

Purpose: To promote employee health and recovery through active claims and case management and safe return-to-work opportunities and provide a planned approach to minimize the barriers so that employees can return to work in a safe and timely manner without risk to their health or the health of others. Notwithstanding any other provision in this Policy, the obligations of the Medicine Hat Library Board, the Union, or the employee will not exceed the point of undue hardship.

## 1. Definitions

- 1.1. *Alternate Work*: a permanent placement offered to ill/ injured employees, or those with diminished capacity, when it is medically determined that the employee will not return to their own position.
- 1.2. *Board*: the Medicine Hat Library Board
- 1.3. *Collective Agreement*: the current collective agreement between the Medicine Hat Library Board and the Canadian Union of Public Employees Local 46.
- 1.4. *Employee*: any person employed by the board including non-union and unionized employees.
- 1.5. *Employee Assistance Program (EAP)*: the program designed to provide confidential, professional assistance to employees and their families to help them resolve problems that affect their personal lives and, in some cases, their job performance.
- 1.6. *Long Term Disability (LTD)*: an employee-funded insurance program through which eligible employees may derive income replacement for long-term illness/ injury.
- 1.7. *Management Staff*: the Chief Librarian and/ or non-union supervisors.
- 1.8. *Modified Work*: interim work offered to recovering employees, or those experiencing diminished capacity, when it is medically foreseen that the employee will return to their own position. Generally, this will not exceed six (6) months.
- 1.9. *Occupational Health Nurse (OHN)*: an Occupational Health Nurse hired by the Board or an Occupational Health Nurse employed by the City of Medicine Hat.
- 1.10. *Return-to-Work Plan (RTW plan)*: a process for assisting employees who are recovering from an occupational or non-occupational illness/ injury to safely return to work.
- 1.11. *Return-to-Work Team (RTW team)*: the OHN and/ or health care provider and/ or WCB case manager, a member of the Library's management staff, the employee concerned, and a union representative (if applicable).
- 1.12. *Short Term Disability (STD)*: a Board-funded income-replacement program covering the period between the end of the sick leave plan and the beginning of LTD insurance.
- 1.13. *Sick Leave Plan*: a Board-funded income continuance program for absences from work due to illness/ injury incurred off the job.
- 1.14. *Union*: Canadian Union of Public Employees Local 46 Library Bargaining Unit.
- 1.15. *Workers' Compensation Board (WCB)*: the employer-sponsored insurance program through the Alberta Workers' Compensation Board for work-related

illness/ injury requiring medical aid and/ or a medical absence of more than one (1) day.

2. Responsibilities of the OHN:
  - 2.1. Guides and advises Library management staff on disability management.
  - 2.2. When requested, acts as a resource person for employees uncomfortable, unwilling, or unable to meet with a management staff member over issues of illness or injury.
  - 2.3. Participates in the RTW team to develop RTW plans for employees who have experienced a non-occupational illness/ injury (or an occupational illness/ injury in the case of 2.5) which may impact their ability to return to their pre-illness/ injury duties.
  - 2.4. When requested, assists in employee education on health and disability management.
  - 2.5. Acts as a resource in WCB cases where Library management staff request professional assistance.
  - 2.6. Acts as a resource in any case that involves the LTD carrier.
  - 2.7. Acts as a resource in all non-occupational cases extending beyond fourteen (14) days from initial injury/ illness.
3. Responsibilities of the Employee:
  - 3.1. Participates fully in the disability management policy and the RTW team.
  - 3.2. Advises a management staff member of an illness/ injury or diminished capacity.
  - 3.3. If the employee or the management staff request the participation of the OHN, or the participation of the OHN is required in accordance with the disability management policy, signs a consent form authorizing the OHN to obtain additional relevant information – the consent form will be valid for the case in question only. Refusal to sign a consent form for the purposes of effective case management could result in disciplinary measures.
  - 3.4. Submit medical documentation when necessary or required by the disability management policy.
4. Responsibilities of the Management Staff:
  - 4.1. Participates fully in the disability management policy and the RTW team.
  - 4.2. Maintains regular contact with any ill/ injured employee during their period of absence.
  - 4.3. Understands, and helps to ensure that all employees understand, the disability management policy.
  - 4.4. For an occupational illness/ injury requiring medical aid or absence from work, management staff will assist the employee in filling out the required WCB forms. Management staff will complete the WCB Employer's Report with the knowledge and/ or involvement of the Chief Librarian.
  - 4.5. Is the key contact for all WCB claims, except in the case of 2.5.
5. Responsibilities of the RTW Team
  - 5.1. Prepares and implements an integrated RTW plan.
  - 5.2. Monitors and evaluates the process of the RTW plan.

