1. Purpose
The purpose of this Policy is to ensure effective, proactive and consistent management of cases relating to return to work initiatives from either short or long-term disability (occupational or non-occupational), in addition to requests for temporary or permanent accommodations, related to medical reasons.

Mohawk College believes its employees are its most valuable asset and is committed to providing a safe, healthy work environment by providing a range of benefits that help employees maintain good health. Mohawk is committed to ensure each situation is assessed on its own merit, in a proactive, fair and consistent manner. Early intervention, full participation and collaboration of the workplace parties is essential to ensure the success of the return to work efforts and the overall Policy.

2. Application and Scope
This policy applies to all Faculty, Support and Administrative staff members. All parties will work collaboratively in the application of this policy.

3. Definitions

“Accommodation” is any change, modification, adaptation or adjustment to the job duties or the workplace, to enable an employee to perform the essential duties of a job in a healthy and safe manner. This includes but is not limited to, reduced hours, reduced productivity requirements, provision of assistive devices, etc.

“Functional Abilities Evaluation (FAE)” is an objective, third party evaluation of an employee’s ability to complete the activities that simulate the physical demands at work, such as lifting, carrying, pushing, pulling, bending, squatting, standing, sitting, reaching, grasping, etc. If required, this evaluation will be arranged and paid for by the College, or insurance provider to determine the cause, severity, abilities, restrictions and limitations of the individual.

“Independent Medical Evaluation (IME)” is an objective, third party assessment of an employee’s current medical status. If required, an IME is arranged and paid for by the College or insurance provider to determine the cause, severity, abilities, restrictions and limitations of the individual as it relates to the essential duties of the job.

“Long-Term Disability (LTD)” is a benefit that provides partial income replacement when an employee is considered totally disabled because of bodily injury, sickness or disease. The
employee is unable to perform any of their duties relating to their regular work during the elimination period and subsequently for a period up to but not exceeding 24 months and afterwards, if the employee is wholly and continuously prevented, after 24 Monthly Indemnity payments, from engaging in any occupation or employment for wage or profit for which the employee is reasonably qualified by education, training or experience. Wage or profit may be defined as the ability to earn income commensurate to the Monthly Indemnity payment level at an alternate occupation.

“Medical Information” includes observable physical findings, self-reported symptoms, clinical notes, laboratory/testing results and/or measurable clinical signs confirmed by a physician with expertise in the area of the disease/condition in question and proper documentation must be provided of any findings, positive and negative. Self-reported symptoms alone cannot be the basis for a medical diagnosis.

“Non-Occupational Injury/Illness” is a personal injury or an illness that occurs outside the workplace, and is unrelated to the course of employment.

“Occupational or Workplace Injury/Illness” refers to an injury or an illness that occurs as a result of the work duties or the work environment, and occurs while in the course of employment. The Workplace Safety & Insurance Board (WSIB) will manage these claims with input from Mohawk College’s Health & Safety Coordinator, and RTW Consultant. (See Policy # CR804 – Accidents & First Aid)

“Productive Work” is meaningful work that is required as part of the College’s normal operations.

“Return to Work (RTW)/Accommodation Plan” is a formal written document detailing a temporary or permanent plan which includes: start date, end date, restrictions, limitations, details of job duty, and hours of work or workplace modifications. A RTW/Accommodation Plan is prepared by the RTW Consultant, with objective functional abilities and input from the workplace parties.

“Safe” is work that does not pose a health or safety risk to the employee (e.g., should not cause re-injury or a new injury), to co-workers, or to third parties.

“Short-Term Disability (STD)” is a self-insured benefit that provides eligible employees with short-term income protection for a maximum of 130 days within a 12-month period when objective medical documentation supports the inability to work. This is also referred to as “sick time”.

“Suitable Work” refers to job duties and/or change of work location that is safe, the job duties are meaningful, consistent with the worker’s functional abilities, and that, to the extent possible, restore the worker’s pre-injury earnings.

