

DISABILITY MANAGEMENT PROGRAM (DMP)

REFERENCES:

Employment Standards Act, 2000, Municipal Freedom of Information and Protection of Privacy Act, Ontario Human Rights Code, Workplace Safety and Insurance Act, 1997, Short Term Sick Leave And Disability Plan, Board Policies and Procedures, and Collective Agreements

PURPOSE

The Windsor-Essex Catholic District School Board is committed to the early and safe return to work of an injured worker (compensable or non-compensable) to suitable employment within the worker's abilities with no or minimal lost time and with no or minimal loss of earnings. The Board is committed to providing a fair and consistent policy for the rehabilitation of workers and recognizes the benefits of a formal disability management program.

The Disability Management Program is an integrated partnership among employees, supervisors, unions and health care providers that supports employees to attend work regularly which benefits students, staff and the community by returning valuable human resources, benefits and productivity to the Board.

The Disability Management Program provides employees with a safe and timely transition from illness or injury to their pre-injury/illness position through a remain at work or return to work plan. When appropriate, the program assists employees by providing accommodations or modifications to remain at work, gradually return to work and/or complete modified work prior to commencement of their regular full-time, part-time or occasional position.

OBJECTIVES

The Board recognizes its obligation to provide an early and safe return to work program for its employees in order to minimize injury and illness related absences. The Board is committed to accommodating returning employees in order that employees have productive and gainful employment, as appropriate, as soon as can be reasonably expected and in accordance with the pertinent collective agreements, policies, laws and regulations, if applicable. This program fosters a widespread understanding and therefore reduces the incidence and duration of the employee's absences through early intervention and continued support.

The Board DMP will focus on the following strongly integrated and interactive elements:

- Healthy workplace and healthy employees
- Disability Management
- Attendance Support Program
- Confidentiality of Medical Records
- Absence Reporting

DUTY TO ACCOMMODATE

The duty to accommodate is an obligation upon employers, with the union playing an active role, to adapt work and workplaces to allow persons with disabilities or limitations their right to employment without discrimination.

The purpose of accommodations is to enable such employees to participate fully in the workplace and to contribute positively to the productivity of that workplace.

The employer is not required to: accommodate where undue hardship would result; create a position; retain someone who is unable to meet their employment obligations despite accommodations; hire someone who, after being accommodated, does not meet the qualifications.

MODIFIED WORK

Modified work is any job or combination of tasks that a worker, who suffers from a disability, may perform on a temporary or permanent basis without risk of re-injury to him or herself or risk to others. This work may consist of regular tasks from the pre-injury job that have been modified. The work must be productive and the results must have value to the workplace. The work may be arranged as either temporary or permanent with supporting medical documentation. Permanent accommodations will be reviewed annually or as needed to assess for ongoing suitability.

Characteristics of modified work include:

- Work hardening: reduced or graduated work hours;
- Modification of duties;
- Assistive equipment for the workplace;
- Job bundling;
- Re-assignment to another location;
- Re-assignment to an alternate position if the employee has the necessary skills and abilities to perform the essential duties of that position.

MODIFIED WORK PROGRAM

A modified work program is a strategy which gives structure and organization to the activity of returning injured workers to the workplace as soon as possible following a non-occupational or work-related accident or disease. It is a system-wide plan that recognizes the employer's responsibility for and participation in the effective rehabilitation of workers.

Co-operation and interaction among management, union, health care providers and the Workplace Safety and Insurance Board at an early stage in the rehabilitation process are the key components of successful modified work programs.

RESPONSIBILITIES

SCHOOL BOARD'S RESPONSIBILITIES:

1. Co-operate with worker and/or WSIB in the return to work process. The Board's Disability Management Specialist shall take the lead role in developing, monitoring, and adjusting the Return to Work Plan.
2. Contact and communicate with the injured worker as soon as possible after the injury and throughout their recovery and return to work.
3. Provide the employee with a Functional Abilities Form (FAF) or Medical Certificate to give to their doctor.
4. Provide suitable available work within the worker's abilities, which may require modifying the work to accommodate the worker.
5. Provide suitable available work that restores the worker's pre-injury earnings as closely as possible.

