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| Title: RETURN TO WORK (RTW) – PROGRAM DEVELOPMENT | Date of Issue: September 2017 |
| Approved by: Kasey Janzen - President | Review / Revise Date: June 2016, June 2017 |
| Location: safety board back shop, online (website) |

**PURPOSE:**

To develop a Policy that supports Return to Work by providing the injured worker with modified duties that can safely return worker to the workplace with the intent to a return to full-time, pre-injury duties.

**LEGISLATION:**

O. Reg. 35/08

O. Reg. 456/97

O. Reg. 175/98

Ontario Human Rights Code

OHSA and associated Regulations

Employment Standards Act

Freedom of Information and Protection of Privacy Act

Personal Health Information Protection Act

Workplace Safety and Insurance Act, 1997, as amended

Sections 21, 23, 33, 37, 40, 41, 42, 43, 44, 77, 86, 159(2)(h)

Sections 42, 43, 53

Sections 22(5), 33, 37, 150(1), 158

Sections 2(1), 12(1)(3)(5), 12.2, 23(3), 40, 41(1)(8)(11)(13), 159(2)(h)

Sections 2(1), 23, 40, 41(1)(8)(11)(12)(13), 43, 120

Sections 41(13)(14), 43, 55

**WSIB POLICIES:**

 19-02-01 WR Principles, Concepts & Definitions

 19-02-02 Responsibilities of the Workplace Parties in WR

 19-03-03 Determining Suitable Occupation

 19-02-04 Functional Abilities Form For Work Reintegration

19-03-05 Work Transition Plans

 19-03-06 Work Transition Expenses

 19-03-11 Relocation Expense

 19-05-02 Re-employment Obligation in the Construction Industry - Threshold, Duration and Specific Employer Requirements

19-05-03 Compliance With The Re-Employment Obligation - Construction Industry

19-05-04 Re-Employment Penalties And Payments - Construction Industry

Some of the above Policies will be addressed in additional WR Policies

**DEFINITIONS:**

**Please see the WR Definitions Policy**

Return to Work Team = President, Foreman, Manager, H & S Coordinator, Injured

(RTW Team) Worker, Supervisor, H & S Rep, JHSC

Workplace parties = Employer, injured worker, co-workers, H & S Coordinator

**SCOPE:**

The injured worker will work with the President, H & S Rep, Office Manager and RTW Team (outside consultants -if necessary) to ensure the Program’s success.

Unions, if applicable

This Policy pertains to anyone who has experienced a workplace or non-workplace injury or illness.

**POLICY:**

Castle Plumbing & Heating Inc. understands that even with the Policies, Procedures and training that are in place, an incident may happen to our workers. This RTW Policy (and other WR Policies) outlines the steps that need to be taken to effectively manage and support the injured worker’s return to full duties at our workplace.

Worker Reintegration (WR) is about three aspects and it includes:

* Return to Work and Case Management - initial response and ongoing management of a workplace injury and the return to work of the injured worker
* Work Transition – transitioning to different or modified work (see Work Transition Policy)
* Re-Employment Obligations – of us, as the employer to keep the worker employed for a period of time (see Re-Employment Non-Construction and Re-Employment Construction Policies)

One of the fundamental drivers of Work Reintegration is ensuring that it is appropriate, supported and maintains the worker’s dignity and productivity in their rehabilitation and recovery from a workplace injury.

WR is a process of:

* Integration of effort and co-operation of all workplace parties (workers and employers), as well as the treating health professional, union representatives, other authorized representatives and the WSIB
* Active recovery in the workplace
* Accessible, timely and intensive services
* Goal-oriented work transition (WT) plans
* Leveraging statutory WR obligations (i.e. Co-operation and re-employment)
* WR Goal

WR process:

* Starts as soon as we learn a worker has suffered a work-related injury or disease (RTW Program Development) – workers must report their injuries immediately to their Supervisor!
* Continues throughout recovery and impairment and adapts to changes (Case Management Policy)
* Includes a ‘stay at work process’ – with accommodated duties with a goal to return to pre-injury job and restoration of pre-injury earnings taking place in the workplace (not the home)
* Based on a system of integration of effort and co-operation (includes all workplace parties including WSIB)
* Keys for workplace parties:
	+ Planning WR
	+ Identifying WR opportunities
	+ Identifying WR issues
	+ Requirement to co-operate and fulfill all of their WR obligations

Off work cases (worker unable to return to any type of work):

* Focus of the WSIB’s case management activities is on worker’s clinical recovery and planning for early and safe WR with the injury employer
* WR activities will commence when the worker is able to return to suitable or pre-injury work with the employer.

Stay at work cases (return to work immediately or return to work soon after injury):

* Workplace parties must work together to monitor worker’s recovery and progress towards the WR goal if:
	+ Worker experiences wage loss due to injury/disease
	+ Evidence of permanent impairment
	+ Job suitability concerns exist

As indicated, the goal of WR is to return the worker to work that they have the skills to perform, is consistent with the functional abilities, restores pre-injury earnings. Ideally, the worker returns to pre-injury work.

It is also our aim to a) reduce the number of time lost injuries/ illnesses and b) reduce the number of Lost Time Injuries (LTI) by having a successful RTW Program in place.

As the employer, we know that we have a duty to accommodate the injured worker to the point of financial hardship.

