



<b>ADMINISTRATIVE PROCEDURE</b>	
<i>Approval Date</i> <b>2010</b>	<i>Replacing</i> <b>All previous procedures</b>
<i>Review Date</i> <b>2015</b>	<i>Page</i> <b>1 of 12</b>
<i>Contact Person/Department</i> <b>Human Resources Administrator</b>	<i>Identification</i> <b>HR-4046</b>

## **DISABILITY MANAGEMENT – EARLY INTERVENTION AND RETURN TO WORK**

### **1.0 PURPOSE**

- 1.1 Trillium Lakelands District School Board Disability Management Programme is an integrated partnership among employees, supervisors, unions and health care providers that supports employees to attend work regularly which benefits all students. This program fosters a widespread understanding and therefore reduces the incidence and duration of the employee's absences through early intervention and continued support.
- 1.2 The Disability Management Programme provides employees with a safe and timely transition from illness or injury to their pre-injury/illness position through a remain at work or return to work plan. When appropriate, the program assists employees by providing rehabilitation support, accommodations or modifications to remain at work, gradually return to work and /or complete modified work prior to commencement of their regular full-time, part-time or occasional position.
- 1.3 Trillium Lakelands District School Board recognizes its obligation to provide an early and safe return to work program for its employees in order to minimize injury and illness related absences. The Board is committed to accommodating returning employees in order that employees have productive and gainful employment, as appropriate, as soon as can be reasonably expected and in accordance with the pertinent collective agreements and laws and regulations, if applicable.
- 1.4 The Board is committed to developing an inclusive barrier-free work environment in which persons with disabilities have equal access to opportunities and all employees feel included and valued.

### **2.0 REFERENCES/RELATED DOCUMENTS**

- 2.1 Related Collective Agreements include:
  - 2.1.1 CUPE- Custodial/Maintenance
  - 2.1.2 CUPE- OCT/EA
  - 2.1.3 Elementary Teachers
  - 2.1.4 Elementary Occasional Teachers
  - 2.1.5 Professional Student Services Personnel
  - 2.1.6 Secondary Teachers and Secondary Occasional Teachers

- 2.1.7 Middle Management General Conditions and Terms of Employment
- 2.1.8 Principal / Vice Principal General Conditions and Terms of Employment
- 2.2 Relevant sections of Education and Employment Statutes and Regulations of Ontario include:
  - 2.2.1 Ontario Human Rights Code
  - 2.2.2 Occupational Health and Safety Act
  - 2.2.3 Workplace Safety and Insurance Act
  - 2.2.4 Municipal Freedom of Information and Protection of Privacy Act
  - 2.2.5 Employment Standards Act
- 2.3 Administrative Procedure BU-3555-AP Incident/Accident/Injury Reporting and Investigation; Attendance Support Procedure HR-4051; and any other Trillium Lakelands District School Board Policies and Procedures as appropriate.
- 2.4 Long Term Disability Benefit Policies with Carriers

### **3.0 TERMS AND DEFINITIONS**

#### **3.1 DISABILITY**

The broad definition for disability that is set out in the Ontario Human Rights Code - "Disability" is:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, including diabetes, mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog [service animal]\* or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental retardation or impairment;
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder; or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997."

\* this term has been added for clarification

### 3.2 DUTY TO ACCOMMODATE

The duty to accommodate is an obligation upon employers, with the union playing an active role, to adapt work and workplaces to allow persons with disabilities their right to employment without discrimination. It is a broad equality concept that applies to all grounds of discrimination that are covered under human rights legislation and the equality rights provisions of the Canadian Charter of Rights and Freedoms.

The purpose of accommodations for disabled employees is to enable such employees to participate fully in the workplace and to contribute positively to the productivity of that workplace. Jobs may be modified, the workplace may be adjusted and/or assistive equipment may be provided.

The duty to accommodate is not limitless. The employer is not required to: accommodate where undue hardship would result; create an unproductive position; keep someone who is unable to meet their employment obligations despite accommodations; hire someone who, after being accommodated, does not meet the qualifications.

