



Disability Management and Accommodation Framework

Guideline:	Complex Cases
Cross reference:	<ul style="list-style-type: none"> ▪ GAM Policy 3.59: Accommodating Employees with Disabilities ▪ Disability Management and Accommodation Framework ▪ Guideline: Return to Work and Accommodation
Approved by:	
Review date:	

Purpose

The purpose of this guideline is to provide criteria for identifying Complex Cases and to outline the various roles, responsibilities and processes involved in Complex Case Management.

Application

This guideline applies to all Yukon government departments, corporations and employees.

Scope of authority

- Yukon *Human Rights Act*
- Yukon *Workers' Compensation Act*
- Yukon *Public Service Act*
- Yukon *Education Act*
- Yukon *Access to Information and Protection of Privacy (ATIPP) Act*
- GAM Policy 3.16: Employee Documentation, Oaths and Personal Information
- GAM Policy 3.59: Accommodating Employees with Disabilities
- Public Service Alliance of Canada and Yukon Teachers' Association Collective Agreements

Preamble

Disability management and accommodation cases range from simple to complex in nature, with the latter requiring a more involved level of case management. Simple cases are straightforward and generally handled by the departmental supervisor or manager and the employee. Human Resources (HR) and Disability Management Unit (DMU) are consulted if needed. Complex cases may be identified as such at varying points

within the accommodation process as the case evolves. Creative thinking and an open mind are essential to successful case management, whether simple or complex.

The Yukon government utilizes a Case Management Team (CMT) approach to disability management and accommodation. The keys to effectively managing a complex case are to ensure that: (a) the expertise necessary to identify and resolve issues is available at the outset, (b) there is clear understanding of each team member's and department's roles and responsibilities, (c) there is collaboration and cooperation amongst all team members at all stages, and (d) those involved understand and act on the legal duty to inquire and duty to accommodate.

Complex cases require the inclusion of a Disability Management (DM) Consultant on the CMT. The DM Consultant's role in complex cases is to provide leadership and support for departments by: (a) overseeing the disability management and accommodation processes (ensuring all team members' roles are understood, activities and timelines are set and followed up on, barriers are identified and addressed), (b) facilitating discussions and meetings, (c) assisting in identifying and negotiating placements, (d) liaising with providers and the insurer, (e) arranging more in-depth assessments or services as needed, and (f) providing expertise with respect to any aspect of disability management. The normal roles of department staff (HR, supervisor) remain, including identifying and trying possible accommodation options which respect an employee's limitations and restrictions, advising on HR-related issues, developing and monitoring return to work plans, and engaging with the employee during their absence through ongoing communication and follow up.

Criteria for deciding when a case is a "Complex Case"

A case will be considered to be complex when one or more of the following factors that affect the employee's ability to fully participate in their workplace are present:

- Permanent limitations and/or restrictions are identified early in the employee's absence that indicate that an out-of-occupation accommodation will probably be required;
- Evolving case information (e.g., new medical information, employee performance or feedback) presents challenges in identifying a reasonable accommodation;
- There is a lack of clear and sufficient medical information about an employee's limitations and/or restrictions and this complicates the identification of a suitable accommodation;
- Specific workplace safety issues related to the employee's illness, injury or medications are identified by the employee or the supervisor;
- The case involves a suspected or confirmed substance use disorder for which an accommodation is required;
- The case involves a mental health and/or psychiatric illness for which an accommodation may be required;
or
- There are concurrent issues associated with the disability that require input of the DM consultant

Complex case management process

Complex cases follow the same general management process as any disability case. A case may be identified as complex by the supervisor, the employing department's HR or the DM Consultant. In the event that the DM Consultant is not aware of a complex case, the department HR will contact the DM Consultant to discuss the case.

Note: The DM Consultant will not be aware of all employees who have a claim accepted by the Yukon Worker's Compensation Health and Safety Board (YWCHSB) that meets the complex case criteria and for which accommodation will be required. If the employee is seeking accommodation, they are responsible to disclose to their supervisor both that they have an accepted claim and as well, any information related to their limitations and restrictions. The department's HR will advise the DM Consultant of such employees.

Case management generally begins with an initial employer strategy meeting, followed by ongoing meetings with the Case Management Team (CMT).

