



Fact Sheet:

Requesting Medical Information from Employees

Employers are frequently asked to provide reasonable accommodation such as time off from work or modified duties for special needs related to disabilities. Not all medical conditions, however, are disabilities. For example, short-term common illnesses like colds and the flu are not considered disabilities unless they are related to a more serious underlying medical condition. In order for an employer to determine whether they are able to accommodate an employee's request related to a medical issue, the employer is often entitled to some medical information to support the request.

- In some cases medical information from a healthcare provider other than a physician may be appropriate. This may include, but not be limited to, a nurse practitioner, mental health worker, physiotherapist, or occupational health consultant.
- If contacting an employee's healthcare provider directly, a written consent will be required from the employee before the health professional will be able to share information. The employee should be advised of the type of information that is being requested.
- An employer should not ask for access to an employee's complete medical file nor for more information than they need. The amount of medical information requested should be in proportion to the significance of the accommodation requested.
 - For example, under most circumstances an employer should not require the same amount of medical information from an employee who is asking for a short absence from work as from an employee who is requesting a permanent modification to their position or hours of work.
 - In some cases it may be appropriate for an employer to request information including the general nature of the employee's illness (but not the diagnosis), the limitations or restrictions they have due to a medical condition, and their prognosis for recovery.

Know Your Code!

The Human Rights Code is the provincial human rights law that protects individuals and groups in Manitoba from discrimination. It is administered by the Manitoba Human Rights Commission. There is no charge for filing a human rights complaint or for seeking information about a human rights concern. *The Code* has special status over all other laws of the Province of Manitoba.

This information is a simplified description of provisions under *The Code*. For more information, please consult *The Code*, or contact The Manitoba Human Rights Commission.