

Section 17 - Return to Work (RTW)

PURPOSE The Return to Work (RTW) Program will facilitate a safe and early return to work for Workers who have sustained a workplace injury while employed with our company.

SCOPE The RTW program will provide every opportunity for injured Workers to return to gainful employment in the event of a disabling workplace accident.

RESPONSIBILITIES

Health and Safety Coordinator Responsibilities:

- Develop / offering suitable Modified Work.
- Communicate with the WSIB relating to the RTW process and existing claims.
- Maintain all documentation related to the injury, WSIB, modified work, and recovery progress.
- Comply with all the requirements as defined under the Occupational Health and Safety Act and Regulations.
- Assist in developing corporate health and safety documentation, policies and procedures where required.
- Distribute and communicate information to the appropriate parties regarding any nonconformance or deficiencies reported.

Senior Management Responsibilities:

- Cooperate with the RTW program and worker restrictions as required.
- Comply with all the requirements as defined under the Occupational Health and Safety Act and Regulations.
- The measures and procedures prescribed are carried out in the workplace.

Project Manager Responsibilities:

- Arrange for suitable Modified Work.
- Assist Superintendent and the Health and Safety Coordinator in developing / offering suitable Modified Work.
- Ensure equipment, materials and protective devices are provided, maintained and used as required at site and office locations.
- Provide required protective devices, measures and procedures required by the Occupational Health and Safety Act and Regulations.

Superintendent Responsibilities:

- Follow-up on the findings and implement recommendations for each unsafe condition.
- Assist Project Manager and the Health and Safety Coordinator in developing / offering suitable Modified Work.
- Ensure equipment, materials and protective devices are provided, maintained and used as required at site and office locations.
- Provide required protective devices, measures and procedures required by the Occupational Health and Safety Act and Regulations.

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Foreman Responsibilities:

- Ensure equipment, materials and protective devices are provided, maintained and used as required at site and office locations.
- Provide required protective devices, measures and procedures required by the Occupational Health and Safety Act and Regulations.
- Advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which they are aware of.

Workers Responsibilities:

- Participate in the RTW Program diligently.
- Obtain Functional Abilities information at each Health Care Practitioner's visit related to the work-related injury.
- Provide all RTW documentation provided by the Health Care Practitioner to you Foreman or Superintendent.
- Advise Foreman if experiencing any difficulties with assigned tasks, or if assigned tasks are beyond perceived limitations or medically not capable of performing tasks.
- Report to his or her Foreman any contravention of the Occupational Health and Safety Act and Regulations or the absence/defect in any equipment or protective device.

PROCEDURE

Once an injured Worker has been placed on an RTW program, the **Superintendent** for that Worker, with assistance from the **Health and Safety Coordinator**, will be expected to follow the program with the injured worker by documenting temporary modified work / worker's progress report and keep **Senior Management** updated as required.

The RTW program will be broken into two stages;

1. To prevent Workers from losing time due to workplace injuries through prompt medical treatment (use of the WSIB Functional Abilities Form) and adherence to the Workplace Safety and Insurance Act (WSIA).
2. To return Workers to gainful employment as soon as medically authorized. This will be done on potentially two levels;
 - a) Temporary Modified Work
 - b) Permanently Modified Work

DISTRIBUTION

The entire workforce must also be made aware of the RTW program during worker Orientations and/or review of the Red Book.

RECORDS

Worker records generated through the RTW program must be maintained indefinitely.

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Return to Work (RTW) Program

The purpose of having an RTW program is to provide workers who have been injured on the job, a safe means for returning to gainful employment in an expedient manner while ensuring that "Lost Time" is kept to an absolute minimum.

Re-employment obligations and the financial impact of experience rating implemented by the Workplace Safety and Insurance Board have put the onus on the Employer to return injured Workers to the workplace as soon as possible. As per the Workplace Safety and Insurance Act, 1997, s. 40 (See below). All employers are required to have a Return to Work program.

PART V RETURN TO WORK

Duty to co-operate in return to work

40. (1) The employer of an injured worker shall co-operate in the early and safe return to work of the worker by,

- (a) contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;
- (b) attempting to provide suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores the worker's pre-injury earnings;
- (c) giving the Board such information as the Board may request concerning the worker's return to work; and
- (d) doing such other things as may be prescribed. 1997, c. 16, Sched. A, s. 40 (1).

