

Procedure Title	Disability Support – Early Intervention, Accommodation and Return to Work		
Date of Issue	October 18, 2011	Related Policy	BP 7210-D
Revision Dates	October 31, 2011; November 19, 2014; October 26, 2016	Related Forms	AF 7850; AF 7220
Review Date		Originator	Administrative Council
References			
AP 7215-D “Confidentiality of Medical Records”; AP 7225-D “Absence Reporting for Personal Illness or Injury”; Ontario Human Rights Code; AP 3801-D “Occupational Health and Safety Program”; Occupational Health & Safety Act; Accessibilities for Ontarians with Disabilities Act; Workplace Safety and Insurance Act			

Procedure:

1.0 RATIONALE

- 1.1 Bluewater District School Board’s (The board) Disability Support Program is an integrated partnership among employees, supervisors/administrators, Unions and health care providers, which supports employees to attend work which benefits students. This program fosters a widespread understanding that the way to reduce the incidence and duration of an employee’s absences is through early intervention and support.
- 1.2 Interventions, accommodations and return to/remain at work plans should preserve the employee’s dignity, meet individual needs and consider health and safety requirements. All information will be kept confidential and limited to those parties necessary to facilitate the process.

2.0 AUTHORITY

Bluewater District School Board board policy BP 3801-D “Healthy Schools and Workplaces”, administrative procedure AP 3801-D “Occupational Health and Safety Program”, and board policy BP 7210-D “Employee Attendance Support Program”, regulate the Occupational Health and Safety requirements to ensure all staff and students have a safe environment.

3.0 DEFINITIONS

3.1 Disability

The Ontario Human Rights Code defines a disability as:

- i. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes

mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

- ii. a condition of mental impairment or a developmental disability,
- iii. a learning disability, or a dysfunction in one or more of the process involved in understanding or using symbols or spoken language,
- iv. a mental disorder, or
- v. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997

3.2 Barrier

Anything that prevents a person with a disability from fully participating in all aspects of society because of his/her disability, including a physical barrier, an architectural barrier, an informational or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

3.3 Accommodation

The requirement of the Employer, in co-operation with other work place parties, to undertake any and all necessary actions to respond to the needs of the disabled employees in accordance with the provisions of the Ontario Human Rights Code. Accommodation will be subject to the limitation of undue hardship. In assessing undue hardship, consideration will be given to the guidelines of the Ontario Human Rights Commission (Guidelines for Assessing Accommodation Requirements for Persons with Disabilities).

3.4 Essential Duties

The duties necessary to produce the actual job outcome. The job outcome is the production or provision of the final product or service required. The overall objective of the position constitutes job outcome.

Consideration should be given to:

- i. how often each duty is undertaken;
- ii. the proportion of time spent at each specific duty;
- iii. the contents of any current and relevant job posting.

3.5 Functional Abilities

Functional abilities are provided by a health professional and indicate an employee's physical and/or cognitive abilities and limitations.

3.6 Physical/Cognitive Demands Analysis

The process by which job tasks are analyzed to understand the physical, cognitive and environmental demands of the job.

3.7 Health Professional

Defined but not limited to the following health care providers regulated under the Regulated Health Professionals Act: chiropractor, physician (including specialists and surgeons), nurse practitioner, physiotherapist, occupational therapist, psychologist, audiologist, dentist and other health professionals, as applicable.

4.0 PURPOSE OF THE PROGRAM

- 4.1 The Disability Support Program endeavours to be proactive and supportive and provides employees with a safe and timely transition from illness/injury that allow them to remain at work or return to work.
- 4.2 When appropriate, the program assists employees by providing rehabilitation support, accommodations or modifications to remain at work, gradually return to work and/or modified work prior to commencement of regular full-time, part-time or occasional work.
- 4.3 When a permanent disability exists, the board will endeavour to modify both the work and the workplace to accommodate the needs of the permanently disabled employee, based on medically-supported restrictions/limitations, provided that it does not cause undue hardship to the board.

5.0 TEMPORARY & PERMANENT PARTIAL DISABILITY

5.1 Temporary Disability

5.1.1 Restrictions and Limitations

An employee who becomes ill or is injured and it appears that an absence from work will result, is responsible for providing medical restrictions/limitations identified by the appropriate treating medical practitioner and/or specialist for assessment by the Executive Officer Human Resources Services, or designate. The restrictions and limitations shall be shared with the Principal/Vice-Principal or Immediate Supervisor and, at the discretion of the employee, the union representative.