“Total Disability” is a medical impairment/restriction due to a non-occupational illness or injury which prevents the employee from performing the essential duties of their own job or an available alternative job. The medical impairment must be supported by objective medical evidence.
“Workplace Parties” includes the employee, manager, Return to Work (RTW) Consultant, Union or Employee Representative.

4. Principles
Mohawk College is committed to provide accommodations to employees pursuant the obligations of the Ontario Human Rights Code. The College values individual differences, respects individual needs, supports diversity and fairness in our treatment of all individuals. All parties are expected to act in good faith, cooperate and provide input to ensure a successful outcome.

5. Accountability and Compliance

5.1 Accountability Framework
The policy has been developed by Human Resources in consultation with representatives from both Locals of OPSEU.

5.2 Compliance
The College is committed to maintaining an inclusive workplace, and to provide support for its members as required under the applicable policies and procedures, benefit plans, collective agreements and all relevant legislation such as: the Ontario Human Rights Code, the Workplace Safety and Insurance Act, the Occupational Health & Safety Act, and the Accessibility for Ontarian’s with Disabilities Act (AODA).

6. Roles & Responsibilities

6.1 Managers
- Ensure immediate medical attention is provided if required.
- Provide a safe work environment.
- Provide input into the development of a written RTW plan.
- Ensure policies and procedures are consistently applied.
- Monitor and manage timekeeping relating to attendance management and absences due to illness/injury.
- Periodically communicate with your employee during the return to work process.
- Consult with the employee and/or the workplace parties when identifying suitable, productive work.
- Modify the workplace, as dictated by the RTW/Accommodation Plan.
- Monitor the progress of the employee on modified work programs and meet with them regularly to ensure there are no concerns. If Accommodation is permanent, continue to monitor according to a timeline suitable to the circumstances.

6.2 Employees
- When absent from work due to medical reasons, contact your manager personally to inform them of the reason for your absence (not diagnosis), and provide an expected date of return. If a RTW date is unknown, check in daily to confirm your ability to attend work.
- Provide the necessary medical documentation by your treating health professional to the RTW Consultant.
• Attend an Independent Medical Evaluation (IME) when deemed necessary to obtain clarification of abilities, restrictions and limitations, confirm level of disability and prognosis for recovery.
• The cost of providing medical documentation is the responsibility of the employee. If further medical documentation from the employee’s physician is required by the College, the College will reimburse the employee for the cost of the additional medical documentation.
• Communicate with the RTW Consultant when required, as well as periodically update your manager throughout your recovery period. An appropriate schedule can be arranged with your manager.
• Actively participate in rehabilitative treatment, making every effort to schedule appointments outside of work hours.
• Consider utilizing the College Employee Assistance Plan.
• Take an active role in identifying suitable job duties, attempt all reasonable offers of modified work that are within your functional abilities.
• Inform your treating physician that the College has a RTW Policy and has the ability to accommodate based on the abilities, restrictions and limitations.
• Report concerns to the RTW Consultant and your direct manager, so that problems can be addressed promptly.

6.3 Union or Employee Representatives
Work collaboratively with other workplace parties to facilitate return to work initiatives and/or accommodation planning.

6.4 Co-workers
Co-operate with the accommodation needs of the returning employee where applicable.

6.5 Health Professional Responsibilities
Provide timely, clear documentation relating to functional abilities, assistive devices, etc.

6.6 Return to Work Consultant
• Central point of contact to communicate and coordinate the RTW process.
• Responsible for development and administration of the formalized RTW Policy.
• Work closely with the third party adjudicator and the workplace parties, medical consultants, and insurance providers to ensure a fair and consistent approach is used when facilitating:
  o Early and safe transition back into the workplace following an illness or injury (both occupational (WSIB) & non-occupational (STD,LTD));
  o Temporary and permanent requests for accommodation;
  o Chronic absenteeism concerns, related to health concerns.
• Develop individual written RTW Plans with objective medical restrictions and input from the workplace parties;
• Provide advice, guidance and education to managers relating to return to work, accommodations, sick leave provisions of the collective agreements and benefit plans, and compliance with appropriate legislation.
• Monitor the progress of each return to work case and advise involved parties of any changes to wages, duration, duties and closure of the plan.
• Document all activities and responsibilities in each return to work case.
6.7 Human Resources Consultant(s)

