

TITLE: Return to Work from an Occupational Or Non-occupational Illness or Injury

POLICY #: X-260

SECTION: Corporate Health, Safety and Wellness (CHSW)

ISSUING AUTHORITY: Executive Committee

ORIGINAL DATE APPROVED: April 2005

SUBSEQUENT APPROVAL DATES: June 2009, April 2014, July 2018, November 2019

PURPOSE

To outline the roles and responsibilities of workplace parties and the process for modified/temporary and/or permanent accommodation in response to an occupational or non-occupational illness, injury or disability.

POLICY STATEMENT

Unity Health Toronto will comply with applicable legislative requirements and will make every reasonable effort to provide suitable and meaningful employment to employees who are temporarily or permanently unable to perform the essential duties of their position as a result of an occupational or non-occupational illness, injury or disability.

ROLES AND RESPONSIBILITIES

Employee

- Inform their Manager and Corporate Health, Safety and Wellness (CHSW) of any accessibility needs once they become aware.
- Inform their Manager and CHSW of any disability that impacts their ability to perform the essential duties of their job.
- Inform their treating health professional that return to work opportunities may be available in the workplace to accommodate their physical and/or cognitive abilities.
- Provide timely objective medical documentation as requested by CHSW including functional and/or cognitive abilities and authorization to return to work.
- Notify CHSW of intent to return to work, including any restrictions/limitations in writing **2 weeks prior** to return to work date in order to establish a safe return to work program.
- Employee recognizes it may take the employer up to 2 weeks to establish and coordinate an appropriate modified/temporary return to work program.
- Cooperate and participate in the modified/temporary and/or permanent accommodation process, including engaging in dialogue around appropriate return to work or accommodation.
- Be aware of their own role and responsibilities in the return to work process.
- Make every effort to schedule medical or rehabilitation appointments outside of working hours.
- Notify their manager and CHSW if they are absent from work due to illness during a modified/temporary accommodation.

- Immediately report any challenges or unanticipated barriers as they arise to their Manager/designate and CHSW.
- Participate in any other activities required to assist with a timely and safe return to work which may include Functional Abilities Evaluations (FAEs), meetings with occupational or physical therapists, Independent Medical Evaluation (IME) etc.
- For permanently accommodated employees when applying/requesting to work/transfer into a different department, position or to change their employment status (e.g. Full time to Part Time) notify:
 - The prospective Manager and Recruitment representative of their permanent restrictions/limitations.
 - CHSW of their application/transfer request to ensure job suitability.
- Complete all education/training as required.

Supervisor/Manager/Director

- Provide appropriate accommodation when and where required.
- Collaborate and participate in the modified/temporary and/or permanent accommodation process in a manner that is timely, equitable and consistent and takes into consideration operational requirements, rehabilitation best practices and legislative requirements.
- Communicate with other staff members on the team to promote a supportive work environment, alleviate staff concerns and ensure a successful and sustained return to work for the returning employee.
- Identify appropriate duties, assignments and hours of work within the employee's restrictions/limitations.
- Monitor and evaluate the employee's progress in conjunction with CHSW to ensure a safe and successful return to work.
- Ensure appropriate payroll coding.

Corporate Health, Safety and Wellness (CHSW)

- Provide policy clarification and consultative support when requested.
- Provide ongoing case management.
- Offer early and safe return to work program to employees in accordance with legislative requirements, benefit criteria, medical documentation and/or standard restrictions/limitations.
- Initiate, develop and coordinate the modified/temporary and/or permanent accommodation process in collaboration with the employee, Manager and union if applicable.
- Maintain ongoing assessment and communication with the employee and relevant stakeholders (e.g. health care provider, Manager, WSIB, Long Term Disability provider) to ensure all reasonable steps have been taken to address the employee's physical and/or cognitive abilities.
- Educate workplace parties on their role and responsibility during the accommodation process.
- Provide legislative, procedural, medical, ergonomic and job modification assistance to resolve accommodation concerns to ensure job suitability.

Human Resources

- Identify, track, monitor and communicate appropriate vacancies during the permanent accommodation process.
- Coordinate, facilitate and evaluate HR testing such as MS Office, medical terminology etc.
- Determine essential duties and skills required to perform the job.
- Develop and implement accommodation agreements in consultation with CHSW.
- Employees who require a permanent accommodation may be assigned to a trial assessment period inclusive of on the job training prior to being placed permanently in the position. The purpose of the work trial is to provide a period of time to assess whether the employee is able to perform the essential duties of the position within their restrictions/limitations and determine if the work is suitable. Work trials are paid for by the employee's original department and may be extended where circumstances warrant.
- For permanently accommodated employee who have applied/requested to work/transfer into a different department, position or change their employment status:
 - Notify the prospective Manager of the employee's permanent restrictions/limitations.
 - Consult with CHSW to determine suitability and alignment with restrictions/limitations prior to approving the transfer request if applicable.

