

The Murphy Group of Companies

Title: Return To Work (RTW) – Program Development	Date of Issue: April 29, 2015
Approved by: Pierre Brunelle, General Manager	Revise Date: 2016, 2017, 2018, 2019
Location: Office, shops, temporary headquarters	

Purpose:

To develop a policy that supports return to work by providing the injured worker with modified duties that can safely return worker to the workplace with the intent to a return to full-time, pre-injury duties.

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:

The Murphy Group of Companies

Return to Work Team: President, Manager, Supervisor, Health and Safety Coordinator, Injured Worker

Workplace parties: Employer, injured worker, co-workers, H & S Coordinator

Scope:

The injured worker will work with the Safety Coordinator, Management and RTW Team (outside consultants -if necessary) to ensure the program's success.

This policy pertains to anyone who has experienced a workplace injury.

Policy:

The MGC understands that even with the policies, procedures and training that are in place, an incident may happen to our workers. This RTW Policy (and other WR Policies) outlines the steps that need to be taken to effectively manage and support the injured worker's return to full duties at our workplace.

Worker Reintegration (WR) is about three aspects and it includes:

- Return to Work and Case Management - initial response and on-going management of a workplace injury and the return to work of the injured worker
- Work Transition – transitioning to different or modified work (see Work Transition Policy)
- Re-Employment Obligations – of us, as the employer to keep the worker employed for a period of time

One of the fundamental drivers of Work Reintegration is ensuring that it is appropriate, supported and maintains the worker's dignity and productivity in their rehabilitation and recovery from a workplace injury.

WR is a process of:

- Integration of effort and co-operation of all workplace parties (workers and employers), as well as the treating health professional, union representatives, other authorized representatives and the WSIB
- Active recovery in the workplace
- Accessible, timely and intensive services
- Goal-oriented work transition (WT) plans
- Leveraging statutory WR obligations (i.e. Co-operation and re-employment)
- WR Goal

WR process:

- Starts as soon as we learn a worker has suffered a work-related injury or disease (RTW Program Development) – workers must report their injuries immediately to their Supervisor!
- Continues throughout recovery and impairment and adapts to changes (Case Management Policy)

The Murphy Group of Companies

- Includes a 'stay at work process' – with accommodated duties with a goal to a return to pre-injury job and restoration of pre-injury earnings taking place in the workplace (not the home)
- Based on a system of integration of effort and co-operation (includes all workplace parties including WSIB)
- Keys for workplace parties:
 - Planning WR
 - Identifying WR opportunities
 - Identifying WR issues
 - Requirement to co-operate and fulfill all of their WR obligations

Off work cases (worker unable to return to any type of work):

- Focus of the WSIB's case management activities is on worker's clinical recovery and planning for early and safe WR with the injury employer
- WR activities will commence when the worker is able to return to suitable or pre-injury work with the employer.

Stay at work cases (return to work immediately or return to work soon after injury):

- Workplace parties must work together to monitor worker's recovery and progress towards the WR goal if:
 - Worker experiences wage loss due to injury/disease
 - Evidence of permanent impairment
 - Job suitability concerns exist

As indicated, the goal of WR is to return the worker to work that they have the skills to perform, is consistent with the functional abilities, restores pre-injury earnings. Ideally, the worker returns to pre-injury work.

It is also our aim to (1) reduce the number of time lost injuries/ illnesses and (2) reduce the number of lost time injuries (LTI) by having a successful RTW Program in place.

As the employer, we know that we have a duty to accommodate the injured worker to the point of financial hardship.

The workplace parties must co-operate with each other and the WSIB in the RTW process by:

- Initiating early contact – by the worker immediately as soon as the workplace injury takes place
- Maintaining appropriate communication throughout recovery- all workplace parties
- Identifying and securing WR opportunities for worker
- Giving the WSIB all relevant information concerning the worker's WR
- Notifying the WSIB of any dispute or disagreement concerning the worker's WR

These *Co-Operation Obligations* apply to all workplace parties from the date of injury until the earlier of the date:

- Worker's loss of earnings benefits can no longer be reviewed by the WSIB (usually 72 months after the date of injury)

The Murphy Group of Companies

- There is no longer an employment relationship between the workplace parties because either the worker voluntarily quits or employment is terminated for reasons unrelated to work-related injury (including absences from work), treatment or claim for benefits
- When the WSIB is satisfied that no current suitable work with the injured employer exists or will exist in the reasonably foreseeable future

Even if the worker is not functionally capable of performing any type of work, the workplace parties are still expected to maintain regular communication in preparation for a future return. This policy is about the initial response to a workplace injury and is called RTW Program Development.

