



# PROCEDURE

HR116

## Workplace Accommodation and Return to Work Program

Board Received: February 24, 2020 Review Date: March 2024

### Accountability

1. Frequency of Reports – As needed
2. Criteria for Success – Process adheres to Board procedure and facilitates the successful return to work and accommodation of the employee.

### Procedures

#### 1. Background

- a) The Board's Workplace Accommodation and Return to Work Program are integrated partnerships among employees, administrators/supervisors and health care providers that foster a widespread understanding that the way to reduce the incidence and duration of an employee's absence is through early intervention and support.

#### 2. Purpose of the Program

- a) Workplace Accommodation and the Return to Work Program facilitate a safe and timely transition from illness/injury to active employment.
- b) When appropriate, employees may be assisted through the provision of assistive devices, rehabilitation support, gradual return to work and/or modified work prior to returning to regular full-time, part-time or occasional work.
- c) When a permanent disability exists, the Board shall modify both the work and the workplace to accommodate the needs of the permanently disabled employee, based on medically supported restrictions and/or limitations, provided that it does not cause undue hardship to the Board.

#### 3. Temporary Disability

##### a) Limitation Assessment

- i) An employee who becomes ill or is injured and it appears that an absence from work will result, is responsible for providing medical restrictions and/or limitations documented by the appropriate treating medical practitioner(s) or specialist for assessment by the Health and Disability Officer, or designate. The restrictions and/or limitations shall be shared with the Administrator/Supervisor, and at the discretion of the employee, their union representative.

#### 4. Permanent Partial Disability

- a) An employee who becomes permanently disabled as a result of an illness or injury, such that they are unable to return to their former position, may be accommodated based on their physical, mental and vocational capabilities.
- b) The conditions for providing such work are:
  - i) The employee provides current medical restrictions and/or limitations from the appropriate treating medical practitioner(s) and/or by submitting Functional Abilities Evaluation (FAE) documentation.
  - ii) The employee participates in a vocational assessment approved by the employer, as needed.

- iii) The Board will facilitate the re-training of injured employees as circumstances warrant.
- iv) Employees who have a permanent partial disability may be given preference for suitable job postings, subject to mutual agreement by the employer and the relevant union(s).
- v) Employees are accommodated on the basis of availability of positions, ability to perform the essential duties of the job and terms and conditions as outlined by the relevant collective agreement, Terms and Conditions, individual contract and/or relevant legislation.

## 5. Responsibilities

- a) The Health and Disability Officer, or designate:
  - i) on initial contact, informs the employee that, should they desire, they may have a union representative attend any meetings
  - ii) will contact the employee directly in one of two ways:
    - phone to discuss Workplace Accommodation and/or the Return to Work Program; and/or
    - send a letter to the employee outlining Workplace Accommodation and/or the Return to Work Program.
  - iii) works with employees to assess restrictions and/or limitations;
  - iv) assesses the employee's work capabilities in conjunction with medically supported restrictions and/or limitations provided by the appropriate treating medical practitioner(s);
  - v) informs the employee's Administrator/Supervisor of the work restrictions and/or limitations and initiates the development of a Workplace Accommodation and/or a Return to Work Plan;
  - vi) performs a workplace assessment with the Administrator/Supervisor, and as required, with the employee, and/or Health and Safety Officer, or designate, to ensure compatibility of work restrictions and the duties to be performed within the work environment:
    - co-ordinates the modification of the work or workplace, as needed, in conjunction with medically supported restrictions and/or limitations
    - reviews proper body mechanics with the employee and provides instruction, as required
    - assesses need for change in location and/or assignment
  - vii) coordinates the development of a Workplace Accommodation and/or Return to Work Plan with the Administrator/Supervisor, based on medically supported restrictions and/or limitations and the workplace assessment in (vi) above, if any;
  - viii) shall share a draft Workplace Accommodation and/or Return to Work Plan with the employee, Administrator/Supervisor, the employee's union representative if the employee so chooses, or as relevant, the appropriate treating medical practitioner(s), the Workplace Safety Insurance Board, LTD insurance carrier or other staff. Any agreed-upon revisions are incorporated, and the final Plan is then signed by the parties;
  - ix) maintains regular contact with the employee and their Administrator/Supervisor, for the duration of the Workplace Accommodation and/or the Return to Work Plan;
  - x) maintains an ongoing assessment of the accommodation and/or the Return to Work Plan;
  - xi) arranges regular follow-up during the accommodation and/or the Return to Work Plan to modify the Plan as required.

- b) The Administrator/Supervisor:
  - i) participates in the development of the employee's Workplace Accommodation and/or Return to Work Plan;
  - ii) modifies the work or workplace, as outlined in the Workplace Accommodation and/or the Return to Work Plan;
  - iii) assigns work or duties according to the employee's Workplace Accommodation or Return to Work Plan;
  - iv) closely monitors the progress of the employee through the accommodation and/or the Return to Work Plan and immediately reports any problems or concerns to the Health and Disability Officer or designate.
- c) The Employee:
  - i) engages in medical rehabilitation and/or treatment that can be expected to facilitate a timely return to work;
  - ii) participates in development of the Workplace Accommodation and/or the Return to Work Plan and recovery goals;
  - iii) maintains regular contact, as identified in the Return to Work Plan, with the Health and Disability Officer, or designate, to provide updates on status, changes in condition and review progress through the Return to Work Plan;
  - iv) must provide appropriate documentation as required by the Health and Disability Management Program as per HR115 Employee Absenteeism Procedure.

