

Genetic Testing Policy



PURPOSE

[Company Name] (“the Company”) is committed to respecting the privacy and dignity of its employees and job applicants. This Policy outlines the Company’s position regarding genetic testing in the workplace, consistent with applicable privacy, human rights, and employment legislation. The goal is to prevent discrimination, protect personal information, and ensure that any genetic data is handled responsibly and lawfully.

SCOPE

This Policy applies to all full-time, part-time, contract, and casual employees of the Company, as well as job applicants, who are covered by relevant federal, provincial, or territorial legislation. Where a conflict exists between this Policy and local laws, the higher legal standard or the greater right or benefit to the individual will apply.

DEFINITIONS

- **“Genetic Testing”**: Any test that analyzes DNA, RNA, chromosomes, or proteins to identify genetic variants or markers for diseases, traits, or ancestry, whether conducted through medical or direct-to-consumer methods.
- **“Genetic Information”**: Any data obtained from genetic testing or analysis, including test results and related interpretations that identify or confirm a person’s genetic traits, predispositions, or conditions.
- **“Discrimination”**: Unfair or prejudicial treatment based on a protected characteristic, including genetic characteristics, contrary to human rights legislation or other laws.

ELIGIBILITY

All employees and job applicants are protected by this Policy. The Company shall not require or request genetic testing as a condition of employment, nor will it use genetic information in any decisions related to hiring, promotion, termination, or other employment actions, except where explicitly allowed by law (if ever).

LENGTH OF LEAVE

Not Applicable. This Policy addresses genetic testing and does not define a leave of absence.

APPLICATION & NOTICE REQUIREMENTS

1. Prohibition on Mandatory Testing

- The Company will not require employees or applicants to undergo genetic testing as a condition of employment or continued employment.
- Any request for genetic information must be voluntary and comply with local legislation (e.g., for special programs or accommodations), and must be accompanied by clear informed consent where legally permitted.

1. Voluntary Disclosure

- Employees or applicants who voluntarily disclose genetic information (e.g., to request an accommodation or for wellness program purposes) will not face adverse treatment or discrimination.
- Any disclosure of genetic information must be accompanied by the individual's informed consent, and the data will be used strictly for the stated purpose.

1. Handling & Storage of Genetic Information

- If, in rare cases, the Company lawfully obtains genetic information (e.g., through a voluntary wellness program where participation and data collection comply with legislation), the data will be stored securely and separately from general personnel files.
- Access to genetic information is limited to authorized individuals who require it for legitimate employment-related or legal reasons, consistent with local privacy laws.
- The Company will not disclose genetic data to third parties, except as required by law or with the explicit written consent of the individual.

JOB PROTECTION

1. No Discrimination

- Employees and applicants will not be refused employment, terminated, disciplined, or otherwise treated unfairly because of their genetic characteristics.
- Genetic predisposition or potential risk of disease will not be used to make decisions regarding hiring, promotion, job duties, benefits, or any other employment-related matters.

1. Accommodation

- If an employee's genetic condition qualifies as a disability under human rights legislation, the Company will consider reasonable accommodations to the point of undue hardship, consistent with local legal requirements.

CONTINUATION OF BENEFITS

Not Applicable. This Policy does not affect employee benefits unless specifically required by law or relevant insurance regulations.

RETURN TO WORK

Not Applicable. This Policy addresses genetic testing, not a leave or return process.

CONFIDENTIALITY

Any genetic information obtained or disclosed under this Policy will be handled as highly confidential personal data, in accordance with privacy legislation (e.g., PIPEDA, provincial privacy laws) and Company privacy procedures. It will not be shared internally or externally unless there is a legitimate and legal necessity.

NON-RETALIATION

The Company strictly prohibits retaliation against any employee or applicant who:

1. Refuses to undergo genetic testing;
2. Raises concerns or complaints about genetic testing or genetic discrimination;
or
3. Exercises any other rights under this Policy or applicable laws.

No individual's job status, benefits, or opportunities will be negatively impacted for asserting their rights under this Policy.

POLICY ADMINISTRATION

The [HR Department/Designated Manager/Privacy Officer] is responsible for:

- Administering this Policy consistently.
- Monitoring legislative changes (e.g., Genetic Non-Discrimination Act, human rights, privacy statutes) and updating the Policy accordingly.
- Handling questions, complaints, or investigations related to genetic testing or discrimination.

[Company Name]

Effective Date: [Insert Date]

Authorized by: [Name, Title]

Date: [Signature Date]

How to Use This Template

1. **Adapt and Customize:** Tailor the policy language to reflect your organization's size, local legal requirements, and any specific contexts where genetic data may come into play (e.g., specialized health and safety roles).
2. **Review with Legal Counsel:** Ensure the policy aligns with applicable provincial/territorial or federal legislation, including any human rights, privacy, or genetic non-discrimination acts.
3. **Communicate to Employees:** Publish or share the policy (e.g., employee handbook, intranet) and provide training or updates to management regarding genetic discrimination and data handling.

Table of Jurisdictional Differences

Genetic testing and discrimination are subject to various laws, including the Genetic Non-Discrimination Act (Canada), provincial/territorial human rights codes, and privacy legislation. The chart below summarizes core considerations. Always consult the most current laws for precise requirements.