The workplace parties must co-operate with each other and the WSIB in the RTW process by:

* Initiating early contact – by the worker immediately as soon as the workplace injury takes place
* Maintaining appropriate communication throughout recovery- all workplace parties
* Identifying and securing WR opportunities for worker
* Giving the WSIB all relevant information concerning the worker’s WR
* Notifying the WSIB of any dispute or disagreement concerning the worker’s WR

These CO-OPERATION OBLIGATIONS apply to all workplace parties from the date of injury until the earlier of the date:

* Worker's loss of earnings benefits can no longer be reviewed by the WSIB (usually 72 months after the date of injury)
* There is no longer an employment relationship between the workplace parties because either the worker voluntarily quits or employment is terminated for reasons unrelated to work-related injury (including absences from work), treatment or claim for benefits
* When the WSIB is satisfied that no current suitable work with the injury employer exists or will exist in the reasonably foreseeable future

Even if the worker is not functionally capable of performing any type of work, the workplace parties are still expected to maintain regular communication in preparation for a future return.

This policy is about the initial response to a workplace injury and is called RTW Program Development.

The WSIB fully supports both the employer and the injured worker in developing a Return to Work (RTW) Program that will assist in promoting a safe and timely return to full duties for work-related injuries and illnesses.

The WSIB states that all workplace parties must cooperate with each other and the WSIB in the RTW process. Failure to do so will result in penalties to BOTH Castle Plumbing & Heating Inc. and the injured worker.

It is the expectation of Castle Plumbing & Heating Inc. that all workers will participate in the Return to Work (RTW) Program as it will be offered to everyone without bias. Even if a worker is unable to return to work immediately (hospitalized), they are still expected to maintain regular contact with Castle Plumbing & Heating Inc. (minimum weekly).

A key component of RTW is to assist the injured worker by providing modified or alternative work as part of the healing process to a return of full duties, in keeping with the employee’s physical capabilities and limitations. In other words, you will be assisted in your recovery by recovering in the workplace rather than at home.

There are several documents that are key to a successful RTW Program:

1. This Policy and Procedures
2. Return to Work Policy Statement
3. Memo
4. WSIB Form 6 (worker completes)
5. WSIB Form 7 (employer completes)
6. WSIB Form 8 (medical care provider completes)
7. WSIB Functional Abilities Form (FAF)
8. Letter to medical care provider
9. Letter to employee
10. Roles and Responsibilities
11. Return to Work Agreement and Plan

NOTE:

How the actual RTW is to be designed and implemented will be provided in the Case Management Policy – this is where we continue to work with the injured worker on recovery

**Policy and Procedures:**

The ‘how to’ of RTW – see below in this Policy

**Return to Work Policy Statement:**

Our personal company philosophy on RTW and our expectations – is posted with our other Policy Statements

**Memo:**

Document to go in Injury Package – also be used as a Safety Talk or payroll insert – Handout for new employees during Orientation. Reminds all workplace parties of our commitment to injured workers

**WSIB Form 6:**

Completed by injured worker – gives worker opportunity to provide information outside of Incident Report – copy provided to employer

**WSIB Form 7:**

Completed by employer – provides information to WSIB on injured worker and injury – copy provided to worker

**WSIB Form 8:**

To be completed by the medical care provider for the initial visit. The FAF is used for subsequent visits. The Form 8 MUST be returned immediately to the H & S Coordinator.

**WSIB Functional Abilities Form (FAF):**

Indicates restrictions and limitations – assists in providing guideline for modified duties from subsequent medical visits

**Letter to medical care provider:**

Indicates that we have modified duties available and that we need the Form 8 or FAF completed in order to determine modified duties

**Letter to Employee:**

Indicates everyone’s responsibility to work together in Return to Work

**Roles & Responsibilities:**

Unlike other Policies, the RTW Policy cannot be successful without the defined Roles & Responsibilities for all workplace parties. See below.

**RTW Agreement and Plan:**

Outlines the type of modified duties to be provided to the injured worker. Signatures by employer and injured worker indicate the commitment to work together in the safe recovery of the injured worker to pre-injury duties.

**INJURY PACKAGE:**

This is an envelope that must be carried in each company vehicle. It is used whenever medical is sought. Supervisors must familiarize themselves with the contents of this envelope and assist the injured worker in completing the paperwork.

Injury Package contains copies of:

* This Policy and the Procedure
* Memo
* RTW Policy Statement
* Form 6 (worker completes)
* Form 8 (medical care provider completes)
* Letter to medical care provider
* Letter to employee

**PROCEDURES:**

NON-WORK RELATED INJURIES / ILLNESS/ DISEASE:

If employee injures themselves outside work, it is important that they immediately inform the Supervisor so that modified duties are provided to prevent further injury.

For example:

* Employee paints on weekend and experiences muscle pain in arms.
* Arrives at work and does not inform Supervisor of pain.
* Attempts to lift a bag of concrete, moves the wrong way to compensate for pain, this results in a strained back muscle and a visit for medical care, where, instead of having 3 days of modified duties, now time is required for medical appointments, modified duties for 4 weeks etcetera.
* Situations like this are the reason we must address injuries outside work!

