

Early and Safe Return to Work Procedure

Table of Contents

Roles and Responsibilities.....	1
ESRTW Work Process	5
Dispute Resolution	6
General Provisions	7
Appendix A – ESRTW Plan	8
Appendix B - ESRTW Checklist for all participants	9

This procedure provides general guidelines to be followed in relation to the development of an Early and Safe Return to Work Plan (ESRTW) pursuant to the Early and Safe Return to Work Policy. The focus of this policy is to assist in meeting our commitment to accommodation, while assisting in employees' early stages and recovery. This procedure may need to be modified to respond to unique situations or requests as appropriate. N.B. In cases where the employee has reached their maximum medical recovery without reaching a full recovery, the *Cambrian College Employment Accommodation Policy* must instead be utilized.

Roles and Responsibilities

Employee

1. The employee requiring a return to work plan is responsible for:
 - a) having a focus on their healthy recovery;
 - b) contacting their local Union representative to assist in the ESRTW plan development, if applicable and should they so choose;
 - c) providing information to the College (through a third party disability consultant where assigned by the College) from a recognized treating agency or physician that outlines the nature of, cause and the defined limitations or other considerations necessary for the consideration and development of an ESRTW plan;
 - d) keeping the College apprised (through a third party disability consultant where assigned by the College) of changes in condition and any development in their circumstances;

- e) participating in the development of a suitable ESRTW plan that promotes ongoing recovery and the safety of everyone;
- f) cooperating with any reasonable requests for ongoing clarification of abilities, setbacks and/or progress within a reasonable time frame;
- g) ensuring that any concerns or issues with their plan are immediately raised with their supervisor, and with the person responsible for their ESRTW plan management, including the following where applicable: third party disability consultant, WSIB or Sun Life contact;
- h) participating in any ongoing evaluation of the ESRTW plan;
- i) as soon as they become aware, advising the College and anyone involved in their case management of their potential return to work and the date they are medically cleared to return to regular or modified duties.

Co-Workers

2. The returning employee's co-workers are responsible for:
 - a) supporting the returning employee; and
 - b) where appropriate, accommodating the approved modifications of the returning employee's duties.

Supervisors

3. The immediate supervisor is the responsible college administrator under this policy. He/she has responsibility, in consultation with Human Resources, for:
 - a) providing a safe working environment at all times;
 - b) ensuring early contact with absent employee and maintaining appropriate contact throughout employees absence;
 - c) taking the initiative to promptly discuss return to work considerations and develop an ESRTW written plan based on the returning employee's abilities and limitations (Appendix A) ;
 - d) seeking assistance, when required, by contacting Human Resources;
 - e) appropriately communicating with other affected employees about the returning employee's changes to schedule, workload or related accommodations in order to support the return to work;
 - f) exploring the ongoing needs of the employee, and monitoring their progress, issues, or concerns;

- g) keeping progress notes and evaluating on a weekly (or as appropriate) basis the effectiveness of the return to work plan considering ongoing progress, appropriate work, and safety considerations; . The form requirement of these notes and evaluation may vary by individual circumstances and should therefore be discussed with Human Resources;
- h) reviewing available information with the employee and discussing the progression of the return to work program;
- i) forwarding all plans to Human Resources to be reviewed and stored in the employee's file;
- j) ensuring that Human Resources and/or the third party disability consultant are made aware of any issues or concerns raised by the employee or the supervisor him or herself at any point in this process;
- k) considering privacy requirements when sharing of personal information and its storage.

Human Resources Department

4. The Human Resources Department, typically through its Benefits Management Coordinator, is responsible for:
 - a) initiating and coordinating ESRTW activities and implementing the ESRTW process
 - b) advising and assisting the supervisor and the employee throughout the process of assessment;
 - c) participating in the development of the ESRTW plan and reviewing the plan content when forwarded to Human Resources;
 - d) deciding whether and when to utilize the expertise of a third party disability management firm, and ensuring the employee and involved parties are advised of the referral;
 - e) ensuring all plans are documented in the employee's file;
 - f) keeping a thorough record of any concerns raised;
 - g) participating in the ongoing evaluation and making recommendations in regard to the plan;
 - h) considering privacy requirements when sharing of personal information and its storage;
 - i) participating in ESRTW communications and training components;

- j) participating in the process for regular reviews of the ESRTW program;
- k) attempting to clarify and resolve disagreements related to the ESRTW process;
- l) in complex cases where an employee has requested representation by the union, notifying the union when the employee is scheduled to return to work;
- m) communicating with staff and providing training for supervisors related to this procedure.

