



### APPLICATION

16.1 This policy applies to all NPF employees, as applicable.

### APPROVAL AUTHORITY

Chief Human Resources Officer (CHRO)

### OPI

Director Human Resources Programs and Services (DHRPS)

### ENQUIRIES

16.2 All enquiries on the interpretation and application of this policy are to be directed to the HRM or RMHR and when required, forwarded to the OPI.

### POLICY PURPOSE

16.3 The objective of this policy is to provide a framework that outlines the roles, responsibilities and administrative requirements of return to work management.

### DEFINITIONS

16.4 The following vocabulary is used throughout the policy:

- a. Recovery support case management (Gestion de dossiers de soutien au rétablissement): the development of specific activities to support the management of an employee's illness, injury or surgery through a collaborative process in an effort to minimize impact on both the employee and the Employer.
- b. Return to work management (Gestion du retour au travail): the development of specific activities to support the reintegration of an ill/ injured employee to the workplace.
- c. Suitable Work (Emploi convenable): meaningful work that is safe, productive and consistent with the employee's functional abilities and the needs of the organization.
- d. Undue hardship (Contrainte excessive): the limit of an employer's requirement to accommodate an employee protected by the *Canadian Human Rights Act*. Three factors – health, safety and cost must be considered when determining if an accommodation creates an undue hardship.

## GENERAL POLICY

- 16.5 It is the policy of NPF to provide a healthy and safe work environment and to facilitate, whenever possible, the reintegration of employees to the workplace following an occupational or non-occupational illness or injury as soon as it is medically appropriate.
- 16.6 Return to work activities include:
  - a. reporting illnesses or injuries;
  - b. accessing return to work programs and services;
  - c. recovery support case management; and
  - d. return to work management.

## REPORTING ILLNESSES OR INJURIES

- 16.7 Employees who are unable to work as a result of an occupational or non-occupational illness or injury must notify their manager of the following as soon as possible, but no later than their start time of the first day of their absence:
  - a. their absence from the workplace;
  - b. the reason for the absence (occupational or non-occupational illness or injury);
  - c. the expected date of return; and
  - d. the contact number at which they can be reached.
- 16.8 Employees who sustain an occupational illness or injury are required to complete the appropriate documentation such as accident reports and applicable worker's compensation forms.
- 16.9 Employees who are unable to work due to a non-occupational illness, injury or surgery are required to complete a Request for Leave.
- 16.10 Managers should refer to the Leave Policy for further guidance pertaining to the reporting requirements to support occupational and non-occupational illnesses and injuries.

## ACCESSING RECOVERY SUPPORT AND RETURN TO WORK PROGRAMS AND SERVICES

- 16.11 NPF provides employees and managers with a number of resources and services to support them during their recovery from an occupational or non-occupational illness, injury or surgery and their return to suitable work such as:
  - a. **At Work Services** - This service is voluntary but requires the mutual agreement of the Employer and Employee. It is designed to provide support and guidance to employees and managers when employees are actively working but facing workplace challenges related to an illness, injury or surgery;
  - b. **Employee and Family Assistance Program (EFAP)** –
    - i. Employees can voluntarily and confidentially access it at their discretion. It is designed to help employees solve various problems and challenges that may be affecting them at work or in their personal lives (i.e. financial, legal, childcare), and
    - ii. The EFAP is mandatory when managers refer employees to the *Workplace Referral Program* within the confines of a last chance agreement to address personal and emotional problems affecting their health and productivity.

- c. **Return to Work Support Program (RTWSP)** - This program is mandatory for all eligible full-time employees who are absent in excess of five (5) consecutive working days for a non-occupational illness, injury or surgery. It provides support in the employee's recovery, return to work and when needed, can facilitate access to specialized medical services such as:
  - i. **Medical coordination services** to focus on employees' treatment plan for their early return to work,
  - ii. **Rehabilitation and return to work services** to identify and resolve functional barriers once employees are capable of returning to the workplace and performing some aspects of their work,
  - iii. **Return to work facilitation services** to support employees in addressing nonmedical barriers preventing their return to work, and
  - iv. **WorkAssist counselling services** to support employees with mental health and psychosocial challenges to facilitate a suitable return to work; and

**Note:** RTWSP eligibility and requirements are outlined in the [RTWSP Practical Guide](#)

- d. **Worker's Compensation Return to Work Management** - This program is mandatory for all employees who sustain an occupational illness or injury that renders them unable to work. It provides support in the employee's recovery and return to work and when needed, can facilitate access to specialized medical services and facilitating a suitable return to work.

