

Early and Safe Return to Work Policy

Date Approved: April 28, 2021

Effective Date: May 1, 2021

Date Reviewed: Fall 2020

Replaces: Version 2016

Purpose

It is Cambrian College's (the "College") goal to provide timely intervention, assistance, and accommodation when required for the early and safe return to work of the affected employee, and to foster a culture that provides assistance support during the recovery process so that the employee will be able to return to a normal, productive work life as soon as possible.

The College will ensure compliance with all standards and relevant legislation, including but not limited to the *Occupational Health and Safety Act* ("OHS"), the *Workplace Safety and Insurance Act* ("WSIA"), the *Accessibility for Ontarians with Disabilities Act* ("AODA") and the *Ontario Human Rights Code* (the "Code").

Definitions

Accommodation: Any adaptation that reduces or eliminates barriers to participation which arises when an individual with a disability interacts with a workplace environment. Depending on the disability, which may be permanent or temporary, functional limitations may be intermittent.

Disability: A broad range and degree of conditions that may have been present at birth, caused by an accident, or developed over time. The *Ontario Human Rights Code* defines "disability" as:

- Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness;
- A condition of mental impairment or a developmental disability;
- A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols and spoken language;
- A mental disorder; or
- An injury or disability for which benefits were claimed or received under the *Workplace Safety and Insurance Act*.

Application/Scope

This policy applies to all College employees.

Policy Statements

1. The College promotes a healthy and safe work environment and recognizes its obligations pursuant to the *Code*, the *WSIA*, and all other applicable legislation in order to facilitate an employee's early and safe return to work from illness or injury.
2. The College is committed to ensuring fair and equitable treatment for its employees. This commitment remains steadfast when an employee has been identified as having a Disability.

Early and Safe Return to Work Policy

Date Approved: April 28, 2021

Effective Date: May 1, 2021

Date Reviewed: Fall 2020

Replaces: Version 2016

3. The College assists employees with Accommodation during their recovery process in accordance with its obligations to provide reasonable accommodation.
4. An Early and Safe Return to Work (ESRTW) program will be established to structure return to work planning with a co-operative team approach to assist in –
 - a. ensuring the employee's progress and safety as well as the safety of other College employees
 - b. resolving disputes in accordance with procedures
 - c. providing a communications and training component
 - d. providing a process for regular reviews of its ESRTW program.
5. Successful accommodation requires a cooperative and consultative approach between the College, employee, the employee's management team, the union (if applicable), and any third-party service providers, such as the employee's medical practitioner or disability consultants.
 - a. Accommodation for employees will be in accordance with the employee's medical restrictions and functional abilities.
 - b. The College will work towards agreeable individualized return to work solutions, all while respecting confidentiality and personal dignity.
 - c. The ESRTW will end when the employee is medically fit to resume their original position or a modified or alternate position.
6. The ESRTW program will operate according to the following guidelines –
 - a. **Fairness and Equity:** ensuring decisions are made in accordance with the *Code*, the *AODA*, *WSIA*, and other relevant legislation, relevant collective agreements and College policies.
 - i. Any differences of opinions will be discussed in a spirit of co-operation and with the understanding of the obligations all stakeholders have under this policy.
 - b. **Individualization:** ensuring that the Early Safe Return to Work accommodation responds to the specific physical and cognitive needs of the person, while helping to create a culture and work environment that is supportive to their ongoing recovery.
 - c. **Inclusion:** ensuring that the person returning to work through the ESRTW process is involved in the process and plan design.
 - d. **Partnership and Consultation:** involving the employee, administrators of the college, union representatives and any third parties with required specialized expertise (e.g. extended health plan representative, Workplace Safety and Insurance Board (WSIB) representative, doctors, etc.), when appropriate, in developing an ESRTW plan.
 - e. **Respect for Confidentiality and Personal Dignity:** ensuring that storage of and access to records, as well as written and oral communication related to an ESRTW plan reflect consideration for the privacy and dignity of the person.

Responsibilities and Accountability

Associate Vice President Human Resources and Student Services is responsible for

- Ensuring the communication of, and access to, this policy.

Director Human Resources is responsible for

- Stewarding and managing the ESRTW program.

Administrators/Supervisors are responsible for

- Maintaining contact with the employee after the injury/illness and maintaining communication throughout the ESRTW process;
- Identifying suitable work and monitoring the employee's progress during the modified work program; and
- Ensuring the employee's privacy and confidentiality are maintained during absence and return to work.

Employees are responsible for

- Being familiar with the requirements of this policy.
- Maintaining communication with the College throughout the recovery period;
- Cooperating throughout the accommodation process;
- Sharing the responsibility for identify options to assist in formulating an ERSTW plan, as required, and for implementing these options in good faith.

Related Procedures

Early and Safe Return to Work Procedure

Related Policies / Directives / Regulations

Academic Employee's Collective Agreement

Accessibility for Ontarians with Disabilities Act (AODA)

Internal Privacy Policy

Ontario Human Rights Code

Part-time Support Staff Collective Agreement

Support Staff Collective Agreement

Workplace Safety and Insurance Act (WSIA)