PROCEDURE FOR NON-WORK RELATED INJURIES/ILLNESS / DISEASE:

* Employees must notify Supervisor prior to starting work of any illness / injury sustained outside work hours
* Supervisor will try and accommodate restrictions on site in order to prevent further injury / illness
* If Supervisor is unable to do so, Supervisor must inform Senior Management of inability to provide accommodation
* Senior Management will attempt to provide accommodation in the Office
* Again, this Procedure is related to NON workplace incidents

PROCEDURE FOR WORK RELATED INJURIES / ILLNESS / DISEASE:

* First Aid Provider to apply First Aid - if suitable to the type of injury
* Notify Supervisor **immediately** of injury – You do not have an option in this!
* If there is the risk of head, neck and spinal cord damage, exercise extreme care and do not move the injured person
* First Aid Provider or Supervisor notifies President of injury via phone
* REMEMBER: an injured worker MUST be provided transportation to a medical care facility – they cannot drive themselves
* Office Manager meets the injured worker at the medical care facility with the Return to Work package

OR

* If Supervisor accompanies injured worker, then Supervisor takes Return to Work package with injured worker
* Injured worker will have health care provider (physician, physiotherapist, chiropractor, nurse practitioner, dentist) fill out Form 8 for the initial visit
* This completed Form 8 will provide us with a notice of fitness to return to work or some type of work
* Worker to return with 2nd Page of Form 8 so that Modified Duties can be determined

NOTE: Worker cannot come to work without a completed Form 8! You must have it completed, regardless of whether or not your health care provider chooses to fill one out. Health care providers know their obligations to fill this out!

* Do not leave the medical facility without a completed Form 8 ! Under no circumstances should you leave without this Form being filled out. Failure to comply with this will be considered reason for Disciplinary Action!
* Injured worker to return completed Form 8 to Supervisor or Senior Management immediately.
* Injured worker will be accompanied by Castle Plumbing & Heating Inc. H & S Coordinator.
* At no point in time should the injured worker attempt to drive a vehicle themselves
* Injured worker will be taken home by H & S Coordinator.
* Arrangements will be made to transport the injured worker to work the next day if the worker is unable to drive (taxi)

In addition to the above, the injured worker will:

* Explain to medical care provider that modified work is available to them at the workplace
* Provide all completed forms to the Office stating work limitations prior to return to work for Modified Duties the next day
* Never be forced to return to work against the advice (Form 8 or Functional Abilities Form) of the attending health care provider however it is the injured worker’s responsibility to inform the health care provider that modified work is available!!
* Perform meaningful work that they agree to and that will not aggravate an existing condition or create a new injury
* Discuss with Senior Management and Supervisor the nature and extent of the modified work.
* Be encouraged to schedule all medical appointments or physical therapy sessions at the beginning or end of the day
* Not return to full duties unless authorized by the attending health care provider. This means that a completed FAF MUST be received by the H & S Coordinator prior to a return to full duties
* Castle Plumbing & Heating Inc. H & S Coordinator will be in contact with the injured worker at all times during the recovery
* The injured worker will ensure that they are in daily contact with the designated party
* This means that all parties involved in the RTW Program will participate, on a daily basis, with feedback on the type of the modified work and suitability
* Any issues with the modified work should be raised at this time

As an injured worker, you may ‘feel’ that you are able and capable to return to full duties. This may be the result of the pain relief medications your health care provider has prescribed for you and not because of the improvement in your injury. You are reminded that there should be no operation of machinery or equipment while you are under the influence of pain medications. Once a FAF indicates that you are able to return to full duties, will you be able to return to full duties. This is not a decision that you can make independent of the completed FAF.

FUNCTIONAL ABILITIES FORM:

This form is very important to establish restrictions and limitations for the modified work of an injured worker:

* Workers must consent to the disclosure of their functional abilities information by the treating medical care provider
* It is advisable that we use the form generated by the WSIB for work-related injuries and not a form generated by our company
* Either or both Castle Plumbing & Heating Inc. or the worker can request the Form to be completed and the medical care provider must give the WSIB, us and the worker a completed Form
* A health care provider who examines the worker at the request of the WSIB or our company is not considered the treating health professional for the purposes of completing an FAF (i.e.: CT scan)
* If 2 or more health care professionals are treating the worker (i.e.: physician and physiotherapist), then the one who can provide the most useful information will complete the FAF or both parties will – the key is who will provide the FAF in the most complete and timely manner
* If the health care provider refuses to complete the FAF or doesn’t complete it in a timely manner, then a request to change health care provider can take place

**ACCOMMODATIONS AND MODIFIED DUTIES:**

As an employer, we have a duty to modify work or workplace to accommodate needs of worker to the extent of undue hardship as per:

* Obligation to re-employ set out in the Workplace Safety and Insurance Act,1997(WSIA), the associated Construction Regulation
* Ontario Human Rights Code / Canadian Human Rights Act
	+ The Code guarantees equal access to employment opportunities to any person with a disability, whether such disability is work or non-work-related.
	+ Pursuant to the Code, if a person with a disability requires accommodation to perform the essential duties of a job, the employer must provide accommodation
	+ To assist in determining undue hardship, the WSIB refers to the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate.
	+ Since relevant human rights legislation also protects workers from discrimination on a number of grounds including disability, sex (pregnancy, gender identity), creed, ethnicity, family status and age, employers may have accommodation requirements during the WR process in addition to those related to the work related-impairment.
* Accommodation may be temporary or permanent

A Modified Duty is the modification of a worker’s existing position or a new position that meets the limitations and restrictions provided by the medical care provider. The purpose of Modified Duties is that the worker can carry out work with adjustments that are well within their physical capability, as indicated by the Form 8 or FAF.

