

Policy No. & Title: P201: EARLY AND SAFE RETURN TO WORK**Policy Sponsor:** Chief Human Resources Officer**Effective:** 2020-09-17**Next Review:** 2025-09-17**Approvals:** 1996-02-13/SA-95-04; 2001-02-07/SA-00-04; 2004-06-14/AC-03-08;
2004-10-04/AC-04-02; 2013-06-07/SLC-12-14; 2015-05-27

1. PURPOSE

The purpose of the Early and Safe Return to Work Program is to assist ill or injured employees who have functional restrictions to return to regular duties after a limited period of modified or suitable alternate work.

The policy has been jointly developed to comply with the *Workplace Safety and Insurance Act* (WSIA), the *Occupational Health and Safety Act* (OHSA) and the *Ontario Human Rights Code* (OHRC) and in accordance with any letters of understanding and adherence to OPSEU Collective agreements.

While the responsibility for the return to work of an injured or ill employee rests primarily with the employee and their supervisor, cooperation and interaction among the supervisor, the RTW Coordinator, the Occupational Health Nurse, the employee, an Employee Representative (of a Union Local, or a Staff Association where the employee is not represented by a Union), and health care providers are key components of a successful return to work Program.

2. DEFINITIONS

Return to Work Program Coordinator ('RTW Coordinator'): A person assigned by the Chief Human Resources Officer, Human Resources to lead the activities of the RTW Team and to carry out responsibilities detailed in this policy.

Early and Safe Return to Work Program ('RTW Program' or 'the Program'): A strategy that gives priority, structure and organization to the activity of returning to work as soon as possible following an injury or illness. The Program applies to an employee who has functional restrictions and may have been absent from work, but who requires modified work or suitable work accommodation for a limited period with the goal of returning to full regular duties.

Early and Safe Return to Work Team ('RTW Team') Consists of:

- The employee,
- The employee's immediate supervisor or, if suitable alternate work is in a different department, an alternate supervisor,
- The RTW Coordinator,
- The Health Nurse, and
- An Employee Representative.

Resource persons available to the RTW Team may include, but are not limited to: Human Resources representatives, Environment, Health and Safety Services (EHSS) department representatives, WSIB representatives, Rehabilitation Specialists, Other Health or Safety Specialists, Return to Work Mediator.

These persons are resources to the Team but are not members of the Team and attend at the request of the RTW Coordinator or the Health Nurse only for the portion of a meeting that is necessary to assist the Team. Team members are consulted in advance of the meeting concerning the attendance of resource people. The RTW Coordinator or the Nurse takes into consideration the views of RTW Team members regarding attendance of resource persons.

Employee Representative: A representative of the Union local or Staff Association that represents employees in the staff group of the employee with the functional restriction.

Health Care Provider: A medical professional who provides objective medical information to support an employee's return to work.

Modified Work: Modified Work consists of regular duties from the employee's job that have been modified to assist the employee in a return to full regular duties.

Modified work is usually temporary and progressive with the goal of returning the employee to regular duties. The work is productive and of value to both the College and the employee and is within the functional abilities of the employee. Modified Work may include a change or reduction in hours or duties with a gradual increase toward full regular duties. Modified work shall not pose a health or safety risk.

Suitable Alternate Work: Work that is not part of the employee's regular duties and is usually temporary. The work is productive and of value to the organization and the employee, and is within the employee's functional abilities and skills or ability to perform the alternate work following a brief period of training. The goal of suitable alternative work is to return the employee to their regular duties, hours and location. Suitable alternate work may include a possible change or reduction in hours with a gradual increase toward full hours, or work in a department or location different from the employee's normal department or location. Suitable alternative work shall not pose a health or safety risk.

Workstation Adjustments: Following an illness or injury, an employee may require an ergonomic adjustment to their workstation or equipment adjustment or the addition of technical aids or equipment to facilitate a return to regular duties. For employees who work at more than one location, consideration is given to each of the employee's locations.

3. POLICY

3.1 Application

This policy applies in cases where an employee has functional restrictions and requires modified work or suitable alternative work accommodation for a limited period of time with the goal of returning to regular duties. If the employee, employee's immediate supervisor, RTW Coordinator or Health Nurse has requested the RTW Team to develop a plan for the employee's return to work, the employee and all members of the Team must cooperate fully in the RTW plan, within medical parameters set by the employee's health care provider. This policy does not apply to the accommodation of employees who are permanently disabled.

