

ALGONQUIN COLLEGE DIRECTIVE	NO. OF PAGES 11	DIRECTIVE NO. D19
	ORIGINATOR Vice President Human Resources	
	APPROVED BY President's Executive Committee	
TITLE Modified Work Program/ Return to Work Policy	EFFECTIVE DATE 2009.05.01	REPLACES 2005.06.01

POLICY

Algonquin College shall take a pro-active approach to the placement/re-employment of its employees with an occupational or non-occupational injury, illness or disability.

The College intends to provide a fair and consistent policy for rehabilitating employees who have been injured on the job or are suffering from a non-occupational injury, illness or disability by cooperating with OPSEU Locals 415 and 416, and the Administrative Staff Association (ASA) with a recognized formal rehabilitation program.

The College will make every effort, to the point of undue hardship, to provide a meaningful employment for both temporarily and permanently disabled employees thereby returning valuable human resources, benefits and productivity to the College.

This policy is intended to reflect and enforce the terms of the Ontario Human Rights Code. "The College and any other affected party shall make the necessary accommodations required under the Ontario Human Rights Code.

Pursuant to the Return-to-work Letter of Understanding in the Collective Agreement, there shall be a Return to Work Team (RTW Team) established for each bargaining unit, and for the ASA. The team will consist of the return-to-work coordinator, the supervisor, the employee, and her/his union representative.

In addition, there shall be a College Accommodation/Return to Work (RTW) Review Committee composed of:

1. Vice President, Human Resources or designate
2. Return to Work Coordinator
3. Two representatives from Local 415
4. Two representatives from Local 416
5. Two representatives from ASA

The Committee will be co-Chaired by a Chair chosen by the representatives' of the College, and by a Chair chosen by representatives of the unions and association.

It is the business of this Committee to consider policy and legislative issues that may arise as a result of the work of the RTW Teams and they will meet annually.

It is understood that the Committee does not have access to confidential medical information about any employee.

This policy applies to employees with disabilities, as determined by the Ontario Human Rights Code. The College will accommodate to the point of undue hardship, employees who have a disability.

Algonquin College will initiate a pro-active approach to accommodate any employee unable to carry out the full duties of his/her position as a result of a disability. Algonquin College agrees to make every effort to the point of undue hardship to provide suitable employment to any employee/unable to perform the essential duties of his/her pre-injury/pre-illness position as a result of a disability as determined by the Ontario Human Rights Code.

“Accommodation is a process of altering the methods of work and the working environment to enable a person, despite functional limitations, to fulfill the productive objectives of the job being performed”.

1.0 ADVANTAGES

1.1 EMPLOYEE:

- encourages a speedier rehabilitation
- returns the injured/ill employee to gainful and productive employment safely and successfully as soon as possible
- maintains employee's identity and self-respect by remaining productive
- minimizes loss of technical ability and physical fitness
- assists in reducing any sense of estrangement or isolation a recuperating employee may feel while off work by maintaining contact with co-workers and friends
- assists the employee with the gradual reintegration to the physical and emotional demands of the workplace
- assists the employee in reducing the time required for the rehabilitated employee to return to full work capacity

1.2 EMPLOYER:

- retains skilled employees
- maintains productivity
- reduces accident/Workplace Safety Insurance costs and the

- experience rating as it relates to occupational injuries
- reduces unnecessary lost time
- reduces costs of hiring and training replacement employees
- assists in meeting legal requirements as they relate to the Workplace Safety and Insurance Board and Ontario Human Rights Commission
- boosts employee morale

2.0 RESPONSIBILITIES AND ACCOUNTABILITIES

2.1 Return to Work Coordinator:

The RTW Coordinator is responsible for the overall management and the day-to-day operations of the College's Modified Work Program, although all individual return-to-work cases with modification to an employee's assignment will be discussed with the RTW Team. The RTW Coordinator will consult with appropriate parties and will report relevant findings to the team. The RTW Coordinator will chair meetings attended by the Union and the employee in which suitable modified work is discussed with supervisors.