Modified duties can be a modification of:

* Existing pre-injury job
* New job duties

If we are looking at providing the essential duties of the pre-injury job, we will consider:

* Job outcome- terms of production of final product/ provision of service
* How often each duty is performed
* Amount of time spent at each duty
* Effect on job outcome if a duty is removed (i.e.: 90% of job can be performed but that 10% means that the job won’t be completed)
* Effect on process before or after a duty, if a duty is removed
* Current job description
* Normal productivity in job

Further considerations must include:

* Consideration of the injured worker’s cognitive abilities with respect to:
	+ Mental alertness
	+ Reasoning
	+ Judgement
	+ Short-term memory
* Because any of the above can be impacted by medications prescribed to treat the injury/disease
* Location of modified work:
	+ Must consider safest location (terrain, prevention of further injury or set back to recovery)
	+ Can be any of the following:
		- Job Site
		- Site Trailer
		- Office
		- Shop

The work must:

1. Be productive – the result must have value to the business
2. Safe -
	1. Not aggravate the injury or create new injury
	2. Must not create an additional hazard to the worker or other workers
	3. Must be performed in a worksite governed by the OHSA
	4. Worker must be able to travel safely to and from proposed worksite (i.e.: broken leg means that transportation will be provided)
3. Assist the worker in returning to their pre-injury position, if possible
4. Take into consideration worker’s:
	1. Cognitive capabilities or limitations – may be impaired with medications
	2. Abilities and skill sets – training may have to take place to accommodate some modified duties
5. Be ‘stepped’ with continuing assessments to see if:
	1. The work is suitable for the type of injury
	2. Additional levels (moving towards full recovery) can be applied

NOTE:

* It is important that there is improvement in the RTW Plan with each week
* If the injured worker is unable to perform modified duties (as indicated by the FAF), then additional FAF’s must be completed that better reflect the injured worker’s capabilities
* Remember that the FAF must be completed by a medical care provider- if they indicate that the injured worker can perform activities, the injured worker must comply.

**RETURN TO WORK PROCEDURE:**

Prior to start of any accommodation (or implementation of modified duties), the injured worker will:

* Immediately notify Company that they are able to return to some form of work (OR WSIB may provide this notification to us but it is preferred that the injured worker provides us with this information)
* Discuss with Senior Management the length of time for the Modified Duty placement (average of 2 weeks to fit in with the arrival of updated FAFs)
* Sign a RTW Agreement and Plan with respect to the hours of work, reporting requirements and nature of the modified duty position (WSIB Functional Abilities Form – FAF or Form 8)
* Review the Form 8 or FAF with employer for suitable modified work
* Be required to schedule medical appointments and therapy at reasonable times so as not to conflict with Castle Plumbing & Heating Inc. timetable and the RTW Plan (beginning or end of day)
* Be required to supply medical progress reports (WSIB FAF) every two weeks or as required (due to improvement, may be requested more frequently)
* If the worker feels that they have improved beyond the abilities listed in the FAF, the worker is to visit their health care provider immediately for a revised FAF

Once the RTW Plan starts, the worker will:

* Receive an ‘on site’ / job specific orientation where the limitations, restrictions / changes to their job will be discussed by their Supervisor
* The RTW Plan will be reviewed again at this time
* If additional training is required to complete the modified duties, this will be arranged by the Supervisor
* Supervisor will observe worker to ensure that they are able to complete the modified duties, as discussed
* Do not perform any duties other than those indicated on the RTW Plan – workers who do not follow the RTW Plan by doing more than indicated will receive Disciplinary Action
* Supervisor will discuss the Modified Duties at the beginning and end of each day so that:
	1. Further modifications can take place, if necessary
	2. Documentation of the Modified Duties must be recorded
	3. Worker must provide input

**SCHEDULE FOR FOLLOW-UP:**

The Supervisor and worker will maintain regular contact to ensure that they do not exceed the limitations / restrictions indicated in the FAF and that the Modified Duties do not create further discomfort or create impediments to recovery.

The injured worker will:

Day One:

1. Report to Supervisor at the beginning and end of day
2. Report to Supervisor during each break to report on their progress with Modified Duties
3. Supervisor will record the comments on the Contact Log

Each Day:

1. Report to Supervisor at beginning and end of day
2. Report discomfort or challenges with Modified Duties immediately (this means right away, without delay!)

Each Week:

1. Complete the section of the RTW Plan requiring their comments
2. Meet with Supervisor to discuss next level of Modified Duties once a new, complete FAF has been received
3. Supervisor will forward documents to RTW Team
4. Supervisor and RTW Team will discuss progress / decline of RTW Plan and make changes, where necessary, to protect / enhance worker’s RTW
5. Supervisor will discuss changes with worker prior to worker commencing new duties

In the best interest of injured workers (and for the safety of all workplace parties), we must remind you that Disciplinary Action will be used if the RTW Plan is not followed / adhered to.

Once the RTW Plan is finished (the worker has returned to full duties), the Supervisor, RTW Team and injured worker will discuss the suitability of the Program and make recommendations for change, if necessary.

NOTE:

Only duties for which the worker has experience, knowledge and training will be used. If training is required to perform the task (i.e.: Workplace Inspections) then training will take place by the appropriate party

NOTE:

 WSIB has the ultimate authority on whether or not an injured worker receives benefits or has to participate in a RTW Program.

 This means that WSIB may decide to support a RTW Plan even if a medical care provider or specialist has indicated the worker cannot work.

 Specialists rarely put the time in to find out exactly what injured workers do and therefore, have generally chosen to err on the side of caution by indicating that the worker is unable to work.

 The reality is that Castle Plumbing & Heating Inc. HAS modified duties in place that can assist in your safe recovery.

