

RTW Best Practices When Writing Workplace Specific RTW Policy

A RTW policy should contain a clear description of how the process would work in a particular workplace. This RTW Best practices document provides concepts to consider when developing your workplace specific policy.

Organization's Statement of Commitment

The management and staff of _____ are committed to developing and maintaining a safe and healthy work environment.

In keeping with this goal, it is the policy of this company to make every reasonable effort to provide suitable modified or alternate employment to employees who are temporarily or permanently unable to return to or continue to perform their regular duties as a result of injury or illness.

Program Eligibility or Scope

This policy applies to all employees at _____ who are unable to perform their regular work as outlined in their job description as a result of:

- On occupational injury or illness and/or
- Injury or illness unrelated to occupational activity, and/or
- An active claim with an insurance carrier (**names of your insurance providers**)
- Persons with disabilities, regardless of the cause or nature of the disability

Program Goals

- Support employees who experience health-related concerns, regardless of origin, thus minimizing the impacts of injuries or illness on employees and the workplace.
- Provide suitable accommodations for employees who have sustained an injury or who are experiencing an illness that impacts their ability to perform all aspects of their pre-injury or pre-illness jobs.
- Design safe, appropriate, timely, meaningful, productive and individualized accommodation and return-to-work plans based on functional capabilities.
- Ensure employees are empowered and supported to participate in coordinating a safe, timely and suitable return to work.
- Ensure work assigned and performed brings value to the organization and employee.
- Minimize both the human and financial impacts of an injury or illness.
- Ensure the safety and well-being of employees with consideration to relevant provisions in *The Workplace Safety and Health Act*, *The Workers Compensation Act*, *The Human Rights Code*, the Collective Agreement and any other applicable legislation.

Key Concepts

Accommodation - modification of a job, tasks, equipment or schedule to assist an injured worker in returning to work. Accommodation may include, but is not limited to:

- **Modified Work** - modifications to a worker's pre-injury job that enable a worker to safely resume work. This may include modification to the job, task, function, hours of work, frequency of breaks, worksite, or any combination of these. Graduated return to work, when the worker temporarily works limited hours or limited duties as part of a plan leading to full employment, is included in modified work. Modified work can be temporary or permanent in nature.
- **Alternate Work** - work that is different from the employee's pre-injury job or illness offered to worker who is temporarily or permanently unable to perform their pre-injury work.

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Restrictions - physical or psychological limitations resulting from a worker's injury or illness. These can apply to work and activities of daily living. Restrictions may be considered temporary when recovery and rehabilitation is progressing towards full recovery or permanent where no further recovery is expected.

Transitional Work - most accommodations are considered transitional work which is any group of tasks or specific jobs that are not intended to be the end result of the return to work process. The worker is expected to eventually be capable of returning to full pre-injury duties.

Maximum Medical Improvement - the point at which further medical and/or healthcare treatment or intervention will not result in significant improvement in the workers condition. May require a permanent accommodation.

Permanent Accommodation - when a workers injury or condition results in permanent limitations that prohibit the worker from returning to their pre injury work.

Undue Hardship - refers to the limit of an employer's capacity to accommodate without experiencing an unreasonable amount of difficulty. Workplaces are required to provide accommodation "up to the point of undue hardship". There is no precise legal definition of undue hardship, nor is there a standard formula for determining undue hardship. Each situation is unique and should be evaluated individually. When the employer claims that the accommodation will cause undue hardship, the onus is on the employer to show adequate evidence to support their claim. A number of factors will be considered including:

- a) Health and safety concerns;
- b) Business efficacy;
- c) Interchangeability of employees and facilities;
- d) Impact on employees and service users;
- e) Impact on other protected rights;
- f) Benefit of the accommodation;
- g) Financial costs of accommodation.

Return to Work Hierarchy - a structured set of steps to follow in determining what type of accommodation is needed. The steps are as follows:

- Determine if the employee can perform his or her existing job;
- If the employee cannot perform his or her existing job, determine if he or she can perform his or her job in a modified form.
- If the employee cannot perform his or her job in a modified form, determine if he or she can perform an alternate job in its existing form;
- If the employee cannot perform alternate job in its existing form determine if he or she can perform an alternate job in a modified form.

When moving through the Return to Work hierarchy, efforts should be made to maximize the injured, ill or disabled employee's knowledge, qualifications and abilities while respecting their outlined restrictions. This means that when looking at alternate and modified jobs, begin with the department in which the employee currently works then expand to other departments within the same division before looking at alternate jobs in other divisions.

Organization's RTW Process

**OUTLINE YOUR ORGANIZATIONS PROCESS FOR
STAFF PARTICIPATING IN THE RTW PROGRAM.**

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Responsibilities

The success of the disability management program relies on the willingness of the employee and the return-to-work team to cooperatively develop a return-to-work program tailored to the employee's particular needs. All parties have unique responsibilities within the return-to-work planning process. These responsibilities are explained below.

RTW Committee is responsible to oversee the development and implementation of the disability management program. The committee will consist of members from management, the union, human resources, RTW Coordinator or person designated, and a member of the workplace safety and health committee. The responsibilities of the committee include:

- Overseeing the development and revisions to the disability management program policy, including program objectives, dispute resolution, and method for program evaluation.
- Review and evaluate the disability management policy and program to ensure that its program objectives are being met minimum every two years.
- Develop an implementation including communication strategy for the disability management program.
- Review recommended program enhancements and obtain support from Management and Union executive.
- Visibly support the disability management program and promote the program to all employees.

