Vocational Rehabilitation Policy



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

1. **Objective**

To establish a system for managing workplace injuries and illnesses and ensure that injured workers are given every opportunity for to heal and undergo vocational rehabilitation so they can return to work with ABC Company in their original or a suitable alternative position as soon as possible.

2. **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 [province or territory] Workers' Compensation Board ("WCB");
- "Duty to accommodate" means the legal responsibility of ABC Company under the [province or territory] 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 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:

3. **Policy**

ABC Company will make reasonable efforts to provide suitable modified or alternate employment to workers who are temporarily or permanently unable to return to or continue to perform their regular duties as a result of injury or illness in accordance with the return-to-work process ("RTW process") set out in this Policy and the following principles:

- The RTW process should be initiated without delay;
- The RTW process must be carried out in conjunction with the worker's medical treatment and capabilities.
- Workers must not only cooperate with but play an active role in their own return to work; and
- The RTW process and principles set out in this Policy must be applied differently to each worker depending on that worker's capabilities and unique circumstances.

4. **Roles & Responsibilities**

- ABC Company

The owners, corporate officer and directors, upper managers, and other representatives of ABC Company are responsible for implementing this Policy including ensuring that:

- The resources, leadership, and corporate support necessary to implement this Policy effectively are provided;
- Injured workers are offered the opportunity to participate in the RTW process;
- All reasonable efforts are made to provide injured workers suitable alternate or modified work appropriate for their capabilities and medical restrictions under an individualized RTW plan;
- Reasonable accommodations are made to work tasks, hours, and conditions for injured workers up to the point of undue hardship;
- The RTW process is carried out in a spirit of cooperation and collaboration;
- Workers are educated and made aware of the RTW process and the opportunities it presents;
- The Board is consulted and notified of RTW cases involving individual workers;
- This Policy is carried out in consultation with workers, the workplace Joint Health and Safety Committee ("Safety Committee") or Health and Safety Representative ("Safety Representative"), and their union representatives;
- This Policy is implemented in a way that is consistent with and respectful of workers' rights under collective agreements that apply;
- The personal medical information about injured workers necessary to implement

the RTW process is collected with the worker's consent, disclosed on a need-to-know basis with disclosure limited to the amount reasonably necessary to accomplish the purpose, and kept confidential in accordance with the requirements of the [province or territory] Health Information Privacy Act ("HIPA") and other applicable privacy laws and requirements.
- Workers

Injured workers:

- Will be treated with respect and dignity during all phases of the RTW process;
- Will be offered and may decline the opportunity to participate in the RTW process;
- Will be kept informed on all matters relevant to their return to work;
- Have the right to expect that the personal health information they provide in to ABC Company and its representatives in connection with the RTW process will be kept confidential;
- May refuse modified work if they believe it is not suitable.

Injured workers must cooperate with all aspects of this Policy and the RTW process, including but not limited to, the by:

- Reporting their injuries to ABC Company and the Board as soon as possible;
- Developing an awareness and understanding of this Policy, the RTW process, and their responsibilities in formulating and implementing an RTW plan;
- Where such accommodations are necessary, cooperating in the identification of reasonable accommodations necessary to provide suitable alternate or modified work;
- Communicating with all parties involved in the RTW process;
- Notifying the above of their medical restrictions, medications, and other relevant medical information affecting the kind of accommodations they need or alternate or modified work they can do;
- Actually completing the alternate or modified work they accept under an RTW plan;
- Making and keeping appointments for medical care;
- Complying with all recommendations of their health care providers;
- Immediately apprising ABC Company, their RTW case manager, etc. about their medical progress and changes in their medical condition;
- Advising any health care provider they see for treatment of their injury about this Policy;
- Signing the consent form authorizing their health care provider to disclose to ABC Company information about their medical condition and physical capabilities that is necessary to create an RTW plan under this Policy;
- Providing and ensuring that their health care provider completes and returns to the RTW case manager the Provider's Evaluation of Worker's Functional Abilities Form;
- Following the terms of their rehabilitation or treatment programs;
- Upon returning to work under an RTW plan, completing the required RTW daily progress report forms;
- Notifying the RTW case manager if they experience any difficulty performing job tasks once they return and working with them to modify the RTW plan as necessary.
- 03 Supervisors

Individuals who serve as front-line supervisors or direct supervisors of an injured worker and who are most directly familiar with the injured worker, the nature of the job he/she does, and the potential modifications and accommodations that can be made to enable the worker to return will serve as a key contact with and participant in

the RTW process. To carry out this responsibility, they will treat the injured worker with dignity and respect, and may be asked by the RTW case manager or another official of ABC Company to:

- Contact the injured worker within 48 hours of the report of an injury or illness
- Help the RTW case manager identify suitable alternate and modified work for the injured worker;
- Communicate with the worker about the alternate or modified work to be performed by reviewing the expectations, policies and procedures of this Policy and modified work proposed with the injured worker;
- Cooperate with and assist the RTW case manager.
- RTW Case Manager

ABC Company may designate an individual to serve as RTW case manager with primary responsibility for serving as the first line of contact between the injured worker and ABC Company and working with the injured worker in carrying out the RTW process set out in Section 6 of this Policy by, among other things:

