

Employee Records

As the employer, the school board is obligated to maintain accurate records of your employment. ETFO members have a right to request and review their records with the employer.

While the school board must create and maintain accurate records, there is some onus on you as the employee to review this information and to report any errors or omissions.

The employer has many different types of records in regards to your employment. ETFO members are encouraged to regularly review the following employee records that apply to you.

Pay Statement

With direct deposit of your salary, it can be easy to forget to review your pay statement. On a regular basis, you should carefully examine your pay statement in order to:

- make sure you are at the correct qualification and experience placement on the grid;
- look for any unusual over or under payments; and
- understand the codes for salary deductions such as taxes, benefits, and union dues.

Benefit Plan Entitlements

You should review your benefit plan summary to ensure that all eligible family members are covered. It is also important that you familiarize yourself with the details of your benefit plan to know what is covered and any timelines for the submission of a claim.

If you can make electronic claims under your plan, it is critical that you keep a detailed record of these claims. You should file copies of your electronic claims along with receipts in case you are required to produce these documents for the benefit provider. If you are unable to provide a receipt as proof of your claim, you could lose your entitlement to reimbursement or temporarily lose your entitlement to make online submissions or the benefit provider may take the position that the claim is fraudulent.

Paid/Unpaid Leaves

Your collective agreement will outline your entitlement to various paid and unpaid leaves. Again, you should familiarize yourself with these leaves and how to access and apply for them.

As in the case of sick leave credits, you should review your record with the board to make sure they have accurately recorded any unpaid leave that you have accessed. Similarly, you should monitor the use of paid leave days granted under your collective agreement (e.g., personal leave) to make sure you do not exceed your entitlement.

Medical Records

Most boards will have a secure location where employees can review their sick leave account. You should be familiar with the sick leave provisions in your collective agreement and review your available and utilized sick leave credits periodically to ensure deductions, if any, have been processed correctly. Keeping your own detailed record of sick leave absences will enable you to accurately review the employer's records.

As part of its statutory duty to accommodate, from time to time, the employer may need access to certain employee personnel or medical records. For example, where an employee is seeking an accommodation in the workplace for medical reasons, the employer has a limited right to access records that illustrate the employee's specific symptoms, restrictions and limitations, and prognosis for return to work. The employer does not have the right to a diagnosis or to unfettered access to all medical files – only the specific information required as part of the accommodation process. As with all workplace privacy matters, the need to access specific medical records and the methods used should be proportionate and weighed against the individual's right to privacy. Given the sensitive nature of medical files and the employee's right to privacy, the employer must also ensure that medical files are handled and accessed only by those designated individuals (e.g., a school board health and wellness department).

Personnel Files

In compliance with legislation, the employer must ensure that personal information and data held in employee files is handled with due regard for the privacy and data protection rights of its employees. Many local collective agreements contain processes and procedures that govern the contents of, and access to, personnel files. It is important for members to familiarize themselves with local collective agreement language that outlines rights and responsibilities in this area. Unless collective agreements state otherwise, members generally have less of a presumptive right to access data that may be held by employers. For example, there is no guaranteed right to access personal information that may have been collected by the employer in relation to a workplace investigation. Access to personnel files should be limited to designated individuals at the school board. It is also well established in case law that where an employer breaches the privacy of an employee with justification, they may only use the information gathered for the purpose for which it was intended.

If you discover a discrepancy between the board's records and yours or if you are being questioned about an electronic submission for a benefit claim, contact your local ETFO office or staff in Professional Relations Services immediately for assistance.

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