- Provide advice, guidance to managers and employees relating to human resource matters, attendance management, compensation and benefits, compliance with appropriate legislation, Mohawk policies and procedures, and the collective agreements.
- Consult with the Return to Work Consultant and manager regarding work placement options, where necessary.

6.8 Insurance Carriers

- Request medical documentation to support an absence due to medical reasons.
- Determine eligibility and approval of STD, LTD or WSIB benefits,
- Advise the College when employees have received clearance to return to work, in addition to providing details of abilities, restrictions and limitations, while ensuring compliance with the appropriate legislation, collective agreements and benefits plans.
- Work collaboratively with Mohawk’s RTW Consultant, managers, employees and their Union Representatives to facilitate a successful return to work.

7. Return to Work Process

When the employee is medically supported to return to work and restrictions/ limitations are confirmed the RTW Consultant will arrange a RTW Meeting with the workplace parties, when necessary. In situations where the medical leave was short in duration, and there are no restrictions or limitations, a formal written RTW plan and/or meeting may not be required. The RTW/Accommodation process is most effective when all workplace parties are actively involved.

The RTW Process will include:

- Early Intervention, Communication,
- Assessment,
- Evaluation of options,
- Planning/Coordination,
- Implementation,
- Monitoring and evaluation of the outcome.

7.1 Early Intervention, Communication

Early intervention helps the employee maintain a positive connection to the workplace, alleviates many of the concerns experienced by injured or ill employees, helps avoid long-term absences from the workplace, and allows the employee to:

- maintain income (where possible, with no loss of pay);
- retain productive employment and job security;
- maintain self-esteem, family stability and social ties;
- maintain job skills;
- retain eligibility for government benefits;
- retain pension and benefit packages; and
- resume “routine” life activities sooner, with less uncertainty about the future.

7.2 Assessment
Once medical documentation has been received indicating that the employee is cleared to return to work, the RTW Consultant will inform the workplace parties and return to work planning will proceed. The abilities, restrictions or limitations will be assessed based on the essential duties of the job. In addition, an assessment will be done to identify and develop strategies to remove any barriers to returning to the pre-disability position.

Where clarification of the abilities, restrictions or limitations are required, the RTW Consultant or the third party adjudicator may contact the physician/specialist directly (with employee consent, (refer to the Disability Management Guide on the HR Website)). Employees are expected to comply and fully cooperate with the College’s Disability Management Program when clarification on the employee’s abilities, restrictions and limitations is required.

7.3 Evaluation of Options
The workplace parties will discuss and evaluate the available options to determine the best course of action going forward (e.g. operational needs, amount of sick time available, essential duties of the job, temporary restrictions vs permanent restrictions, type of modifications (job duties/hours and rate of increase, etc.)

In all cases, the job modifications/accommodations will begin with an evaluation of the essential duties of the pre-disability (home) position. Each case will be evaluated on its own merit. If the employee is unable to perform the essential duties of their pre-disability position, or no longer able to work full hours, alternate placement options will be explored.

7.4 Planning/Coordination
All parties have a duty to cooperate in the RTW process. The RTW process is meant to be transparent and collaborative.

RTW Plans will be prepared in writing by the RTW Consultant in consultation with input from the employee, health professionals, the manager and the Union Representative.

7.5 Implementation
When the RTW or Accommodation Plan and the reasonable costs associated with implementation of the modifications are approved, (i.e. purchase of equipment, hardware, software, etc.) the costs will be incurred by the College.

The employee will inform the RTW Consultant and their direct manager immediately to identify any concerns with the RTW Plan/Schedule. Flexibility is important, as at times, minor modifications to the RTW Plan may be required. Where significant changes are required to the existing RTW Plan, or there is a lengthy recovery period, a request for additional medical updates may be required.

