

Guidance on Requesting Medical Documentation for Accommodation Requests



Employers have a duty to accommodate [disabled workers](#) or workers [returning to work](#) from an injury or illness who need modifications. But knowing what medical information you're entitled to so you can properly handle such requests isn't easy.

After all, you need *some* medical information so you can ensure the worker doesn't get injured, such as how much he can safely lift or how long she can stand before needing a break. However, you're not entitled to workers' entire medical histories.

To provide some clarification, the [Ontario Human Rights Commission](#) recently released a policy position on medical documentation to be provided when a disability-related accommodation request is made. (Although this guidance is geared toward employers in Ontario, the accommodation duties and limits across Canada are similar. So this policy does provide useful basic guidance for all Canadian employers. But as always, check the law in your jurisdiction.)

As the OHRC explains, in some cases, people with disabilities have been unable to get equal access to employment because of ambiguous or vague medical notes that don't provide enough information to allow for appropriate accommodations to be

meaningfully implemented. Conversely, there are also situations where employers have requested personal medical information that goes beyond what's required to support an accommodation request.

The policy says the type and scope of medical information to be provided to support an accommodation request in the employment context should include:

- That the person has a disability
- The limitations or needs associated with the disability
- Whether the person can perform the essential duties or requirements of the job, with or without accommodation
- The type of accommodation(s) that may be needed to allow the person to fulfill the essential duties or requirements of the job
- Regular updates about when the person expects to come back to work, if they're on leave.

Where more information about a worker's disability is needed, the information requested must be the least intrusive in terms of privacy while still giving the employer enough information to make an informed decision about the accommodation.

Generally, the employer doesn't have the right to know a worker's confidential medical information, such as the cause of the disability, diagnosis, symptoms or treatment, unless these clearly relate to the accommodation being sought, or the worker's needs are complex, challenging or unclear and more information is needed.

Bottom line: To implement appropriate accommodations that respect the dignity and privacy interests of workers with disabilities, the focus should *always* be on the functional limitations associated with the disability, rather than the worker's diagnosis.

The OHS Insider has articles, tools and other resources on accommodations and return to work, including:

- [Recorded webinar](#) with Kevin MacNeill, Partner, Emond Harnden LLP, on return-to-work dos and don'ts, including medical documentation requests
- [How to Comply with RTW Requirements](#)
- Understanding [accommodation v. undue hardship](#)
- [Brief Your CEO: How Far Return-to-Work Programs Must Go to 'Accommodate' Injured Workers](#)
- [The Role of Co-Workers in a Successful RTW Program](#)
- [Model Return to Work Plan](#)
- [Recorded webinar on whether you must create a new position to accommodate a disabled worker.](#)

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