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| Title: RTW – CASE MANAGEMENT | Date of Issue: September 2017 |
| Approved by: Kasey Janzen (President) | Review / Revise Date: June 2017 |
| Location: Safety Board in back shop, online (website) | |

**PURPOSE:**

To develop a Policy / Procedure that supports successful RTW Case Management in the workplace

**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, Site Foreman, Manager, H & S Coordinator, Injured

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

**SCOPE:**

The ill or injured employee / worker will work with the President, H & S Coordinator, Office Manager, Local 537, Local 67 and Health and Safety Team (outside consultants) -if necessary- to ensure the Program’s success.

**POLICY:**

It is the expectation of Castle Plumbing & Heating Inc. that all workplace parties will participate in a successful RTW Program, as expected by WSIB’s Policies.

One of the fundamental keys to a successful Return to Work Program is communication. Communication must take place between all workplace parties who are involved implementing the RTW Plan.

Case Management is about the collection of information in order to develop appropriate RTW Plans for the injured or ill worker in a timely basis. It’s also about workplace parties working together to create a successful outcome – the return of the injured worker to full duties. Again, the initial stages of this are covered in the RTW- Program Development Policy.

For the purposes of Castle Plumbing & Heating, we will be following a management model provided by WSIB:

1. Collecting information:
   1. Look at causes using Incident/ Accident Report
   2. What type of injury – LTI, NON LTI
   3. What is the anticipated recovery – return to full, pre-injury duties is the desired outcome
   4. Use Page 2 of the Form 8 initially and then the Functional Abilities Form (FAF)

1. Assess & position:
   1. Can the worker be accommodated? Type of accommodations? i.e.: special chair, training materials
   2. Look at psycho and social impact on injured worker i.e.: attitude, beliefs, trauma associated with injury, emotional reaction, support from Senior Management, Supervisors, other workers, any conflict with other workers, job stresses
2. Goals:
   1. Determine goals of company and worker – have input of worker in RTW Plan
   2. Reach a consensus so that everyone is on board for same goals
3. Develop the RTW Plan:
   1. In consultation with worker, Senior Management and Supervisors should put guidelines in place to achieve best outcome, follow up and consistent monitoring when Plan is implemented
   2. Specific time lines and expectations should be developed that address each step of the Plan
4. Implementation of Plan:
   1. Once RTW Plan is developed, it should be communicated to worker, co-workers, Supervisors, Senior Management, General Contractor (if modified work is to be done on the job site), WSIB and a copy provided to medical care provider by the H & S Coordinator
5. Monitor:
   1. Once implemented, the Plan needs to be monitored on a regular basis – using regular communication between all workplace parties
   2. The injured worker should maintain daily contact with Jesse by texting, calling, leaving voice mail messages, or e-mail
   3. Documentation should take place at each step by each workplace party
   4. Copies of documentation should be provided to: worker, Senior Management, Supervisor, medical care provider, WSIB
   5. All changes to the original RTW Plan should be documented and copies provided to the injured worker and Senior Management
6. Closure:
   1. When the worker has returned to full duties, pre-injury work, then the RTW Plan should be closed
   2. Discussion regarding the effectiveness must take place (see Evaluation below)
7. Follow Up / Evaluation:
   1. Evaluate the outcome (see Evaluation below)
   2. Determine what changes need to occur for future Plans

The first steps of the RTW Case Management Program can be found in the RTW Program Development Policy.

The procedure listed below is specific to managing RTW Program – type of forms required etcetera

**PROCEDURE:**

Communication ---- When possible, all meetings should take place in person. If distance is an issue, then telephone conference calls can be considered.

Castle Plumbing & Heating Inc. President or Office Manager will be in contact with the injured worker at all times during the recovery. 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.

