- encouraging senior executives in both the public and private sectors to support psychological healthy workplaces, and to actively support the broader movement for improved mental health.

January 2013: *Psychological Health and Safety in the Workplace – Prevention, promotion and guidance to staged implementation*⁸

MHCC, working in association with the Bureau de normalisation du Québec and CSA Group, released Canada's first national standard designed to help organizations and their employees improve workplace psychological health and safety. The document spelled out voluntary standards focused on promoting employees' psychological health and preventing psychological harm that may arise in the workplace. The standards recommended by the group included the following:

- The identification of psychological hazards in the workplace;
- the assessment of workplace risks; and
- the implementation of practices that support and promote psychological health and safety in the workplace.

The group put forth a strong business case for enhanced workplace standards, arguing that the continual improvement of psychological health and safety in the workplace will result in enhanced employee engagement and productivity.



While the national Standard and other workplace mental health resources provide clear guidelines around prevention and treatment, there has been minimal focus on mental health diagnosis and how it relates to the workplace. This is due in part to the sensitive nature of a medical diagnosis and privacy laws protecting such information.

Though the upswing in support for workplace mental health initiatives is a very positive shift for Canadian businesses, such initiatives are only truly effective when paired with best practices that safeguard individual privacy rights. From both a legal perspective and a business risk-management perspective, employers face certain limitations in their ability to independently manage workplace mental health issues.

This paper addresses the issue of privacy rights in relation to workplace mental health initiatives and explores how medical assessments can be a valuable tool in diagnosing mental health issues. The final section of this paper focuses on an enhanced medical assessment model pioneered by Cira Medical Services as a means to help employers implement proactive rather than reactive strategies for managing mental health issues in the workplace.

WORKPLACE MENTAL HEALTH AND PRIVACY: EMPLOYER LIMITATIONS

Without properly safeguarding employee privacy rights, workplace mental health initiatives can prove detrimental to an organization.

In Canada, employee privacy is protected under the law. On the national level, employees are protected by the Personal Information Protection and Electronic Documents Act (PIPEDA). PIPEDA is a federal law that establishes rules to govern the collection, use, and disclosure of personal information by organizations in the course of commercial activities. Commercial activities can arise in the business, health, and non-profit sectors.⁹

In addition to PIPEDA, the provinces of Quebec, British Columbia, Alberta, Ontario, New Brunswick, and Newfoundland and Labrador are governed by similar privacy laws. In instances where the provincial act is “substantially similar” to the federal act, organizations may be exempt from the application of PIPEDA.¹⁰ Individual provinces in some cases have adopted multiple acts to govern privacy issues. In Ontario, for instance, The Freedom of Information and Protection of Privacy Act (FIPPA) exists alongside the Personal Health Information Protection Act (PHIPA), which specifically governs the collection, use, disclosure, security, transfer, retention and destruction of personal health information (PHI) in all types of settings.

The employer is in fact quite limited to the details around an employee’s mental health, especially in the context of understanding external considerations. Though the workplace can affect employee mental health and well-being, other factors can impact workplace health including an individual’s physical health, home life, financial concerns, and other personal/social issues.

In spite of these limitations, employers have a duty to accommodate employees affected by mental health conditions. To do this effectively, employers must determine the functional abilities, limitations, and restrictions applicable to individual circumstances.



Canadian Human Rights Act:

In Canada, employers have a duty to accommodate employees who are ill or injured. According to the Canadian Human Rights Commission (CHRC), the duty to accommodate refers to:

“...the obligation of an employer, service provider, or union to take steps to eliminate disadvantage to employees, prospective employees or clients resulting from a rule, practice, or physical barrier that has or may have an adverse impact on individuals or groups protected under the Canadian Human Rights Act, or identified as a designated group under the Employment Equity Act.”¹¹

If an employee requests a leave of absence for sickness, the employer may require a report from the employee’s doctor; however, the report should concentrate on the functional or other limitations that require accommodation. It should not recite the medical condition. If the employer has concerns or doubts about the information, it may ask for another opinion or for an outside expert’s assessment. Even so, the focus is on how best to accommodate limitations, rather than the condition itself. In Quebec, an employer receives disclosure of a medical report if the employee is injured on the job.

