

Office of the Ombudsman- Return to Work Program (RTWP) – Civilian Employees

1. Identification

- 1.1 Date of Issue** October 2017
- 1.2 Application** This is a policy that applies to employees of the Department of National Defence (DND) employed within the Office of The Ombudsman for the Department of National Defence and the Canadian Forces.
- 1.3 Approval Authority** This order is issued under the authority of the Ombudsman.
- 1.4 Office of Primary Interest (OPI)** Office of Ombudsman/ Corporate Services
- 1.5 Analysis** Gender-Based Analysis Plus (GBA+) was applied to this policy.
- 1.6 Contents**
- [Definitions](#)
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2. Definitions

2.1 Days Lost (jours perdu)

The number of days an employee should have worked, but could not because of a medical condition. Note that the day that the medical condition occurred and the day that the employee with a medical condition returns to work are not included. Days lost are further categorized as days off-duty when the employee remains absent from the workplace or days on light duties when the employee is present at the workplace, but not able to carry out all of their normal duties.

2.2 Medical Condition (pathologie)

Any medical condition which prevents the employee from reporting to work or effectively performing all the duties on any day subsequent to the day on which the medical condition occurred. It can include but is not limited to: work related and non-work related injuries, illnesses, pregnancy, or nursing employees.

2.3 Disabling Injury (Blessure entraînant l'invalidité)

A work related illness or injury which prevents the employee from reporting to work or effectively performing all the duties on any day subsequent to the day on which the illness or injury occurred.

2.4 Human Resources Officer (HRO) (Officiers civils des ressources humaines)

The Civilian Human Resource Officers (HRO) within the Human Resources Service Centres (HRSC) are advisors to the overall process for civilian Return To Work cases and are responsible to provide a representative for the Return to Work Committee. In addition, the civilian human resource officers provide advice in both claims administration and case management.

2.5 Occupational Fitness Assessment Form (OFAF) (Formule d'évaluation de l'aptitude physique au travail (ÉAPT))

The OFAF is used for work-related injuries / illnesses, non-work-related injuries / illnesses, pregnant or nursing employees who have medical work limitations or restrictions that require medical treatment. Its main purpose is to provide the employee's medical provider(s) with an understanding of the physical and non-physical demands of his / her regular work duties so that the medical provider can complete a functional abilities assessment, and advise as to whether there should be any limitations and / or restrictions applied to the employee's duties. The completed form assists managers in planning a safe and timely return to work for their employees.

2.6 Occupational Illness (Maladie professionnelle)

Any disease, abnormal health condition or disorder caused by exposure to environmental factors or substances directly associated with employment, and which includes acute and chronic illness or disease caused by inhalation, absorption, ingestion or direct contact.

2.7 Safety Officer (Safe O) (Officier)

Safety Officers provide advice to the section head and the organization on the delivery, management and other matters affecting the local

de sécurité)

General Safety Program. For the purpose of this instruction, the term (Safe O) is inclusive of General Safety.

2.8 Return-to-Work Advisor (RTWA)

(Conseillers des Programmes de retour au travail)

A neutral individual, usually a Safe O that favours neither the employer nor the employee. Return To Work Program Advisors provide guidance, advise and information in the following areas:

- Administer Return to Work Program in his/her team;
- Return to Work policies and procedures;
- RTWP Training;
- RTWP case management recommendations.

2.9 Temporary Modified Work Agreement (TMWA)

(Entente de modification provisoire du travail)

This form provides details such as the meeting date, the restrictions that must be observed as indicated by the attending medical practitioner(s), and the job / duties that will be performed during the modified work period. The period of the agreement is also indicated, in addition to the date and time of the next meeting. The supervisor shall ensure that all signatures are obtained from of all parties. Once all parties have signed the form, the supervisor shall provide a copy to the appropriate stakeholders.

2.10 Workers Compensation Board (WCB)

(Commission des accidents du travail - CAT)

A generic name and acronym to represent the Workers Compensation Board in the provinces. Some provinces have different naming conventions. For example, Ontario has the [Workplace Safety and Insurance Board \(WSIB\)](#) and Quebec has the [Commission de la santé et de la sécurité au travail \(CSST\)](#).

