

**Communicating with your Employer while on LTD FAQ**

***If you are on long-term disability through your group benefits, there are a few things you should be aware of when communicating with your employer during your disability leave.***

* ***Can my employer contact me while I am on long-term disability?***
* Yes, an employer is generally allowed to contact an employee who is on a disability leave. An employer may need updates about the prospect of returning to work, accommodation requirements or any questions regarding continuation of benefits. You should respond to your employer if they contact you while on a disability leave and document your interactions with your employer. You can also be proactive and give your employer updates about your potential return-to-work date.
* ***What type of information can my employer request?***
* Your employer is limited in the type of information that they can request. Your employer may have an interest in assessing their long-term needs and may contact you to inquire about the duration of your absence, if there has been any change to your prognosis and if there is a potential, foreseeable return-to-work date. This is particularly relevant if an employee is off work for an unspecified period. In that instance, an employer can contact the employee once every few months to inquire on whether a return to work may happen in the foreseeable future.
* ***Can my employer request private medical information?***
* While your employer can request information about your prognosis and potential return to work date, your employer cannot inquire about your private medical information. This means that they cannot ask you questions about your diagnosis, illness related information, your treatment, or any medication that you may be taking.
* ***What is a Functional Abilities Form?***
* During your disability leave your employer may ask your treating physician to fill out a Functional Abilities Form (FAF). This form contains a list of physical and/or cognitive skills involved in performing your job and is meant to identify which of these skills are impaired or limited due to medical reasons. If used correctly, the FAF provides the employer with information about your prognosis, return-to-work planning, and accommodation needs, if any. It is improper for your employer to include on the FAF any questions related to your diagnosis or treatment plan.
* ***Can my employer end my extended benefits while I am on disability leave?***
* If your employer maintains your benefits coverage at the start of your disability leave, they cannot subsequently end the coverage unless there is a clear policy in place to that effect. Some employers pick arbitrary times to end the benefits coverage for employees on disability leave, which is improper. If you find out that your access to benefits is cut off, contact one of our employment lawyers to talk about your entitlements and options.
* ***My employer is insisting that I come back to work. What should I do?***
* While your employer is allowed to contact you during your disability leave, frequent repeated requests for medical information, or an explicit and/or implicit request to return to work before your doctor has cleared you may constitute harassment. If your employer engages in such behaviour, contact one of our employment lawyers to talk about your options.
* ***Can my employer fire me if I am on a disability leave?***
* Yes, your employer can terminate your employment while you are on disability leave. Your employer, however, cannot terminate your employment *because of* your disability leave as they would be in breach of your right to be free from discrimination. Most employers avoid ending the employment of someone who is on a disability leave as to not risk breaching their human rights. If your employer terminates your employment for reasons related or unrelated to your disability, you are entitled to a severance package.
* ***I am ready to return to work. Should I contact my employer?***
* If your doctor has approved [a return to work](https://stlawyers.ca/disability-law/faq/return-to-work-long-term-disability/), it is advisable you reach out to your employer as soon as possible. Often, employees returning from a disability leave may need accommodation including modifications of hours and duties. In such instances, it is your responsibility to provide your employer with the necessary medical documentation that will allow an employer to assess a possible accommodation. Your employer has a legal duty to accommodate you up to the point of undue hardship.

***Questions? Concerns? Contact us!***

***Toll Free: 1-855-821-5900***

***Email:*** Help@DisabilityRights.ca

***Go To:*** [DisabilityRights.ca](https://disabilityrights.ca/)

***or***

***Post your question and get an answer from one of our disability lawyers at***

[www.MyDisabilityQuestions.com](https://www.mydisabilityquestions.com/)

***Cut off or denied long-term disability?***

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