

Return to Work Policy

Purpose/Rationale:

The Humber College Institute of Technology and Advanced Learning and the University of Guelph-Humber (hereinafter referred to as the “College” or “Humber”) value the contributions their employees make to the overall goals and objectives of the College. The College is committed to providing a cooperative and proactive environment to assist and support those employees who are unable to perform their job responsibilities as a result of an occupational or non-occupational injury or illness. Humber recognizes the potential impact of illness or injury on its employees and their abilities to fully perform their assigned job activities, and strives to support employees as they return to work when medically able, recognizing that re-engagement brings health benefits to employees.

This Policy is written with the intent of promoting a fair and just process that is respectful of each employee’s individual health situation and rights while also administering the business of the College in a responsible manner, supported by sound expert advice and transparent processes.

More specifically, the objectives of this Policy are:

- (a) To confirm the College’s commitment to providing appropriate support and assistance to employees over the course of the employee’s recovery, and their safe and timely return to meaningful work;
- (b) To set out a Return to Work management framework within which individual Return to Work cases are managed;
- (c) To outline a process to accommodate employees who have medical restrictions and limitations with respect to their Return to Work;
- (d) To promote the administration of Return to Work process in a fair and supportive manner;
- (e) To ensure that all individuals involved in the Return to Work are treated with dignity and respect; and
- (f) To comply with the requirements of applicable policies and procedures, collective agreements and relevant legislation, including but not limited to the *Ontario Human Rights Code* and the *Occupational Health and Safety Act of Ontario*.

This document is available in alternate format on request.

Scope:

This Policy applies to all College employees, including full-time and partial-load employees covered by the Academic Employees collective agreement, full-time and part-time support staff covered by their respective Support Staff collective agreements, and non-unionized and administrative staff, who are absent from work as a result of an occupational or non-occupational illness or injury, and/or who may require workplace accommodations as a result.

Definitions:

Disability: is defined by the [Ontario Human Rights Code](#) as:

- (a) 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,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Medical Restrictions and Limitations: **Restrictions** are those physical or mental activities that an employee is not able to carry out and are to be avoided, as a result of the employee's medical condition or treatment, or in order to prevent an increase in severity of symptoms. **Limitations** are those physical or mental activities that an employee may carry out but only in a limited capacity, as a result of the employee's medical condition or treatment, or in order to prevent an increase in the severity of symptoms. To support the Return to Work process, an employee will provide the College with medical documentation that outlines their restrictions and/or limitations as completed by their physician or health care provider.

Modified or Transitional Duties: Alternate work, task, function or combination thereof that an employee who requires accommodation may perform safely, which may or may not normally have been performed by that employee prior to the occupational or non-occupational illness or injury. Examples of modified or transitional duties include but are not limited to:

- Reduction in hours worked
- Change in shift or rotation
- Reduction in the volume of work
- Modification to regular duties
- Placement in a different position
- Work hardening (gradual reintroduction of work tasks)
- Job sharing/splitting
- Placement in a different location

The assignment of modified work will be dependent on the employee's functional abilities and is based on whether the employee can physically, psychologically and vocationally perform the tasks without aggravating the injury or illness and not impeding recovery.

Non-Occupational Injury or Illness: An injury or illness not arising as a result of workplace duties, activities, exposures and/or other workplace factors.

Occupational (work-related) Injury or Illness: An injury or illness arising as a result of workplace duties, activities, exposures and/or other workplace factors.

Personal Health Information: Under the *Personal Health Information and Protection of Privacy Act*, personal health information is considered to be individually identifiable information that pertains to an individual's health status, including information about the individual's physical or mental health, health care services, test results, identification of health care providers and/or health number.

Reasonable Accommodation: Is an individualized process which, to the point of undue hardship, involves the implementation or modified or transitional duties for the removal or alleviation of barriers that prevent an otherwise capable individual from participating equally in the workplace because of a disability, in accordance with the [Ontario Human Rights Code](#).

For the purpose of this document, “reasonable accommodation” and “accommodation” are used interchangeably.

Return to Work (RTW): the process of returning to work following a period of disability related to an occupational or non-occupational injury or illness. The primary goal is to return the employee to work that is both suitable and available. Suitable work is safe, productive, and consistent with the employee's functional abilities. This process begins at the time of the injury or awareness of the medical condition or illness, and continues through the recovery or impairment period. Ideally, the employee will return to their pre-injury job, with accommodations if required. At times, it may be necessary to explore temporary alternate suitable work while the employee recovers.

Return to Work Plan: A written document that outlines the steps to help a worker return to suitable and available work. It is an individualized plan developed collaboratively by the College and the employee (and the third party insurance provider for employees returning from a WSIB or long-term disability absence) to ensure that these parties understand what will happen during the employee's Return to Work. The Return to Work Plan will document functional abilities, relevant limitations or restrictions, the work activity identified within the employee's medical capabilities, any stipulations to be observed during the plans duration, meeting timeframes, and evaluation dates for review of progress.

