

Q&A – Personal Medical Information

1. There are concerns about privacy around members having to provide and upload their medical information into Workday. Our position is that members should only need to show the appropriate manager proof of vaccination and the manager can indicate, where required, that they have seen the proof of vaccination.

Answer: Vaccination status information will only be collected, used and disclosed as required for the reasonable purpose of:

- taking all reasonable precautions during the pandemic to ensure the health and safety of everyone in the workplace through appropriate health and safety planning based on vaccination status;
- Confirmation of compliance to agencies/partners as required by the terms of the service relationship; and
- administering this Policy.

This information will only be shared and accessed on a need-to-know basis by the Employee Health & Wellness team, which is limited to date and type of vaccinations, and, in some cases, a direct manager, solely for the purposes of accommodation where additional mitigations must be put in place, or to comply with a legal order to disclose the information.

2. Confirm the information required by NAV Canada to show proof of vaccination to satisfy the company's needs?

Answer: It's the province issued document and we need the name, date and vaccine info. This would be required for both shots

3. Which documents are acceptable to upload? Provincial vaccine passport? The Hand written card provided from the health authority? The emailed confirmation of vaccine administration after each dose (the ones in Ontario anyway – not sure about other provinces)?

You will be required to upload the confirmation issued by your province or territory (an image or PDF). For each dose, it must include:

- Your name
- The name of the vaccine product
- The date you received it on

A QR code is not acceptable.

4. Vaccine Receipts show the name of the individual who administered the vaccine. Is it required to obtain that person's permission to store their personal information with NAV Canada?

The name of the person can be blacked out. Same with the health number if it is on the paper.

5. Can you reconfirm from that the only information NAV is asking members to submit is documentation indicating the member's name, the type of vaccine received, and the date the final shot was received? All other identifying information can be removed?

It's the province-issued document and we need the name, date and vaccine info. This would be required for both shots

With regards to the type of information NAV is requesting, we understand that you are seeking:

- a. The employee's name;
- b. Type of Vaccine (for both); and
- c. Date of Vaccination (for both).

The Union recognises that the employer is entitled to collect certain personal health information for legitimate employment purposes as long as the information gathered is no more than necessary to achieve those employment purposes. CATCA's view is that NAV Canada does not require the names of the particular vaccines received (other than confirmation that the employee is fully vaccinated with a vaccine accepted in Canada – which would be satisfied by the issuance of the vaccination receipt from the relevant health authority), nor the dates of vaccination other than for those individuals who are fully vaccinated less than two weeks prior to the implementation of the policy.

NAV Canada requires the name of both vaccines received to ensure they are from the approved list by Health. Also, NAV Canada must ensure that we are ready to meet any vaccination requirements imposed on us by external stakeholders. It will also ensure that our employees are able to complete their work when subject to external vaccination requirements, such as when travelling or when interacting with partner organizations whose own policies apply to us. As previously communicated, any information outside of name, the name of the vaccine product and the date you received it on, can be redacted.

Without disclosure of the date of vaccination NAV Canada will not be in position to confirm compliance of "fully vaccinated" (at least 14 days has passed since their final dose). NAV CANADA has carefully assessed its approach to the collection, disclosure, use and retention of vaccination information and has ensured that they are necessary, effective and proportionate in the context of NAV CANADA's response to the ongoing pandemic and our regulatory obligations.

In addition, with the varying types of vaccine certificates across the country's different jurisdictions, CATCA believes that only the bare minimum information confirming being "fully vaccinated" should be collected – the name of the individual, in conjunction with, the proof of having received both vaccination doses, to a designated person(s). Anything outside that collection of information could open up the company to a legal dispute for overreaching.

Currently, a Provincial Public Health Authority does not identify that an individual is “fully vaccinated” on their certificate of vaccination as this may become a moving target with a third dose or requirement of a booster shot.

43. The Union has serious concerns with the fact that the Employer has stated that it is collecting the information, at least in part, to share it with 3rd parties. NAV Canada should seek each employee’s consent (each time) before disclosing the employee’s vaccination status to “government agencies, partners, customers or contractors”. The document sent on Friday is overly broad in this respect (item #2 under “How will my vaccination status information be used?”). This is a highly problematic stance that the employer has taken and CATCA voices its **strong** reservation against it.

To begin with, unvaccinated employees will be subjected to LWOP according to the employer’s own policy, which would categorically clear the workplace of any immediate health and safety hazards. For those employees who have obtained any legitimate accommodations under the policy, it goes without saying that these accommodations existence will be subject to Covid-safe and Covid-averse protocols.

Furthermore, CATCA requests verified copies of the relevant service agreements between management and third parties, and others, pinpointing the strict requirement that the said third parties require this personal information, why they require this information, how they will be using this information, who will have access to the information, where it will be stored and for how long, and what measures will be taken to destroy the information once their work for the day is done. The union cannot stress enough the sensitivity of this particular issue.

Confirmation of vaccination status of NAV CANADA personnel to government agencies/partners/customers/contractors as required by the terms of our relationships with stakeholders will only be given on an as needed and requested basis. NAV CANADA will be required to comply with the partner sites Vaccination Policy and may have to provide an attestation -which is a declaration by NAV Canada that all the participating employees will be compliant with their policy. The Ministry may require statistics on the amount of employees full vaccinated vs. partial vs. not vaccinated. NAV Canada may be required to provide those numbers, while not disclosing the sensitive personal information we have collected to the Ministry.

44. CATCA will want assurances that the information collected under this policy will be destroyed securely once public health guidance allows for it or when the pandemic is at an end.

Workday will allow for the secure destruction of the collected personal health information when an employee leaves the organization; based on public health guidance; or when the necessity, effectiveness and proportionality of the vaccine policy can no longer be established.

Additionally, CATCA requests that the assurances be provided in writing on how the information will be destroyed and would like oversight in ensuring that the destruction is carried out in full. Included in the assurance, CATCA also stipulates that once the relevant public health authorities announce an end to vaccine mandates and/or a defined end to the pandemic, whichever the public health authority deems is more in the interest of public health and safety, then both CATCA and NAV CANADA will be in a similar agreement with the relevant authorities, and no other interpretation will overwrite that of the authorities.