



ADMINISTRATIVE PROCEDURE	
<i>Approval Date</i> 2017	<i>Replacing</i> All previous procedures
<i>Review Date</i> 2022	<i>Page</i> 1 of 8
<i>Contact Person/Department</i> Superintendent of Employee Services	<i>Identification</i> HR-4046

DISABILITY MANAGEMENT

1.0 PURPOSE

- 1.1 Trillium Lakelands District School Board is committed to developing an inclusive barrier-free work environment in which persons with disabilities have equal access to opportunities and all employees feel included and valued. The Board will make every reasonable effort to arrange meaningful and appropriate accommodations for employees with disabilities up to the point of undue hardship. The Board recognizes and accepts its legal responsibility under the Ontario Human Rights Code (OHRC) to accommodate individualized needs of persons with a disability, as defined under the OHRC.

In order to assist employees in performing the duties of their position, accommodation will be individualized and will be based on the employee's physical and/or cognitive abilities. Unions or professional associations are required to share joint responsibility with the employer to facilitate accommodation. Accommodation will be provided in a manner that respects the employee's dignity and maximizes the employee's integration and participation in the workplace.

2.0 REFERENCES/RELATED DOCUMENTS

- 2.1 Related Collective Agreements and Terms and Conditions of Employment include:
- 2.1.1 CUPE- Custodial/Maintenance
 - 2.1.2 CUPE- OCT/EA
 - 2.1.3 Elementary Teachers
 - 2.1.4 Elementary Occasional Teachers
 - 2.1.5 Professional Student Services Personnel
 - 2.1.6 Secondary Teachers and Secondary Occasional Teachers
 - 2.1.7 Designated Early Childhood Educators
 - 2.1.8 Conditions and Terms of Employment for Non Union Employees
- 2.2 Relevant sections of Education and Employment Statutes and Regulations of Ontario include:
- 2.2.1 Ontario Human Rights Code
 - 2.2.2 Occupational Health and Safety Act
 - 2.2.3 Workplace Safety and Insurance Act

- 2.2.4 Municipal Freedom of Information and Protection of Privacy Act
- 2.2.5 Employment Standards Act
- 2.2.6 Accessibility for Ontarians with Disabilities Act

2.3 Administrative Procedures include:

- 2.3.1 HR-4208 Incident/Accident/Injury Reporting and Investigation
- 2.3.2 HR-4051 Attendance Support Procedure
- 2.3.3 HR-4081 Confidentiality of Medical Records
- 2.3.4 BD-2036 Records Retention
- 2.3.5 BD-2121 Privacy Information Management (PIM)

2.4 Long term disability benefit policies with carriers

3.0 TERMS AND DEFINITIONS

3.1 DISABILITY

The Ontario Human Rights Code defines "Disability" as follows:

- 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, including 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.

3.2 INDIVIDUALIZED WORKPLACE EMERGENCY RESPONSE PLAN

An Individualized Workplace Emergency Response Plan is a written plan that is put into place to ensure the safety of an employee with a disability in the case of an emergency within their school or building.

3.3 ATTENDANCE AND DISABILITY MANAGEMENT OFFICER (ADMO)

The Attendance and Disability Management Officer works within the Employee Services Department and is responsible for managing all non-occupational cases.

3.4 HEALTH AND SAFETY/WSIB COORDINATOR (HSWC)

The Health and Safety/WSIB Coordinator works within the Employee Services Department and is responsible for managing all occupational claims through WSIB.

3.5 WORKPLACE SAFETY AND INSURANCE BOARD (WSIB)

Ontario's Workplace Safety and Insurance Board (WSIB) administers no-fault workplace insurance for employers and their employees and is committed to the prevention of workplace injuries and illnesses.

4.0 ADMINISTRATIVE PROCEDURE

4.1 DISABILITY MANAGEMENT PROGRAM –

4.1.1 The intent of the program is to:

- a) Assist in establishing and maintaining a fair and consistent procedure for addressing the needs of employees who are injured, ill, or disabled;
- b) Accommodate employees, where required, by providing gradual and/or modified return to work or remain at work plans when appropriate;
- c) Modify the work and/or the workplace to the extent necessary, to accommodate the needs of the disabled employee when a temporary or ongoing disability exists, to allow the employee to perform the essential duties of his/her role, based on appropriate medically supported physical and cognitive restrictions/limitations, provided that the required accommodation does not cause undue hardship to the employer;
- d) Return the employee to their original position and work location where possible.

4.2 GENERAL ROLES AND RESPONSIBILITIES

Expectations of the parties are:

4.2.1 The Employer will:

- a) Educate employees on the Disability Management Program, wellness supports, early intervention, workplace accommodation and the return to work and remain at work programs.

