Return to Work

Return to Work - Program Overview

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What is an overall return to work (RTW) program?

A return to work program is a workplace's written plan that focuses on finding meaningful and suitable work for workers coming back to the workplace after a work-related injury or illness. The program should include prevention, accommodation, and support for recovery. Through collaboration, the goal of the program is to have the worker return to their pre-injury or pre-illness job, where appropriate, and in a timely manner.

The return to work program outlines the roles and responsibilities of all parties involved. It is a guideline for developing individualized plans for both physical and mental injuries. Return to work programs can also be used to facilitate accommodations for non-work-related injuries. Please note that the employer has a duty to accommodate. For more information about the duty to accommodate and the human rights considerations involved, please see Return to Work - Accommodation and Human Rights in the Workplace.

It is important to remember that the return to work process is not about discovering the medical diagnosis or details, and the workplace must always respect medical confidentiality.

For more information on return to work programs, please see the following OSH Answers documents:

- Return to Work – Accommodation
- Return to Work – Job Demands Analysis
- Return to Work – Functional Abilities Evaluation
- Mental Health – Return to Work

What are the benefits of a return to work program?

A carefully managed, early and safe return to work can be beneficial to all parties.

Generally speaking, the longer a worker is away from work, the less likely they are to return to their pre-injury job. Therefore, it is important to support workers in their return to work, and to work together to bring them back as soon as it is safe to do so.

Some key benefits of an early and safe return to work include:

- Keeping the worker active and engaged in the workplace.
- Maintaining the worker's income through a planned recovery.
- Continuing the worker's contribution to the workplace.
- Reducing the workplace's compensation costs.

While an early and safe return to work is the goal, be aware of situations where returning before recovery may increase the risk of re-injury. Determining the right time for workers to return to work is important.

What are the impacts of a workplace injury or illness?

Workplace injuries and illnesses have financial and psychosocial impacts on both the injured worker and the workplace.

Impacts to the injured worker may include:

- A possible reduction in income or delay in payments.
- A potential for a reduced or fixed income.
- Rehabilitation and additional appointments.
- Anxiety, depression, or other mental health issues.
- Life and family disruption.
- Potentially strained relationships with co-workers.

Impacts to the workplace may include:

- A loss of production.
- A decrease in morale.
- Unscheduled maintenance or repairs.
- A potential increase in compensation costs.
- A decrease in productivity.
- Additional training of workers (new and existing).
- Overtime costs and additional coverage.
- Administrative costs.

These impacts demonstrate why it's important to have a return to work program in place.

What are the common elements in a return to work program?

A return to work program should focus on rehabilitation and make every effort to return the worker to their pre-injury position, or if that is not possible, a position that is comparable in nature and earnings. The program should make sure that all injured workers are treated fairly and consistently. It should have a transitional return to work procedure that clearly defines the accommodation process, as well as describes how the employer will accommodate workers who return with permanent disabilities.

When developing a return to work program, it should be co-written by both worker and employer representatives. This collaboration includes representation from:

- Workers from all areas or departments of the workplace,
- Human resources/benefits managers,
- Management representatives from all departments, and
- Union representation, if applicable.

Senior management should consult with workers and union representatives (if applicable) throughout the creation of the program and policy. Management must also support and give final approval of the program and policy. Return to work programs may involve the health and safety committee or representative when there is the development and monitoring of workplace health and safety, such as safe work procedures as part of the accommodation process.

When the program is developed, a policy will state the overall intentions and direction of the program, in this case, related to return to work. The return to work policy should include the program's scope, principles, and intent.

The return to work program should include the following elements:

- Roles and responsibilities
- Communication
- Prevention
- Accommodation
- Support for Recovery
- Education and training
- Review

See below for more details.

Roles and Responsibilities

The program should clearly outline the responsibilities of everyone involved in the return to work process, including:

- The injured worker
- The employer
- The return to work coordinator (if applicable)
- The human resources representative
- Supervisors, managers, and directors
- Union representatives (if applicable)

The program should also include communication with the treating health care professional and their role in the program.

Communication

Open communication between all involved in the return to work process will allow for a smooth return to the workplace after injury or illness.

After an injury occurs in the workplace, the injured worker must receive the required medical attention. Some workplaces may also have policies that require the supervisor to accompany the injured worker to the hospital or medical clinic.

Depending on the structure of the organization, communication with the injured worker may be conducted by human resources or the return to work team. The worker should expect that someone from the workplace will contact them. By establishing trust and fostering a culture where workers feel comfortable reporting and sharing concerns, workplaces will be better equipped to address any hesitation early in the process.

The injured or ill worker must also communicate with the health care provider to explain the nature of their job and tasks. Workplaces can proactively prepare written communications, such as a letter the worker can give to the health care provider describing the return to work program and the option of modified duties if required. This information should also include a job demands analysis for the worker's job and tasks. The workplace should also provide information for the worker, such as what to expect in terms of next steps, important phone numbers to contact, and any workers' compensation forms that they will need to fill out.

Prevention

Controlling workplace hazards is the most effective and meaningful way to reduce workplace injuries, illnesses, and associated costs. Prevention may also include a "remain at work" element. Remaining at work occurs when, after receiving medical attention, the injured worker returns to meaningful modified work right away (or the following shift), preventing a lost-time injury classification and any additional time away from work. Please note that this option will not be possible every time, and the decision to remain at work must be made on a case-by-case basis in consultation with the health care provider's initial assessment of limitations.

Injury trends should be reported to the employer and health and safety committee (or representative) to ensure that any health and safety-related issues are addressed.