The WSIB fully supports both the employer and the injured worker in developing a Return to Work (RTW) Program that will assist in promoting a safe and timely return to full duties for work-related injuries and illnesses.

The WSIB states that all workplace parties must cooperate with each other and the WSIB in the RTW process. Failure to do so will result in penalties to BOTH The MGC and the injured worker.

It is the expectation of The MGC that all workers will participate in the Return to Work (RTW) Program as it will be offered to everyone without bias. Even if a worker is unable to return to work immediately (hospitalized), they are still expected to maintain regular contact with The MGC (minimum weekly).

A key component of RTW is to assist the injured worker by providing modified or alternative work as part of the healing process to a return of full duties, in keeping with the employee's physical capabilities and limitations. In other words, you will be assisted in your recovery by recovering in the workplace rather than at home.

There are several documents that are key to a successful RTW Program:

1. This Policy and Procedures
2. Return to Work Policy Statement
3. Memo
4. WSIB Form 6 (worker completes)
5. WSIB Form 7 (employer completes)
6. WSIB Form 8 (medical care provider completes)
7. WSIB Functional Abilities Form (FAF)
8. Letter to medical care provider
9. Letter to employee
10. Roles and Responsibilities
11. Return to Work Agreement and Plan

NOTE

How the actual RTW is to be designed and implemented will be provided in the Case Management Policy – this is where we continue to work with the injured worker on recovery

Policy and Procedures:

The 'how to' of RTW – see below in this Policy

Return to Work Policy Statement:

Our personal company philosophy on RTW and our expectations – is posted with our other Policy Statements

Memo:

Document to go in Injury Package – also be used as a Safety Talk or payroll insert – Hand-out for new employees during Orientation. Reminds all workplace parties of our commitment to injured workers

WSIB Form 6:

Completed by injured worker – gives worker opportunity to provide information outside of Incident Report – copy provided to employer

WSIB Form 7:

Completed by employer – provides information to WSIB on injured worker and injury – copy provided to worker

WSIB Form 8:

To be completed by the medical care provider for the initial visit. The FAF is used for subsequent visits. The Form 8 MUST be returned immediately to the H & S Coordinator.

WSIB Functional Abilities Form (FAF):

Indicates restrictions and limitations – assists in providing guideline for modified duties from subsequent medical visits

Letter to medical care provider:

Indicates that we have modified duties available and that we need the Form 8 or FAF completed in order to determine modified duties

Letter to Employee:

Indicates everyone's responsibility to work together in Return to Work

Roles & Responsibilities:

Unlike other Policies, the RTW Policy cannot be successful without the defined Roles & Responsibilities for all workplace parties. See below.

RTW Agreement and Plan:

Outlines the type of modified duties to be provided to the injured worker. Signatures by employer and injured worker indicate the commitment to work together in the safe recovery of the injured worker to pre-injury duties.

Injury Package:

This is an envelope that must be carried in each company vehicle. It is used whenever medical is sought. Supervisors must familiarize themselves with the contents of this envelope and assist the injured worker in completing the paperwork.

Injury Package contains copies of:

The Murphy Group of Companies

- This Policy and the Procedure
- Memo
- RTW Policy Statement
- Form 6 (worker completes)
- Form 8 (medical care provider completes)
- Letter to medical care provider
- Letter to employee

Procedures:

Non-Work Related Injuries / Illness/ Disease:

If employee injures themselves outside work, it is important that they immediately inform the Supervisor so that modified duties are provided to prevent further injury.

For example:

- Employee paints on weekend and experiences muscle pain in arms.
- Arrives at work and does not inform Supervisor of pain.
- Attempts to lift a bag of concrete, moves the wrong way to compensate for pain, this results in a strained back muscle and a visit for medical care, where, instead of having 3 days of modified duties, now time is required for medical appointments, modified duties for 4 weeks etcetera.
- Situations like this are the reason we must address injuries outside work!

