



GENETIC NON-DISCRIMINATION ACT (GNA)

On May 4, 2017 the Genetic Non-Discrimination Act (GNA), formerly known as Bill S-201, was passed into law in Canada.

- GNA protects individuals from the use of genetic test results in areas outside of medical care and medical research, such as insurance and employment
- GNA was created to remove barriers to the appropriate use of genetic services by the public

This overview provides information about the law.

GNA does not change, and should not impede, medical practice. Research suggests that the law's protections might ease concerns some patients have when considering genetic testing.

Protection GNA provides

Under GNA, anyone entering into or continuing a contract or agreement with someone, or providing any good or service (including all employers and insurance providers), cannot

- request or require that a person undergo a genetic test
- request or require the disclosure of previous or future genetic test results
- collect, use, or disclose that person's genetic test results without their written consent

GNA makes these actions criminal, punishable by severe penalties.

Under GNA, additional protections were added to the Canada Labour Code, stating that federally regulated employers cannot

- use a person's genetic test results in decisions about hiring, firing, or promotions
- request or require genetic test results of an employee
- collect, use, or disclose that person's genetic test results without their written consent

Under GNA, the Canadian Human Rights Act

- bans discrimination based on genetic characteristics

Types of genetic test results protected by GNA

- genetic test result is defined as a test that analyzes DNA, RNA or chromosomes for purposes such as the prediction of disease or vertical transmission risks, or monitoring, diagnosis or prognosis
- this applies to tests done in a clinical or research setting

Talking to Patients about GNA

General Information

- There is a law – the Genetic Non-discrimination Act, GNA for short – that makes it illegal for third parties, such as employers and insurance companies, to ask for your genetic test results.
- It is illegal to collect, use or disclose your genetic test results without your written consent.
- It is illegal for a third party to collect your genetic test results from another source, e.g. from your doctor or social media, without your written consent. If they somehow acquire those results, they are prohibited from using or disclosing them without your written consent.
- The law makes any such actions criminal, punishable by severe penalties.

If You Already Have a Genetic Disorder

- Insurers often base their decisions on your current symptoms and diagnoses. GNA doesn't prohibit insurers from using information about your condition – even if that condition has a genetic basis.
- However if no condition has developed, the law protects against disclosure of all genetic test results. Some genetic test results have names, such as a particular “syndrome”, but that is just the name. It is still a genetic test result, protected under the law.
- Insurers typically ask about family medical history. Family medical history is not protected by GNA. If a close family member applied for insurance, they may need to report your medical condition, but would not be asked to provide your genetic test results.

Full Text of the Law

To view the full text of the law passed by the government, visit this link:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=8923059>

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