



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

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Name of Guideline:	<i>RETURN TO WORK</i>

Definitions

- 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 new 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

The goal of the YG disability management process is to help employees with an injury or illness or a disability to remain at work or return to work in an early and safe way that respects the dignity of the employee, and that results in meaningful and productive work benefiting both the employee and the YG.

Enabling employees with an injury or illness or disability to return to work in an early and safe way benefits the employee and the employer. An early and safe return to work benefits the employee by keeping them engaged as contributing and productive members of the workforce promoting their overall health, wellbeing and welfare. It benefits the employer through the retention of skilled and experienced employees and reduced costs related to time lost.

Early and sustainable return to work is critical – research indicates that employees who are absent from work due to an illness, injury or disability have only a 50 percent chance of returning to work after a six month absence; a 20 percent chance of returning to work after a one-year absence; and only a 10 percent chance of returning to work after

two years away from work (National Institute of Disability Management and Research [NIDMAR]).

The purpose of this guideline is to outline the return to work process including planning for return to work; implementing the return to work plan; and monitoring the return to work to support its success.

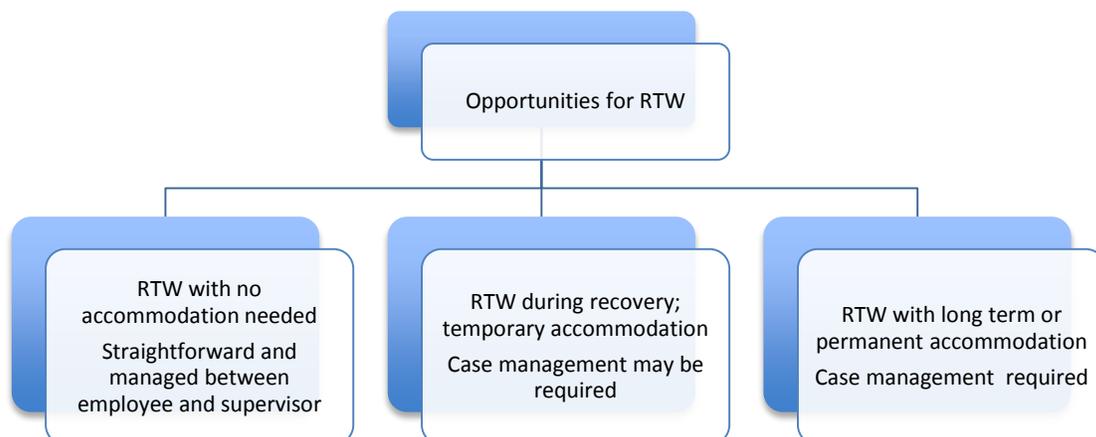
Return to and Accommodating Employees with Disabilities Process

A. *Return to Work Planning* [to support section 3.2.1 - *Return to Work Planning*]

1. Return to Work Opportunities

Opportunities for return to work can be described according to three general categories:

- 1) Return to work without restrictions. These are opportunities where an injury, illness or disability does not interfere with the employee's ability to work safely and therefore he or she can return to regular duties. This scenario represents the majority of cases, which are relatively straightforward and can be managed between the supervisor and the employee.
- 2) Return to work while the employee is still recovering. These are opportunities where the process of recovery would not be harmed, and could actually be enhanced, through return to work. These cases may require some case management and some accommodations. For example, the employee may need a gradual return to work or temporary modifications to the job duties and/or hours to allow for ongoing treatment.
- 3) Return to work when the disability is permanent or expected to last a long time. These cases tend to be the most complex, as there may be a requirement to accommodate the employee permanently, or design the accommodations to apply in the event of a recurrence of injury or relapse of illness. Integrated case management supports the successful return to work of the employee in cases such as these.



[Note: An employee may not be off work, but due to an illness, injury or disability, may require a workplace accommodation in order to enable the employee to stay at work. In these cases, the same considerations are kept in mind and same processes followed as applicable.]

2. Return to Work Planning

Return to work planning involves the identification and coordination of employment opportunities available in the workplace to facilitate the continued and productive employment of an employee with an injury, illness or disability. Return to work planning and return to work will depend on the individual facts and circumstances of the case.

In any return to work scenario, the employee may seek the advice of their union representative in considering potential workplace accommodations.

2.1. Return to work planning where there are no restrictions

In many cases of absence related to an illness, injury or disability, little or no return to work planning is required since the absence is of short duration, the employee's restrictions and limitations are clear, the employee's return to work is predictable, and the employee is able to return to full duties without accommodation or with limited workplace accommodation of a temporary or permanent nature (i.e., return to work after a minor surgery or procedure without the need for any accommodation; return to work following an injury such as a broken limb requiring some temporary accommodation such as modified duties; or return to work following an injury or illness requiring a permanent accommodation such as job modifications).