Procedure for Non-Work Related Injuries/Illness / Disease:

- Employees must notify supervisor prior to starting work of any illness / injury sustained outside work hours
- Supervisor will try and accommodate restrictions on site in order to prevent further injury / illness
- If supervisor is unable to do so, supervisor must inform management of inability to provide accommodation
- Management will attempt to provide accommodation in the office
- Again, this procedure is related to NON workplace incidents

Procedure for Work Related Injuries/ Illness / Disease:

- First Aid Provider to apply first aid - if suitable to the type of injury
- Notify supervisor **immediately** of injury – You do not have an option in this!
- If there is the risk of head, neck and spinal cord damage, exercise extreme care and do not move the injured person
- First Aid Provider or Supervisor notifies management of injury via phone
- **Remember:** an injured worker **MUST** be provided transportation to a medical care facility – they cannot drive themselves
- Supervisor gives injured worker Return to Work package to take to hospital or doctor
- Injured worker will have health care provider (physician, physiotherapist, chiropractor, nurse practitioner, dentist) fill out Form 8 for the initial visit
- This completed Form 8 will provide us with a notice of fitness to return to work or some type of work
- Worker to return with 2nd Page of Form 8 so that Modified Duties can be determined

The Murphy Group of Companies

Note

Worker cannot come to work without a completed Form 8! You must have it completed, regardless of whether or not your health care provider chooses to fill one out. Health care providers know their obligations to fill this out!

- Do not leave the medical facility without a completed Form 8! Under no circumstances should you leave without this Form being filled out. Failure to comply with this will be considered reason for Disciplinary Action!
- Injured worker to return completed Form 8 to Supervisor or Management immediately.
- At no point in time should the injured worker attempt to drive a vehicle themselves
- Arrangements will be made to get injured worker home (taxi).
- Arrangements will be made to transport the injured worker to work the next day if the worker is unable to drive (taxi)

In addition to the above, the injured worker will:

- Explain to medical care provider that modified work is available to them at the workplace
- Provide all completed forms to the Office stating work limitations prior to return to work for Modified Duties the next day
- Never be forced to return to work against the advice (Form 8 or Functional Abilities Form) of the attending health care provider however it is the injured worker's responsibility to inform the health care provider that modified work is available!!
- Perform meaningful work that they agree to and that will not aggravate an existing condition or create a new injury
- Discuss with Management and Supervisor the nature and extent of the modified work.
- Be encouraged to schedule all medical appointments or physical therapy sessions at the beginning or end of the day
- Not return to full duties unless authorized by the attending health care provider. This means that a completed FAF MUST be received by the Office Manager prior to a return to full duties
- The MGC Management will be in contact with the injured worker at all times during the recovery
- The injured worker will ensure that they are in daily contact with the designated party
- 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

As an injured worker, you may feel that you are able and capable to return to full duties. This may be the result of the pain relief medications your health care provider has prescribed for you and not because of the improvement in your injury. You are reminded that there should be no operation of machinery or equipment while you are under the influence of pain medications. Once an FAF indicates that you are able to return to full duties, will you be able to return to full duties. This is not a decision that you can make independent of the completed FAF.

Functional Abilities Form:

This form is very important to establish restrictions and limitations for the modified work of an injured worker:

The Murphy Group of Companies

- Workers must consent to the disclosure of their functional abilities information by the treating medical care provider
- It is advisable that we use the form generated by the WSIB for work-related injuries and not a form generated by our company
- Either or both The MGC or the worker can request the Form to be completed and the medical care provider must give the WSIB, us and the worker a completed Form
- A health care provider who examines the worker at the request of the WSIB or our company is not considered the treating health professional for the purposes of completing an FAF (i.e.: CT scan)
- If 2 or more health care professionals are treating the worker (i.e.: physician and physiotherapist), then the one who can provide the most useful information will complete the FAF or both parties will – the key is who will provide the FAF in the most complete and timely manner
- If the health care provider refuses to complete the FAF or doesn't complete it in a timely manner, then a request to change health care provider can take place

Accommodations and Modified Duties:

As an employer, we have a duty to modify work or workplace to accommodate needs of worker to the extent of undue hardship as per:

- Obligation to employ set out in the Workplace Safety and Insurance Act, 1997 (WSIA), the associated Construction Regulation
- Accommodation may be temporary or permanent
- Ontario Human Rights Code / Canadian Human Rights Act
 - The Code guarantees equal access to employment opportunities to any person with a disability, whether such disability is work or non-work-related.
 - Pursuant to the Code, if a person with a disability requires accommodation to perform the essential duties of a job, the employer must provide accommodation
 - To assist in determining undue hardship, the WSIB refers to the Ontario Human Rights Commission's Policy and Guidelines on Disability and the Duty to Accommodate.
 - Since relevant human rights legislation also protects workers from discrimination on a number of grounds including disability, sex (pregnancy, gender identity), creed, ethnicity, family status and age, employers may have accommodation requirements during the WR process in addition to those related to the work related-impairment.

A Modified Duty is the modification of a worker's existing position or a new position that meets the limitations and restrictions provided by the medical care provider. The purpose of Modified Duties is that the worker can carry out work with adjustments that are well within their physical capability, as indicated by the Form 8 or FAF.

Modified duties can be a modification of:

- Existing pre-injury job
- New job duties

If we are looking at providing the essential duties of the pre-injury job, we will consider:

The Murphy Group of Companies

- Job outcome- terms of production of final product/ provision of service
- How often each duty is performed
- Amount of time spent at each duty
- Effect on job outcome if a duty is removed (i.e.: 90% of job can be performed but that 10% means that the job won't be completed)
- Effect on process before or after a duty, if a duty is removed
- Current job description
- Normal productivity in job

Further considerations must include:

- Consideration of the injured worker's cognitive abilities with respect to:
 - Mental alertness
 - Reasoning
 - Judgement
 - Short-term memory
- Because any of the above can be impacted by medications prescribed to treat the injury/disease
- Location of modified work:
 - Must consider safest location (terrain, prevention of further injury or set back to recovery)
 - Can be any of the following:
 - Job Site
 - Site Trailer
 - Office
 - Shop

The work must:

- Be productive – the result must have value to the business
- Safe:
 - Not aggravate the injury or create new injury
 - Must not create an additional hazard to the worker or other workers
 - Must be performed in a worksite governed by the OHSA
 - Worker must be able to travel safely to and from proposed worksite (i.e.: broken leg means that transportation will be provided)
- Assist the worker in returning to their pre-injury position, if possible
- Take into consideration worker's:
 - Cognitive capabilities or limitations – may be impaired with medications
 - Abilities and skill sets – training may have to take place to accommodate some modified duties
 1. Be 'stepped' with continuing assessments to see if:
 - a. The work is suitable for the type of injury
 - b. Additional levels (moving towards full recovery) can be applied

Note

- It is important that there is improvement in the RTW Plan with each week
- If the injured worker is unable to perform modified duties (as indicated by the FAF), then additional FAF's must be completed that better reflect the injured worker's capabilities

The Murphy Group of Companies

- Remember that the FAF must be completed by a medical care provider- if they indicate that the injured worker can perform activities, the injured worker must comply.

*** All levels of the RTW Program must be documented ***

**** Failure to cooperate with the Return to Work Plan may jeopardize the injured worker's right to collect benefits with WSIB ****

Return to Work Procedure:

Prior to start of any accommodation (or implementation of modified duties), the injured worker will:

- Immediately notify The MGC that they are able to return to some form of work (OR WSIB may provide this notification to us but it is preferred that the injured worker provides us with this information)
- Discuss with Management the length of time for the Modified Duty placement (average of 2 weeks to fit in with the arrival of updated FAFs)
- Sign a RTW Agreement and Plan with respect to the hours of work, reporting requirements and nature of the modified duty position (WSIB Functional Abilities Form – FAF or Form 8)
- Review the Form 8 or FAF with employer for suitable modified work
- Be required to schedule medical appointments and therapy at reasonable times so as not to conflict with The MGC timetable and the RTW Plan (beginning or end of day)
- Be required to supply medical progress reports (WSIB FAF) every two weeks or as required (due to improvement, may be requested more frequently)

- N.B.: If the worker feels that they have improved beyond the abilities listed in the FAF, the worker is to visit their health care provider immediately for a revised FAF

Once the RTW Plan starts, the worker will:

- Receive an 'on site' / job specific orientation where the limitations, restrictions / changes to their job will be discussed by their Supervisor
- The RTW Plan will be reviewed again at this time
- If additional training is required to complete the modified duties, this will be arranged by the supervisor
- Supervisor will observe worker to ensure that they are able to complete the modified duties, as discussed
- Do not perform any duties other than those indicated on the RTW Plan – workers who do not follow the RTW Plan by doing more than indicated will receive disciplinary action
- Supervisor will discuss the modified duties at the beginning and end of each day so that:
 - a. Further modifications can take place, if necessary
 - b. Documentation of the Modified Duties must be recorded
 - c. Worker must provide input

Schedule for Follow-Up:

The Supervisor and worker will maintain regular contact to ensure that they do not exceed the limitations / restrictions indicated in the FAF and that the Modified Duties do not create further discomfort or create impediments to recovery.

The injured worker will:

Day One:

1. Report to Supervisor at the beginning and end of day
2. Report to Supervisor during each break to report on their progress with Modified Duties
3. Supervisor will record the comments on the Contact Log

Each Day:

1. Report to Supervisor at beginning and end of day
2. Report discomfort or challenges with Modified Duties immediately (this means right away, without delay!)

Each Week:

1. Complete the section of the RTW Plan requiring their comments
2. Meet with Supervisor to discuss next level of Modified Duties once a new, complete FAF has been received
3. Supervisor will forward documents to RTW Team
4. Supervisor and RTW Team will discuss progress / decline of RTW Plan and make changes, where necessary, to protect / enhance worker's RTW
5. Supervisor will discuss changes with worker prior to worker commencing new duties

In the best interest of injured workers (and for the safety of all workplace parties), we must remind you that disciplinary action will be used if the RTW Plan is not followed / adhered to.

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

Note

Only duties for which the worker has experience, knowledge and training will be used. If training is required to perform the task (i.e.: Workplace Inspections) then training will take place by the appropriate party

Note

WSIB has the ultimate authority on whether or not an injured worker receives benefits or has to participate in a RTW Program.

This means that WSIB may decide to support a RTW Plan even if a medical care provider or specialist has indicated the worker cannot work.

Specialists rarely put the time in to find out exactly what injured workers do and therefore, have generally chosen to err on the side of caution by indicating that the worker is unable to work.

The reality is that The MGChas modified duties in place that can assist in your safe recovery.

It is your responsibility, as the injured worker, to make sure that the medical care provider understands your entire job description, that there are many other duties that you will be able to perform that are not just modifications to your existing work but are also valuable to yourself and the company (i.e.: safety training, reviewing Safety Briefings, worksite inspections etc.).

Completion of Forms:

1. Incident / injury report – immediately or no later than 24 hours - completed by Supervisor and worker – to be handed to the Office – Office to have available for JHSC and Management
2. Form 6 – completed by worker immediately – management or supervisor can assist but it should be written by worker
3. Form 8 or FAF (Functional Abilities Form) – completed by medical care provider immediately
4. Form 7 – completed by management – copy to worker:

To be completed when Worker requires health care and / or:

- a. Is absent from regular work
- b. Earns less than regular pay for regular work (i.e.: working part time)
- c. Requires modified work at less than regular pay
- d. No health care BUT worker requires modified work at regular pay for more than 7 calendar days (includes weekends!)

Must be completed within 3 calendar days after learning of any of the above

Must be received by WSIB within 7 business days of learning of any of the above

Health care is defined as:

- a) Hospital

The Murphy Group of Companies

- b) Health facility – Urgent Care / Walk-in Clinic
- c) Services provided by: chiropractor, physician, physiotherapist, RN (Extended Class), Nurse Practitioner, dentist

5. Return to Work Agreement and Plan:

- Completed once the FAF has been received and reviewed by Management
- Worker and Supervisor are involved in developing this
- Must be completed prior to worker return to work for modified duties
- Supervisor and injured worker must both receive a copy

6. Other forms found in RTW Case Management Policy

Notification to WSIB:

- Other than the items listed above, injured workers and The MGC must notify WSIB immediately of:
 - Any changes to RTW Plan
 - All relevant information concerning the worker's WR
 - All disputes / disagreements concerning the worker's WR

Dispute Resolution:

In the event that complications arise from the RTW Plan or other WR issues, the following will take place:

- The MGC and injured worker will attempt to resolve issues – all conversations will be documented
- If this is successful, then WSIB will receive a copy of the exchange
- If the process is not successful:
 - a. WSIB, employer and employee will receive copies of documentation and the recommendations to move forward
 - b. WSIB will be contacted to mediate the outstanding issues
 - c. WSIB will communicate (in person or telephone) with employer and employee
 - d. WSIB will make a written decision that everyone will abide by
 - e. If The MGC or the injured worker is not pleased with the outcome, then an appeal can be launched by either party

Compliance and Co-Operation:

Failure to comply will result in the WSIB:

- Reducing or suspending injured worker's benefits
- Penalty to the employer (equal to costs of benefits to worker or worker's net average earnings for the year preceding the injury)

Ensuring compliance with co-operation obligations:

The Murphy Group of Companies

- After the WSIB has informed all workplace parties regarding their obligations to co-operate in the WR process and there is still a refusal to co-operate, the WSIB may:
 - reduce or suspend the worker's benefits
 - levy a penalty on the employer that is equivalent to the costs of providing benefits to the worker

Factors which will not lead to a finding of non-co-operation:

- Workers:
 - Strike/ lockout
 - Death in family
 - Unexpected illness or accident
- Employers:
 - Limited to compelling circumstances beyond the employer's control
 - Summer or holiday shutdown
 - General layoff, strike or lockout
 - Corporate reorganization
 - Small business – death in family or unexpected illness or accident

Application of non-co-operation penalties:

- For a non-co-operation penalty to be levied, the WSIB must be convinced, on a balance of probabilities, that a workplace party:
 - Had knowledge of their obligation
 - Had the capability to carry it out
 - Didn't carry it out
- Both work and employer non-co-operation penalties come into effect 7 business days after the date of the written notice or 14 business days for small business (fewer than 20 workers)

Initial penalty – worker:

- Reduction of worker's wage loss benefits by 50%:
 - Date notice comes into effect
 - Until 14th calendar day following that date
 - Until worker starts co-operating again
- Full penalty in effect beyond 14th calendar day following notice
- Note: for WT(Work Transitions) activities past 14 calendar days, the WSIB terminates:
 - WT assessment
 - Reduces earnings to reflect those the worker would have been capable of earning had they completed the WT plan
 - Wage loss benefits remain reduced/suspended until worker starts co-operating again

Initial penalty – employer:

The Murphy Group of Companies

- The WSIB levies an initial penalty of 50% of the cost of the wage loss benefits to the worker:
 - From date that written notice comes into effect
 - Until 14th calendar day following that date
 - Until employer starts co-operating again
- Full penalty in effect beyond 14th calendar day following notice

WT activities past 14 calendar days, the WSIB terminates:

- 100% of the cost of the wage loss benefits payable to the worker, plus 100% of any costs associated with providing WT services to the worker.
- Penalty levied until earliest of:
 - Employer starts co-operating again
 - Date no further wage loss benefits are payable and no WT services are provided or
 - 12 months following date notice comes into effect

Confidentiality:

- Everyone participating in a RTW Plan is reminded of the confidential and sensitive 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

Return to Work Specific Roles and Responsibilities:

Management, Safety Advisor and RTW Team will:

- Understand that they have a duty to co-operate in the RTW process
- Develop written RTW Policy and Procedures
- Educate all employees about the RTW Program and the steps for Reporting
- Maintain consistent and regular contact with the injured worker and monitor progress of RTW Plan
- Maintain contact with WSIB, reporting new information as it becomes available
- Provide suitable accommodation in keeping with the Employment Standards Act, Ontario Human Rights Code and WSIA
- Liaise with Supervisor to provide / arrange training if new skills are required for Modified Duties
- Work with Supervisor and injured worker to develop an appropriate RTW Plan
- Ensure that the privacy of confidential information is protected