Same, worker

(2) The worker shall co-operate in his or her early and safe return to work by,

- (a) contacting his or her employer as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;
- (b) assisting the employer, as may be required or requested, to identify suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores his or her pre-injury earnings;
- (c) giving the Board such information as the Board may request concerning the worker's return to work; and
- (d) doing such other things as may be prescribed. 1997, c. 16, Sched. A, s. 40 (2).

Same, construction industry

(3) Employers engaged primarily in construction and workers who perform construction work shall co-operate in a worker's early and safe return to work and shall do so in accordance with such requirements as may be prescribed. Subsections (1) and (2) do not apply with respect to those employers and workers. 1997, c. 16, Sched. A, s. 40 (3).

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1.0 PURPOSE/ INTRODUCTION

Return to Work Programs became mandatory effective January 1, 1998 as a result of Bill 99. Employers and their workers are required to work cooperatively and communicate in the facilitation of the worker's return to work. The failure of any workplace party (employers or workers) to comply with these initiatives could result in penalties by the Board, as a provincial offence, under the WSIA.

The focus of an effective Return to Work Program (RTW) is the well being of our most valuable resource, our workers. This program is a temporary measure (in some extreme cases - permanent) that will facilitate a safe and early return to work in the event of a disabling workplace accident and provide every opportunity for injured workers to return to gainful employment.

This Program can only be successful if there is commitment, cooperation and communication between the employer and workers and as necessary the treating physician, health care providers and the WSIB.

Return to Work Goal Setting:

The primary goal of a return to work plan is a return to the pre-injury job as soon as possible. By comparing the physical demands of the job and the functional abilities, the Health and Safety coordinator, supervisor and the employee can determine if the job needs modifying and if accommodations would be required.

If the employee is not able to return to their pre-injury position, the Health and Safety coordinator and supervisor will attempt to accommodate the worker as soon as possible. The accommodation should be suitable and restore the employee's earnings. The employer will make every effort to provide meaningful modified work. The Health and Safety coordinator and supervisor will use the following hierarchy as a guideline to return to work plan development:

1. Pre-injury job (starting point and overall goal)
2. Pre-injury job, accommodate to meet the workers abilities.
3. Work comparable in nature and earnings to the pre-injury job (with accommodation if required)
4. Alternate suitable work (with accommodation if required)

2.0 REPORTING REQUIREMENTS TO WSIB

Under Section 21(1) of the WSIA, an employer shall notify the Board within three days after learning of an accident to a worker employed by him/ her or if the accident necessitates health care or results in the worker not being able to earn full wages. As well, an employer shall give a copy of the Form '7' to the worker at the time the notice is given to the WSIB. Equally, the worker shall give a copy of his or her claim to his or her employer at the time the claim is given to the Board.

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Under Section 21(3) of the WSIA an employer who fails to comply with this section shall pay the prescribed amount to the Board under Act. Under Section 157, if a corporation commits an offence under this Act, every director or officer of the corporation who knowingly authorized, permitted or acquiesced in the commission of the offence is guilty of an offence, whether or not the corporation has been prosecuted or convicted.

Wage Changes – Under the WSIA a change in a worker’s wage or condition constitutes a material change that affects a person's entitlement to benefits and services under the Act. Any change in wages must be reported to the WSIB within 10 days of the change.

Changes in Modified Work Duties/ Duration of Program

As is necessary, the modified work duties as performed by the worker shall be monitored or adjusted, to ensure progress or difficulties being encountered by the worker are being addressed.

All change in duties must be documented on the worker contact log and medically authorized by the treating physician. As well, all change in duties should be reviewed and approved by the JHSC/ Modified Work Committee and explained to the worker, the Supervisor and others involved in the RTW Program.

Failure to Cooperate

If the WSIB determines that an employer is not co-operating in RTW activities, the employer will be notified by the WSIB regarding their obligation to co-operate in RTW activities and finding of non-co-operation.

If the WSIB determines that a worker is not co-operating in RTW activities, the decision-maker notifies the worker of the obligation to co-operate in RTW activities, and consequences of this finding (i.e., reduction or suspension of benefits).

Return to Regular Pre-Accident Work Duties/ End of RTW Program

All injured workers should obtain medical clearance from their treating physician, via a Functional Abilities Form or note from the treating physician, prior to resuming his or her pre-accident duties. The WSIB must also be advised of this change.

3.0 ROLES AND RESPONSIBILITIES

Assigning ownership in any Return to Work Program is vital in achieving desired results. As such, identifying and understanding each party’s role and responsibility is the first key.

