



ONA fights intrusion into medical information

Hospital

ONA once again has successfully fought intrusions into private medical information.

The hospital created an additional medical certificate, which was required to be filled out after four weeks absence on short-term disability (STD) benefits or by members requiring accommodation due to a disability.

The certificate required the member to provide substantial medical information, including objective medical evidence demonstrating that they were unfit for any modified work. It included a number of questions about functional limitations, even where the physician indicated that the member was unable to return to work. Additionally, the forms did not contain any section for the member to consent for the disclosure of the information to the employer.

In her decision, the arbitrator found that where an accommodation is being requested, the employer may request additional information to facilitate the search for an appropriate accommodation. Most importantly, she ordered that where a physician indicates that the member is not capable of performing modified work or returning to work, the employer is not entitled to any further information about restrictions. She also made significant revisions to the form, removing most of the language to which ONA objected.

Importance to ONA: This decision provides guidance on the extent of medical information to which the employer is entitled when a member requires modified work.

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