

RETURN TO WORK FOLLOWING AN ILLNESS OR INJURY	Human Resources HR-OH(III)-035
Issuing Authority	Debbie Molloy, Vice President Signed by Debbie Molloy Dated December 21, 2017
Office of Administrative Responsibility	Occupational Health, Safety, and Rehabilitation
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Level	One (I)
Original Approval Date	November 22, 2012
Effective Date	February 15, 2013; February 5, 2018
Scheduled Review Date	November 2015; December 2020
Actual Review Date	December 21, 2017
Revision Date(s)	December 21, 2017

Overview

Employees may become absent from the workplace due to an illness or injury (work-related or non-work related) preventing them from working to their full potential. Most people who are recovering from an injury or illness are able to return to some type of work even while they are still recovering, provided the work is medically suited to the injury or illness. Returning to daily work and life activities can actually help an injured worker's recovery and reduce the chance of long-term or permanent disability.

Both the employee and the employer benefit when employees return to work (RTW) as quickly and safely as possible following an illness or injury. Employees benefit by staying active and productive, which is important to the healing/recovery process. Research shows that the longer an employee is off work due to injury or illness, the less likely it is the employee will RTW. Thus, it is important that early intervention occurs to allow the ill or injured employee stay connected with and integrated into the workplace.

Employers benefit by minimizing the financial and human costs of the employee's injury or illness. Costs are measured by healthcare and rehabilitation costs, lost-time from the workplace, replacement costs, insurance premiums and indirect costs of decreases in productivity.

Policy

Eastern Health commits to supporting the mental, physical, and social well-being of its employees in the workplace and their early and safe return to suitable, available and productive employment. This recognizes their capabilities and potential contributions to the organization as follows:

- Eastern Health is committed to RTW facilitation and/or recovery management services for all employees whether the illness or injury is associated with a work or non-work-related incident/accident.
- Eastern Health is committed to ensuring employees RTW as early and safely as possible. Early intervention is key to maximizing the success of RTW for employees.
- Eastern Health recognizes its duty to accommodate individuals, to the point of undue hardship, giving consideration to health, safety, and costs, to ensure that individuals who are otherwise able to work are not unfairly excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer.
- Eastern Health will make every reasonable effort to the point of undue hardship to provide work that is suitable, meaningful and productive for ill or injured employees when they are able to RTW.
- Eastern Health will make reasonable accommodations, to the point of undue hardship, to assist employees who are limited by medical disability, including physical and/or mental illness, in remaining at work or in returning to work.
- RTW plans may include one or more programs such as alternate work, ease back, modified work, transitional work, etc. designed to facilitate a safe and timely return to the workplace.
- RTW plans may be documented on the Manager's Record of Employee Return to Work form and include functional limitations, assigned duties, and a follow-up period. If modifications need to be made to the plan, a modified RTW plan may be documented on the Manager's Record of Employee Return to Work form and the entire package will be maintained by the manager.
- A team led by the manager and including the Occupational Health (OH) Disability Manager (DM) will monitor and support the RTW program. Other team members may include: external clinical professionals, external DM, insurance representatives, etc. Demonstration of continued progression

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towards the ultimate desired outcome is required to support continuation of the RTW program as such programs will not continue on an indefinite basis.

- The Disability Management team within OH brings a clinical management approach to recovery management efforts. The DM will:
 - Work with the employee, and the Manager, in an attempt to return the employee to the workplace as early and safely as possible.
 - Request and review all required medical and/or functional information and advice of the following in support of decision making:
 - How functional limitation requires consideration in the workplace;
 - Whether the medical condition and/or functional information supports the absence;
 - Recommendations on appropriate RTW plan; and/or
 - Monitor progress of a RTW plan, if needed.
- Eastern Health will ensure that medical information is held confidentially for the purposes of determining benefit eligibility, RTW plans, staffing decisions, and employment continuation decisions.
- The ultimate objective of the workplace parties is to return the employee to his/her original position without accommodation.
- Once it has been determined that the employee can RTW in some capacity, the following RTW placement hierarchy will be followed:
 - Current position with no modification in the employee's own department;
 - Essential components of current position with modifications within the employee's own department;
 - Current position with some essential components modified or removed;
 - Current job with modified work in the employee's own job or in a different department;
 - Alternate work in the employee's own or different department:
 - with no modifications (same bargaining unit)
 - with modifications (same bargaining unit)
 - alternate position (in a different bargaining unit)
 - alternate position (non-unionized)

