Requesting Return-to-Work Medical Info ≠ Constructive Dismissal



A grain company employee seeking to return to work after a long medical absence for an illness allegedly due to grain dust produced a handwritten note from his family doctor proclaiming him “capable of returning.” The employer said the note wasn’t good enough because it didn’t address the employee’s fitness to do the job and work in the environment that allegedly made him sick in the first place. When the employee didn’t produce the additional info, it put him on temporary layoff. The employee sued for constructive dismissal contending that the demand for additional medical information unreasonably barred his return. The court disagreed. An employer is entitled to ask for medical information to determine if employees can return to work safely. And the 2-line doctor note the employee produced didn’t provide that information [*Donaldson v. Western Grain By-Products Storage Ltd.,* 2015 FCA 62 (CanLII), March 4, 2015].