2.1.1 Specific responsibilities:

- provide a copy of this policy to any employee requiring accommodation
- provides training sessions for supervisors and Union/Association Representatives
- communicates the goals and purpose of the Modified Work Program to employees
- ensures that the Form 7 includes an official statement that the College has a Modified Work Program
- If there are contemplated modifications to the employee's assignment the RTW Coordinator convenes a meeting of the RTW Team to meet with the returning employee to set program goals and objectives
- obtain expert opinion or advice where needed
- together with the rest of the RTW Team, identifies individual assignments for employee with the help of other professionals, if appropriate
- follow-up meetings are scheduled only if required
- receives information from the involved medical and/or rehabilitation professionals by using the Medical Information and Functional Abilities form (MIFA) or the Functional Abilities Form (FAF) and Form 7
- liaises between management and employee
- maintains a well documented confidential file for individual

- employees participating in a modified work
- complies with guidelines of the Collective Agreements or Terms and Conditions of Employment, College policies and any other applicable Regulations
- gives appropriate and timely consideration to Physicians' recommendations for modifications in the workplace
- provides copies of Form 7s and other accident reports to the Union in a timely fashion, in each case where the accident/injury requires a modification to the work assignment
- approve payment of reasonable fees for the preparation of MIFAs or other medical reports

2.2 IMMEDIATE SUPERVISOR:

- investigates the injury/complaint in consultation with the Health and Safety Coordinator and the Health and Safety union representative in accordance with the Occupational Health and Safety Act depending on the severity of the occupational injury
- ensures the completion of accident/injury form
- works with the RTW Team to design a modified work assignment or specific accommodation based on employee's restrictions and functional abilities and with appropriate and timely consideration of the doctor's recommendations
- identifies modified work projects and helps to establish program goals with the rest of the RTW Team, and including the employee
- trains the returning employee in the new duties as well as Health and Safety Policies as applicable
- monitors and supervises employee on modified work assignment
- promotes the Modified Work Program among staff

- contacts the RTW Coordinator as needed
- complies with College Policies and the Collective Agreements

2.3 UNION/ADMINISTRATIVE STAFF ASSOCIATION

REPRESENTATIVES:

The Modified Work Program is developed in consultation with the RTW Team. The RTW Coordinator will be responsible for the final assignment offer, subject to the grievance rights under the Collective Agreement.

The responsibilities of the Union/Association Representatives include the following:

- participates as an active member of the RTW team
- communicates the goals and purpose of the Modified Work Program to the general membership
- as a member of the RTW Team, makes recommendations to maximize the employee's successful rehabilitation
- ensures the employee's rights under the Modified Work Program are respected according to Legislation and the Collective Agreements or Terms and Conditions of Employment
- addresses employee's concerns regarding the Modified Work Program
- share joint responsibility with the employer to facilitate accommodation
- complies with College Policies and the Collective Agreement
- support and cooperate in accommodation measures recognizing that in some case this may require some flexibility in the application of the Collective Agreements

2.4 EMPLOYEE:

The primary objective of the Modified Work Program is to assist in the rehabilitation and early and safe return to work of employees who have medical restrictions in their ability to carry out the duties of their job as a result of a disability. The employee's cooperation, support and participation are essential. The employee's specific responsibilities are as follows:

- report promptly all work related injuries to his/her immediate supervisor as well as to Health Services and/or medical practitioner
- report promptly all non-work related injuries or illnesses that will impact the employee's ability to do their job to their immediate supervisor and Human Resources and where appropriate promptly return the modified work form (Medical Information and Functional Abilities) to the RTW Coordinator.
- The MIFA form must include:
 1. date the employee is to return to work
 2. returning to full or partial duties/hours
 3. functional abilities and/or restrictions and recommended progression
- maintain regular communication with the RTW Coordinator, advising of material changes to his/her medical condition
- participate in the discussions regarding possible accommodation solutions
- obtain clearance from the treating medical practitioner to return to work and provides functional abilities/limitations, where required
- cooperate with any experts, in accordance with the Ontario Human

- Rights Code and the Collective Agreement whose assistance is required to manage the accommodation process
- promptly communicate any difficulties and/or concerns regarding the duties to the RTW Coordinator
 - where possible schedule medical appointments, etc, so they do not interfere with the modified work assignment
 - meet agreed-upon performance and job standards once accommodation is provided
 - comply with College Policies and the Collective Agreements

2.5 HEALTH AND SAFETY COORDINATOR:

Acts as a consultant in matters related to accommodating improvements in the working area.