 It is your responsibility, as the injured worker, to make sure that the medical care provider understands that although you install toilets, fuel pumps, automotive hoists, rooftop HRVS there are many other duties that you will be able to perform that are not just modifications to your existing work but are also valuable to yourself and the company (i.e.: safety training, reviewing Safety Talks, workplace inspection reviews, blue print take-offs etcetera).

**COMPLETION OF FORMS:**

1. Incident / injury Report – immediately or no later than 24 hours - completed by Supervisor and worker – to be handed to the Office – Office to have available for JHSC and Senior Management
2. Form 6 – completed by worker immediately – H & S Coordinator or Supervisor can assist but it should be written by worker
3. Form 8 or FAF (Functional Abilities Form) – completed by medical care provider immediately
4. Form 7 – completed by H & S Coordinator – copy to worker:

To be completed when Worker requires health care and / or:

* + 1. Is absent from regular work
		2. Earns less than regular pay for regular work (i.e.: working part time)
		3. Requires modified work at less than regular pay
		4. No health care BUT worker requires modified work at regular pay for more than 7 calendar days (includes weekends!)

Must be completed within 3 calendar days after learning of any of the above

Must be received by WSIB within 7 business days of learning of any of the above

Health care is defined as:

1. Hospital
2. Health facility – Urgent Care / Walk-in Clinic
3. Services provided by: chiropractor, physician, physiotherapist, RN (Extended Class), Nurse Practitioner, dentist
4. Return to Work Agreement and Plan:
* Completed once the FAF has been received and reviewed by Senior Management
* Worker and Supervisor are involved in developing this
* Must be completed prior to worker return to work for modified duties
* Supervisor and injured worker must both receive a copy

1. Other forms found in RTW Case Management Policy

**NOTIFICATION TO WSIB:**

* Other than the items listed above, injured workers and Castle Plumbing & Heating Inc. must notify WSIB immediately of:
	+ Any changes to RTW Plan
	+ All relevant information concerning the worker’s WR
	+ All disputes / disagreements concerning the worker’s WR

**DISPUTE RESOLUTION:**

In the event that complications arise from the RTW Plan or other WR issues, the following will take place:

* Castle Plumbing & Heating Inc. and injured worker will attempt to resolve issues – all conversations will be documented
* If this is successful, then WSIB will receive a copy of the exchange
* If the process is not successful:
	1. WSIB, employer and employee will receive copies of documentation and the recommendations to move forward
	2. WSIB will be contacted to mediate the outstanding issues
	3. WSIB will communicate (in person or telephone) with employer and employee
	4. WSIB will make a written decision that everyone will abide by
	5. If Castle Plumbing & Heating Inc. or the injured worker is not pleased with the outcome, then an appeal can be launched by either party

**COMPLIANCE AND CO-OPERATION:**

Failure to comply will result in the WSIB:

* Reducing or suspending injured worker’s benefits
* Penalty to the employer (equal to costs of benefits to worker or worker’s net average earnings for the year preceding the injury)

Ensuring compliance with co-operation obligations:

* After the WSIB has informed all workplace parties regarding their obligations to co-operate in the WR process and there is still a refusal to co-operate, the WSIB may:
	+ reduce or suspend the worker's benefits
	+ levy a penalty on the employer that is equivalent to the costs of providing benefits to the worker

Factors which will not lead to a finding of non-co-operation:

* Workers:
	+ Strike/ lockout
	+ Death in family
	+ Unexpected illness or accident
* Employers:
	+ Limited to compelling circumstances beyond the employer's control
	+ Summer or holiday shutdown
	+ General layoff, strike or lockout
	+ Corporate reorganization
	+ Small business – death in family or unexpected illness or accident

Application of non-co-operation penalties:

* For a non-co-operation penalty to be levied, the WSIB must be convinced, on a balance of probabilities, that a workplace party:
	+ Had knowledge of their obligation
	+ Had the capability to carry it out
	+ Didn’t carry it out
* Both work and employer non-co-operation penalties come into effect 7 business days after the date of the written notice or 14 business days for small business (fewer than 20 workers)

Initial penalty – worker:

* Reduction of worker’s wage loss benefits by 50%:
	+ Date notice comes into effect
	+ Until 14th calendar day following that date
	+ Until worker starts co-operating again
* Full penalty in effect beyond 14th calendar day following notice
* Note: for WT activities past 14 calendar days, the WSIB terminates:
	+ WT assessment
	+ Reduces earnings to reflect those the worker would have been capable of earning had they completed the WT plan
	+ Wage loss benefits remain reduced/suspended until worker starts co-operating again

Initial penalty – employer:

* The WSIB levies an initial penalty of 50% of the cost of the wage loss benefits to the worker:
	+ From date that written notice comes into effect
	+ Until 14th calendar day following that date
	+ Until employer starts co-operating again
* Full penalty in effect beyond 14th calendar day following notice
	+ WT activities past 14 calendar days, the WSIB terminates:
		- 100% of the cost of the wage loss benefits payable to the worker, plus 100% of any costs associated with providing WT services to the worker.
		- Penalty levied until earliest of:
			* Employer starts co-operating again
			* Date no further wage loss benefits are payable and no WT services are provided or
			* 12 months following date notice comes into effect

**CONFIDENTIALITY:**

* Everyone participating in a RTW Plan is reminded of the confidential and sensitive nature of this topic
* All documentation must be kept in a location that is not accessed by other workers
* All events surrounding the return to work are confidential in nature
* Gossip and rumour will not be tolerated
* For record keeping purposes and analysis, the name of the injured worker will never be mentioned but general information around the event will be discussed in order to prevent another incident from occurring

