

Return to Work Policy



While preventing injuries is always the paramount objective, injuries must be managed when prevention fails. The Company strives to assist employees to return to work at the earliest possible date following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work. One of the best ways to do that is to establish and implement a return-to-work (RTW) process for injured and ill workers. In most jurisdictions, RTW is recommended but not mandatory under workers' comp laws. Nevertheless, the RTW process has proven highly beneficial for workers and cost-effective for employers.

OHS managers in any part of the country can adapt this Model Policy for use at their own workplace.

1. Purpose

_____ has adopted this Policy to establish a system for managing workplace injuries and illnesses and ensure that injured workers are given every opportunity to heal and return to work with the Company in their original or a comparable position as soon as possible.

2. Eligibility

The policy applies to regular full- and part-time employees who are on leave as a result of injury or illness and who are receiving workers' compensation benefits.

3. Scope

The Human Resources Department has implemented a modified duty program. The program will assist in promoting a timely return to work of employees with work-related injuries/illnesses. The program will promote an early return to work and reduce the impact of Workplace Safety and Insurance costs.

4. Definitions

For purposes of this Policy:

- **“Accommodation”** means adaptation of job duties, and may include adjustment or change to machinery or equipment, job content, work organization, or hours of work to facilitate the employment or re-employment of workers with temporary or permanent limitations to their abilities;
- **“Alternative work”** means work that is different from the worker’s pre- injury job duties;
- **“Board”** means the *[list name of your jurisdiction’s Workers’ Compensation Board]*;
- **“Duty to accommodate”** means the legal responsibility of ABC Company under the *[list jurisdiction] Human Rights Act* (“Human Rights Act”) to take all reasonable steps to place a worker with a physical or mental disability in a position that accommodates the worker’s medical restrictions—whether attributable to occupational or non-occupational injuries or illness—to the point of undue hardship;
- **“Modified Duty”** is the modification of an employee’s position that allows for the employee to carry out some of (or all) the work assigned within the employees’ capabilities.
- **“Modified work”** includes, but is not limited to, changes to the work environment, work hours, tools and equipment used, and job design/work organization;
- **“Return to Work (RTW) plan”** means a planned process to manage the impact of an individual injured worker’s injury, including the documentation of the specific alternate or modified work identified and provided to the worker;
- **“Suitable modified work”** means modified work that:
 - Accommodates a worker’s medical restrictions;
 - Does not endanger or slow the worker’s recovery;
 - Does not endanger the health and safety of others;
 - Promotes the restoration of the worker to his/her pre-incident level of employment;
 - Is safe and productive and not just token employment;
 - Does not create undue hardship for the worker or ABC Company; and
 - Is agreed to by the worker or should reasonably be agreed to by the worker.
- **“Undue hardship”** means, as used to describe a requested or proposed accommodation, an accommodation that goes beyond reasonable and imposes an excessive burden on ABC Company, to be determined on a case-by-case basis by considering factors that include but are not limited to:
 - Health and safety concerns created by making the accommodation;
 - The business efficacy of making the accommodation;
 - Interchangeability of workers and facilities;
 - Impact on workers and service users;
 - Impact on other protected rights;
 - Benefit of the accommodation; and
 - Costs of the accommodation;
- **“Vocational rehabilitation”** means rehabilitation that is intended to return injured workers to suitable employment, and includes counselling, assessment, career planning, educational upgrading, education, training, on-the-job training, help with job searches and job placement.

5. Roles and Responsibilities

- **01 Employer**

- To provide a fair and consistent rehabilitation policy for injured employees on or off the job or disabled due to illness or injury.
- To provide meaningful employment for temporarily disabled employees and promote modified duty.
- To facilitate communication between the department, the employee, the treating agency of the employee, and the Human Resources department.
- To arrange for and assist in the modification of the workplace.
- To involve the work forces and encourage co-operation from the bargaining unit.
- To explain the objectives and requirements.

- **Human Resources**

- To determine, in consultation with the manager or designate, if the position can be modified.
- To monitor the progress of the employee's modified duties through regularly scheduled meetings with the employee and supervisor. Ensure medical follow-up is obtained at a schedule defined by the employer. The schedule of the meetings can be decided on a case by case approach.
- To liaise with the employee's treating agency and other agencies when required.
- Meet with the employee and establish written goals and objectives. These will be established and agreed upon by the employee, the department, and the employer.
- To develop a modified-duty program, in consultation with the employee's treating agency, the employee, and the immediate supervisor.
- To ensure that there is no conflict with the collective agreements (where applicable).
- To determine and maintain medical monitoring and treatment with the use of the Functional Abilities Form. The frequency of medical contacts will be determined on a case by case basis.

- **Immediate Supervisor**

- To advise the employee of the availability of modified duties or a transitional work program and provide the required forms.
- To assist in the creation of and support the employee's modified-duty program.
- To maintain communication with the employee on modified duty and monitor the progress and the effectiveness on an individual case by case basis.
- To inform other employees in the department of program goals.
- To schedule regular meetings with the employee in order to communicate and assist in the evaluation of the program's effectiveness.
- To communicate with the injured worker and document the communication on the Contact Log. This communication is to be on a regular basis, at least once a week or as frequently as may be required. This will be determined on a case-by-case basis.
- To schedule bi-weekly meetings with the worker.

- **04 Employee**

- To maintain regular contact with the supervisor.
- To take an active role in developing and implementing their modified-duty program.
- To communicate any concerns or problems to their immediate supervisor and Human Resources. By doing so, the problems will be ironed out early.
- To obtain the necessary forms from the treating agencies as may be required by the employer. The employee may be responsible for the costs of any forms that are required.
- To ensure that other scheduled rehabilitation activities, such as physical therapy or doctor's appointments are continued while on modified duty. These appointments are to be arranged whenever possible during non-work hours.
- To co-operate with all requests for documentation as required by the WSIB and the Employer.

- **Health Care Providers**

- To provide up-to-date medical prognosis.
- To fill in the forms as requested.
- To act as a medical resource.
- **Workplace Safety and Insurance Board**
 - To process a claim on timely basis.
 - To act as a resource.
 - To follow the *Workplace Safety and Insurance Act*.
- **Union**
 - To counsel its members on the benefits of co-operation in the modified-duty program.
 - To co-operate in inter-union placement of temporary modified-duty employees.
- **Worker's Compensation/WorkSafe Reporting Requirements**
 - Wage changes.
 - Changes in duties/duration of program.
 - Failure to cooperate.
 - End of program.

6. Medical privacy protection for injured worker

During the RTW process, it will be necessary for the Company to collect, disclose, and use personal medical information about injured workers to formulate and execute the RTW plan. Such personal medical information will be collected with the worker's consent, disclosed on a need-to-know basis with such disclosure limited to the amount reasonably necessary to accomplish the purpose, and kept confidential in accordance with the requirements of Health and Privacy laws and other applicable privacy laws and requirements.

7. Training

All RTW case managers, managers, supervisors, and workers must complete their training as per their Training Profile, which includes training on their RTW roles and responsibilities under this Policy.