



Early and Safe Return to Work

1. Overview

The Early and Safe Return to Work procedure (ESRTW) ensures that the employer, the employee, and the WSIB perform their required duties to ensure that a worker who has been injured on the job can return to work in the most suitable capacity in a safe and efficient manner without causing undue hardship.

Most people who have a workplace injury or illness are able to return to some type of work even while they are still recovering, provided the work is medically suited to the injury or illness.

Returning to daily work and life activities can actually help an injured worker's recovery and reduce the chance of long-term disability. In fact, worldwide research shows that the longer you are off work due to injury or illness, the less likely it is that you will return to work.

You, The Bagg Group and the WSIB all have certain roles, responsibilities, and obligations that support early and safe return to work.

2. Definitions:

Suitable Employment

Appropriate employment that injured workers are capable of doing, considering their physical and or emotion abilities and their employment qualifications that will not endanger the health, safety or physical well being of the workers or their co-workers.

Light Duty

The worker is working short term while building strength and tolerance for work following a workplace incident. Duties are altered to match the worker's tolerance level and abilities. The worker may not be in a pre-injury position or performing pre-injury duties.

Modified Duties

The worker is working primarily in a pre-injury position but the duties have been changed and or removed to accommodate the worker's functional restrictions.

Undue Hardship

Any employer's obligation to aid injured workers in returning to work should in no way cause undue hardship to the employer.

3. Applicable Legislation

Workplace Safety and Insurance Acts, 1997 – O. Reg. 175/98: General Occupational Health and Safety Act, S.N.S. 1996, c. 7

In accordance with the Occupational Health and Safety Act, the **duties to co-operate in return to work** are as followed:

- 40. (1)** the employer of an injured worker shall co-operate in the early and safe return to work of the worker by,
 - (a) contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;
 - (b) attempting to provide suitable employment that is available and consistent with the worker's functional abilities and that, when possible, restores the worker's pre-injury earnings;
 - (c) giving the Board such information as the Board may request concerning the worker's return to work; and

(d) doing such other things as may be prescribed.

According to the *Occupational Health and Safety Act*:

Notice of accident, inspection by representative

14. Where a person is killed or critically injured at a workplace from any cause, the health and safety representative may, subject to subsection 51(2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings in writing to a Director.

Notice of occupational illness

51. (2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as are prescribed.

Notice of death or injury

51. (1) Where a person is killed or critically injured from any cause at a workplace, the constructor, if any, and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within forty-eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe.

4. Responsibilities And Procedures In ESRTW

(a) Worker Responsibilities in ESRTW

- Get proper medical treatment immediately following a work-related injury or illness and follow the recommendations of your health care providers.
- Report your injury to your employer as soon as possible, preferably within 24 hours.
- Contact your employer as soon as possible after the injury or illness occurs. Stay in contact with your employer throughout your recovery, to keep the company informed about your progress and status. (For your own benefit, keep a record of those contacts.)
- Help your employer identify suitable work that is available, that is consistent with your functional abilities, and that restores pre-injury earnings when possible.
- Give your adjudicator or nurse case manager any information requested concerning your return to work.
- Report any significant change in your medical condition or income that may affect your benefits (also called a "material change"). If you are in doubt about whether a change is material, contact your adjudicator. You must report any material change in your status within 10 days of the change occurring.
- Workers should document the dates and details of all discussions for future reference.
- Worker's must understand his/her medical information is confidential and he/she is not required to disclose the details of this information to the manager, supervisor, HOWEVER, he/she needs to inform the manager/supervisor and case manager about his/her progress and estimated time of return;
- **Obtain consent from the primary healthcare provider** to send documentation to the employer should this be requested. This information is vital to the return to work planning process.
- Cooperate with your employer and the WSIB in your early and safe return to work.
- Worker's must understand his/her medical information is confidential and he/she is not required to disclose the details of this information to the manager, supervisor, HOWEVER, he/she needs to inform the manager/supervisor and case manager about his/her progress and estimated time of return;

(b) The Bagg Group's Roles & Responsibilities in ESRTW

- Report your injury to the WSIB within the legislated timeframe.

- To contact you as soon as possible after your injury and stay in contact throughout your recovery. Typically contact you within 48 hours of the report of an injury. Early contact is important to provide support, information and guidance.
- Assign a designated case manager to manage your case for the Early Safe Return to Work program who will focus on your needs as a worker, seek out and provide information.
- Offer to re-employ you if you are medically fit to do the essential duties of your job or suitable work if there are 20 or more people working at your company, and you have worked at the company continuously for at least one year.

This duty to re-employ you remains in effect for the earliest of:

- One year after you are declared fit to return to the essential duties of your pre-injury job or other suitable work
- Two years from the date of injury/illness
- The date the worker reaches age 65.

Note: Different rules apply to Construction Sector companies.

- Attempt to provide you with suitable work. This is work that:
 - Is safe and within your physical capabilities
 - You have the skills to do or that you can learn the skills to do
 - Restores your pre-injury earnings as much as possible.
- Give the WSIB any information requested about your return to work.

The Bagg Group - Case Management Process

As your employer, The Bagg Group is responsible for continuous communication before, during and after an Early and Safe Return to Work, coordinating a Return to Work and any applicable modified duties as well as proper reporting procedures. The steps in this process are as follows:

Step I

- Establish strong communication up front with a consistent approach, with all parties involved at the beginning.
- Utilize the case management checklist to ensure proper steps are followed and documented.
- Utilize a set of standard questions when reviewing the incident/injury such as work status, appointments with health care providers, if a medical certificate is required stating the employee is unable to perform his/her regular duties, need for a WSIB claim and if so, development of an ESRTW meeting the needs of the individual.
- Documentation of all interactions, dates, and details of discussions.
- Review of extended absences or frequent absences to determine if disability is an issue.
- Identify any barriers based on communication with the worker.
- Reinforce any healthy behaviours.
- Encourage workers to take accountability and case-manage themselves as much as possible and collaborate with the ESRTW plan.

Step II

- Determine if an ESRTW is required and if the plan requires modified duties, hours and or ergonomic changes to equipment or any tasks.
- Provide the health care practitioner with the RTW plan for input (when necessary).
- Focus and ensure agreement between all parties.
- Re-evaluate any plans that have been assessed to be lagging.
- Document all activities.

Step III

- Coordinate the return to work plan. Communicate any limitations or restrictions.
- Continuous communication to all parties involved.
- Document all activities.
- Ensure any follow up.

(c) The WSIB's responsibilities in SRTW

- Help you understand:
 - What to expect through the Safe Return to Work (SRTW) process
 - What you and your employer are expected to do
 - Your rights and obligations
 - Who to ask for help.
 - Monitor your activity, progress, and cooperation between you and the Bagg Group throughout the RTW process.
 - Obtain and clarify functional abilities information.
 - Assess the need for a Labour Market Re-entry (LMR) Plan if early and safe return to work is unlikely.
 - Help resolve difficulties and disputes through the Return to Work and Labour Market Re-entry process.
 - Provide ergonomic and/or mediation services, and/or site visits to help you and your employer through the RTW or LMR process.
 - Make decisions on all claim-related and compliance issues.
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