

<b>Policy:</b>	Disability Management	HR-809
<b>Division:</b>	Human Resources	
<b>Cross-Reference</b>		

## ADMINISTRATIVE PROCEDURES/REGULATIONS

### 1. Roles and Responsibilities

- 1.1 The **Director of Education** is responsible to provide support and leadership in the Disability Management Program.
- 1.2 The **NLESD Human Resources Division** is responsible for the administration of the Disability Management Program for the District.
- 1.3 The **Assistant Director of Education (Human Resources)** is responsible for the implementation, monitoring and revision of the Disability Management policy.
- 1.4 **Human Resources Representatives** are required to:
  - a) Manage claims and facilitate the ESRTW process.
  - b) Ensure that all required documentation is completed and filed.
  - c) Contact the worker as soon as possible after the injury/illness or disability occurs.
  - d) Communicate and cooperate with the worker throughout the period of their recovery or impairment.
  - e) Work to provide suitable and available employment.
  - f) Review physician reports and chiropractor/physiotherapist reports (Form 8/10 – WHSCC) when submitted by the employee.
  - g) Develop ESRTW plans based on information provided by the physician, chiropractor/physiotherapist, occupational therapist, or the Commission, in consultation with the supervisor.
  - h) Communicate and distribute plan information to all appropriate parties.
  - i) Monitor progress and compliance of employee participating in ease back and modified duties program.
  - j) Periodically review the plan and revise as required.

- 1.5 **Managers and School Administrators** are required to:
- a) Initiate the completion of the Employer Report of Injury (Form 7) form.
  - b) Forward completed Form 7 to Human Resources.
  - c) Cooperate with the Human Resources Representative, the injured employee and any other person involved in the rehabilitation process in order to facilitate the ESRTW program.
  - d) Provide Form 6 to employee and encourage them complete it (workplace injury).
- 1.6 **Employees** are expected to cooperate with the District and play an active role in the development and implementation of an ESRTW plan. Employees are required to:
- a) Contact the employer as soon as possible after the injury/illness or disability occurs and maintain effective communication and cooperation throughout the period of recovery or impairment.
  - b) Provide appropriate information and complete forms for the District and the Commission as required.
  - c) Keep all scheduled appointments with their health care provider, participate in programs outlined by their health care provider and immediately report any changes in their condition to Human Resources.
  - d) Assist the employer, as may be required or requested, to identify suitable and available employment.
  - e) Accept suitable work when it is identified.
  - f) Give the WHSCC or group insurance provider any information requested concerning the return to work, including information about any disputes or disagreements that may arise during the ESRTW process.
- 1.7 **Unions** are expected to cooperate with the District in supporting the return to work programs of their members.

## 2. Accident/Incident Reporting

All accidents/incidents must be reported to the employee's immediate supervisor without delay, regardless of how minor. An accident/incident report shall be completed as soon as practical by the supervisor and signed by any employees that were involved in the occurrence. Reporting procedures are as follows:

- 2.1 **INJURY/ILLNESS REPORTING (WHSCC – WORK RELATED)**
- a) The supervisor shall complete WHSCC Form 7 – “Employer Report of Injury”. This form is to be forwarded to the Human Resources for payroll information. The Human Resources Representative is then to ensure the form is:
    - i. Sent to the Commission within 72 hours.
    - ii. Copied and placed in the employee's file.

- b) WHSCC Form 6 – “Worker’s Report of Injury” is to be given to the injured employee by the supervisor for completion. It is the responsibility of the injured worker to submit this form to the Commission and the NLESD Human Resources Division.
- c) An accident investigation is to be completed by the supervisor and forwarded to Human Resources as per the Accident/Incident Reporting & Investigation procedure.
- d) The worker has the right to seek medical care through his/her own physician. Human Resources may arrange for the employee to be assessed by an independent health care provider to expedite the employee’s recovery and ESRTW.
- e) When attending medical appointments, the worker shall have their physician complete a WHSCC Form 8/10 - Physician’s Report indicating work capabilities. The employer’s copy of the Form 8/10 is to be immediately returned by the employee to their supervisor.
- f) The supervisor forwards the original Form 8/10 to Human Resources.
- g) Upon receipt of the Form 8/10, Human Resources shall complete an ESRTW form based on the information provided.

