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Internet won't give you answers to problems

By SUSAN PINKER

Dear Susan,

I have been an excellent employee of the same bank for 16 years. For the past six weeks I have been off work due to anxiety disorder. The anxiety is mostly due to the work environment, and started five years ago when management started to make unreasonable requests such as spying on my fellow employees. My short-term disability plan has denied my claim due to a lack of medical information but I will be seeing my doctor shortly. In the meantime, as I may be off another six weeks, I would like to know how long an employer has to hold my job open. I have been looking all over the Internet, but keep going in circles.

-- Worried Sick

Dear Worried,

Cyberspace may be rich in free information, but there's no clarity or judgment there. And when you don't feel too well and you're facing a tangle of legalese, superstition and fear -- the landscape where work and mental health intersect -- a little clarity is just what you need. But reassurance on the Web? You're looking for love in all the wrong places.

That's why we need experts. My advice is to consult three in particular: a human resources expert at the bank who knows its disability program like the back of her hand, your doctor and a labour lawyer.

First, find out from your contact at the bank exactly what information the insurer requires from the medical professional. Then take that information straight to your doctor and give him or her your written permission to communicate with the insurer.

Doctors are rightly concerned about privacy issues and can be cagey about what they reveal. The resulting holes in your dossier may be why you were first denied benefits. But with your permission, the doctor can fill in the blanks so that your disability coverage can kick in.

The insurer does not share your diagnosis with the employer. That's private, confirmed Claude Di Stasio, the assistant vice-president in Quebec for the Canadian Life and Health Insurance Association, who says that with 40 per cent of disability claims due to mental issues, confidentiality is a fact of life in the industry.

"The employer does not have the right to know the diagnosis, but, yes, needs to know the prognosis," says Bill Wilkerson, the CEO of the Global Business and Economic Roundtable on Mental Health. He admits that even if "there is a tremendous amount of ambiguity and confusion about this issue," some basics about employers' obligations are perfectly clear.

The employer must provide the information and assistance you need. And you cannot be fired from your job due to an anxiety disorder. As long as your work can be modified to accommodate you and you return to it in a timely manner, they cannot take your job away.

The phrase "timely manner" is key, as is the fact that you work at a bank. As a bank employee, you fall under federal, not provincial, labour legislation.

At least three federal labour laws have something to say about timeliness: the Canada Labour Code, the Canada Labour Standards Regulations, and the Human Rights Act.

The first states that an employer can't fire you just because you're ill, especially if you're not absent for more than 12 weeks, and an accredited medical professional attests to your state.

The second says that your employer has to keep your job open for you for 18 months after you recover and return to work.

And the third says an employer cannot refuse to continue to employ you because of a disability. Period.

But don't take my word for it. Consult a lawyer. The one I contacted, Fred Headon, from McCarthy Tétrault LLP's labour group, agreed that the role of the lawyer can be to acquaint you with your rights; he or she doesn't have to speak for you. (He added in an e-mail that mental health issues arising from harassment have occasionally been considered workplace injuries, adding workmen's compensation into the mix. Clearly, there are so many shades of grey that without a legal expert to guide you and situate your case within the big picture, you'll get lost.

And that's the downfall of looking for answers all alone on the Web.

You can hunt around for information under rocks. That's what your managers did. Or you can trust experts to know their work, and then just let them do it.

Dear Susan,

My supervisor seems to be a bad reference. Though I finished my PhD -- my fourth degree, in fact -- I am now finding it surprisingly hard to find a full-time, permanent job. My supervisor's name does not seem to carry much weight, and I am not always sure he submits references to prospective employers. After all, when he was my supervisor, he often lost whole chapters of my thesis. Any advice?

--Four Degrees of Separation

Dear Four Degrees,

Your supervisor may have been a dud. Dozens of distressed readers have written in with this news, and worse.

But don't assume that's why you haven't landed your dream job. There are myriad factors involved in hiring: not just connections, but publications, how crisply you communicate, institutional "fit" (a.k.a. affirmative action), experience, appearance, table manners and luck, to name a few.

Still, most people give references they know will be peachy. This is why reference letters are such poor performance predictors: They're all the same.

If you want to know the content of yours -- or even if the letter exists -- you can request your records and drop your advisor's name from your list if what you see there makes you cringe.

But bearing down on this single ingredient is reductive, as they say in the academy. You're better off getting some counselling or coaching to help you burnish your whole story than to focus on just one of its chapters.