Additional considerations when applying the above hierarchy include:

- Any applicable provisions in the collective agreement;
 - Individual functional abilities;
 - Case specific factors including previous results and lessons learned; and
 - The impact on patient, resident, client, and employee safety.
- All injured or ill employees who have a reasonable level of functional abilities are required to actively participate in a RTW program designed to meet their needs.

- Employees whose work requires an active license must provide the employer with proof of professional licensure prior to RTW. Returning employees cannot be activated on payroll until such proof has been received by the employer.

Scope

This policy applies to all employees (including salaried physicians) of Eastern Health and includes both work related and non-work-related injuries, illnesses and disabilities.

This policy excludes: unpaid students, volunteers, and residents.

This process begins when the employer can support some or all of the functional abilities of the injured or ill employee. The process ends when:

- the employee returns to their own or an alternate position;
- it is determined that the employee cannot return to gainful employment; and/or
- Eastern Health is unable to offer duties within their functional abilities.

Purpose

The purpose of the policy is to:

- **Establish a program for returning employees to work following an illness or injury regardless of whether their illness or injury is work related.**
- **Raise awareness that early and safe RTW programs encompass both physical health and mental health.**
- **Ensure the Program complies with the requirements of the Workplace Health Safety and Compensation Act, Regulations, and Policies with respect to those whose illness or injury is work related.**
- **Provide a supportive environment for the wellbeing of all employees.**
- **Establish and develop early and safe RTW plans which recognize the capabilities and potential contributions that the employee can make to the organization.**

Procedure

Roles and Responsibilities

In addition to the activities noted above, departments are responsible for the following:

1. Occupational Health

- Functions as the main point of contact and liaison between all parties involved in the RTW process.
- Facilitates discussions between the manager, employee, the union, and other stakeholders on the RTW process as required whether the injury or illness is work, or non-work related.
- Supports discussions between the manager, employee, the union, and other stakeholders on the RTW process as required whether the injury or illness is work, or non-work related.
- Is responsible for the overall development, implementation and management of a RTW program and prepares and presents reports when required.
- Evaluates the Program and communicates the outcomes in joint and meaningful consultations between management and employees.
- Ensure training is provided for individuals who are directly involved in the early and safe RTW process.
- Tracks, analyzes, and follows-up on trends and outcomes.
- Supports the RTW process by establishing processes, tools, and activities to support management and employees.

Non-work-related Injury/Illness:

- Request and review all required medical/functional information and advise the manager, and employee of how a medical condition or functional limitation requires consideration in the workplace; and
- Offer RTW assistance, planning, and monitoring as required.

Work-related Injury/Illness:

- Obtain the employer's copy of Form 8/10 from the employee and maintain communication with absent employees.

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- Involve Workplace NL assigned DM and or early and safe RTW facilitator in RTW planning.
 - Provide Workplace NL with relevant early and safe RTW information, as soon as suitable duties have been identified.
 - In the event the employee and the employer cannot agree on the RTW plan, notify Workplace NL assigned Case Manager.
 - Provide clinical advice to the parties involved in the RTW process when requested; and
 - RTW assistance, planning, and monitoring as required.

2. Departmental/Program Management

- Actively participate in the RTW process especially with regard to developing and supporting RTW plans and identifying accommodation options using the Guiding Principles in the Guideline section below.
- Maintain effective communication throughout the period of recovery.
- If a return to work plan results in a reduction in hours, advise Human Resource Service Center of the reduction, the effective date and end date by emailing hrservicecenter@easternhealth.ca.
- Ensure the correct pay code is used during RTW programming as listed in Appendix A.
- In cases of work related injury or illness, send the Physician Report 8/10 to OH once attained.