5.2 Permanent Partial Disability

5.2.1 An employee who becomes permanently disabled from an illness or injury, such that they are unable to meet the demands of their former position, may be provided with appropriate accommodations or modifications and/or suitable work based on their physical, mental and vocational capabilities.

5.2.2 The conditions for providing such work may be:

- i. The employee provides current medical restrictions and limitations from the appropriate treating medical practitioner and/or by submitting a Functional Abilities Evaluation (F.A.E.).
- ii. The board will promote the retraining of injured employees as circumstances warrant.
- iii. Employees who have a permanent partial disability may be given preference for suitable job postings, subject to mutual agreement by the employer and the relevant union(s).
- iv. Employees are accommodated on the basis of availability of positions, ability to perform the essential duties of the job, and terms and conditions as outlined by the relevant collective agreement, individual contract and/or relevant legislation.

6.0 RESPONSIBILITIES

6.1 Bluewater District School Board

Bluewater District School Board recognizes and accepts its responsibilities under the Ontario Human Rights Code, Workplace Safety and Insurance Act, Occupational Health and Safety Act and the Ontarians with Disabilities Act and will:

- 6.1.1 make every effort to accommodate the work and/or the workplace to meet an employee's medically supported needs related to disability. The Ontario Human Rights Code outlines the employer's duty to accommodate the needs of employees to the point of undue hardship.
- 6.1.2 abide by the Workplace Safety and Insurance Act that requires the Employer to report all work-related injuries or occupational diseases and develop and implement an "Early and Safe Return to Work Program".
- 6.1.3 As per the Ontarians with Disabilities Act the Board will prepare an annual accessibility plan; consult with people with disabilities in the preparation of this plan; and make the plan public.

6.2 Executive Officer Human Resources Services, or Designate

The Executive Officer Human Resources Services, or designate co-ordinates the Accommodation/Return to /Remain at Work process and provides support to the employee and the Principal/Manager/Supervisor. To fulfill those obligations, the Executive Officer Human Resources Services, or designate will:

- 6.2.1 on initial contact, inform the employee and the local union of any meetings under this process. The Union is recognized as an integral part of this process;
- 6.2.2 contact the employee directly:
 - i. by phone to discuss the board's Disability Support Program; and
 - ii. to send a letter to follow-up with the employee outlining the board's Disability Support Program. This letter will be copied to the employee's union representative, where applicable;
 - iii. to request appropriate medical information outlining the employee's functional abilities and limitations
- 6.2.3 work with employees to assess restrictions and/or limitations;
- 6.2.4 report promptly all workplace injuries/illnesses to the Workplace Safety and Insurance Board;
- 6.2.5 co-ordinate the return to work of all disabled employees with the employee, the appropriate treating medical practitioner, Principal/Vice-Principal or Immediate Supervisor, and the union representative based on the medical limitations and restrictions and identified need for accommodation.
- 6.2.6 act as the liaison between, and a resource for, the employee, union representative, health professional, supervisor and Workplace Safety and Insurance Board/Insurance carrier, where necessary;
- 6.2.7 assess the employee's work capabilities in conjunction with medically-supported restrictions and/or limitations provided by the appropriate treating medical practitioner(s);
- 6.2.8 inform the employee's Principal/Vice-Principal or Immediate Supervisor of the work restrictions/limitations and initiates the development of the Remain at Work Plan or Return to Work Plan;
- 6.2.9 perform a workplace assessment with the Principal/Vice-Principal or Immediate Supervisor to ensure compatibility of work restrictions and the duties to be performed within the work environment:
 - i. co-ordinates the modification of the work or workplace, as needed, in conjunction with medically-supported restrictions/limitations;
 - ii. reviews proper body mechanics with the employee and provides instruction, as required;
 - iii. assesses the need for change in location and/or assignment;
- 6.2.10 co-ordinate the development of a Remain at Work Plan or Return to Work Plan with the employee, his/her Principal/Vice-Principal or Immediate Supervisor, the appropriate treating medical practitioner(s), the employee's union representative, Workplace Safety and Insurance Board, LTD Insurance Carrier, Human Resources Services and Operations Superintendents, as appropriate;
- 6.2.11 shall distribute a copy of the Remain at Work Plan or Return to Work Plan to the above parties and the employee;
- 6.2.12 maintain regular contact with the employee and his/her Principal/Vice-Principal or Immediate Supervisor for the duration of the Remain at Work Plan or Return to Work Plan;
- 6.2.13 maintain an ongoing assessment of the Remain at Work Plan or Return to Work Plan;
- 6.2.14 arrange regular follow-up during the Remain at Work Plan or Return to Work Plan to modify the Plan, as required.
- 6.2.15 support accommodation measures in accordance with the Ontario Human Rights Code.