6. Confidentiality of Employee Records
  - 6.1. All employee information is kept confidential in accordance with Board Policy HR.1.
  - 6.2. Once consent has been given by the employee authorizing the OHN to obtain medical information, subsequent medical records relevant to the case in question will be maintained and kept confidential by the OHN. Management staff will not have access to these records unless authorized by the employee.
  
7. Workers Compensation Board
  - 7.1. The library manages all WCB claims.
  - 7.2. Except in the case of 2.5, the OHN may be contacted for their expert knowledge but will not be expected to involve themselves directly in WCB claims management.
  - 7.3. With the assistance of the WCB and professionals they involve in the claim, the library will develop a RTW plan as outlined in this policy.
  
8. Early intervention
  - 8.1. An employee may make use of the EAP at any time during their tenure at the library. In some cases, management staff may suggest or require the employee seek assistance through the EAP.
  - 8.2. For a non-occupational illness/ injury, or diminished capacity, where the employee has been away from work for fourteen (14) days or less, a management staff member and the employee may develop a RTW plan for the period of illness/ injury or diminished capacity. Medical documentation supporting the modified work is required.
  
9. All employees who are away from work due to illness/ injury for a period greater than three (3) consecutive working days must provide written confirmation from a qualified medical practitioner supporting the absence, in accordance with the collective agreement.
  - 9.1. Management staff are responsible for maintaining regular contact with employees absent from work for any period greater than three (3) consecutive days.
  - 9.2. The OHN may contact an employee in a medical support capacity during case management.
  - 9.3. Employees who are off due to illness/ injury are kept informed about Library activities and programs and invited to attend meetings and social occasions.
  
10. A variety of steps must be taken to ensure a safe and positive return to work for employees who have experienced an illness/ injury which may impact their ability to return to their pre-illness/ injury duties. At any time during this process the employee may make use of the EAP.
  - 10.1. The physical and psychological demands of the employee's regular job are determined. The attending health care provider and/ or the OHN make comparisons between job demands and the employee's capabilities to determine fitness to work and appropriate return-to-work options. The health-care provider or OHN may require a functional capacity evaluation (FCE) to be completed. No cost related to the FCE shall be borne by the employee.
  - 10.2. For non-occupational illnesses over fourteen (14) days, or in the case of 2.5, the OHN liaises with the attending health care provider(s) or WCB case worker. The OHN may arrange an independent medical examination (IME) if it is felt that a

further medical opinion is required. No cost related to the IME shall be borne by the employee.

- 10.3. Employees returning from illness/ injury must have the required forms completed by their attending health care provider(s) showing their ability to return to their pre-illness/ injury job and outlining any required job restrictions. No cost related to the completion of the forms shall be borne by the employee. In the case of a WCB claim, this information may come directly from the WCB case manager.
- 10.4. Opportunities for job adaptation or modified work are examined by the RTW team and applied where possible to assist the employee to safely return to work. Special devices or equipment that adapt the job to the employee's capabilities may be considered.
  - 10.4.1. Whenever there is the likelihood that an employee will not be able to return to their own job, the RTW Team will explore available alternate work options suitable to the employee's capabilities.
  - 10.4.2. The Board will attempt to provide alternate work of a comparable skill and salary. The Board will not create new positions for the purpose of accommodating an employee, but shall make every effort to place the employee in a position comparable in both skill and salary level to the employee's pre-disability job.
- 10.5. Specific goals with time frames are established and discussed with the RTW team, and a RTW plan is developed.
- 10.6. Once the employee has begun modified or alternate work, the employee shall meet regularly with a union representative (if applicable) and the OHN, or management staff member in the case of a WCB claim, to evaluate the return-to-work process.
- 10.7. Upon completion of the RTW plan and full re-integration of the ill/ injured employee into the pre-illness/ injury job or alternate job, the case results shall be evaluated and, if medical documentation supports it, the case will be considered closed. At this point, the RTW process shall be evaluated.

