

POLICY	
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Work Integration	

1. Policy Statement

The primary focus of the new policies, which took effect on July 15, 2011, is to return injured/ill employees **back to work with their injury employer** to the extent possible. The WR policies integrate the legislative provisions of Return to Work, Re-employment, and Labour Market Re-entry.

2. Purpose

Work Reintegration (WR) is a return to work process mandated by WSIB which came into effect July 15, 2011. WSIB WR policies are aimed at ensuring that an employee has the best opportunities available for successful return to work with their employer or, if required, in the labour market.

3. Scope

Work Reintegration is the process of returning to work following a period of disability. It encompasses the many ways in which this can happen. For example, a graduated return to work, workplace accommodations, and/or retraining to return to work with either the injury employer or a new one.

4. Definitions

Not Applicable

5. Policy & Procedures

Work Reintegration Principles

This policy sets out general Work Reintegration principles:

- Appropriate and early work reintegration maintains an employee's dignity and productivity and plays an important role in their recovery and rehabilitation.

- Where barriers occur, they are responded to quickly through early support and intervention.
- An employee's prospects for successful work reintegration both in the short and long term are often best achieved by maximizing opportunities for return to work with the injury employer, including retraining for a suitable occupation (SO) with that employer.
- When necessary, an employee will be offered programs that are of high quality and practical.

Work Reintegration Process

- Starts as soon as the employer learns that an employee has suffered a work-related injury/disease.
- Goals must be set out for the program in order to return the employee to their pre-injury work to the best extent possible.
- The employer will make reasonable accommodations for the employee during this process, to the point of undue hardship.
- Work reintegration continues throughout the recovery and impairment period.
- Adapts to changes as they arise.
- Includes a stay at work process

Stay at Work Process

In cases where the employee has remained at work or has returned to work soon after the injury, but

- Is experiencing a wage loss due to the work-related injury/disease, or
- There is evidence of a permanent impairment (present or likely), or
- Job suitability concerns exist.

Responsibilities

Workplace parties are expected to work together to monitor the employee's recovery and progress towards the final WR goal. The WSIB will review these cases as appropriate.

Suitable Work

During the Work Reintegration process, injured employees will be offered suitable available work.

Suitable work means: post-injury work that is safe, productive, and consistent with the Employees functional abilities and that, to the extent possible, restores the Employee's pre-injury earning.

Available work: work that exists with the injury employer at the pre-injury worksite, or at a comparable worksite arranged by the employer.

The WSIB plays a direct role in supporting work reintegration. If the workplace parties have not been successful in returning the injured employee to work, WSIB will meet with them no later than 12 weeks from the date of injury. WSIB will provide specialized work transition services between six and nine months from the date of injury.

Responsibilities of the Workplace Parties

Workplace parties must cooperate with each other and the WSIB in the RTW process by:

- Initiating early contact;
- Maintaining appropriate communication throughout the recovery period;
- Identifying and securing WR opportunities for the employee;
- Giving the WSIB all the relevant information concerning the Employees WR;
- Notifying the WSIB of any dispute or disagreement concerning the Employee's WR.

The Corporation

- Cooperate in the work reintegration process.
- Offer modified duties and or accommodations during the work reintegration process.
- When applicable, the employer may have the obligation to re-employ an injured employee who has been unable to work as a result of their work-related injury.

WSIB

- Provide education and support to support the workplace parties' efforts and ensures compliance of their obligations.

Penalties for non-co-operation for both employees and employers

Employee non-co-operation penalty

- Reduction of wage loss benefits by 50 per cent (if continues beyond 14 calendar days, the employee's wage loss benefits may be further reduced or suspended)

Employer non-co-operation penalty

- 50 per cent of the cost of the employee's wage loss benefits (if continues beyond 14 calendar days, 100 per cent of the cost of the employee's wage loss benefits, plus 100 per cent of the costs of the employee's work transition services, with the possibility of the full combined penalty lasting up to 12 months).
- Small employers (i.e., who employ fewer than 20 employees) are given a longer period to come into compliance, in recognition that they may not have the capability or resources immediately available to achieve WR outcomes

Employee and employer co-operation obligations continue until any remaining loss of earnings benefit to the employee is locked in at 72 months following the date of injury or the date there is no longer an employment relationship for reasons unrelated to the injury/illness, whichever is earlier.

Re-employment Obligations

Employers have an obligation to re-employ their injured Employees if the following 3 conditions are met:

- The Employee has been "unable to work" as a result of the work-related injury/illness;
- The Employee was continuously employed for at least one year before the date of injury/illness;
- The employer regularly employs more than 20 employees.

Determining Suitable Occupation

When workplace parties are unable to arrange a return to suitable and available work, a **work transition assessment** is provided to determine what help an employee may need to return to work with the injury employer or a new one. In most cases this assessment will be completed 6 to 9 months after the date of injury.

Following the assessment, the WSIB collaborates with the employee and employer to determine a suitable occupation for the employee.

- Employees are provided with meaningful input and choice in the process
- Enhanced Work Transition plans that can maximize earning potential are explored for young employees who are between the ages of 15 and 24 (on the date of injury), are not students, apprentices or learners, and have not had a chance to establish their earnings profile.

In determining a Suitable Occupation, the WSIB works with the employee and the Corporation and considers:

- The Employee's functional abilities;
- The Employee's employment-related aptitudes, abilities, and interests;
- What jobs are available with the injury employer through direct placement, accommodation, or retraining;
- Labour market trends, and the likelihood of the employee being able to secure and maintain work within the occupation with another employer, and;
- In accordance with applicable human rights legislation, any pre-existing non-work-related condition(s) (e.g., including non-physical disabilities such as a learning disability) an Employee may have, as well as any other human rights-related accommodation requirements.

Work Transition Plan

This policy outlines work transition services for employees who need help to return to work in a different job with the injury employer, or to return to work with a new employer.

The injury employer may be involved in the development of the work transition plan from the beginning. The WSIB develops the Work Transition Plan with the injured employee, the injury Employer and, where appropriate, the union representative. All parties must sign the agreed upon plan. In some cases, the RTW Coordinator may sign on behalf of the employer.

Employees are provided input into what upgrading/retraining program they take and their choice of educational institution.

Work transition plans will not generally exceed three years, with one year for academic upgrading and two years for re-skilling / retraining.

Some employees retrain best by direct training on the job - these programs will last between four and 26 weeks.

Employees may receive job search training for two weeks, and job placement services for 10 weeks.

For qualified employees over 55, there is an option that allows them to plan their own work transition. These employees can either participate in a work transition plan with the WSIB or choose to self-direct their own plan over a period of 12 months and find employment on their own.

Work Transition Expenses

The WSIB pays expenses that it considers appropriate for employees to participate in Work Transition assessments or plans.

Before the Work Transition plan starts, expenses such as tuition fees, books, supplies, special accommodation needs, equipment and travel are agreed to.

The Corporation will work with the WSIB to monitor the ongoing expenses of the Work Transition Plan.

Relocation Services

Relocation is a work reintegration option that may be considered when a suitable occupation (SO) is not available with the injury employer or in the local labour market

The WSIB will pay for appropriate expenses directly related to the employee looking for work in the broader labour market

Once the employee has secured a job in the broader labour market, the WSIB will pay for appropriate expenses associated with that relocation

The decision on whether to relocate is the injured employee's.

6. Summary

Evaluation

This policy will be reviewed annually.

Legislation/Standards/Regulations

Ontario Occupational Health and Safety Act