Nothing in this policy is intended to interfere with the College's obligation to accommodate employees with on-going disabilities.

Nothing in this policy is intended to interfere with the grievance rights or legal entitlements of any individual including, but not limited to, participation in the dispute resolution process.

3.2 Commitment

Pursuant to the obligations contained in the Workplace Safety and Insurance Act, Occupational Health and Safety Act, the applicable collective agreements, and the Ontario Human Rights Code, the College is committed to accommodating employee return to work, as is required and appropriate.

3.3 Confidentiality

All persons involved with the RTW plan for an employee will maintain all information in strict confidence. Medical information, with the exception of functional abilities information, given to or obtained by the Occupational Health Nurse, will remain in the Occupational Health Nurse's confidential files and will not be shared with any party without the employee's written consent. Information regarding the functional abilities of the employee will be shared only with those immediately involved in the employee's RTW plan.

3.4 General Responsibilities

The following are broad responsibilities assigned to various participants in the Program. The attached Procedures list specific responsibilities where appropriate.

3.5 Employee Responsibilities

The responsibility for an employee's return to work rests primarily with the employee and their immediate supervisor, with assistance available from the RTW Team. The employee may request the involvement of the RTW Team at any time during a period of disablement, recovery or return to work.

Employees who fail to comply with this policy risk consequences up to and including disciplinary action.

3.5.1 *Employer Responsibilities*

3.5.1.1 Management of the Program

The College manages the Early and Safe Return to Work Program and directs all activities of the Program in accordance with this policy and any procedures mandated under this policy.

3.5.1.2 Chief Human Resources Officers Responsibilities

The Chief Human Resources Officer develops, maintains and implements procedures that comply with this policy. Such activity will involve the stakeholders mentioned in section 1 above. The procedures may be amended by the Chief Human Resources Officer without reference to Senior Leadership Council. For ease of access, the procedures will be attached to this policy.

3.5.1.3 Human Resources Representative Responsibilities

For return to work issues, the Human Resources Representative represents the College in matters of legislative and collective agreement compliance and works with the RTW Coordinator as appropriate. The Human Resources Representative assists the parties in

providing appropriate accommodation measures and appropriate modified work opportunities, supports the supervisor in their duties, and informs the employee in respect of employment benefit entitlements.

3.5.1.4 Health Nurse Responsibilities

The Occupational Health Nurse is the Team Leader in the RTW Program. The Occupational Health Nurse or RTW Coordinator facilitates co-operation between the supervisor, the Human Resources representative, the Employee Representative and the employee in all occupational and non-occupational return to work situations.

For those employees whose disability or illness is of an occupational origin, the Occupational Health Nurse or RTW Coordinator notifies and liaises with the Workplace Safety and Insurance Board with regard to the functional abilities of the employee, RTW Program and the employee's return to full regular duties.

The employee may request in writing that the Team Leader (Occupational Health Nurse or RTW Coordinator) schedule a meeting of the Team. To promote effective and efficient meetings, the request should include the specific reason(s) a meeting is being requested so that other members can be duly informed and prepared prior to the meeting date.

The Union Local is to be given five working days notice where possible of all RTW meetings for their members. Should the employee have concerns about the Local's presence or role in the process, they are to address those concerns with the Local. Where possible the employee representative is to receive a copy of the RTW plan in advance of the meeting.

In cases where the employee notifies the Union or Staff Association that they wish to proceed without an Employee Representative, or where an Employee Representative is unavailable on two working days' notice, the Occupational Health Nurse may proceed with an RTW Team meeting without the presence of an Employee Representative.

3.5.1.5 RTW Coordinator Responsibilities

The RTW Coordinator oversees the RTW Program by:

- Providing strategic advice to management, administration and other applicable parties with respect to RTW Programs;
- Ensuring that managers are aware of College policies, procedures and legislative requirements pertaining to employee absences and RTW;
- Developing recommendations on policies and procedures relating to RTW;
- Managing and coordinating contract services related to RTW and overseeing the health centre and related staff; and
- Ensuring that management of WSIB cases is done in a manner which is compliant with legislative requirements.