The Murphy Group of Companies

- Provide fair and consistent rehabilitation policies for the injured worker (on or off the job or incapacitated due to illness or injury)
- Facilitate communication between all parties
- Assist in modification of workplace, if required (i.e.: ramp, chair support)
- Explain the objectives and requirements of RTW to all workers
- Assist and support the injured worker in their endeavour to return to full duties via a RTW Plan
- Determine, in consultation, if the injured worker's position can be modified and 'how' (i.e.: modified method of sweeping)
- Monitor progress of worker's Modified Duties via regularly scheduled, documented meetings with worker and Supervisor.
- Liaise and consult with health care provider or other agencies (WSIB if required) and worker to develop a suitable RTW Plan
- Meet with worker and establish written goals and objectives to be agreed upon by all levels involved in the process of recovery
- Determine and maintain medical monitoring and treatment with the use of the FAF
- The frequency of monitoring is to be determined on a 'case by case' basis
- Assist in the evaluation of the success of the Program
- Must report changes in the following directly and immediately to WSIB within 10 days:
 - a. Wage changes
 - b. Changes in duties / duration of Program
 - c. Failure to cooperate
 - d. End of Program

Supervisor:

- Will work with the RTW Team and injured worker to develop an appropriate Plan
- Advise injured worker that Modified Duties are available and provide the required forms
- Assist in completion of forms
- Assist and support the creation of modified duties by identifying duties that can be performed within the limitations and restrictions
- Maintain communication and monitor the progress and effectiveness of the program with worker
- Inform all workers on site of Program goals: to bring the injured worker back to work in the safest possible manner using Modified Duties
- Communicate, assist and evaluate the Plan's effectiveness via regularly scheduled meetings with the worker
- Communicate and document daily the communication with the injured worker in a Log
- Schedule daily meetings with injured worker
- Assist in the evaluation of the success of the Program

Injured Worker will:

- Understand that they have a duty to co-operate in the RTW process
- Maintain contact with RTW Team throughout the entire RTW process

The Murphy Group of Companies

- Inform WSIB of any material change in circumstances (i.e.: working full hours)
- Advise both WSIB and RTW Team of all improvements in recovery
- Participate in RTW Policy and Procedures
- Inform health care provider that modified duties are available and that accommodations that suit restrictions and limitations will be implemented
- If there are concerns, contact Supervisor and WSIB Adjudicator or WSIB Case Manager immediately to expedite progress
- Will attend all meetings required by the WSIB RTW Specialist
- Complete an Incident / Injury Report
- Complete a WSIB Form 6 Report and provide a copy to the Office Manager immediately
- Work with RTW Team to develop an appropriate RTW Plan and assist in finding suitable work for recovery
- Participate in RTW Plan
- Maintain regular contact with designated person(s)
- Take an active role in identifying and developing Modified Duties
- Communicate any concerns or problems to Supervisor or Office Manager immediately
- Obtain necessary forms from health care provider (i.e.: FAF) on a regular basis or as requested by employer
- Ensure that scheduled rehabilitation activities (i.e.: physio, specialist appointments) are continued while on RTW Plan
- All appointments should be scheduled during non-work hours at end or beginning of the work day
- Cooperate with all requests for documentation as required by WSIB and the employer
- Complete all documentation required by WSIB and The MGC
- Must not perform duties outside the actions indicated on the FAF – must keep to limitations and restrictions
- Report any changes to employment (pay increase, benefits) to WSIB within 10 days
- Cannot return to full or increased activities unless the FAF indicates that this is possible
- Let Supervisor know immediately if unable to perform the duties in the RTW Program
- Do not exceed the limitations and restrictions listed in FAF
- Sign the RTW Plan and Agreement as injured worker's agreement to commit to RTW process

Other Workers:

- Assist and support the injured worker in their endeavour to return to full duties
- Be mindful that the injured worker may not be able to keep pace or be as productive as other workers
- Report to Supervisor if the injured worker is attempting tasks that exceed the restrictions and limitations, thereby having the potential to halt recovery, injure the worker further, or place a threat to safety for other workers

Management / H & S Advisor:

- Complete Form 7 within 3 days of learning of injury/ illness / disease

The Murphy Group of Companies

- Send the completed WSIB Form 7 to WSIB within 7 business days of knowledge of injury
- File copy of Form 6
- Retain and file records of employment, Form 6, Form 7 in a safe, secure location
- Review Guide for completing Form 7
- Keep Guide to completing Form 6 on file in office
- Will have the overall responsibility of managing this policy

Health Care Provider:

- Provide current medical information
- Provide appropriate and effective health care facilitating the RTW process
- Fill in Forms as requested
- Providing the workplace parties and the WSIB with functional abilities information
- Providing the employee and the WSIB with clinical information, when requested
- Identify most appropriate method of treatment for the injury
- Ensure employee receives timely treatment
- Ensuring the possibility of a return to work is discussed throughout recovery

