



City of St. John's Corporate and Operational Policy

Policy: 03-07-28 Disability Management Policy

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Purpose

The City of St. John's Disability Management Policy is designed to promote employee health and recovery from disability(injury/illness) through early intervention and active case management along with opportunities for early and safe return to work. The effective reintegration of our employees with disabilities minimizes the loss of expertise and productive potential for the City. The Disability Management Program is co-operative, consistent and uses modified work, ease back, rehabilitation strategies, job placement and follow-up to ensure that a disabled employee remains at work or quickly returns to safe, productive and meaningful work. The employer is required to accommodate an employee up to the point of undue hardship as prescribed in the Workplace Health, Safety and Compensation Act and the Human Rights Act.

For the purposes of this policy a Disability is defined as any impairment arising out of any work or non work related illness, injury or disease which prevents an employee from performing his/her essential job functions.

Policy Statement

Goals and Objectives

1. In conjunction with Occupational Health and Safety Committees, to prevent and decrease the incidence of injuries/illnesses and magnitude of disability on the worker.
2. To provide early and safe return to meaningful employment, in turn reducing

human cost of disability.

3. To increase awareness of disability issues through educating employees, management, union and the Disability Management Committee.
4. To comply with current and future legislative requirements such as: Workplace Health, Safety and Compensation Commission (WHSCC), Collective Agreements and Human Rights Legislation.
5. To improve and enhance employee morale by valuing employee contributions.
6. To establish and promote an effective joint labour workplace based disability management program that will work with the disabled worker in all phases of the Return to Work Plan.

Success in the above objectives will be achieved through the collaboration, co-operation, communication, and commitment between all employees, management, union and other team members. Any case of non-compliance by any party will be taken seriously and reviewed individually. Failure to comply with this policy will be subject to disciplinary action as per City's Policy, Collective Agreements and Workplace Health and Safety Legislation.

Roles and Responsibilities

I Senior Management

For the purpose of this policy Senior Management includes: Council, Chief Commissioner, Associate Commissioner and Directors.

Responsibilities :

1. Provides visible support, commitment and, when required, participation in the Disability Management Program in conjunction with current legislation and collective agreements.
2. Within normal budgetary restraints provides recommended resources to ensure success of the Disability Management Program.
3. Provides support and empowerment to the Joint Disability Management Committee in carrying out the objectives of the Disability Management Program.
4. Arranges for the necessary resources to enable supervisors to carry out accommodations recommended by the Disability Case Manager.

II Supervisor

For the purpose of this policy a supervisor is defined as:

1. In the case of the initial reporting of an on-the-job injury/illness, the first non union supervisory employee to whom an employee reports.
2. In all other cases the person to whom the employee normally reports or has been instructed to report.

Responsibilities - Work Related Injury/Illness

1. Follows up with the injured/ill worker immediately to obtain details of work related injury/illness to facilitate the investigation process and completes the accident investigation form. Ensures employee seeks first aid or medical treatment if needed.
2. Completes a Form 7 within 48 hours of notification of a work related injury/illness resulting in lost time (time lost beyond the day of injury) or medical aid (a work related injury resulting in a medical visit without lost time beyond the day of the incident). Forwards a copy of Form 7 to the Disability Case Manager. Provides employee with Form 6 to complete.
3. Identifies transitional/modified work options, job accommodations or modifications that will assist in an early and safe return to work planning.
4. Assists the Disability Case Manager and Occupational Therapist when necessary for arranging and completing job site analyses.
5. Informs co-workers of job modifications and/or restrictions/accommodations for the returning employee.
6. Monitors recovery process and attendance of injured/ill employee to ensure compliance with the return to work plan and to prevent further disability. Faxes Employee Assessment Form on a weekly basis to Disability Case Manager.
7. Discusses with the Disability Case Manager and injured/ill employee any concerns with work duties or safety.
8. At the request of the Disability Case Manager, attends all meetings related to the return to work plan.
9. Completes an evaluation form on the return to work process.

Responsibilities - Non Work Related Injury/Illness

1. Notifies the Disability Case Manager of all absences in excess of **ten** consecutive working days. In the case of fire suppression personnel, such

notification must take place in excess of **four** consecutive shifts.

2. Identifies transitional work options, tasks, job accommodations or modifications that will assist in an early and safe return to work planning.
3. Assists the Disability Case Manager and Occupational Therapist when necessary for arranging and completing job site analyses.
4. Informs co-workers of job modifications, restrictions and accommodations for returning employee.
5. Monitors recovery process and attendance of the injured/ill employee to ensure compliance with the return to work plan and to prevent further disability. Faxes Employee Assessment Form on a weekly basis to the Disability Case Manager.
6. Discusses with the injured/ill employee any concerns/issues with work duties or safety.
7. At the request of the Disability Case Manager, attends all meetings related to the return to work plan.
8. Completes an evaluation form on the return to work process.

III Employee

For the purpose of this policy an **employee** is any person employed by the City of St. John's including both non union and union as defined in appropriate collective agreements.

