

CONFIDENTIALITY OF INFORMATION / ACCESS TO INFORMATION

	DIVULGING INFORMATION	Section of Act	Policy (if any)
AB	Except for the purpose of the administration and enforcement of the Act, or under the authority of the Board, no member, officer, or employee of the Board, or anyone authorized to act on the Board's behalf, shall disclose or allow to be disclosed any information obtained under the Act.	Workers' Compensation Act (s. 147(1) and (2))	Policy 01-02, Access and Privacy
BC	The British Columbia Act states that officers of the Board and persons authorized to make examinations or inquiries must not divulge or allow to be divulged, except in the performance of their duties or under the authority of the Board, information obtained by them or which has come to their knowledge in making or in connection with an examination or inquiry under this Part.	Workers Compensation Act (s. 95(1))	N/A
MB	No officer of the board, no worker adviser or person appointed or employed under section 108, no member of any committee, panel, medical review panel or commission appointed under this Part, and no agent appointed under section 109.5, and no person authorized to make an inspection or inquiry under this Part, including the Fair Practices Advocate, shall divulge or allow to be divulged, except in the performance of his or her duties or under the authority of the board, any information obtained by him or her or which has come to his or her knowledge in making or in connection with an inspection or inquiry under this Part or in connection with any claim of a worker or dependant under this Part or any Part or any proceeding of the board. The WCB is bound by <i>The Freedom of Information and Protection of Privacy Act (FIPPA)</i> and <i>The Personal Health Information Act (PHIA)</i> .	Workers Compensation Act (s. 101(1))	
NB	The New Brunswick Acts (<i>WHSCC Act, WC Act, & OH&S Act</i>) state, except for the purpose of the administration and enforcement of the Act, or under the authority of WorkSafeNB, no member of the board of directors, officer, or employee of WorkSafeNB, or anyone authorized to act on the commission's behalf, shall disclose or allow to be disclosed any information, statement or document obtained under the Act; or allow any person to inspect or have access to any statement or document obtained under the Act, or any report prepared by or on behalf of WorkSafeNB from any information, statement or document obtained under the Act. The Board of Directors may require any member, officer, employee or person authorized to act on behalf of WorkSafeNB, to take an oath of secrecy. In protection of privacy, WorkSafeNB adheres to the Statutory Code of Practice as outlined in the <i>Protection of Personal Information Act (POPI Act)</i> .	Workplace Health, Safety and Compensation Commission Act (s. 12(1), 12(2)) Occupational Health and Safety Act (s. 40) <i>Protection of Personal Information Act</i>	Policy No. 41-007 Privacy and Information Security
NL	18(1) An employee of the commission or a person authorized to make an inquiry under this Act shall not divulge, except in the performance of his or her duties or under the authority of the board of directors, information obtained by him or her or which has come to his or her knowledge in making or in connection with an inspection or inquiry under this Act. (2)Notwithstanding subsection (1), the board of directors may permit the divulging to legal counsel or another authorized representative either of a person seeking compensation or of another interested party of information referred to in subsection (1) or other information contained in the records or files of the commission. 89.3(1) Where a worker or a worker's employer requests, a health care provider shall give the commission, the worker and the employer information concerning the worker's functional abilities on the form that may be required by the commission. (2)The commission shall pay a health care provider for providing information under this section and shall fix the fee to be paid. (3)A person who receives the information in subsection (1) on behalf of an employer shall not disclose that information except to a person who is assisting the employer in returning the worker to work.	Workplace Health, Safety and Compensation Act (s. 18, 89.3)	WHSCC - Policies and procedures: GP-01 Information Protection, Access and Disclosure ; RE-03 Functional Abilities Information for Return to Work