WSIB:

- Process claims on a timely basis
- Adhere to the WSIA
- Communicate with employer, injured worker and health care provider
- Act as a mediator if disputes occur between any party
- Assist in RTW process and determine suitability of modified work
- Enforce cooperation obligations of company and worker

Specific to RTW, WSIB will:

- 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
- Work with all workplace parties to achieve a successful outcome in the RTW of the injured worker
- Work with the employer to bring the worker back to safe RTW
- Employer or worker will contact WSIB immediately if the worker has concerns regarding their (worker) obligations in the RTW Plan
- WSIB will provide resources to assist in the recovery of the worker in the workplace

WSIB's direct role/ key services in supporting WR:

- Health recovery support
- Education and advice
- Case Management
- WR co-ordination
- Accommodation assistance (if employer qualifies)

The Murphy Group of Companies

- Dispute resolution
- Ensuring compliance with co-operation and/or re-employment obligations
- WT (Work Transition) services
- Assist small businesses
- Disability management program advice
- 12th week of active support:
 - Meets with workplace parties at the worksite no later than 12 weeks after the date of injury if they are unsuccessful in arranging the worker's return to suitable and available work that the worker is functionally capable of doing
- Health recovery support:
 - Must complete FAF
 - If there are recovery barriers, WSIB will proactively obtain medical support (i.e.: Regional Evaluation Centres – Specialty Clinics)
- WT services:
 - Designed to assist workplace parties to find suitable and available WR with injury employer
 - WSIB's role:
 - Conducting assessment and plan for facilitating WT with the employer
 - Support worker's re-entry in labour market in suitable occupation (SO)
 - In cases where worker doesn't return immediately to some form of work, the WT assessment will be provided 6-9 months following date of injury or as soon as worker is functionally fit to return to SO
 - Dispute resolution services:
 - 1 or both of workplace parties notify the WSIB of difficulty or dispute in WR process
 - The WSIB, on its own initiative, identifies obstacles in the workplace parties' WR activities and progress including:
 - Difficulties re: compliance with co-operation and/or re-employment obligations
 - Disagreements respecting suitability/ availability of offered work

Communication:

- A member of the RTW Team 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.
- A member of the RTW Team will frame and hang the RTW Policy Statement in the lobby
- The safety advisor will give a safety briefing on RTW policy to management, supervisors and employees

Training:

Member of RTW Team will review RTW Program with management, supervisors and employees at a Safety Briefing

- In particular, the duty to co-operate for all workplace parties in the RTW process will be discussed

The Murphy Group of Companies

- 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 Briefing
- Management will download the supplementary information from WSIB on 'how' to fill out a Form 7
- Supervisors must be trained in the importance of working with injured workers in their safe recovery at the workplace
- Member of RTW Team will review the Guidelines of Form 6 prior to providing training to workers
- Member of the RTW Team will refer to WSIB Self-Assessment Guide for direction on creating a Policy
- Management will download WSIB Form 7 Guide and will review with member of RTW Team
- Management will call WSIB for clarification, if necessary

Note: It is imperative that all supervisors are provided with instruction on the contents of the Injury Package before it becomes necessary to use it. This includes reviewing and ensuring these letters and forms go with the injured party when they seek medical treatment:

1. Letter to medical care provider
2. Letter to employee
3. Form 6
4. Form 8 or Functional Abilities Form (FAF)

Training on the RTW program will be arranged by the safety advisor via a safety briefing. Management, supervisors and workers will attend these safety briefing and complete a quiz.

Evaluation:

- Evaluation of knowledge by a written quiz given by the Safety Advisor on their awareness of this standard. If any tests show that someone is missing information as indicated by the quiz, the Safety Advisor will review and clarify this information.
- The RTW Program 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
- The effectiveness of the RTW Program will be reviewed by Supervisors, RTW Team and JHSC or H & S Advisor, once an injured worker has returned to full duties

Forms:

Return to Work Policy Statement	Memo	Letter to medical care provider
Letter to worker	FAF	Form 8
Form 7	Form 6	

Guidelines to fill out Forms 6, 7 – located on Management's computer

Reference Material:

WSIB – WSIA - WSIB Self-Assessment – WSIB web site – WR Tool for SGAP