

COMMUNITY LIVING BRANT
POLICY AND PROCEDURE MANUAL

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| SUBJECT: Early and Safe Work Program | POLICY NO.: 2.10 PAGE: 1 OF 14 |
| FILE UNDER SECTION: 2 – Health and Safety | EFFECTIVE DATE: November 2, 1998 REVIEW DATE: MAY 2019 REVISION DATE: MAY 2019 |

POLICY STATEMENT:

Community Living Brant is committed to developing and maintaining a safe and healthy work environment for our employees. Preventing work related psychological and physical illness or injury is our primary goal.

Our Early and Safe Work Program (ESWP) strives to provide accommodation to an employee who is temporarily or permanently unable to return to their regular duties as a result of a work related or non work-related psychological and physical illness or injury.

The program contributes to the physical, emotional and psychological health of an employee by providing the opportunity for the employee to perform their regular duties with modifications or provide alternate temporary work that meets with their functional abilities.

The Early and Safe Work Program and Procedure is a strategy which gives structure and organization to the activity of returning employees to the workplace as soon as possible. It recognizes the employee's value and the employer's responsibility in the employee's effective rehabilitation and outlines a procedure for the early and safe return to work of the employee in accordance with Workplace Safety and Insurance legislation and other relevant workplace legislation.

SCOPE:

This policy applies to all employees on the Agency payroll; Bargaining Unit, Non-Bargaining Unit and Management.

CONFIDENTIALITY STATEMENT:

As the employer, all appropriate steps will be taken to ensure the confidentiality of the information collected and used in the Early and Safe Work Program. The employer will ensure the individuals responsible for the Early and Safe Work Program have training and understanding of the confidentiality and security of employee information, as well as privacy principles, as they relate to the early and safe work process.

OBJECTIVES:

In collaboration with the injured/ill employee, supervisor, human resources and co-workers, the objectives of Early and Safe Return to Work are:

1. To restore the injured/ill employee to his/her normal duties.
2. To provide an employee with an effective setting for work accommodations following a work-related injury or illness.

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3. To develop a proactive approach toward the accommodation of an injured employee and the prevention of further accidents and injuries.
4. To provide guidance and support to supervisors in their role in work accommodation initiatives.
5. To continue to manage the number of lost time claims for physical or psychological injuries or illness in 2019.
6. To ensure all employees are trained annually in the Early and Safe Work Program.

The Early and Safe Program Procedures have been developed in accordance with legislation and requirements of the Workplace Safety and Insurance Board and in cooperation between Community Living Brant and its Joint Health and Safety Committee.

Legislation that applies to this policy and procedure includes:

WSIA (Workplace Safety & Insurance Act)

S. 40 Duty to cooperate in return to work

S. 41 Obligation to re-employ

- Work Reintegration Principles, Concepts & Definitions (Document 19-02-01)
- Responsibilities of workplace parties in Work Reintegration (Document 19-02-02)
- Determining Suitable Occupations (Document 19-03-03)
- Work Transition Plan (Document 19-03-05)
- Work Transition Expenses (Document 19-03-06)
- Relocation Services (Document 19-03-11)
- Chronic Mental Stress policy (Document 15-03-14)
- Traumatic Mental Stress policy (Document 15-03-02)

OHSA (Occupational Health and Safety Act)

OHRC (Ontario Human Rights Code)

AODA (The Accessibility for Ontarians with Disabilities Act, 2005)

FIPPA (The Freedom of Information and Protection of Privacy)

PHIPA (The Personal Health Information Protection Act, 2004)

Early and Safe Work Plan Dispute Resolution Process (see forms section of this policy)

In situations where there are concerns or disputes related to the Early and Safe Work Plan or process, the workplace parties will use the dispute resolution process.

Early and Safe Work Program Evaluation:

The Joint Health and Safety Committee will evaluate our Early and Safe Work Program annually. The evaluation will include an analysis of the statistics associated with return to work, as well as satisfaction survey results from participants in the program. The statistical results and evaluation findings will be presented to the Board of Directors. The purpose of the evaluation is to see if we are meeting the objectives of the program.

Communication:

The Early and Safe Work Program is communicated to all workers as follows:

- Trained upon hire at Agency orientation
- By hard copy and/or via email upon revision
- Annually at March team meetings

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- Hard copy and brochure with final pay annually
- Annually at staff meetings and via SURGE Learning

Policy Authority:

The Early and Safe Work Program, Policy and Procedures have been established in accordance with workplace legislation, and approved by:
Joint Health & Safety Committee, Executive Director, Union, and Board of Directors.

