

Summer 2012

Waterloo's Return to Work Principles

Waterloo is committed to making every reasonable effort to enable employees to remain in the workplace and/or to ensure a safe, early return after illness/injury. Waterloo and its employees are committed to co-operating and participating in the Return to Work Program. This approach is consistent with the views of the Ontario Medical Association, and is compliant with legislation under the Workplace Safety and Insurance Act, Ontario Human Rights Code and Ontarians with Disabilities Act. The Ontario Medical Association has stated: "Prolonged absence from one's normal roles including absence from the workplace, is detrimental to a person's mental, physical and social wellbeing".

Our Return to Work program strives to provide accommodation for an employee who is temporarily or permanently unable to return to their duties as a result of an illness/injury. The program provides opportunities to perform the regular job with modifications, or when available, to perform alternate temporary work that meets the injured employee's functional abilities.

The Return to Work (RTW) program applies to all employees of the University. It will be a collaborative and outcome-based process to assess, plan, implement, coordinate, monitor and evaluate the options and services required to meet an individual's needs. The RTW program will utilize a case management approach for achieving an outcome for an ill/injured employee.

UW's 5 Basic Working Principles provide the framework for UW's efforts to ensure a successful, early return to work:

- 1. Focus on the situation, issue, or behaviour not on the person.**
- 2. Maintain the self-confidence and self-esteem of others.**
- 3. Maintain constructive relationships.**
- 4. Take the initiative to make things better.**
- 5. Lead by example.**
- 6. Think beyond the moment**

The manager/department head and the employee have a **shared responsibility** for getting the employee back to work as soon as he/she is able to do so and for making the employee's return to work a success. The Disability Management Team, comprised of the Disability Advisor, Occupational Health Nurse, and Safety/WSIB Officer is also part of the team supporting this process.

Many employees who have been absent due to illness/ injury return to work to their full-time regular duties; however others may require a gradual return to regular duties and hours. The Return to Work program uses outcome-based practices to meet an individual's needs, with a goal of having the employee reach full duties and hours within an optimal period.

The rest of this document specifies roles and responsibilities for all concerned when an employee may be off work due to illness, injury, workplace stress or substance abuse.

- Non-Occupational Illness/Injury
- Workplace Illness/Injury
- Workplace Stress
- Substance Abuse

Absence Due to Non-Occupational Illness/ Injury

When an employee is **absent due to non-occupational illness/injury**, sick leave is payable when there is identifiable, verifiable medical evidence. Acceptable medical must be provided after an absence of five (5) working days in order to protect your income continuance benefit, part of which is provided through an external insurance carrier; however, the manager may require these forms be completed for any absence. Acceptable medical should indicate first day absent, nature of condition, expected return to work date and any limitations or restrictions.

Responsibilities

It is the responsibility of the **employee** to actively engage in the return to work process:

- Be available for phone calls/meeting requests by the Disability Advisor or Occupational Health Nurse (unless alternative arrangements have been made). Failure to be available may result in disruption of sick leave benefits
- Maintain regular contact with his/her manager/supervisor regarding the possible return to work date which may include modified work and/or other accommodations, unless otherwise arranged by the Disability Advisor
- Inform his/her doctor that early and safe return to work opportunities are available to accommodate your functional abilities
- Provide the Disability Advisor or Occupational Health Nurse with identifiable/verifiable **medical*** information supporting absence from work (medical should indicate first day absent, nature of condition, expected return to work date and any limitations or restrictions). Forms are located at: http://www.hr.uwaterloo.ca/forms/phys_release.pdf
- Provide the Disability Advisor or Occupational Health Nurse (as soon as possible) with medical information on limitations/capabilities
- Contribute to the development of a suitable Return to Work (RTW) plan
- Participate in discussions leading to a safe, early return to work
- Report any concerns with his/her return to work to your supervisor and Disability Advisor or Occupational Health
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **supervisor/manager/department head** to:

- Provide a safe work environment
- Notify Disability Advisor of absences which are 5 days or longer or pattern absences
- Maintain regular contact with the Disability Advisor
- Actively engage in the return to work process as explained by the Disability Advisor
- Forward any medical forms received directly to the Disability Advisor
- Maintain the confidentiality of any **medical*** information which is shared by the employee
- Understand and respect the employee's right to not share medical information with manager/department head
- Participate in discussions leading to a safe, early return to work
- Identify transitional work options that could assist with the Return to Work plan

