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**Subject:** Early and Safe Return to Work

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## 1.0 Policy:

The Independent Living Center of Waterloo Region will make every reasonable effort to provide suitable return to work opportunities for every employee who is unable to perform his or her regular duties following a work related injury or illness. The Independent Living Centre of Waterloo Region will make every effort to help an injured employee to stay at work (SAW) or to return to work (RTW).

Every case will be assessed on an individual basis, with the support of the involved employee, WSIB, physician, HR and supervisor.

### Disclosure of Information

In order to facilitate an effective and appropriate Return to Work Plan for an injured worker the Supervisor and Human Resource department will be allowed access to:

- Restrictions
- Functional abilities (cognitive, environmental and physical)

## 2.0 Definitions:

**Modified Duty:** The modification of an employee's position (Work Hardening or Transitional Work) that allows for the employee to carry out the work assigned with-in the employees' capabilities.

Note: This might include, but not limited to, changing of work tasks (transitional work, hours of work (sometimes referred to as work hardening). This work must be productive and must have value.

**Transitional Work:** When an injured employee while active in an Early and Safe Return to Work Program is temporarily performing activities other than their pre-injury activities during the recovery period of their work related injury.

**Work Hardening:** When an injured employee while active in an Early and Safe Return to Work Program is partially performing some of their pre-injury activities until being able to completely perform their pre-injury activities.

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### **3.0 Modified Duty:**

Any modified work assigned must have the following criteria:

- The work must be productive and the result must have value.
- The work provided must not aggravate the employee's condition.
- The employee's condition must not constitute an additional hazard to the employee or fellow employee(s) while performing the duties assigned.
- The work must assist the employee in returning to their original position, if possible.
- The duration of the modified duty will be determined at the commencement of the program, wherever possible. (See Length of Modified Duty in this policy).
- Prior to or as soon after starting as possible, the modified duty the employee and employer will sign an agreement with respect to the hours of work, the reporting requirements and the nature of the modified duty position.
- The Functional Abilities Form and the requirements of the employer will be reviewed for the modified duty.
- The employee is required to supply medical progress reports (FAF) as requested.
- Worker Progress Log will be completed weekly by the supervisor and the worker.
- Modified work may consist of work hardening or transitional work or a combination.
- Modified work may be offered at the workers pre-accident hours or reduced hours depending on the employee's abilities and the availability of work.

### **3.1 Length of Modified Duty:**

ILCWR will provide accommodations in the form of modified duties to the extent that it does not cause them undue hardship. ILCWR is obligated under the Workplace Insurance and Safety Act (Sec. 41 (6)) to ensure modified duty will be available until the earliest of:

- the Second Anniversary of the date of injury
- One year after the worker is medically able to perform the essential duties of his or her pre-injury employment

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- The date on which the worker reaches 65 years of age.

Modified duties may be discontinued, in consultation with WSIB if:

- No prospect that the injured worker will return to their original job
- The modified work is no longer available.
- The employee fails to cooperate.

## 4.0 Responsibilities:

In the event of a workplace injury the following responsibilities are extended to the employer, the Human Resources Director and Employee Health Coordinator, the supervisor and the employee.

### 4.1 ILCWR is responsible for:

- Providing a fair and consistent rehabilitation policy for injured employees on or off the job or disabled due to illness or injury.
- Offering modified work that meets the employee's restrictions.
- Providing a meaningful employment for temporarily disabled employee's and promotes the Early and Safe Return to Work (ESRTW) procedure.
- Facilitating communication between the supervisor, the employee, the treating health care professional of the employee, and the Human Resources department. This includes a bi-weekly follow up with employee to monitor their progress.
- Assisting in the modification of the workplace.
- Involving the workplace parties and ensures co-operation.
- Explaining the objectives and requirements of the ESTRW program.

### 4.2 The **Employee Health Coordinator** is responsible for:

- Determining if the position can be modified (in consultation with the supervisor)
- Notifying WSIB and submitting all relevant documentation.
- Notifying all supervisors of the employee's status
- Meeting with the employee and establishing written goals and objectives. These will be established and agreed upon by the employee, supervisor and the employer.