### 3.3 BONA FIDE OCCUPATIONAL REQUIREMENT

The law recognizes that, in certain situations, a limitation on individual rights may be reasonable and justifiable. Discrimination or exclusion may be allowed if an employer can show that a discriminatory requirement of a job is essential for performing that job.

### 3.4 REASONABLE WORKPLACE ACCOMMODATION

A reasonable workplace accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

### 3.5 TEMPORARY DISABILITY

A temporary disability refers to an employee's status whereby they have become temporarily injured or ill, and will be, at some point in the near future, able to return to their regular position.

### 3.6 WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)

The WSIB is the provincial government body that oversees Ontario's workplace safety education and training system, provides disability benefits, monitors the quality of health care, and assists in early and safe return to work.

### 3.7 EARLY AND SAFE RETURN TO WORK

Early and Safe Return to Work is an effort to alter the employee's normal duties in length or nature for varying periods of time in order to accommodate physical or mental functional restrictions where this is practical. It is applicable to those employees who have become incapable of fully performing the essential duties of their own classification but who have the functional abilities to perform modified duties in their own or an alternate classification.

The Remain at Work and/or Return to Work Program may include, but is not restricted to, some or all of the following:

- Reduced or graduated work hours;
- Volunteer work
- Modification of duties;
- Workplace modifications;
- Removal of physical barriers;
- Job sharing;
- Reassignment to another position if the employee has the necessary skills and abilities to perform the essential duties of that position.

### 3.8 PRODUCTIVE AND GAINFUL WORK/SUITABLE WORK

Productive and Gainful Work is defined as work:

- That is safe for the worker;
- that restores the worker's pre-injury/pre-illness earnings as closely as is possible given the employee's limitations;
- the employee has the necessary skills, functional capabilities and abilities to do the task or job.

### 3.9 INDIVIDUALIZED REMAIN AT WORK / RETURN TO WORK PLAN

A collaborative plan based on the ill/injured worker's functional abilities that may include the following information:

- Essential job duties/tasks
- Specific physical requirements
- Restrictions and limitations;
- Work schedule;
- Follow-up work assessment date(s) by Principal and/or ADMO;
- A gradual resumption of duties assigned under the Disability Management Program;
- A gradual increase of hours worked;
- Expected date of completion of plan;
- Signature of employee, Attendance and Disability Management Officer or designate, Principal/Vice-Principal or Immediate Supervisor, appropriate treating medical practitioner, union representative;
- Next Review Meeting date;
- Conditions for withdrawal of the individual from the Programme

### 3.10 STANDARD MEDICAL PRECAUTIONS

A precaution is a safety measure taken to prevent injury or exacerbation of an existing injury. Activities listed on the Standard Medical Precautions list are to be minimized or avoided to ensure precaution is recognized. The Standard Medical Precautions are meant to be general. Specific precautions or absolute restrictions (i.e. no bending) should be indicated in a Functional Ability Form or documented by the Medical Professional. Use these specific precautions if provided. See Appendix B.

### 3.11 ATTENDANCE AND DISABILITY MANAGEMENT OFFICER (ADMO)

The Attendance and Disability Management Officer for the Board is the individual responsible for the management of the Disability Management program.

## 4.0 ADMINISTRATIVE PROCEDURE

### 4.1 DISABILITY MANAGEMENT PROGRAM – EARLY INTERVENTION AND RETURN TO WORK

#### 4.1.1 Purpose of the program:

- a) The program assists to establish and maintain a fair and consistent procedure for rehabilitating employees who are injured, ill, or disabled;
- b) The Disability Management Program provides employees with a safe and timely transition from illness/injury to re-employment;
- c) When appropriate, the program accommodates employees by providing gradual and/or modified remain at work or return to work plans prior to the commencement of regular full-time, part-time or occasional work in accordance with the pertinent collective agreements;
- d) When a temporary or permanent disability exists, the Board will modify the work and the workplace, as necessary, to accommodate the needs of the disabled employee based on medically supported physical and mental restrictions/limitations of the employee, provided that it does not cause undue hardship to the Board:
- e) An employee who becomes permanently disabled from an illness or injury, such that they are unable to complete the essential duties of their former position, may be provided with appropriate accommodations or modifications and/or suitable work based on their physical, mental and vocational capabilities.