3.5.1.6 Supervisor Responsibilities

The responsibility for an employee's return to work rests primarily with the employee and their immediate supervisor with assistance from the RTW Coordinator, Occupational Health Nurse and Human Resources Representative. The supervisor may request the involvement of the RTW Team at any time during the employee's period of disablement, recovery or return to work, or may consult with Human Resources regarding accommodation opportunities or other matters relevant to the College's responsibilities relating to early and safe return to work. The supervisor informs the employee of their rights and responsibilities in the RTW process. The supervisor is to provide a job description or standard work load form SWM if requested by the RTW team.

3.5.2 *Employee Representative Responsibilities*

- Participates with the other members of the RTW Team in identifying and discussing modified or suitable alternate work for the employee.
- Encourages the employee to work within the employee's functional abilities as directed by the employee's treating physician or agency so that there is no further injury or injury to others.
- Supports, encourages and counsels the employee.
- The Employee Representative shall, at the employee's request, represent the employee at any time during a period of disablement, recovery or return to work.
- Where requested in writing by the employee, an Employee Representative acts as the employee advocate.

3.5.3 *The Environmental Health and Safety Services Department Representative:*

- As required, reviews RTW Program to ensure there are no health and safety concerns.
- Acts as a resource to the RTW Team when required.

3.5.4 *Return to Work Mediator*

- In case of disputes, facilitates RTW Team meetings to assist with resolution.
- For occupational injury or illness, the RTW Mediator is provided by WSIB under the Workplace Safety and Insurance Act.
- For non-occupational injury or illness, the RTW Mediator is jointly selected by the RTW Team from a roster of candidates developed jointly by the College, the Union locals and Administrative Staff Association.

- Candidates may include:
 - RTW Coordinators from another College,
 - Agreed upon roster of third parties with experience in resolving health-related disputes, or
 - Representatives from the College's Employee Assistance Plan.
- The cost of an RTW Mediator, if any, is shared equally between the employer and the employee's Union or Staff Association.

4 REFERENCES

Occupational Health and Safety Act

Workplace Safety and Insurance Act and other general WSIB information

Ontario Human Rights Code and general human rights information

[College Policy P202: Absence Management](#)

5 ADDENDA

Procedure A: EARLY AND SAFE RETURN TO WORK PROCEDURES

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Policy No. & Title: P201: EARLY AND SAFE RETURN TO WORK

Addendum: **Procedure A: EARLY AND SAFE RETURN TO WORK PROCEDURES**

Issued by: Chief Human Resources Officer

Effective: 2020-09-17

1. PURPOSE

The purpose of this document is to operationalize agreed return to work procedures.

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3. SPECIFIC RESPONSIBILITIES

3.1. Supervisor Responsibilities

- 3.1.1. The Supervisor establishes immediate and ongoing communication with the employee, the Occupational Health Nurse and the Human Resources representative when an illness or injury has been identified that could result in an absence from work, or the requirement for modified work or suitable alternate work and informs the employee of their rights and responsibilities in the RTW process.

- 3.1.2. In the event that the injury or illness is work-related, immediately provides the employee with an Incident Investigation Report form and a printed copy of Guideline B and Form 1 from policy P202.
 - 3.1.3. If the injury or illness is work-related, completes the Employer's Incident Investigation Report and forwards it to Environmental Health and Safety Services within 24 hours of becoming aware of the employee's injury or illness.
 - 3.1.4. Where practical, and in consultation with the Occupational Health Nurse or RTW Coordinator and Human Resources representative, provides an offer of modified work or suitable alternate work, based on appropriate standard restrictions. This offer is made as soon as is reasonably possible.
 - 3.1.5. Requests the employee to provide the Occupational Health Nurse with functional abilities information from their health care provider as soon as is reasonably possible.
 - 3.1.6. Cooperates with the employee and the Occupational Health Nurse, RTW Coordinator and Human Resources Representative in identifying, discussing and providing modified or suitable alternate work for the employee.
 - 3.1.7. Requests the employee to advise the applicable health care provider of the availability of modified or suitable alternate work, including the provision of a description of the work offered, for the health care provider's review.
 - 3.1.8. Participates in the employee's RTW Program as a member of RTW Team.
 - 3.1.9. Ensures that the employee's modified or suitable alternate work remains within the employee's functional abilities as directed by the employee's health care provider to prevent further injury or injury to others.
 - 3.1.10. Facilitates the employee's return to regular job duties and hours based on current functional abilities information.
 - 3.1.11. In the event that the employee requires suitable alternate work within a different department of the College, the alternate supervisor acts as the employee's temporary supervisor. The employee's regular supervisor remains involved in the employee's RTW Program.
- 3.2. Human Resources Representative Responsibilities
- 3.2.1. The Human Resources Representative monitors the employee's RTW Program to ensure all legal obligations are met and that no conflict exists between the Program and the respective collective agreements, terms and conditions of employment and legislative requirements.
 - 3.2.2. Assists the Supervisor and Occupational Health Nurse in ensuring that the employee's modified or suitable alternate work remains within the employee's functional abilities as directed by the employee's health care provider to prevent further injury or injury to others.
 - 3.2.3. Assists the supervisor, RTW Coordinator and Occupational Health Nurse in facilitating the employee's return to the regular job duties and hours based on current functional abilities information.
 - 3.2.4. In the event that the employee requires suitable alternate work within a different department of the College, assists the regular and alternate supervisors in coordinating a seamless RTW Program.