## 6. Development of a Workplace Accommodation and/or Return to Work Plan

- a) Workplace Accommodation and/or Return to Work Plan
  - i) Identification of likely candidates for participation in a Workplace Accommodation and/or a Return to Work Plan shall be made initially by the Health and Disability Officer, or designate, based on documentation received from the appropriate treating medical practitioner(s) and, when appropriate, representatives of the Workplace Safety and Insurance Board and Long-Term Disability (LTD) Insurance carrier.
  - ii) Workplace Accommodation and/or a Return to Work Plan, in general may include, but are not restricted to, some or all of the following:
    - reduced work hours
    - provision of workplace assistive devices
    - modification of duties
    - workplace modifications
    - removal of physical barriers
    - job sharing
    - reassignment to another position, if available, if the employee has the necessary skills and abilities to perform the essential duties of that position.
  - iii) The employee may be provided with a letter to be given to the appropriate treating medical practitioner(s) that outlines a Return to Work Plan and which indicates that modified work is available. The letter may also include documentation regarding the employee's job description and physical demands analysis. A release of medical documentation consent form may also be provided.
  - iv) Modified work is provided within the employee's own school or service area wherever possible.
  - v) While participating in an accommodation and/or a Return to Work Plan, the employee's status will be monitored by the Health and Disability Officer, or designate, Administrator/Supervisor, in consultation with the appropriate treating medical practitioner(s).
  - vi) Ongoing reviews of the employee's accommodation and/or Return to Work Plan will be conducted with any necessary adjustments made to support the employee's

- successful re-entry into the workplace. The frequency of these reviews is established prior to the placement of an employee in the Plan.
- vii) The Board shall modify both the work and the workplace to accommodate the needs of permanently disabled employees provided that it does not cause undue hardship to the Board.
- viii) All documentation will be maintained by the Health and Disability Officer, or designate, filed separately from the personnel file and will not be further released without the employee's written permission or unless required by law. The documentation is collected for the sole purpose of assisting the employee with a successful re-entry into the workplace.
- ix) The Health and Disability Officer, or designate, will review the documentation and then contact the employee to discuss the employee's participation in a Workplace Accommodation and/or a Return to Work Plan.
- x) The Health and Disability Officer, or designate, in consultation with the Administrator/Supervisor shall develop a Workplace Accommodation and/or Return to Work Plan based on medically supported restrictions and/or limitations and the workplace assessment in 5(a)(vi) above, if any. The Workplace Accommodation and/or Return to Work Plan shall be shared with the employee, Administrator/Supervisor, the employee's union if the employee so chooses, or as relevant, the appropriate treating medical practitioner(s), the Workplace Safety Insurance Board, LTD insurance carrier or other staff.
- xi) Any necessary changes to the work environment will take place prior to the employee's commencement of the accommodation and/or a Return to Work Plan.
- xii) Should the employee not be medically cleared to participate in a Workplace Accommodation and/or a Return to Work Plan, the employee and the Health and Disability Officer, or designate, will maintain regular contact. Ongoing updated medical documentation will be obtained from the appropriate treating medical practitioner(s) to determine when participation in a Workplace Accommodation and/or a Return to Work Plan will be feasible.
- xiii) The employee may be required to participate in an Independent Medical Evaluation, conducted by a third party, to determine restrictions and/or limitations and the employee's capacity to perform the duties of their position, and to assist in the development of a Workplace Accommodation and/or a Return to Work Plan.
- xiv) A Workplace Accommodation and/or a Return to Work Plan may include the following information:
- essential job duties/tasks;
  - specific physical requirements;
  - restrictions and/or limitations;
  - work schedule;
  - follow-up work assessment date(s) by the Health and Disability Officer, or designate;
  - a gradual resumption of duties assigned under the Return to Work Plan;
  - a gradual increase in hours worked;
  - expected date of completion of Plan;
  - next meeting date;
  - conditions for withdrawal of the individual from the Plan.

A Workplace Accommodation and/or a Return to Work Plan will contain signatures of employee, Health and Disability Officer, or designate, Administrator/Supervisor, appropriate treating medical practitioner(s) and/or union representative (where appropriate)

- xv) Regular follow up meetings will occur during a Workplace Accommodation and/or a Return to Work Plan to ensure that the employee's needs are being met and to make any necessary changes to the modifications or accommodations should there be a change in the employee's restrictions and/or limitations.
- xvi) The employee continues to participate in the Plan until they have reached maximum medical recovery and are working at full capacity within any restrictions and/or limitations, including those that may be permanent in nature.