DEFINITIONS:

1. **Modified Work:** Temporary changes to the employee's job duties that allow the injured/ill employee to perform that position. The changes may include, but are not limited to, changing the work station or tools; removing tasks the employee cannot presently perform; reducing the time spent on a specific job task(s).
2. **Accommodation:** Means any modification to the work or the workplace, including but not limited to, reduced hours, reduced productivity requirements, and /or the provision of assistive devices, that is consistent with the worker's functional abilities and that respects the applicable human rights legislation.
3. **Transitional Work:** Any combination of meaningful tasks, functions or jobs that a worker, who has functional restrictions, could perform safely, with pay, and without risk of injury to self or others. The goal of transitional work is to return the individual to their pre-injury/accident position.
4. **Form 8:** The physician's first report of injury/illness. This form has been updated. Page 3 of this form is to be returned to the employer by the worker. Page 3 identifies functional abilities of the worker and return to work information. The employer no longer is required to give the worker a functional abilities form for the initial visit with the physician. The FAF can be utilized **after** the initial visit **only**.
5. **Form 7:** Employer's report of injury/illness. The law requires the completion of this form within 3 calendar days after learning of the injury or illness. A copy of the form 7 must be provided to the worker.
6. **Form 6:** Injured/ill workers will be required to complete a Form 6. This form provides the WSIB with the details about what happened to cause the injury or illness and other information needed to make decisions and process the claim. The worker must provide a copy of the Form 6 to the employer.

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7. **Functional Abilities:** A medical assessment of the physical, mental or cognitive capacities of an injured/ill employee. The assessment is carried out by the treating health professional, e.g. doctor, specialist, occupational therapist or physiotherapist.
8. **Non Work-Related Injuries/illness:** A non-occupational injury or illness refers to an injury or illness (includes physical, mental or psychological conditions) which does not arise out of the course of employment or that has been deemed not to be compensable under the Workplace Safety & Insurance Act.
9. **Non Work-Related Absence and Functional Abilities Form** (for non-work related Injuries/illnesses is a medical assessment form completed by the treating health care professional which outlines the worker's physical and cognitive abilities and restrictions. This information will be used creating an early and safe work plan.
10. **Early and Safe Work Plan (ESWP):** An individualized plan designed to assist an injured worker to successfully return to work. The plan should be transitional and have specific time frames. Duties must meet the physical restrictions that a health practitioner places on the employee.
11. **Workplace Parties:** Workplace parties have roles and responsibilities to support return to work. Examples of workplace parties include injured/ill employee, supervisor, human resources, union or worker representative, co-workers and management/owners. External parties, such as treating health care professional, WSIB and insurance carrier, work in collaboration with the workplace parties to facilitate a return to work

Roles and Responsibilities:

Management:

- Provide a safe work environment.
- Arrange for transportation for the worker to get medical treatment if required.
- Promptly report work-related injuries/illnesses to the Workplace Safety Insurance Board (WSIB), when they occur.
- Educate all workers about Early and Safe Work Program.
- Train all supervisors in effective return to work strategies.
- Train workers on proper reporting of incidents and incident investigation.
- Develop written return to work policies and procedures that are fair and consistently applied to all workers.
- Evaluate program annually to ensure objectives are met or identify obstacles in meeting objectives.

Supervisor:

- Promote safe work practices and support efforts of the Agency's health and safety program
- Communicate with the worker within 24 hours of injury/illness

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- Develop, in consultation with the employee's medical practitioner, employee, and human resources, an early and safe work plan.
- If the employee is off work, ensure that bi-weekly meetings are arranged at the workplace to receive updates of medical condition and maintain employer/employee relationship
- Monitor safe work practices of workers who are returning to work
- Answer co-workers' questions and concerns about workers with disabilities, job modification, job restricting, etc., being careful to maintain the confidentiality of the worker's situation.
- The employer is responsible for keeping the Workplace Safety and Insurance Board (WSIB) or Group Benefits Carrier informed of the availability of early and safe work and of the worker's progress during the return to work and the rehabilitation process.

Workers:

- Know and follow safety policies and procedures
- Report any injury/illness immediately by completing an accident report form (Worker's Report of Injury/Disease/Violence (HSW-1)
- Will get first aid immediately, if needed
- Seek medical attention right away, if needed.
- Provide the employer with a copy of page 3 of Form 8 – completed by the health care professional on the initial visit, immediately following this visit and the WSIB FAF on following subsequent visits.
- Take an active role in developing their Early and Safe Work Plan.
- Acknowledge and respond promptly to all communication regarding your return to work
- Obtain necessary documentation from the treating health professional as may be required, such as functional abilities information
- Report any concern with the early and safe work plan to the supervisor so the problems can be addressed promptly
- Attend scheduled return to work progress meetings with the employer/supervisor.
- Provide relevant information to the WSIB or group benefit carrier when requested.