- f) The conditions for providing such work may be:
  - i) The employee provides current medical restrictions and limitations from the appropriate treating medical practitioner and/or by submitting a Functional Abilities Evaluation (F.A.E.).
  - ii) The Board will promote the retraining of injured employees as circumstances warrant.
  - iii) Employees are accommodated on the basis of availability of positions, ability to perform the essential duties of such position, and terms and conditions as outlined by the relevant collective agreement, individual contract and/or relevant legislation.
- g) The intent of the Disability Management Program is to return the employee to their original position and work location, if at all possible.

4.1.2 The various ways an employee is identified into the Disability Management program are:

- a) Employee provides medical information to the ADMO requesting accommodation;
- b) Union provides the ADMO with employee medical information requesting accommodation;
- c) The LTD carrier notifies that an employee is ready to return to work with accommodation;
- d) WSIB notifies that an employee is ready to return to work with accommodation
- e) A review of the employee's attendance record.

4.2 GENERAL ROLES AND RESPONSIBILITIES

Expectations of the parties are:

4.2.1 Trillium Lakelands District School Board:

- a) Educate employees on Disability Management, early intervention, workplace accommodation and the return to work program

4.2.2 Attendance and Disability Management Officer, or Designate may:

- a) Contact the employee directly in one of two ways:
  - phone to discuss the Board's Disability Management Program; and/or
  - send a letter to the employee outlining the Board's Disability Management Program;
- b) work with employees to assess restrictions and/or limitations;
- c) co-ordinate the remain at work and/or return to work process of all disabled employees with the employee, the appropriate treating medical practitioner, Principal/Vice-Principal or Immediate Supervisor and the union representative at the employee's discretion;
- d) notify the appropriate union(s) of an employee's participation in the Disability Management Program;
- e) assess the employee's work capabilities in conjunction with medically-supported restrictions and/or limitations provided by the appropriate treating medical practitioner(s);
- f) inform the employee's Principal/Vice-Principal or Immediate Supervisor of the work restrictions/limitations;
- g) perform a workplace assessment with the Principal/Vice-Principal or Immediate Supervisor to ensure compatibility of work restrictions and the duties to be performed within the work environment;
- h) co-ordinate the modification of the work or workplace, as needed, in conjunction with medically-supported restrictions / limitations;
- i) review proper body mechanics with the employee and provide instruction, as required;
- j) assesses the need for change in location and/or assignment;
- k) co-ordinate the development of a Remain at Work Plan or Return to Work Plan as defined in section 3.9, with the employee, his/her Principal/Vice-Principal or Immediate Supervisor, the appropriate treating medical practitioner(s), the employee's union representative, Workplace Safety and Insurance Board, LTD Insurance Carrier, Human Resources and Operations Superintendents, as appropriate;
- l) distribute a copy of the Remain at Work Plan or Return to Work Plan to the above parties and the employee;
- m) maintain regular contact with the employee and his/her Principal/Vice-Principal or Immediate Supervisor for the duration of the Remain at Work Plan or Return to Work Plan;
- n) maintain an ongoing assessment of the Remain at Work Plan or Return to Work Plan;
- o) arrange regular follow-up during the Remain at Work Plan or Return to Work Plan to modify the Plan, as required.

4.2.3 The Principal/Vice-Principal or Immediate Supervisor may:

- a) be designated by the Attendance and Disability Management Officer to contact the employee and discuss the disability management programme and, in the case of a minor workplace related injury be asked to develop the employee's Remain at Work or Return to Work Plan.
- b) participate in the development of the employee's Remain at Work Plan or Return to Work Plan;
- c) modify the work or workplace, as outlined in the Remain at Work Plan or Return to Work Plan;
- d) assign work or duties according to the employee's Remain at Work Plan or Return to Work Plan;
- e) monitor the progress of the employee through the Remain at Work Plan or Return to Work Plan and immediately report any problems or concerns to the Attendance and Disability Management Officer, or designate.