The role of the Health and Safety Coordinator is to ensure regular communication exists between Worker, Project Manager and the Health Care Provider. Under the return to work obligations Part V Section 40, (Subsection 1) of WSIA the employer of the injured worker shall cooperate in the return to work program by:

- contacting the worker as soon as possible after the injury occurs and document ongoing communication using the workers contact log throughout the period of the worker’s impairment and recovery,

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- providing suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores the worker's pre-injury earnings,
- giving the Board such information as the Board may request concerning the worker's return to work and doing such things as may be prescribed.

Independent medical assessments: Where there are discrepancies or differences in opinions around the employee's prognosis or functional abilities, the employer may request that an independent medical assessment be completed in an attempt to resolve the issue.

The role of the Injured Worker when filing a claim, a worker must consent to the disclosure to his or her employer of information provided by a health professional under subsection 37(3) concerning the worker's functional abilities. The disclosure is for the sole purpose of facilitating the worker's return to work.

Under the return to work obligations Part V Section 40, (Subsection 2) of the WSIA the worker shall cooperate in his or her return to work by:

- contacting his or her employer as soon as possible after the injury occurs and maintain communication throughout the period of the worker's impairment and recovery,
- assisting the employer, as may be required or requested, to identify suitable employment that is available and consistent with the worker's functional abilities and that, when possible restores his or her pre-injury earnings,
- giving the Board such information as the Board may request concerning the workers return to work; and
- doing such things as may be prescribed.

The role of the Health Care Provider is to provide medical treatment to an injured worker. The health care provider shall complete a Form 8 during the initial visit and provide the completed third page of the Form 8 to the worker. This third page represents the functional abilities information found during the assessment. Every subsequent visit, the physician will complete a functional Abilities Form provided by the injury party.

The role of the WSIB is to monitor the progress of the workers return to work and provide assistance if either the employer or the workers have any difficulty or dispute concerning either parties' cooperation with the RTW. Under Section 40(6) of the WSIA, either party could contact the WSIB for assistance. This includes the assistance of a WSIB assigned Return to Work Mediator who will assist both workplace parties in resolving any or all disputes that need to be addressed.

4.0 SUPERVISOR'S DUTIES

Experience dictates that the supervisors play an integral role from the time of the accident to the injured worker's return to work. As such, the following guidelines are to clarify the supervisor's roles and responsibilities. To ensure that accidents are properly documented and minimize the need for lost time assist, an injury management package was created for all supervisors that provides the necessary paperwork to be completed.

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Injury Management Package Includes:

- Attending to An Injured Employee
 - Letter to the Health Care Provider
 - Form 8
 - Functional Abilities Form
 - Accident Investigation Form
 - Letter to the Employee Offering Modified Job Duties
 - Worker's Return to Work Progress Report
1. Provide prompt medical treatment by arranging transportation for the injured worker and accompany or assign someone to take the worker to a medical treatment facility. In cases of serious accidents, where the possible improper movement (transportation) of an injured worker could result in further injuries or unnecessary pain to the injured worker, an ambulance must be called (911).
 2. Should the injured worker choose to be seen by his/ her family doctor, the injured worker must be given an Injury Management Package to be completed and returned before the following shift. Explain that your company has developed and implemented an Return to Work Program that requires all party's co-operation.
 3. Should the employee not choose to attend the nearest medical walk in clinic on the day of accident or reporting and does not return page 3 of Form 8 or Functional Abilities Form prior to the next shift, the employee should be asked to cooperate and attend a walk-in clinic, arranged by the company, to have the Form 8 or Functional Abilities Form completed and returned to the Supervisor.
 4. Assign suitable modified duties, if medically required, in accordance with the physical restrictions noted on the Form 8 third page or Functional Abilities Form.

Maintain regular contact with the program coordinator and injured worker to ensure progress and deal with difficulties encountered by the worker to avoid a recurrence.
 5. Investigate the accident and provide a completed copy to the program coordinator to ensure all WSIB reporting requirements are met.

5.0 Contact with the Injured Worker

Under Section 40(1) of the WSIA, the employer of an injured worker shall co-operate in the return to work of the worker by,

40(1) (a) Contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;

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40(2) (a) The worker shall co-operate in his or her return to work by, contacting his or her employer as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;

To ensure contact is established and maintained by the program coordinator. After the contact, a record of worker's contact regarding the injured worker will be maintained.

In the event that a problem cannot be resolved between the Supervisor, injured worker and the program coordinator, a meeting should be arranged between the parties for resolve. If the dispute cannot be resolved this matter can be taken up with the WSIB for dispute resolution.