PROCEDURE

Refer to the following Appendices:

- Appendix A: Modified/Temporary Accommodation
- Appendix B: Modified/Temporary Accommodation Flow Diagram
- Appendix C: Permanent Accommodation
- Appendix D: Permanent Accommodation Flow Diagram

EMERGENCY RESPONSE PLANNING FOR EMPLOYEE WITH DISABILITIES

In accordance with the Accessibility for Ontarians with Disabilities Act (AODA), employees requiring either temporary or permanent accommodation will be offered a Personal Emergency Plan for exiting the building in the event of an emergency where their ability to do so safely may be compromised. This information will be gathered during the pre-employment, temporary and/or permanent accommodation process. The employee, Manager, CHSW and union (if applicable) will work together to develop the individualized plan.

DEFINITIONS**Accommodation**

Any change in the work environment or in the way things are customarily done that enables an individual with a temporary or permanent disability to perform the essential duties of the job.

Disability

As defined by the *Ontario Human Rights Code* as:

- Any degree of physical disability, infirmity, malformation or disfigurement
- A condition of mental impairment or developmental disability
- A learning disability or mental disorder
- An injury or disability for which Workplace Safety and Insurance Board (WSIB) benefits are claimed or received

Essential Duties

- Substantial portion of the job
- Integral part of the job
- Functions that are non-delegable, indispensable and necessary to the position

Functional Abilities Evaluation

A Functional Abilities Evaluation (FAE) is a series of work simulated activities and non-invasive tests to objectively quantify an employee's physical capacity and vocational abilities which is used to determine an appropriate accommodation if required. This evaluation is usually completed by an external third party provider.

Independent Medical Evaluation

An examination by a third party physician; usually a specialist in the relevant area of illness/injury.

Meaningful Employment

Any work that will contribute to the rehabilitation of the employee and which will add value to the organization.

Modified/Temporary Accommodation Program

A systematic goal oriented process that enables an employee with physical and/or cognitive restrictions/limitations to gradually return to the regular duties/hours of their pre-injury/illness position. Programs consist of a gradual progression in duties and/or hours up to regular duties within a set time frame, generally 1 to 6 weeks in duration. May also be described as a modified return to work program, temporary accommodation, temporary transitional work or work hardening program.

Modified Work

Any job, hours of work, task/function or combination of the foregoing, that an employee can perform safely without significant risk of re-injury or exacerbation of their disability/illness or risk to others. Modified work may also be described as a temporary accommodation.

Objective Medical Documentation

Existing independently of one's own perception: applied particularly to the signs of a disease and to imaging and laboratory testing.

Restriction and Limitation

A restriction is a clinical prescription to avoid an activity due to immediate likelihood of significant harm that arises out of an impairment/condition.

A limitation is a reduction of the individual's capacity to perform job-related tasks as a result of an impairment/condition. The person can still do their job, though with reduced capacity e.g. the worker is slower, less productive, less efficient, or can do the work activity for a shorter duration but they can still do that activity.

Undue Hardship

The term “undue hardship” refers to the limit of an employer’s capacity to accommodate an employee in the workplace without experiencing an unreasonable amount of difficulty considering the cost, outside sources of funding, if any, and health and safety requirements, if any. The accommodation should not bring about unreasonable difficulties based on employee(s) health, safety and/or financial considerations.

REFERENCES:

WSIB Work Re-integration Policies: 19-02-01 WR Principles, Concepts & Definitions, 19-02-02 Responsibilities of the Workplace Parties in WR, 19-03-03 Determining Suitable Occupation, 19-03-05 Work Transition Plans, 19-03-06 Work Transition Expenses, Institute for Work & Health Seven “Principles for Successful Return to Work

REGULATORY REFERENCE: Workplace Safety and Insurance Act, 1997, Ontario Human Rights Code R.S.O. 1990, Accessibility for Ontarians with Disabilities Act, 2005, Employment Standards Act, 2000

DEVELOPED BY: Corporate Health, Safety and Wellness (CHSW)

