



**GUIDELINES under the *Disability Management and Accommodating Employees with Disabilities Framework***

<b>Section of Framework Document:</b>	<b>3.0. Disability Management and Accommodation</b>
	<b>3.1 Disability Case Management</b>
	<b>3.1.4 Case Evaluation and Planning</b>
<b>Name of Guideline:</b>	<b><i>INDEPENDENT MEDICAL EXAMINATION</i></b>

**Definitions**

- “Functional abilities” means an employee’s abilities, including any restrictions and limitations on the employee’s ability and capacity to undertake his or her work activities because of an illness or injury.
- “Independent Medical Examination” means a medical assessment by an independent specialist qualified in the specific area of expertise (e.g., psychiatry, occupational medicine) related to the employee’s condition.
- Definitions from *Policy 3.59, Accommodating Employees with Disabilities* and the *Disability Management and Accommodating Employees with Disabilities Policy Framework* apply to this Guideline as appropriate.

**Preamble**

Yukon Government (YG) departments and unions have worked in partnership to develop and implement a corporate disability management, return to work and accommodation program for YG employees. The program provides a consistent approach that considers the needs of individual employees.

**Purpose of Guideline**

In some cases the required medical information about an employee’s functional abilities remains unclear, uncertain or inconsistent. In other cases, an employee’s recovery is not progressing and a second opinion may be warranted to assist with the employee’s recovery and ability to stay at work or return to work. In these cases, it may be determined that an Independent Medical Examination (IME) is necessary to obtain objective, expert and specialized medical advice to clarify the employee’s functional abilities in order to design a reasonable, accommodation to enable the employee to stay at work or return to work in an early and safe manner.

This guideline outlines the parameters and process for requesting, arranging and considering the results of an IME in order to provide clarity and understanding about the employee’s functional abilities.

**Process [to support “Obtaining Medical Information – Independent Medical Examination” section 3.1.4 - Case Evaluation and Planning]**

- When it is determined that an IME is required, the Disability Management Unit, in consultation with the supervisor and/or Department Human Resources Branch, will contact the employee to outline and discuss the purpose and process of an IME, and obtain the employee’s consent to the examination.
- If the employee is uncertain about consenting to the IME, the Disability Management Consultant will discuss these concerns with the employee. The employee may also seek advice from their union representative. The independent and impartial nature of the process and the benefit to the employee by clarifying any uncertainties and inconsistencies in order to develop an appropriate accommodation option will be emphasized.
- Upon consent of the employee, the Disability Management Unit will make arrangements with the appropriate Health Care Provider to undertake the examination.
- Depending on the nature and requirements of each case, the information provided to the IME provider, may include but is not limited to, the following:
  - a covering letter that outlines specific questions on the issues to be addressed and resolved (a list of questions that need to be answered)
  - employee information
  - a chronological outline of the history of the case
  - any pertinent, available documentation on the identified injury or illness (including, in the case of an injury, how the injury occurred)
  - any other information available that can be provided including information on the employee’s functional abilities
  - pre-injury or illness job description and job demands analysis if available.
- On receipt of the findings of the IME, the Disability Management Consultant will review the examination report. The Disability Management Consultant will review and discuss the IME report with the employee. The employee and the employee’s health care provider will be provided a copy of the report. The Disability Management Consultant will extract and share the information about the employee’s functional abilities with the supervisor and/or Department Human Resource staff.

## **Roles and Responsibilities**

### ***Supervisor and/or Department Human Resource Branch***

- The supervisor is responsible for actively participating in the case management process, including considering the information obtained through the IME to design a reasonable, accommodation to enable the employee to stay at work or return to work in an early and safe manner. The Departmental HR is responsible to obtain the employee's medical consent. The medical consent is to be submitted to the Disability Management Unit within 2 business days of the request. If the IME information does not support the absence from work, Departmental HR lead will advise the employee to return to work immediately or the employer will terminate the employee's sick leave benefits.

### ***Employee***

- The employee is responsible for actively participating in the IME process in order to obtain the required medical information to design a reasonable, flexible and creative accommodation to enable them to stay at work or return to work in an early and safe manner.

### ***Disability Management Unit***

- The Disability Management Unit is responsible for explaining and discussing the purpose and nature of the IME with the employee; ensuring they have the employee's medical consent; arranging the examination through an appropriate Health Care Provider; and authorizing payment.
- The Disability Management Unit is responsible for reviewing the information obtained through the IME, sharing all the information obtained with the employee (and with the employee's consent, with the employee's Health Care Provider) and sharing information on the employee's functional abilities, restrictions and limitations with the supervisor and/or Department Human Resource staff.

### ***Union***

- The employee's union representative is available, on request of the employee, to provide advice and assistance to the employee about the purpose and process for obtaining an IME.