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

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

In order to have successful RTW Case Management, the following Forms will be used:

1. Form 8 OR Functional Abilities Form (FAF):

(See RTW Program Development Policy)

1. Job Task Analysis
2. RTW Case Management Discussion
3. RTW Agreement
4. RTW Plan
5. Contact Log
6. Progress Report
7. Evaluation Form

Form 8 – page 2:

* To be completed by the medical care provider for the initial visit. The FAF is used for subsequent visits.
* Allows RTW Team to determine what the limitations and restrictions are for Modified Duty planning
* To be reviewed by and with: H&S Coordinator, Office Manager, JHSC, Injured Worker, President.

Functional Abilities Form:

* This document sets the course for the RTW Plan. If this document is not immediately available, then Castle Plumbing & Heating Inc. will develop modified work to be done at the Office or in the site trailer
* Once the FAF is received, a new Plan will be developed to assist in bringing the worker back to the job site or into the Office.
* At the very least, it is the goal of Castle Plumbing & Heating Inc. to bring the worker into the Office the day after injury.
* It should be completed on a regular basis (ideally every 2 weeks) by the health care provider who sees the injured worker the most frequently
* To be reviewed by and with: H&S Coordinator, Injured Worker, Office Manager, President, JHSC.

Job Task Analysis:

* The Analysis should accompany the injured worker to the health care provider so that it is evident that Castle plumbing & Heating Inc. has modified duties available (see below) that meet the restrictions/ limitations
* To be developed by: H&S Coordinator, Office Manager
* To be reviewed by: President, JHSC
* To be reviewed with: Injured Worker

RTW Case Management Discussion:

* Document assisting in developing successful RTW Plan – gives consideration to other items for consideration
* To be completed by Senior Management

RTW Agreement:

* To be developed using the FAF in consultation with Job Task Analysis sheets and:
* To be completed by Senior Management, Supervisor, Worker
* Signed by Senior Management, Supervisor, Worker
* Will indicate:
  1. Goal
  2. Time frames
  3. Wages
  4. Hours of work
  5. Location
  6. Area for comments
  7. Job description
  8. Other items necessary for administration of Plan
* Copy to be provided to worker, Supervisor, Senior Management
* Each time a change is made, a new Agreement must be signed by all workplace parties – at a minimum, on a monthly basis
* To be developed by: H&S Coordinator, Senior Management
* To be reviewed by: Injured Worker, Supervisor, JHSC

RTW Plan:

* Is developed as soon as it is determined that modified work is required
* Actual Plan that provides guidance for modified work
* Must be signed by worker and Supervisor
* Senior Management, Supervisor and worker should all work on completing this document
* Should be revised every 2 weeks to reflect changes in FAF – if there are changes!
* Will indicate:
  + Time frame
  + Hours of work
  + Location or locations
  + Area for comments
  + Modified duties description
  + Other items necessary for administration of Plan
* To be developed by: H&S Coordinator, Senior Management
* To be reviewed by: Injured Worker, JHSC, Supervisor

Contact Log:

* To be completed on a daily basis – should be completed by Supervisor
* Reflects communication of RTW Plan – working/ not working, further accommodations required
* To be completed by: Injured Worker, Supervisor, Senior Management, H&S Coordinator
* To be reviewed by: President, JHSC

Progress Report:

* To be completed by Supervisor and Senior Management to ensure that the Plan is being adhered to and modifications are addressed and goals are met
* To be completed by: Supervisor, Senior Management
* To be reviewed by: H&S Coordinator, Worker, President, JHSC

Evaluation Form:

* To be used as part of the Evaluation listed below
* To be completed by: Supervisor, Senior Management
* To be reviewed by: H&S Coordinator, Worker, President, JHSC

**DISPUTE PROCESS:**

If, with any of the Forms, there is a concern or issue that cannot be resolved via the injured worker, supervisor and Senior Management, then WSIB must be consulted. (see RTW Program Development Policy for Procedure)

**CONFIDENTIALITY:**

* Everyone participating in a RTW Plan is reminded of the confidential 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

**ROLES AND RESPONSIBILITIES:**

Senior Management:

* Develop RTW Program and monitor progress of Program by using the tools of Case Management
* Perform an annual evaluation, using the items listed in Evaluation below
* Ensure that the privacy of the injured worker is maintained
* 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

