

The Mechanics of Medical Status Updates for Employers: When, Why, & How?



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Handling medical information in the workplace can be a tricky issue for many employers. Knowing when to ask for a medical status update (“MSU”), what information to ask for, and the purpose of the request is key to managing teams of all sizes in a fair and consistent way.

The Role of Trust and the Risk of Bias

Trusting your team is important, but if trust is the only tool in your management toolkit, this risks inconsistency and unfairness – and in the case of medical information requests for sick leave, there is added risk of discrimination contrary to human rights legislation. It’s inevitable managers will trust some employees more than others. Management may be supportive of a trusted employee who requests sick leave, but not give another employee’s request the benefit of the doubt.

The bottom line is that managers should not form their own medical opinions based on stereotypes or personal views about the employees they manage. Proper use of MSUs can help prevent this kind of bias.

FAQs About Medical Status Updates

Q: What information can an employer ask for and what is off limits?

A: Employers have a right to understand an employee’s ability to work and prognosis for recovery in order to plan for their return to regular duties. This may include how much time off an employee needs, any required accommodations such as reduced hours or alternate tasks, and how long these accommodations should be in place. In some cases, it is also reasonable to confirm that there is a treatment plan in place and that the employee is following it. However, employers generally do not have a right to unnecessary personal information such as diagnosis or the precise details of the treatment plan.

Q: When is it appropriate to ask an employee for an MSU?

A: MSUs are useful when a manager has questions or concerns about an employee’s ability to work, an unexplained or ongoing pattern of absences, or the potential need for accommodation. MSUs should be reserved for when they are necessary to support fair and consistent management going forward. An MSU will not be useful for common cold or flu bugs that simply require rest.

Q: Are MSUs disciplinary?

A: When used properly, MSUs are not intended to be disciplinary or invasive, they are a tool to understand the employee’s needs in order to manage the workplace appropriately.

Q: What is the difference between asking for a doctor’s note and an MSU?

A: A doctor’s note is often requested to excuse past absences after several days off for illness. This type of doctor’s note is not very useful to a manager going forward and creates an unnecessary burden on family doctors and walk-in clinics. If there are concerns about an employee’s ability to attend work on a regular basis based on a pattern of absence, it is generally more productive to address them on a go-forward basis with an MSU.

Key Takeaways for Employers

When an employer has concerns about an employee’s ability to work, the first step is discussing these concerns with the employee directly. If the employer continues to have concerns after meeting with the employee, or if the employee raises the issue of accommodation, it is appropriate to consider requesting an MSU. MSUs provide a clear and fair management plan that ensures an employer is meeting its duty to accommodate under human rights legislation.

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