Depending on the severity of the occupational injury the Health and Safety Coordinator may be required to investigate the injury or complaint. The Health and Safety Coordinator shall comply with the College Policies and the Collective Agreements.

3.0 PROCEDURES

The process for return to work is initiated as soon as possible and medically feasible.

3.1 OCCUPATIONAL INJURY (work related injury) & NON-OCCUPATIONAL INJURY OR ILLNESS (non work related injury and/or illness)

The employee promptly notifies his/her immediate supervisor of any work related illness or injury, and of any non-work related illness that is expected to impact his/her ability to do his/her job and will seek medical attention promptly.

Where appropriate, the RTW Coordinator or Supervisor will provide a modified work package to the employee. This package includes instructions to the injured worker, and Algonquin College's Functional Abilities form, which must be completed by the medical practitioner.

The employee will provide to the medical practitioner the functional abilities form for completion. The purpose of this form is to advise the medical practitioner that Algonquin College will provide modified work for the employee and request the medical practitioner's assistance in providing the employee's functional abilities/ limitations/rehabilitation

progression possibilities. The description of the modified duties and/or hours worked may be reviewed by the Workplace Safety and Insurance Board. It is the responsibility of the employee to ensure that the form is returned to the RTW Coordinator as soon as possible following the medical appointment. If not able to return the form, he/she should contact the RTW Coordinator.

If the employee is unable to perform the essential duties of his/her pre-injury position but is medically able to perform suitable work, he/she may first be offered available suitable employment within the department.

Not all accommodations require full meetings. In some cases, a simple piece of equipment or slight modification of work, hours, etc may be all that is required. In those circumstances the College will notify the appropriate Union of the details of the accommodation at the time the accommodation is identified.

3.1.1 Wages for Occupational Injury

If the employee is offered temporary modified duties and/or hours to his/her pre-injury position the employee's earnings will remain at the same level.

Academic

The employee's schedule may need adjustments. The employee will receive 100% of his/her earnings from the College. The College may receive reimbursement from the Workplace Safety and Insurance Board.

Administrative

The employee's schedule will be prorated based on 36.25 hours per week. The employee will receive 100% of his/her earnings from the College. The College may receive reimbursement from the Workplace Safety and Insurance Board.

Support Staff

The employee's schedule will be prorated based on his/her pre-injury hours of either 35, 36.25 or 40 hours per week. The employee will receive 100% of his/her earnings from the College. The College may receive reimbursement from the Workplace Safety and Insurance Board.

3.1.2 Wages for Non-Occupational injury or illness

If the employee is offered temporary modified duties to his/her pre-illness/injury position or short term alternative employment, the

employee's earnings will remain at the same level provided the employee works a full workload/full time hours.

If the employee is offered modified hours to his/her pre-illness/injury position or short term alternative employment, the employee's pre-illness/injury earnings will be based on the following:

Academic

The employee's schedule will be based on his/her regular Standard Workload Form (SWF) or their class definition, and for partial load employees, the schedule will be in accordance with the collective agreement rights and responsibilities applicable to that employee at the time. The employee's earnings shall be based on the percentage of the full workload which they are medically capable of performing. Hours not worked will be deducted from the employee's sick leave credits. Should the employee not have sufficient sick days to continue this arrangement, the employee will be paid short term disability, 75% of salary.

Administrative

The employee's schedule will be based on 36.25 hours per week. The employee's earnings shall be based on the percentage of the full workload which they are medically capable of performing. Hours not worked will be deducted from the employee's sick leave credits.

