

# Erie St. Clair Community Care Access Centre Centre d'accès aux soins communautaires d'Érié S

<b>Policy and Procedure Manual</b>	
<b>Section: Health and Safety Management</b> <b>Subject: Accommodation/Return to Work</b>	<b>HR.HSM.03.0029</b>
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**RATIONALE:** The Return to Work (RTW) Program was jointly developed by Labour and Management. This policy and procedure will provide information regarding accommodations in the workplace and will outline the RTW Program.

**SCOPE:** This policy applies to all Erie St. Clair Community Care Access Centre employees.

**POLICY:**

**The Erie St. Clair Community Care Access Centre (ESC CCAC) will make all reasonable efforts to accommodate the special needs of employees as stipulated under the Ontario Human Rights Code, *Workplace Safety and Insurance Act*, and the *Employment Standards Act*. The goal of such accommodation is to enable the employee to safely and productively perform their duties with minimum pain, stress or embarrassment.**

**Employees who have a work-related or non work-related illness, injury, or impairment that prevents them from performing the essential duties of their regular position will be eligible for accommodation. Accommodation measures will be coordinated through a rehabilitation plan which takes into account individual circumstances. The plan will include modification of duties, hours, or work environment and may also address workplace accessibility issues through assistive devices or special parking privileges.**

**It is the policy of the ESC CCAC to take all reasonable steps to return injured and ill employees to their pre-injury/illness job as quickly as possible.**

**Where the employee is unable to return to his/her pre-injury/illness job, the goal will be to return him/her to another position for which the employee is medically capable of performing the essential duties or job requirements. The employer is not obligated to create a permanent job for an injured individual.**

**Where required, education and support to facilitate accommodation will be provided for affected staff members and their co-workers.**

**Return to Work (RTW) Program Objectives**

**1) To provide meaningful, productive employment to recovering employees who have incurred an injury or illness:**

- **by planning for the employee to return to work as early as possible resulting in shorter periods of disability and less residual disability;**
- **by offering an individualized modified job for each recovering employee, that enables him/her to resume job functions compatible with his/her skills and medical limitation at the time;**
- **by planning work for the recovering employee that is both safe and productive to ensure that the individual is not exposed to hazards or conditions that might aggravate the original injury/illness;**
- **by assisting the employee in returning to their original position if possible**

**2) To provide a service to the ESC CCAC:**

- **by decreasing WSIB and disability costs through a reduction of benefit payments;**
- **by maintaining high productivity levels in the workplace through the resources of employees that might otherwise remain idle or not available**

**RESPONSIBILITIES:**

**Employer**

- Will make all reasonable efforts to accommodate the special needs of its employees.
- Accommodation implies that the employer meet the needs of the employee without undue hardship, by accommodating those needs, considering the costs, outside sources of funding and Health and Safety requirements.
- Accommodation may include modifying the environment, modifying/altering the task, and/or use of assistive devices.
- Will treat compensable and non-compensable injuries/illnesses consistently.

**Employee**

- In order to provide accommodation, the employee must provide sufficient documentation from a health care practitioner or registered psychologist that will enable the ESC CCAC to establish a viable rehabilitation plan.

For both work and non-work related illness/injury

The employee will cooperate with Human Resources by:

- Maintaining contact with his/her Manager, at pre-determined intervals while off work, to ensure regular updates of work issues are maintained;
- Regularly providing updated medical certification and information to the employer, as required, and in a timely manner;
- Adhering to health care provider recommendations, while both at work and at home (i.e., lifting – no greater than 5 pounds);

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- Participating in accommodation meetings;
- Actively participating in accommodation provisions and carrying out the Return to Work or Return to Modified Work Plan and by keeping the employer informed of any information pertaining to the accommodation (i.e., change in condition or pain level, problems that arise, etc.). Modifications to the employee's job, or identified suitable work, will be consistent with his/her functional abilities in the case that the employee is unable to return to his/her pre-injury/illness job.
- All employees shall report absences and provide medical certification on a regular basis as defined in the Collective Agreements, and as required, as per the Attendance and Absenteeism Policy and Procedure.

### For Work Related Illness/Injury

Employees shall:

- Immediately report all accidents and illnesses to his/her Manager and obtain necessary first aid and/or health care;
- Complete the Employee Incident Report for work-related injuries/illnesses and submit for signature/review to Manager (the Manager immediately forwards the report to Human Resources);
- Inform employer immediately, when Health Care is sought;
- Obtain from Human Resources the WSIB Form 2647A (Functional Abilities Form [FAF] for Timely Return to Work) and submit to Health Care Practitioner to complete along with:
  - a copy of the Physical Demands Analysis, and
  - when required, a copy of the Job Description
- Cooperate with WSIB and the Employer by participating in scheduled rehabilitation activities such as physical therapy or doctor's appointment and providing medical certification and information as required and in a timely manner.

