

Early and Safe Return to Work Program



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Preamble:

Section 40(3) of the Workplace Safety and Insurance Act (WSIA) states that “employers primarily engaged in construction and worker who perform construction work shall co-operate in a workers early and safe return to work and shall do so in accordance with such requirements as may be prescribed.” Subsections (1) and (2) do not apply with respect to those employers and workers.

Subsections (1) and (2) of Section 40 of the WSIA relate to employers and workers Early and Safe Return to Work obligations. Having referenced that document it is important to note that the WSIA is currently consulting with employer/worker groups from the construction industry in order to consider new regulations for the management of Construction Industry Early and Safe Return to Work requirements. In order to ensure ongoing legislative compliance, the Health and Safety Coordinator will continually monitor the WSIB website to obtain information if the Boards’ position changes (and subsequently if the WSIA changes) with respect to this process. If changes do occur, the President will be responsible for the update and revision of this program.

Scope:

This program affects all full time and part time workers during normal operational seasonal time frames.

Program:

Bernard Rochefort Ltd. supports the concept of an early and safe return to work when medically appropriate. Bernard Rochefort Ltd. will make every reasonable attempt to assist in the rehabilitation of its workers by providing meaningful modified / transitional work whenever and wherever possible. Where possible, this modified work / transitional work will be provided at no wage loss to the worker.

For a period of 6 to 8 weeks following a workplace injury or illness, Bernard Rochefort Ltd. will make every effort to provide suitable modified work within functional abilities.

For a longer period of time, as may be medically required, the Health and Safety Coordinator, along with the President, will consult to determine whether an extension of the program is beneficial to the expected long term recovery of the worker and if the company has sustainable work to accommodate the worker further, noting the seasonal nature of this industry.

Regular updated medical reports that provide functional abilities information, along with modified work plans, and dialogue with the worker and the WSIB will be necessary to review the worker’s level of ability and continued availability of suitable work during this program. Extension of the program will be determined on the basis of these reports and the likelihood of additional accommodations allowing this worker to return to pre accident employment. The duration of the extension will be at the discretion of the employer with consideration given to the worker’s needs, the collective bargaining unit and the availability of sustainable, meaningful work.

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The purpose of this Return to Work (RTW) policy is:

- to provide for the early and safe return to work of injured employees
- to provide meaningful employment for employees who are may be impaired due to an injury in the workplace
- to assist the worker to regain his/her ability to perform the essential duties of their pre-injury job

Roles and Responsibilities:

Worker:

As part of the Workplace Safety and Insurance Act (Section 40(2)(a-d)) the worker is expected to cooperate with an early and safe return to work by:

- contacting the employer as soon as possible after injury and maintaining weekly telephone contact with the assigned supervisor throughout the period of recovery assisting the employer to identify suitable employment that is available and within functional abilities and, when possible, restores earnings level;
- providing information to the WSIB as requested by the WSIB about his return to work;
- providing the WSIB with other information that they may require.
- attending medical appointments

As Part of the Bernard Rochefort Ltd. Early and Safe Return to Work Program the expectations of the worker are as follows:

1. Get proper medical treatment immediately following a work-related injury or illness and follow the recommendations of the health care providers.
2. Report the injury to the employer as soon as possible with the FUNCTIONAL ABILITIES FORM (Form 8). Stay in contact with the employer throughout the recovery, to keep the company informed about the progress and status.
3. Give his/her WSIB case manager or WSIB nurse consultant any information requested concerning his/her return to work.
4. Report any **significant change** in his/her medical condition or income that may affect his/her benefits immediately to the assigned supervisor. The employee must report any material change in his/her status within 10 days of the change occurring. Significant changes include: returning to work, beginning to receive other income or government benefits and/or significant changes in his/her medical condition
5. Co-operate with the employer and the WSIB in his/her early and safe return to work.

Accountabilities:

Workers who fail to uphold their responsibilities are subject to action by the Workplace Safety and Insurance Board for possible noncompliance.

Supervisor:

Once a worker has been injured, the supervisor is responsible for investigating the accident to work towards prevention. Once this has been completed the supervisor must make an immediate offer of light work to the worker. Although the supervisor may not have a Functional Abilities Form at the time, there

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are reasonable precautions to be considered for most types of injuries and the attached document can be used as a guide when considering that initial offer.

Once the worker has provided medical documentation to support his functional abilities and has accepted the offer of work, the supervisor must, together with the worker, develop a modified work plan that will allow for work that is WITHIN THE WORKERS FUNCTIONAL ABILITIES. The supervisor must keep in mind that the work needs to be meaningful, within precautions and available to the worker. The Health and Safety Coordinator must be contacted at this point and advised of the development of the Modified or Early and Safe Return to Work Plan. The Coordinator can and will provide assistance and will manage the program with the Supervisor.

Once a signed plan is completed, PRIOR to the worker performing the work, the document will be given or faxed to the Health and Safety Coordinator who will review it to ensure that the work is appropriate.