Stakeholders: Although the administration of the disability claim and Return to Work process will depend on the details of a specific employee's situation, relevant stakeholders will include those who have specific knowledge or input into the process. In general, this will include the employee, the employee's manager, the Senior Abilities and Accommodation Specialist, the Human Resources Business Partner, the employee's union representative if requested by the employee, the employee's health care provider, and/or third party insurance providers (e.g. WSIB, Sun Life).

Undue Hardship: The point at which, after examination of all relevant circumstances, it is determined that providing an employee with an accommodation would result in excessive impact on the business or operations of the College. The [Ontario Human Rights Code](#) prescribes three factors to consider when assessing whether an accommodation could cause undue hardship: financial costs, outside sources of funding, and health and safety risks.

Policy:

1. General

- 1.1 **Statement of Commitment:** Humber is committed to providing helpful support and services to its employees who are absent from work as a result of an occupational or non-occupational illness or injury in a caring, supportive, and respectful manner. Each employee case will be assessed on its own merits, in a proactive and fair manner. Humber is committed to meeting its obligations under legislation such as the [Workplace Safety and Insurance Act](#), the [Occupational Health and Safety Act](#), the [Ontario Human Rights Code](#), and the [Accessibility for Ontarians with Disabilities Act](#).
- 1.2 The College aims for a Return to Work Policy that will be beneficial to both the College and its employees and that will include the following elements:
- (a) **Strategies** that support the College's commitment to the timely and safe Return to Work of ill/injured employees and that form a framework within which individual Return to Work cases are managed;
 - (b) **Description of Roles and Responsibilities** for the various stakeholders involved in the Return to Work process;
 - (c) **Return to Work Process** that outlines the steps to be followed in managing individual Return to Work cases;
 - (d) **Dispute Resolution Process** that describes steps to follow when stakeholders are in disagreement regarding the features of a Return to Work matter;
 - (e) **Communication and Training** to build awareness to all stakeholders in the implementation and utilization of the Return to Work process; and
 - (f) **Continuous Improvement** component that sets out a process for regular reviews, as needed, of the Policy.
- 1.3 The Return to Work process is based on the principle of a timely and safe Return to Work for ill and/or injured employees. Communication with the employee about resources available, the claims administration process, the Return to Work process, including readiness to Return to Work, will be started shortly after an employee becomes ill or injured, and will continue throughout the employee's recovery and return to the workplace. The employee will begin to resume work duties as soon as practicable once the employee is deemed medically fit to do so.
- 1.4 Medically supported reasonable accommodations will be provided for employees with temporary or permanent medical restrictions and/or limitations. The principles and practices followed will be consistent with those outlined in Humber's [Accommodation for Employees with Disabilities Policy](#) and the [Ontario Human Rights Code](#). For employees who require accommodation upon their return, appropriate measures will be incorporated in the Return to Work Plan based on the employee's individualized restrictions and limitations, and in a manner that respects the dignity, privacy and self-esteem of the employee.
- 1.5 This Policy recognizes the joint responsibility of Humber, including management, Human Resources, Occupational Health and Safety, the employee and their union representative (if applicable), to cooperate and participate in the Return to Work process and the rehabilitation of the employee.

2. Confidentiality of Information

- 2.1 The College is committed to protecting the confidentiality of employee personal information, including personal health information, which may be gathered through the claims administration, the Return to Work and/or accommodation processes within Occupational Health and Safety Services.
- 2.2 Employees who are off from work due to illness or injury may be asked for personal information, including personal health information, required to support the disability claims management and Return to Work processes; such information will be used for these purposes only and in accordance with the College's obligations under applicable legislation.
- 2.3 Medical information related to the employee's disability claims management and Return to Work processes shall be kept secure and separate from the employee's regular personnel file.
- 2.4 Only relevant stakeholders will be involved in the development of an employee's Return to Work Plan.
- 2.5 Restrictions and limitations received by Humber concerning an employee's disability shall be disclosed only to relevant stakeholders as necessary in the assessment and development of an effective Return to Work or Accommodation Plan, unless required by law. The employee's personal health information will be collected, used, retained and disposed of in a manner that is consistent with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information and Protection of Privacy Act*.

References:

[Accessibility for Ontarians with Disabilities Act](#)

[Accommodation for Employees with Disabilities Policy](#)

[Occupational Health and Safety Act, 1990](#)

[Occupational Health and Safety Policy](#)

[Ontario Human Rights Code, 1990](#)

[Workplace Safety and Insurance Act, 1997](#)

[Freedom of Information and Protection of Privacy Act, 1990](#)

[Personal Health Information Protection Act, 2004](#)