**\*\*\* It is the employee's responsibility to initiate contact with Human Resources.**

### **Supervisor**

For work related injury/illness, involving lost time or health care:

- Assist employee with the completion of the Employee Incident Report; and
- Immediately submit completed report to Human Resources.

For Both Work and Non-work Related Injuries

- Assist Human Resources in identifying suitable modifications to the existing role or to identify suitable alternate work in the case that the employee is unable to return to his/her pre-injury/illness job;
- Participate in meetings to review completed Functional Abilities Form (FAF), with the Return to Work Team (RTW Team) (i.e., employee, Union Representative and Human Resources and management);
- Maintain timely and ongoing communication with the employee both during the absence from work and throughout the Return to Work Program; and
- Complete the program evaluation form, if required, with the employee after the Return to Work or Return to Modified Work Plan has concluded.

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## Human Resources

For work related injuries:

- Complete Form 7 and other applicable documentation for submission to WSIB within the legislated time requirements;

For Both Work and Non-Work Related Injuries:

Human Resources will:

- Work with the employee's Manager to initiate a list of modified duties for the injured/ill employee;
- Act as a liaison between the Manager/employee, the employee's physician, WSIB, Claims Adjudicator, Caseworker, or other parties as necessary, to provide a timely return to work;
- Obtain Functional Abilities form from the employee and review it with the RTW Team to develop a Return to Work or Return to Modified Work proposal, establishing written goals and objectives
- Monitor the progress of the employees modified duties through regularly scheduled meetings with the employee and supervisor. Ensure medical follow-up is obtained at the schedule defined by the physician and/or employer. The schedule of the meetings can be decided on a case-by-case approach.
- Act as a resource to the employee.

**\*\*\* It is Human Resources responsibility to set the parameters for ongoing contact and communications.**

The intent is to set up a process to allow the earliest possible return to work as well as maintain ongoing contact.

## Union Representative

- Will communicate support of the concept of a Return to Work Program;
- Will actively participate in the return to work process;
- May review task analysis with the employee/employer;
- Will review with the employee and the employer suitable modified work; and
- Will support and act as a resource to the employee during recovery.

**\*\*\* The Union will not impede the Employer's reasonable efforts to accommodate.**

## Health Care Providers

- To provide up to date medical information
- Complete forms as requested

## Workplace Safety and Insurance Board

- Process a claim on a timely basis
- Act as a resource
- Follow the Workplace Safety and Insurance Act

## Return To Work (RTW) Team

- Review any restrictions/limitations as indicated in FAF completed by a health professional;

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- Help create a RTW Plan, including any modified duties or schedule and ensure that the RTW Plan includes progression to the Employee's capability in the pre-injury/illness job;
- Monitor the RTW/Return to Modified Work Plan to ensure that work is consistent with the agreed upon accommodation so as to prevent re-injury or aggravation; and
- Explore and facilitate Employee's transfer into an alternate job if the Employee is deemed incapable of performing the pre-injury/illness job, even with accommodation.

### **OUTCOMES/EVALUATION:**

- The Human Resources Specialist (or designate) will monitor the number of requests for accommodations and RTW/Return to Modified Work Plans.

### **PROCEDURES:**

#### **1) Return to Work (RTW) Program:**

In order to accommodate employees who have a work-related or non work-related illness, injury, or impairment that prevents them from performing the essential duties of their regular position the organization has developed a Return to Work (RTW) program to facilitate successful reintegration into the workplace.

#### **2) Return to Work Team (RTW Team):**

The Return to Work Team consists of Employee, Manager, Human Resources Representative, Union Representative, and the employees treating practitioner (through the provision of restrictions noted on the FAF).

#### **3) Return to Work/Return to Modified Work Plan:**

The Employer will utilize a Return to Work Plan when:

- a) the employee is unable to return to their prior/pre-injury position; and
- b) a vacant position exists where the essential job requirements are within the medical capabilities of the individual.