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	DIVULGING INFORMATION	Section of Act	Policy (if any)
NT/ NU	No person shall disclose information acquired under the Act contrary to: <ul style="list-style-type: none"> the Act the policies of the Governance Council the <i>Access to Information and Protection of Privacy Act</i> 	Workers' Compensation Act (s. 161)	Policy 07.01, Access to Information in Claim Files; Policy 07.02, Access to Information in Employer Files; Policy 07.03, Access to Information in Inspection Reports
NS	No person who is a member of the Board of Directors, an officer or employee of the Board, a member or employee of the Appeals Tribunal; or a member of the Medical Review Commission panel, shall release any information obtained by virtue of the person's office or employment except in accordance with the <i>Freedom of Information and Protection of Privacy Act</i> , unless the information is released in the performance of the person's office or employment, with the approval of the Board of Directors or the Chief Appeal Commissioner, or pursuant to part I of the <i>Workers' Compensation Act</i> .	Workers' Compensation Act (s. 192) Personal Information International Disclosure Protection Act	
ON	Employees and other members of the Ontario Board are prohibited by law from disclosing any information collected in the course of an examination, investigation or inquiry, except in the performance of his or her duties (s. 181). Moreover, Ontario is subject to the <i>Freedom of Information and Protection of Privacy Act</i> which regulates the collection, use and disclosure of personal information in Ontario.	Workplace Safety and Insurance Act (s. 181)	Policies in section 21-02, Confidentiality
PE	Prince Edward Island's Act does not have a confidentiality provision. The Act contains a section relating to access to board files. The Prince Edward Island WCB is subject to the <i>Freedom of Information and Protection of Privacy Act</i> .	Workers Compensation Act (s.83)	POL-134 Data Distribution Methods POL-04 File Release
QC	The Commission guarantees the confidentiality of the information it receives. Exceptions are provided in the Act. Likewise, persons appointed to investigate cannot divulge the information obtained in the course of this investigation, except in the execution of their functions or with the authorization of the Commission or a court or a coroner's order in the exercise of their functions. The Act respecting access to the documents of public bodies and the protection of personal information also includes many provisions on the protection of personal information.	Act Respecting Occupational Health and Safety (s. 160, 174 to 175)	
SK	In Saskatchewan, subject to sections 171.1 and 171.2, no officer of the board and no person authorized to make an inspection or inquiry under the Act shall divulge or allow to be divulged, except in the performance of his duties or under the authority of the board, any information obtained by him or that has come to his knowledge in connection with that inspection or inquiry.	Workers' Compensation Act (s. 171(1))	Policy & Legislation POL 06/2008
YT	No member of the board, the appeal tribunal or any employee or agent of either or person authorized to make an examination or inquiry under this Act shall divulge or allow to be divulged, except in the performance of their duties or under authority of the board, any information obtained in the administration of this Act.	Workers' Compensation Act (s. 117)	

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	OFFENCE TO DIVULGE INFORMATION	Section of Act	Policy (if any)
AB	A contravention of the Act is an offence.	Workers' Compensation Act (s. 152(1))	Policy 01-09, Administrative Penalties
BC	The Act states that it is an offence to improperly divulge confidential information.	Workers Compensation Act (s. 95(2))	N/A
MB	The Act states that it is an offence to improperly divulge confidential information. If a person is convicted of an offence, a worker may be liable for a fine up to \$1,500. Other persons may be liable for a fine up to \$7,500.	Workers Compensation Act (s. 101(7), 109.6)	
NB	There is an obligation under the <i>WHSCC Act</i> not to disclose or allow to be disclosed any information statement or document obtained under the Acts. In protection of privacy, WorkSafeNB adheres to the Statutory Code of Practice as outlined in the <i>Protection of Personal Information Act (POPI Act)</i> and under that Act it is an offence to disclose personal information.	Workplace Health, Safety and Compensation Commission Act (s 12(1)(a), 12(1)(b), 12(2)) <i>Protection of Personal Information Act</i> (s.6(1))	
NL	A person who contravenes the Act or regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$25,000 or imprisonment of not more than six months, or both.	Workplace Health, Safety and Compensation Act (s. 125)	N/A
NT/ NU	A person who discloses information contrary to s. 161 of the Act is guilty of an offence. Those who commit an offence are liable on summary conviction <ul style="list-style-type: none"> in the case of a corporation, to a fine not exceeding \$500,000 in the case of an individual, to a fine not exceeding \$50,000, to imprisonment for a term of not more than 6 months, or both a fine and imprisonment. 	Workers' Compensation Act (s. 156)	N/A
NS	The Act states release of information only in accordance with section 192. A person who contravenes the Act or Regulations is liable for a penalty.	Workers' Compensation Act (s. 209)	
ON	Ontario has a limit of a \$25,000 fine plus 6 months imprisonment for persons, and a \$100,000 fine for corporations.	Workplace Safety and Insurance Act (s. 158)	
PE	N/A		

