

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 416

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#### **SUBJECT: EARLY AND SAFE RETURN TO WORK**

Legal References: *Education Act: Section 283 Chief Executive Officer: Maintain an Effective Organization; Ontario Occupational Health and Safety Act; Workplace Safety and Insurance Act; Ontario Human Rights Commission (Guidelines for Assessing Accommodation Requirements for Persons with Disabilities).*

Related References: *Administrative Procedure 175 Accidents, Incidents and Occupational Illnesses; AP 411 Unsafe or Unhealthy Conditions: Reporting of*

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#### **1. Productive and Gainful Employment**

- 1.1 This administrative procedure demonstrates the commitment of the director of education, system and school administrators and supervisors to minimizing injury and illness-related absences throughout the district.
- 1.2 This administrative procedure promotes the development of early and safe return to work programs to enable employees to return to productive and gainful employment, as appropriate.
- 1.3 This procedure provides, wherever possible, for early vocational/medical rehabilitation and progressive reintegration into the workplace until the employee is capable of returning to his/her regular position.
- 1.4 This procedure is also intended to provide, wherever possible, suitable gainful employment for workers who are permanently disabled.

#### **2. Administrative Procedures**

##### **2.1 Eligibility:**

All employees of Avon Maitland District School Board who are absent from work because of injury or illness, physical or otherwise, on paid or unpaid sick leave, long term disability benefits or Workplace Safety and Insurance Board (WSIB) benefits, and have been declared suitable for modified employment by either:

- a) The treating physician(s), with input from other appropriate health care professionals; or
- b) The long term disability (LTD) carrier, or
- c) The Workplace Safety and Insurance Board will be eligible for participation in the Early and Safe Return to Work Program.

##### **2.2 Dispute Mechanism**

When a dispute arises related to the readiness or suitability of an employee for modified employment, the director or designate will seek an external independent assessment. Nothing in this procedure prevents the director or designate from appointing a physician or other appropriate health care professional, at board cost, to provide an alternate medical opinion on any situation.

## 2.3 Definitions

- 2.3.1 **Accommodation** is the requirement of the employer to undertake any and all actions that will respond to the need of the disabled, subject to the limitation of undue hardship. In assessing undue hardship, consideration will be given to the guidelines of the Ontario Human Rights Commission (Guidelines for Assessing Accommodation Requirements for Persons with Disabilities).
- 2.3.2 **Essential Duties** are those duties necessary to produce the actual job outcome. The job outcome is the production or provision of the final product or service required. The overall objective of the position constitutes the job outcome. Consideration should be given to:
- How often each duty is undertaken;
  - The proportion of time spent at each specific duty; and
  - The contents of any current and relevant job posting.
- 2.3.3 **Transitional Work Program** is an individualized program that facilitates a gradual transition from disability to the eventual vocational objective. Over the duration of the program the employee will gradually increase his/her hours of work and work demands in order to readjust to the employment.
- 2.3.4 **Temporary Modified Work** is any temporary job, task, function or combination thereof that a employee who suffers a partial disability or diminished capacity may perform safely without risk of re-injury or exacerbation of the existing injury.
- 2.3.5 **Permanent Modified Work** may consist of relocating the employee to a suitable existing position as soon as it becomes available, or modifying the workplace as required to the point of undue hardship. It must be established by a medical practitioner that the employee is permanently disabled and incapable of performing the essential duties of his/her regular position.
- 2.3.6 **Accommodated Pre-Injury/Illness** is the pre-injury/illness job that has been modified to enable the injured employee to perform the essential duties of the job.
- 2.3.7 **Comparable Job** is any job within the same employee group that is comparable to the pre-injury/illness job in the following areas: working conditions, working environment, hours of work, overtime potential, skill, effort, responsibility, rights, privileges, advancement opportunities, vocational qualifications and wages.
- 2.3.8 **Suitable Job** is any available job within the same employee group which the injured/ill employee has the necessary skills to perform, is medically able to perform and which does not pose a health or safety hazard to the employee or any other co-worker. If applicable, placement of the injured/ill employee in another employee group will be made, with the mutual agreement of unions involved, as applicable.

## 2.4 Conditions of Early and Safe Return to Work Employment

### 2.4.1 Duration

- 2.4.1.1 A temporary rehabilitation assignment will normally be considered if the medical prognosis indicates that the employee will be disabled from performing his/her normal duties for a temporary period and will be able to resume normal duties at the completion of the rehabilitation period.
- 2.4.1.2 Extension of the temporary rehabilitation assignment requires a written recommendation from a physician, rehabilitation caseworker where applicable, and the approval of the superintendent of education (human resources) or designate and, where one exists, the Early and Safe Return to Work Team.
- 2.4.1.3 The steps outlined in Section 2.8 will be followed where medical documentation supports the need for permanent modified work.