6.3 The Principal/Vice-Principal or Immediate Supervisor

The Principal/Manager/Supervisor plays a central role in the successful rehabilitation of Bluewater District School Board employees. Their understanding of the work and the employee are critical to the development and implementation of a successful return to work program. The Principal/Manager/Supervisor will:

- 6.3.1 participate in training, as assigned;
- 6.3.2 refer to the Human Resources Services Department any employee who may be a candidate for accommodation;
- 6.3.3 examine all systems to identify any barriers to employees with disabilities and remove those barriers, if possible;
- 6.3.4 consult employees with disabilities with respect to design, changes or upgrades to physical structures or equipment
- 6.3.5 investigate any accident/injury; complete the report of accident form (AF7850) and fax the form to the Human Resources Services Department and Health & Safety Department within three days (see Workplace Safety and Insurance Board procedure (AP7850);
- 6.3.6 be designated by the Executive Officer Human Resources Services to contact the employee and discuss the Disability Support program and, in the case of a minor workplace related injury be asked to develop the employee's Remain at Work or Return to Work Plan.
- 6.3.7 participate in the development of the employee's Remain at Work Plan or Return to Work Plan and establishing realistic goals ;
- 6.3.8 modify the work or workplace, if possible, as outlined in the Remain at Work Plan or Return to Work Plan;
- 6.3.9 assign work or duties according to the employee's Remain at Work Plan or Return to Work Plan;
- 6.3.10 ensure co-workers are aware of the board's accommodation obligations and enlist their support for the modified work program;
- 6.3.11 closely monitor the progress of the employee through the Remain at Work Plan or Return to Work Plan and immediately reports any problems or concerns to the Executive Officer Human Resources Services, or designate.
- 6.3.12 ensure that no tasks are being performed other than those in accordance with the written functional abilities information provided by a health professional;
- 6.3.13 support accommodation measures in accordance with the Ontario Human Rights Code.

6.4 The Employee

Employee co-operation, support and participation are essential, and are mandated in Workplace Safety and Insurance Board (WSIB) claims involving disability as defined by the Ontario Human Rights Code. The employee will:

- 6.4.1 report promptly all work related injuries, all illnesses, and/or accommodation requirements that might interfere with their ability to attend work or perform duties to their Principal /Manager/Supervisor;

- 6.4.2 provide detailed medical documentation outlining functional abilities to the Executive Officer Human Resources Services, or designate;
- 6.4.3 assume responsibility for the costs associated with the initial documentation from the appropriate treating medical practitioner in relation to the absence. Costs associated with subsequent request(s) for medical documentation by the Executive Officer Human Resources Services, or designate, will be borne by the board.
- 6.4.4 obtain medical aid immediately and engage in medical rehabilitation and/or treatment that can be expected to facilitate a timely return to work;
- 6.4.5 participate in development of their Remain at Work Plan or Return to Work Plan and recovery goals;
- 6.4.6 ensure that no tasks are being performed other than those outlined in a Return to Work Program;
- 6.4.7 maintain reasonable contact, as identified in the Disability Support Program, with the Executive Officer Human Resources Services, or designate, to provide updates on status, changes in condition, and review progress through their Remain at Work Plan or Return to Work Plan;
- 6.4.8 schedule medical appointments, when possible, so that they do not interfere with the return to work program, unless stipulated in the plan.
- 6.4.9 provide appropriate documentation as required by Administrative Procedure AP 7225-D "Absence Reporting for Personal Illness or Injury".
- 6.4.10 support accommodation measures in accordance with the Ontario Human Rights Code.

6.5 The Union/Professional Associations

The Union's support, participation and assistance are important in the rehabilitation and accommodation process and safe return of injured or ill members. The Union will:

- 6.5.1 take an active role as partners in the accommodation process;
- 6.5.2 advise members as to their rights and obligations;
- 6.5.3 share joint responsibility with the board to promote accommodation;
- 6.5.4 support accommodation measures in accordance with the Ontario Human Rights Code.