Union Representatives

5. All bargaining units on campus have a joint responsibility to facilitate employee accommodations. It is expected that an employee may choose to request the participation of his/her union representative (if applicable) during the return to work process. The union is a welcome member in relation to the return to work plan of the employee it represents, as it too is obligated to work towards a meaningful accommodation. The Union through its respective representatives is responsible for:
 - a) representing the returning employee when requested;
 - b) assisting the returning employee in understanding procedures and his/her responsibilities regarding ESRTW process;
 - c) participating in ESRTW meetings to assess and develop ESRTW plans;
 - d) participating in ESRTW communications and training components; and
 - e) participating in the process for regular reviews of the ESRTW program.

Third Parties

6. Human Resources will typically refer an employee to the services of an external disability consultant in a number of circumstances. The reasons for such a referral include, but are not limited to the following:
 - a) an employee is experiencing an extended or repeated period of short term disability;
 - b) an employee is beginning a medical leave of an indefinite or extended duration;
 - c) an employee has sustained a workplace accident involving lost time that may require a structured or facilitated return to work program, or where the accident caused an injury with potential complications that need some further assessment or follow up;
 - d) an employee makes a workers compensation claim for a gradual onset injury;

- e) an employee has requested an accommodation for a disability and the College wishes to benefit from third party assistance in managing its response;
 - f) an employee is suspected of suffering from a medical condition that may pose a risk to the employee in question, or to other members of the College community;
 - g) an employee submits a doctor's note that requires the College's attention, but for which there is a need for clarification or further action;
 - h) an employee's health practitioner prescribes a course of action that may be over-broad (for e.g., to take a leave from work, when all that may be necessary is to curtail certain activities that would otherwise normally occur at work); or
 - i) any other situation where the College has a responsibility to do or not to do something, and the basis for this is medically based, and the medical information available is insufficient to ascertain what steps to take.
7. Not all referrals to the disability consultant will result in the establishment of an ESRTW plan.
 8. As well, in some cases additional information or assistance may be requested from other third parties with specialized expertise. The information provided by such third parties can be used to help determine what kinds of accommodations are appropriate, if needed, and what limitations, restrictions or special considerations affect the employee. When additional professional information is requested by the employer, the College shall bear any related costs.

ESRTW Work Process

9. Employees are expected to attend to and perform their work regularly. (Refer to *Attendance Management Policy*.) Under normal circumstances, the employee is the first to know that, due to medical reasons, he or she has become unable to do so without some assistance. The employee should then initiate the ESRTW process by contacting the College's Human Resources department and/or the employee's supervisor and providing the College information that is needed to manage their case.
10. An employee whose case is already managed by the college's third party disability consultant should advance the request to the assigned providers' case manager for facilitation and monitoring of the program.
11. The ESRTW Plan, form (Appendix A) indicating limitations and/or restrictions must be completed by the supervisor or the third party provider. This document is forwarded to Human Resources for review, quality assurance and filing.

12. The employee's supervisor is responsible for facilitating the development, completion of, and implementation of the ESRTW plan in consultation with Human Resources. The third party disability consultant may take an active role well in more complex cases. The following steps shall be implemented as appropriate.
- a) A written ESRTW Plan shall be provided to the employee and the Human Resources Department which outlines the arrangements and the date for review and next evaluation. Review and evaluation will be within a two-week period, with appropriate follow up to be determined on an individualized basis.
 - b) When the employee is believed to have reached maximum medical recovery and continues to have medical restrictions related to their work, the situation becomes one of permanent accommodation. The supervisor/third party consultant shall then report this event to Human Resources and follow the *Employment Accommodation Policy and Procedures*.
 - c) If the employee has any concerns about the ESRTW Plan, they will discuss these with their supervisor/third party consultant as soon as possible and the concerns shall also be outlined in writing.
 - d) The supervisor shall implement the plan in good faith and in a timely manner. Communication regarding the plan by all stakeholders as appropriate shall be frequent during implementation, as unforeseen consequences or impacts may need to be addressed, particularly in the early phase.
13. All personal and medical information related to the return to work shall be sent to the Human Resources Department and the confidentiality of this information shall be maintained within the Human Resources Department and third party disability consultants if applicable. Human Resources advisors shall share with the supervisor only information related to any restrictions or circumstances that require accommodation.
14. Similarly the third party provider will treat all information as confidential, providing only information required to clearly define what work would be suitable or what accommodations may be appropriate. The third party consultants' approach to privacy must be at least consistent with that of the College.