3. Policy Direction

3.1 Aim

The Return to Work Program (RTWP) is designed to facilitate and promote the earlier return of employees who have / had a medical condition which prevented the employee from working.

3.2 Context

There is no absolute in the prevention of injuries, illness, and other medical conditions. When they do occur, leadership is responsible for doing everything possible to provide prompt medical care immediately after a workplace accident / incident. Following the accident / incident, the employer also has the responsibility of the investigation and reporting of the occurrence as per the Hazardous Occurrence Program. In addition, regardless if the medical condition occurred in the workplace, the employer is expected to assist the employee with a medical condition in returning to full, productive employment. While injury prevention is the best way to keep people safe and reduce overall costs, putting an effective RTWP in place is the best way to manage the impact of a medical condition early on in a given case.

The longer a worker with a medical condition stays off the job, the more complex the situation becomes and the less likely they are to recover and return to work at all. Work is the single biggest contributing factor to most medical condition recoveries. It gives people a sense of self worth and provides the income that they rely on to support their families.

The RTWP is not to be a substitute for the Duty to Accommodate legislation. The RTWP is for situations where the employee with the medical condition will recover to the point where they will be able to return to their original position.

3.3 Policy

The Ombudsman's Office, in its commitment to providing a safe and healthy working environment, will work towards facilitating the employee with a medical condition to an appropriate and timely return to work in the original position where they were employed at the time of the medical condition.

The Ombudsman's Office RTWP shall address medical conditions of civilian employees of indeterminate status and term positions (over three months) and shall develop, implement and maintain a departmental RTWP with the intention of returning employees back to work. Gender-Based Analysis Plus (GBA+) has been applied to this policy with the intention of making the policy as inclusive as possible.

3.4 Guidelines

This policy provides guidance for program development, implementation and management and shall be read in conjunction with the documents listed in the [References](#) section below.

4. Return to Work Program (RTWP)

4.1 Context

A RTWP is a proactive approach, endorsed by many health care providers, designed to help restore employees with a medical condition to their former lifestyle in the safest and most effective manner possible. An alliance between employees, employers, Return To Work advisors, Human Resources Officers, union representatives and health care providers is developed in a collaborative effort to return the employee back to his or her status prior to the medical condition.

4.2 Medical Conditions

Medical conditions impacting employment may stem from physical or mental health challenges. It is important to understand that while there may be ready acceptance of physical injury or illness, managers, peers, subordinates, and the ill or injured employee themselves may not be understanding or accepting of the legitimate needs related to mental illness or injury. The loss of contact with the workplace can adversely affect the rehabilitation process, resulting in further delays for return to work.

4.3 Reintegration

Statistics indicate that the probability of an employee with a medical condition returning to work decreases rapidly over time – the longer that they are absent from their work environment, the more difficult it becomes to reintegrate them back into the workplace. Early intervention allows the employee with a medical condition to return to work and perform meaningful tasks consistent with their reduced capacity and significantly increases the likelihood that an individual will be able to return to work full-time.

4.4 Key Elements

The key elements of an effective RTWP are:

- [Responsibility and Accountability](#);
- RTW Committee and Supporting Organizations;
- RTW Policies and Procedures;
- Training;
- Reports and Audits.

5. Responsibility and Accountability

The following table identifies responsibilities under the Ombudsman's Office RTWP.

