

SIR SANDFORD FLEMING COLLEGE POLICY MANUAL

Policy # 3-342 RETURN TO WORK AND MEDICAL/DISABILITY ACCOMMODATION	
Classification: Section 3 – Human Resources	
Approved by: Board of Governors	Date: November 27, 2013 (BoG Nov27-2013 #2)
Replaces: # 3-342 (BoG June 22, 2011 #2)	
Next Policy Review: 2018	Responsibility: Board Human Resources Committee

Policy Statement

A successful Return to Work/Medical Accommodation (RTW/MA) plan fosters co-operation and partnership among all key players, including the employee, the supervisor, Human Resources, Union representatives, the health professional, Sun Life, and WSIB.

It is guided by the principles as outlined in the Accessibility for Ontarians with Disabilities Act (2005) and the Integrated Accessibility Standards Regulation (IASR 2011). The College is committed to ensuring its policies, procedures and practices promote the principles of independence, dignity, integration and equal opportunity.

The College is committed to making every effort to provide accommodation to employees in their efforts to return to and remain at work.

Purpose

This policy addresses RTW/MA planning for employees who have been absent from work due to illness and/or injury or who require workplace accommodations based on a medical restriction or identified disability.

Scope

This policy shall apply to all employees of Fleming College.

The primary office of responsibility for this policy is the Vice-President Human Resources and Student Services.

Definitions

RTW/MA: Return to Work and Medical Accommodation

WSIB: Workplace Safety and Insurance Board, formerly the Workers' Compensation Board

AODA: refers to the Accessibility for Ontarians with Disabilities Act, 2005 including standards and regulations under the Act

Union: refers to Ontario Public Service Employees Union (OPSEU) Locals 351 and 352

HR: refers to the Human Resources department of the College

General Principles

- The College shall have in place:
 - Statement of commitment that describes how the program will operate, which may include a permanent Return-To-Work/Medical Accommodation Committee consisting of representatives from the College and the Local Union.
 - Strategies that support the statement of commitment and form a framework within which individual RTW/MA cases are managed.

- Description of roles and responsibilities for the various stakeholders involved in the RTW/MA process.
- RTW/MA procedure that outlines the steps to be followed in managing individual RTW/MA cases, including a mediation component, if appropriate.
- Education and awareness component.
- Process for regular review and updating of the program.

Operating Procedure

1. STRATEGIES

1.1 Early Assistance

- The supervisor is required to stay in contact with the employee during an absence.
- Notification of absences and/or medical restrictions occurs early in the absence.
- The Supervisor, in consultation with the Human Resources Consultant, is in regular contact with the employee to identify early return to work and accommodation opportunities.
- Details are contained in our Employee Absence Due to Illness or Injury Procedure as well as the College Safety Policy and Return-to Work and Medical or Disability Accommodation Procedures.

1.2 Team Approach

The program is designed to ensure full participation of all relevant stakeholders and values their contribution.

1.3 Confidentiality

- The College is committed to protecting the confidentiality of employees' medical and personal information.
- The RTW/MA Program Committee and RTW/MA Team(s) shall protect the confidentiality of employee medical and personal information.
- All employees are made aware of when and how information is shared throughout the program, including their rights and responsibilities regarding confidentiality.

To ensure timely return to work and accommodation planning, the College requires information about an employee's abilities and limitations, which is collected from the relevant treating physician or through a 3rd party (insurer or WSIB). The RTW Program Specialists in HR are responsible for ensuring the processes are in place to provide the safekeeping and protection of confidential information.

- Records of personal medical information are kept confidential and separate from employee human resources records.
- Employee health information is gathered through a process of informed written consent from the employee with a description of the use, storage and distribution of the information.
- The RTW/MA Program Specialists ensure that the College is in compliance with federal/provincial medical record and privacy laws and that procedural documentation is in place to protect the confidentiality of RTW/MA records at the College.

1.4 Accommodation

- The College is committed to providing accommodation of modified work to disabled, ill or injured employees unable to perform their regular work.
- The employer's responsibility is to provide reasonable accommodation.
- The employees' responsibility is to accept reasonable accommodations within their abilities and limitations.

- The RTW/MA Team identifies job accommodation options based on the abilities and limitations of the disabled, ill or injured employee and takes into consideration the impact to the employee and the work environment.
- The Supervisor regularly reviews accommodations to ensure continued appropriateness and is accountable for providing and supporting accommodations.
- The HR Consultant and the RTW/MA Program Specialists are available to assist with identification of alternative work and transition issues.

1.5 Dispute Resolution Mechanism

- The Dispute Resolution process:
 - respects the need for timely resolution of issues;
 - allows for involvement of all relevant stakeholders in developing a solution;
 - recognizes the availability of choices and options in developing RTW/MA Plans;
 - includes the role of RTW/MA Mediator.
- For occupational (WSIB) disputes, the College relies on the services of the WSIB RTW Mediator.
- For non-occupational disputes, the College engages the services of a RTW/MA Mediator.

2. ROLES AND RESPONSIBILITIES

2.1 Return to Work/Medical Accommodation Program Committee

- Support the RTW Program of the College; meets twice per year.
- Review statistical information on RTW/MA Plans with regard to progress and results.
- Recommend changes to the RTW/MA Program for continuous improvement.

2.2 Return to Work Team

- Implements the RTW/MA Program of the College.
- Develop RTW/MA action plans, monitor progress and adjust as required.