REVIEWED BY: Union Executives, Human Resources Operations Advisory Group

DISTRIBUTION: Everyone

APPENDIX A

Modified/Temporary Accommodation Procedure

1. In order to establish an appropriate return to work plan the employee will notify CHSW and their Supervisor/Manager of their intent to return to work and the need for a modified/temporary accommodation (e.g. modified work) two (2) weeks prior to returning to the workplace.
2. The employee must provide CHSW with appropriate medical documentation which includes written restrictions/limitations determined by their health care provider/physician. This information will be used to determine the suitability of the employee's job. If applicable, CHSW may require an assessment by an Occupational Health Physician, an Independent Medical Evaluation (IME) and/or Functional Abilities Evaluation (FAE) to determine the employee's physical and/or cognitive abilities.
3. CHSW will develop an individualized Modified/Temporary Accommodation Program Plan in consultation with the employee and Manager. Effort will be made to maintain the pre-injury job, however in the event this is not suitable, appropriate accommodation will be arranged. In cases of occupational injuries, alternate work may be explored. The plan may include modifications to the tasks performed, bundling of duties, work area/location, hours of work, length of the program, ergonomic modifications and equipment/assistive devices used.
4. Prior to the employee's scheduled return to work date, CHSW will coordinate a meeting with the employee, Manager and union representative (if applicable) to review, discuss and finalize details of the Modified/Temporary Accommodation Program Plan. Additional meetings and adjustments to the plan may take place throughout the duration of the program.
5. Pre-approved vacation and/or leave of absence requests during a Modified/Temporary Accommodation Program may be permitted on a case by case basis. Vacation and/or leave of absence requests are not recommended during the program and/or the three-week re-qualifying period as it will interrupt the employee's ability to demonstrate progression towards and maintenance of full duties and hours. For any vacation or leave of absence requests the Manager will consult with CHSW prior to granting approval. Completion of the Unity Health Toronto's Letter of Agreement re: Short Term and Vacation Leave form is required prior to approval.
6. Overtime and shift exchanges are generally not permitted during a Modified/Temporary Accommodation Program however may be considered on an individual basis at the Managers discretion.
7. Programs that are not progressing toward full duties and/or full hours will be re-evaluated by CHSW in consultation with the employee, Manager and union representative (if applicable) to determine if the program should continue.

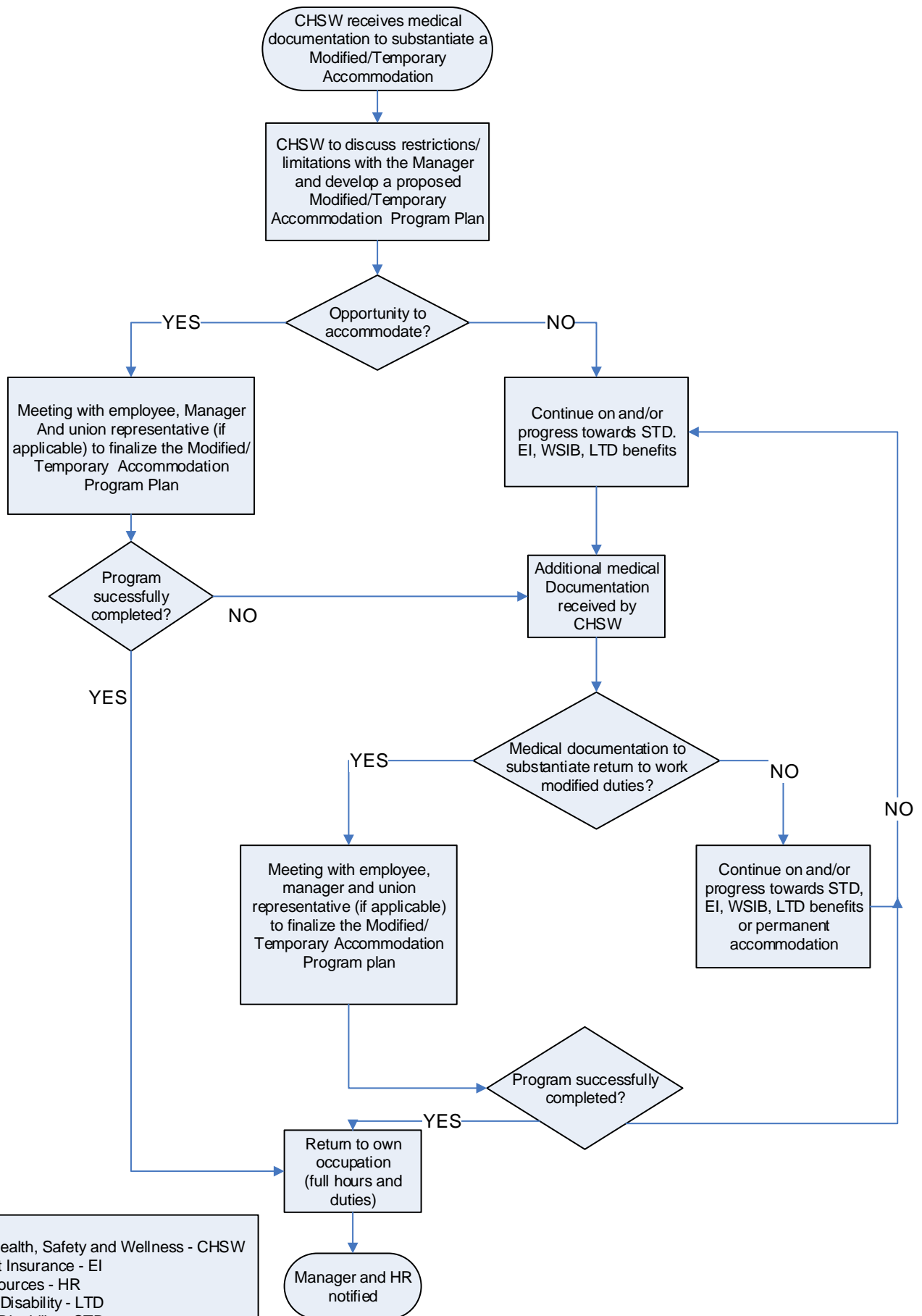
Consideration will be given to:

- Consultation with treating physician
- Consultation with the Occupational Health Physician
- Third party assessment (e.g. FAE)
- Continuing the modification if a return to full duties is imminent and the program is contributing positively towards that outcome
- Temporary assignment for non-occupational claims if available
- Postponement of the program

8. Modified/Temporary Accommodation Programs are temporary, progressive and time limited with an expected duration of up to 6 weeks. Programs will commence on reduced hours to avoid the risk of injury and re-injury and use a progression of work activities/duties to restore physical, cognitive and vocational functions of the employee back to their regular job. Programs will not exceed 6 weeks in duration except in cases where a reasonable extension is requested that is supported by objective medical documentation and approved by CHSW and the Manager and will result in the employee's return to full hours and duties. This will be monitored by CHSW and the Manager throughout the agreed-upon program until the employee has returned to full hours and duties.

Appendix B

Return to Work From An Occupational or Non-occupational Illness or Injury Modified/Temporary Accommodation



Legend
 Corporate Health, Safety and Wellness - CHSW
 Employment Insurance - EI
 Human Resources - HR
 Long Term Disability - LTD
 Short Term Disability - STD
 Workplace Safety and Insurance Board - WSIB

APPENDIX C

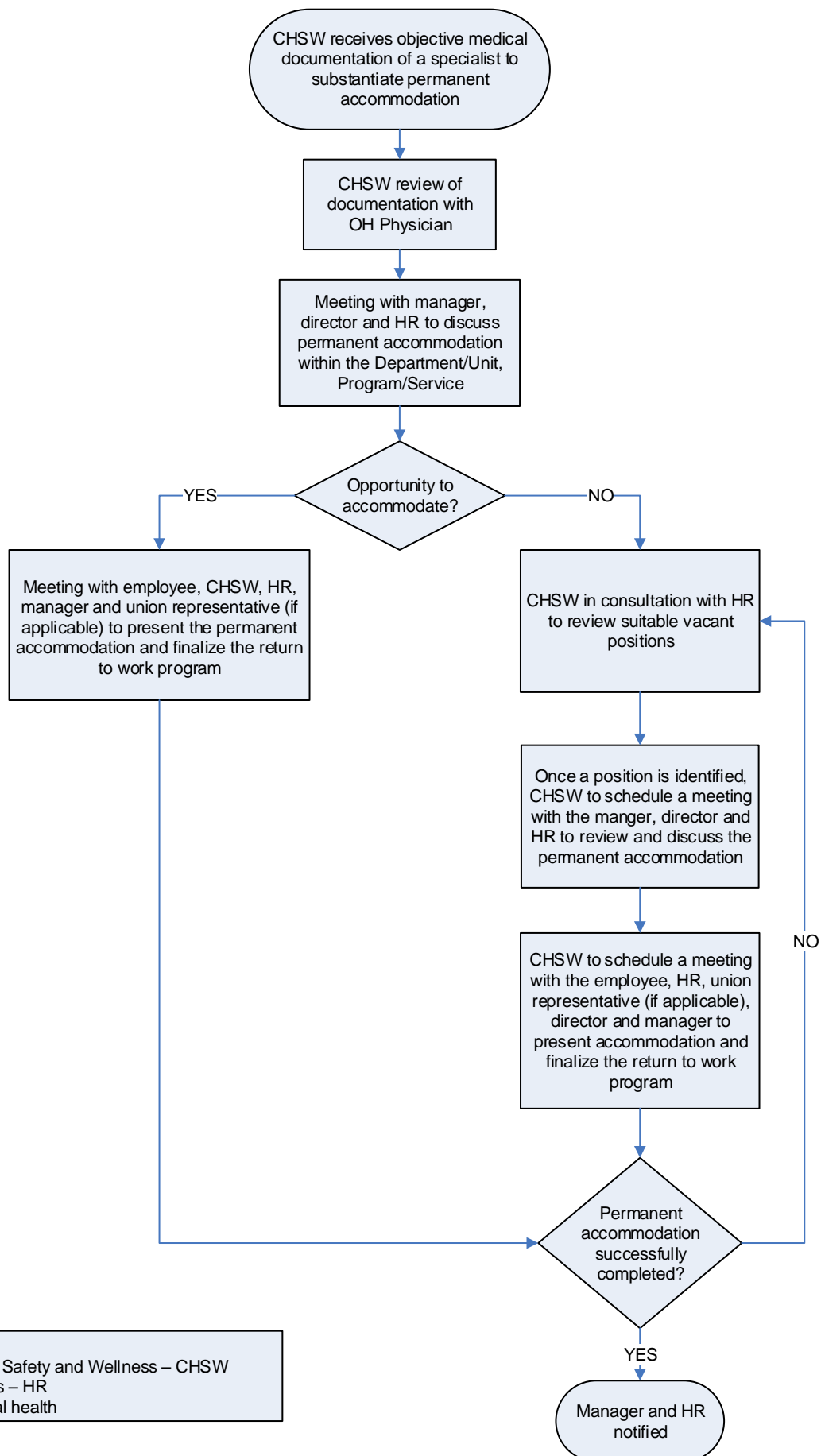
Permanent Accommodation Procedure

1. Permanent accommodation may occur when an employee has provided satisfactory objective medical documentation of a medical specialist confirming a permanent disability, that they have reached maximum medical recovery and have permanent restrictions/limitations.
2. The employee will notify CHSW of their request for permanent accommodation and provide objective medical documentation of a medical specialist to substantiate the accommodation. This documentation will be used to determine an appropriate accommodation.
3. CHSW will review the documentation with the Occupational Health Physician.
4. If applicable, CHSW may require an assessment by the Occupational Health Physician, and/or Independent Medical Evaluation (IME) and/or Functional Abilities Evaluation (FAE) to determine the employee's physical and/or cognitive abilities.