The Return to Modified Work plan should include the following elements:

- The individual Return to Modified Work plan lays out the steps that need to be taken and the time-frames for achieving these goals so that there is a benchmark to measure the employee's progress in returning an employee to his/her pre-injury/illness job. It is important that the plan has a beginning and an end, as modified/graduated work is a means to achieve a return to full work, and is not an end in itself. The plan shall include:
  - a clear definition of what is considered progress, e.g., the employee can work five (5) hours a day by week three (3), or the employee can assume tasks by week five (5);
  - a return to pre-injury/illness employment, or
  - to another position which becomes vacant for which the employee has both the skills and abilities and is medically capable of performing the essential duties or job requirements, (Note: This does not negate the employee's rights under the Collective Agreement);

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- A successful Return to Work/Return to Modified Work Plan should be developed jointly by the employee, physician (through a completed FAF), supervisor, and Human Resources.
  - External representatives such as WSIB staff and/or Long-Term Disability (LTD) consultant, would likely be involved (LTD carriers work within their guidelines and at times there is little recourse for accommodation decisions made by the carrier).
  - If required, other possible external resources include ergonomic consultant, and other treating health practitioners
- Health care needs to be recognized (if for example the employee is going to attend physiotherapy; visits should be coordinated outside the modified work hours, wherever possible). Should staff be impacted by these health care needs, they will also need to be advised, with the employee's permission.
- Scheduled meetings will be arranged to monitor and evaluate the Return to Modified Work plan and the employee's progress.

#### 4) **Return to Modified Work: Statement of Eligibility and Exit Criteria:**

- i) Eligibility Criteria Into Return to Modified Work Process Includes:
  - employees who have injuries/illness from outside the workplace that affect their ability to do the essential duties of their job;
  - employees who have injuries/illness resulting from the work or workplace

The Return to Modified Work process begins immediately after the injury/illness is reported or the Employer is made aware of the injury/illness.
- ii) Exit Criteria - Return to Work file May be closed when:
  - employee returns to pre-injury/illness job at full capacity, as per the current job description and the Physical Demands Analysis, as supported by functional ability information/medical clearance letter;
  - employee has achieved the goals and objectives;
  - employee has experienced an exacerbation and has evidence that they are unable to participate in the program;
  - placement in another position, which becomes vacant for which the employee has both the skills and abilities and is medically capable of performing the essential duties or job requirements;
  - employee does not co-operate with the return to work program; or
  - there is no objective medical evidence to support their current level of disability.
- iii) The closure of the file may require:
  - contacting the applicable benefits provider;
  - summarizing the RTW program and submitting a report to the supervisor and Union Health and Safety Representative.

#### 5) **Return to Modified Work— Conflict Resolution Mechanism:**

Whenever there is an unresolved conflict between the CCAC and the employee, HR in consultation with the supervisor, employee and union representative will:

- i) Review the Return to Modified Work plan: Where there is supporting evidence that an adjustment to the plan is warranted, reasonable steps will be taken to make the adjustments.

- ii) If the conflict is regarding functional ability/suitability of work match and if it is work-related and a WSIB claim has been submitted:
  - the employer can request an updated Functional Abilities Form for Timely Return to Work from the employee's treating health practitioner, to review the suitability of available work;
  - the parties may apply to the WSIB for intervention consultation;
  - if the return to work activities do not result in the employee's return to appropriate work (either the pre-injury/illness job or another position which becomes vacant for which he/she has both the skills and abilities and is medically capable of performing the essential duties or job requirements) then WSIB will provide the employee with a Labour Market Re-Entry Assessment. The WSIB will conduct a Labour Market Re-Entry Assessment if:
    - it is *unlikely* that the employee will be re-employed by the employer due to the nature of the injury/illness,
    - the accident employer has been *unable* to arrange work that is consistent with the employee's functional abilities and that restores the employee's pre-injury/illness earnings, and/or
- iii) If the illness/injury is not work related, the employer may request further documentation from the employee's treating health practitioner regarding modifications/limitations or require the employee to see an independent health practitioner. If the injury/illness involves, or may involve, a Long Term Disability claim, the Long Term Disability consultant may also be contacted and involved in the process.

6) The Conflict Resolution Mechanism does not negate an employee's rights under a Collective Agreement if applicable.

**7) Benefits and Wages on Return to Modified Work Plan:**

- i) Wages: If lost time is due to an approved WSIB claim the employer will pay the balance of the work day. Reimbursement criteria are outlined in the respective Collective Agreements.  
CCAC pays for hours worked while on modified hours. If on modified hours, the employee must identify the hours not worked on the electronic timecard and these hours will be forwarded to Human Resources. If LTD/WSIB/Insurance Company is involved, the agency will be notified of the hours not worked.
- ii) For Non-work Related Absences: An eligible employee may use sick time for hours not worked. The requirement for acceptable medical certification, as outlined in the Attendance and Absenteeism policy, must be met to qualify for sick leave.
- iii) Accommodated Work: If the employee performs an alternate job, salary is paid according to job performed. If there is a difference in pay, this will be reported to the third party agency, if applicable.
- iv) Medical Appointments: The employee is expected to schedule appointments after hours whenever possible. If after hour appointments are not available, employees should:
  - schedule appointments at the beginning of the day or at the end of the day wherever possible or flex their day – if applicable and in accordance with the Collective Agreements; and
  - notify his/her Manager of appointment times.