The employer’s duty to accommodate can be challenging when it comes to invisible disabilities such as mental illness. The accommodation may not be possible unless the employee consents to disclosing medical information that would otherwise be private. This is well illustrated in the 2012 decision in *Complex Services Inc. (c.o.b. as Casino Niagara and Niagara Fallsview Casino Resort) v. Ontario Public Service Employees Union, Local 278*. An Ontario Labour Arbitration Board found that the following (otherwise confidential medical information) is generally required for accommodation purposes:¹²

1. The nature of the illness and how it manifests as a disability (which may include diagnosis, particularly in cases of mental illness).
2. Whether the disability (if not the illness) is permanent or temporary, and the prognosis in that respect (i.e., the extent to which improvement is anticipated and the time frame for same).
3. The restrictions or limitations that flow from the disability (i.e., a detailed synopsis of what the employee can and cannot do in relation to the duties and responsibilities of her normal job duties and possible alternative duties).
4. The basis for the medical conclusions (i.e., nature of illness and disability, prognosis, and restrictions), including the examinations or tests performed (but not necessarily the test results or clinical notes in that respect).
5. The treatment, including medication (and possible side effects) which may impact on the employee’s ability to perform her job, or interact with management, other employees, or customers.



This case illustrates that a certain level of disclosure may be required in order for an employer to appropriately and safely accommodate an employee. Though no one can be forced to disclose his or her confidential medical information, an employee seeking accommodation from an employer will be expected to disclose confidential medical information appropriate to the circumstances. The employer in this case was successful in obtaining a declaration that an independent medical review should be conducted to the extent that the employee was asserting a claim for workplace accommodation on the basis of mental illness.

In addition to situations where a degree of disclosure is necessary as described above, many individuals may offer voluntary disclosure of their mental health condition to their employers. Indeed, it may be anticipated that Canadian workplaces will see an increase in the incidence of voluntary disclosure, especially in light of recent progress made by businesses, governments, non-profit organizations, and mainstream media in pushing back against the stigma associated with mental health conditions.

In either situation, i.e., where disclosure is required or voluntary, employers should manage the disclosure process with extreme caution and discretion. The reasonableness of an employer's request for disclosure of medical information will depend upon the processes and safeguards the employer has in place for the collection, custody, and protection of this information.

Mental health strategies should also protect the workplace from a risk management perspective. Employers must recognize that any employee disclosure of medical information puts the employer at risk with respect to potential human resources issues, workplace conflicts, or even litigation. If the disclosure is improperly managed, the employee might perceive workplace decisions to be linked to his or her medical issue. In the context of a prior disclosure of a mental health condition, the employee could misconstrue a management decision if he or she is passed over for a promotion, given a negative performance review, disciplined, or even terminated.

In consideration of the risks and complications associated with managing workplace mental health, employers can achieve real value from working with third-party service providers to ensure that employee privacy is protected and that medical disclosures are appropriately managed. A mental health condition requires a certain level of confidentiality which makes it difficult for employers to ask direct questions to the employee. Third-party service providers such as disability case managers, insurance carriers, and independent medical advisors can manage confidential information and are more adept at asking the precise questions needed to elicit important facts about the individual's medical condition.



WORKPLACE MENTAL HEALTH AND PRIVACY: THE CLINICAL SOLUTION

In considering the legal and business risks involved in managing a mental health condition, the best approach employers can take is to provide timely access to support for affected employees, and this includes a pathway to diagnosis and treatment.

Defining “medical assessment”:

An independent medical assessment is an impartial and objective medical evaluation of an individual, performed at the request of that individual’s lawyer, insurer, employer, or insurer’s lawyer.

Independent medical evaluations (IMEs) have proven over time to be a highly reliable and effective tool for identifying the medical conditions associated with disability claims. For the purpose of this report, we refer to independent medical evaluations as medical assessments. Traditionally, medical assessments are used to adjudicate claims—i.e., to medically verify if the claimant should be receiving, for example, salary continuation and income replacement benefits.

Medical assessments are especially useful in claims associated with a mental health condition as these tend to be much more complex and difficult to diagnose and treat. As with all diagnoses, early intervention and treatment can reduce the severity of the condition and the duration of any absence.

All medical assessments are governed by privacy laws and confidentiality agreements. In this sense, every medical assessment conducted in Canada, regardless of the provider, is managed by the same protocols and follows the same general process.

Standard medical assessment process for employers:

1. The employer or third-party service provider (e.g., Employee Assistance Program (EAP) specialist, Disability Management (DM) case manager, insurance or rehab/medical coordinators, etc.) – (the “client”) determines the need for a medical assessment and contacts the medical assessment company (the “provider”).
2. The provider receives the request and all proper documentation.
3. The provider works with the client to determine the final format of report delivery based on the employee’s consent:
 - a. **Full medical report:** Consists of all the information that the assessor obtains from the employee during a normal medical interview. The report may also include a file review of relevant medical documents, if such documents are provided at the time of referral; or
 - b. **Non-medical summary:** Consists of a summarized report that directly addresses the issues surrounding whether or not an employee is capable of returning to work. The summary also determines if return to work on a graduated basis is necessary, with a detailed time frame or outline of a return to work schedule. The non-medical summary does not include any personal or background information about the employee.
4. Assessment is scheduled. Reminder call is scheduled for employee. Special arrangements are made as required (e.g., transportation, translation).