### 2.4.2 Terms of Employment

- 2.4.2.1 While participating in the temporary Early and Safe Return to Work Program, the employee will receive his or her normal wage or salary rate for hours worked. Where such is appropriate and available for use, sick leave may be used to supplement the hours worked. (For permanent placement, see Section 2.3.5).
- 2.4.2.2 It may be necessary for the employee to accept a change in department, division, occupation or shift in order to provide necessary accommodation within the same employee group. Placement in another employee group will be made only with the mutual agreement of unions involved, if applicable.
- 2.4.2.3 Employees who are relocated on a permanent basis, due to injury or illness, will be subject to the normal probationary period and will be paid at the rate of the new position, subject to any applicable terms and conditions of an applicable collective agreement.

## 2.5 Procedures to be Followed

Wherever possible, employees of Avon Maitland District School Board will take a proactive approach to minimize the possibility of injury or to intervene early in the event of illness, so as to provide the best opportunity for early recovery.

2.5.1 When an employee is or is expected to be absent from work, the following steps will be taken:

### **For Illness:**

2.5.1.1 At the discretion of the superintendent of human resource services or designate, a doctor's certificate may be requested to support the absence, and to indicate any physical limitations, expected length of disability (prognosis) and the suitability for modified work. Where such absence extends beyond 20 continuous workdays, or as may be appropriate, and where the employee has long-term disability coverage, such absence will be reported to the LTD carrier for follow-up. In order to facilitate modified work opportunities, the physician or other health care practitioner may be requested to complete Form 175A Employee Functional Abilities. All documentation shall be forwarded to the superintendent of human resource services or designate as soon as possible after the medical appointment.

### **For Workplace Injury Reportable Under WSIB**

2.5.1.2 The reporting process required under Administrative Procedure 175 Accidents, Incidents and Occupational Illnesses will be followed.

2.5.1.3 The attending physician will be asked to complete either:

- a) A physician's letter indicating the physical limitations, expected length of disability (prognosis) and the suitability for modified work;
- b) A WSIB Functional Abilities Form for Timely Return to Work; or an Avon Maitland District School Board medical certificate or other document as negotiated in the Central Terms.

2.5.1.4 The documentation is to be submitted to the superintendent of human resource services or designate as soon as possible after the medical appointment.

2.5.2 An employee who is off work for an extended period of time may be asked to meet with his/her supervisor, the assigned health and wellness officer and/or the superintendent of human resource services or designated and may be required to provide periodic updated medical limitations and restrictions.

- 2.5.3 On receipt of the information from the treating physician(s) that the employee is fit for temporary modified duties, the assigned health and wellness officer will contact the employee's supervisor to determine if the employee can be accommodated within his/her regular position, and with the Return to Work Team, will work to devise a return to work plan where appropriate.
- 2.5.4 A return to work plan may include the following:
  - 2.5.4.1 **Job Modification:** The initial step is to modify the regular job and, within a specific time period, gradually increase the activity/workload. Consideration will be given to modifying the work schedule if appropriate.
  - 2.5.4.2 **Temporary Reassignment:** If the employer is not able to modify the regular job, the employer will attempt to reassign the employee to temporary modified work within the same employee group. A plan will be developed to gradually return the employee to his/her regular position within a reasonable amount of time.
  - 2.5.4.3 **Establishment of a Return to Work Team:** A Return to Work Team may be established to develop and monitor the return to work plan. The Team will remain in contact on an "as needs" basis to follow up on progress and assess the need for any changes in restrictions or duties being performed. Any changes to the return to work plan must be approved by the Team.
  - 2.5.4.4 **Return to Work:** Once the modified work assignment has been successfully completed, or earlier if the employee is medically certified to perform full duties, he/she will return to the pre-illness/injury job.
- 2.5.5 An employee who is capable of returning to his/her regular duties must provide medical recommendation from the treating physician indicating the employee has been cleared to return to work.