## 11. RTW Plan

- 11.1. The RTW plan must provide the employee with productive and meaningful work in a manner that is mutually beneficial to the employee and the Board.
- 11.2. The RTW plan may include modified or alternate work opportunities.
- 11.3. The RTW plan may include a return to:
  - 11.3.1. The employee's own job with reduced hours
  - 11.3.2. A portion of the employee's own job duties with full-time or part-time hours
  - 11.3.3. A different job within the library on a full-time or part-time basis.
  - 11.3.4. Training for a different job outside the library may be considered on a case-by-case basis.
- 11.4. RTW plans apply to employees who are medically fit to return to at least twenty-five percent (25%) of their normal work schedule on a consistent basis. RTW plans are not intended to be 'make-work' projects.
- 11.5. The RTW plan must recognize the employee's capabilities and must not compromise the employee's recovery or safety. Employees should consult with their health-care provider or the OHN if uncertain as to the advisability of the proposed RTW plan.

11.6. The RTW plan must not compromise workplace safety or cause undue hardship to the employee, other employees or the Board.

## 12. Compensation

12.1. Employees who are on a modified work plan will be paid their classified rate, or in accordance with the WCB/ LTD payment schedules, whichever is applicable.

12.2. Alternate work compensation will be determined on a case-by-case basis. The Board will pay for the value of work performed and will use any available insurer support regarding salary 'top-up', retraining, and vocational assessments.

## 13. Benefits

13.1. Employees participating in a RTW plan who become ill/ injured as a result of an unrelated illness/ injury can access their sick leave, WCB, LTD, etc. as appropriate.

13.2. Vacation:

13.2.1. Employees continue to earn their regular vacation entitlement for any month in which they are on sick leave or WCB, including periods of time they are participating in a RTW plan. Employees in these circumstances may be afforded special consideration for vacation carry-over beyond the terms of the collective agreement or Board Policy HR.2.

13.2.2. It is essential that vacation does not disrupt or delay the RTW process; supervisors, in conjunction with the OHN, must consider this prior to approving a vacation request. Employees taking vacation during a RTW plan use up their vacation entitlement based on the number of hours scheduled in the RTW plan immediately prior to the vacation's commencement. Vacation is used for the time the employees could work but instead took vacation.

13.3. STD only comes into effect when employees have used up all their sick leave. It can be accessed a minimum of thirty (30) days after the date of illness or injury. STD amounts to seventy percent (70%) of an employee's gross salary, and lasts until the start of the LTD insurance. Supporting medical documentation is required.

13.3.1. When a RTW plan has been undertaken between thirty (30) days and three hundred and sixty-five (365) days from the initial date of disability, the LTD carrier is informed that rehabilitation is in progress.

13.4. LTD:

13.4.1. Eligibility for LTD occurs three hundred and sixty-five (365) days from the initial date of disability, and is based on an employee's ability to do their own occupation. If they are not considered totally disabled from all occupations they start on a rehabilitative or retraining program during the second year of LTD. If, after the end of the second year on LTD, they are considered disabled from all occupations then they remain on LTD.

13.4.2. When a RTW plan has been undertaken, eligibility for LTD remains unchanged. However, the LTD carrier must recognize that rehabilitation is in progress.

13.4.3. The LTD carrier assesses the RTW plan set up in the LTD period for the employee to determine its acceptability as vocational rehabilitative employment. If changes are required, the LTD carrier works with the OHN to enhance the RTW plan.

13.4.4. All decisions regarding LTD are supported by medical documentation.

#### 14. Dispute Resolution

- 14.1. The Disability Management Policy shall not form part of the Union's collective agreement for purposes of the Labour Relations Code.
- 14.2. Should a disagreement occur among the participants involved in the disability management process, the following steps will be taken within fourteen (14) working days.
  - 14.2.1. The employee, union representative (if applicable), management staff member and/ or OHN will clearly define the nature of the dispute and strive for resolution.
  - 14.2.2. The parties can request the Personnel Committee, Board Chair and Union president to review the disability management process/ placement for the cause of the dispute and possible resolution.
  - 14.2.3. In the event that an employee still considers that they have not been reasonably accommodated, the employee may:
    - 14.2.3.1. in the case of an unionized employee, file a grievance in accordance with the Union's collective agreement.
    - 14.2.3.2. in the case of a non-union employee, proceed through the dispute resolution process in accordance with Board Policy HR.2.

#### 15. Evaluation and Review

- 15.1. The Disability Management Policy will be regularly reviewed by the Personnel Committee and the union to ensure that it continues to satisfy the needs of the employees and the Board.
- 15.2. Documentation must be made at all stages in the disability management process to allow evaluation of the policy. Documentation also demonstrates compliance with the duty to accommodate legislation and supports the legal concept of 'due diligence'.
- 15.3. All employees are involved in the Disability Management Policy evaluation.