



University Students' Council of the University of Western Ontario EARLY AND SAFE RETURN TO WORK POLICY

EFFECTIVE: 16th February 2018 **SUPERSEDES:** 30th October 2012

AUTHORITY: Chief Operating Officer **RATIFIED BY:** Board of Directors
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PURPOSE:

This Policy is created under the Human Resources Directive of Council. Its objective is to establish and communicate the responsibilities of the USC and its employees after a work-related injury or illness has been sustained, with respect to returning to work. This Policy is guided by the requirements of the Ontario *Workplace Safety and Insurance Act*, and its primary objective is to ensure an early and safe return to work.

1.00 SCOPE

- 1.01 This Policy affects the leave and return to work of all USC employees both unionized and non-unionized, and management. The program covers both work and non-work-related injuries and illnesses.
- 1.02 This Policy is independent of accident reporting and investigation, which is detailed in the Workplace Accident Investigation Policy & Procedures.
- 1.03 The USC will investigate any potentially fraudulent claims and upon a thorough investigation, any claim deemed fraudulent will result in progressive discipline up to and including termination and will be reported to WSIB immediately.

2.00 OBJECTIVES

- 2.01 Through the implementation of the Early and Safe Return to Work Program, the USC hopes to:
 - (1) Reduce the number of days lost to injury;
 - (2) Lessen the financial and emotional impact of the injury or illness on the worker by intervening for an early and safe return to work;
 - (3) Reduce the costs related to work and non-work related injury or illness;
 - (4) Educate workers on disability management;
 - (5) Comply with all legislation, including the Workplace Safety and Insurance Act and the Human Rights Code; and,
 - (6) Reduce the number of future injuries and illnesses through a healthy and safe workplace.

3.00 ROLES AND RESPONSIBILITIES

3.01 **Employment**

3.01 **Employer:**

- (1) Provide a safe work environment.
- (2) Develop written return to work policies and procedures that are fair and consistently applied to all workers covered by the program.
- (3) Educate all workers about the return to work program.
- (4) Train all supervisors in effective return to work strategies.
- (5) Train workers on proper reporting of incidents and incident investigation.
- (6) Communicate weekly or more frequently with workers during their time away from work, and monitor their progress when they return.
- (7) Work with the worker and treating healthcare professional to identify suitable work.
- (8) Modify the workplace as required to accommodate workers who are disabled due to illness or injury.
- (9) Monitor the progress of workers in modified work programs and meet with them regularly to ensure their success in achieving their return to work goal.

3.02 **Employee:**

- (1) Know and follow safety policies and procedures.
- (2) Report any illness/injury to their manager/supervisor immediately.
- (3) If medical attention is necessary, inform the treating healthcare professional that return to work opportunities are available in the workplace to accommodate their physical abilities. Keep the treating healthcare professional informed about return to work options and injury/illness symptom.
- (4) Communicate with the employer through the work recovery period and cooperate with the employer in finding suitable employment for return to work.
- (5) Inform the HR Generalist or any other workplace representative(s) about any concerns with treatment, benefits, work duties, changes in circumstances, etc.
- (6) Comply with the recommendations of treating healthcare professionals; attend all medical or rehabilitation appointments regularly; attend independent assessments as requested.
- (7) Take an active role in developing their return to work program.
- (8) Obtain the necessary documentation from the treating healthcare professional as may be required by the employer (e.g. functional abilities form).
- (9) Report any concerns with the return to work to the HR Generalist or any other workplace representative(s) or to the WSIB case manager, so the problems can be addressed promptly.
- (10) Attend scheduled return to work progress meetings with the employer/supervisor.

3.03 **Senior Manager, People and Development :**

- (1) Act as the Early and Safe Return to Work Coordinator.

- (2) Promptly report all work-related injuries/illnesses to the WSIB when they occur.
- (3) Overseeing initial response and investigation to injuries/illnesses in accordance with Workplace Accident Investigation Policy & Procedures.
- (4) Completing all forms, as required by WSIB.
- (5) Documenting and maintaining communication on a weekly basis with employees to determine suitable re-employment options, particularly where their inability to fulfil their essential pre-injury/illness responsibilities exceeds five (5) days.
- (6) To determine, in consultation with the manager or designate, if the position can be modified.
- (7) 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.
- (8) To liaise with the employee's treating agency and other agencies when required.
- (9) 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.
- (10) To develop, in consultation with the employee's treating agency, the employee and the immediate supervisor a modified duty program.
- (11) To ensure that there is no conflict with the collective agreements (where applicable).
- (12) To determine and maintain medical monitoring and treatment with the use of the Functional Abilities Form. The frequency of medical contacts can be determined on a case by case basis.
- (13) To report the following to WSIB:
 - i. Wage changes;
 - ii. Change in duties/duration of program ;
 - iii. Failure to cooperate ; and,
 - iiii. End of program.

3.04 Employee Supervisor:

- (1) Working and communicating with employees to explore reduced-work options, in instances where their inability to fulfil their essential pre-injury/illness responsibilities does not exceed five (5) days.
- (2) To advise the employee of the availability of modified duties or a transitional work program and provide the required forms.
- (3) To assist in the creation of, and support the employee's modified duty program.
- (4) To maintain communication with the employee on modified duty and monitor the progress and the effectiveness on an individual case by case basis.
- (5) To inform other employees in the department of program goals.

- (6) To schedule regular meetings with the employee in order to communicate and assist in the evaluation of the program's effectiveness.
- (7) 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.
- (8) To schedule regular meetings with the worker twice per month, or as determined on a case by case basis.