Support Staff

The employee's schedule will be based on his/her pre-injury hours of either 35, 36.25 or 40 hours per week. The employee's earnings shall be based on the percentage of the full workload which they are medically capable of performing. Hours not worked will be deducted from the employee's sick leave credits. Should the employee not have sufficient sick days to continue this arrangement, the employee will be paid short term disability, 75% of salary.

If the employee is medically unable to return to his/her pre illness/injury position the job rate of the alternative position shall prevail and adjustments will be made accordingly.

3.3 AFTER 3 MONTHS

If employee is unable to return to work within 3 months of the non-occupational injury or illness, he or she will apply for Long Term Disability benefits or may elect to use available sick leave credits as long as LTD application has been sent to the Insurance Carrier. The RTW Coordinator will ensure that the Benefits Administrator initiates the Long Term Disability documents for submission to the Insurance Carrier. It is

mandatory for Administrative and Support Staff to use additional frozen sick leave.

4.0 ESTABLISHING THE MODIFIED WORK ASSIGNMENT

4.1 OCCUPATIONAL INJURY & NON OCCUPATIONAL INJURY OR ILLNESS

Once it has been medically established that the employee is fit to return to work in some capacity the RTW Coordinator will schedule a meeting with the RTW Team. In order to facilitate the employee's return to work, the RTW Team will discuss and implement the employee's assignment, as well as any specific goals and timetables for rehabilitation.

Consideration for assignments will be to:

- (a) return the recovering employee to his/her pre-injury position with some minor modification, if necessary. Such modifications would consist of reduction/modification of duties and/or reduction of scheduled hours worked
- (b) return the recovering employee to a comparable position of alternative work; i.e. a position requiring related skills and experience and having comparable responsibility and earnings
- (c) return the recovering employee to a suitable position where the employee has the necessary skills while respecting his/her restrictions and limitations
- (d) the College may attempt to create a specific short term assignment designed especially for the rehabilitating employee within the context of the Ontario Human Rights Code and Duty to Accommodate

Once suitable or modified work is identified by the RTW Team an offer is made to the returning employee.

During the course of the modified work assignment employees who are unable to perform all of their pre-injury regular duties will be required to provide the College with written confirmation or update of his/her functional abilities from his/her physician.

If at any time the employee on modified duties and/or schedule feels that his/her condition has changed significantly, he/she must submit a revised

Medical Information and Functional Abilities form from the appropriate medical practitioner to alter the established modified work assignment. The RTW Coordinator will review the revised form, with the Workplace Safety and Insurance Representative as required by WSIA or WSIB policy. When applicable RTW Team will review and evaluate the job assignment. It may then be necessary to establish a new assignment or alter the existing one.

Should the employee be medically unable to return to his/her regular duties/schedule at the end of the Modified Work Program, consideration should be given to an extension of the assignment for that employee. This extension will only be considered by the RTW Coordinator and the RTW Team if the employee provides documentation certifying that the employee's progress during the assignment indicates that an extension would be medically required.

4.1.1 PERMANENT MODIFIED WORK

If the employee has permanent restrictions, the RTW Team will make every effort, to the point of undue hardship, to accommodate.

5. EDUCATION/PROMOTION

The RTW Review Committee shall ensure this policy is known and understood and is posted on the College's website. The College shall ensure all new employees are made aware of the RTW program.

6. CONTINUOUS IMPROVEMENT

The RTW Review Committee shall meet annually to review/assess the program. The College agrees to confer with and receive any recommendations from the local union, when reviewing the policy. There shall be an annual report on the RTW program to senior management and RTW Committee. It is to be provided no less than 30 days prior to the annual review meeting of the RTW Review Committee.

7. DISPUTE RESOLUTION

In the case of a dispute over an accommodation, the RTW Review Committee will convene a meeting to attempt to find a resolution, if all parties agree; the resolution shall be binding on the parties for that accommodation only. If the

parties cannot agree, the employee may revert to the grievance process or the dispute resolution process as outlined in the respective Collective Agreements or the Terms and Conditions of Employment.

(original signed by)
Vice President Human Resources