Dispute Resolution

15. The success of the ESRTW Policy is based on cooperation and the acceptance of the objectives of the policy of all involved. While it is assumed that all stakeholders are motivated, it is possible that individuals may have a legitimate difference of opinion. A

Human Resources representative will attempt to clarify and resolve disagreements related to the ESRTW process.

16. While still in the informal process, the employee, the employee's representative (if applicable), the supervisor or Human Resources may request a meeting of stakeholders, including the third party disability consultant if applicable, to attempt to resolve the matter.
17. At any time during the ESRTW process, where a dispute or uncertainty appears to arise from inadequate or inconclusive medication information, then any stakeholder may request that the employee provide further and appropriate medication information necessary to resolve the matter. Should the request come from the College, then the College shall bear any additional cost associated with such a request.
18. Where informal resolution is not achieved, the affected employee who disagrees with a decision made by the College may have recourse to the standard dispute resolution mechanisms that are normally available to various employee groups. These include, but are not limited to the following, where applicable:
 - a) the grievance procedure in the relevant collective agreement,
 - b) mediation through the Office of Equity, Human Rights and Accessibility, and
 - c) processes available through WSIB.
 - d) In addition, employees who believe themselves to be the subject of discrimination prohibited under the Ontario Human Rights Code may pursue a complaint through the Ontario Human Rights Tribunal.

General Provisions

19. The return to work plan will be available in alternate format, if requested.
20. The return to work process referred to in this policy does not replace or override any other return to work process created by legislation.

Appendix A – ESRTW Plan

Employee Name: _____ Title: _____

Department: _____ Supervisor: _____

Physical and Cognitive Limitations Provided by Professional Medical Provider			Special Considerations to be made as part of return process. (i.e. parking, elevators etc.)	
1)			Action Required? _____ Date of Next Medical: _____	
2)				
3)				
4)				
If more room required use back of document				
The RETURN TO WORK PLAN		Hours /day	Days/week: Circle all that apply	DESCRIPTION OF DUTIES TO BE PERFORMED (In detail)
Week 1	Start and end date		M T W T F S S	
Week 2			M T W T F S S	
Week 3			M T W T F S S	

SUMMARY:

This ESRTW plan has been reviewed and discussed with me to clarify any questions I may have. I have been provided with a copy of this plan to follow. Any concerns or difficulties experienced while performing transitional/modified work will be reported to the College's third party disability consultant (when assigned), and my supervisor immediately. *

Employee Signature: _____

Date: _____

Supervisor Signature: _____

Date: _____

Date Received in HR for review: _____
Reviewed by: _____

***This return to work plan is to be reviewed every two weeks or as required with the appropriate supervisor.**

Appendix B - ESRTW Checklist for all participants

Objectives:

- Develop a sense of ownership and responsibility for the plan
 - Ensure all responsibilities for each party are accomplished
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Checklists:

Employee:

- ☐ Contact Human Resources and/or third party provider.
- ☐ Provide medical proof of ability to return to work which should include any limitations or restrictions.
- ☐ Working with Human Resources, meet with supervisor to develop a return to work plan
- ☐ Once at work, maintain regular contact with supervisor to provide feedback regarding concerns/issues/successes with the plan.

Supervisor:

- ☐ Once Human Resources has informed the supervisor of the imminent RTW, the supervisor has to identify the workload/duties that can be performed based on any limitations or restrictions that the employee has brought forward.
- ☐ Develop the RTW plan in coordination with the employee, Human Resources and the third party provider, if applicable.
- ☐ Communicate the RTW plan with affected employees, if applicable.
- ☐ Monitor the progress of the employee and evaluate the RTW plan. Adjust accordingly.

Human Resources:

- ☐ Contact the supervisor.
- ☐ Assist with the development of the RTW plan.
- ☐ Clarify and help resolve any disagreements related to the RTW plan.
- ☐ Participate in the ongoing evaluation of the plan.