



## Human Resources

Revised or Reviewed: December 11, 2013  
Approved: June 5, 2005

### **A. Background and Definitions**

This practice and its included procedures are intended to ensure that employee absences due to illness or injury, and a; Attendance and WSIB Claims Management, the Return to Work Program, and Individual Accommodation Plans.

### **B. Purpose**

Niagara College believes its employees are its most valuable asset. We are committed to providing a healthy environment, to assist employees in maintaining good health, and to provide support to those living with an illness, injury, or disability. At the same time, to protect operational integrity, the Coll(1)11.3 ( in)5 e support success at a safe and healthy workplace. Every reasonable effort will be made to accommodate employees who require assistance in returning to work from an illness or injury, and to provide support to employees with disabilities that takes into account their accessibility needs. These accommodations will be provided pursuant to the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, the Workplace Safety and Insurance Board, and the Occupational Health and Safety Act.

### **2. PROTECTION OF PRIVACY**

Niagara College considers the protection of privacy for our employees of utmost importance. All personal and medical information provided to the college for the purposes of Disability Management, WSIB Claims Management, Individual Accommodation Plans, and Return to Work initiatives will be collected, used, disclosed, retained, and disposed of in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Protection Act (PHIPA).

To ensure safe and timely return to work strategies and suitable accommodation plans, the College

requested and collected through a process of informed written consent from the relevant regulated health professional, or through an appropriate 3rd party (ie. an Insurer, the WSIB, or an Independent Medical Consultant). Human Resources is delegated the responsibility for overseeing the protection of privacy of personal and medical information. This information will be kept confidential and separate from the employee's Human Resources records.

### **3. COMMUNICATIONS AND REVIEW**

This practice will be reviewed for appropriateness and effectiveness, at least once every three years, and the College will consult with the Local Union when making any adjustments to the Disability Practice.

The College will ensure that all RTW team members receive training and understand their roles and responsibilities, and will also provide periodic general communications to employees about the Program where applicable.

### **4. PROCEDURES RELATING TO DISABILITY MANAGEMENT**

#### **4.1 ATTENDANCE AND WSIB CLAIMS MANAGEMENT**

Non-occupational illness/injury

- x Employees are required to contact their supervisor (or designate) to report an absence due to illness or injury prior to the beginning of their next scheduled shift.
- x Supervisors may at any time request medical information to support an employee absence, and should request medical documentation after three days absence.
- x If an absence due to illness is expected to be of /or exceed a duration of greater than 10 days [(s)-2.3 (c)-1. Tf 0.457 0

- x Focus on recovery and obtain medical treatment.
- x Provide medical information as requested by Human Resources.
- x Advise Human Resources of all medical information received pertaining to their work restrictions.
- x Participate in identifying return to work and accommodation options.
- x Participate in RTW assessment, RTW Team meetings, and Accommodation planning.

Immediate Supervisor

- x Maintain appropriate and regular contact with the employee.
- x Identify return to work and accommodation options within the work group and department based on the returning employee's abilities and limitations.
- x Engage coworkers, as necessary (medical information cannot be shared).
- x Participate in RTW assessment, RTW Team meetings, and Accommodation planning.
- x Accountable to implement, monitor, and support any RTW initiatives and Individual Accommodation Plans for employees under their supervision.

Human Resources Representative

- x Maintain appropriate contact with the employee, the supervisor, and the RTW Team.
- x Prepare medical requests and review ongoing medical information as appropriate.
- x Chair the RTW meeting; Participate in RTW assessment and Accommodation planning.
- x Communicate with external stakeholders and consultants (ie. WSIB, Insurance carrier, Medical Consultants)

**4.2.2 Early and Safe Return to Work Process**

Assessment Phase

The designated Human Resources representative will contact the employee as soon as possible after receiving notification to discuss the absence and determine the expected return to work date.

If the HR representative determines that the expected date of return is not known, or that an accommodation to return to work is possible, additional medical information may be requested to

assist in 06 ( )2 ( n)2 ( i)eq . ( l)6.3 ( i)-4.7C /TT, ( l2.6 ( iy66.6 ( n so)2 ( es)10-0.)2 ( r))19.8 ( f)-26 ( i) ( t)-2.6 ( h)2 ( t

The purpose of the RTW meeting is to attempt to formulate a successful return to work which is acceptable to all parties, and may include the development of an Individual Accommodation Plan. The HR representative will document the RTW meeting and related accommodations. Individuals participating on the RTW Team shall protect the privacy and confidentiality of employee medical and personal information. The RTW meeting will outline:

- x The estimated return to work date, and if possible the anticipated date of return to full time hours and normal duties.
- x The action steps that will be taken to assist the employee to return to work as soon as safely possible, while supporting their recovery.
- x The Individual Accommodation Plan, including reduced/flexible hours, modified duties, and supports that will be provided to the employee to assist with recovery and return to work.
- x Specific responsibilities that may be assigned to members of the RTW Team.
- x Any communication requirements (ie. coworker communications, the WSIB, the Insurer).
- x Information regarding upcoming medical appointments and follow up meeting dates.