3. Employees

- Be actively involved with all RTW plans.
- Report all workplace injuries and requests for medical absences to the immediate manager (or designate).
- For Workplace injuries, complete Employee Incident Report
- Seek medical attention as required as soon as possible following an injury/illness and comply with all reporting requirements including medical notes, Functional Assessment Forms and 8/10s as appropriate and timelines to and decision of entitlement delays.
- Inform the health care provider of the availability of RTW programs.
- Maintain effective communication with the manager throughout the period of recovery.

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- Self-refer to the resources offered in OH using the Occupational Health Referral form, as applicable.
 - Follow the recommended medical rehabilitation and treatment plans.
 - Assist in identifying suitable and available work.
 - Accept suitable and available work in line with the collective agreement.
 - Co-operate fully during the RTW process.

Non-work-related Illness or Injury

- In accordance with the Attendance Support policy, employees absent from work for five (5) working days or more due to non-work-related illness or injury must be seen by a Health Care Practitioner by the end of the 5th day the employee has been absent from work.

Work-related Illness/Injury

- Report all work related accidents/incidents in accordance with the Employee Incident/Accident Reporting policy (HR-OH(o)-080).
- If the incident/accident results in injury requiring medical attention by a healthcare professional and/or lost time from work, Workplace NL requires the employee to complete its form 6 (Worker's Report of Injury).
- If medical attention is required, the injured employee is responsible for visiting a health care provider on a timely basis. Health care providers will complete Workplace NL Physician Report 8/10.
- The employee must obtain the employer's copy of the Workplace NL Physician Report 8/10 from the healthcare provider and submit it to their manager immediately upon receipt.
- If an employee reported a near miss that subsequently becomes an incident requiring medical aid or lost time, they must notify OH.

Guidelines

Guiding principles:

- Early and safe RTW is based on a philosophy of work to recover.
- Strong and regular communication between manager and employee throughout the process is important to maintaining a connection to workplace.
- The goal is to return the employee to full duties in their own position and where that is not possible, established formal processes of accommodation

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will be used.

- Modifications to duties must be within the scope of the employee’s knowledge, skills and qualifications.
- Industry Standards for Disability Management hierarchy for RTW will be applied.

For reference purposes, RTW programs use Eastern Health payroll codes as detailed in Appendix A.

Contact your manager if the agreed upon RTW plan does not appear to be effective in achieving the expected results or if you and/or the manager experience difficulties with it.

Supporting Documents *(References, Industry Best Practice, Legislation, etc.)*

- Occupational Health and Safety Act
- Workplace Health Safety and Compensation Act and Policies
- Newfoundland and Labrador Human Rights Code
- Canadian Human Rights Act
- Collective Agreements

Linkages

- [Employee Incident/Accident Reporting policy](#) (HR-OH(o)-080)
- [Functional Assessment Form](#) (CH-0855)
- [Manager’s Record of Employees Return to Work form](#) (CH-1419)
- [Attendance Support policy](#) (HR-ER-05)
- [Transitional Work policy](#) (HR-OH(III)-045)
- [Workplace NL’s Worker’s Report of Injury](#) (Form 6)
- [Workplace NL’s Physician’s Report of Injury](#) (Form 8/10)

Key Words

Ease Back; Modified Work; Trial of Work; Alternate Work; Suitable Work; Transitional Work; Accommodation; Essential Duties, Ill; Injured; Sick; Recover; Illness; Disable; Disability; Mental; Physical; Return; Incident; accident; Workplace NL; Worker’s Compensation; Productive