- 3.2.5. Assesses the College's duty to accommodate at all stages of the process.
- 3.2.6. Assists the employee in understanding and accessing any applicable employment benefit entitlements.
- 3.2.7. Facilitates the review of policy P201: Early and Safe Return to Work to ensure all legal obligations are met and that no conflict exists between the policy and the respective collective agreements, terms and conditions of employment and legislative requirements.

3.3. RTW Coordinator Responsibilities

- 3.3.1. Ensures that management of WSIB cases is done in a manner which is compliant with legislative requirements.
- 3.3.2. Ensures that all forms (including WSIB forms) have been completed as appropriate in the circumstances and inform the employee of WSIB entitlements.
- 3.3.3. Regularly engages the appropriate parties in all aspects of RTW.
- 3.3.4. Ensures appropriate RTW plans are developed by the third party agent.
- 3.3.5. Liaise with the third party agent for RTW program management, statistical tracking and updates.
- 3.3.6. Ensures the third party agent follows up on functional ability information, and recommends assessments and health intervention options.
- 3.3.7. Coordinates the RTW team when required.
- 3.3.8. Contacts parties involved to complete information as required for WSIB reporting.
- 3.3.9. Submits required data to the third party agent for filing with WSIB.

3.4. Occupational Health Nurse Responsibilities

- 3.4.1. When an illness or injury has been identified that will result in an absence from work or a requirement for modified work or suitable alternate work, initiate as soon as reasonably possible and maintain communication with the employee and the supervisor.
- 3.4.2. Assist the employee and the supervisor in identifying, discussing and providing modified or suitable alternate work for the employee, in consultation with the Human Resources Representative.
- 3.4.3. Request the employee to advise the health care provider of the availability of modified or suitable alternate work. Offer assistance as required.
- 3.4.4. Communicate regularly with the employee to promote treatment compliance, encourage utilization of available health care resources as appropriate, support rehabilitation efforts, recommend health interventions that may facilitate a return to work, and identify and seek resolution to barriers that may affect return to work.

- 3.4.5. Request the employee to provide functional abilities information as required from their treating health care provider. Communicate with the employee's health care provider, with appropriate written consent from the employee, to determine work limitations and options for modified or suitable alternate work. Where requested in writing by the employee, such communications will be in writing or by conference call with the employee and the Employee Representative.
- 3.4.6. Arrange and coordinate RTW Team meetings as required. The criteria for scheduling an RTW Team meeting may include the following:
- The supervisor is unable to identify suitable work matching the employee's current functional ability,
 - Suitable work has been identified but the employee is not agreeable to the work,
 - The absence period is approaching medically accepted healing guidelines and return to work appears unlikely,
 - Lack of progress in a modified work Program, and
 - The employee or supervisor specifically requests the involvement of the RTW Team.
- 3.4.7. Liaison with Human Resources including, but not limited to:
- Advising the RTW Coordinator and Human Resources representative of any employees returning to work who will require an RTW Program in advance of the first RTW Team meeting,
 - Notifying the Human Resources representative of details relating to the employee's functional abilities, the proposed RTW Program, and any other decisions made in the course of an RTW Team meeting, immediately following any such meeting,
 - Soliciting the input of the Human Resources representative in respect of the proposed RTW Program,
 - Providing any other information requested by Human Resources which is relevant to their role, and that does not reveal private medical information without the consent of the employee.
 - Updating the Human Resources representative regularly, particularly in respect of any changes in functional abilities, the RTW Program or other treatment of the employee in respect of their return to work.
- 3.4.8. Recommend ergonomic modifications to the employee's workstation as required or work in consultation and cooperation with the staff member assigned ergonomic responsibilities.
- 3.4.9. In consultation with the supervisor and Human Resources, monitor, document and evaluate the employee's progress during RTW Program.
- 3.4.10. Recommend and arrange for the employee to be reassessed by their health care provider or refer for an independent medical or functional abilities evaluation if the employee is experiencing ongoing difficulties with the Program.