#### Monitoring and Follow Up

- x The employee and supervisor will monitor the return to work plan and accommodations to ensure ongoing suitability and effectiveness.
- x The HR or Health and Safety representative will follow up with the employee according to the outlined schedule, and update the RTW Team as appropriate.

#### Dispute Resolution Mechanism

The RTW Program has a dispute resolution mechanism in place that respects the need for timely resolution of issues, and allows for involvement of all relevant stakeholders in developing a solution. It recognizes the availability of choices and options in developing return to work initiatives and accommodations, and may include the role of a return to work mediator.

If a dispute arises, the following steps will take place:

##### **Step 1: Obtain Further Information**

- x Where the dispute is about the appropriateness of the accommodation or an employee's level of function, more detailed medical information must be obtained regarding functional capacity and abilities/limitations.
- x Where the dispute is about the demands of the job, more information will be obtained such as a job demands analysis. Recommendations may also be invited from an external resource or consultant.

##### **Step 2: Follow Up Meeting**

Once the above

### Step 3: Documentation and Followup

- x Human Resources will document the follow up meeting and any resulting Individual Accommodation Plan revisions.
- x The employee and supervisor will monitor the accommodation to ensure ongoing suitability.

## **4.3 INDIVIDUAL ACCOMMODATION PLANS**

Individual Accommodations Plans may be developed as part of the Return to Work Program, or as requested to support employees with disabilities. The following outlines the procedure involved for making a request, and determining an appropriate accommodation.

### Step 1 - Identify the Need for Accommodation

The need for an accommodation can be:

- x requested by the employee through their supervisor or through Human Resources
- x identified by the employee's supervisor or by the hiring manager
- x identified at a return to work meeting after an employee absence due to illness or injury

### Step 2 - Gather Relevant Information and Assess Needs

The employee is an active participant in this step. Specific details regarding the nature of the employee's disability may not be necessary to request an accommodation. However, the functional abilities of the employee will be required in order to determine if an accommodation is needed, and to assist in developing a suitable accommodation plan. In order to obtain an evaluation of the employee's restrictions and limitations, the College may request any of the following:

- x A College questionnaire or a Functional Abilities assessment form to be completed by the employee's family doctor or specialist.
- x A review of the medical documentation provided to the College by an independent medical consultant.
- x An Independent Medical Exam (IME) to be conducted.
- x Involvement from a 3<sup>rd</sup> party specialist on accommodations and/or assistive devices.

If the employee is returning to work from an illness or injury, the Individual Accommodation Plan will be considered as part of the ESRTW Program.

If the accommodation request has been made to support an employee with a disability, the medical information will be reviewed by Human Resources and discussed with the employee to identify and evaluate potential options and determine next steps. If appropriate, the employee's supervisor may be invited to contribute to the development of a suitable accommodation. The employee may also invite their union representative to participate.

### Step 3 – Formalize an Individual Accommodation Plan

Once the most appropriate accommodation has been identified, the details will be written into a formal accommodation plan, including any reduced/flexible hours or modified duties. This plan will also include any required accessible formats and communication supports, and workplace emergency response information (if requested).

A copy of the final accommodation plan will be provided to the employee upon request. If an individual accommodation is denied, the employee will be provided with a written explanation for the denial. All information provided to the employee in regards to the accommodation process will be provided in a format that takes into account their accessibility needs.

Step 4 - Implement, Monitor, and Review the Accommodation Plan

The employee and their supervisor will monitor the accommodation to ensure that it has effectively resolved the challenge. A review of the accommodation plan will be conducted:

- x if the accommodation has not proven effective
- x at a predetermined frequency
- x if employee's work location or position changes; if the nature of employee's disability changes

**D. Related Documents and Links**

Accessibility for Ontarians with Disabilities Act (AODA)

(Integrated Accessibility Standards - Regulation 191/11)

[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_110191\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110191_e.htm)