



ACCOMMODATIONS

Tool 8: Managing Employees
Returning-to-Work

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RETURN TO WORK

Although return to work is not a part of an employee's life cycle, at times, workers may require a long-term accommodation plan. For instance, they may need to take leave of absence in relation to their disability, illness, or injury. As an employer, it is your responsibility to help all workers to re-adjust and return to the workplace. How you handle someone's return to work will have a big impact – not only on the returned worker, but their colleagues and the overall culture of the workplace.

What is a return to work program?

Return to work programs are part of a business' strategy to retain valued employees and to enhance the productivity of its workforce. [1] What is the purpose?

- The ultimate purpose of a return to work program is to make changes and provide accommodations so workers with disabilities, injuries, and illness can return to work from a leave of absence

Understanding Responsibilities

Supervisors and managers can play a key role in returning employees to work by developing a list of light duty tasks, identifying which regular duties and which light duty tasks an employee can safely perform, monitoring the employee's progress, and perhaps most importantly, making sure the employee is treated in a positive manner while working back up to full duty.

Workers themselves, as well as union representatives, also share responsibilities during the return to work process.

Although this list is not exhaustive, it paints a helpful picture for managers to understand the responsibilities of different parties. Take a look at some of the roles and responsibilities of these target. [1], [2], [3]

UNDERSTANDING RESPONSIBILITIES

Employers

- Ensure employees are aware of their right to accommodation, explain details about the workplace accommodation policy, and distribute copies of the policy
- Once a request is received, discuss the accommodation options with the employee.
- Take notes and keep records of all discussions about accommodation
- Take an active role in exploring alternative approaches and solutions to accommodate the employee
- Obtain expert opinion and advice from a designated human resources or health specialist when necessary
- Keep information/medical records confidential.
- Grant accommodation requests in a timely, reasonable manner, to the point of undue hardship
- Be willing to review and modify the accommodation agreement if the circumstances change or the solution is no longer working
- Provide details to justify decisions where accommodation has been denied
- Advise employees about their right to appeal and their right to approach the Canadian Human Rights Commission

Workers

- Request accommodation when needed and suggest appropriate measures, if possible.
- Provide information/ documentation from a qualified health care professional to clarify health restrictions and describe the type of accommodation that would be most effective
- Cooperate with any experts who are asked to provide guidance on the situation
- Respond to the employer's reasonable request to undergo an independent medical exam
- Note: employees cannot be forced to submit to an independent medical examination, but failure to comply with a request may delay the accommodation process
- Allow a reasonable amount of time for the employer to reply to the request for accommodation
- Participate in any discussions regarding possible accommodation solutions
- Listen to and consider any reasonable accommodation options that the employer proposes
- Achieve the agreed-upon job performance standards once accommodation is provided



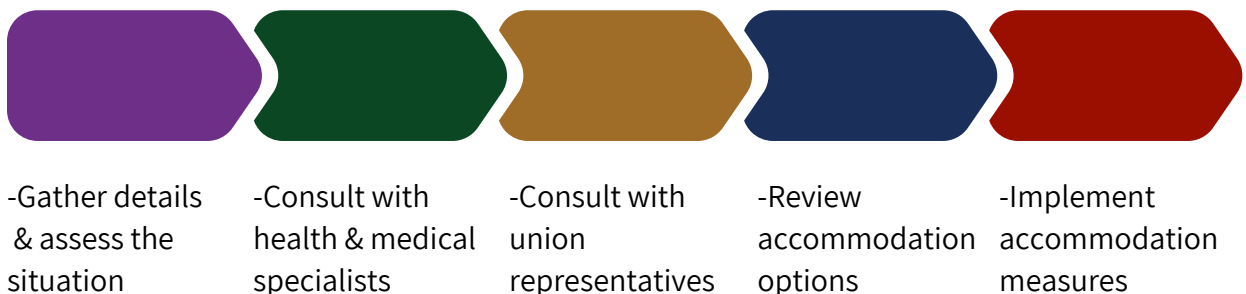
UNDERSTANDING RESPONSIBILITIES

Union Representatives

- Take on an active role as a valuable partner in the accommodation process
- Offer information, consultation, and guidance about accommodations
- Support the accommodation process, regardless of what has been specified in the collective agreement, unless it would cause undue hardship
- Collaborate with the employer to reduce and remove existing barriers in the collective agreement, so that no new barriers to the accommodation process are added