The initial employer strategy meeting will generally involve the DM Consultant, HR, and the supervisor/manager. At this meeting, the existing case information will be reviewed, the need for additional information and the best way to obtain that information will be identified, and an initial plan for managing the case will be developed. This initial strategy meeting will generally not include the employee but will cover any information that the employer is aware of at the time. Its purpose is for the DM Consultant to form an initial understanding of how the issue arose in the workplace and what efforts to collect information or accommodate the employee have been made to date. Decisions on who will comprise the CMT will be made at that time.

CMT members, in addition to the employee, may include:

- Corporate Accommodation Staffing Consultant;
- Insurance provider case manager or rehabilitation consultant;
- Yukon Workers' Compensation, Health and Safety Board case manager;
- The employee's union representative, at the request of the employee.

The employee will be advised of the names of the team members so that concerns regarding the team composition may be raised at that time.

At the initial meeting of the CMT, the DM Consultant will document the specific role, responsibility and assigned task(s) of each of the team members. See Table 1 for a general description of the roles of the basic CMT. The employee's supervisor and HR will identify who has been authorized by their department to make decisions in each case. If the appropriate decision-maker is unable to participate on the CMT, the supervisor and HR will identify who will be responsible for briefing that decision-maker on a regular basis and communicating the department's decisions back to the CMT. Ideally, decisions about accommodations will be made collaboratively at CMT meetings, especially when more than one department or branch is involved. Where more than one department is involved, the Corporate Accommodation Staffing Consultant (CASC) will be included on the CMT.

Note that:

- The DM Consultant will limit the information disclosed to the members of the CMT to the employee's limitations and restrictions and their estimated duration, and prognosis. Any additional information may only be disclosed with the employee's written consent.

- Each member of the CMT (including the employee) is expected to actively participate in the process and to accept and maintain the responsibility for those tasks that they agree to undertake.
- The frequency of future CMT meetings will be determined by the specific details and circumstances of the individual case.
- The DM Consultant will document each team decision and its rationale in the employee's disability management case file and provide a copy to each team member.

Table 1: General Roles and Responsibilities of the Case Management Team (CMT)

	Employee (EE) (Union if requested)	Supervisor/ Manager	Human Resources	DMU	CASC	Deputy Minister of Department
Simple	Request accommodation. Provide sufficient medical info, if required, to support accommodation.	Notice and inquire when concerns arise in the workplace. Work with EE to find an appropriate accommodation. Consult with HR as required. Document accommodation plan.	Advise and support Supervisor and EE. Consult with DMC if required. Inform DMC if need for accommodation is longer than 6 weeks.	Provide expertise where required Refer to appropriate Great West Life services, if required.		
Complex	Provide medical to support accommodation. Follow all treatment provider recommendations to mitigate losses. Participate in finding and accepting reasonable accommodations.	Notice and inquire when concerns arise in the workplace. Maintain contact with the EE if off work. Facilitate accommodation of EE's Restrictions and Limitations.	Participate in CMT. Advise and support Supervisor and EE. Consult with DMC for medical clarity.	Oversee case management process. Provide advice, expertise and support to CMT. Seek medical clarification.	Lead out of occupation accommodation process. Assess transferable skills. Review Restrictions and Limitations. Review job vacancies.	Where barriers are preventing a successful accommodation, decisions rest with department DM in consultation with the PS Commissioner (see Framework for dispute resolution process)

The team may decide that additional medical information or expertise is required. This information may be obtained through targeted questions to the health care practitioner, early intervention services (such as At Work Services and Early Referral Services), or participation in an Independent Medical Examination. The DM

Consultant will advise on the best way to collect the information, and be responsible for obtaining the additional information and disclosing limited information to the CMT. A more detailed description of the methods and principles of information collection can be found in the Guideline: Return to Work and Accommodation in the appendices.

Effective and timely communication is key to complex case management. The DM Consultant and all the CMT members must, on a regular basis, inform each other and the employee about their case management actions, especially if medical information or work circumstances change.

The *Disability Management and Accommodation Framework* outlines a dispute resolution process that will be undertaken as necessary.

The DM Consultant will monitor a complex case accommodation on a regular basis and will close the file either:

- a) when it is determined the case meets the criteria for being successful, as described below:
 - There is no new medical information or development that impacts the workplace.
 - The accommodating department's HRC provides the DM Consultant with written confirmation that an offer of reasonable accommodation has been accepted.

OR

- b) The employment relationship is severed.