

Can You Give Supervisors a Copy of an Employee's Contract? – Ask The Expert



You generally don't need consent to disclose employment contracts that don't contain personal information.

QUESTION

A supervisor and an employee are having a dispute over whether an employee is contractually required to do a particular job. Now the supervisor wants to see a copy of the contract. Are we allowed to give it to him?

ANSWER

Probably, but it depends.

EXPLANATION

It's impossible to give you a definitive answer without knowing all of the facts of the case. But as a general rule, under privacy laws, you may disclose an employee's contract to a supervisor, manager or other person within the organization without the employee's consent, provided that:

- The contract doesn't include any health or other protected personal information about the employee or anybody else; and
- You haven't made any assurances that you'd keep the contract confidential, whether in the contract itself, a side agreement or a verbal agreement.

Even if these conditions aren't met, you can still get the employee's consent to the disclosure. And if the employee refuses to provide consent, disclosure may still be okay if it's essential to carry out an essential employment-related purpose and you limit the information you disclose to the minimum necessary to accomplish that purpose, for example, by disclosing only the portions of the contract relating to the employee's duties under dispute.