The...	Is / are responsible for...
Ombudsman	The Ombudsman shall provide direction, instruction, and be the voice as the Office's champion for the Ombudsman Civilian RTWP.
Corporate services	<p>The role of Corporate Services shall be to:</p> <ul style="list-style-type: none"> • Manage the Ombudsman RTWP; • Communicate and provide accessible RTW references; • Provide assistance and guidance to the Ombudsman's Office regarding RTW case management; • Provide Ombudsman RTWP progress updates; • Represent the Ombudsman at the National RTW Committee; • Evaluate the Office implementation of the RTWP.
Managers	<p>Managers are responsible for ensuring the provision of a comprehensive and adaptive program consisting of modified work, schedules, and resources which are responsive to the particular needs of their employee, as well as ensuring, at a minimum, that the following elements are in place:</p> <ul style="list-style-type: none"> • Well communicated policies and procedures for their subordinates to reference; • A properly structured RTW Committee; • The appointment of a RTWP Coordinator / Advisor; • An incident reporting structure based on the Hazardous Occurrences – Reporting and Investigation procedures; • Leadership and support at all levels of management to reinforce the purpose of the RTWP. In the event of an on-duty injury, emergency / medical assistance has been provided to the affected employee; • Consider a GBA+ approach to the employee's situation as not all medical conditions can be treated equally. <p>In the event that an employee is absent from the workplace because of a medical condition, the managers will be responsible for ensuring that:</p> <ul style="list-style-type: none"> • If worksite / equipment safety has been compromised and poses a risk to others, the worksite is shut down / equipment is tagged non-

serviceable and removed or cordoned off to restrict access (Note: “.the employer shall ensure that suitable transportation and escort, if required, is arranged. Any ambulance or other transportation costs shall be borne by the employer” National Joint Council - Occupational Health and Safety Directive);

- All requirements related to Hazardous Occurrence (HO) Investigation, Reporting and Recording (DND 663), as per the Hazardous Occurrences – Reporting and Investigation procedures are met;
- All disabling injuries are reported within three (3) business days to the appropriate Worker’s Compensation Board;
- Notifying the unit Human Resources Officer (HRO), the unit Safety Officer, and the unit RTWP Advisor of the incident and advising of the expected absence of the employee;
- Becoming familiar with the RTWP via training or consultation and their related responsibilities;
- The RTWP is given visibility and supported within their organization via supervisor training and employee awareness;
- Ensuring that the required leave forms for the employee are accurately completed and forwarded in a timely manner to the appropriate OPIs;
- Maintaining regular contact with the employee (while the employee is on leave) during regular daytime working hours and providing updates to management;
- Reviewing available positions, jobs and tasks within his / her own organisation when there is a requirement for alternative work arrangements for the returning employee;
- Determining an appropriate RTW plan (modifying duties, adjusting work schedules and reassigning tasks, or finding other jobs that are within the injured employee's capabilities) in consultation with the unit HRO and information obtained from the employee’s health care provider(s) and RTW case manager (insurance provider);
- Implementing the RTW plan by meeting with the employee and completing the required documentation, taking into account the information provided on the OFAF, the case manager’s (insurance provider) RTW plan and HRO guidance;
- There is a liaison with the Safe O (Return to Work Coordinator), Claims / Case Manager (Insurance Provider), Human Resources representative, employee, employee representative and the supervisor, as required, to ensure that the terms of vocational rehabilitation are agreeable to and are understood by all parties;
- In those cases where modified work within the supervisor’s domain will not satisfy the requirement, the manager must liaise and work with relevant RTW stakeholders for an acceptable resolution;

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| | <ul style="list-style-type: none">• When the employee is prepared for a return from leave, the supervisor has provided the employee with all of the required RTW forms, guides and references and the unit HRO with the RTW date;• Ensuring that co-workers support the returning employee's rehabilitation at work;• Providing input in writing to the unit HRO, the RTWP Advisor and Case Manager when necessary with respect to the success and / or challenges / issues with regard to the RTW plan;• Seeking further counsel from management in those cases where modified work for the returning employee within the supervisor's domain is not successful and requires a review and resolution. |
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RTW Advisors

The RTW Advisor is traditionally seen as a neutral individual who favours neither the employer nor the employee and is trusted by both groups. However, a suitable alternate may be required. RTW Coordinators / Advisors:

- Administer the RTWP by maintaining a series of case files that will track progress made on RTW cases;
- Provide a RTW Case File Number to managers / supervisors when they believe the employee is likely to be off work or at a reduced capacity for twenty (20) days or more.

Case File Number. This is a sequential number assigned to each case by the RTW Program Coordinator / Advisor. This number is to consist of four digits representing the year the case was opened followed by a hyphen and the actual case number (ie. 2013-27 would refer to the twenty-seventh case opened in 2013). The RTWP Coordinator / Advisor shall use this number to cross refer to an employee file.

