

Communicable Illness Disclosure – Ask The Expert



Privacy and workplace safety obligations can overlap when a contagious illness enters the workplace.

Employers must balance their duty to protect workers with their obligation to safeguard personal health information.

QUESTION

An employee has come to work with a serious contagious disease (German measles) and was sent home. Is the employer responsible for disclosing to staff members that the illness was present in the office?

ANSWER

Yes. The employer should inform staff that a contagious illness was present in the workplace but must not disclose the employee's identity without their express consent.

EXPLANATION

Under Canadian privacy legislation (such as PIPEDA and applicable provincial privacy laws), an employee's medical diagnosis is considered personal health information and is protected. Employers cannot disclose the identity of the affected employee unless they have clear consent to do so.

However, employers also have a duty under occupational health and safety legislation to take every reasonable precaution to protect workers. Where a serious communicable disease such as rubella (German measles) has been present in the workplace, potentially exposed employees should be notified so they can monitor for symptoms, confirm vaccination status, or seek medical advice.

The notification should focus on risk and prevention without identifying the individual. For example, advising staff of possible exposure dates, symptoms to watch for, and recommended public health guidance. Disclosure of identity is only justified in rare circumstances where it is clearly necessary to protect others and no less intrusive option is available.

Employers should always follow public health direction and their internal communicable disease or privacy policies when managing workplace exposures.