7.0 DEVELOPMENT OF INDIVIDUALIZED REMAIN AT WORK PLAN OR RETURN TO WORK PLAN

7.1 Remain at Work or Return to Work

- 7.1.1 Identification of likely candidates for the Disability Support Program shall be made initially by the Executive Officer Human Resources Services, or designate, based on information received from the appropriate treating medical practitioner and, when appropriate, representatives of the Workplace Safety and Insurance Board (WSIB) and Long Term Disability (LTD) Insurance.
- 7.1.2 A Remain at Work Plan or Return to Work Plan, in general, may include, but is not restricted to, some or all of the following:
 - i. reduced work hours
 - ii. modification of duties
 - iii. workplace modifications

- iv. removal of physical barriers
 - v. reassignment to another position if the employee has the necessary skills and abilities to perform the essential duties of that position.
- 7.1.3 The employee may be provided with an outline of the Remain at Work Plan or Return to Work Plan to be given to the appropriate treating medical practitioner with an indication that accommodations and/or modified work are available. The outline may also include information regarding the employee's job description and physical demands analysis.
- 7.1.4 Modified work is provided within the employee's own school or service area, wherever possible.
- 7.1.5 While participating in the Disability Support Program, the employee's status will be monitored by the Executive Officer Human Resources Services, or designate, Principal/Vice-Principal or Immediate Supervisor, in consultation with the appropriate treating medical practitioner(s).
- 7.1.6 Ongoing reviews of the employee's Remain at Work Plan or Return to Work Plan will be conducted with any necessary adjustments made to support the employee's success. The frequency of these reviews is established prior to the placement of an employee in the Program.
- 7.1.7 The board will endeavour to modify both the work and the workplace to accommodate the needs of permanently disabled employees, provided that it does not cause undue hardship to the board.
- 7.1.8 The Executive Officer Human Resources Services, or designate, and the employee will develop a Remain at Work Plan or Return to Work Plan based on the supported limitations or restrictions. A copy of the Plan will be distributed to all parties, as well as the WSIB for WSIB claims. The initial meeting may include the employee's supervisor and/or union representative. A written Remain at Work Plan or Return to Work Plan may also be shared with the employee's appropriate treating medical practitioner and/or Immediate Supervisor and/or union representative.
- 7.1.9 Any necessary changes to the work environment will take place prior to the employee's commencement of Remain at Work Plan or Return to Work Plan.
- 7.1.10 Should the employee not be able to participate in a Return to Work Plan, the employee and the Executive Officer Human Resources Services, or designate, will maintain regular contact. Ongoing, updated documentation will be obtained to determine when participation in the Return to Work Plan will be feasible.
- 7.1.11 The employee may be required to participate in a Functional Abilities Evaluation (FAE) and/or Independent Medical Evaluation (IME), conducted by a third party, to determine limitations and/or restrictions and to assist in the development of an individualized Remain at Work Plan or Return to Work Plan. A Physical Demands Analysis or job description, if available, may be provided to the health professional for review. Where functional abilities information is not available, the WSIB Standard Precautions may be used as a guide for developing an appropriate return to work plan. Costs associated with a request(s) for IME and FAE documentation by the Executive Officer Human Resources Services, or designate, will be borne by the board. The Individualized Remain at Work Plan or Return to Work Plan may include the following information:
 - i. essential job duties/tasks
 - ii. specific physical requirements
 - iii. restrictions and limitations
 - iv. work schedule
 - v. follow-up work assessment date(s) by the Executive Officer Human Resources Services, or designate
 - vi. a gradual resumption of duties assigned under the Disability Support Program

- vii. a gradual increase in hours worked
- viii. expected date of completion of plan
- ix. signatures of employee, Executive Officer Human Resources Services, or designate, Principal/Vice-Principal or Immediate Supervisor, appropriate treating medical practitioner(s), union representative
- x. next meeting date
- xi. conditions for withdrawal of the individual from the Program

Regular follow-up meetings may occur during the Remain at Work Plan or Return to Work Plan to ensure that the employee's needs are being met and to make any necessary changes to the modifications or accommodations should there be a change in the employee's restrictions or limitations.

- 7.1.12 The employee continues to participate in their Remain at Work Plan or Return to Work Plan until they have reached Maximum Medical Recovery and are working at full capacity within any restrictions or limitations, including those that may be permanent in nature.