Return to Work Policy

Applicable Legislation:

Ontario Human Rights Code, 1995
Workplace Safety and Insurance Act, 1997.

Intent :

To summarize prescribed responsibilities about returning to work after injury or illness, and to outline University procedures that assist injured or disabled employees in a safe and timely return to the workplace.

Definitions:

accommodation

the removal of barriers to employment and opportunities in a manner that preserves personal dignity and equality with others. Accommodation may be temporary or permanent.

comparable work

an alternative similar position with earnings not less than 85% of the pre-accident wage, with similar working conditions and opportunities for advancement.

essential duties of the pre-injury job

regular work or work that includes the primary responsibilities and wage of the pre-injury job that enables the worker to resume a pre-accident level of productivity.

Functional Abilities Form

a WSIB form to be completed by the worker's primary health care practitioner that outlines the worker's specific physical limitations (e.g. lifting, bending, carrying) and clarifies the level of disability. The Functional Abilities Form is used by the employer and the employee to identify suitable work.

physical demands analysis

the identification of the tasks in a job and the weights, forces, frequency and duration of each task, as well as the cognitive demands of the job.

modified work program

gives structure and organization to the safe and timely return of an injured worker to the workplace.

suitable work

any job that a worker has medical fitness and skills to perform that would not cause any health and safety risk to himself or herself or others.

vocational goal

to restore the injured worker's pre-injury earnings profile.

vocational objective

an occupation that will bring the worker's earnings profile as close as possible to the vocational goal.

work conditioning

an individualized program designed to increase a worker's ability to return to full duties via progressive physical task or job demands.

workplace or work modification

the modification of equipment, or the work station, or the restructuring of a job to accommodate a worker with employment that promotes the return to regular duties.

Requirements of the *Workplace Safety and Insurance Act, Section 40*

40.(1) The employer of an injured worker shall co-operate in the early and safe return to work of the worker by,

(a) contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;
(b) attempting to provide suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores the worker's pre-injury earnings;
(c) giving the Board such information as the Board may request concerning the worker's return to work; and
(d) doing such other things as may be prescribed.

(2) The worker shall co-operate in his or her early and safe return to work by,

(a) contacting his or her employer as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;
(b) assisting the employer, as may be required or requested, to identify suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores his or her pre-injury earnings;
(c) giving the Board such information as the Board may request concerning the worker's return to work; and
(d) doing such other things as may be prescribed.

(5) The Board may contact the employer and the worker to monitor their progress on returning the worker to work, to determine whether they are fulfilling their obligations to co-operate and to determine whether any assistance is required to facilitate the worker's return to work.

(6) The employer shall accommodate the work or the workplace for the worker to the extent that the accommodation does not cause the employer undue hardship.

Policy:

1. The University shall fulfill the obligations of re-employment as deemed by the *Workplace Safety and Insurance Act* and establish modified work programs. The return to work procedures shall ensure that the employee is offered appropriate and safe accommodation until pre-injury or pre-disability employment can be restored.
2. The employee's immediate supervisor and/or the University's WSIB Loss Control Officer or the College WSIB Contact shall be notified by the employee about the duration of his/her injury or illness-related absence from work.
3. The employee and/or the employee's supervisor shall contact Occupational Health Services to discuss an appropriate return to work procedure following an employee's absence of more than five days.
4. The employee shall return the WSIB Functional Abilities Form (appended) to his or her supervisor to initiate the modified work program appropriate for the case. Alternatively (for more complex cases), the employee may present this form and review the establishment of a modified work program with the

University's Occupational Health and Wellness Administrator.
5. Suitable or comparable work shall be identified by supervisory personnel with assistance from the University's WSIB Loss Control Officer, a WSIB health care specialist or case worker, the Occupational Health and Wellness Administrator, Employee Relations, and the employee. The employee may, at his or her option, request the participation of a representative from his or her employee association.
6. If there is no modified work available within the department, the University shall attempt to offer suitable work within the employee's association. If there is no suitable work available within the employee's association, accommodation within the University shall be attempted.
7. The University shall utilize the mediation services of the WSIB as necessary to resolve return to work issues.
8. The employer (i.e. academic department or administrative unit) is normally responsible for the costs of workplace modification. Case-specific appeals may be submitted to the Assistant Vice-President, Human Resources, by the Chair, Department Head, or College Director.
9. Individualized work-conditioning programs shall be monitored by the workplace supervisor and job progression shall be reported to the WSIB Loss Control Officer or to the College WSIB Contact.
10. Functional re-assessment shall be arranged by the Occupational Health and Wellness Administrator as the case warrants.
11. Employees shall be encouraged to take an active and responsible role in their own rehabilitation

Guidelines:

Persons with disabilities and persons with medical restrictions have special needs. Employers must make efforts to accommodate these needs. Each person's needs are unique so each situation will require its own unique solution.

The first step necessary in accommodating an injured or disabled employee is to determine which of his/her pre-accident or pre-illness duties are essential, and which are not. Nonessential duties can be re-assigned to other employees or fulfilled by alternative means. Accommodation for essential duties must be provided as long as doing so does not create undue hardships (i.e. the costs are so substantial that the nature or visibility of the enterprise is compromised, or the health and safety risks exceed the benefits to the disabled employee). No other reasons can relieve the employer of the duty to accommodate.

Duties of the Supervisors

- contact as soon as possible after the lost-time or disability injury and maintain contact;
- in co-operation with the employee, identify and arrange suitable employment that is consistent with the employee's functional abilities and restores pre-injury or predisability earnings; and
- co-operate in return to work measures required by the Workplace Safety and Insurance Board (WSIB);
- forward all WSIB Functional Abilities forms to Environmental Health and Safety and to Occupational Health Services.

Duties of Employees

- contact his/her supervisor as soon as possible after a lost-time injury and maintain contact;
- return the WSIB Functional Abilities Form to the supervisor;
- co-operate with the employer in identifying suitable employment that is consistent with the worker's functional abilities and re-stores pre-injury earnings or predisability earnings; and
- co-operate in health care initiatives and in other return to work measures required by the WSIB.

Components of an Effective Work Conditioning Program

An effective work conditioning program may include the following components:

- an exercise program to strengthen specific muscle groups;
- education to teach employees about safe and productive ways to work;
- job-specific activities that prepare the employee for full duties;
- functional abilities assessments;
- on-site job evaluations;

- workplace reporting about rehabilitation progress.

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