## 2.6 Return to Work Team

- 2.6.1 In order to ensure that all relevant factors are taken into consideration and a successful return to work plan is developed and implemented, a team approach may be utilized at the initiation of the superintendent of human resource services or designate. The specific individuals involved may vary. When a Return to Work Team is established it shall consist of:
  - a) The employee;
  - b) The environmental health and safety officer;
  - c) A human resource services department representative (health and wellness officer); and
  - d) A union representative, where applicable.
- 2.6.2 Consultation/advice may be sought from:
  - a) A health practitioner(s) (i.e., physician, chiropractor, physiotherapist);
  - b) A rehabilitation caseworker (i.e., WSIB or LTD);
  - c) Another resource individual(s) as agreed by the Return to Work Team.

## 2.7 Early Return to Work Responsibilities

### 2.7.1 Employee Responsibilities

- 2.7.1.1 To report all accidents, illnesses or changes in medical condition promptly to the supervisor and, in the case of workplace accident or injury, fulfill the reporting obligations of Administrative Procedure 175 Accidents, Incidents and Occupational Illnesses;
- 2.7.1.2 Obtain medical aid immediately and continue medical rehabilitation as necessary;

- 2.7.1.3 As requested, forward the WSIB Form 8 and/or AMDSB medical certificate or any physician's letter immediately following the initial assessment to the employee health and wellness officer or superintendent of human resource services or designate;
- 2.7.1.4 Maintain regular contact with the supervisor, superintendent of human resource services or designate, health and wellness officer and WSIB or LTD carrier, if applicable;
- 2.7.1.5 Cooperate in exploring alternative or modified work opportunities and developing a rehabilitation plan; and
- 2.7.1.6 Ensure that no tasks are being performed other than those in accordance with restrictions on the assessment form and promptly communicate any difficulties with the modified work program to the supervisor or environmental health and safety officer.

## 2.7.2 **Co-workers Responsibilities**

The co-workers are expected to provide support and encouragement to the employee participating in the modified program.

## 2.7.3 **Health and Wellness Officer Responsibilities**

- 2.7.3.1 Obtain confirmation regarding the employee's medical condition, restrictions and progress;
- 2.7.3.2 Co-ordinate Return to Work Team meetings to discuss the employee's abilities and employment alternatives;
- 2.7.3.3 Facilitate an early return to work program following an injury or illness;
- 2.7.3.4 Maintain regular contact with the employee for evaluation and support during the rehabilitation process; and
- 2.7.3.5 Act as the liaison between the employee, union representative, physician, supervisor, human resources representative and Workplace Safety and Insurance Board/Insurance carrier, as may be applicable.

## 2.7.4 **Supervisor Responsibilities**

- 2.7.4.1 Ensure that staff absences are reported according to the regular attendance reporting procedure;
- 2.7.4.2 In the case of absences due to illness which become or are known to become extended, contact the human resources department;
- 2.7.4.3 In the case of absences due to workplace accident or injury, ensure that the reporting obligations of Administrative Procedure 175 Accidents, Incidents and Occupational Illnesses are met;
- 2.7.4.4 Communicate with the employee's co-workers/students on an "as needs" basis to encourage support for return to work;
- 2.7.4.5 Maintain contact with the employee to monitor his/her suitability to return to work;
- 2.7.4.6 Modify the work or workplace, if possible, to accommodate the employee's restrictions;
- 2.7.4.7 Provide an on-the-job period of transitional employment for the returning employee, as necessary;
- 2.7.4.8 Provide training, if applicable;
- 2.7.4.9 Monitor the employee's progress in relation to the physical abilities or limitations;
- 2.7.4.10 Identify concerns with the Return To Work Team; and
- 2.7.4.11 Ensure, to the greatest extent reasonable and practical, that no tasks are being performed other than those in accordance with the restrictions on the assessment form.

**2.7.5 Return to Work Team Responsibilities**

2.7.5.1 Develop the return to work plan and approve any implementation changes; and

2.7.5.2 Meet as necessary to monitor the implementation of the return to work plan.

**2.8 Permanent Modified Work**

On receipt of information from the treating physician that the employee requires and is fit for permanent modified duties, the Return to Work Team will:

2.8.1 Explore the possibility of establishing a permanent modified work plan. Support or resource for such a work plan may be available through the WSIB or the LTD carrier as may be appropriate. Such a work plan may involve permanently modifying the work or transfer to a new job.

2.8.2 Review the employee's pre-accident job to determine if he/she is capable of performing the essential duties of the job.

2.8.3 Develop a Vocational Rehabilitation Plan, or other similar plan, once an appropriate job has been located and agreed upon in conjunction with the WSIB, if applicable.

2.8.4 Develop a regular follow-up schedule, as necessary and appropriate, to monitor the employee's physical condition and ability to perform the placement job during the probationary period.

2.8.5 Approve changes to the placement job duties or the extent of the accommodation.