

Arbitrator Reinforces Worker's Duty in Accommodation Process



A worker who asked her employer to accommodate her mental illness refused to provide the medical information it requested, claiming the requests violated her privacy rights and were harassment. An arbitrator said a worker may refuse to disclose confidential medical information but there may be consequences. An employer is entitled to information to determine whether the worker needs an accommodation and, if so, the appropriate accommodation. The worker has taken “a rigid and unrealistic view that she has an absolute right to the accommodation she has identified without full appropriate medical disclosure,” said the arbitrator. It concluded that the employer’s approach to the worker’s disability and accommodation was reasonable while it was unreasonable for the worker to refuse it access to her medical information for that limited purpose [*Complex Services Inc. v. Ontario Public Service Employees Union, Local 278*, [2012] CanLII 8645 (ON LA), Feb. 22, 2012].