5. CHSW will schedule a meeting with the Manager, Director and Human Resources to review the employee's physical and/or cognitive abilities. This information will be compared to the physical and/or cognitive demands of the position and a decision of the appropriateness of a permanent accommodation requirement will be determined.
6. The Manager and Director in consultation with CHSW and Human Resources will assess the opportunity to permanently accommodate the employee within the department/unit and/or program/service.
7. Written documentation from the employee's Manager and/or Director will be required to be submitted to CHSW and Human Resources if the department/unit and/or program/service is unable to accommodate the employee because such accommodation would result in undue hardship to the department/unit and/or program/service.
8. If the department/unit and/or program/service is unable to accommodate the employee CHSW in consultation with Human Resources will review all suitable vacant positions within Unity Health Toronto to determine a suitable permanent accommodation.
9. Once a suitable vacant position has been identified CHSW will schedule a meeting with the respective Manager, Director, and Human Resources to review and discuss the permanent position as well as additional accommodation measures, if any. In the event an immediate permanent position is not available, ongoing review will continue until a suitable vacancy can be secured.

10. Once a permanent position has been determined CHSW will schedule a meeting with the employee, union representative (if applicable), Human Resources, Manager, Director, and/or third party stakeholder (e.g. Long Term Disability carrier) to present the permanent position to the employee and finalize the return to work program. Compensation will be determined based on the rate of pay of the permanent position. The need for subsequent meetings will be determined at this time. If the employee declines the accommodation CHSW will notify Human Resources who may take appropriate steps regarding their employment status.
11. Employees off work greater than one (1) year may be required to attend Unity Health's orientation program at the discretion of their Manager.

Appendix D

Return to Work From An Occupational or Non-occupational Illness or Injury Permanent Accommodation



Legend
Corporate Health, Safety and Wellness – CHSW
Human Resources – HR
OH – Occupational health