4.2.2 The Attendance and Disability Management Officer (ADMO), or Designate will:

- a) Maintain regular contact with the employee and the Principal/Supervisor;
- b) Manage the employee's medical leave;
- c) Assess the employee's medical documentation;
- d) Coordinate the accommodation, return to work or remain at work process;
- e) Review accommodation plans as needed;
- f) Notify the appropriate union, when requested by the employee, in order for them to support their member in the accommodation process.

4.2.3 The Health and Safety/WSIB Coordinator (HSWC), or Designate, will:

- a) Maintain regular contact with the employee after a workplace injury or illness that involves medical care and/or lost time;
- b) Manage the WSIB claim;
- c) Assess the employee's medical documentation;
- d) Coordinate the accommodation, early and safe return to work or remain at work process;
- e) Review accommodation plans as needed;
- f) Notify the appropriate union, when requested by the employee, in order for them to support their member in the accommodation process.

4.2.4 The Principal/Supervisor will:

- a) Direct the employee to submit any medical documentation to the ADMO or HSWC;
- b) When advised by the ADMO or HSWC, contact the employee to discuss the Disability Management Program;
- c) Participate in the return to work or remain at work processes;
- d) Modify the work and/or workplace as required by any accommodation plan;
- e) Assign work and monitor the return to work or remain at work plan and report any problems or concerns;
- f) Be aware of employees with permanent disabilities and/or those who require temporary assistance in the event of an emergency and discuss and/or document the assistance required.

4.2.5 The Employee will:

- a) Advise their Principal/Supervisor and the ADMO in a timely manner of any upcoming extended sick leave absences;
- b) Submit medical documentation to the ADMO or HSWC in a timely manner;
- c) Inform their Principal/Supervisor and the ADMO or HSWC of their accommodation related needs;
- d) Engage in medical rehabilitation and treatment that can be expected to facilitate return to work;
- e) Cooperate with the ADMO or HSWC throughout the Disability Management Program;

- f) Provide appropriate and updated medical documentation to the ADMO or HSWC when requested;
- g) Maintain communication with the employer throughout their recovery, return to work or remain at work plan;
- h) Cooperate with the ADMO or HSWC, the treating medical practitioner, union and long term disability carrier/WSIB (if applicable), in the accommodation, return to work or remain at work processes;
- i) Participate and co-operate in discussions regarding possible accommodation solutions;
- j) Provide WSIB or the LTD carrier with any information requested about treatment and progress in returning to work;
- k) Notify the Principal/Supervisor and the ADMO/HSWC when support services, assistive devices or equipment are no longer needed, and return the equipment.

4.2.6 The Unions/Federations will:

- a) Encourage members to comply with the Disability Management Program;
- b) Where requested by a member, take an active role as partners in the accommodation process;
- c) Share responsibility with the employer to facilitate the accommodation process;
- d) Fully co-operate and participate in the investigation of possible accommodation solutions with the employer and member;
- e) Support accommodation measures irrespective of collective agreements unless to do so would create undue hardship.

4.2.7 The Co-workers will:

- a) Act professionally and respectfully towards other individuals during an accommodation, return to work or remain at work plan.

4.3 CASE MANAGEMENT

4.3.1 The Board's case management process may include the following:

- a) Contacting the employee directly in one or more ways (phone, email, letter) to outline the Disability Management Program and the employee's responsibilities when on a medical leave, while on a return to work or remain at work plan or when on a WSIB Claim;
- b) Requesting appropriate medical documentation from the employee;
- c) Working with the employee to assess any restrictions and/or limitations, based on appropriate medical documentation;
- d) Investigating possible accommodation solutions;
- e) Implementing accommodation solutions;
- f) Obtaining expert opinions or advice as required by the Board;

- g) Approving medical leaves and access to sick leave (non-occupational) or approving access to WSIB leave (occupational);
- h) Maintaining regular contact with the employee;
- i) Advising the employee's Principal/Supervisor on the timeframe the employee will be off work;
- j) Notifying the appropriate individuals when the employee provides appropriate medical documentation indicating that they are cleared to return to full duties and regular hours;
- k) Coordinating the return to work or remain at work process, with any medically required accommodations, with the appropriate individuals;
- l) Assessing the employee's work capabilities in conjunction with medically supported restrictions and/or limitations;
- m) Designing return to work, remain at work, individualized workplace emergency response plans and accommodation plans.