## RECOVERY SUPPORT CASE MANAGEMENT

- 16.12 Recovery support case management will focus on determining what support is required to allow for a healthy recovery at the earliest opportunity.
- 16.13 Recovery support case management begins with the submission of medical documentation to the appropriate party. Specifically, employees are responsible for ensuring that:
  - a. for a non-occupational illness, injury or surgery:
    - i. eligible full-time employees – the [RTWSP Attending Physician Statement](#) is provided directly to the RTWSP Case Manager, and
    - ii. all other employees (i.e. part-time employees) – the Functional Abilities Assessment is provided directly to the Employer; or
  - b. for an occupational illness or injury, the appropriate Provincial Workers Compensation Board (PWCB) Attending Physician Statement is provided directly to the PWCB Case Manager; or
  - c. where employees are actively working but facing challenges related to an illness, injury or surgery, the At Work Services Referral Form and the At Work Services Employee Authorization Form is provided to the Program Manager.
- 16.14 During this period, the employee may be required to provide additional medical documentation or undergo additional medical assessments in order to determine the employee's prognosis for recovery and/or what support the employee may require to assist in the recovery.
- 16.15 The parties may also begin to discuss or plan what support the employee may need once the employee is able to return to work.

## RETURN TO WORK MANAGEMENT

- 16.16 Once employees reach a level where a return to work can be considered, a Return to Work Plan will be developed by the Employer based upon information and recommendations provided by the Employee, the HRM, the Attending Physician, LTD Rehabilitation Consultant, PWCB Case Manager, RTWSP Case Manager, Bargaining Agent and any other relevant parties as applicable.
- 16.17 In order to determine an appropriate Return to Work Plan, the employee may be required to provide additional medical documentation or undergo additional medical assessments.
- 16.18 The LTD Rehabilitation Consultant, RTWSP Case Manager or PWCB Case Manager will provide to the manager:
- a. employee's restrictions and limitations;
  - b. recommendations for the Return to Work Plan;
  - c. start and end date of the Return to Work Plan; and
  - d. barriers to a successful return to work, if applicable.
- 16.19 In establishing the Return to Work Plan, the manager, in consultation with the HRM, will consider whether the employee requires temporary or permanent accommodation measures. Where an employee requires accommodation measures related to a disability, the manager will make every effort to accommodate the employee to the point of undue hardship.
- 16.20 Examples of accommodation measures that may be implemented during a Return to Work Plan:
- a. temporary modification of hours of work;
  - b. temporary modification of duties; and
  - c. temporary assignment to an alternate position.
- 16.21 Managers may refer to the Employment Accommodation Policy when implementing employment accommodation measures.
- 16.22 The principles that govern the employment accommodation include:
- a. modified work shall not aggravate the employee's condition;
  - b. modified work of one employee shall not have the effect of creating a hazard to another employee;
  - c. the employee can perform the essential duties of the modified work or temporary assignment to an alternate position. For example, employees can be expected to perform competently once accommodated; and/or
  - d. employee is currently qualified for the temporary assignment to an alternate position while respecting their restrictions and limitations.
  - e. return to work activities result in employees performing meaningful and productive work for NPF.
- 16.23 In most circumstances, the employee should be able to resume the full duties and normal hours of work of their substantive position by the end of the Return to Work Plan.
- 16.24 The Return to Work Plan will be monitored by the manager and the Case Manager, in order to ensure the Return to Work Plan and modified duties and/or hours continue to be within the employee's functional abilities.
- 16.25 If the manager, in consultation with the HRM, determines that adjustments are required based upon information and recommendations provided by the parties, the Return to Work Plan shall be revised to reflect the same.

## INABILITY TO RETURN TO SUBSTANTIVE POSITION

- 16.26 If the employee is unable to resume the full scope of their substantive position, the manager with the appropriate delegation of HR authority, in consultation with the HRM, will determine appropriate options such as, but not limited to:
- a. eligibility for leave entitlements and income replacement benefits
  - b. permanent accommodation measures that will allow the employee to return to work;
  - c. administrative release for medical incapacity; and
  - d. termination of employment for medical incapacity.

## LEAVE ENTITLEMENTS

- 16.27 Where employees have returned to work on a modified work schedule and have worked for a portion of a shift and no further work is available due to their limitations under the Return to Work Plan, they will be paid for the hours actually worked. For the balance of the scheduled hours, employees may be entitled to use either sick leave, vacation leave or leave without pay, subject to the provisions of the Leave Policy.
- 16.28 Employees may also be eligible for income replacement benefits for the balance of scheduled hours from a third party source such as provincial or private car insurance, provincial worker's compensation board, long term disability insurance or employment insurance for illnesses and injuries depending on circumstances as further outlined in the Leave Policy.

## PERMANENT ACCOMMODATION MEASURES

- 16.29 If the employee has permanent restrictions, the manager, in consultation with the HRM, will make every effort to accommodate to the point of undue hardship. Managers may refer to the Employment Accommodation Policy for further information on an Employer's duty to accommodate.

## ADMINISTRATIVE RELEASE FOR MEDICAL INCAPACITY

- 16.30 Administrative release for medical incapacity occurs in cases where an employee's absence extends beyond the normal maximum period of sick leave (i.e. 17 weeks) and there is an operational requirement to fill the employee's substantive position on an indeterminate basis. It also occurs when an employee's substantive position is deleted while the employee is absent for medical reasons. In such cases, employees remain on leave and retain their status with the appropriate benefits and entitlements.
- 16.31 When employees are deemed medically able to return to work, the Employer will endeavour to locate a suitable vacant position at that location for which they have the qualifications, knowledge, experience, skill, ability and medical fitness.
- 16.32 Managers may refer to the Termination of Employment Policy for further details pertaining to considerations prior to considering an administrative release for medical incapacity.