## 2.2 INJURY/ILLNESS REPORTING (DISABLING INJURY/ILLNESS – NON-WORK RELATED)

- a) Any claim for short/long-term sick leave shall be immediately reported to the employee’s immediate supervisor, and medical documentation provided.
- b) For potential long-term disability claims, the Human Resource Representative shall complete the appropriate forms as directed by the insurance provider, in accordance with insurance provider timelines, where applicable.
- c) The Human Resources Representative shall present the employee with the required Long-Term Disability Benefits claim forms for completion.
- d) The employee shall ensure that these forms are completed and returned to the Human Resources Representative as soon as possible to be subsequently submitted to the group insurance provider.
- e) As is the case with WHSCC claims, the Human Resources Representative shall work with the employee, the employee’s health care providers, the group insurance provider, and the supervisor in the identification and facilitation of ESRTW opportunities.
- f) While the District recognizes the employee’s right to seek medical care through his/her own health care provider, the District reserves the right to refer the employee to an independent health care provider.
- g) Employees with LTD coverage must exhaust sick leave prior to receiving LTD benefits.

3. Early and Safe Return to Work Plan (ESRTW)

- 3.1 An ESRTW plan will be developed with the involvement of the injured employee, his/her supervisor, a Human Resources Representative and other parties as necessary. The goal of the plan will be to, wherever possible, return the employee to his/her pre-injury work.
- 3.2 The plan will include:
- a) The duties the employee is expected to perform, taking into consideration his/her functional abilities.
  - b) Any required workplace modifications.
  - c) The hourly wage of the suitable job.
  - d) The proposed date the employee will commence the suitable work.
  - e) The return-to-work weekly schedule outlining the number of hours the employee is expected to work, including any ease back accommodation.

4. Functional Abilities Assessment

- 4.1 The employee shall provide information on his/her functional abilities (as assessed by his/her health care provider) to Human Resources and the Commission.
- 4.2 This information will normally be provided on a Physician's Report of Injury Form (WHSCC Form 8/10).
- 4.3 The functional abilities information shall be used along with job descriptions and job site analysis, to assist with the identification of suitable and available work for the employee.
- 4.4 The NLESD may require the employee to have a functional abilities form completed by their health care provider, if additional information is required for the purposes of developing an ESRTW program.

5. Ease Back or Modified Duties

- 5.1 Physician or other medical professional releases employee to return to work on an ease back or modified duties program.
- 5.2 Employee to meet with the Human Resources Representative to develop an ease back or modified duties ESRTW plan. The employee's supervisor shall also participate in the development of this ESRTW plan.

- 5.3 In the event an ESRTW plan, and/or permanent return to work plan, requires an employee to encounter significant workplace modifications, change in duties and/or change of position, the Human Resources Representative shall review any potential workplace issues.
- 5.4 Employee shall perform ease back or modified duties as outlined in the ESRTW plan.
- 5.5 Employee/Employer communication is to continue during the ESRTW process.
- 5.6 After commencing the ease back or modified duties program, WHSCC benefits are adjusted.
- 5.7 If the employee declines ease back or modified duties, WHSCC benefits will be terminated.
- 5.8 The ESRTW plan is completed once the employee receives full clearance to return to work from his/her physician or is deemed unable to return to suitable employment with NLESD.

6. Re-employment

- 6.1 The NLESD shall offer to re-employ employees within a maximum of two years from the date of the lost-time injury, in accordance with Section 89.1 of the WHSCC Act, providing the following conditions are met:
  - a) The employee was employed with the District for a continuous period of one year immediately prior to the date of injury.
  - b) The employee is medically able to perform the essential duties of the pre-injury employment or other suitable work.
- 6.2 The District's obligation to re-employ begins on the date that the employee is able to perform the essential duties of the pre-injury job or other suitable work.
- 6.3 The District will continue to work with the employee once they have returned to work to address any issues that may arise and to adjust the ESRTW plan as appropriate.
- 6.4 In cases where the NLESD is unable to accommodate an injured employee to return to work with the District, the Commission will facilitate a labour market re-entry assessment for the employee or the possibility of a medical disability retirement will be explored.

6.5 Where the terms of the Collective Agreement gives a greater benefit, the Collective Agreement will prevail.

7. Dispute Resolution

If a dispute arises that cannot be resolved by the employee and the employer, the District shall immediately notify the Commission in accordance with WHSCC Act section 89.

8. Confidentiality

Any personal information collected for the purposes of meeting the needs of an injured employee shall be treated as confidential and only shared with authorized parties as required.

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**RESOURCES/REFERENCES**

- *Canadian Union of Public Employees*
- *Newfoundland and Labrador Teacher's Association Collective Agreement*
- *Newfoundland Association of Public Employees Collective Agreements for Support Staff and Student Assistants*
- *WHSCC Injury Reporting Requirements*
- *Workplace Health, Safety and Compensation Act & Regulations*
- *Workplace Health, Safety and Compensation Commission Policies – RE: 01-19 and RH: 07-08*