Generally, in the above cases, the return to work process is negotiated and managed between the supervisor and the employee with advice from the department Human Resources Branch and the Disability Management Consultant, if needed, about workplace accommodations options related to modified duties and job or workplace modifications.

2.2 Return to work planning while the employee is still recovering

Return to work planning may occur in parallel while the employee is recovering from or receiving treatment for his or her injury, illness or disability.

Return to work following an injury such as a broken limb may require a temporary accommodation such as modified duties or reduced hours to allow for treatment and rehabilitation activities.

2.3. Return to work when the disability is permanent or expected to last a long time

Other cases involving an absence related to an illness or injury or disability, including complex cases (see *Complex Cases Guideline*), where the return to work is of a longer duration, the employee's return to work prognosis is not clear, it is clear that the

employee will not be able to return to work without workplace accommodations and/or there are complicating non-disability related factors, which will require a degree of case management support and return to work planning to enable the employee to return to work in an early, safe and sustainable way.

In these cases, the supervisor and employee are supported by a disability case management team composed of Human Resources staff, the Disability Management Consultant and other resources as needed to provide the required expertise, advice and services related to case management and return to work planning.

The case management team will communicate and collaborate in an organized, systematic, problem-solving way to evaluate the case and develop a realistic and effective return to work plan that addresses all of the identified issues. (Depending on the circumstances of the case and its complexity, the case management team may wish to use the attached *Return to Work/Accommodation Planning Checklist* as an evaluation and planning tool.)

Where the employee has a non-occupational illness, injury or disability and is receiving Long-term Disability Insurance (LTD) benefits or has an occupational illness or injury and is receiving workers' compensation benefits, the case management team will coordinate with the LTD provider or Yukon Workers' Compensation Health and Safety Board case manager in supporting and assisting the employee to return to work. The LTD provider or Yukon Workers' Compensation Health and Safety Board may also provide resources such as access to rehabilitative services, independent medical examinations, and vocational or functional capabilities assessments.

Sometimes the nature of the employee's illness or injury or disability makes early planning premature or unnecessary, and the plan is confined to determining how monitoring of the case will be carried out and maintaining the appropriate level of contact with the employee (see *Best Practice Guide – Communicating and Maintaining Contact with Employees Who Are Absent Due to an Illness or Injury or Disability*).

B. Accommodation Planning Process [to support section 3.2.2 - Accommodation Planning]

Effective accommodation involves aligning the employee's medical restrictions and limitations with the operational demands of the job in order to identify appropriate and reasonable workplace options that enable the employee to return to work in an early and safe way while meeting both the employer's and employee's needs.

1. Accommodation Options

The *Accommodating Employees with Disabilities Policy* outlines the hierarchy of accommodation options. In return to work and accommodation planning, the case management team will consider the following options in the following order:

1.1. Accommodation in the substantive position through job modifications:

This involves implementing changes to the physical work environment or equipment and/or modifying how and when tasks are performed to enable the employee to remain in their substantive position. The employer may also provide assistive devices or adaptive equipment.

Examples of changes to physical work environment:

- Installation of wheelchair accessible ramp
- Lowering shelving under shoulder height

Examples of changes to workplace equipment:

- Sit-stand desk
- Low-vibration floor buffer

Examples of modifying how/when tasks are performed:

- Stagger repetitive tasks with non-repetitive ones
- Schedule the most cognitively demanding tasks before lunch

Examples of assistive devices and adaptive equipment:

- Voice recognition software
- Hand controls in a vehicle

A formal assessment of the workplace and job duties can help to identify whether any job modifications or adaptive equipment or assistive device(s) are required to facilitate an employee's return to work. The supervisor, Human Resources staff and the employee may seek the advice of the Disability Management Consultant or the Workplace Diversity Employment Office about appropriate job modifications and available equipment and devices.

The cost of any required job modification is the responsibility of the employee's department. The department will cover the costs of accommodation up to \$1,000 and may request assistance from the Health, Safety and Disability Management Branch for any cost exceeding \$1,000.

1.2 Accommodation in the substantive position through modified duties:

This involves modifying the employee's duties in a manner consistent with his or her restrictions and limitations, in order for the employee to perform the essential tasks of his or her substantive position.

