

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 5.17.ON
Section:	Employee Relations	Issued:	Nov. 15, 2019
Subject:	ACCESS TO EMPLOYEE RECORDS	Effective:	Jan. 1, 2020
Issue to:	All Manual Holders	Page:	1 of 4
		Replaces:	HR-03
Issued by:	Community Resource Centre	Issued:	Feb 2017

1 POLICY

- 1.01 Subject to SPP HR 5.07.ON — Personal Information Protection, the **Community Resource Centre** will provide all employees, former employees, and authorized representatives of employees or former employees with access to certain contents of the employee's or former employee's records containing general employee information, upon written request.
- 1.02 Employees and former employees shall be provided access to records containing general employee information upon written request as outlined in paragraph 7.02 herein. The **Community Resource Centre** may limit access to any records contained in an employee's personnel file in accordance with applicable privacy legislation.
- 1.03 Nothing in this policy obligates the **Community Resource Centre** to retain employee records beyond the retention periods specified by law.

2 PURPOSE

- 2.01 The purpose of this policy is to provide processes and procedures for the collection, maintenance and retention of employee records, for the purpose of providing employees and former employees with access to some of the employee's or former employee's records containing general employee information, in accordance with applicable privacy legislation and for ensuring the confidentiality and security of sensitive employee records.

3 SCOPE

- 3.01 This policy applies to all employees and former employees.

4 RESPONSIBILITY

- 4.01 The **Executive Director** is responsible for:
- collecting and retaining employee records under the following categories— general employee information, Workplace Safety and Insurance Board records and confidential data—in accordance with Ontario and federal statutes and SPP HR 5.07.ON — Personal Information Protection;
 - determining the appropriate level of access to be provided to the employee or former employee when requested in writing by the employee or former employee;
 - preparing the employee's or former employee's records containing general employee information for access by the employee or former employee;
 - ensuring that any documents that identify other employees, clients/customers or any other individuals are removed from the employee's or former employee's record or appropriately redacted to protect the privacy of third parties;
 - determining the appropriate method of providing access to the

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- (i) records containing general employee information, including:
 - ensuring that a staff member is present at all times during the employee's or former employee's access to the employee's or former employee's records containing general employee information;
 - (ii) assisting the employee or former employee;
 - (iii) ensuring the integrity and continued completeness of the record;
 - (iv) ensuring that only the employee or former employee has access to their records, upon presentation of identification, or proof of status if an authorized representative of the employee or former employee has requested access to the file; and
 - (v) providing a copy of the employee's or former employee's records containing general employee information to the employee or former employee, upon request;
- (f) ensuring that no documents are added to or removed from the employee's or former employee's record without authorization; and
- (g) providing employees and former employees with information and guidance regarding requests to correct, amend or challenge any record in the employee's or former employee's record.

4.02 It is the employee's or former employee's responsibility to provide the **Executive Director** with a written request for access to their general employee information records at least **[48 hours]** prior to requiring access.

5 DEFINITIONS

- 5.01 **"Confidential data"** includes, but is not limited to, information obtained through reference checks, notes, observations, opinions or other data compiled by supervisors or other personnel concerning an employee's behaviour, conduct or notes prepared by appropriate personnel pertaining to an issue involving the employee, criminal record checks, investigation records, employee evaluative records and documents which would violate the privacy of another person if disclosed.
- 5.02 **"Employee and/or former employee"** includes the authorized representatives of an employee and/or former employee.
- 5.03 **"General employee information"** means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment.
- 5.04 **"Workplace Safety and Insurance Board records"** include information related to WSIB claims, employer appeals, reports, findings, accidents, investigations, return to work, etc.

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6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Employment Standards Act, 2000 (Ontario) and Regulations
Occupation Health and Safety Act (Ontario) and Regulations
Personal Information Protection and Electronic Documents Act (Canada) (PIPEDA)
Workplace Safety and Insurance Act (Ontario) and Regulations
SPP HR 2.10.ON — Third Party Reference Requests
SPP HR 5.07.ON — Personal Information Protection

7 PROCEDURE

- 7.01 The **Executive Director or designate** shall obtain, organize and maintain all employee records in accordance with applicable provincial and federal laws, this policy, and SPP HR 5.07.ON — Personal Information Protection. Supervisors shall deliver all employee records to the **Executive Director or designate** for management and retention as soon as possible.
- 7.02 Upon written request and wherever possible, employees or former employees will be granted access to their general employee information records within **[48 hours]**. Employees or former employees will not be granted access to records for which access is prohibited or not required pursuant to the applicable privacy legislation. A copy of any document which bears the signature of the employee or former employee will be provided to the employee or former employee.
- 7.03 Anyone requesting access to employee or former employee general employee information records will be required to provide the **Community Resource Centre** with government issued photo identification to verify their identity prior to accessing employee or former employee records containing general employee information.
- 7.04 Employees or former employees should make an appointment with the **Executive Director** to view requested records and may only access records in the presence of the **Executive Director** or designate.
- 7.05 Documents in the employee's or former employee's general employee information record may be viewed but must not be removed from the record under any circumstances. If a copy of a document in the general employee information record is required, a copy will be made by the **Executive Director** at no cost to the employee or former employee (within reason and at the discretion of the **Executive Director**).
- 7.06 (a) If an employee or former employee believes that there is an error or discrepancy in a document in an employee's or former employee's general employee information records, or if an employee or former employee disagrees with something in their record, which the employee or former employee would like to

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be addressed, the employee or former employee shall submit a written statement of the error, together with an explanation of the error/discrepancy, and the remedy sought. Within **[two (2) weeks]**, the **Executive Director** shall advise the employee or former employee in writing of the actions taken or to be taken, if any, to address the employee's or former employee's submission.

- (b) If the employee or former employee is unsatisfied with the action taken, they shall provide further written notice within **[two (2) weeks]** which shall be delivered to the **Executive Director**. The **Executive Director** shall arrange a meeting with the employee or former employee, the **Supervisor**, and the **Executive Director** to resolve the dispute.