Responsibilities - Work related Injury/Illness

1. Reports all work related illness, injury or disability to his/her supervisor immediately. Seeks appropriate first aid or medical aid.
2. In the event of a medical aid (a work related injury resulting in a medical visit without lost time beyond the day of the incident) or lost time injury/illness(time lost beyond the day of injury), completes a WHSCC form 6 and forwards to WHSCC or to the Disability Case Manager who can forward for the employee. These forms can be obtained at the supervisor's office or from the Intranet.
3. Contacts his/her respective Early and Safe Return To Work Representative to assist with his/her Return To Work process.
4. Returns the Form 810 - Physicians Report of Injury (pink copy) to the Disability Case Manager as per Workplace Health and Compensation Legislation. Discusses functional abilities with the Disability Case Manager.
5. In consultation with Disability Case Manager attends all scheduled medical, rehabilitation and return to work plan appointments and/or meetings.
6. Takes an active role in initiating, developing and participating in safe and timely return to work opportunities.
7. Complies with recommendations of treatment providers. A Treatment Provider can be defined as: any medical professional that is presently providing treatment in assisting the injured worker in the recovery/rehabilitation period, e.g. physicians, chiropractors, physiotherapists, occupational therapists.
8. Advises the supervisor of any problems encountered with transitional work duties, safe work practices etc..
9. Co-operates with the WHSCC and current legislation in providing requested information regarding the return to work process, disputes or disagreements arising out of the return to work process.
10. If an injured/ill employee is unable to participate in his/her return to work plan due to sickness or any other reason, the employee must notify his/her supervisor or as per collective agreement.
11. In the event that an employee is determined unfit to return to his/her pre-injury job due to a work related disability, the employee is obligated to accept identified suitable and available employment as per Workers Compensation Early and Safe Return To Work Legislation(section 89.1& 89.2). Hierarchy of return to work options will be explored in accommodating employees.

12. Completes an Employee Assessment Form on a daily basis. This form will be sent to the Disability Case Manager at the end of the week by his/her supervisor.
13. Completes an evaluation form on the return to work process upon completion of program.

Responsibilities - Non Work Related Injury/Illness

1. Reports all non work related illness, injury or disability to his/her supervisor immediately or as per current procedure in place or collective agreement.
2. Employee contacts his/her respected Early and Safe Return To Work Representative, as needed, to assist with the Return To Work process.
3. In the event of non work related disability beyond **10** consecutive working days or fire suppression **4** consecutive shifts, the employee will be given a Functional Abilities Form to be completed by his/her Attending Physician. The Physician is paid by the employer for completion of the form. These forms are forwarded to the Disability Case Manager as soon as possible after a medical visit. The employee may be assessed and monitored by the City's Medical Officer for fitness to work as per current City Policy.
4. In consultation with the Disability Case Manager, attends all scheduled medical, rehabilitation and return to work plan appointments and/or meetings.
5. Takes an active role in initiating, developing and participating in safe and timely return to work opportunities.
6. Complies with recommendations of treatment providers. A Treatment Provider is defined as: any medical professional that is presently providing treatment in assisting the injured worker in the recovery/rehabilitation period, e.g. physicians, chiropractors, physiotherapists, occupational therapists.
7. Notifies the Disability Case Manager or his/her supervisor of any concerns with treatment or problems encountered as it pertains to his/her present injury/illness during the Return To Work Process.
8. If an employee is unable to participate in his/her return to work plan due to sickness or any other reason, the employee must notify his/her supervisor or as per collective agreement or current procedure in place.
9. Employee will complete an Employee Assessment Form sheet on a daily basis. This form will be sent to the Disability Case Manager at the end of the week by his/her supervisor.
10. Completes an evaluation form on the return to work process upon completion of program.

IV Disability Case Manager

Responsibilities (Non Work Related & Work Related)

1. Upon notification from the supervisor, contacts the injured/ill employee to ensure early intervention as per the Disability Management Policy.
2. Upon receipt of Functional Abilities Form, reviews information and contacts injured/ill employee to discuss functional abilities and fitness for work. Offers assistance and support through such programs as modified duties and easeback.
3. Works with the injured/ill employee to develop a safe return to work plan.
4. Co-ordinates and educates all participants in the return to work plan including: employee, supervisors, union representatives/ Early and Safe Return To Work Representative, health care providers, Human Resources personnel, payroll personnel and WHSCC.
5. Documents and monitors each case and the ongoing return to work plan. Provides copies of Return To Work Plans to: supervisor, employee and Early and Safe Return To Work Representative as needed.
6. Develops and maintains open communication with all parties involved in the injured/ill employee's return to work process.
7. Maintains confidentiality of employee information. Only functional abilities such as restrictions/limitations will be shared with his/her supervisor. Develops and maintains an atmosphere of trust and mutual support ensuring that rights are respected.
8. Facilitates appropriate assessments such as: Occupational Therapy, Functional Capacity Evaluations and Job Site Analysis.
9. Arranges for assistive devices and workplace modifications as indicated to facilitate and ensure a safe return to work.
10. Notifies the supervisor and/or the WHSCC Case Manager of any non compliance with the return to work process.
11. Updates database information and provides monthly reports and updates to relevant individuals on progress of cases. Such reports/updates will not contain confidential medical information.
12. In the event that an employee is determined unfit to return to the pre-injury job due to a non work related disability, any requests for accommodation will be reviewed by the Department of Human Resources in conjunction with unions, management and the Disability Management Committee outlined in the hierarchy of return to work options.