Establishing Early Contact: If an employee is off due to an injury or illness, it is recommended (where appropriate depending on the severity or circumstances of the injured/ill employer) that contact be initiated by the supervisor and or the Health & Safety Coordinator within 24 to 48 hours. Contact can be a telephone call or a face to face meeting.

Frequency of Contact: The frequency of contact required by the employee and Health and Safety coordinator will be determined by the health recovery status. At minimum, a follow up case conference between the worker and Health and Safety coordinator by telephone at least biweekly.

Health Recovery: The Health and Safety coordinator will assist and support the injured employee during their recovery. The process will involve consultation with the treating health professional and the employee. The Health and Safety coordinator will obtain functional abilities to be utilized when developing the return to work plan.

6.0 Medical Monitoring and Treatment

Regular review of the workers physical abilities will provide an employer with the opportunity to accommodate an injured worker and facilitate the goal of returning a worker to his or her pre-injury duties as soon as possible.

To assist in the medical monitoring and treatment, a worker should be given a Functional Abilities Form to have completed and returned to the employer on the day of the workers scheduled medical appointment.

Note: Section 22(5) of the WSIA, when filing a claim, a worker must consent to the disclosure to his/her employer information provided by a health professional concerning the worker's functional abilities for the purpose of facilitating the worker's return to work.

Dispute resolution process: In situations where there is an issue in dispute related to either the RTW process or the suitability of the RTW plan, and where a meeting with the worker did not resolve the dispute, the RTW Coordinator will refer the matter to Management to facilitate a resolution. All findings and discussions will be recorded. If the matter cannot be resolved, a referral to the WSIB may be made where the dispute involves cooperation in return to work or suitability of the job accommodation. The WSIB may then requisition a Return to Work Specialist to meet with all parties to assist in a resolution.

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7.0 Provisions for Modified Work

Safe Duties - It is essential that an employer impress upon an injured employee that he/she is a valuable employee and the Return to Work Program is not intended to cause further injury. Before returning an injured or ill employee to any form of work duty it is important to have pre-determined levels of accommodated Modified Duties for the injured worker to perform. (Example Modified Field Level Duties for less serious injuries where a worker can still perform some work on site and Sedentary Duties for more serious injuries, describing duties that can be performed in a shop/ office environment)

Other Available Work - The enclosed Suitable Modified Work Job Description or Physical Demands Analysis is designed to assist an employer in assembling/documenting the duties of the modified positions to provide to the worker's treating physician for approval. In the case of a permanent impairment, the members of the JHSC will meet with the injured worker, and others, to consider what additional measures might be necessary for placement in a suitable and sustained permanent position that could require further (re) training.

Worker Progress Log - It is recommended that the supervisor make contact with the worker so that any difficulties can be communicated and readily resolved. The program coordinator should ensure that the worker is recording the Worker's Return to Work Progress and that it is being reviewed and signed by the supervisor, at the end of the first day back to work, and at the end of each week. These forms are to be completed at least until the worker is able to return to his/ her pre-accident job. After the injured worker has been integrated back into the workplace, the next stage is to ensure that the follow-up procedures are understood and followed.

8.0 Re-Integration of the Worker to Regular Work

Transitional Work - With injured workers who have been off for a substantial period of time due to a more serious injury, it is recommended to start them off working a transitional work program, usually starting work and gradually increased every week or every other week, as his/ her condition permits, until the injured worker is working pre-accident hours. It is felt that by implementing this gradual increase in hours, you are reducing the risk of re-injury or possibly a new injury. In addition, this return to work phase will assist the worker in re-adjusting (work hardening, acclimatizing) to working again, both physically and mentally. Supervisor together with the injured worker are encouraged to utilize whatever measures are most appropriate in the individual case.

Work Hardening – Through active rehabilitation treatment and work hardening, injured workers will be able to recover from their injuries in an expedient manner. Furthermore, rehabilitation treatment will help the injured worker understand the nature of the injury and methods of avoiding a recurrence (e.g. back injuries - proper lifting techniques). To ensure minimal disruption to the Return to Work Program, it is recommended that all physiotherapy and doctors appointments be arranged for the end of the workday or after work.

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9.0 Monitoring and Evaluating the RTW program

Monitoring and Evaluating of our return to work program will be completed at the end of each year. The Health and Safety coordinator will complete the evaluation and present it to senior management for review. This review may also include feedback from individuals within the workplace that have gone through the RTW process. Following the review, Management will prepare an action plan and implement required changes.

The WSIB RTW Self Assessment tool will be used as the evaluation tool during the annual evaluation conducted by the Health & Safety Coordinator.