

INDUSTRIAL RELATIONS LEGISLATION, UNION OFFICIALS, ACCESS TO EMPLOYEES' HEALTH RECORDS

208. Hon. C.L. Edwardes to the Minister for Health

I refer the Minister to the Labour Relations Reform Act 2002 and ask -

- (a) did the State Labor Government receive a request from the Australian Medical Association to amend the above Legislation to specifically exclude, from access by union representatives, health records of employees, unless it is specifically authorised by the individual employee;
- (b) does the Minister accept -
 - (i) that employees' health records should not be accessible to unions, without the individual employee's consent; and
 - (ii) the need to protect individual employees' rights of privacy concerning their health records; and
- (c) if not, why not?

Mr R.C. KUCERA replied:

Consistent with the response provided by the Minister for Consumer and Employment Protection to Question on Notice 207, I provide the following:

- (a) Yes
- (b) (i)-(ii) I understand that authorised representatives have no express right to access an employee's health records. Their right to access the records of individual employees is limited by the scope of Section 49I of the Industrial Relations Act 1979. It is difficult to envisage circumstances in which an employee's health records would fall within the scope of documents available to authorised representatives as defined by the Industrial Relations Act 1979.
- (c) Not applicable.