

Medical information in the workplace: For employees and employers



INFORMATION SHEET

Under the *Alberta Human Rights Act*, employers have a duty to accommodate employees and job applicants based on their protected grounds. This means changing rules, standards, policies, workplace culture, and physical environments to remove or reduce the negative impact a person faces because of a protected ground.

Employers who receive an accommodation request must take reasonable steps to accommodate a person's needs to the point of undue hardship. In the accommodation process, employers can ask employees for relevant **medical information**. Medical information is information from a doctor about a person's health. 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.

Did you know the hiring process may involve medical information?

Job candidates can request accommodation from employers and should give enough information about their needs to allow employers to assess ways to accommodate them. Employers can also ask job candidates for a pre-employment medical evaluation (only if there are no other reasonable ways to assess the candidate's ability to do the job) or require testing after making a conditional job offer. Employers must keep all testing information and accommodation requests confidential.

To learn more, refer to the Alberta Human Rights Commission's [Medical Information](#) page.

Absences for medical reasons

When an employee is absent from work for medical reasons, an employer may ask for medical information that:

- confirms the employee's absence is for medical reasons
- gives an approximate return to work date
- only relates to the employee's job duties
- only relates to the period of 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. An employer may ask an employee's doctor

to complete a [Medical Ability to Work form](#) or [Medical Absence form](#). The Commission has samples of these forms.

An employer generally cannot ask for an employee's diagnosis. If requesting a diagnosis, the 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.

Accommodation at work

The employee, the employer, and the trade union (if there is one) must all cooperate in the accommodation process.

Employees must make the employer aware of their **need for accommodation** and provide reasonable medical information to support their request for their employer to understand their needs and to inform accommodation options. For example, this may include information such as:

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

The medical information an employer needs to assess accommodation options depends on the situation, including the nature of the worksite, the extent of medical restrictions, and the employee's accommodation request.

If an employee **returns to work after a medical absence**, the employer may ask the employee's doctor to confirm in writing that:

- the employee is fit to return to work, and
- what, if any, accommodation the employee needs

An employee cannot refuse a reasonable solution just because they prefer a different kind of accommodation.

An employer may ask an employee to ask their doctor to fill out a **Medical Ability to Work form** to gather information about an employee's restrictions or limitations. Employers will likely need more information the longer an employee is off work to make sure they have updated medical information to assess accommodation requests.

*Does an employee have a **right to privacy** when providing information to their employer?*

*Can a **medical absence** be a reason for **discipline or termination**?*

*Can employers ask for more **detailed medical information** from employees?*

To learn more about these topics, refer to the Alberta Human Rights Commission's [Medical Information](#) page.

Limits to medical information

Employers should limit requests for medical information to only what is reasonably necessary to:

- decide if an accommodation request is valid, and
- explore options for accommodation based

on an employee's medical restrictions when they return to work

What is reasonably necessary depends on the situation and the request. For example:

- If an **employee does not ask for or need accommodation**, they have the right to privacy over their medical information and do not need to share it with their employer.
- For simple or very short-term accommodation requests, the employer may need only some medical information from the employee.
- For **longer-term or complicated requests**, or if there is doubt about the initial medical information, the employer may require more detailed medical information from the employee.

When requesting medical information, employers do not have the right to:

- contact the employee's doctor without the employee's consent
- demand a particular opinion, for example, that the employee is fit to work and will never require future accommodation
- request medical information unrelated to their employment
- share medical information with anyone other than staff who need it for specific purpose
- know the employee's diagnosis, except in limited cases

For more information

Visit the Commission's website at albertahumanrights.ab.ca or review the following resources:

- [Obtaining and Responding to Medical Information in the Workplace Human Rights Guide](#)
- [Duty to Accommodate 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)
- For questions about workplace injuries, the **Workers' Compensation Board (WCB)** (www.wcb.ab.ca)

Contact us

Website: 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), which provides an interpreter.

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Upon request, the Commission will make this publication available in accessible formats for people with disabilities who do not read conventional print.

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.