Guidance from the Canadian Human Rights Commission

Navigating return to work cases can be challenging. It requires a fine balance between an employer's right to manage an effective organization, with a worker's basic rights to accessibility, privacy, equity, and dignity in the workplace. As a manager, you may feel uncertain or unsure about how to support an employee who is returning to work – especially when there are new requests for accommodations. The Canadian Human Rights Commission has developed a step-by-step procedure to support your approach and decisions around return to work: [1]



GUIDANCE FROM THE CANADIAN HUMAN RIGHTS COMMISSION

Gather details and assess the situation

- Maintain contact with the employee during a prolonged absence
- Respond when the employee tells you they are ready to work
- Create a case file
- Meet with the employee
- Review any medical information submitted by the employee. Request any further information, if necessary, with the employees' consent

If necessary consult with health & medical specialists

- This can include information about the employee's current medical condition and prognosis for recovery (if available)
- If medical information provided is inadequate, obtain expert advice

Consult with union representatives (when necessary)

- Determine if it is necessary to consult with the union. You are required to include the union in return to work discussions when proposed accommodation measure may affect rights of other employees or the employee has required their union representatives to be present
- Arrange to speak with a union representative

Review accommodation options with the employee & other stakeholders

- Decide on your accommodation options
- Discuss your recommendations with the employee

Implement accommodation measures

- Monitor the effectiveness of the accommodation
- Advise the employee of the appeals and complaints process (if necessary)

BEST PRACTICE RECOMMENDATIONS FROM THE INSTITUTE FOR WORK AND HEALTH

The Institute for Health and Work has crafted many helpful resources to support employers and managers in handling RTW situations, including seven principles for successful RTW. [4] These seven principles have been consolidated into four key stages, and can help you prepare for bringing an employee back to work safely, or may be used to improve your existing RTW program: [5]

Early Contact

Principle 1: Make early and considerate contact with the injured or ill worker

- Immediate supervisor should reach out to the injured or ill worker
- Engage in communication within the first week or two, depending on the worker's specific situation
- Focus the conversation on the worker's health and well-being, not the cause or nature of their injury, or productivity or financial concerns
- Participate in good faith and show confidence in the worker

Planning for the Worker's Return

Principle 2: Identify the person responsible for coordinating RTW

- Identify a key person (internal or external) to coordinate the RTW
- Commence individualized planning based on the worker's preliminary and ongoing need
- Maintain communication between the worker and other workplace parties (e.g., colleagues, supervisors, managers, healthcare providers, disability managers, insurers, unions, worker representatives), so that they understand what their roles and responsibilities are

Principle 3: Offer modified work so employees can return early and safely to work activities suitable to their needs

- Ensure there is adequate fit between the worker and the work environment
- Modify duties in a way that can be performed by the worker
- Create familiar working conditions (e.g., working area, colleagues, practices, etc.)
- Facilitate ergonomic assessments to identify appropriate modifications and adjustments



BEST PRACTICE RECOMMENDATIONS FROM THE INSTITUTE FOR WORK AND HEALTH

Principle 4: The plan supports the returning worker without disadvantaging colleagues and supervisors

- Anticipate and plan for the potential pitfalls and barriers to cooperation identified by supervisors and co-workers
- Consider how others may be disadvantaged by RTW plan
- Consider how the social factors (i.e., new relationships and work routines, productivity expectations) as well as the physical or job demands for both worker and co-workers may be altered as the RTW plan is implemented

Implementing a successful RTW program

Principle 5: Supervisors are trained in work disability prevention and included in RTW planning

- Educate managers and supervisors in areas of safety, ergonomics, etc.
- Ensure supervisors are embedded into the RTW planning, so they are well equipped to accommodate returning workers

Principle 6: With consent, employers and healthcare providers communicate about workplace demands, as needed

- Maintain contact with healthcare providers (e.g., physicians, ergonomists, kinesiologists, occupational therapists, etc.) to inform the RTW program
 - Information exchange such as a report
 - Telephone conversation to discuss work demands)
 - Workplace visit to assess the workstation or work activities
- In specific cases, healthcare providers may be involved to conduct medical assessments, follow-ups, monitoring, job site evaluations, etc.

Creating a RTW-friendly workplace

Principle 7: The workplace has a strong commitment to health and safety, which is demonstrated by behaviours of workplace parties

- Invest company resources into promoting workplace health and safety
- Create safety policies and formal RTW programming (e.g., include RTW practices in policies or procedures, collaborate with unions to form a RTW strategy to ensure there is no conflict between the collective agreement and RTW process)
- Commit to workplace health and safety issues across the organization

REFERENCES

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