

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 6.13.ON
Section:	Health and Safety	Issued:	Dec. 19, 2019
Subject:	RETURN TO WORK PROGRAM	Effective:	Jan. 1, 2020
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1 POLICY

- 1.01 An employee who sustains a work-related injury or illness is entitled to be re-employed by the **Community Resource Centre** in accordance with the *Workplace Safety and Insurance Act, 1997*.
- 1.02 Upon receipt of a completed Functional Abilities Form from an injured employee or their Physician, the **Community Resource Centre** will assess whether or not the employee is still able to perform the essential duties of their job, or whether suitable alternate work is available for the employee. The **Community Resource Centre** will then develop a Return to Work Plan to outline the employee's duties upon returning to work through to their return to full duties. The Return to Work Plan will address the following:
- the employee's ability to perform the essential duties of their pre-injury job and whether any accommodation or modified duties may be necessary,
 - whether suitable alternate work is available for the employee,
 - whether other employment is available for the employee.
- 1.03 If the employee is able to perform the essential duties of their previous position, the employee will be reinstated into that position or offered another position which is comparable in nature and earnings.
- 1.04 If the employee is unable to perform the essential duties of their previous position, they will be offered suitable alternate work, if it is available, at the regular wage rate associated with that position. If the wage rate for the position is a range, and the employee's previous regular wage rate is above the top of the range for the alternate work, the employee shall be paid at the top of the range for the alternate work. If the employee's regular wage rate is within the wage range for the alternate work, the employee shall be paid at the same rate as their regular wage rate.
- 1.05 If no suitable alternate work is available, the employee will be offered any employment within the employee's current abilities, or which would be within the employee's abilities with **[two (2)]** weeks of training or less which is available with the **Community Resource Centre**. The employee will then be offered the first available suitable alternate position that becomes available within a period of two (2) years, or until the employee reaches the age of sixty-five (65), whichever comes first.
- 1.06 If suitable other employment is offered to an employee under this policy, and the employee refuses to accept the position, the employee will be deemed to have resigned their employment with the **Community Resource Centre**.

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1.07 Any disputes regarding the employee's Return to Work Plan will be resolved in accordance with sections 40(6) & (7) of the *Workplace Safety and Insurance Act, 1997* and as a result, the Supervisor will notify the Workplace Safety Insurance Board of any dispute regarding employee's return to work.

2 PURPOSE

2.01 The **Community Resource Centre** believes that the successful recovery of injured employees depends on early intervention and assistance with the rehabilitation and return to work process. This Statement of Policy and Procedure outlines the **Community Resource Centre's** commitment to assist in the employee's return to their pre-injury job as soon as possible.

3 SCOPE

3.01 This policy applies to any employee who has been employed with the **Community Resource Centre** for at least one (1) year and

- (i) who sustains a personal injury by accident arising out of and in the course of their employment, or
- (ii) who suffers from and is impaired by an occupational disease that occurs due to the nature of their employment by **Community Resource Centre** in an occupation in which the employee is engaged.

4 RESPONSIBILITY

4.01 Supervisors

Supervisors are responsible for:

- (a) informing the WSIB of an accident or injury, and completing Form 7, within three (3) days of the accident or injury. The completed Form 7 must be received by the WSIB within seven (7) days of learning of the accident or injury;
- (b) making early contact with an injured or ill employee as soon as possible after an injury or illness occurs, as well as maintaining communication through the period of the employee's recovery;
- (c) communicating with the injured employee to ensure that the Functional Abilities Form is completed by the employee and their Physician and received by the employer, if necessary, as soon as possible after the injury occurs;
- (d) using the Functional Abilities Form to assess:
 - (i) whether or not the injured employee is able to perform the essential duties

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- of their regular job with or without modification,
- (ii) whether suitable alternate work is available for the employee, or
- (iii) whether other employment is available within the **Community Resource Centre** for the employee;
- (e) drafting a Return to Work Plan for the employee's review, if necessary;
- (f) preparing submitting any documents necessary to facilitate the employee's return to the workplace; and
- (g) notifying the **Executive Director**, and ultimately, the Workplace Safety Insurance Board, if necessary, of any dispute with the employee regarding the employee's return to work which cannot be resolved without the intervention of a third party.

4.02 **Employee**

The Employee is responsible for:

- (a) contacting the Supervisor as soon as possible after suffering an injury or illness, as well as maintaining communication through the period of their recovery;
- (b) ensuring that a Functional Abilities Form is completed by themselves and their Physician and for submitting same to their Supervisor as soon as possible following the injury or illness;
- (c) working with their Supervisor to review and, if necessary, modify the Return to Work Plan; and
- (d) following the Return to Work Plan as set out and to keep their Supervisor informed of any changes in their rehabilitation or physical condition that affect their ability to work.

5 **DEFINITIONS**

- 5.01 **"Essential duties of job"** means the primary responsibilities of the pre-injury job that allows the worker to resume a pre-injury level of productivity.
- 5.02 **"Illness"** means an occupational disease that occurs due to the nature of their employment which results in lost time **[of five (5) working days or more]**, and to which the *Workplace Safety and Insurance Act, 1997* applies.
- 5.03 **"Injury"** means personal injury by accident arising out of and in the course of their employment which results in lost time **[of five (5) working days or more]**, and to which the *Workplace Safety and Insurance Act, 1997* applies.
- 5.04 **"Regular wage rate"** means regular hourly wages or salary, excluding overtime,

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commissions, bonuses or other additional compensation.

- 5.05 **“Suitable alternate work”** means a job within the employee’s current abilities, or which would be within the employee’s abilities with two (2) weeks of training or less, and is of a nature and has earnings comparable to the employee’s previous job, and would not cause any health or safety risks to the employee or their co-employees.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Human Rights Code (Ontario)

Workplace Safety and Insurance Act, 1997 (Ontario)

SPP HR 5.04.ON — Accommodation on the Basis of Disability

SPP HR 6.02.ON — Accident and Injury Reporting

7 PROCEDURE

- 7.01 Supervisors must report any accident or injury in accordance with Accident and Injury Reporting policy as soon as possible.
- 7.02 Following a work-related accident or injury, the employee and the employee’s Supervisor must contact each other as soon as possible and the employee must keep the Supervisor informed about the employee’s rehabilitation progress.
- 7.03 As soon as possible following a work-related injury or illness, the employee must have their Physician complete a Functional Abilities Form, indicating the employee’s capabilities, limitations and expected recovery time, and the employee shall submit a copy of same to their Supervisor.
- 7.04 Upon receipt of the Functional Abilities Form, the employee’s Supervisor will devise a Return to Work Plan consistent with the principles specified in paragraph 1.02 of this document. The Supervisor shall give the Return to Work Plan to the employee for their review and shall consult with the employee regarding any modifications to the Plan requested by the employee.
- 7.05 The Supervisor and employee may agree to modify the Return to Work Plan.
- 7.06 The Supervisor shall prepare and submit any documents necessary to facilitate the employee’s return to the workplace.