WORKER'S RESPONSIBILITIES:

1. Report all work related incidents/accidents/illnesses immediately, both minor and major, to his/her Principal/Supervisor and complete an Accident/Injury report.
2. *Provide the employer with a completed WECDSB Medical Certificate for non-compensable injury or illness in order to facilitate a safe and suitable return to work.*
3. Utilize transportation to medical facility as provided by the Board if required.
4. Obtain first aid and/or medical attention and report to the Board such medical attention as soon as possible after any work related incident.
5. Co-operate with the employer and/or WSIB in the return to work process.
6. Provide the employer with a completed FAF (Functional Abilities Form) to develop a modified return to work plan.
7. Provide the WSIB (where applicable) with any information requested about progress in returning to work.
8. Participate in the Disability Management Program and/or Modified Work Program in an effort to rehabilitate.
9. Assist the employer in identifying suitable work.
10. Maintain communication with the WSIB/Disability/Attendance Support Specialist throughout recovery and return to work.

HEALTH PROFESSIONAL'S RESPONSIBILITIES:

1. Co-operate with employer in the return to work process.
2. Complete Applicable Required Forms (i.e. Functional Abilities Form (FAF) for the employer and WSIB, WECDSD Medical Certificate.

PRINCIPAL/MANAGER/SUPERVISOR'S RESPONSIBILITIES:

1. Develop knowledge and understanding of the Disability Management Program and/or Modified Work Program and WSIB policies.
2. Ensure appropriate forms are completed and forwarded to the Board's WSIB Specialist within 24 hours of the reported injury/illness.
3. Participate when required in promotion of modified work, maintain and model positive attitude toward concept of modified work to encourage co-workers support and help the worker to feel like an integral part of the work team.
4. Provide ongoing support and encouragement to workers on program.
5. Assist the WSIB/Disability/Attendance Support Specialist with weekly evaluation of worker's progress.
6. Assist with data collection for job duties and workplace modifications.

UNION REPRESENTATIVE RESPONSIBILITIES:

1. Support the goals and purpose of the Disability Management Program and/or Modified Work Program to the general membership.
2. Participate in developing modified work opportunities.
3. Be available to returning worker, if requested.

PROGRAM MONITORING

Every attempt will be made to return an injured worker to a safe and suitable assignment as soon after the injury/illness as physically possible once medical documentation outlining the worker's restrictions and capabilities has been received by the WSIB/Disability/Attendance Support Specialist.

The modified work assignment will be developed after consultation and discussion with the Principal/Manager/Supervisor, the worker and the worker's union representative and/or the Risk Assessment Manager.

A copy of the modified work offer will be given to the worker, union representative and the Principal/Manager/Supervisor.

Once the worker begins the program he/she should be monitored closely. Any difficulties he/she may be having should be evaluated by the Principal/Manager/Supervisor and reported to the WSIB/Disability/Attendance Support Specialist.

When monitoring an injured worker's participation, the following factors should be considered:

- a) attendance
- b) productivity
- c) accuracy
- d) problem with particular tasks
- e) ability to increase speed
- f) ability to improve efficiency

The employee may be required to participate in a Functional Abilities Evaluation and/or Independent Medical Evaluation conducted by a third party, to determine limitations and/or restrictions and to assist in the development of an individualized plan. Regular follow-up meetings may occur during the plan to ensure that the employee's restrictions and limitations are being met and to make any necessary changes to the modifications or accommodations should there be a noted change in the employee's restrictions or limitations.

The employee shall continue to participate in the plan until they have reached Maximum Medical Recovery and/or are working at full capacity, within any restrictions or limitations, including those that may be permanent in nature.

In order to return to regular duties, an employee may be requested to provide the Board with medical documentation supporting they are fit to return to regular duties, unless the original medical certificate specified a specific time frame.