

RTW PROGRAMS

WHAT IS RETURN TO WORK?

- Return to Work is a proactive approach to helping injured workers return to safe and productive work activities as soon as it is physically possible.
- It is a partnership involving;
 - employers, workers, health care providers, unions, WSIB Representatives, Joint Occupational Health & Safety Committees and the Board, and
 - is designed to minimize the impact of workplace injuries.
- The primary goal of a Return to Work Program is to return injured workers to their pre-accident jobs.
 - a RTW Program must also strive to restore all injured workers to the economic, social and vocational status that they had prior to the injury.
- Return to Work Plans, are;
 - individually designed for each injured worker as a short-term accommodation, working towards a common, primary goal.
 - have time frames and schedules that are transitional and depend on the type of injury, physical abilities and limitations, skills, and pre-accident employment duties of the injured worker.

WHY ESTABLISH A RETURN TO WORK PROGRAM?

- To reduce the social and economic costs of workplace injuries.
 - accident prevention is the best way to reduce overall injury costs,
 - an effective workplace RTW Program is the best way after an injury has occurred.
- Integral to preventing permanent disability is early assistance in helping workers return to work as soon as it is physically possible.
- Return to Work Programs improve communication and clarifies the roles of each of the participants in the workplace partnership.
- In order to comply with the law.

WHAT ARE THE LEGAL REQUIREMENTS OF RTW?

Human Rights Code

- Freedom of Discrimination, Section 5 (1).

Workplace Safety & Insurance Act

- Early & Safe return to Work Section 40.
- Re-employment Obligation, Section 41.

Collective Agreements

PRINCIPLES OF RETURN TO WORK

- } Joint Responsibility and Development.
- } Involvement of the Injured Worker.
- } Communication.
- } Rehabilitative Focus.
- } Work Similar to Pre-Injury.
- } Meaningful, Productive and Value Added Work.
- } Functional Abilities.
- } Skills and Aptitudes.
- } Progressive Return.
- } Commitment.

DEVELOPING AND IMPLEMENTING A RETURN TO WORK PROGRAM

- ♣ Involve And Communicate With The Workforce.
- ♣ Organize A Joint Return To Work Committee.
- ♣ Evaluate The Needs Of The Workplace.
- ♣ Develop A Formal Understanding & Return To Work Policy Statement.
- ♣ Develop The Scope Of The Return To Work Program.
- ♣ Formulate Objectives For The Return To Work Program.
- ♣ Design And Implementation Of The Return To Work Program.
- ♣ Organize The Return To Work Team
- ♣ Develop Rules And Processes.
- ♣ Facilitate Communication, Education And Promotion.
- ♣ Conduct Program Evaluation And Assessment.

CRITICAL SUCCESS FACTORS

- gain support of senior management and union/worker representatives.
- develop goals and objectives that will provide focus to the return to work committee and develop commitment to the principles of the program.
- conduct education and awareness sessions with staff on the principles and purposes of the return to work program.
- ensure that the joint return to work committee is comprised of individuals with a broad knowledge of the workforce who have the respect of union, management and staff alike.
- ensure that the RTW coordinators have a broad knowledge of the workplace, a sincere concern for individuals and the ability to carry out the diverse duties required.
- develop a database of job options within the workplace to support return to work efforts, track potential job accommodations and other information critical to the success of the program.

CRITICAL SUCCESS FACTORS

- the joint return to work committee should clearly outline the roles and responsibilities of all stakeholders in the return to work process.
- document policies and procedures.
- the joint return to work committee should develop methods for monitoring, evaluating and improving the return to work program.
- maintain emphasis on early assistance and timely return to work.
- document each return to work plan.
- devise return to work strategies that fit the needs of the workplace and its workers.

DEVELOPMENT OF INDIVIDUAL RETURN TO WORK PLANS

- The RTWC will provide the injured worker with an information package.
- The RTWC will contact the injured worker within 24 hours of the occurrence of the injury, depending on the severity of the injury.
- The RTWC will ensure that the completed Functional Abilities Form is returned.
- Once the functional abilities of the injured worker have been identified by the health care provider, the RTWC compare this information to the existing (pre-injury) Job Task Analysis.
 - A determination is then made as to whether or not it is necessary to modify the pre-injury job to accommodate the injured worker's abilities.
- The Return to Work Team must determine the duration and progression of the individual Return to Work Plan.
 - Based on information from the health care provider, as provided by the injured worker, the team develops the plan with gradual increases in duties, hours of work, etc.

DEVELOPMENT OF INDIVIDUAL RETURN TO WORK PLANS

The RTW should ensure that the injured worker's immediate Supervisor has a copy of the Return to Work Plan and is informed about the worker's capacities and the goals and expectations of the plan.

- The Supervisor should advise the injured worker's co-workers that he/she will be returning and explain the basics of the individual's Return to Work Plan.
- The Supervisor should emphasize the need for peer support and the cooperation of co-workers.
- The RTWC and Supervisor should monitor the progress of the injured worker at regular intervals.
- The Return to Work Team should keep the Joint Return to Work Committee informed of any program issues that arise so that improvements can be made to the overall workplace Return to Work Program.
- Amongst all parties and at all times, confidentiality must be maintained.