Supervisors:

* Have a key role in the success of the RTW Program and Case Management
* Have a responsibility to maintain the privacy of the injured worker while soliciting support from co-workers in the safe RTW Plan
* Should refer to Senior Management any disputes or concerns immediately
* Will be required to provide substantial documentation
* Assist in Evaluation
* Provide input in Evaluation from a Supervisor’s perspective

JHSC:

* Review results of Evaluation and make recommendations annually

Injured Worker:

* Must participate fully in their own progress
* Report immediately to Supervisor and Senior Management all concerns
* Must receive copies of all documentation within 1 week
* Have specific reporting requirements to WSIB (i.e.: change in wage)
* Maintain daily communication with Castle Plumbing & Heating Inc.

Co-workers:

* Must support the injured worker in their recovery by providing assistance
* It is important that co-workers do not make fun of / belittle the injured worker
* Must report immediately to the Supervisor any actions of the injured worker that exceed the limitations /restrictions that have been explained to them
* Must feel comfortable in reminding the worker that exceeding limitations puts the injured worker and them (co-worker) at risk for safety violations

Office Manager:

* Must ensure that all forms are completed in a timely basis
* Copies are made available to the proper parties
* Provide copies to WSIB
* File and retain all documents in a secure location

WSIB:

* 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
* Will work with all workplace parties to achieve a successful outcome in the RTW of the injured worker
* If the process indicates that there are issues (worker not working with the RTW Plan), then WSIB will be contacted immediately for assistance
* WSIB will then:
  + At their earliest convenience, send a RTW Specialist out to Castle Plumbing & Heating Inc. to discuss the RTW Plan and the stumbling blocks that are keeping the company or the injured worker from participating in the RTW Program
  + The RTW Specialist will then send paperwork outlining the discussion that all workplace parties agreed upon
  + The RTW Program will resume with the cooperation of both the injured worker and Castle Plumbing & Heating Inc.
  + If there is still an issue, then WSIB may decide to deny benefits to the injured worker who is not participating in a RTW Plan that meets the requirements of the medical restrictions and limitations
  + There are penalties for both the employer and injured worker who do not participate in RTW and who breach the WSIB Policies on Worker Reintegration (WR)
* If the company or the injured worker dislike the decision made by the WSIB, then either party can Appeal the decision

Office of the Employer Adviser:

* Is an agency to represent employers in the case of Appeals and in all matters relating to WSIB (where clarification is required)
* They should be contacted at the earliest opportunity
* Representation is free to those with less than 100 workers on the payroll at this time

Office of the Worker Adviser:

* Is an agency to represent workers in the case of Appeals – this is a free service to all workers

**COMMUNICATION:**

* The President, Office Manager and Supervisor 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.
* Safety board in the back shop, H&S manual

**TRAINING:**

* Member of Health and Safety Team will review this Program with employees at a Safety Meeting
* 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
* Attend a Case Management course provided by the WSIB GVCA Safety Group

**EVALUATION:**

* The RTW Case Management Policy 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. This is will be completed by end of December.
* The effectiveness of the RTW Program will be reviewed by Supervisors, RTW Management Team and H & S Rep, once an injured worker has returned to full duties.
* The worker will be expected to provide feedback via follow-up interview.
* RTW Management Team member will review documentation and monitor (discuss with Supervisor / employee) RTW Plan to ensure that Supervisor and worker have participated in accordance with their specific obligations (i.e.: FAF completed and returned to Office in timely manner – timely review of RTW Plan)
* 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:**

Form 8 (page 2) OR Functional Abilities Form (FAF) Job Task Analysis

RTW Agreement RTW Case Management Discussion

RTW Plan Contact Log

Progress Report Evaluation Form

**REFERENCE MATERIAL:**

WSIB – WSIA - WSIB Self-Assessment

**\*\*NOTE\*\***

This policy is courtesy of Safety Works Consulting Inc.