**RETURN TO WORK SPECIFIC ROLES AND RESPONSIBILITIES:**

President, Office Manager, RTW Team will:

* Understand that they have a duty to co-operate in the RTW process
* Develop written RTW Policy and Procedures
* Educate all employees about the RTW Program and the steps for Reporting
* Maintain consistent and regular contact with the injured worker and monitor progress of RTW Plan
* Maintain contact with WSIB, reporting new information as it becomes available
* Provide suitable accommodation in keeping with the Employment Standards Act, Ontario Human Rights Code and WSIA
* Liaise with Supervisor to provide / arrange training if new skills are required for Modified Duties
* Work with Supervisor and injured worker to develop an appropriate RTW Plan
* Ensure that the privacy of confidential information is protected
* Provide fair and consistent rehabilitation policies for the injured worker (on or off the job or incapacitated due to illness or injury)
* Facilitate communication between all parties
* Assist in modification of workplace, if required (i.e.: ramp, chair support)
* Explain the objectives and requirements of RTW to all workers
* Assist and support the injured worker in their endeavour to return to full duties via a RTW Plan
* Determine, in consultation, if the injured worker’s position can be modified and ‘how’ (i.e.: modified method of sweeping)
* Monitor progress of worker’s Modified Duties via regularly scheduled, documented meetings with worker and Supervisor.
* Liaise and consult with health care provider or other agencies (WSIB if required) and worker to develop a suitable RTW Plan
* Meet with worker and establish written goals and objectives to be agreed upon by all levels involved in the process of recovery
* Determine and maintain medical monitoring and treatment with the use of the FAF
* The frequency of monitoring is to be determined on a ‘case by case’ basis
* Assist in the evaluation of the success of the Program
* Must report changes in the following directly and immediately to WSIB within 10 days:
	1. Wage changes
	2. Changes in duties / duration of Program
	3. Failure to cooperate
	4. End of Program

Supervisor:

* Will work with the RTW Team and injured worker to develop an appropriate Plan
* Advise injured worker that Modified Duties are available and provide the required forms
* Assist in completion of forms
* Assist and support the creation of modified duties by identifying duties that can be performed within the limitations and restrictions
* Maintain communication and monitor the progress and effectiveness of the program with worker
* Inform all workers on site of Program goals: to bring the injured worker back to work in the safest possible manner using Modified Duties
* Communicate, assist and evaluate the Plan’s effectiveness via regularly scheduled meetings with the worker
* Communicate and document daily the communication with the injured worker in a Log
* Schedule daily meetings with injured worker
* Assist in the evaluation of the success of the Program

Injured Worker will:

* Understand that they have a duty to co-operate in the RTW process
* Maintain contact with RTW Team throughout the entire RTW process
* Inform WSIB of any material change in circumstances (i.e.: working full hours)
* Advise both WSIB and RTW Team of all improvements in recovery
* Participate in RTW Policy and Procedures
* Inform health care provider that modified duties are available and that accommodations that suit restrictions and limitations will be implemented
* If there are concerns, contact Supervisor and WSIB Adjudicator or WSIB Case Manager immediately to expedite progress
* Will attend all meetings required by the WSIB RTW Specialist
* Complete an Incident / Injury Report
* Complete a WSIB Form 6 Report and provide a copy to the Office Manager immediately
* Work with RTW Team to develop an appropriate RTW Plan and assist in finding suitable work for recovery
* Participate in RTW Plan
* Maintain regular contact with designated person(s)
* Take an active role in identifying and developing Modified Duties
* Communicate any concerns or problems to Supervisor or Office Manager immediately
* Obtain necessary forms from health care provider (i.e.: FAF) on a regular basis or as requested by employer
* Ensure that scheduled rehabilitation activities (i.e.: physio, specialist appointments) are continued while on RTW Plan
* All appointments should be scheduled during non-work hours at end or beginning of the work day
* Cooperate with all requests for documentation as required by WSIB and the employer
* Complete all documentation required by WSIB and Castle Plumbing & Heating
* Must not perform duties outside the actions indicated on the FAF – must keep to limitations and restrictions
* Report any changes to employment (pay increase, benefits) to WSIB within 10 days
* Cannot return to full or increased activities unless the FAF indicates that this is possible
* Let Supervisor know immediately if unable to perform the duties in the RTW Program
* Do not exceed the limitations and restrictions listed in FAF
* Sign the RTW Plan and Agreement as injured worker’s agreement to commit to RTW process

Other Workers:

* Assist and support the injured worker in their endeavour to return to full duties
* Be mindful that the injured worker may not be able to keep pace or be as productive as other workers
* Report to Supervisor if the injured worker is attempting tasks that exceed the restrictions and limitations, thereby having the potential to halt recovery, injure the worker further, or place a threat to safety for other workers

Office Manager / H & S Coordinator:

* Complete Form 7 within 3 days of learning of injury/ illness / disease
* Send the completed WSIB Form 7 to WSIB within 7 business days of knowledge of injury
* File copy of Form 6
* Retain and file records of employment, Form 6, Form 7 in a safe, secure location
* Review Guide for completing Form 7
* Keep Guide to completing Form 6 on file in office
* Will have the overall responsibility of managing this policy

Health Care Provider:

* Provide current medical information
* Provide appropriate and effective health care facilitating the RTW process
* Fill in Forms as requested
* Providing the workplace parties and the WSIB with functional abilities information
* Providing the employee and the WSIB with clinical information, when requested
* Identify most appropriate method of treatment for the injury
* Ensure employee receives timely treatment
* Ensuring the possibility of a return to work is discussed throughout recovery

WSIB:

* Process claims on a timely basis
* Adhere to the WSIA
* Communicate with employer, injured worker and health care provider
* Act as a mediator if disputes occur between any party
* Assist in RTW process and determine suitability of modified work
* Enforce cooperation obligations of company and worker

SPECIFIC TO RTW, WSIB WILL:

* The WSIB Adjudicator will make the initial decision on whether or not a claim is to proceed
* Once this takes place, a Case Manager will be assigned to the claim
* Work with all workplace parties to achieve a successful outcome in the RTW of the injured worker
* Work with the employer to bring the worker back to safe RTW
* Employer or worker will contact WSIB immediately if the worker has concerns regarding their (worker) obligations in the RTW Plan
* WSIB will provide resources to assist in the recovery of the worker in the workplace

WSIB’s direct role/ key services in supporting WR:

* Health recovery support
* Education and advice
* Case Management
* WR co-ordination
* Accommodation assistance (if employer qualifies)
* Dispute resolution
* Ensuring compliance with co-operation and/or re-employment obligations
* WT (Work Transition) services
* Assist small businesses
* Disability management program advice
* 12th week of active support:
	+ Meets with workplace parties at the worksite no later than 12 weeks after the date of injury if they are unsuccessful in arranging the worker’s return to suitable and available work that the worker is functionally capable of doing
* Health recovery support:
	+ Must complete FAF
	+ If there are recovery barriers, WSIB will proactively obtain medical support (i.e.: Regional Evaluation Centres – Speciality Clinics)
* WT services:
* Designed to assist workplace parties to find suitable and available WR with injury employer
* WSIB’s role:
	+ Conducting assessment and plan for facilitating WT with the employer
	+ Support worker’s re-entry in labour market in suitable occupation (SO)
	+ In cases where worker doesn’t return immediately to some form of work, the WT assessment will be provided 6-9 months following date of injury or as soon as worker is functionally fit to return to SO
* Dispute resolution services:
	+ 1 or both of workplace parties notify the WSIB of difficulty or dispute in WR process
	+ The WSIB, on its own initiative, identifies obstacles in the workplace parties’ WR activities and progress including:
		- Difficulties re: compliance with co-operation and/or re-employment obligations
		- Disagreements respecting suitability/ availability of offered work

**COMMUNICATION:**

* A member of the RTW Team will discuss the importance of using the Modified Duty Program as a method to bring injured employees back to full duties via a transitional program at a Safety Meeting on an annual basis.
* A member of the RTW Team will frame and hang the RTW Policy Statement in the lobby

**TRAINING:**

* Member of RTW Team will review RTW Program with workers at a Safety Meeting
* In particular, the duty to co-operate for all workplace parties in the RTW process will be discussed
* All parties who are responsible for handing out, collecting or filling out forms within the company will receive an orientation and provided with instruction on ‘how’ to fill out the Form on an annual basis via a special Safety Meeting
* Office Manager will download the supplementary information from WSIB on ‘how’ to fill out a Form 7
* Supervisors must be trained in the importance of working with injured workers in their safe recovery at the workplace
* Member of RTW Team will review the Guidelines of Form 6 prior to providing training to workers
* All employees will be orientated to the Form 6 and provided instruction on ‘how’ to fill out a Form 6 at a Safety Meeting to be conducted by the Office Manager annually
* Member of the RTW Team will refer to WSIB Self-Assessment Guide for direction on creating a Policy
* Office Manager will download WSIB Form 7 Guide and will review with member of RTW Team
* Office Manager will call WSIB for clarification, if necessary

NOTE:

It is imperative that all employees are provided with instruction on the contents of the Injury Package before it becomes necessary to use it. This includes reviewing:

1. Letter to medical care provider
2. Letter to employee
3. Form 6
4. Form 8 or Functional Abilities Form (FAF)

**EVALUATION:**

NOTE: Documents for evaluating the actual RTW (case specific) can be found in RTW Case Management

* Evaluation by series of questions (written)
* The RTW Program and supporting documentation (forms) will be reviewed on an annual basis (or as the situation arises) for amendments that may be required from time to time
* The effectiveness of the RTW Program will be reviewed by Supervisors, RTW Team and JHSC or H & S Rep, once an injured worker has returned to full duties
* The worker will be expected to provide feedback via follow-up interview
* Office Manager will annually review WSIB fines for non-compliance via the WSIB website.
* The supporting documentation (forms) will be reviewed on an annual basis or as the situation arises for any amendments that may be required from time to time.

**FORMS:**

Return to Work Policy Statement Memo Letter to medical care provider

Letter to worker FAF Form 8

Form 7 Form 6

Guidelines to fill out Forms 6, 7 – located on Office Manager’s computer

**REFERENCE MATERIAL:**

WSIB – WSIA - WSIB Self-Assessment – WSIB web site – WR Tool for SGAP

MEMO

To: All employees

From: RTW Team, JHSC

Re: Return to Work Program

Hello everyone:

Castle Plumbing & Heating Inc. is deeply committed to the prevention of your workplace injury and illness, as noted in the Health and Safety Policy Statement.

In the event that you should have an injury or workplace illness, we have committed to ensuring your safe and timely return to work by developing a Return to Work Program.