## TERMINATION OF EMPLOYMENT

16.33 Under normal circumstances, employees who go on a medical leave of absence for occupational or non-occupational related illnesses and injuries shall not have their employment terminated because of their absence from work. However, the following may occur when employees are permanently medically incapacitated:

- a. **Termination following an Administrative Release for Medical Incapacity** occurs where employees have been administratively released from their position for medical incapacity and the Employer is unable to locate a suitable vacant position for them when they are deemed medically able to return to work.
- b. **Termination for Medical Incapacity** occurs in circumstances where employees are, and will remain unable to fulfill the requirements of their position for medical reasons.

16.34 Managers may refer to the Termination of Employment Policy for further details pertaining to considerations prior to considering a termination for medical incapacity.

## COMPLIANCE

16.35 All employees who are unable to perform the full scope of their position due to an occupational or non-occupational illness or injury are required to comply with the provisions of this policy and the directions of their manager regarding the same. Failure of employees to participate in return to work activities without providing substantiation to the satisfaction of the Employer for this failure may impact approval of the employee's absence from work and/or the entitlement to income replacement benefits (e.g. paid sick leave, LTD benefits or worker's compensation replacement earnings).

## CONFIDENTIALITY OF MEDICAL INFORMATION

16.36 Medical information related to diagnosis will be collected, retained and disclosed in accordance with the *Privacy Act*.

## AUTHORITIES

16.37 The levels of accountability are as follows:

- a. Division Heads are responsible for creating and maintaining a fair and equitable approach to the early and safe return to the workplace of employees following an illness or injury.
- b. Managers are responsible for:
  - i. informing the HR Office of all occupational and non-occupational absences ,
  - ii. ensuring that corrective actions are taken and adequate records on all occupational incidents are maintained,
  - iii. making timely decisions regarding employee absences, leave and Return to Work Plans based upon recommendations of Attending Physicians, Case Managers or LTD Rehabilitation Consultant,
  - iv. participating in any return to work planning and facilitation with all stakeholders,
  - v. monitoring the employee during the return to work schedule and report any concerns or required changes to HR, and
  - vi. maintaining timely communication with all stakeholders throughout the employee's recovery and return to work activities;

- c. Injured or ill employees are responsible for:
  - i. co-operating in their early and safe return to work by contacting their manager and maintaining communication throughout the period of illness/ injury, recovery, return to work planning and implementation,
  - ii. managing their health care and following treatment/recovery plans as prescribed by their Attending Physician and health care professionals as applicable,
  - iii. cooperating in any investigation related to the illness or injury,
  - iv. providing documentation as required to support the Return to Work Plan and to clarify restrictions or limitations,
  - v. scheduling medical appointments so they do not interfere with the modified work assignment where possible;
- d. All employees are responsible for demonstrating a positive, proactive and supportive approach to return to work activities;
- e. HRMs are responsible for:
  - i. providing guidance to managers throughout return to work activities,
  - ii. engaging the services of third parties, where applicable, to facilitate return to work activities (i.e. RTWSP, PWCB),
  - iii. reporting critical occupational illnesses, injuries and fatalities,
  - iv. providing overall management and administration of return to work programs (i.e. RTWSP, PWCB),
  - v. facilitating the constant flow of communication with all stakeholders involved in return to work activities,
  - vi. assisting managers in reviewing the implementation of return to work activities and their progress,
  - vii. coordinating the payment of approved paid sick leave, and
  - viii. monitoring the application of this policy;
- f. RMHRs are responsible for carrying out compliance reviews with the HRMs and are accountable to ensure proper application of the policy; and
- g. Compensation and Benefits Office is responsible for:
  - i. providing guidance to managers and HR personnel,
  - ii. monitoring the application of return to work programs (i.e. RTWSP, PWCB), and
  - iii. developing programs, practices and procedures concerning the facilitation of return to work processes;
- h. Talent Programs Office is responsible for providing guidance to HR personnel and managers in the duty to accommodate in accordance with the Employment Accommodation Policy; and
- i. Environmental, Health and Safety Office is responsible for providing guidance to HR personnel and NPF managers in investigating occupational illnesses and injuries;
- j. Workplace Occupational Health and Safety Committees or Representatives are responsible to assist the Employer in investigating, recording and reporting hazardous occupational illnesses and injuries in accordance with Part II of the *Canada Labour Code*.



## REFERENCES

16.38 The following legislation and regulations are relevant to the content of this policy:

- *Access to Information Act*
- *Canadian Charter of Rights and Freedoms*
- *Canadian Human Rights Act*
- *Canada Labour Code Part II*
- *Employment Equity Act*
- *Government Employees Compensation Act (GECA)*
- *Privacy Act*
- Applicable Provincial Workers Compensation Programs

16.39 The following policy should be read in conjunction with the following document:

- Practical Guide to the Return to Work Support Program