5. Employee arrives at appointment and undergoes medical assessment.
 - a. The medical assessor receives consent from the employee at the start of the assessment, including consent to the type of report that will be delivered to the client.
 - b. The medical record is reviewed and a history and physical examination is completed.
 - c. The plan is discussed with the employee at the time of the assessment.
6. Assessor prepares a medical report based on the appointment and sends it to the provider.
7. The document is sent to the provider's reports department and then reviewed internally by clinical experts for quality assurance.
8. A final report (either a *full medical report* or *non-medical summary*) is delivered to the client.

Benefits of a medical assessment for employers:

Confidentiality: Medical assessment providers rigorously comply with the federal Personal Information Protection and Electronic Documents Act (PIPEDA) as well as provincial privacy requirements across Canada. Providers obtain the appropriate consent from individuals for the collection, use, or disclosure of their personal information.

Time sensitivity: Medical assessments can offer a time-sensitive diagnosis for employees that are unwell. Earlier diagnosis can also ensure accurate, effective, and timely treatment. Medical assessment recommendations can create additional channels to access the right care and create a clear path to referrals for treatment to facilitate a speedier return to work, particularly for the significant number of Canadians who do not have a family doctor.

Access to treatment: Medical assessments can provide a targeted and timely pathway for the diagnosis and treatment of mental health issues. For example, many individuals categorized as having a mental nervous disorder such as depression may benefit from a tailored combination of treatment modalities including prescription medications and psychotherapy. However, the success of any such treatment plan rests heavily on the ability to obtain an accurate and comprehensive psychiatric diagnosis and to identify any other conditions or circumstances that may be influencing the clinical presentation. Cira's assessors and occupational health specialists can liaise with the employee's treating health practitioners in order to facilitate and optimize the treatment pathway over time.



Benefits of a medical assessment for employers: continued

Communication and collaboration: Medical assessment companies often work with insurers, case managers, human resources professionals, disability management providers, or other third-party facilitators to ensure the assessment is focused on the employee's functional abilities within the context of the workplace. Medical assessments are especially effective for collaboration when working with facilitators offering disability case management support to ensure that both clinical and functional issues are addressed.

Medical coordination of multiple diagnoses: Comorbidity of medical conditions is a common occurrence. For instance, individuals with a physical condition are sometimes prone to depression. Assessors (e.g., health specialists such as doctors, neurologists, etc.) can be networked through clinical coordination to ensure that the treatment is specialized to the individual's needs, particularly when there are underlying health concerns such as addictions and other diseases.

Impartiality: A medical assessment will help determine the cause, extent, and medical treatment of a health condition and moreover, it can ensure that all parties involved are confident in the final assessment because it is conducted by a health professional with no prior relationship to the employee. The assessment provider offers a professional, expert, and unbiased service to produce transparent, reliable reports.

Employer accountability: The medical assessment distinguishes and separates the medical and non-medical factors preventing return to work. The medical report articulates the abilities on a functional level as opposed to focusing on the diagnosis and treatment. By supporting the assessment process, employers demonstrate due diligence in supporting the employee's illness or injury to ensure optimal recovery and return to productivity.

While the standard medical assessment is a critical tool in settling and accommodating most disability claims, there are a number of limitations which prevent it from offering a practical solution for workplace mental health issues. The next section explores the current challenges and suggests progressive solutions for incorporating medical assessments as a key element of workplace mental health strategies.



ENHANCING THE STANDARD MEDICAL ASSESSMENT FOR WORKPLACE SOLUTIONS

At present, the standard medical assessment is limited in its capacity to offer a comprehensive solution to workplace mental health issues. However, an enhanced medical assessment can serve as a highly effective resource to proactively address workplace mental health issues.