4.2.4 The Employee may:

- a) Engage in medical rehabilitation and /or treatment that can be expected to facilitate a early and safe return to work
- b) Inform the Attendance and Disability Management officer and their supervisor of their employment-related needs;
- c) Cooperate with the employer (and WSIB or LTD carrier) in the Disability Management Program;
- d) Provide information to the employer on functional abilities from the medical professional, as required, to address the accommodation;
- e) Cooperate with the employer, the treating medical professional, union and WSIB or the LTD Carrier (if applicable), in the Return to Work process;
- f) Maintain communication with their employer throughout their entire recovery, remain at work or return to work plan;
- g) Collaborate with the employer to find the most appropriate means to accommodate their employment-related needs;
- h) Provide WSIB or the LTD Carrier with any information requested about treatment and progress in returning to work;
- i) Notify the supervisor when services, assistive devices or equipment are no longer needed, and return the equipment.

4.2.5 The Medical Professional:

- a) Cooperate with the employer in the return to work process;
- b) Provide information to the employee to give to the employer about:
  - The employee's readiness to return to work;
  - The nature of any work restrictions;
  - The likely duration of any physical or mental limitations following the employee's return to work;

- c) Complete the Functional Abilities Form (FAF) and /or medical certificate for the employer when requested;
- d) Provide medical information to WSIB and the LTD carrier, as appropriate.

#### 4.2.6 The Unions:

- a) Support the employer to fulfill its proactive duty to design workplace requirements and standards so that, from the outset, they don't discriminate;
- b) Represent the needs of the individual for accommodations, when requested by the employee;
- c) Model a problem-solving approach to accommodation;
- d) Follow-up with the employee after the accommodation is implemented to assess whether it is working and to help address any associated issues that may surface.

#### 4.2.7 The Co-Workers:

- a) Act towards other individuals returning to work professionally and respectfully.

### 4.3 DEVELOPMENT OF THE INDIVIDUALIZED REMAIN AT WORK OR RETURN TO WORK PLAN

#### 4.3.1 Remain at Work or Return to Work Plan

- a) Identification of likely candidates for the Disability Management Programme shall be made initially by the Attendance and Disability Management Officer, or designate, based on information received from the appropriate treating medical practitioner and, when appropriate, representatives of the Workplace Safety and Insurance Board and Long Term Disability (LTD) Insurance or through a review of the employee's attendance record;
- b) The ADMO advises the employee's supervisor/principal and the appropriate Human Resources Staffing personnel that the employee is returning to work or being placed in a remain at work plan;
- c) Depending on the circumstances and/or seriousness of the injury/illness, the ADMO contacts the supervisor/principal and the employee to arrange a Remain at Work or Return to Work meeting. The employee has the right to union representation, if he/she wishes;
- d) The Remain at Work or Return to Work meeting could include: the supervisor/ principal, the employee, the ADMO and the representing union;
- e) At the RTW meeting, the parties will discuss what accommodations are necessary for the employee to return to work;