Definitions & Acronyms

Accommodation	Accommodation means changing the rule or practice to incorporate alternative arrangements that eliminate the discriminatory barriers.
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	<p>Temporary or permanent adjustments to working conditions, work assignment, policies, rules, practices, programs, or the physical work environment to address an employee's current or potential employment needs arising as a result of a prohibited ground of discrimination. An accommodation may include providing services, adaptations, adjustments, re-bundling/modifying duties, or job transfers that enable individuals who meet job qualifications to participate in employment and employment-related activities. A workplace accommodation does not include providing tools or assistive devices required for everyday life, such as prescription eye glasses or wheelchairs.</p>
<p>Alternate Work</p>	<p>A return to work program where the injured employee is given a different job that is suitable and available as per the applicable legislation and collective agreement language.</p>
<p>Duty to Accommodate</p>	<p>The duty to accommodate refers to the obligation of an employer to identify and eliminate rules that have a discriminatory impact or to take measures to eliminate disadvantages to employees and prospective employees that result from a rule, practice or physical barrier that has or may have an adverse impact on individuals or groups protected by the Newfoundland and Labrador Human Rights Code. The duty to accommodate is subject to it being up to the point of undue hardship within the defined term.</p>
<p>Ease Back</p>	<p>A return to work program where the injured employee gradually returns to his/her pre-injury/illness position by increasing the number of hours worked per shift over a defined time frame agreed upon by the workplace parties utilizing the functional abilities information. In some cases, there may be minor restrictions in duties during the initial phase of the program.</p>



Employee	Individuals employed by and/or receiving a pay cheque from Eastern Health including: unionized, management and management support part-time, full-time, permanent, temporary call-in (TCI), and salaried physicians.
Modified Work	A return to work program where the injured employee gradually returns to his/her pre-injury position by increasing job duties/tasks over a defined period of time based on functional abilities information.
Suitable & Available Work	Available work that (1) is within the employee's functional abilities, (2) the employee is qualified to perform (3) does not pose a health or safety risk to the worker or co-workers, clients, residents or patients.
Transitional Work	<p>Transitional work is a temporary program of alternate duties designed to allow recovering injured or ill employees to return to the work place while they continue with their medical recovery and prepare for return to their regular position.</p> <p>The purpose is to provide a period of productive alternate work until the employee is either capable of resuming duties in their regular position, or obtains a new position that is compatible with their functional abilities.</p>



Appendix A

Guideline for use of pay codes

Earning #	Mnemonic	Description
2740	RTW	Return to work from medical leave, when the employee is temporarily accommodated in their own position with modified hours, modified duties or alternate work) Excludes: Long term accommodations and job matches.
2741	RTWTRANS	Return to work from medical leave, when the employee is in a transitional work arrangement rather than their own job
2735	WCCEB	Easeback from Workers' Comp, when the employee is accommodated in their own position on modified duties, modified hours or alternate work)
2736	WCCTTRANS	Transitional work while on worker's compensation, when the employee is in a transitional work arrangement rather than their own job. It may be graduated hours or full-time hours.

Appendix B: Questions and Answers

Questions and Answers for Everyone:

1. Who will identify and oversee Return to work (RTW)?
 - In short-term (less than 5 days) medical leave cases where an employee can RTW within their own unit with minor modification or short-term assignment to some project work, the manager should oversee the RTW plan. Employee and manager should discuss and determine boundaries of the assignment. If manager has any doubt on the safety or appropriateness of a short term modified assignment, he/she can consult DM. Should the short-term assignment extend beyond a 1 to 2-week period, the manager should consult OH.
 - In longer term (greater than 5 days) medical leave cases, OH will provide case management services. OH will work with the manager to ensure a safe RTW including modified duties. RTW plans must be documented and progress monitored. HRC might be consulted if:
 - long term accommodation is required to consult on benefit, compensation or collective agreement impacts;
 - work assignment needs to be arranged with union consultation; or
 - employee fails/refuses to cooperate with RTW planning leading to discipline.
2. How will RTW be assigned?
 - RTW assignments will be assigned on a “first come, first served” basis for employees returning to work from medical leave. If the RTW assignment becomes a recurring issue for any particular employee or the RTW fails to achieve the desired goal/outcome, the manager should consult with their DM. There may be a need to explore linkages with the Transitional Work process whereby a “bank” or listing of opportunities is retained for short term accommodations.
3. What RTW process will be used for Temporary Call-In (TCI) employees?
 - The same process will be used for TCI employees as is used for permanent full-time (PFT) or temporary full-time (TFT) employees.
4. What will OH’s commitment be when responding to managers?
 - To provide clarification regarding benefit eligibility and payroll coding for RTW’s, patterns of absence, performance history, whether there are any collective agreement/human rights considerations; timely guidance, coaching and direction for managers to assist in identifying work assignment and duties that align with known functional restrictions.
 - OH will commit to a maximum turnaround time of 24 hours to respond to a manager’s inquiry (business days).
 - All OH general enquiries can be directed to 1-877-704-5422 or if calling from the St. John’s region, dial 709-777-2526.