Historically, medical assessments in the workplace have been used to determine eligibility of salary continuance. This is due in part to the fact that standard medical assessments requested by employers are virtually undifferentiated from medical assessments used by lawyers and claims adjudicators seeking medical evidence on an insurance claim. The standard medical assessment in its essential function is designed to determine a medical claim and thus is subject to employee privacy rights. The decision in *Grover v. National Research Council of Canada* (October 3, 2005) makes it clear that employers should exercise caution before demanding that an employee be examined by anyone other than his or her own physician.¹³

Limitations of the standard medical assessment:

- The standard medical assessment predominantly focuses on producing a clear, defensible medical report. In this sense, the standard process does not focus directly on employee engagement to support long-term health and productivity goals.
- The employer receives minimal support following the medical assessment. Medical assessment providers traditionally do not invest in supporting the employer's role in an employee's recovery and return to work.
- Once an assessment is completed, the employee normally has no further contact regarding treatment options.
- The employer cannot access the employee's medical information unless the employee authorizes disclosure of the full report. Even then, employers are confused about how to offer additional support.
- An option exists for standard medical assessments to forward the medical report to the employee's family doctor. However, many Canadians do not have a family doctor which may clearly limit the utility of the report in this regard.

The truly progressive medical assessment companies recognize the need for a customized medical assessment service that differs from the standard model used by insurers and lawyers.

In tailoring a medical assessment service for the employer space, assessment service providers should consider various aspects of occupational health and safety, the workplace environment, and return-to-work outcomes as additional considerations to the medical assessment, diagnosis, and further recommendations.

The enhanced medical assessment should support workplace mental health goals by offering timely diagnosis and recommendations, effective employee engagement, better opportunities for stay-at-work and early return-to-work recovery, and a confidential process with clinical key touch points to navigate the medical process.



CIRA MEDICAL SERVICES' HEALTH ASSESS™: A PROACTIVE APPROACH TO ABSENCE AND DISABILITY.

Cira Medical Services has reframed the medical assessment as a tool that can improve workplace productivity and engagement by supporting employer workplace mental health policies through an independent, third-party process that includes assessment, diagnosis, recommendations, and follow-up for employees as applicable (and with appropriate consent).

Health Assess™ is the clinical solution for an employer's need to support a medical condition at work while respecting the employee's right to privacy. This resource is ideal when paired with a third-party service that facilitates ongoing disability management, employee support, or case management. Cira collaborates with third-party service providers to offer clinical consultation and medical expertise.

CIRA MEDICAL SERVICES' HEALTH ASSESS™ PATHWAY

The Health Assess™ enhanced pathway is a holistic approach to medical support for employees. It takes the standard medical assessment and incorporates additional touch points such as clinical coordination, quality assurance, and support services. Support services are offered as an additional follow-up step to ensure optimal health and return-to-work goals are achieved.



*Employers seeking an arm's-length approach for legal purposes can opt-out or scale back the support services option.



Clinical Coordination

Cira's clinical coordination team consults with the client prior to booking an assessment to provide medical consultation as well as file coordination. The team reviews the initial information, verifies the level of consent and clinical support required, and coordinates the appropriate care. The clinical consultation team also obtains the medical record and ensures that the most cost-effective approach is planned.

A Cira Registered Nurse (RN) from the clinical coordination team is assigned to the case in order to provide support from the onset of the request, as well as after the assessment in support services.

Quality Assurance

Cira's industry-leading quality assurance team offers rigorous medical oversight and is integral to the product and process, ensuring the delivery of the highest quality of reports to the appropriate stakeholders.

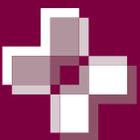
Support Services

Support services are coordinated by the Cira RN, as a Health Assess™ Coordinator. This service is managed with the highest level of confidentiality. The Health Assess™ Coordinators are trained clinical professionals who fully appreciate the unique circumstances of each individual case.

Once a medical assessment is completed, the Health Assess™ Coordinator is available to offer clinical support around the individual's accommodation and return to work goals, and can assist with follow-up in terms of diagnosis and recommendations around next steps.

The support services function applies to both the employer (only providing information pertaining to the employee's functional abilities and not the employee's medical information) and employee in order to facilitate the best pathway to optimal health.

This function is a valuable enhancement to the current market standard for medical assessments. Health Assess™ directly addresses the challenge that employers often experience when managing a return to work plan for an employee who has a mental health condition requiring longitudinal clinical support. The Health Assess™ Coordinator is also available to support additional assessments if appropriate with progression of the case.



CONCLUSION

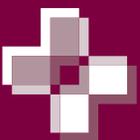
Cira Medical Services recognizes the value of investing in employee health to shorten or prevent further absences, improve employee engagement, and enhance the workplace environment. There is a gap in the marketplace at this time where no provider is offering a time-sensitive and active solution for employees who are medically unwell and in need of return to work support that offers a higher degree of clinical consultation.