Human Resources

- Follow up with affected employees to complete a return to Work Employee Survey.
- Assist in arranging bi-weekly meetings at the workplace with injured workers who are off work.
- Develop written policies and procedures for RTW that are fair and consistently applied to all workers covered by the program.
- Act as a central point of contact to communicate and coordinate the early and safe work process with all involved parties, such as the worker, supervisors, health care professionals and the insurance provider.

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- Create a case file for each RTW situation that we manage. The purpose is to track progress, maintain records of correspondence and demonstrate efforts to meet duty to accommodate.
- Develop individual early and safe work plans with input from the worker.
- Facilitate workplace support for the Early and Safe Work Program through education and resources.
- Monitor the progress of each early and safe work case and advise all involved parties of any changes to wages, duration or duties of the plan, failure to cooperate and closure of the plan.
- Document all activities and responsibilities in each early and safe work case and oversee administration of the program.
- To support managers /supervisors in managing RTW cases
- Track and analyze injury and illness data and provide trend information to the workplace for prevention and early and safe work planning
- identify objectives that are timely, realistic and measurable
- Complete all necessary WSIB and/or LTD forms
- Promote program through training, brochures, intranet, etc.

Workplace Safety and Insurance Board (WSIB) Responsibilities (or Group Benefit Plan Carrier)

- Provide education to workers and employers.
- Actively case manage and monitor activities, progress and co-operation of the workplace parties.
- Maintain communication with the employer, the worker and their treating health professional throughout the ESWP process.
- Determine the suitability of employment and fitness to return to work.
- Encourage and actively assist the worker in their successful recovery and Early and Safe Work Plan.
- Determine compliance with re-employment and co-operation obligations and work reintegration obligations.
- Provide ESWP resources that the workplace parties may choose to access.
- Provide work reintegration services.
- In cases where the workplace parties are having trouble achieving a successful ESWP outcome, assist workplaces to problem solve workplace issues that present an obstacle to successful ESWP.
- Facilitate communication between workplace parties, health professionals, unions and other interested parties.
- Obtain commitment from the worker and employer on the ESWP plan and process.
- Attempt to resolve disputes that are preventing a successful ESWP outcome.

Treating Health Professional Responsibilities

- Provide appropriate, effective health care that facilitates recovery and expedites return to productive work.

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- Provide information on the worker's functional abilities when requested by the company, the worker or the WSIB.
- Complete functional assessment forms thoroughly, being alert to job demands that might cause re-injury or aggravation of an existing condition.
- Suggest ways in which tasks could be modified to place less strain on existing injuries or conditions.
- Establish and maintain open communication with the workplace, having regard for patient confidentiality.
- Provide timely information to the WSIB.

Co-Workers Responsibility in Early and Safe Work Program:

- Work provides us all with a source of income, a sense of accomplishment and self-esteem. In order to have successful transition back to work for the injured/ill employee, it is everyone's responsibility to assist and provide support for the person. In order to protect the returning employee's privacy, co-workers will not be made aware of the exact nature of the returning employee's injury/illness. It is up to the employee to share as they are comfortable. In order to accommodate such return to work, some changes in work may be required. Everyone is expected to assist with the employee's successful return to the workplace. The location will be made aware of the employees limitations, frequency of breaks and what may be required, and all co-workers thanked for their co-operation via email, direct conversations, or at team meetings as appropriate

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THE FOLLOWING STEPS SHOULD OCCUR IF AN EMPLOYEE IS INJURED AT WORK:

1. **Get First aid immediately, if needed**
2. **Employees will report all injuries, first aid, and near misses immediately to the Supervisor and complete the attached accident report form: (WORKPLACE REPORT OF INJURY/DISEASE/VIOLENCE HSW-1) and leave in your program for the Supervisor.** You also need to contact your Supervisor or the on-call Supervisor and advise them of the injury.
3. **If you need to seek medical attention, please do so right away:**
 - If you leave work due to an injury, you must seek medical attention immediately. **Hours lost from work on the day of the injury are paid by the Agency.**
 - Transportation for treatment at the time of injury can be arranged by the Supervisor (or designate), either by an ambulance or a taxi, depending on the severity of the injury.
 - Please see one of these health care professionals (Chiropractor, Physician, Physiotherapist, or Registered Nurse Extended Class). If your regular health care professional is not available, please seek treatment from an urgent care, walk in clinic or emergency department.
 - **The “To Health Care Professional” letter attached must be presented to the attending health care professional for completion when you seek treatment.**
 - **Effective August 1, 2011, Health Care Professionals will complete the WSIB Form 8 on the initial visit. Page 3 of the Form 8 must be completed by the attending health professional and returned to Human Resources Coordinator, Liz Caro, or designate @ Head Office, immediately, Fax # 519-756-7668.**
 - **Subsequent health care visits require completion of the WSIB Functional Abilities Form. This can be picked up at Head Office or faxed directly to your health care professional.**
 - **The agency MUST report work injuries requiring medical attention and/or lost time within 48 hours to the Workplace Safety Insurance Board (WSIB). Failure to do so may result in a \$250.00 fine to the Agency.**
 - If you are unable to bring the forms in, please call 519-756-2662, ext 204 to arrange for pick-up.
 - The agency must be prepared to offer modified work to injured employees. The

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information completed by your health care professional on the Form 8 and/or Functional Abilities Form assists in creating appropriate modified work. You will be contacted by Human Resources as soon as possible for your collaboration in the return to work process.

- Hours lost from work beyond the day of the injury are paid through the Workplace Safety and Insurance Board.

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Employer reporting procedures:

Employers must forward a Form 7 to the WSIB within 3 days of the illness/injury if the worker:

- Loses time from work
- Earns less than regular day's pay or
- Seeks health care treatment
- Is more than 7 days on modified work

Immediately following filing of a Form 7 to WSIB, the Human Resources Assistant, or designate will notify the Joint Health and Safety Committee, location Supervisor and location Joint Health & Safety Representative of illness/injury report, either by hard copy or email.

In the event of a critical injury or fatality of a worker, the employer must immediately notify the Ministry of Labour Health & Safety Contact Centre, phone: 1-877-202-0008

- Within 48 hours, the employer must also notify, in writing, a Director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed [section 51(1)].
- If an accident, explosion or fire occurs and a worker is disabled or requires medical attention, the employer must notify the Joint Committee (or health and safety representative) and the union, if any, within four days of the incident. This notice must be in writing and must contain any prescribed information [section 52(1)]. If required by an inspector, this notice must also be given to a Director of the Ministry of Labour.
- If an employer is told that a worker has an occupational illness or that a claim for an occupational illness has been filed with the Workplace Safety and Insurance Board, the employer must notify a Director of the Ministry of Labour, the Joint Committee (or health and safety representative) and the union, if any, within four days. This notice must be in writing and must contain any prescribed information [section 52(2)]. The duty to notify applies not only to current employees but also to former ones [section 52(3)].

All critical injuries or fatalities will be investigated by the Joint Health & Safety Committee.

Re-employment obligations:

Section 41 of the Workplace Safety and Insurance Act (WSIA) states any employer is required to offer to re-employ a worker if:

- The employer regularly employs 20 or more workers
- As a result of a work-related injury, the worker is unable to work, and
- The worker was continuously employed with the accident employer for at least 1 year at the time of the injury.

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Non-Work Related Injury/Illness - Procedure

1. If an employee has a non-work related injury that will affect her performance or attendance at work, he/she is required to notify the Supervisor and complete a Non-Work Related Absence and Functional Abilities Form completed by her attending health professional.
3. If the health professional authorizes:
 - a) Return to Work immediately - employee must inform the Supervisor and return for regular duties immediately or as scheduled. Doctor's written authorization must be brought in approving the return to work.
 - b) Modified Duties - employee must inform the Supervisor immediately of the restrictions and duration. Supervisor will inform Human Resources of the health care practitioner recommendations. Employee will bring in Physical Abilities Form outlining the restrictions as soon as possible to Human Resources. The Early and Safe Work Program will be followed.

Early and Safe Work Program

The Early and Safe Work Program provides structure and organization to the activity of returning injured/ill employees to the workplace as soon as possible and assists injured/ill employees who need temporary accommodation in duties prior to returning to full duties.

The prime beneficiary of the Early and Safe Work Program is the employee. The objective of the Program is to:

- reduce the time needed for the rehabilitated employee to return to full work capacity
- keep injured/ill employees active in the daily routines of their job
- allow continuation of income and benefits
- maintain the employee's identity and self-respect
- help the employee maintain contact with fellow employees

The employer benefits because the Early and Safe Work Program returns skilled employees to the job as quickly as possible after an occupational injury/illness, thereby:

- limiting the effect of absences on the employee's team
- maintaining support of individuals through use of already trained employees
- encouraging a sense of well-being, security and goodwill among all employees
- eliminating the non-recoverable costs of hiring and training new employees
- effecting a reduction in WSIB experience costs / or weekly indemnity or long term disability cost.