- Developing, facilitating, and monitoring individual return-to-work plans;
- Helping to determine the reasonable accommodations, if any, required to enable the injured worker to return to work;
- If the injured worker is absent for an extended period, maintaining regular contact with the injured worker to:
    - Offer assistance;
    - Determine an approximate time for return to work;
    - Keep track of the injured worker’s employment status and general course of medical treatment;
- Helping injured workers apply for benefits and health care rehabilitation assistance;
- Monitoring and reporting progress on the RTW plan;
- Serving as a liaison with the injured worker’s union;
- Maintaining all of the documentation required by this Policy;
- Coordinating the internal RTW process with vocational rehabilitation efforts undertaken by the Board in relation to the injured worker; and
- Helping establish and maintain an effective collaboration between the injured worker and his/her immediate supervisor.
- Union Representatives

Representatives of any labour union representing an injured worker will or may be called upon to:

Provide information regarding the collective agreement and support throughout the RTW process as necessary to effect a successful return to work;

- Assist in job placement for injured workers with temporary or permanent disabilities, including identification of suitable alternate or modified work for a particular injured worker;
- Assist the injured worker with conflict resolution and effective communication with ABC Company;
- Assist with insurance claim appeals;
- Actively promote awareness of this Policy and the advantages workers gain by participating in the RTW process.

5. **The RTW Process**

- Injured workers must notify ABC Company and the Board of any work injury they suffer as soon as possible;
- ABC Company will initiate the RTW process in response to workplace injuries that require the worker to miss work in accordance with the following procedures.

6. **Phase 1: Initial Meeting & Determination of Need for RTW Plan**

ABC Company will designate a RTW case manager to manage the RTW process and, if necessary, formulate and implement an RTW plan for the injured worker;

- The RTW case manager will contact the injured worker and arrange for a meeting as soon as possible after the report of an injury;
- Such meeting will be for the purposes of:
    - Determining if the injured worker has a disability requiring activation of the RTW process and formulation of an RTW plan;
    - Providing the injured worker support, information, and guidance about the RTW process and the worker's responsibilities under it; and
    - Determining if the injured worker wants to participate in the RTW process;
- During the initial meeting and at all times throughout the RTW process, the RTW case manager will refrain from behaving in a confrontational or judgmental manner toward the injured worker;
- If he/she thinks it is necessary to activate the RTW process and the injured worker agrees to participate in it, the RTW case manager will provide the injured worker the Section 12 – Return-to-Work Package;
- The RTW case manager will forward to the Board a copy of the Provider's Evaluation of Worker's Functional Abilities Form to the Board as soon as he/she receives it from the injured worker's provider;
- The RTW case manager may, with the injured worker's consent, contact the health care provider to obtain clarification or additional information necessary to prepare the RTW plan;
- The RTW case manager will keep detailed written records of all communications with the injured worker and health care provider throughout the RTW process.

7. **Phase 2: Formulation of Preliminary RTW Plan**

After the initial meeting at which an injured worker agrees to participate in the RTW process, the RTW case manager will formulate a preliminary RTW plan for the injured worker:

- To make an assessment of the injured worker's capabilities, medical restrictions, and need for accommodations, the RTW case manager will obtain and rely on the completed and rely on the Provider's Evaluation of Worker's Functional Abilities Form completed by the worker's health care provider;
- The RTW case manager will then seek to identify suitable alternate or modified work that is appropriate for the injured worker's capabilities and medical restrictions and the demands of the particular position;
- In identifying suitable modified or alternate work for an injured worker, the RTW case manager will consider these RTW options in the following order of preference:
    - Pre-injury job modified;
    - Another entirely new job;

    - Another job modified; and
    - A re-bundling of suitable duties;

- In identifying suitable alternate or modified work, the RTW case manager will also consider the need for changes to work hours, extra work breaks, changes to methods of performing tasks, mechanical and ergonomic improvements, special tools and equipment, work-from home and alternate locations, and other reasonable accommodations up to the point of undue hardship;
- On the basis of the above assessments, the RTW case manager will formulate a preliminary RTW plan.

8. **Phase 3: Finalizing the RTW Plan**

The RTW plan must be agreed to by the injured worker. During Phase3 of the RTW process, the RTW case manager will seek to gain such approval by:

Once it is completed, proposing the preliminary RTW plan to the injured worker;

- If necessary, negotiating with the injured worker and his/her representatives to gain consensus among all parties on the RTW plan;
- When and if consensus is achieved, setting out the terms of the agreed-to RTW plan, including specific job duties, demands, pay, hours of work, and duration of modified duties;
- Sending a copy of the RTW plan to the Board;
- Making written records documenting all activities, communications, and interactions with the injured worker, his/her health care provider, union representatives, injured worker's Board advocate, and other participants in the RTW process during Phase 3.

9. **Phase 4: Implementing & Modifying the RTW Plan**

During Phase 4 of the RTW process, the RTW case manager will coordinate and implement the injured worker's return under the RTW plan by:

- Ensuring that all supervisors and co-workers are aware of the injured worker's return to work, limitations and medical restrictions;
- Communicating regularly with all parties including the union, the Board advocate, and insurance companies;
- Ensure that the injured worker completes the RTW progress report forms;
- Monitoring daily progress reports and other data to ensure the RTW plan is reaching its objectives in terms of hours, duties, etc.;
- Making any necessary modifications or revisions to the RTW plan;
- Ensuring that the injured worker agrees to and signs the revised RTW plan;
- Making written records documenting all activities, communications, and interactions with the worker, providers, union representatives, and other participants in the RTW process during Phase 4.

10. **Privacy of Injured Worker's Medical Information**

During the RTW process, it will be necessary for ABC 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 HIPA and other applicable privacy laws and requirements.

- Health and safety concerns created by making the accommodation;
    - The business efficacy of making the accommodation;
    - Interchangeability of workers and facilities;
    - Impact or 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.