4.3.2 The Board's return to work or remain at work process may include the following:

a) NON-OCCUPATIONAL

- i. The ADMO advises the appropriate individuals that the employee is returning to work with accommodation or being placed in a remain at work plan;
- ii. The ADMO will discuss with the Principal/Supervisor the employee's functional limitations and may begin to design a suitable return to work or remain at work plan and will work with the Principal/Supervisor to offer the employee modified work within their current restrictions;
- iii. The ADMO may perform a workplace assessment with the Principal/Supervisor to ensure compatibility of work restrictions and the duties to be performed;
- iv. The ADMO and Principal/Supervisor will coordinate the modification of the work and/or workplace, as needed;
- v. The need for a return to work or remain at work meeting will be dependent on the specific employee's functional limitations and the complexity of the return to work or remain at work plan;
- vi. The return to work plan or remain at work plan will be drafted and handwritten or typed, signed by all parties, then copied to all via email;
- vii. The return to work or remain at work plan may include, but is not limited to:
 - date of the meeting, if applicable;
 - the employee's medically supported physical and/or cognitive restrictions and limitations;
 - ergonomic supports as may be required/recommended;
 - work schedule, identifying graduated hours, if applicable;
 - duties to be performed or excluded;

- expected date of completion of the plan;
 - next medical review date;
 - next review meeting date, if applicable;
 - signature of employee, ADMO, Principal/Supervisor and union representative (if applicable).
- viii. An optional individualized workplace emergency response plan will be offered to the employee to ensure their safety in the case of an emergency within their school or building. The plan will be created by the ADMO and/or Principal/Supervisor and employee, with the assistance from the union/federation representative, when requested;
- ix. The employee may be provided with a copy of the return to work or remain at work plan to give to their treating medical practitioner with an indication that accommodations and/or modified work are available. The copy may also include information regarding the employee's job description and physical or cognitive demands analysis;
- x. In order to return to regular duties, an employee may be requested to provide the ADMO with medical documentation supporting that they are fit to return to full duties and regular hours.

b) OCCUPATIONAL

- i. WSIB becomes involved in an occupational illness/injury when the employee has sought medical attention by a medical practitioner or when lost time occurs after the day of injury;
- ii. The Form 8 is to be completed by a medical practitioner at the first appointment regarding the injury. The employee is to obtain the second part of the Form 8 outlining any restrictions that may be required and is to be provided to the employer within one (1) business day;
- iii. The need for a return to work or remain at work meeting will be dependent on the specific employee's restrictions/limitations and the complexity of the return to work or remain at work plan. The Principal/Supervisor may review any restrictions provided and offer the employee modified work within those restrictions;
- iv. Depending on the employee's restrictions/limitations, the HSWC will contact the employee, Principal/Supervisor and union/federation, where requested by the member, to arrange a return to work meeting at the earliest possibility. The return to work meeting may include WSIB representation;
- v. At the return to work meeting, the parties will discuss what accommodations, if any, are necessary for the employee to successfully remain or return to work. The WSIB approved medical documents (Form 8, Functional Abilities Form and/or WSIB standard precaution) will be used to help build the plan. The return to work or remain at work plan is created and signed by all parties.

A copy of the plan will be distributed to all parties either by a printed copy or sent through email and sent to WSIB. The return to work plan may include, but is not limited to:

- date of the meeting, if applicable;
 - employee's medically supported restrictions and limitations;
 - ergonomic supports as may be required/recommended;
 - work schedule, identifying graduated hours, if applicable;
 - duties to be performed or excluded;
 - expected date of completion of the plan;
 - next medical review date;
 - next review meeting date, if applicable;
 - signature of employee, HSWC, Principal/Supervisor, union/federation representative (if applicable) and WSIB representative (if applicable).
- vi. An optional individualized workplace emergency response plan will be offered to the employee to ensure their safety in the case of an emergency within their school or building. The plan will be created by the HSWC and/or Principal/Supervisor and employee, with the assistance from the union/federation representative, when requested;
- vii. Updated Functional Abilities Forms may be required at regular intervals, or as requested, while participating in the return to work plan. The parties will discuss any change that may be required to the plan;
- viii. Any interruption in the plan must be reported by the employee's Principal/Supervisor to the HSWC (i.e. call in sick, emergency leave etc.);
- ix. The employee will continue to participate in their return to work plan until they have reached full recovery and/or are working at full capacity, within any restrictions or limitations, including those that may be ongoing in nature;
- x. The employee may have access to their sick leave days (if applicable) until WSIB makes an initial decision on their claim. If the claim is allowed for lost time and the employee's sick leave days have been deducted, the appropriate days will be given back to them in a timely manner as long as it is within the school calendar year of the injury.