13. Provides information and support to employee and family if needed. Advises employee of Employee, Family and Assistance Program and makes referrals if necessary.

14. Works with the Disability Management Committee in developing tasks to assist an injured/ill employee back to work.

V Union Representatives/Early and Safe Return To Work Representative

For the purpose of this policy the Union means unions and associations which are recognized bargaining units doing business with the City of St. John's. A union representative/Early and Safe Return To Work Representative is defined as an employee appointed by his/her union or management.

Responsibilities

1. Assists their members to seek appropriate help when injured, ill or disabled. Maintains confidentiality and ensures documents are kept secured
2. Assists the Disability Case Manager and supervisor to monitor the recovery progress of the injured/ill employee.
3. Participates in identifying early and safe return to work opportunities such as modified duties.
4. Supports and educates their members who are participating in return to work opportunities.
5. Provides feedback on the Disability Management Program.
6. Supports disability prevention initiatives by promoting safe work practices and reinforces the efforts of the occupational health and safety committees.
7. Understands and supports goals, objectives and benefits of the Disability Management Program and communicates it to their co-workers.
8. Strives to protect and provide for the Disability Management Program's development and maintenance within the collective agreements.

VI Health Care Provider

The Health Care Provider is the attending Physician, Chiropractor, Physiotherapist, Psychologist, Psychiatrist, Occupational Therapist or other member of the rehabilitation team. The Attending Physician must provide the necessary information about the employee's expected return to work date, the functional abilities which will assist the employer in returning an employee safely back to

work. It is essential that ongoing communication occurs between the Attending Physician, employee, Disability Case Manager and Early and Safe Return To Work Representative. This prevents misunderstandings and unnecessary prolonged absences. The Attending Physician or City's Medical Officer will complete Functional Abilities Form and alert to job demands that might cause re-injury or aggravation of an existing condition.

V11 Joint Disability Management Committee

For the purpose of this policy the Joint Disability Management Committee is comprised of representatives from the employer and employee groups (union and non union).

Role of the Joint Disability Management Committee

1. Defines the program, mission statement and specific objectives. Reviews and formalizes the Disability Management Policy and procedures on an ongoing basis.
2. Participates in the implementation, monitoring and evaluation of the Disability Management Program.
3. Ensures that all stakeholders are educated and aware of their roles and responsibilities.
4. Ensures that the Disability Management Policy and Program does not conflict with the language of the collective agreements.
5. Assists in the resolution of disputes arising from the return to work process and setting up procedures to deal with each one effectively.
6. Participates and assists in the development of return to work plans for more complex cases.
7. Updates Management and union groups on program's progress.
8. Develops creative job tasks/modified tasks which will enable injured/ill individuals to participate in the workplace.
9. When the hierarchy of return to work options have been exhausted and return to work requires cross union placement, there shall be a letter of understanding between the bargaining unit and the City stating the terms and conditions of the placement of the injured or ill employee. Each case will be reviewed by the appropriate Early and Safe Return To Work Representatives and will be examined individually depending on the circumstances and potential impacts to other bargaining unit members.

10. Modifies the Disability Management Program procedures and objectives based on feedback from the evaluations of the program.

11. Supports the work of the Disability Case Manager.

12. Works with other committees or individuals to prevent injuries/illnesses where possible in creating a healthy workplace.

Dispute Resolution Policy

An inevitable part of any collaboration process is disagreements between participants. When conflicts cannot be resolved easily a dispute policy should be in place to assist the participants.

Whenever there is a dispute the following steps can be taken:

1. Reviews Disability Management Policy and procedures as laid out for intervention, etc. If errors were made, then steps will be taken by the Joint Disability Management Committee to correct the situation.

2. In case of a dispute over the actual disability (medical dispute):

a. Reviews Functional Abilities Form on the injured/ill employee.

b. In the case of continued dispute after the review in (1), refers the employee back to medical professionals involved and, if warranted, assessment by the City's Medical Officer.

3. Seniority/collective agreement disputes will be referred to the Union Local and Management Personnel- Labour Relations.

4. If the dispute is involving a work related injury there is also a mediation process that is available upon request through WHSCC.

Program Evaluation

1. Defines methods of measuring the performance of the Disability Management Program.

2. Develops standard forms to collect the information required (i.e., satisfaction questionnaires)

3. Establishes procedures to look at any problems identified by the evaluation process.

4. The Disability Case Manager and Joint Disability Management Committee

should be responsive to constructive criticism to ensure the Disability Case Management Program is meeting the needs of the employees, union and employer.

Application

Responsibilities

Department of Human Resources, all employees.

Definitions

References/Appendix

Monitoring and Contravention

Approvals

Finance and Administration Standing Committee report -June 17, 2003; Regular Meeting of Council - June 24, 2003.

Review Period

Available to Public

- ☐ Yes
- ☐ No