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- Developing, in consultation with the employee's medical practitioner, the employee and the immediate supervisor a modified duty program.
- Determining and maintaining 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.
- Monitoring the progress of the employee's modified duties through bi-weekly meetings or on a schedule as deemed necessary with the employee and supervisor.
- Ensuring medical follow-up is obtained at a schedule defined by the employer. The schedule of the meetings should be decided on a case by case basis.
- Liaising with the employee's treating health care professional and other agencies, when required.
- In the event that the following changes while a worker is completing modified duties, the Employee Health Coordinator must notify WSIB
  - Wage changes
  - Changes in duties/duration of program
  - Failure to cooperate
  - End of program

#### 4.3 The **Supervisor** is responsible for:

- Advising the employee of the availability of work hardening or transitional work and provide the initial Functional Abilities Form and ESRTW info package.
- Assisting in the creation of, and supporting the employee's ESRTW procedure.
- Creating and maintaining the employees modified work schedule with the EHC and employee
- Meeting with the EHC and employee as requested.
- Maintaining communication with the employee on modified duties and monitoring their progress and the effectiveness, on an individual case by case basis.
- Informing other employees in the department of the program goals
- Communicating and assisting in the evaluation of the program's effectiveness. Regular meetings are to be scheduled with the employee and Employee Health Coordinator.

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- If an employee is injured outside of regular business hours the on call supervisor is responsible for providing the employee with the initial FAF and ESRTW info package.
- Notifying all affected consumers

4.4 The **Human Resources Director** is responsible for:

- Meeting with the EHC, Supervisor and injured employee if the employee is off work or on modified duties greater than 2 months and every 2 months after until the employee returns to regular duties or permanent modifications or accommodations are established.

4.5 The **Employee** is responsible for:

- Maintaining regular contact with the supervisor (see 6.0 Communication Protocol ).
- Taking an active role in developing their modified work program.
- Communicating any concerns to their supervisor and/or EHC
- Obtaining the necessary forms from the treating health care professional as may be required by the employer.
- Ensuring that other scheduled rehabilitation activities such as physical therapy or doctor's appointments are continued while on modified duty. These appointments are to be arranged whenever possible during non-work hours.
- Co-operating with all requests for documentation as required by the WSIB and the Employer.
- Attending all scheduled ESRTW meetings.

4.6 **Health Professionals** are responsible for:

- Providing up to date medical information
- Filling in the forms as requested
- Acting as a resource

## 5.0 Contact with the Injured Worker:

- The EHC will contact the injured worker as soon as possible after the injury occurs and will maintain communication throughout the period of the workers recovery and impairment. (Refer WSIA Sec. 40 (1)(a).

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- The injured worker will contact the EHC as soon as possible after the injury occurs and will maintain communication throughout the period of their recovery. (Refer WSIA Sec. 40 (2)(a).
- Contact should initially be at least once a week and then regular scheduled meetings thereafter.
- A Contact Log must be completed after each meeting. A meeting would consist of either a phone call or in person.

## **6.0 Communication Protocol:**

- The supervisor and EHC will each maintain a Contact Log.
- When an employee is on modified duties, communication (personal, telephone or email) should be daily logged with their supervisor.

## **7.0 Medical Monitoring and Treatment:**

- Prior to the injured worker returning to work after an absence a completed Functional Abilities Form may be requested.
- Prior to an injured worker commencing modified work recommended by their health care provider, a completed FAF may be requested.
- Once the requested FAF is completed the injured worker will contact ILCWR immediately to review this information.
- The injured worker must inform ILCWR of all medical monitoring and treatment.

## **8.0 COMMUNICATION**

- Revisions or modifications of this procedure will be communicated to the Directors and Supervisors at leadership team meetings and/or weekly supervisor meetings.
- This policy will be reviewed yearly by leadership.
- The method of communication referred to in the RTW Plan includes by phone, e-mail, fax or written.
- Any phone contact must be documented on the Contact Log.
- All parties (Supervisor, EHC and employee (injured worker) are responsible to maintain documentation on the RTW plan.

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## **9.0 TRAINING**

This policy must be reviewed at the new hire meeting for all new employees. This policy and the return to work process will be reviewed by all employees on a bi-annual basis during refresher training.

## **10.0 Reporting requirements to WSIB:**

- Wage changes will be reported to WSIB each time a change occurs.
- As changes are made in the type of work and the duration of the program increase or decrease, WSIB will be notified.
- Once the ESRTW is completed ILCWR will report the RTW date to WSIB.

## **11.0 Failure to Cooperate:**

- Failure for ILCWR to cooperate could mean either:
  - A fine up to the equivalent of the worker's net average earnings for the year before the injury
  - WSIB may make payments to the worker, as if the worker were entitled to loss of earnings.
- Failure for the worker to cooperate in ESRTW may result in reduction, suspension or termination if the WSIB determines that the employee is not cooperating in the Return to Work process.