- Facilitate appropriate accommodation where necessary which may include modified work and other accommodations (In most cases these accommodations will be temporary).
- Document the expectation of duties/hours in the return to work
- Facilitate and promote a supportive return to work environment including the employee's co-workers. Monitor the progress of the employee, meet with him/her regularly to ensure the return to work plan is progressing towards a successful, safe return.
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **Disability Advisor** to:

- Maintain regular contact with the employee and the manager regarding receipt of medical, progress and possible return to work date
- Maintain the confidentiality of the employee's **medical*** information
- Ensure the employee is aware of sick leave/LTD benefits. In some cases within the early weeks of absence, Early Referral Forms from our carrier Great West Life Assurance Company may be sent to the employee for completion. These must be returned in a timely manner
- Ensure the employee is provided with the LTD application forms if required
- Coordinate a safe, early return to work by working with the employee, manager/supervisor and Occupational Health Nurse
- Facilitate/promote/support the return of the employee to his/her department with any required accommodation of duties/hours.

It is the responsibility of the **Occupational Health Nurse** to:

- Maintain regular contact with the employee regarding his/her health condition
- Maintain the confidentiality of the employee's **medical*** information
- Manage the employee's **medical*** documentation/file including clarifying health information through the employee's health care providers
- Refer the employee to Waterloo Resources as needed and recommend appropriate off campus community resources
- Evaluate, in consultation with the employee's health care providers, when necessary, the employee's readiness to return to work
- Plan and implement nursing interventions to help minimize effects of injury, illness or disability
- Advise Human Resources if subsequent investigation does not find the delayed return to work and /or lack of communication is justified; this may include departmental decision to discipline, withhold pay and/or possible dismissal.

NOTE:

In some situations, a performance issue may be present. In these situations the manager is expected to address performance issues with the employee using progressive, corrective actions in a timely manner. This action would include verbal counseling, corrective warning letters and offering help such as providing accommodation – as long as improvement is occurring.

Absence Due to Workplace Issues/Stress

In cases where **workplace issues/stress** is contributing to an employee's absence, sick leave is payable when there is identifiable, verifiable medical evidence of illness/injury. As early as is medically possible, during an employee's absence involving workplace issues/stress, the appropriate representative from Human Resources will facilitate discussions between the employee and the manager. During these discussions, the Occupational Health Nurse will provide medical clarification/guidance and support. CUPE 793, Faculty or Staff Associations may be involved if the member wants their support.

Responsibilities

It is the responsibility of the **employee** to actively engage in the return to work process:

- Be available for phone calls/meeting requests by the Disability Advisor or Occupational Health Nurse (unless alternative arrangements have been made). Failure to be available may result in disruption of sick leave benefits
- Inform his/her doctor that early and safe return to work opportunities are available to assist you with your workplace issues/stress
- Contact their Human Resources Advisor, when appropriate, to begin the facilitated return to work process
- Maintain regular contact with his/her manager/supervisor regarding the possible return to work date which may include modified work and/or other accommodations unless otherwise arranged by the Disability Advisor
- Provide the Disability Advisor or Occupational Health Nurse with identifiable/verifiable **medical*** information supporting absence from work (medical should indicate first day absent, nature of condition, expected return to work date and any limitations or restrictions). Forms are located at: http://www.hr.uwaterloo.ca/forms/phys_release.pdf
- Participate in facilitated discussions leading to a safe, early return to work in a timely manner
- Consult with the available Waterloo Resources as needed
- Be aware, failure to actively engage in the Return to Work process may result in discipline, departmental decision to withhold pay and possible dismissal

It is the responsibility of the **manager/department** head to:

- Actively engage in the return to work process in a timely manner as described by Human Resources
- Contact their Human Resources Advisor to discuss the workplace issues and work with the Advisor to begin the facilitated return to work process
- Maintain regular contact with the Disability Advisor/Human Resources Advisor as appropriate
- Participate in discussions leading to a safe, early return to work in a timely manner
- Facilitate appropriate accommodation where necessary which may include modified work/hours (in most cases the accommodations will be temporary)
- Understand and respect the employee's right to not share **medical*** information with manager/department head
- Maintain the confidentiality of any **medical*** information which is shared by the employee
- Document the expectation of duties/hours in the Return to Work meeting

- Facilitate and promote a supportive return to work environment including the employee's co-workers
- Monitor the progress of the employee, meet with him/her regularly to ensure the return to work plan is progressing towards a successful, safe return
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **Disability Advisor** to:

- Maintain regular contact with the employee, Occupational Health Nurse, Human Resources Advisor and the manager regarding progress and possible return to work date
- Maintain the confidentiality of the employee's **medical*** information
- Ensure the employee is aware of sick leave/LTD benefits in relationship to workplace issues/stress. It is Waterloo's experience that cases involving workplace issues/stress are not accepted by LTD
- In some cases within the early weeks of absence, Early Referral Forms from our carrier Great West Life Assurance Company will be sent to the employee for completion. These must be completed and returned in a timely manner
- Coordinate a safe, early return to work by working with the employee, manager/supervisor, Human Resources Advisor and Occupational Health Nurse
- Facilitate/promote/support the return of the employee to his/her department with any required accommodation of duties/hours

It is the responsibility of the **Occupational Health Nurse** to:

- Maintain regular contact with the employee regarding his/her health condition
- Maintain the confidentiality of the employee's **medical*** information
- Manage the employee's **medical*** documentation/file including clarifying health information through the employee's health care providers when indicated
- Provide early intervention to assist employees in achieving optimum level of functioning
- Refer the employee to their Human Resources Advisor to discuss the workplace issues
- Refer employee to Waterloo Resources as needed and recommend appropriate off campus community resources
- Evaluate, in consultation with the employee's health care providers **when necessary**, the employees readiness to begin facilitated discussions
- Attend the discussions with the employee to provide medical perspective and support when necessary
- Actively participate in the discussions of the causes and possible solutions to the workplace stress

In workplace issues/stress situations, the **Human Resources Advisor** has the responsibility to:

- Meet with the manager/department head prior to the facilitated discussion in order to understand the concerns of the manager/department head and outline the expected goals of the facilitated discussion
- Meet with the employee prior to the facilitated discussion in order to understand the concerns of the employee and outline the expected goals of the facilitated discussion
- Facilitate the discussion regarding the causes and possible solutions to this workplace stress among the employee, manager and Occupational Health Nurse (and CUPE 793, Staff or Faculty Associations if requested by the employee)

NOTE:

In some situations, a performance issue may be present. In these situations the manager is expected to address performance issues with the employee using progressive, corrective actions in a timely manner. This action would include verbal counselling, corrective warning letters and offering help such as providing accommodation – as long as improvement is occurring.

Absence due to Substance Abuse:

All Waterloo employees are expected to not be impaired by alcohol, illicit drugs and/or prescription drugs at the workplace, or while otherwise performing Waterloo job responsibilities.

In cases where **substance abuse – which includes alcohol, illicit drugs, and or prescription drugs**, is identified, sick leave will be paid as long as the employee provides verifiable medical evidence showing that he/she is actively engaged in treatment for resolving this illness. If the illness is self-reported and the employee is requesting help, the same expectations will apply. Each situation will be individually assessed.

Responsibilities

It is the responsibility of the **employee** to:

- Be actively engaged in treatment for the substance abuse
- Be available for phone calls/meeting requests by the Disability Advisor or Occupational Health Nurse (unless alternative arrangements have been made). Failure to be available may result in disruption of sick leave benefits
- Provide the Disability Advisor or Occupational Health Nurse with identifiable/verifiable **medical*** information supporting absence from work (medical should indicate first day absent, nature of condition, expected return to work date and any limitations or restrictions). Forms are located at: http://www.hr.uwaterloo.ca/forms/phys_release.pdf
- Not be impaired by alcohol, illicit drugs and/or prescription drugs at the workplace, or while otherwise performing job responsibilities
- Actively engage in the return to work process leading to a safe, early return to work
- Maintain regular contact with his/her manager/supervisor/department head regarding the possible return to work date which may include modified work and/or accommodations unless otherwise arranged by the Disability Advisor
- When there is reasonable suspicion of impairment in the workplace, the employee will be directed and attend Occupational Health for investigation
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **manager/department** head to:

- Address performance issues with the employee using progressive, corrective actions in a timely manner. This action would include verbal counselling; corrective warning letters and offering help such as providing accommodation-as long as improvement is occurring.
- Actively engage in the return to work process as described by Human Resources
- Maintain regular contact with the Disability Advisor as appropriate
- Participate in discussions leading to a safe, early return to work
- Facilitate appropriate accommodation where necessary which may include modified work and other accommodations (In most cases these accommodations will be temporary)
- When there is reasonable suspicion of impairment in the workplace, the manager/department head will direct the employee to attend Occupational Health for investigation
- Understand and respect the employee's right to not share **medical*** information with manager/department head

- Maintain the confidentiality of any **medical*** information which is shared by the employee
- Document the expectation of duties/hours in the return to work meeting and follow up on the expectations
- Facilitate and promote a supportive return to work environment including the employee's co-workers
- Consult the available Waterloo Resources as needed

It is the responsibility of the **Disability Advisor** to:

- Maintain regular contact with Occupational Health and the manager regarding progress and possible return to work date
- Maintain the confidentiality of the employee's **medical*** information
- Ensure the employee is aware of sick leave/LTD benefits and the need to actively engage in treatment to support ongoing benefit payment
- Ensure the employee is provided with the LTD application forms if required
- Coordinate a safe, early return to work by working with the employee, manager/supervisor and Occupational Health Nurse
- Provide help for any substance abuse/addiction through referral to the Occupational Health Nurse
- Ensure that the employee is aware of his/her responsibility to provide verifiable medical documentation indicating active participation in treatment for the substance abuse

It is the responsibility of the **Occupational Health Nurse** to:

- Maintain regular contact with the employee regarding his/her health condition
- Maintain the confidentiality of the employee's **medical*** information
- Manage the employee's **medical*** documentation /file including clarifying health information through the employee's health care providers
- Support the employee during the transition back into the workplace
- Provide ongoing support to the employee as they continue to achieve/maintain wellness
- Refer the employee to appropriate care for substance abuse/addictions to off campus community resources
- Provide the employee with information regarding treatment options available
- Refer the employee to Waterloo Resources as needed
- During or after the rehab process, when there is reasonable suspicion that the employee is under the influence of an alcohol/drugs or where a serious incident has occurred, a random urine or blood toxicology screening can take place in order to support the employee's active ongoing involvement in treatment and to promote employee wellness
- Advise employee that refusal to be assessed or to follow recommendations for rehabilitation once the abuse is confirmed may be grounds for termination

Absence due to Workplace Illness/Injury

In cases where **workplace illness/injury** is the reason for the employee's absence, a claim is filed with the Workplace Safety & Insurance Board (WSIB) and benefits are determined by the Board. Return to Work Policies of the WSIB **must** be adhered to.

Sick leave is payable as advances on WSIB benefits when there is identifiable, verifiable **medical*** evidence of illness/injury.

Responsibilities:

It is the responsibility of the **employee** to actively engage in the return to work process, which includes:

- Know and follow safety policies and procedures
- Report any workplace incident, injury/ illness to his/her supervisor immediately
- Inform his/her doctor that early and safe return to work opportunities are available to accommodate functional abilities
- Provide the Safety/WSIB Officer with **functional** abilities information from the health care provider, supporting absence from work
- Maintain regular contact and cooperate with his/her manager/supervisor regarding the possible return to work date which may include modified work and/or other accommodations
- Provide the Disability Advisor/Occupational Health Nurse with appropriate **medical*** documentation as requested
- Participate in discussions leading to a safe, early return to work identifying any concerns with your return to work
- Attend scheduled return to work progress meetings with your manager/supervisor
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **manager/department head** to:

- Provide a safe work environment
- Report any workplace incident/injury to the Safety/WSIB Officer
- Actively engage in the return to work process and identify suitable work
- Maintain regular contact with the employee regarding what is happening at work as appropriate
- Seek to understand the employee's limitations and capabilities
- Facilitate appropriate accommodation where necessary which may include modified work and other accommodations (in most cases these accommodations will be temporary.)
- Understand and respect the employee's right to not share **medical*** information with manager/department head
- Maintain the confidentiality of any **medical*** information which is shared by the employee
- Document the expectation of duties/hours in the return to work and follow up on the expectations
- Facilitate and promote a supportive return to work environment including the employee's co-workers
- Monitor the progress of the employee in modified work programs and meet with them regularly to ensure they will be successful in achieving their return to work goal
- Consult with the available Waterloo Resources as needed

It is the responsibility of the **Safety/WSIB Officer** to:

- Maintain regular contact with the employee regarding his/her health condition.
- Maintain the confidentiality of the employee's **medical*** information
- Determine availability and suitability of accommodation with respect to the employee's functional abilities.
- Coordinate and facilitate return to work process involving the employee, manager/supervisor, Disability Advisor and Occupational Health Nurse, in accordance with WSIB Early & Safe Return to Work Policy
- Manage the employee's **WSIB claim** documentation/file and document all activities and responsibilities in the return to work case and oversee the administration of the return to work program
- Monitor the progress of the return to work case and advise all involved of any changes to wages, duration or duties of the plan and closure of the plan
- Communicate relevant information including return to work status to the Workplace Safety & Insurance Board, Disability Advisor and Occupational Health Nurse
- Maintain regular contact with Disability Advisor regarding sick leave and LTD benefit status

It is the responsibility of the **Disability Advisor** to:

- Maintain regular contact with the Safety/WSIB Officer regarding progress and possible return to work date
- Maintain the confidentiality of the employee's **medical*** information
- Ensure the supplied medical meets the requirements of the University sick leave benefit
- Ensure the employee is aware of sick leave/LTD benefits in case WSIB is declined
- Ensure the employee is provided with the LTD application forms if/when required
- Coordinate a safe, early return to work by working with the employee, manager/supervisor, WSIB Safety Officer and Occupational Health Nurse
- Facilitate/promote/support the return of the employee to his/her department with any required accommodation of duties/hours

It is the responsibility of the **Occupational Health Nurse** to:

- Maintain regular contact with the Safety/WSIB Officer regarding the injured workers health condition
- Maintain the confidentiality of the employee's **medical*** information
- Manage the employee's **medical*** documentation/file, including clarifying health information through the employee's health care providers when requested by the WSIB Safety Officer to ensure that it meets the requirements of the University sick leave benefit
- Work with the employee, manager/supervisor, WSIB Safety Officer and Disability Officer to support a safe, early return to work
- Support the return of the employee to his/her department with any required accommodation of duties/hours

Dispute Resolution:

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 (and employee/union rep if applicable) did not resolve the dispute, the Safety/WSIB Officer will make a referral to the WSIB when the dispute involves cooperation in return to work or suitability of the job accommodation.

Waterloo Resources:

The following Resources are available for all employees and managers/department heads to support the return to work process. All contacts will be treated with respect and confidentiality. **Medical*** information is only released with a signed consent from the employee.

- Health Services, Occupational Health Nurse Ext. 36264
- Human Resources, Disability Advisor Ext. 32926
- Counselling Services Ext. 33528
- Human Resources, Human Resources Advisor Ext. 32524
- Conflict Management and Human Rights Office Ext. 33765
- Office for Persons with Disabilities Ext. 35231
- Safety Office Ext. 33587
- Staff Association Ext. 33566
- Faculty Association Ext. 33787
- CUPE 793 Union Ext. 36793

*** The University of Waterloo adheres to PHIPA (Personal Health Information Protection Act, 2004) and all other relevant legislation including the Regulated Health Professions Act, 1991, Workplace Safety and Insurance Act, 1997 and Occupational Health and Safety Act, 1990. All medical information provided is confidential. The employee is not obligated to share medical information with his/her manager/department head. However the employee must provide appropriate medical to the Occupational Health Nurse, Health Services and/or Disability Advisor, Human Resources in order to support payment of sick leave and application for long-term disability.**