Cira's Health Assess™ offers a proactive approach to employee health and productivity. This unique, clinically-focused process is especially effective for supporting mental health conditions because it is time sensitive and provides focused recommendations. This pathway provides a holistic solution to mental health claims involving the medical community, employers, and third-party claims adjudicators.

Cira's Health Assess™ can potentially shorten the duration of absences resulting from mental health claims while ensuring the implementation of appropriate follow-up recommendations. It adds value to an insurer plan by focusing on the steps that can be taken to facilitate a healthy return to work, while at the same time managing the costs associated with mental health claims.

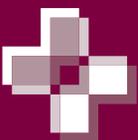
Take a proactive and innovative approach to absence, disability, and workplace productivity. Contact us today to learn how Cira Medical Services can help enhance your health and wellness program.

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SOURCES:

- 1 Calculated from Statistics Canada – Labour Statistics Division. Work Absence Rates 2010.
- 2 Mental Health Commission of Canada. “*Making the Case for Investing in Mental Health in Canada*” (January 15, 2013).
- 3 Mental Health Commission of Canada. “*Toward Recovery and Well-Being: A Framework for a Mental Health Strategy in Canada*” (January 2009).
- 4 Martin Shain M.D., S.J.D., Ian Arnold M.D., M.Sc., DOHS, FRCPC, FCBOM, and Kathy GermAnn, Ph.D. “*The Road to Psychological Safety: 1. Convergence of Legal and Scientific Evidence.*” Mental Health Commission of Canada (April 2011).
- 5 Thorpe, Karla and Louise Chénier. “*Building Mentally Healthy Workplaces: Perspectives of Canadian Workers and Front-Line Managers.*” The Conference Board of Canada (June 2011).
- 6 Wilkerson, Bill and The Honourable Michael Wilson. “*Brain Health + Brain Skills = Brain Capital.*” Global Business and Economic Roundtable on Addiction and Mental Health (December 2011).
- 7 Mental Health Commission of Canada. “*Changing Directions, Changing Lives: The Mental Health Strategy for Canada*” (May 2012).
- 8 Mental Health Commission of Canada. “*Psychological Health and Safety in the Workplace – Prevention, promotion and guidance to staged implementation*” (January 2013).
- 9 Office of the Privacy Commissioner of Canada. “*Legal information related to PIPEDA. The Personal Information Protection and Electronic Documents Act (PIPEDA).*” http://www.priv.gc.ca/leg_c/leg_c_p_e.asp (accessed April, 9, 2013).
- 10 Provincial privacy acts deemed “substantially similar” to PIPEDA:
 1. *An Act Respecting the Protection of Personal Information in the Private Sector* - Québec: http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/P_39_1/P39_1_A.html (accessed April, 9, 2013)
 2. *Personal Information Protection Act (PIPA)* - British Columbia: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_03063_01 (accessed April, 9, 2013)
 3. *Personal Information Protection Act (PIPA)* - Alberta: <http://servicealberta.ca/pipa/legislation/pipa-act.cfm> (accessed April, 9, 2013)
 4. *Personal Health Information Protection Act (PHIPA)* - Ontario: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04p03_e.htm (accessed April, 9, 2013)
 5. *Personal Health Information Privacy and Access Act (PHIPAA)* - New Brunswick: <http://laws.gnb.ca/en/showfulldoc/cs/P-7.05//20121030> (accessed April, 9, 2013)
 6. *Personal Health Information Act (PHIA)* - Newfoundland and Labrador: <http://assembly.nl.ca/Legislation/sr/statutes/p07-01.htm> (accessed April, 9, 2013)
- 11 Canadian Human Rights Commission. “*A Place for All: A Guide to Creating an Inclusive Workplace*” (2006 para. 9).
- 12 “*Complex Services Inc. (c.o.b. as Casino Niagara and Niagara Fallsview Casino Resort) v. Ontario Public Service Employees Union, Local 278, 2012*” CanLII 8645 (para. 86, 95).
- 13 Public Service Labour Relations Board. “*The Grover decision*” (2005 PSLRB 150). http://pslrbc-ctfp.gc.ca/decisions/summaries/2005-150_e.asp (accessed April 9, 2013)



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ABOUT CIRA MEDICAL SERVICES

Cira Medical Services is a leading national provider of independent health services for the corporate, insurance, and medical legal communities across Canada. With an unparalleled roster of health professionals and highly qualified, on-staff industry experts, Cira offers a results-oriented business model designed to meet the needs of each client.

Visit www.ciramedical.ca to learn more.

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