2.3 Employee

- Maintains appropriate contact with supervisor and/or HR Consultant throughout the absence, and provides information necessary for RTW/MA planning.
- Focuses on recovery and obtains appropriate medical treatment.
- Participates in RTW/MA Team meetings, planning and identifying accommodation options.

2.4 Supervisor

- Maintains appropriate contact with the employee and with the HR Consultant.
- Identifies return to work options within the work group and department based on the returning employee's abilities and limitations.
- Engages co-workers, as necessary, in the RTW/MA Plan.

2.5 Human Resources Consultant

- Acts as the RTW/MA Coordinator and resource to the supervisor and employee.
- Ensures appropriate documentation and communication with the RTW/MA team.
- Participates in assessment phase, RTW/MA Team meetings and accommodation planning.
- Consults with the employee, union, supervisor, treating physician and other stakeholders on abilities/restrictions, job demands, physical demands analysis, functional abilities analysis, and timing of return to work.
- Documents the RTW/MA plan and ensures the RTW/MA Program Specialists are kept informed.

- Coordinates the job match process when an employee cannot return to pre-disability/pre-illness job.

2.6 Benefits Administrator and HR Support Leader (referred to as Benefits Administrator)

- Monitors and communicates employee sick day entitlement details.
- Prepares an employee information package.
- Co-ordinates all employee case file documentation and tracking of absence data in a confidential file separate from the personnel file.
- Primary contact with WSIB and Sun Life.
- Participates closely with the HR Consultant in the implementation of the RTW/MA Plan.
- Ensures payroll is kept informed of any required salary adjustments as per the RTW/MA Plan.
- Summarizes all RTW/MA Plans and prepares statistical reports for the RTW/MA Program Specialists for analysis and subsequent by the RTW/MA Program Committee.

2.7 RTW Program Specialists

- The Specialist role is shared by two (2) HR Consultants:
 - Academic specialist;
 - Support Staff specialist.
 Specialists share responsibility for Administrative and Part-time employees.
- Co-ordinates all activities of the RTW/MA Program and the RTW/MA Program Committee.
- Provides reports on the functioning of the RTW/MA Program to the RTW/MA Program Committee.
- Oversees the day-to-day functioning of the RTW/MA Program ensuring consistency of application of RTW/MA procedures.
- Ensures appropriate education and awareness of the RTW/MA Program within the College.
- Ensures appropriate RTW/MA training and expertise is provided to HR Consultants.
- Provides assistance with complex case management.
- Facilitates dispute resolution process (if required).

2.8 Employee Representatives

- Advocate for employee.
- Assists employee in understanding procedures and his/her responsibilities regarding RTW/MA program.
- Participates in RTW/MA team meetings and development of RTW/MA plans.
- Representation by OPSEU for bargaining unit employees is mandatory.
- Representation by an Association member for administrative employees is optional.

2.9 Executive Leaders Team (ELT)

- Supports the RTW/MA Program.
- Receives and reviews RTW program statistics on an annual basis.

2.10 Employee's Health Care Provider(s)

- Manages and treats the employee's disability, illness or injury.
- Supports the employee in return to work efforts, including clinical interventions as required.
- Provides abilities and limitations information review, and when warranted for medical reasons, provide feedback on RTW/MA Plans.

2.11 Co-Workers

- Support the returning employee, as appropriate.

2.12 Return to Work Mediator

- In case of disputes, facilitate RTW/MA Team meetings to assist with resolution.
- Is selected by the employee from a roster of candidates developed by the RTW/MA Program Committee.

- Candidates may include:
 - RTW/MA Program Specialists;
 - an individual from an agreed upon roster of neutral third parties with experience in resolving disputes.

3. EDUCATION AND AWARENESS

- The RTW/MA Program Specialists ensure all new employees are made aware of the RTW/MA policy, program and procedures as part of the College's formal on-boarding process.
- The College will ensure the RTW/MA Program Specialists have access to appropriate professional development regarding workplace accommodations and return to work.
- The RTW/MA Program Specialists ensure appropriate training on the RTW/MA program and ongoing sharing of RTW/MA expertise within the HR Consulting group.

4. CONTINUOUS IMPROVEMENT

- The RTW/MA Program Specialists conduct an analysis of the annual program statistics to identify trends or emerging issues; provides a summary report for review and discussion by the RTW/MA Program Committee.
- The RTW/MA Program Committee reviews the annual statistical RTW/MA reports to determine:
 - the degree of success in meeting the RTW/MA Program goals;
 - the degree to which the RTW/MA Program is meeting the needs of the College and employees.
- The RTW/MA Program Committee develops recommendations for program improvements.
- Annual reporting on the RTW/MA Program is provided to the Executive Leader's Team by the RTW/MA Program Specialists along with recommendations from the RTW/MA Program Committee, if applicable.

Related Documents

- Academic Staff Collective Agreement
- Support Staff Collective Agreement
- Terms and Conditions of Employment for Administrative Employees
- Ontario Human Rights Code
- Worker Safety and Insurance Act
- Occupational Health and Safety Act
- Personal Health Information Act and Personal Information Protection & Electronic Documents Act
- Fleming College Accessibility for Persons with Disabilities Policy #3-341
- Fleming College Absence Due to Illness Procedure
- Fleming College Safety Policy #4-412
- Fleming College Return to Work and Medical Accommodation Procedures, dated February 2012

Appendices

N/A

Monitoring of Operating Procedure

Next Review: 2016

Responsibility of: *Vice-President Human Resources and Student Services*

Procedure Review Summary:

Annual review to ensure compliance with AODA requirements October 2013; endorsed by ELT

Responsibility: HR Consultant RTW Leads