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5. Should we measure RTW success?
- Eastern Health will capture this information through consistent and accurate coding. This will ensure that we can accurately report on the trending in various types of RTW programs.
 - The level of Sick Leave usage will be tracked with a goal to reduce use. Again, this should be captured by consistent use of correct payroll codes.
 - In case of disability management where a diagnosis is identified we would compare against the REED disability management guidelines. OH uses a number of tools to assess the effectiveness of case management and RTW practices which are based on internationally recognized guidelines. These guidelines assist in determining expected length of absence based on diagnosis and treatment as well as considering nature of the work performed. They provide a common framework for discussing absence and RTW planning with the employee, health provider and within OH team.

Questions and Answers for Managers:

1. What impact will RTW have on manager's departmental budget?
 - Managers may exceed their departmental budget to use relief staff for an employee who is returning from medical leave but not able to work full duties. This will be tracked through coding to determine if medical leave and overtime reduced when relief is used. Executive will review this regularly and communicate further as needed.
2. What are the appropriate payroll codes for RTW and are there rules around using it?
 - There are four RTW payroll codes. There are two codes when an employee returns from a work related medical leave and two codes for when an employee returns from a non-work related medical leave.
 - Non-work-related medical leave:
 - Use the RTW pay code (2740) when an employee returns to work from medical leave in alternate work as part of an ease back or modified work RTW plan in their own position.
 - Use the RTWTRANS pay code (2741) when an employee RTW from medical leave, when the employee is in a transitional work arrangement rather than their own job.
 - Work-related medical leave:
 - Use the WCCEB pay code (2735) when an employee RTW from Worker's Compensation in alternate work as part of an ease back of modified work RTW plan in their own position.
 - Use the WCCTrans pay code (2736) pay code when an employee RTW on Transitional work while on worker's compensation, when the employee is in a transitional work arrangement rather than their own job. It may be graduated hours or full-time hours.
 - If an employee refuses a RTW plan that supports their documented abilities, all absences thereafter should be coded as UPNOBEN pay code (2737)
 - Time off should be coded using the applicable paid / unpaid leave code.

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- Once an employee is cleared for full duties and full hours in their own position or in an accommodated position, they are coded their regular pay code.
3. How long can an employee participate in RTW?
 - When the short-term assignment extends beyond a 1 to 2-week period, OH should be consulted.
 4. Is working from home a suitable RTW process?
 - It may be, consider the implications on logistics, technology, confidentiality, productivity, and other job requirements and or enabling factors. Discuss with OH as applicable.
 5. How do I translate functional limitations into tasks?
 - A training program is developed for managers.
 - Consult with OH.
 - Generic RTW plans exist for many positions and can be accessed through the OH.
 6. How do I know that RTW processes are adding value for my department?
 - Goal is to reduce medical leave and have employees safely back in workplace contributing in a productive way.
 - Reduction in overall medical (sick/paid) leave which will be assessed by monitoring medical (sick/paid) leave usage.
 7. How do I know if the RTW plan is effective?
 - Employee returns to full duties or successfully accommodated.
 - Departmental medical (sick/paid) leave is reduced.
 8. Who documents and manages the RTW plan – OH or managers?
 - Managers have authority over RTW plans.
 - Manager should use the “Manager’s Record of Employee Return to Work” form.
 - OH should be considered the first point of contact for support. They will coordinate with Human Resource Consultants (HRC), the Unions, and others as necessary.
 9. How do we code approved long term medical accommodations?
 - Long term medical accommodations are coded in payroll as regular. Do not use RTW pay codes for accommodations.