As soon as a workplace injury or illness is reported by you to a Foreman, a customized RTW Plan will be created based upon the information that you provide us with (WSIB Functional Abilities Form). The RTW Team (President, Office Manager, Foremen, H & S Rep, health & safety coordinator) and WSIB will work with you to prepare a RTW Plan.

You are reminded that a combined effort by all of us will result in a RTW Plan that is safe and helps you reduce the potential for additional injury. We all have responsibilities under the Workplace Safety Insurance Act to comply!

Each vehicle will have a RTW Package. This Package is to be taken with you when you are seeking medical aid for a workplace injury or illness. The contents of the RTW Package will be discussed at a Safety Meeting. You will be assisted throughout your RTW Plan and are encouraged to speak with your Foreman or a member of the RTW Team if you have questions.

Thank you!

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Kasey Janzen – President

Castle Plumbing & Heating Inc.

**RETURN TO WORK POLICY STATEMENT**

In accordance with Workplace Safety and Insurance Act, Castle plumbing & Heating Inc. is committed to the safe and timely return of injured employees to the workplace. All workplace parties have an obligation to co-operate.

All aspects of the Return to Work (RTW) Program address the legislation contained within the Workplace Safety and Insurance Act, 1997, Part V, Ontario Human Rights Code and the Employment Standards Act and numerous WSIB Policies.

Communication throughout the process is the key to success. Communication should be immediate and regularly documented by all workplace parties.

Return to Work Plans will be customized to suit the individual needs of the injured employee. All personal information will be held in the strictest confidence. All workplace parties involved in the Return to Work Plan are reminded of their obligation to adhere to confidentiality.

In accordance with legislative requirements, participation in the Castle plumbing & Heating Inc. RTW Program is mandatory for all employees. In addition to this, it is mandatory for all workplace injuries and illnesses to be reported to those in Foreman positions immediately.

All Foremen and members of the RTW Team are expected to participate in the RTW Program and provide assistance, as required.

Any issues arising from the RTW Program will be addressed via a joint consultative process (RTW Team, H & S Rep, WSIB and injured employee).

The goal is to return the injured employee to pre-injury employment in a safe and timely manner using the Functional Abilities Form (FAF). If the pre-injury job cannot be modified, then alternate work will be developed in keeping with the limitations and restrictions indicated on the FAF.

We will all work together to locate safe work for the period of recovery.

This statement will be reviewed on an annual basis. Employee participation in the RTW Program development is encouraged and welcome.

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Kasey Janzen – President Date

Dear Health Care Provider:

We understand that you are providing health care to one of our employees at Castle plumbing & Heating Inc.

We want you to know that we are committed to the health and safety of our employees. In cooperation with the Workplace Safety and Insurance Board, we have established an extensive Return to Work Program.

Please be advised that we are always able to provide modified duties to our employees.

In order to facilitate our employee’s successful return to work, Castle plumbing & Heating Inc. asks that you complete the accompanying form(s). Should modified duties (i.e. restrictions to movement) be required, we will develop a work plan specifically designed to accommodate our employee’s abilities until they are able to return to regular and full work duties. The WSIB Form 8 and the Functional Abilities Form (FAF) will help us to provide the appropriate accommodation/ modified work to our employee.

In partnership with you, the health care provider, Castle plumbing & Heating Inc. will strive for the successful and complete to return to work of our employee by providing suitable and meaningful modified work duties using the restrictions defined in the Form 8 or the Functional Abilities Form.

Please find a WSIB Form 8 and detailed job description enclosed (if available).

If our employee is unable to return to their regular job, we will find an appropriate and suitable work assignment that accommodates the restrictions/ limitations you have indicated.

If you have any questions about Modified Duties or our RTW Program, please contact me at

905-682-8306.

Again, we are committed to working with you and our injured employee to achieve their safe and full return to work!

Yours sincerely,

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Kasey Janzen - President

Dear Worker:

We are sorry that you have been injured and wish you a speedy recovery. Castle plumbing & Heating Inc. is committed to your health and safety. In cooperation with the Workplace Safety and Insurance Board, we have established a Return to Work Program. You know about this as we have discussed this at our Safety Meeting or via a Safety Talk.

In order to facilitate your successful return to work, we ask that you take the accompanying forms to your health care provider for completion. Should modified duties (i.e. restrictions to movement) be required, we will work with you to develop a work plan specifically designed to accommodate your abilities until you are able to return to your regular and full work duties. The WSIB Form 8 OR Functional Abilities Form (FAF) will help us to provide the appropriate accommodation while you are recovering.

In partnership with your health care provider and you, Castle plumbing & Heating Inc. will strive for your successful and complete to return to work by providing suitable and meaningful modified work duties.

Please find the following enclosed within this Return to Work package:

WSIB Form 8 – we need to have it returned to us immediately!

WSIB Functional Abilities Form – return to us immediately so that your duties can be adjusted

Letter to the health care provider indicating that we have modified work duties

Form 6- for you to complete

We would also like to remind you that Workplace Safety and Insurance Act specifies that we must work together during the rehabilitation process so that you can return to our team as soon as possible.

We both have responsibilities to ensure that every effort is made to ensure that safe and suitable Modified Duties are provided to you, based on the recommendations of the Form 8 or FAF. If you have any questions, please call me or come in to see me. I will be pleased to help you.

Again, we are looking forward to having you back on our team and are committed to working with you to achieve the goal of your safe and full return to work!

Yours sincerely,

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Kasey Janzen - President