- f) The Remain at Work or Return to Work plan is drafted and completed as set out in 3.9, handwritten or typed, signed by all parties, then copied to all, including a copy to WSIB or OTIP, if applicable;
- g) The employee may be provided with an outline of the Remain at Work Plan or Return to Work Plan to be given to the appropriate treating medical practitioner with an indication that accommodations and/or modified work are available. The outline may also include information regarding the employee's job description and physical demands analysis;
- h) Modified work is provided within the employee's own school or service area, wherever possible;
- i) Any necessary changes to the work environment will take place prior to the employee's commencement of Remain at Work Plan or Return to Work Plan;
- j) Should the employee not be able to participate in a Return to Work Plan, the employee and the Attendance and Disability Management Officer, or designate, will maintain regular contact. Ongoing, updated medical documentation will be obtained to determine when participation in the Return to Work Plan will be feasible;
- k) The employee may be required to participate in a Functional Abilities Evaluation and/or Independent Medical Evaluation, conducted by a third party, to determine limitations and/or restrictions and to assist in the development of an individualized Remain at Work Plan or Return to Work Plan. Regular follow-up meetings may occur during the Remain at Work Plan or Return to Work Plan to ensure that the employee's restrictions are being met and to make any necessary changes to the modifications or accommodations should there be a noted change in the employee's restrictions or limitations;
- l) The employee continues to participate in their Remain at Work Plan or Return to Work Plan until they have reached Maximum Medical Recovery and/or are working at full capacity, within any restrictions or limitations, including those that may be permanent in nature;
- m) In order to return to regular duties, an employee may be requested to provide the ADMO with medical documentation supporting that they are fit to return to regular duties, unless the original medical certificate specified a specific time frame.

## 5.0 APPENDICES

5.1 Appendix A - Related Information for Workplace Accidents/Illnesses

5.2 Appendix B – RTW Toolkit – WSIB Standard Medical Precautions

Related Information for Workplace Accidents/Illnesses

- 1) An injured employee can work up to 7 calendar days of modified work, at full pay, without the employer reporting the injury to WSIB, as long as outside medical treatment is not required.
- 2) Modified duties will apply for the maximum stated in the WSIB General Healing times or the healing time stated on WSIB Functional Abilities form. If after completion of the RTW plan, the employee is unable to return to regular duty, the employee will be requested to have a medical reassessment or a functional abilities evaluation to determine additional treatment required and ongoing abilities.
- 3) An employee will be classified as having permanent restrictions if designated by the WSIB as being “permanently impaired” and/or receiving a Non-economic Loss (NEL) award from WSIB. Otherwise, restrictions are considered temporary and the objective is to have the employee return to regular duties and regular hours of work.
- 4) Generally, employees who are placed in the Return to Work program or who have been provided modified duties or hours will not be eligible for overtime, to help prevent aggravation of their condition.
- 5) If an employee, along with their medical professional, feels that they are unable to return to the suitable and sustainable work offered by the Employer, the WSIB must be notified in writing immediately by the ADMO.
- 6) If the employee refuses the RTW plan offered or refuses to sign the RTW plan, the plan will be submitted to WSIB for a determination on suitability of the offer.
- 7) WSIB might assign a RTW mediator to the claim to help resolve any outstanding issues and help return the employee to modified duty. WSIB mediation may also be requested by the employee or the employer.

RTW Toolkit  
WSIB Standard Medical Precautions

**What is a precaution?**

A precaution is a safety measure taken to prevent injury or exacerbation of an existing injury. Activities listed are to be minimized or avoided to ensure precaution is recognized.

The following precautions are meant to be general. Specific precautions or absolute restrictions (i.e. no bending) should be indicated in a FAF or documented by the Health Professional. Use these specific precautions if provided rather than the WSIB Standard Medical Precautions.

**Standard Back Precautions**

- repetitive trunk movements
- bending
- lifting limitation
- prolonged standing
- prolonged postures
- low level work
- heavy push/pull, twisting

**Standard Neck Precautions**

- repetitive neck movement
- above shoulder and overhead activity
- lifting limitations

**Standard Shoulder Precautions**

- repetitive shoulder movement
- lifting limitation
- above shoulder level activity
- repetitive use of the upper extremity against resistance
- limited range of movement

**Standard Upper Extremity Precautions (elbow, wrist, hand)**

- repetitive movement of the involved joint against resistance
- rotation (supination/pronation), pulling, pushing, lifting
- repetitive gripping
- maintain work surface at waist height

**Standard Lower Extremity Precautions (hip, knee, ankle and foot)**

- repetitive movement of the involved joint against resistance
- prolonged weight bearing
- rough ground walking
- low level activity (e.g. stooping, squatting)
- climbing stairs and ladders