Where an employee is required to participate in treatment or rehabilitation, the employee should make every effort to schedule appointments for treatment (e.g. physiotherapy, etc.) outside of regular work hours.

7.6 Monitor and Evaluate Success
Managers must monitor progress and discuss concerns directly with the employee. Where adjustments to the current plan are necessary, the RTW Consultant should be notified, and
the RTW Plan will be revised. If necessary, the workplace parties may meet to discuss the necessary adjustments.

Follow-up meetings will be arranged with the workplace parties to monitor ongoing progress, where necessary.

8. Confidentiality Statement
The College is committed to protecting the confidentiality of employee medical and personal information collected during the RTW process. Records of personal medical information and/or claim files are kept in locked confidential cabinets, separate from employee human resources records (Personal Health Information Protection Act). Employee health information is gathered through a process of informed, written consent from the employee.

All individuals participating with RTW process (i.e. workplace parties) shall protect the confidentiality of personal medical documentation.

9. Compliance
Workplace parties are to actively participate and provide reasonable input into the development of a suitable RTW or Accommodation Plan. Employees are to respond and provide medical documentation when requested, and make all reasonable attempts to fully participate in the return to work process. Employees are expected to participate in a reasonable accommodation, coordinated by the Workplace parties, if the accommodation aligns with functional abilities.

The College encourages employees to participate in treatment or rehabilitation; however, every effort should be made to schedule appointments outside of regular work hours. In the event that is not possible, employees must discuss with their manager.

When the College requires specific in-depth clarification of abilities, restrictions or limitations, level of disability or prognosis for return to work, the RTW Consultant will coordinate a referral for an Independent Medical Evaluation (IME), or Functional Abilities Evaluation (FAE), as required.

In the event the medical documentation is deemed insufficient, the College will immediately suspend or deny payment of short-term disability benefits until such medical documentation is provided.

Where an employee refuses to cooperate, provide medical documentation, or return to work when medically cleared, payment of salary/benefits may be suspended, terminated and/or the employee may face discipline, up to and including termination.

10. Training and Policy Communication

10.1 New Employee Orientation
All new employees will be made aware of the RTW Policy and have access through MOCOMotion.

10.2 Employee Communication
Human Resources will ensure general communication regarding updates to the Policy, when necessary, and will continue to promote the benefits of the Policy and working collaboratively to ensure a successful implementation.

The RTW Consultant will meet with managers who require support with managing individual cases.

10.3 Continuous Improvement
This Policy will be reviewed by Human Resources and the unions as required.

11. Mediation – Dispute Resolution
Where there is an issue in dispute related to either the RTW process or the suitability of the RTW/Accommodation Plan, and both parties agree that Mediation may be required, a referral will be made for an independent, impartial and unbiased Mediator.

The costs of such Mediation will be jointly shared by both parties.

11.1 No Resolution Following Mediation
If resolution is not achieved, the employee may follow the complaint process outlined in the relevant Collective Agreement or Terms and Conditions of Employment for Administrative Staff.

12. Policy Revision Date

12.1 Revision Date
April 2020

12.2 Responsibility
The Chief Human Resources Officer is responsible for reviewing this policy every three years or earlier when required.

13. Specific Links
CS-1400-2008 Accidents & First Aid Policy
GC-4300-2013 Accessibility (AODA) Policy
Ontario Human Rights Code
Worker Safety and Insurance Act
Occupational Health & Safety Act
Personal Health Information Act (PHIPA)
Accessibility for Ontarians with Disabilities Act (AODA)
Local 240 Academic Employees Collective Agreements
Local 241 Support Staff Collective Agreements
CAAT Employee Benefit Booklets (Academic/Support/Admin)
Administrative Employees Terms and Conditions of Employment
Disability Management Guide (Human Resources Website/ Employee Resources/ Absence from Work)