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OFFENCE TO DIVULGE INFORMATION		Section of Act	Policy (if any)
QC	Subject to section 160 of the Act (see the previous heading), anyone disclosing a secret or a manufacturing or operating process learned in the exercise of his duties commits an offence.	Act Respecting Occupational Health and Safety (s. 234)	
SK	The Act states that it is an offence to improperly divulge confidential information. Saskatchewan has a fine of not more than \$1,000.	Workers' Compensation Act, 1979 (s. 171(2))	Policy & Legislation POL 06/2008
YT	The Act states that any person who violates the provisions for Section 117 commits an offence under this Act.	Workers' Compensation Act (s. 117(4))	
ACCESS TO INFORMATION		Section of Act	Policy (if any)
AB	General	Workers' Compensation Act (s. 147(2), 147(3))	Policy 01-02, Access and Privacy
	Worker		
	Employer		
	Other		
BC	General	Workers Compensation Act (s. 156)	See policy item #99.00, Disclosure of Information, of the RS&CM, Vol. II and related sub policies
	Worker		
	Employer		
	Other		

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ACCESS TO INFORMATION			Section of Act	Policy (if any)	
MB	General	Manitoba may charge for any documents copied from the records. However, the first copy of all documents shall be provided to a worker, his or her dependant or an agent of either of them at no charge if the claim is denied, or if there is an appeal to the Appeal Commission.	Workers Compensation Act (s. 101(1.6), 101(1.7), 108(4))	Policy 21.50.10 Disclosure of File Information	
	Worker	The first copy of all documents shall be provided to a worker, his or her dependent or an agent of either of them at no charge if the claim is denied, or if there is an appeal to the Appeal Commission. Effective January 1, 2006, workers and their dependants have access to any files created by a worker advisor regarding them.			Policy 21.50.40 Disclosure of File Information - Employer Access
	Employer	Under the Manitoba Act, an employer, who is party to a reconsideration or appeal, may have access to documents from a claimant's file that the WCB considers relevant to the issues in dispute. This access is limited to documents received by the WCB after January 1, 1992. The WCB's Disclosure of File Information and Employer Access policies ¹ deals with disclosure of file information in two scenarios: prior to an appeal, and after an appeal. Prior to an appeal, the WCB may disclose limited information to the employer only when the WCB is satisfied that the employer needs the information for a WCB program purpose. After a formal appeal has been filed by a claimant or employer, the employer, on request but subject to objections by the claimant, will be provided claim file documents relevant to the issue. The WCB must notify the claimant of the documents it considers relevant prior to the release of claim file documents to the employer. The claimant may object to the disclosure of this information. After considering the objections, the WCB may refuse or permit access to the documents. An employer or the claimant may appeal the WCB's decision to the Chief Appeal Commissioner. A decision by the Chief Appeal Commissioner is final and conclusive. However, the appeal panel, hearing the appeal, may determine that a document is relevant to the issue in dispute. In this situation, the employer is granted access.			Policy 21.50.50 Release of Statistical Data
	Other	The Manitoba Act gives access to files to a review committee appointed by the Lieutenant Governor in Council. In using the information, the committee shall not divulge information in such a manner that an individual is directly identifiable.			
NB	General	Policy No. 41-007 Privacy and Information Security provides WorkSafeNB's approach to protecting the confidentiality of personal information and the circumstances under which information will be released.	Workers' Compensation Act (s. 83.1(2) and 83.2(2)) Workplace Health, Safety and Compensation Commission Act (s. 12(1))	Policy No. 41-007 Privacy and Information Security	
	Worker	Injured workers and survivors in receipt of benefits have full access to correspondence in a claim file. A written request must be submitted.			
	Employer	Employers may have access to an injured worker's personal claim file that is relevant to the workplace injury and will facilitate a return to work.			
	Other	The <i>WC Act</i> (s. 83.1(2) and 83.2(2)) allows worker and employer advocates to examine information on behalf of the injured worker or employer.			