The supervisor will be responsible for checking in with the worker during the course of the program on a daily basis and for providing ESRTW (Early Safe Return to Work) Plans on a weekly or bi weekly basis, depending on the period of time authorized by the Functional Abilities Form. The supervisor will ensure that all forms are given to the Health and Safety Coordinator. IF at any time the worker reports difficulty with his program, develop new tasks that he feels more comfortable with and advise the Health and Safety Coordinator immediately who will work with the worker, the treating physician and the WSIB to determine if the worker requires additional treatment and perhaps lost time or if the worker's plan needs to be adjusted.

Responsibilities and procedures:

The employer or employer representative is required to:

1. Report the injury to the WSIB
2. Document any medical concerns and first aid treatment. Supervisor and Health and Safety Rep to complete accident investigation report.
3. If the worker requires more than first aid, the worker is sent for medical treatment and provided with a FUNCTIONAL ABILITIES FORM (Form 8) and an offer of at least sedentary duties in writing.
4. Stay in regular contact with the employee throughout the recovery. For example, a telephone call once a week, that should be recorded on paper (such as the date, time and topic) and kept in the employees file with the medical documentation.
5. When the doctor or worker returns the FUNCTIONAL ABILITIES FORM, meet with the worker and anyone else in the company involved in the return to work process and discuss suitable work to match restrictions provided.
6. Compare the Functional Abilities with the physical requirements (essential duties) of the pre-accident job. Modify the pre-accident job to the functional abilities if possible or necessary.
7. If it's not possible to modify pre-accident job to worker's abilities, then find other suitable work within his/her functional abilities.
8. Attempt to provide the employee with *suitable work*. This is work that:
 - Is safe and within his/her physical capabilities
 - The employee has the skills to do or that can learn the skills to do
 - Restores his/her pre-injury earnings as much as possible
9. Give the WSIB any information requested about the employees return to work.

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The Supervisor must advise the Coordinator immediately as soon as the worker has been cleared to regular duties.

Accountability:

Supervisors are accountable to the President. IF supervisors do not provide the necessary documentation and make an offer of light work and manage the light work, they will be subject to progressive discipline with Bernard Rochefort Ltd. This is due to the fact that we must ensure we always have adequate documentation to provide to the WSIB, when requested, and to ensure that we meet the needs of the WSIA.

Health and Safety Coordinator:

The Health and Safety Coordinator will provide ongoing support to both the worker and the supervisor during the course of the program.

The Coordinator will be responsible, upon receiving confirmation from the supervisor, that modified work has been offered and to relay this information to the WSIB. This information must include the details of the offer (what type of work has been offered and the worker's response to the offer) and information confirming the workers earnings.

The Coordinator will review the plans on a weekly basis to ensure the appropriateness of the work and to measure the success of the program, and will stay in close touch with the supervisor, the worker and the WSIB during this time frame.

Upon completion of the program, and once the worker has been cleared to regular duty, the Coordinator will be responsible for advising the WSIB of this return as soon as possible.

Accountability:

If the H&S Coordinator fails to provide the necessary documentation or information to the WSIB when requested, the employer faces potential penalties and the worker may deal with delays in his or her claim. As such, the H&S Coordinator will be held accountable to the President and will be subject to the disciplinary process for failing to comply with this process.

The WSIB:

1. Will help the employee understand:
 - What to expect through the Return to Work (RTW) process
 - What the employee and employer are expected to do
 - His/her rights and obligations
 - Who to ask for help
2. Monitor his/her activity, progress, and cooperation between the employee and the employer throughout the RTW process.
3. Obtain and clarify functional abilities information.
4. Assess the need for Work Reintegration services if return to work is unlikely.
5. Help resolve difficulties and disputes through the process.

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6. Provide ergonomic and/or mediation services, and/or site visits to help the employee and the employer through the process.
7. Make decisions on all claim-related and compliance issues.

President:

The President will meet with the Health and Safety Coordinator in those situations where the modified work is required for longer than the 6 to 8 week program timeframe to determine if additional accommodations can be provided should the seasonal nature of the work become a factor. Other elements that could affect this work are the ongoing availability of lighter work in this moderate/heavy work industry. Every reasonable attempt will be made to accommodate.

Health Care Providers:

The Physician (chiropractor or physiotherapist) are expected to provide ongoing medical documentation pertaining to functional abilities so that the employer is able to provide accommodated work. The health care provider is also to provide detailed information to the WSIB with respect to specific medical findings. The employer is only entitled to receive information pertaining to functional abilities from this individual unless the worker has agreed to the release of additional information and has provided signed written consent.

Co-Workers:

Co-Workers can play an important role in the RTW (return to work) process. The role of the co-worker becomes more prominent once the injured worker returns to work. They can help ensure that the workers return goes smoothly on a day to day basis. Co-worker relations play an important role in the RTW process.

Enforcement:

The Health and Safety Coordinator will monitor the worker's progress and communicate with the WSIB. The Coordinator will review the modified/ESRTW plans and, if the supervisor is not providing these plans, the Coordinator will discuss discipline with the President in those cases. If the worker is not cooperating with the plan, doing work that is outside his precautions or not doing the work, or not providing the required information, the Coordinator will seek support and intervention through the WSIB in this matter.

Measurement:

The Health and Safety Coordinator will track modified work days and will report on these factors with the quarterly accident analysis.

Approval & Acknowledgement:

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Rhéaume Rochefort

Feb 1st, 2018

Date:

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