Support for Recovery

The program must include how the injured or ill worker will be supported throughout the process. Support for recovery will include hours of work and a planned progression of work hours. Employers must be flexible and provide the time workers need to attend medical appointments or take needed breaks. In addition, the injured or ill worker may need support from their coworkers to perform certain tasks.

The return to work program should also provide references to the supports available for workers. For example, your workplace may be part of an Employee Assistance Program (EAP) or refer to associations such as the Canadian Mental Health Association (CMHA) or the Canadian Centre on Substance Use and Addiction (CCSA) as examples.

- EAP programs are confidential, short-term counselling services for employees with problems that affect their work performance. The services of EAP providers are often purchased by your company. Check with your human resources department (or equivalent) for contact information.
- CMHA's programs are meant to ensure that people whose mental health is endangered will find the help needed to cope with crisis, regain confidence, and return to community, family, and job.
- The CCSA promotes informed debate on substance use issues, and shares information on the nature, and assists organizations involved in substance use treatment, prevention, and educational programming.

(*We have mentioned these organizations as a means of providing a potentially useful referral. You should contact the organization(s) directly for more information about their services. Please note that mention of these organizations does not represent a recommendation or endorsement by CCOHS of these organizations over others of which you may be aware.)

Education and Training

Providing education and training about the return to work program can show a workplace's commitment to returning injured and ill workers back to work safely, and set clear expectations, roles, and responsibilities for all the workplace parties.

The return to work program should be clearly communicated to all workers in a way that everybody can clearly understand. The details of the program can be presented and reviewed as part of a health and safety or human resources manual, as well as introduced to all new workers through the orientation process.

Refresher education and training may be required:

- As needed to protect the worker's health and safety.
- If workers no longer remember details of the program.
- If the conditions of the workplace have changed.
- When new information becomes available.
- If the program is updated.
- After an injury or illness.
- If there are changes to the legislation.

Workers should know how to access the information available in the program.

Review

As with other components of the workplace health and safety program, the program should be regularly reviewed and evaluated to look for areas of improvement.

An annual review will ensure the program is maintained and current. Always check for any legislative changes that may apply.

Who is involved with developing the individualized return to work plan?

When developing an individualized plan for a specific worker, this planning also often involves establishing a team. Members may include:

- The returning worker and their representative, if requested

- The department manager and direct supervisor
- Human resources representative
- Union representative (if applicable)
- The treating medical professional(s), as appropriate

Everyone should understand their roles and responsibilities in the return to work plan

Are there additional considerations for a mental health return to work plan?

Workplaces should approach the return to work process similarly for both physical and mental injuries or illnesses. Each situation will be unique, but should:

1. Determine meaningful and suitable accommodations based on recommendations from a healthcare professional. These accommodations may be determined with the assistance of a completed cognitive abilities form, functional abilities evaluation, or fit for work assessment.
2. Create a detailed plan with milestone dates, times, tasks, and expectations. Discuss the plan with the individual before they return. Be sure to engage the individual and ask them if they anticipate any issues with the plan. This planning period is also the time to review any procedural, departmental, or organizational changes that may have occurred while the individual was off work.
3. Communicate with the worker's department that the worker will be returning, so the individual can be welcomed back, and any retraining can be organized. Be available to support the coworkers as needed. For example, do not allow gossip and other uncivil behaviours to occur, which can continue any stigma and result in unsupportive work environments.
4. When the individual returns to work, complete an orientation checklist. The orientation should review any changes to the procedures, department, or workplace. Ideally, any changes would be communicated before the individual returns.
5. During the first two weeks back, review the individualized return to work plan. It is important to check in with the returning worker to see how they are doing and if they need any further accommodation to remain functional in their job. The plan should be reviewed by the worker at set intervals to ensure the work is still appropriate and a gradual increase to full duties can be achieved.

What if the worker refuses to cooperate with the return to work process?

Both the worker seeking accommodation and the employer or service provider have responsibilities in the return to work process. The employer's responsibility is to provide reasonable accommodations that are appropriate to the situation.

Workers are expected to be cooperative and reasonable when considering proposals. Workers should not make unrealistic accommodation demands; similarly, employers should offer reasonable and appropriate accommodations.

Often, an employer will take reasonable steps to accommodate, but those steps might not meet the worker's expectations. A worker does have the right to refuse or reject accommodations, but the consequences of doing so depend on the circumstances and the jurisdiction. Workers and employers are encouraged to consult their workers' compensation board or legal counsel to understand their rights and obligations.

Can an employer ask for specific medical information during the return to work process?

No. An employer does not have the right to know the diagnosis of the injury or illness. Employers can, however, request that a worker complete a functional abilities evaluation or a functional capacity evaluation to have a better understanding of the limitations caused by the injury or illness.

The employer has the responsibility to make informed decisions about the return to work and any necessary accommodations. Therefore, if the employer feels they do not have enough information to offer an informed accommodation, the employer can request the worker's consent to retrieve additional information. Requests for further information should be the least intrusive means necessary, meaning employers must request the minimum information needed to make the accommodation decision. This request should only come after proper justification.

If the worker is not providing reasonable information as to how they can be accommodated, or are not assisting throughout the accommodation process, the employer should document all requests for additional information and any offers of accommodations.

Where can I get more information?

There are many return to work resources and guides available. For example*:

- Canadian Human Rights Commission's Workplace accommodation - A guide for federally regulated employers
- Prince Edward Island's Workers' Compensation Board's Return to Work: An Employer's Guide

- Ontario’s Workplace Safety and Insurance Board's Sample Return to Work Plan package

(*We have mentioned these organizations as a means of providing a potentially useful referral. You should contact the organization(s) directly for more information about their services. Please note that mention of these organizations does not represent a recommendation or endorsement by CCOHS of these organizations over others of which you may be aware.)

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