



Internet Summary Form

Section 1 – PIA Overview

1) Name of program or activity:

Occupational Health Evaluation Standard (OHES)

2) Institution(s) responsible for delivering program or activity:

Canadian Nuclear Safety Commission

3) CNSC official responsible for the Privacy Impact Assessment:

Natalie Harrington, Director General, Human Resources Directorate

4) CNSC delegate for section 10 of the *Privacy Act*:

Hugh Robertson, Director General, Information Management and Technology Directorate

5) The new or modified program or activity complies with the following legislation:

Legal and policy authority for program or activity:

- *Nuclear Safety and Control Act* (subsection 16(1))
- Part II of the *Canada Labour Code* (CLC) (section 124)
- Part XIX of the *Canada Occupational Health and Safety Regulations* (COHSR)
- *Canadian Human Rights Act* (section 16)

6) Description of the program or activity

The mission of the Canadian Nuclear Safety Commission (CNSC) is to regulate the use of nuclear energy and materials to protect health, safety, security and the environment, and to respect Canada's international commitments on the peaceful use of nuclear energy.

The CNSC, under federal legislation, is obligated to take all necessary steps to protect the health and safety of its employees, as defined in Part II of the *Canada Labour Code* (CLC) and its regulations.

To fulfill its obligations, in 2005 the Executive Committee of the CNSC approved an Occupational Health Evaluation Program (OHEP) (the Standard). Such a program is required by Part II of the CLC to ensure that the health and safety of employees at work are protected.

Employees of the CNSC who occupy positions that have an inherent element of risk to health or safety as a result of carrying out their duties are required to undergo periodic



health evaluations to ensure that they are not putting themselves in a position which may endanger their health or safety, or that of others. Since 2002, new job applicants to the CNSC have undergone evaluations under a previous monitoring program.

Under the Standard, employees and job candidates are evaluated to:

- establish that employees are able to continue working without detriment to their safety, the safety of other employees or the public
- establish that candidates are able to meet the occupational health requirements of the job, with whatever accommodation is necessary according to law and the CNSC's *Work Place Accommodation Policy*
- determine the conditions under which employees with illnesses, injuries or disabilities are able to continue or return to work

This report examines the privacy-related impact of the use of OHEP to augment the health and safety of the employees of the CNSC and proposes appropriate mitigation strategies for the identified privacy risks.

Section 2 - Privacy Impact Assessment Findings

The PIA report, produced according to Treasury Board Secretariat guidelines, examines the privacy-related impacts of the OHES program and proposes appropriate mitigation strategies for the identified privacy risks associated with that program.

In particular, the assessment process identifies a high risk related to a potentially competing application of the federal *Privacy Act* and Ontario's *Personal Health Information Protection Act, 2004* to Medisys and the CNSC. Other privacy-related risks of lesser magnitude are also highlighted in this report. Recommendations are provided to mitigate all of these issues.

As the CNSC moves forward with implementing the OHES program, privacy principles and fair information practices as outlined in both the Standards Council of Canada's *Model Code for the Protection of Personal Information* and the *Privacy Act* will continue to be core program objectives.