3.05 Co-workers:

- (1) To support fellow co-workers' participation in the Early and Safe Return to Work Program and provide them a supportive, harassment-free work environment.

3.06 Work and Safety Insurance Board

- (1) Provides and receives forms relating to workplace accidents, and return to work.
- (2) Receives and mediates complaints regarding compliance with the *Workplace Safety Insurance Act*.
- (3) Assesses penalties for failures to comply with *Workplace Safety Insurance Act*.

3.07 Healthcare Professional

- (1) Provide appropriate, effective healthcare that facilitates recovery and expedites return to productive work.
- (2) Provide information on the worker's functional abilities when requested by the USC, the worker or the WSIB.
- (3) Complete functional assessment forms thoroughly, being alert to job demands that might cause re-injury or aggravation of an existing condition.
- (4) Suggest ways in which tasks could be modified to place less strain on existing injuries or conditions confidentially.
- (5) Provide timely information to the WSIB.

3.08 Union

- (1) To counsel its members on the benefits of co-operation in the "Modified Duty" program.
- (2) To co-operate in inter-union placement of temporary modified duty employees.

4.00 PROCEDURES

4.01 An employee who sustains a workplace injury or illness and is no longer able to productively fulfill their normal responsibilities shall not return to work in their normal capacity.

- (1) A worker who is injured at work must immediately report the incident to her supervisor.
- (2) The supervisor is required to:
 - i. Obtain immediate medical attention for the worker who is injured or ill;

- ii. Arrange for transportation to get medical care, if needed;
 - iii. Follow USC procedure for reporting injury and illness; and,
 - iiii. Contact the Senior Manager, People and Development and assist in completing the incident investigation report.
- (3) The Senior Manager, People and Development will maintain contact with the worker through the recovery period and will work with the worker to plan the return to work (RTW).
- (4) The worker is responsible for following medical restrictions on the job.
- (5) Following the worker's return to work, the supervisor or the RTW coordinator monitors the worker's progress, to help resolve any difficulties and ensure that restrictions are carefully followed.
- (6) The worker must immediately report any difficulties performing assigned work, at which point, the supervisor and worker will work to address the problem.
- (7) An employee must notify the USC of any material changes to her recovery-status or income that might affect their benefits. Examples of material changes include:
- i. significant changes to medical condition affecting the employee's ability to return to work; and,
 - ii. receipt of other income, including government benefits.
- (8) The USC may require the employee to disclose medical information, confirming their condition, and providing a timeframe for return to health.
- (9) Communication with an ill/injured employee shall be maintained through the employee's supervisor where an employee's absence is expected to only be short-term (not exceeding five (5) days). If an employee's absence exceeds, or is expected to exceed five (5) days, then the Senior Manager, People and Development shall handle communications on behalf of the USC, in order to more efficiently facilitate exploration of different re-employment options.

5.00 RE-EMPLOYMENT

5.01 When an employee is compelled to take injury leave because of a work-related injury or illness, they shall receive the support of the HR Generalist and their supervisor in trying to identify alternative suitable work arrangements.

- (1) "Suitable work":
- i. is available, and can be started quickly;
 - ii. is safe, and within the employee's physical capabilities;
 - iii. requires skills that the employee already has, or can attain; and,
 - iiii. restores pre-injury/illness earnings as much as is reasonably possible.
- (2) If a work-related injury/illness is not expected affect the employee for more than five (5) days, then the employee and their supervisor should explore reduced-work options related to their existing job. If reduced-work options are not suitable, the employee and supervisor may mutually agree to waive the exploration of other re-employment options, as it may not be practical to establish a substantially different

employment options, as it may not be practical to establish a substantially different working arrangement before the employee is able to return to their normal responsibilities.

- (3) An employee need not be completely recovered from their injury or illness before returning to work. The return to work must occur as quickly as is reasonably possible, even if in a reduced or different capacity.

5.02 The USC recognizes a duty to re-employ any individual who sustains a work-related injury or illness, and is consequently unable to conduct their pre-injury/illness work as a result.

- (1) The USC cannot absolutely guarantee that suitable work will be available, but shall make every effort to find suitable work up until the earlier of:

- i. twelve (12) months after an employee has been declared fit to return to work, in either their pre-injury/illness job, or other suitable work;
- ii. twenty-four (24) months after the date of the work-related injury or illness was sustained;
- iii. the date the employee undertakes permanent work at another organization; or,
- iiii. the date the employee turns 65.

- (2) The USC recognizes a duty to re-employ an individual to suitable work, but cannot promise return to the same pre-injury/illness position when the employee's absence is prolonged (exceeding one (1) month).

6.00 DISPUTE RESOLUTION

6.01 Disputes regarding the fulfilment of this Policy may initially be directed to the Chief Operating Officer.

6.02 If the dispute remains, conflicts may be directed to the Ontario Workplace Safety and Insurance Board, who can provide a dispute mediator. Both the USC and the employee may receive penalties for non-compliance under the *Workplace Safety & Insurance Act*.

7.00 COMMITTEE REVIEW

7.01 The Joint Health and Safety Committee shall monitor and discuss the effectiveness of the Early and Safe Return to Work program, and make recommendations to the Chief Operating Officer.

8.00 COMMUNICATION

8.01 This policy will be explained as needed to workers through orientation health & safety training or task-specific training.

9.00 EVALUATION

9.01 This policy will be evaluated on an annual basis through the Continuous Improvement Plan.

