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## WSIB and Return to Work Policy

### Purpose

The Municipality of Middlesex Centre recognizes that our employees are our most important assets. As such, we are committed to providing a safe and healthy workplace. The Workplace Safety and Insurance Board (WSIB) and Return to Work (RTW) Policy is intended to outline the administration of the Workplace Safety and Insurance Act as it pertains to the municipality, is designed for workers who have been injured on the job, and aims to safely return workers to employment at the earliest possible date following an injury or illness.

### Scope

All Municipality of Middlesex Centre employees eligible for approved WSIB benefits.

### Definitions

Accommodation: Any modification to the work or the workplace, including but not limited to reduced hours, reduced productivity requirements, or the provision of assistive devices, that results in work becoming available that is consistent with the worker's functional abilities and that respects applicable human rights legislation.

Productive: Whether the work produces an objective benefit to the employer's business.

Work: Includes the combining of tasks and duties which together may constitute temporary work, as well as a short-term training program which leads to a job with the employer.

Suitable occupation: Jobs suited to a worker's transferable skills that are safe, consistent with the worker's functional abilities, and that to the extent possible restore the worker's pre-injury earnings.

Disability, Total Disability, Disabled, or Totally Disabled: a total and continuous incapacity due to illness or injury and are unable to perform the essential duties of their own or an accommodated position.

OMERS: Ontario Municipal Employees' Retirement System

WSIB: Workplace Safety and Insurance Board

# Policy

In the event of an accident in the workplace, employees must report the incident immediately. If the injury causes the employee to require substantial time away from work or creates a disability that restricts their ability to work, the employee should RTW as soon as it is safe to do so under the guidelines of this policy.

In accordance with legislative and company requirements it is mandatory that all employees participate in the RTW program. It is also mandatory that all employees who sustain a work-related injury report the incident in accordance with protocol.

For the company to properly implement the RTW Policy, it is important that employees provide detailed medical documentation pertaining to their inability to perform their employment duties, so that alternatives may be found. This includes a functional abilities form filled in by their doctor to provide guidelines as to the assess modified work that an employee can perform.

## Work Related Injuries

- Work related injuries that result in absences from work are covered by the WSIB.
- For full-time employees, the Municipality of Middlesex Centre will advance compensation payments up to 85% of the employee's net salary, to a maximum of sixty (60) calendar days, for approved WSIB claims. The employee agrees and understands that the Municipality will receive payment from the WSIB for any amounts that the employee is advanced. These advances are estimated and will be adjusted on the employee's pay after the municipality receives the final WSIB payment. After sixty (60) calendar days, the employee will transition to being paid directly from WSIB. The employee will be required to sign a repayment agreement prior to receiving payment which confirms that they will repay any monies the Municipality provides them in the event that their WSIB claim is denied.
- OMERS contributions will continue at 100% of regular pay during first sixty (60) calendar days. After sixty (60) calendar days, the employee may qualify for a disability waiver where they will continue to accumulate credited service and the plan will cover the employee share and employer share of contributions.
- An employee returning to work on a transitional/temporary modified work schedule will receive regular wages for hours worked and WSIB advances for the remaining hours in the employees regularly scheduled workday, assuming they are still approved for WSIB and it is within sixty (60) calendar days.
- For part-time or contract employees, they will be paid directly from WSIB from the inception of their approved claim.

## WSIB Denied Claims

- If WSIB determines that the injury/illness is not work related, any "advances" that were paid to the employee need to be changed to Sick Leave, if available, and the employee will be required to apply for STD benefits (if the absence continues past

seven (7) shifts). The employee agrees to compensate the Municipality for any advanced amounts that are owed should the STD claim not be approved.

- In the event the employee terminates their employment and appeals the WSIB decision, and the WSIB's decision is then overturned, the employee will reimburse the Municipality for the STD benefits they received.

## **RTW Guiding Principles**

The Municipality of Middlesex Centre is committed to a RTW or work reintegration program as appropriate and as early as possible, that will consider the employee's dignity and support the employee in the transition period following their injury or illness.

The Municipality of Middlesex Centre is committed to addressing any barriers to the employee's successful RTW or work reintegration and to providing any needed interventions.

### Responsibilities

#### Employees will:

- Notify management and Human Resources when they are injured
- Complete and submit all required forms to Human Resources and/or WSIB, ensuring all appropriate medical forms and documentation are submitted
- Establish and maintain contact with their manager regarding their injury rehabilitation progress. Contact should be made as established by the employer.
- Obtain and follow all medical advice, and work towards full recovery.
- Produce documentation from their health care provider to corroborate that they cannot RTW for an extended period of time, and whether or not an RTW plan or accommodation plan could expedite their safe RTW.
- Put forth a reasonable effort to RTW safely as early as possible.
- Provide their contact with all pertinent information that could aid in the establishment of RTW options.
- Participate in the claim adjudication process
- Fully co-operate in the RTW process

#### Management and Human Resources will:

- File WSIB Form 7
- Notify Human Resources immediately when an employee is injured
- Maintain and document all contact conducted throughout the employee's absence.
- Identify employment opportunities based on the returning employees' abilities and limitations.
- Establish a timeline for the return of the absent employee, and any changes in their ability to work.
- Take an active part in the planning and implementation of RTW arrangements for the employee.
- Establish and maintain communication with employees who are absent due to a workplace injury.

- Request that the employee produce documentation from their physician to establish their physical and mental abilities and any information on limitations resulting from the injury through the completion of a functional abilities form.
- Coordinate and implement the RTW process.
- Provide the absent employee with information regarding the RTW process, and ensure that they understand the procedures and their responsibilities.
- Communicate with the employee, manager, and attending physician to ensure a complete understanding of the absent employee's abilities, possible job restrictions, the physical job demands required, and a timetable for a RTW.
- Attempt to find an appropriate job match if an injured employee cannot return to their pre-injury position.
- Advise OMERS and finance of the disability over sixty (60) calendar days.

## **Work Reintegration**

Work reintegration is a process that begins as soon as the Municipality of Middlesex Centre is aware of a work-related injury or illness. The work reintegration process must continue throughout the recovery period and must be adapted to each individual employee and situation.

Work reintegration is available for injured employees and employees struck by an occupational illness. In the case of an illness, the work reintegration program commences once the employee is functionally fit to report for work and includes goals and timelines for recovery. Information in the work reintegration program should be gathered from the employee, employer, doctors, and WSIB contacts. The program must be shared between these parties as needed.

Statutory requirements for the work reintegration program include the values of co-operation (among all parties) and re-employment for the employee. If a suitable RTW or work reintegration assignment cannot be found, Municipality of Middlesex Centre is committed to the retraining of the employee in a different, but still suitable, position. The company will consult with the WSIB for a suitable position and provide any needed information to the WSIB so that the employee is informed of the details and has a choice in their assignment (where possible).

The work reintegration program is not limited to employees who have been absent from their workplace. It also applies to employees who have remained at work but have had accommodations created for them during their recovery period.

The work reintegration program is required until the employee returns to their pre-injury position or the employee is awarded damages for any loss of earnings if they had to switch positions (for example, a lesser wage).

## **Policy Review**

This Policy will be reviewed once every four (4) years, or as necessary.