

Employer Gets Limited Access to Worker's Health Records in Discrimination Case



A worker accused her employer of disability discrimination. The employer asked the court for permission to access, use and disclose the worker's health files to respond to the allegations. The Human Rights Tribunal explained that a party requesting production of information must show that this information was "arguably relevant" to the proceedings. And even documents that meet this test may be subjected to limited disclosure if there are privacy concerns. It concluded that the worker's health files were arguably relevant but the employer could only have access to those pertaining to the time period at issue [[O'Brien v. Toronto Transit Commission](#), [2010] HRTO 170 (CanLII), Jan. 23, 2012].