 Yukon Workers' Compensation Health and Safety Board	Part:	Appeals	
	Board Approval:	<i>Original Signed by Chair</i>	Effective Date: July 1, 2008
	Number:	AP-04	Last Revised:
	Board Order:	2008	Review Date:

[RELEASE OF CLAIMS INFORMATION TO EMPLOYERS](#)

GENERAL INFORMATION

Employers who have injured workers receiving compensation have the right under the *Workers' Compensation Act* S.Y. 2008 (the "Act") to be notified of decisions concerning entitlement to compensation as soon as practicable, and, upon request, have the right to be provided with a written progress report concerning the worker's injury.

The Act also recognizes the right to a worker's privacy and provides a specific appeal mechanism to workers who do not wish certain information to be disclosed.

PURPOSE

This policy provides direction to the Yukon Workers' Compensation Health and Safety Board (YWCHSB), employers and workers regarding release of claimant information to employers.

DEFINITION

1. Relevant Information: relates directly to an issue or fact under review or appeal, or has a tendency to prove or disprove an issue or fact.

POLICY STATEMENT

There are four areas in which the pre-injury employer is entitled to claims information regarding his or her injured workers:

1. Appeals;
2. Decisions;
3. Progress Reports; and
4. Functional Abilities Reports.

1. Appeals

An employer who is a party to a review or an appeal, may, upon written request, examine and/or receive relevant information in the YWCHSB's possession.

Release of Claims Information to Employers

Only relevant information shall be released. If a document contains private or personal information relevant to the issue of appeal, it must be disclosed. If a document contains private or personal information not relevant to the appeal, it will not be disclosed.

a) Worker Objection

A worker or the dependents of a deceased worker shall immediately be notified when an employer requests relevant information arising out of his or her appeal. The worker or the dependents of a deceased worker may object to the release of any information contained on the file within a period of time determined by Order of the Board of Directors.

A worker can object to the release of any information by filing a written objection. The President/CEO will make the determination of whether the information is relevant and should be provided to the employer.

A worker can appeal the decision of the President/CEO directly to the Workers' Compensation Appeal Tribunal (Tribunal). If the Tribunal appeal committee hearing the appeal determines that the information is relevant to an issue under appeal, the employer shall be provided with the information.

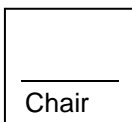
b) Confidentiality of Information Released for the Purposes of Appeal

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 section 110 of the *Act* and is liable, upon summary conviction, to a fine of up to five thousand dollars (\$5,000.00) or up to six months imprisonment or both.

2. Decisions

The YWCHSB must notify a worker's employer as soon as practicable of any decision concerning entitlement to compensation, including decisions regarding:

- a) whether or not the claim has been accepted;
- b) the worker's entitlement to benefits;
- c) whether a worker is fit to return to work;
- d) whether benefits have stopped; and
- e) whether case management is taking place.


Chair

Release of Claims Information to Employers

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

a) Confidentiality of Decision Reports

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 YWCHSB.

3. Progress Reports

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 contains:

a) the current status of the worker regarding his/her fitness to return to work;

b) information on whether the worker will be sent outside of the territory for health care services or rehabilitation; and

c) any proposed or active rehabilitation plan;

i) Confidentiality of Progress Reports

Any information released to an employer in a Progress Report is confidential and, unless authorized by the YWCHSB, may not be used by an employer for any purpose other than an appeal or to facilitate the worker's return to work.

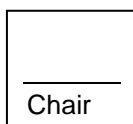
4. Functional Abilities Reports

With the consent of the worker, the employer or employer representatives may disclose functional abilities information received from their worker or the YWCHSB in accordance with YWCHSB policy, "Duty to Co-operate: Part 3 of 4 - Functional Abilities".

Anyone who contravenes this confidentiality requirement may be liable for a fine of up to five thousand dollars (\$5,000.00) or up to six months in jail, or both, in accordance with section 110 of the *Act*.

5. Fees

No fees will be charged to a worker, their dependent or agent, or an employer or their agent for the initial copy of a claim file.


Chair

Release of Claims Information to Employers

Any subsequent requests will be subject to an administration fee.

APPLICATION

This policy applies to the Board of Directors, President/CEO, the Tribunal, staff of the YWCHSB and employers and workers covered under the *Act*.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

ACT REFERENCES

Sections 15, 16, 56, and 110

POLICY REFERENCES

EN-02, "Merits and Justice of the Case"

RE-02-3, "Duty to Co-operate, Part 3 of 4 - Functional Abilities"

HISTORY

CL-44, "Release of Claims Information to Employers", effective November 17, 1993, revoked July 1, 2008

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