Medical information about the employee's restrictions and limitations will identify what activities the employee is not able to do. It is not the health care provider's responsibility to identify appropriate modifications in the workplace. For example, the family doctor might provide a note that reads, "This employee can't work night shifts". In this case, clarification would be sought as to what restriction or limitation prevents

the employee from working night shifts (see *Medical Information – Functional Abilities Form Guideline*). The response might be, “This employee has no depth perception in the dark”. The difference in these two statements is the identification of an actual limitation. The case management team can then explore how the job duties can be modified to suit the employee’s restrictions and limitations, whether or not he or she is required to work night shifts.

Examples of modifying job duties:

- Removing a task that involves kneeling
- Removing the necessity for night driving

1.3 Accommodation in a different, but suitable job in the home department:

Where it is medically determined that an employee is fit to return to work, but accommodation is not possible in the employee’s substantive position, the next step in the hierarchy of accommodation options is to determine whether there is a suitable vacant position in the employee’s home department.

The Disability Management Consultant will facilitate the attainment of information that identifies the employee’s skills, abilities, restrictions and limitations. The Disability Management Consultant will work with the employee, the employee’s supervisor and Human Resources staff to identify a suitable job or temporary assignment vacancy within the department.

Where an appropriate position is identified that could be a match for the employee needing accommodation, the employee’s supervisor, Human Resource staff and the Disability Management Consultant will consult with the supervisor of the new position about placing the employee in the position.

Where it appears that the vacancy is suitable, but there is some resistance to accept the alternative placement of an employee for the purpose of accommodation, the Deputy Head of the department (or designate) will ultimately come to a decision on the placement of the employee.

1.4 Accommodation in a suitable job in another department:

All Yukon government departments share in the duty to accommodate including accommodating employees from other departments and providing suitable employment in the event no suitable position is available within an employee’s home department (*Accommodating Employees with Disabilities* policy).

As a final recourse, and where no suitable vacant position is identified in the employee’s home department, but a potential vacancy is identified in another department, the Human Resource Branch of the employee’s home department, will contact the Human Resource Branch in the department in which the vacant position is located to discuss the potential accommodation placement. The Disability Management Consultant and the

Corporate Human Resource Staffing Branch staff will provide expert advice and assistance as needed.

Where it appears that the vacancy in the other department is suitable, but there is some resistance from the other department to accept the placement of an employee for the purpose of accommodation, the Public Service Commissioner, the deputy head of the employee's home department and the deputy head of the department with the vacancy will ultimately come to a decision on the placement of the employee.

Where an employee is placed in an accommodation position in another department, the home department of the employee retains responsibility for the employee, including covering the cost of the accommodation placement, until the employee obtains a permanent position or they leave government employment. Arrangements may be made between the employee's home department and the other department to share in the compensation costs of the employee.

2. Special Projects/Training Assignments

If no vacancies exist at the time, or there is no appropriate match between the employee and a vacant position, other options for an employee needing accommodation include special projects, temporary assignments, and training assignments in the employee's home department or another department.

The employee's home department will continue to actively work to support an effective accommodation and permanent placement for the employee.

3. Accommodation outside of Yukon Government:

In rare cases placement in a position in an organization outside of the Yukon government may be arranged. In these cases, the home department of the employee retains responsibility for the employee until the employee obtains a permanent position in that organization or another organization, an agreement is made between the home department or other organization, or the employee leaves government employment.

C. Return to Work/Accommodation Implementation [to support section 3.2.4 – Return to Work/Accommodation Implementation]

1. Facilitating the Return to Work

Once it is medically determined that the employee is fit to return to work and a return to work plan is in place including identification of any required workplace accommodations or accommodation placement, the return to work can proceed.

In many cases of a relatively simple nature, the return to work will be designed in a manner to ease the employee back into their same work and the most that may be required is a graduated return to work, with perhaps some temporary accommodations. [Practice tip for graduated return to work – be flexible about the length of the

graduated return to work and open to adjusting the timeframe either to make it shorter based on the employee's functional readiness, or extend it as necessary.]

In more complex or complicated cases involving workplace accommodation and perhaps alternative accommodation placement more extensive effort, attention and time may be required to effectively reintegrate an employee to the workplace.

Depending on the complexity of the case and the return to work plan, the case management team may draft a *Return to Work/Accommodation Plan* to be signed by the employee and department (template attached) that outlines the terms of the return to work and/or accommodation placement arrangement, including such matters as the employee's job duties and work hours, roles and responsibilities of the parties, oversight and review of the arrangement, and ongoing communications.

