

MEDICAL CERTIFICATES

“Reasonably Necessary”.

Employers are entitled to the medical information that is “reasonably necessary”.

Determining what is “reasonably necessary” involves balancing an employer’s right to information with an employee’s right to privacy. When an employer asks an employee to provide medical information, it should consider the following:

- Do you need the requested information to determine the employee's job capacities and responsibilities
- Do you need the information to accommodate the employee?
- How will you protect the employee's privacy?
- Does the information need to be shared with other people, who and why?

Available Medical Information. Generally speaking, employers are entitled to the following:

- Nature of the illness
- Whether the illness or condition is permanent or temporary
- If temporary, the estimated time frame for improvement to occur
- Restrictions and limitations, and how long these might be impacting the employee
- Any treatment or medication that might impact the accommodation or the ability to perform his or her job
- A clear and unequivocal opinion as to the employee’s fitness to return to work
- Dr’s Opinion as to fitness to perform specific components of the employee’s job
- The duration of any limitations or restrictions following the employee’s return to work

Prohibited Medical Information. Generally speaking, employers are not entitled to the following information and an employee has the right to refuse to provide it unless, based on the specific facts, disclosure impacts the accommodation process or the employee’s ability to perform his job

- Diagnosis
- Treatment
- Medication details
- Subjective symptoms
- Objective findings
- Test results