

Ask The Expert: Helping Workers with Disabilities Return to Work



QUESTION

A worker with diabetes wants to return to work but we're concerned about his health and safety and don't know what kind of work he can do. What should we do?

ANSWER

First, recognize that the worker's medical condition is a disability that you must accommodate to the point of undue hardship. The worker must cooperate with and participate in the accommodations process by furnishing you the medical information you need to make an assessment of his capabilities. If the worker is in a union, you must also engage the union in the accommodations process.

If the worker unreasonably refuses to provide the necessary medical information or cooperate, you likely have grounds to terminate on the grounds of undue hardship. If the worker does provide it, you need to make an assessment and determine what, if any, suitable and productive work you can offer that's appropriate for his capabilities and needs.

Be careful to document what unfolds during the process in case a dispute arises. You should also seriously consider hiring a lawyer, especially if things get contentious.