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Early and Safe Work Procedure

1. The Supervisor and Human Resources will review the following once the employee has been cleared medically for work and restrictions are known:
 - a) Is the regular job suitable?
 - b) Can regular job be modified temporarily?
 - c) If (a) or (b) are not possible, can another job be provided on a part time or permanent basis?
 - d) Can a new job be created temporarily?
 - e) If (a), (b), (c) and (d) are not possible, WSIB or Group Benefit Carrier will be asked to provide rehabilitation assistance for the injured/ill employee.

2. The Supervisor, Worker and Human Resources will work co-operatively in each case and step of the procedure:
 - a) Plan and describe modification
 - b) Obtain Agency, employee and medical approval
 - c) Implement the Early and Safe Work program
 - d) Monitor and evaluate the injured/ill employee's progress
 - e) Correct and modify duties where necessary and possible
 - f) Report earning and hours paid by the Agency to the applicable insurer, either WSIB or Group Benefit Carrier

3. Human Resources will provide the Supervisor, employee and WSIB or Group Benefit Carrier with a written return to work plan within 5 days of receipt of limitation/abilities outlined by the health care professional, which will include:
 - a) Restrictions
 - b) Modified work including date and time to report to work, work hours and duties
 - b) Plan outline/duration

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Employee Follow-Up Procedures

1. If an injured/ill employee is receiving treatment and is not considered fit for work, **he/she is required to attend bi-weekly meetings at the workplace to update the Supervisor of medical conditions and maintain employee/employer relationship.** A Functional Abilities Form (if work related) or Physical Abilities Form (if not work related) is required to be completed and dropped off at the Agency Head Office after each physician's appointment, or faxed to: Human Resources at 519-756-7668
2. Clarification may be requested of the physician through the process including:
 - I. Is the employee fit for regular work or temporary modified work? Physician will be provided with Physical Demands Analysis or a description of physical demands of the job.
 - II. Could employee be referred to a specialist or rehabilitation services?
 - III. How will a delay in return to suitable employment assist the employee in their rehabilitation?
3. Once physician authorizes, Early and Safe Work Procedures will be followed.
4. The Workplace Safety and Insurance Board (WSIB) or Group Benefit Carrier may also rule on suitability of employment being offered to the employee following a work related injury if medical approval is not received.

Community Living Brant reserves the right to request independent medical assessments (IMA) where there is:

- Lack of adequate information to determine function.
- Concern for the duration of the disability.
- Inconsistent information from various sources
- Differences of opinion in the interpretation of medical information, prognosis or functional abilities. The Agency is responsible for arranging the IMA and payment of fees.

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Early and Safe Work Plan Dispute Resolution Process

In situations where there are concerns or disputes related to the Early and Safe Work Plan or process, the workplace parties will use the following procedure:

Step 1. Oral Complaint

1. The workplace parties (employee or supervisor) express concerns with the plan.
2. A joint meeting between the workplace parties (supervisor and the employee) will be arranged to attempt to resolve the dispute. At minimum, the following items will be discussed:
 - I. Nature of dispute; e.g. level of functional abilities, suitability of job
 - II. Outcome or action required to settle the dispute
 - III. Possible adjustments or solutions
3. If the ESWP Dispute is resolved, any changes or adjustments are implemented and the process ends.
4. If the dispute is not resolved, move to Step 2.

Step 2. Written Complaint

5. The workplace parties document issues and concerns and provide written notice of dispute.
6. Written notice of complaint includes any additional information (updated functional abilities) or ESWP plan input (suitability), as well as desired interests/and or ESWP outcomes.
7. A joint meeting will be arranged with employee representation (union) and/or Human Resources to clarify issues and concerns.
8. If the ESWP Dispute is resolved, any changes or adjustments are implemented and the process ends.
9. If the dispute is not resolved, move to Step 3.

Step 3. Request for mediation or third party intervention

If the dispute cannot be resolved within 2 weeks after notice of the dispute has been given, the workplace parties may request mediation or third party intervention. Mediation or third party intervention may include Unions, LTD /STD providers and the WSIB.

Step 4. Mediator/Third party intervention appointment

10. The mediator/third party will arrange a joint meeting and communicate the date, time and location. The workplace parties involved in the dispute will attend the meeting and abide by any resulting decision or adjustments needed to resolve the dispute.