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Hours taken for medical appointments related to the injury/illness will be considered lost time, and will be forwarded to the appropriate agency, if applicable.

- v) Benefits: In accordance with the Workplace Safety and Insurance Board (WSIB)– “The employer must continue contributions for employment benefits for 24 months (as outlined in the Collective Agreements) following the injury when the worker is absent from work because of the injury/disease, when these conditions apply:
  - The employer was contributing to the worker’s employment benefits when the injury/disease occurred; and
  - The worker was contributing to employment benefits before the injury; and the worker will continue to make the same contributions while absent from work because of the injury/disease..,” (Form 7 – WSIB).
- vi) Vacation, Seniority, Sick Accrual: As per provisions of Collective Agreement
- vii) Extended Health and Dental: As per provisions of Collective Agreement
- viii) Long-Term Disability (LTD): All benefits continue. If in receipt of LTD benefits, employee paid LTD premiums may be waived, if approved, until the employee returns to work in full-time status. Life and Accidental Death and Dismemberment premiums may also be waived, if such applications are approved, until the employee returns to work.
- ix) Pension: The terms and conditions of the pension plan will apply, as determined by HOOPP.

### 8) **Employee Packages:**

- i) Non-Work Related Illness or Injury: The following items will be included in the package that will be provided to the Employee by Human Resources upon absence greater than two (2) weeks:
  - Letter to Employee
  - Letter to health care practitioner
  - Functional Abilities Form (x2) – to be completed by health care practitioner, includes consent
  - Physical Demands Analysis – to be taken to health care practitioner
  - Job Description (when required) – to be taken to health care practitioner
- ii) Work-Related Illness or Injury: Upon notification of an absence from work due to a work-related illness/injury the following items will be forwarded in a package to the Employee:
  - Letter to Employee
  - Letter to health care practitioner
  - WSIB Functional Abilities Form (x2) – to be completed by health care practitioner, includes consent
  - Physical Demands Analysis – to be taken to health care practitioner
  - Job Description (when required) – to be taken to health care practitioner

**RELEVANT DOCUMENTATION:**

- Employee Incident Report HR 524E
- Letter to Employee
- Letter to Health Care Practitioner
- WSIB Functional Abilities Form (x2) – to be completed by health care practitioner, includes consent
- Physical Demands Analysis – to be taken to health care practitioner HR 529E
- Job Description – to be taken to health care practitioner
- Return to Work/Return to Modified Work Plan
- Return to Work Employee Survey HR 525E

**DEFINITION(S):**

**Disability** – The Human Rights Code R.S.O. 1990, CHAPTER H.19 defines disability as the means for the reason that the person has or has had, or is believed to have or have had:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheel chair or other remedial appliance or device;
- b) a condition of mental impairment;
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) an injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act*.

**Modified Work**— is any meaningful job, task, function, hours, or combination thereof that an employee who suffers from a diminished capacity, may perform safely without risk of re-injury to him/herself or others.

The work must be productive and the result of the work must have value to all parties involved.

The work must be seen as temporary, generally not to exceed 12 weeks in duration, and is intended to assist the employee in returning to his/her regular duties. Return to Work Plans may be extended based on medical documentation.

**Health Care Practitioner**— is defined as one of the following:

- Physician (MD)
- Chiropractor
- Medical Specialist
- Physiotherapist
- Registered Nurse – Extended Class (Nurse Practitioner)

**Lost Time**— an injury that requires outside medical treatment and results in lost time from work beyond 24 hours.

**Return to Work Team**— a Team consisting of the Employee, Manager, Human Resources, Union Representative, and the employee's treating practitioner

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(through the provision of restrictions).

## **REFERENCE/SOURCE:**

- 1) CCAC Policies & Procedures: H&S-600-010-09 Accommodation/Return to Work [superseded]; H&S- 600-010-09-01 Accommodation/Return to Work [superseded].
- 2) *Employment Standards Act, 2000 (ESA)*
- 3) *Human Rights Code R.S.O. 1990, CHAPTER H.19*
- 4) *Workplace Safety and Insurance Act, 1997*