3.4.11. Ensure that the employee's modified or suitable alternate work remains within the employee's functional abilities as directed by the employee's treating physician or agency to prevent further injury or injury to others

3.4.12. Assess the success of the RTW Program

3.4.13. Recommend an extension or arrange for further modifications to the RTW plan where appropriate based upon up-to-date objective medical and functional abilities reports.

3.5. Employee Representative Responsibilities

3.5.1. Participate with the other members of the RTW Team in identifying and discussing modified or suitable alternate work for the employee.

3.5.2. Encourage the employee to work within the employee's functional abilities as directed by the employee's treating physician or agency so that there is no further injury or injury to others.

3.5.3. Support, encourage and counsel the employee.

3.5.4. The Employee Representative shall, at the employee's request, represent the employee at any time during a period of disablement, recovery or return to work.

3.5.5. The Employee Representative shall act as the employee advocate.

3.6. Environment, Health and Safety Services Department Representative Responsibilities

3.6.1. As required, reviews the RTW plan to ensure there are no health and safety concerns.

3.6.2. Acts as a resource to the RTW Team when required.

3.7. Return to Work Mediator

3.7.1 In case of disputes, facilitates RTW Team meetings to assist with resolution.

3.7.2 For occupational injury or illness, the RTW Mediator is provided by WSIB under the Workplace Safety and Insurance Act.

3.7.3 For non-occupational injury or illness, the RTW Mediator is jointly selected by the RTW Team from a roster of candidates developed jointly by the College, the Union locals and Administrative Staff Association.

3.7.4 Candidates may include:

- RTW Coordinators from another College,
- Agreed upon roster of third parties with experience in resolving health-related disputes, or
- Representatives from the College's Employee Assistance Plan.

3.7.5 The cost of an RTW Mediator, if any, is shared equally between the employer and the employee's Union or Staff Association.

4. DISPUTE RESOLUTION PROCESS

Step 1: Resolution Process Initiation

When a dispute arises the RTW Coordinator convenes an RTW Team meeting.

Step 2: Clarify the Nature of the Dispute

Where the dispute is about the level of function, the RTW Coordinator obtains more information such as:

- Updated abilities and limitations,
- More detailed functional capacity or other types of abilities assessments,
- Information on level of function from insurance carrier or WSIB, or
- An independent medical examination on request of the College.

When the dispute is about the demands of the job, the RTW Coordinator obtains more information including:

- A possible job demands analysis, and
- The rate at which new duties could be introduced.

Where the dispute is about the appropriateness of accommodation, the RTW Coordinator arranges an RTW Team meeting as soon as possible.

Step 3: Hold an RTW Team Meeting

Where level of function or demands of the job are in dispute, the RTW Coordinator holds a Team meeting to discuss the new information.

For non-occupational cases, the meeting may include a Return to Work Mediator who assists the parties to achieve resolution.

For WSIB cases, the meeting may include a WSIB Return to Work Mediator to achieve resolution.

Step 4: Document the Mediated RTW Plan

The RTW Coordinator documents the RTW Plan and distributes it to all parties.

5. TRAINING AND POLICY COMMUNICATION

5.1. New Employee Orientation

The Human Resources department, in co-operation with the Environmental Health and Safety Services department, ensures all new employees are made aware of the RTW Program, the College's commitment to accommodation and return to work, what to expect, what is expected of them, and how to obtain further information.

5.2. Employee Communication

The Human Resources department, in co-operation with the Environmental Health and Safety Services department, ensures on-going general communication about the Program and promotes the benefits of the Program.

6. CONTINUOUS IMPROVEMENT

The RTW Coordinator reviews the Program on a regular basis. The review includes:

- An assessment of the level of cooperation and understanding among employee representatives, managers and the third party agent;
- An evaluation of the program success in safely integrating employees back into the workplace; and
- An assessment of the need for updated training and communication.

The RTW Coordinator initiates a review of this policy every five years. During such review, the College will confer with and receive recommendations from the Union Locals and Administrative Staff Association.

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