

# Medical information in the workplace: For doctors

## INFORMATION SHEET

Doctors may receive requests from their patients to provide medical information for the patient's employer about the patient's injury or disability. While employees generally have a right to privacy over their medical information, employers may request medical information to:

- confirm an employee's absence for medical reasons
- decide whether an employee is fit to return to work after a medical absence
- understand an employee's restrictions and limitations relating to their job duties
- explore reasonable accommodation for an employee with a disability
- decide whether they can accommodate an employee's disability

Doctors, employers, employees, and trade unions (if there is one) all play a role in gathering reasonable medical information about an employee.

### What information to share

An employer does not have a right to receive full disclosure of an employee's medical situation. Doctors should only provide medical information that relates to the employee's job duties and for the requested time period. The information should help the employer decide about accommodating the employee, providing disability leave, or confirming a medical absence.

Some absences from work may not require medical information at all. Short and infrequent absences may only require minimal medical

information, such as confirmation that the employee's absence is related to their health.

Other situations require much more information, such as whether an employee is ready to return to work or what accommodation they need at work (learn more below).

**There are very limited cases when a doctor needs to disclose the employee's diagnosis.** If requesting a diagnosis, an employer must show the information is necessary and they have tried all other methods to assess the employee's ability to return to work or accommodation needs.

### How to share information

Employers may ask doctors to complete a [Medical Ability to Work form](#) or a [Medical Absence form](#) to gather medical information about the employee. The Commission has samples of these forms.

A doctor should always provide medical information (including confirming the doctor saw the employee) in **writing**. If the employee allows their doctor and employer to connect directly, this contact should be in writing. A doctor should never give information to an employer over the phone, as this can lead to misunderstandings or an invasion of the employee's privacy.

Doctors and employers must take steps to protect the employee's privacy rights. For example, the doctor may give completed forms to the employee to give to their employer, instead of directly to the employer. An employer should also use the least intrusive method possible to get the information. For example, an employer must first try to get the medical information from the employee's doctor

or specialist before asking for an independent medical examination.

Doctors must respond to patient requests for medical information as soon as reasonably possible.

## Accommodation at work

Under the *Alberta Human Rights Act*, employers must **accommodate** an employee or job candidate's protected grounds. This means changing rules, standards, policies, workplace culture, and physical environments to remove or reduce the negative impact the person faces because of a protected ground.

Depending on the situation, a doctor may provide the following to help inform the employer on what accommodation options are needed:

- whether the illness or injury is permanent or temporary
- what restrictions and limitations the employee has
- whether the employee's treatment or medication will affect their ability to perform job duties
- expected length of disability and absence (prognosis for recovery)
- the employee's fitness to return to work
- the employee's fitness to perform specific parts of the pre-injury job
- the employee's ability to perform modified work
- likely duration of any physical or mental restrictions or limitations following their return to work

A doctor should **not** give:

- a definitive opinion that the employee will have no more medical problems
- medical information unrelated to the employee's job duties

## When doctors give conflicting medical information

Conflicting medical opinions between the employee's doctor and a specialist, between two specialists, or between a Worker's Compensation Board-Alberta (WCB) doctor and other medical providers can arise.

If two specialists give conflicting information, the employer has a duty to inquire further. They may:

- review the medical information to see if it conflicts on issues that impact the employer's ability to accommodate the employee
- request further information from the specialists to clarify conflicting issues
- engage further expert medical opinion to clarify conflicting medical opinions

## For more information

Visit the Commission's website at [albertahumanrights.ab.ca](http://albertahumanrights.ab.ca) or review the following resources:

- [Obtaining and Responding to Medical Information in the Workplace Human Rights Guide](#)
- [Sample Medical Ability to Work Form](#)
- [Sample Medical Absence Form](#)

### **Other agencies may be able to help:**

- For privacy information, the **Office of the Information and Privacy Commissioner** ([www.oipc.ab.ca](http://www.oipc.ab.ca))
- For questions about workplace injuries, the **Workers' Compensation Board (WCB)** ([www.wcb.ab.ca](http://www.wcb.ab.ca))
- The **Alberta Medical Association** ([www.albertadoctors.org](http://www.albertadoctors.org)) or the **College of Physicians and Surgeons of Alberta** ([www.cpsa.ca](http://www.cpsa.ca))

## Contact us

**Website:** [albertahumanrights.ab.ca](http://albertahumanrights.ab.ca)

**Confidential inquiry line:** 780-427-7661

**Fax:** 780-427-6013

**Toll-free within Alberta:** 310-0000 and then enter the area code and phone number.

**Video Relay Service (VRS):** For Albertans who are deaf, hard of hearing, or speech-impaired, you can access our services via your own interpreter or via Canada VRS ([srvcanadavrs.ca](http://srvcanadavrs.ca)), which provides an interpreter.

### **Alberta Human Rights Commission | Calgary Office**

200 J.J. Bowlen Building  
620 – 7 Avenue SW  
Calgary, Alberta T2P 0Y8

### **Alberta Human Rights Commission | Edmonton Office**

800 – 10405 Jasper Avenue NW  
Edmonton, Alberta T5J 4R7

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**Please note:** A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.