

## APPENDIX C – Consent to Disclosure of Infection Status of an Infected Employee

### Conclusion - Consent to Disclosure of Infection Status of an Infected Employee

#### Preliminary Comments:

At the end of the investigative interview with the **Infected Employee**, the **Immediate Supervisor** must seek consent to disclosure of infection status from the Infected Employee:

*In order to complete the internal epidemiological investigation, please be informed that I will be contacting the employees you identified by a name in our discussion as having had recent contact with you in the course of your employment and therefore potentially exposed to COVID-19.*

*In contacting these **Exposed Employees** and for the sole purpose of protecting their health and public health, it may help to provide some, if not all of them, with your name in order to help them remembering if / when they were exposed and the circumstances and nature of their exposure to you.*

*In all cases, please be assured that your identity would only be shared with a very limited number of individuals having a need to know (mainly the Exposed Employees) to adequately and effectively manage the spread of COVID-19 within VIA Rail's workforce. Furthermore, each of them would be reminded to maintain the confidentiality of your identity.*

*In light of the above, do you consent to the following:*

- *Disclosure of your identity to **Exposed Employees** identified during our discussion?*
- *Disclosure of your identity to your regional union representative (if applicable)?*
- *Disclosure of your identity to **Exposed Third Parties**, if any identified during our discussion, should such Third Parties specifically request the information and should such information be deemed useful to facilitate the Exposed Third Parties' internal investigation regarding the potential exposure of their personnel? (Consent mainly useful for hotels)*


#### Consent Obtained:

When a consent is obtained from the **Infected Employee**, the **Immediate Supervisor** must document and communicate via email such consent, along with communications made to authorized individuals, to the *Access to Information and Privacy Coordinator* at the following email address: [atip@viarail.ca](mailto:atip@viarail.ca).

#### No Consent Obtained:

When no consent is obtained from the **Infected Employee**, the **Immediate Supervisor** must indicate the following:

*We'll deploy our best efforts to protect your identity while communicating with the Exposed Employees & Third Parties (if applicable), meaning that we will not reveal*



*your name to them when conducting the investigative interviews and / or when informing them of the situation. However, please note that some of them might be able to connect the dots and identify you as the Infected Employee despite our best efforts to protect your identity based on the information that will need to be provided to them in order to fully evaluate the extent of their potential exposure.*

*Should it be the case, please be assured that we would make sure to remind the Exposed Employee(s) or Third Party(ies) (if applicable) to maintain the confidentiality of your identity.*

While not mandatory, it may also be appropriate for the **Immediate Supervisor of the Infected Employee** to advise him / her of the following:

*Please also be informed that VIA Rail could nevertheless need to disclose your infection status without your consent if the public interest outweighs the invasion of privacy resulting from the disclosure, the whole, in compliance with the applicable privacy legislation.*

*Please however note that the decision to disclose such information without your consent can only be made by the President & Chief Executive Officer (Cynthia Garneau) and / or the Access to Information and Privacy Coordinator (Gabrielle Caron, legal services); that such decision would only be contemplated after other possible options have been carefully considered.*