¹ Policies 21.50.10 and 21.50.40.

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ACCESS TO INFORMATION			Section of Act	Policy (if any)
NL	General	<p>Policy GP-01 "Information Protection Access and Disclosure" addresses provisions of access. There is no charge for copies released by the Commission.</p> <p>The Commission collects and maintains information for the purposes of adjudicating and managing claims for injured workers or their dependents. The Commission also registers employers and collects employer assessments. In order to carry out all aspects of these activities, the Commission may disclose information to workers, employers, service providers and others as necessary for the Commission to administer the Act and for other parties to exercise their rights and carry out their obligations under the Act.</p> <p>As a public body that collects personal information, Commission is subject to ATIPPA. This Act provides access for the public to the information maintained by the Commission while at the same time protecting personal privacy.</p>		WHSCC - Policies and procedures: GP-01 Information Protection, Access and Disclosure; ES-16 Certificates of Clearance
	Worker	An injured worker, or their authorized representative, shall have access to a copy of their claim file upon written request.		
	Employer	<p>The Commission discloses to employers copies of all return-to-work plans, summaries of Labour Market Re-entry (LMR) cost benefit analyses, approved LMR plans between the Commission and the worker, functional abilities information, decision letters, and appeal letters associated with their workers' claim files. Employers will also receive information on employer claim costs, which is disclosed to the employer for the purpose of verifying claim costs, and any other relevant information necessary to fulfill the Commission's obligations under the Act.</p> <p>When either the worker or employer requests an internal review of a decision on a worker's claim, the employer, or an employer's authorized representative, may be granted, upon written request, access to additional relevant claim file information. The Commission shall determine relevance in terms of information which relates to, or which is necessary to address, the disputed issue(s). Workers are notified when relevant information is released to an employer or to an employer's authorized representative.</p> <p>The employer or employer's authorized representative shall have a copy of the employer file upon written request.</p> <p>Other employers or legal counsel may request information regarding an employer's status or account balance. The Commission releases this information through clearance letters in accordance with legislation and policy (refer to Policy ES-16 "Certificates of Clearance")</p> <p>Subject to approval by the employer, a Commission auditor conducting a financial audit of an employer's account is permitted to discuss the audit results with the employer's accountant.</p>		
	Other	In Newfoundland & Labrador, where a worker applies for compensation, he or she is considered to have authorized a hospital authority to disclose to the Commission information contained in the hospital records. The Act requires health care providers to provide information to workers and employers to assist in returning workers to work.		