Where an employee is returning to work and the employee's home department and the other department where the employee is placed in an accommodation position agree to share the costs of the accommodation placement, or the employee is in receipt of part-time benefits from an insurance carrier, the Human Resources staff of the employee's home department must ensure that an *Accommodation Assignment Agreement* (form attached) is completed as well as the required leave forms for the corresponding period to ensure that the employee's pay and leave provisions are accurately processed.

2. Preparing the Workplace

An important step in the return to work process is to set the stage for the return to work of the employee at the workplace including preparing the employee, supervisor and co-workers.

Human Resources staff and the Disability Management Consultant will provide information, advice and support to the employee and supervisor about the return to work process, the return to work roles and responsibilities and expectations, and the importance of ongoing communication to ensure the success of the return to work.

Human Resources staff and the Disability Management Consultant will also support the supervisor in preparing co-workers and the workplace for the return to work. It is imperative that everyone in the workplace is aware of the established restrictions of the return to work. This knowledge is of course constrained by confidentiality requirements, but such information as can be shared will create an environment allowing everyone to work together to ensure a successful outcome. The views of the employee will be obtained about the information that will be shared on the employee's accommodation with co-workers in order to give the employee a sense of control of and comfort in their situation.

The supervisor also plays a key role in preparing the workplace for the accommodation, including ensuring support and services to the other employees in the workplace to facilitate the placement. The supervisor will make efforts to build support in the

workplace for the accommodation and a sense of joint responsibility and commitment to making it work.

D. Implementation Oversight [to support section 3.2.5 – Implementation Oversight]

The employee's supervisor will oversee the return to work through regular observation, communication and check-ins with the employee (the *Return to Work/Accommodation Plan* may outline regular, periodic formal check-ins between the supervisor and the employee, and others).

Everyone involved in the return to work and accommodation is responsible for its success and need to ensure that any issues are promptly identified and addressed. The return to work and accommodation placement can be adjusted and the supervisor and employee may continue to access the case management team for expertise and advice in terms of addressing identified issues and making required changes.

Roles and Responsibilities

Supervisor

- Supervisors are responsible for return to work and accommodation planning for employees who are absent due to an illness or injury or disability, including arranging and facilitating return to work directly in relatively straightforward cases through job modifications or modified duties, and actively participating as a member of the case management team in more complicated and complex cases to plan and implement return to work and accommodations.
- Supervisors are responsible for providing support and oversight to employees under a return to work in their substantive position or through an alternative accommodation placement.

Employee

- Employees are responsible for following treatment and rehabilitation recommendations made by attending health care providers as part of the return to work plan; participating in the return to work planning and the return to work process, including maintaining contact with the employer; and accepting reasonable offers of return to work and accommodation.

Department Human Resources Branch

- Human Resources staff are responsible for providing advice, assistance and support to supervisors and employees in return to work planning for employees who are who are absent due to an illness or injury or disability, and for participating as a member of the case management team in more complicated and complex cases to plan and implement return to work and accommodations.

- Human Resources staff are responsible for consulting with other department's Human Resources branches about accommodation placements.

Disability Management Unit

- Disability Management Consultants are responsible for providing advice, assistance and support to supervisors and employees in return to work planning for employees who are who are absent due to an illness or injury or disability, and for participating as a member of the case management team in more complicated cases, and taking the lead in complex cases in terms of planning return to work and supporting implementation of return to work and accommodations.

Union

- The employee's union representative, on request of the employee, is available to provide advice and assistance to the employee about return to work and accommodation options and may participate as a member of the case management team.

Accompanying Materials:

- Return to Work/Accommodation Plan Checklist
- Return to Work/Accommodation Plan
- Accommodation Assignment Agreement Between Departments and Corporations

Steps in the Return to Work Process

- Step 1 – employee receives appropriate medical care and treatment for his or her illness or injury or disability.
- Step 2 – employee’s care and progress is monitored.

The supervisor stays in contact with the employee during his or her absence to ensure that employee continues to feel part of the workplace and that employer is interested and concerned about their welfare. [Contact with the employee can also be fostered by co-workers and union representatives maintaining contact with the employee]

In complex cases, and other cases where the Disability Management Consultant is the lead in the case management process, the Disability Management Consultant will keep in touch with the employee and the case management team about general progress information and about recovery and return to work.

- Step 3 – return to work is planned, including gathering all the necessary information to assess the return to work required and to identify whether workplace accommodation is required (either temporary or permanent), to develop an approach to meeting the accommodation requirements, and to address any barriers to smooth the return to work.
- Step 4 – stage for return to work is set, including establishing written return to work / accommodation plan as needed, and preparing the employee, supervisor and co-workers for return to work
- Step 5 – return to work is implemented.
- Step 6 – return to work is monitored and adjustments made as necessary.