Injured, Ill or Disabled Employees are expected to participate actively in the disability management and return to work program. This includes, but is not limited to:

- Obtaining medical treatment and keeping treatment providers informed about return-to-work and accommodation options that are available.
- Reporting absences due to injury or illness to their immediate supervisor as soon as is reasonably possible to obtain the help required for early return-to-work.
- Complying with recommendations of treatment providers (i.e., attending all medical and rehabilitation appointments regularly; attending independent assessments as requested; discussing the company's disability management program with the treatment provider).
- Providing details of functional capabilities and known activity limitations as they are related to the performance of job duties.
- If an injury or illness is work related identifying to their supervisor if they have missed time from work or sought medical attention so that the appropriate WCB reporting procedures can take place.
- Provide documents (i.e., the functional ability form) to the appropriate party within _____ of receipt of these documents.
- Returning the completed documents to the appropriate party within the outlined timeframe.
- Inform human resources of any concerns related to benefits, work duties, or changes in circumstances.
- Participate in the development of a suitable return-to-work plan.
- Complete worker application for appreciate benefits as soon as possible and asking for help if required.
- Communicate regularly with _____, _____, insurers and the treating healthcare provider during the return-to-work and follow up process.
- Apply safe work practices and working within outlined abilities to avoid re-injury.

Immediate Supervisors are primarily responsible for managing the employee's attendance and participating in initiating and monitoring the return to work planning process. This includes, but is not limited to:

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- Following policies and disability management procedures and ensuring employees and co-workers are aware and informed of these policies, procedures, and applicable legislation.
- Promote an open, cooperative process, including maintaining regular contact with the employee.
- Involve and assist the _____ when a workplace accommodation or transitional work arrangement is required.
- Provide information to the _____ on transitional work options in their area.
- Work with the return to work team to develop a suitable return-to-work plan for the employee and stay within outlined abilities/limitations.
- Monitor the progress of the employee through the return-to-work plan and involve the _____ if there is a change in circumstances.
- Safeguard confidential information in accordance with FIPPA/PHIA and _____ confidentiality policy.
- When appropriate, inform co-workers in the immediate area of return to work plans while maintaining appropriate confidentiality requirements.
- Ensure a work environment that is conducive for a successful return to work or accommodation for an employee with an injury, illness or disability.
- Promote and enforce safe work practices.
- Visibly support the disability management program.

Reporting an Injury or Illness:

Both employees and supervisors have key responsibilities for properly reporting injuries and illnesses. If an employee misses time from work or is unable to perform all aspects of his or her regular job duties, the employee is required to notify his or her supervisor or designate as is reasonable in accordance with provisions in the collective agreement and other organizational policies (see policy ##### Reporting injuries or illnesses). The employee should declare whether or not the injury, illness, or reason for absence is work or non work related so that the supervisor can initiate the appropriate process.

RTW Coordinator or Key Contact is the primary contact for employees and outside agencies on matters related to disability management and return to work planning. This individual is responsible for the overall coordination and day-to-day administration of the disability management program. This includes but is not limited to:

- Developing, facilitating and monitoring return-to-work programs.
- Developing and facilitating permanent accommodations.
- Working with the employee and the return-to-work team to facilitate return-to-work programs.
- Assisting the employee in applying for benefits or obtaining appropriate health-care and rehabilitation assistance.
- Monitor return-to-work plans and provide progress reports to appropriate individuals.
- If worker is a member of union advise them of their right to union representation.
- Maintain file documentation in a separate, confidential location related to all individuals who participate in the disability management process in accordance with our policies on file retention and confidentiality. Documentation includes phone conversations.
- Facilitate the acquisition of assistive devices, workplace modifications or job restructuring.
- Ensure employees are aware of their rights, obligations and the effect of specific decisions on their entitlement to benefits.

Human Resources will often have an active role in the return-to-work planning process. This includes but is not limited to;

- Being aware of all jobs and job duties within the organization.

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- Working with the return-to-work team.
- Providing support, guidance and direction to leadership staff.
- Providing consultation and guidance to the RTW Coordinator and supervisors.

Union will, when representation is requested, assist an injured, ill or disabled member as outlined under the provisions of the Collective Agreement.

Employees and Co-Workers should:

- Support injured ill or disabled employees as they participate in the return-to-work process.
- Be sensitive to and maintaining privacy around the issues faced by employees when they are away from as well as when they return to work.
- Notify the employer or their union if they have any concerns or suggestions about the disability management program or the return-to-work process.
- Report unsafe working conditions to the appropriate parties.

Executive Management provides a commitment to:

- A safe and healthy work environment
- Visibly supporting the Disability Management program

Dispute Resolution

- Employee should raise concerns to his or her supervisor.
- The supervisor should contact the RTW Coordinator to become involved in the dispute.
- The RTW Coordinator should involve the appropriate insurer if there are benefit entitlement decisions that may be impacted by the dispute.
- If the issue cannot be resolved with the employee, supervisor, RTW Coordinator, the issue should be referred to the Director of Human Resources.