TYPES OF ACCOMMODATIONS

- Temporary Accommodation.
 - Transitional duties
 - Lesser duties
 - Alternate duties: The worker performs duties outside the scope of his/her original position, but within his/her physical abilities.
 - Reduced hours

- Temporary Accommodations as Treatment.
 - Work Hardening
 - Graduated Return to Work Program

- Permanent Accommodations.
 - Modified Job
 - Alternate/New Job

FILE MAINTENANCE

- Injured worker's home address and phone number.
- List of contact names.
- injured worker's primary health care provider.
- WSIB Adjudicator.
- Injured worker's Supervisor, and union representative.
- Completed internal accident reporting forms.
- Copy of WSIB Accident Report.
- Pre-injury Job Task Analysis.
- Completed Work Readiness Form.
- Other pertinent reports from health care providers.
- All correspondence between members of the Return to Work Team (Include notes of telephone conversations and meetings with the Return to Work Team members).
- An inventory of the worker's transferable skills and abilities.
- Individual Return to Work Plan, including time frames, goals, job duties, etc.
- Copies of WSIB monthly injury cost statements.
- Reports of progress.

SAMPLE PROGRAMS

COMPARISON OF FACTORS INFLUENCING BUSINESS

1950's

- Few competitors.
- Slow market change.
- Stable. products/service.
- Local geography.
- Slow tech. change.
- Status quo.
- Simple legislation.

1990's

- Global competition.
- Rapid market change.
- Evolving products/services.
- Global marketplace.
- Rapid tech. change.
- Constant change.
- Complex legislation.

COMPARISON OF BUSINESS ORGANIZATIONS

Historical Model

- Pyramid-power at top.
- Control/compliance.
- Rules/policies/ regulations shape work.
- Info to few.
- Narrow job descriptions.
- One person/one job.

Today's Model

- Flat-power dispersed.
- Responsibility disseminated.
- Creativity rewarded.
- Fewer rules & policies.
- Info to all.
- Job rotation.
- Team approach.

FIVE STYLES OF RESOLVING CONFLICT

- Forcing.
- Withdrawing.
- Smoothing.
- Compromising.
- Problem Solving.

ALL DISPUTES ARE RESOLVED IN ONE OF THREE WAYS

- By exerting power.
- By exercising rights.
- By reconciling differences while advancing own interests.

BARGAINING STYLES

Positional

Bottom-line Bargaining
Traditional Negotiations

Mutual Gains

Interest base Negotiations
Win-win bargaining

TRADITIONAL BARGAINING

- The more that the position is clarified or defended from attack, the more committed the negotiators are to that position.
- The strategy is invariably, start with an extreme position, stubbornly hold on to it by deceiving the other party as to your true views, and allow small concessions only as necessary to keep the negotiations ongoing.
- Positional bargaining can create barriers to settlement.

RTW NEGOTIATIONS

- This technique is designed to allow parties to facilitate a process that is conducive to achieving solutions that please all interests.
- It is a technique that attempts to depart from confrontation and concentrate on problem solving, using well researched suggestions and effective consensus building.
- Instead of demanding and threatening, the parties will explore options that can be measured critically against objective standards.

TOOLS TO ASSIST IN BARGAINING ACCOMMODATION

- Human Rights Guidelines.
- Arbitration awards.
- Alternative funding sources/subsidies.
- Accommodation cost analysis.
- Employer tax benefits/incentives.
- Duration and extent of accommodation.

TOOLS TO ASSIST IN BARGAINING ACCOMMODATION (continued...)

- Number of other accommodation requests/saturation.
- Impact/success of previous accommodation attempts.
- Effect on morale and productivity of other employees.
- Interchangeability of workforce/workplace.
- Possible safety concerns.

WHY HAVE RTW COLLECTIVE AGREEMENT LANGUAGE?

- To guarantee union participation in the RTW process from the outset.
- To provide an effective policing mechanism.
- To provide a mechanism that considers issues that face workers.
- To provide an effective enforcement mechanism.
- To provide all workers equal rights.
- To negotiate improvements to statutory minimums.
- To address the union's liabilities under the *OHRC*.

EARLY AND SAFE RETURN TO WORK
COLLECTIVE AGREEMENT LANGUAGE (Sample)

- The employer agrees to offer every disabled worker, regardless of cause, suitable and safe employment upon the employee's medical clearance to return to work, which shall continue as long as the disability lasts, and shall do so according to the procedures explained in Appendix # ?
- The employer agrees that any accommodation of disabled employees will be facilitated by a joint accommodation committee consisting of an equal number of union and management representatives.

**EARLY AND SAFE RETURN TO WORK
COLLECTIVE AGREEMENT LANGUAGE (Sample)**

- The employer and the union agree that no section of this collective agreement acts to override any provision of any applicable Federal or Provincial Statute.
- The employer and the union agree that any section of the collective agreement that may be found to have an adverse discriminatory effect on an employee or group of employees, can be amended by mutual consent of the parties, during the term of the collective agreement.

**EARLY AND SAFE RETURN TO WORK
COLLECTIVE AGREEMENT LANGUAGE (Sample)**

- The employer shall provide the union with a copy of the Employer's Report of Injury or Disease (Form 7) when submitting same to the Workplace Safety and Insurance Board (WSIB) in order to discuss with the employee any errors or omissions which may exist.
- The employer agrees to provide to the union, any return to work plan, Functional Abilities Information, or other prescribed information and/or correspondence between the employer and the WSIB in regards to an employee's WSIB claim.

EARLY AND SAFE RETURN TO WORK
COLLECTIVE AGREEMENT LANGUAGE (Sample)

- The employer agrees that there will be no reduction in any employment benefit due to hours absent because of sickness or injury, which the employee's treating physician determines has arisen out of the course of employment; including but not limited to, seniority, pension credits, vacation pay, or medical/dental coverage.