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ACCESS TO INFORMATION			Section of Act	Policy (if any)
NT/ NU	General	Any information obtained under the <i>Workers' Compensation Act</i> is confidential and may only be disclosed under the authority of the WSCC to the persons directly concerned, to agencies or departments of the Government of the Northwest Territories or Nunavut, the Government of Canada or the government of a province or territory, or in accordance with the <i>Access to Information and Protection of Privacy Act</i> .	Workers' Compensation Act (s. 161, 163, 164)	Policy 07.01, Access to Information in Claim Files; Policy 07.02, Access to Information in Employer Files; Policy 07.03, Access to Information in Inspection Reports
	Worker	A claimant, or his or her legal representative, may examine and copy information generated in processing the claim, including medical reports.		
	Employer	In addition to providing a copy of a progress report, the WSCC shall, on request, disclose to an employer: <ul style="list-style-type: none"> information related to the cause of a claim for compensation by one of the employer's workers, the disposition of the claim, the recovery of the worker and any vocational rehabilitation of the worker; any other information related to an issue in a review or appeal to which the employer is a party, unless the Commission considers the information irrelevant. 		
	Other	N/A		
NS	General	The <i>Workers' Compensation Act</i> directs information sharing in accordance with the Freedom of Information and Protection of Privacy Act ("FOIPOP") unless with Board of Directors' or the Chief Appeal Commissioner's approval, as otherwise directed in the Act and in the performance of employment.	Workers' Compensation Act (s. 192, 193(1))	
	Worker	The worker is entitled to only one free copy of documents or records. A fee will be charged thereafter.		
	Employer	In Nova Scotia, an employer must be a participant in an appeal before access is granted. The Board must decide which documents and records are relevant to the reconsideration or appeal. The employer may be charged a fee for copies of documents or records and the worker is entitled to only one free copy.		
	Other			
ON	General	In Ontario ² , an issue must be in dispute before access is granted. Where no issue in dispute exists, access can still be obtained under the provincial access to personal information and privacy legislation. The Ontario Act includes references that limit the access to health care information, particularly to employers.	Workplace Safety and Insurance Act (s. 57, 58, 59)	Policies in section 21-02, Confidentiality
	Worker	The Ontario <i>Freedom of Information and Protection of Privacy Act</i> gives a worker the right to receive copies of the claim file at any time. Health care reports or other information that could be harmful to the worker are to be given to the worker's treating physician and the worker advised that this has been done.		
	Employer	Ontario must notify the worker of its intention to provide health care reports and opinions to the employer. The worker is then permitted to file written objections before the employer is given access. A further appeal of the decision to allow access to records is available to either the worker or employer within 21 days, which must lapse before access is granted. The worker is to be advised of any eventual access and of the information given. The employer or employer representative obtaining medical information must not disclose it in any way that could identify a particular worker or case. Due to the enactment of the <i>Good Government Act, 2011</i> , effective March 30, 2011, Non-Economic Loss (NEL) assessments are no longer automatically sent to employers as outlined in the current policy, Policy 18-05-07, Releasing Medical Assessment Reports. They are subject to the same access rules as other worker health records.		
	Other			

2 The Ontario *Freedom of Information and Protection of Privacy Act* gives a worker the right to receive copies of the claim file at any time.

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ACCESS TO INFORMATION		Section of Act	Policy (if any)	
PE	General			
	Worker	Subject to the provisions of section 83, where there is a <i>bona fides</i> issue in dispute with respect to compensation of a worker, the Board shall upon written request of the worker, or in the case of a deceased worker upon written request of the persons who may be entitled to benefits under this Act, provide full access to the Board's file on the worker including the right to make a copy thereof.	Workers Compensation Act (s. 83)	POL-04 File Release
	Employer	Subject to the provisions of section 83, where there is a <i>bona fides</i> issue in dispute with respect to compensation of a worker, the Board shall upon written request of the worker's employer, in a form prescribed by the Board, provide the employer with such access to the worker's file to such extent as the Board may consider the information relevant to the issue in dispute including the right to make a copy thereof.		
	Other			
QC	General	The Act respecting access to documents held by public bodies and the Protection of personal information provides a general right of access to documents, restricted by a certain number of exceptions applicable to specific cases. When under the ARIAOD, a person has a right of access to a Commission file including digitized documents, the Commission provides a written, intelligible transcription. The information requested under sections of the ARIAOD must be provided within a reasonable delay.	Act respecting Industrial Accidents and Occupational Diseases (LATMP) (s. 40 and 41)	
	Worker	A beneficiary is entitled to access, without charge, the entire file the Commission holds on him or her or the deceased worker, whatever the case may be, as well as a person he or she expressly authorizes for this purpose.	Act respecting Industrial Accidents and Occupational Diseases (s. 36)	
	Employer	An employer is entitled to access, without charge, the file the Commission holds concerning his or her classification, premium or the costs attributed to him or her, as well as a person he or she expressly authorizes for this purpose. The employer is also entitled to access, without charge, the file the Commission holds on the industrial injury suffered by the worker while in his or her employ and to whom are attributed, according to the Act, all or part of the costs of the benefits due because of this injury. The same goes for an employer held personally responsible for the payment of all or part of the benefits due because of this injury. However, only a health professional designated by the employer may access the worker's medical records and those related to his physical rehabilitation. This professional may provide the employer with a summary of the file and advice to enable him or her to exercise the rights given to him or her by the ARIAOD. The Commission notifies the worker when an employer or a designated health professional has exercised his or her right of access to the information concerning him or her. The information obtained from the Commission cannot be used or disclosed for purposes other than the exercise of the rights the ARIAOD grants to the employer.	Act respecting Industrial Accidents and Occupational Diseases (s. 37, 38, 38.1 and 39)	
	Other	The Commission may obtain in cases specified by the Act and, in such cases, at conditions it sets, information held by third parties. It may even disclose, in cases specified by the Act and, in such cases, at conditions it sets, this information to third parties. The Regulation respecting the distribution of information and the protection of personal information states that a public body must distribute through a website the documents or information specified in the Regulation insofar as the information has been made accessible by law. This is, among others, the information concerning the organization, the services offered, programs and forms, laws, regulations, codes of ethics, policies and other normative documents governing decision-making. To this are added studies, research and statistical reports and other documents of interest for the information of the public, like annual management reports, reports on serious or fatal accidents or documents tabled in the National Assembly.	Act respecting Industrial Accidents and Occupational Diseases (s. 42, 42.1, 42.2 and 43, which refer to many other sections)	

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SK	General	Saskatchewan has a similar provision to Ontario.	Workers' Compensation Act (s. 171.1, 171.2)	Policy & Legislation POL 06/2008
	Worker	The first copy of all documents shall be provided to a worker, his or her dependent or an agent of either of them at no charge if there is an appealable issue.		
	Employer	Where an employer has requested reconsideration of or applied for a review of a decision made pursuant to this Act with respect to a worker's claim for compensation, the Board may grant the employer access to the information that the Board used to make its decision.		
	Other	Inquiries from Members of the Legislative Assembly or Members of Parliament will be reviewed; In accordance with the Inter-jurisdictional Agreement on Workers' Compensation, staff will respond to requests from other WCB jurisdictions for the exchange of claim or employer account information.		
YT	General	All policies relating to claims and assessment procedures and OH&S must be publicly available in Yukon.	Workers' Compensation Act (s. 56)	
	Worker	The first copy of all documents shall be provided to a worker, his or her dependent or an agent of either of them at no charge. Documentation is only to be used in procedures related to an appeal unless permission is granted by the board.		
	Employer	An employer who is party to an appeal may have relevant information. The worker is entitled to review any information that will be provided to the employer. If there is any disagreement the President has the final say.		
	Other			
PRIVILEGED COMMUNICATIONS			Section of Act	Policy (if any)
AB	The Board's records, documents and files are privileged and are not admissible in evidence in any action or proceeding without the consent of the Board.		Workers' Compensation Act (s. 148(1))	
BC	In British Columbia, nothing is admissible before the appeal tribunal that is inadmissible in a court because of a privilege under the law of evidence.		Workers' Compensation Act (s. 246.1)	N/A
MB	When a health care provider, hospital or health care facility makes or submits a report to the WCB, this report is privileged and not admissible as evidence.		Workers' Compensation Act (s. 20.1)	
NB	There is no similar provision in the legislation.		No reference	
NL	N/A		N/A	N/A
NT/ NU	There is no similar provision in the legislation.		No reference	N/A

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	PRIVILEGED COMMUNICATIONS	Section of Act	Policy (if any)
NS	Records submitted to the Board or the Appeals Tribunal by a physician, surgeon, hospital official or other health care professional the report is privileged and not admissible as evidence against the physician, surgeon, hospital official or other health care professional.	Workers' Compensation Act (s. 195)	
ON	Ontario lists types of health care practitioners, as well as a hospital and health facilities, as those whose reports are privileged.	Workplace Safety and Insurance Act (s ss. 37, 47, 180(4))	
PE	There is no such provision in the <i>Workers Compensation Act</i> .	No reference	
QC	Such provision does not exist in the laws administered by the CSST.	No reference	
SK	There is no provision of this nature in the Saskatchewan Act.	No reference	
YT	There is no such provision in the Yukon Act.	No reference	

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