- Ensure requirements of the Hazardous Occurrence Investigation (including DND 663), are addressed as per the Hazardous Occurrences – Reporting and Investigation procedures;
- Provide advice and information on the RTWP, including training for new supervisors and indoctrination for new employees, on their responsibilities with respect to RTW;
- Determine the necessity of contracting professional case management services;
- Provide case management recommendations concerning injured employees who, by the nature of their injury or illness, will be absent beyond twenty working days;
- Assist the RTW Committee in locating areas where injured employees can perform modified work;
- Receive briefings from the professional case manager contacted (if applicable) to manage assigned difficult cases;
- Assist managers and supervisors in determining the feasibility of modifying the injured employee's workplace (if required);
- Liaise with WCB regarding suitable work for returning employees with permanent restrictions (if required), in accordance with the [DND Workplace Accommodation / Duty to Accommodate DAODs and Guidelines](#);
- Ensure the employee has received the D Safe G's [DND Civilian Employee Return to Work Satisfaction Questionnaire](#);
- Provide reports and returns concerning the RTWP.

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| | <ul style="list-style-type: none">• For when the illness/injury is work-related, assess the work environment of the employee to identify potential impacts on the employees' health and how it could be affecting a specific group (based on gender or other identity factors). |
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Human Resources Officer (HRO)	<p>The HROs are advisors to the overall process and are responsible to provide a representative for the RTW Committee. In addition, the HROs provide advice in both claims administration and case management. Their support would include, but not be limited to:</p> <ul style="list-style-type: none"> • Claims administration; • Maintaining regular contact with the RTWP Advisor and Safe O to ensure that cases are identified; • Assistance with identifying modified and / or alternate work situations; • Assistance with coordinating the employee reintegration plan • Participating as a member of the RTW Committee; • Assisting the RTW Committee in locating areas where injured employees can perform modified work; • Assistance with determining other appropriate actions pertaining to long term absence.
Unit RTW Committee	<p>The unit RTW Committee, as per Section 6 of this policy, will oversee the implementation of the RTWP by:</p> <ul style="list-style-type: none"> • Developing and adhering to Terms of Reference as agreed by the committee; • Meeting on a regular basis to review the progress of all cases referred to the RTWP Advisor and to discuss options for the more complex cases that may arise from the unit RTW committees; • Providing advice and guidance on program administration and implementation as well as seeking modified duty opportunities with the L1 VCDS Group RTW Committee; • Promoting the RTWP.

Employee

The employee, as a participant in the RTWP, shall:

- Seek / request appropriate medical attention (if conscious and able to do so) in the case of a work related injury / illness and report it to the supervisor without delay, in accordance with the Hazardous Occurrences – Reporting and Investigation procedures;
- Report a work-related injury / illness to their medical practitioner(s) when seeking medical treatment so that the medical practitioner's report can be prepared and sent to the appropriate WCB;
- Complete the required WCB - Worker's Report of Injury for any work related injury / illness;
- Verify that the supervisor has completed the [Employer's Report of Injury or Occupational Disease Form \(Ontario - Form 7\)](#);
- **NOTE: For Non Work-Related Medical Conditions:** Complete applications for Disability Insurance and / or Canada Pension Plan Benefits and notify the HRO, where applicable;
- Complete the required leave forms if the injury results in an absence from the workplace (Consult with unit HRO);
- Maintain contact with the supervisor and HRO (while on leave) to provide status updates regarding leave status and return date;
- Sign any consent forms that may be required by the department and / or any other RTW stakeholder;
- Review the Civilian RTW forms, guides and references provided by the supervisor;
- Provide the necessary medical practitioner(s) / case manager (insurance provider) forms / plans to the supervisor indicating current capabilities / restrictions so that an appropriate RTW plan can be implemented upon the return to the workplace;
- Cooperate with the supervisor, RTW Program Coordinator / Advisor, claims / case manager, and the human resources representatives during the RTW process;
- Report immediately to the supervisor if they cannot meet the terms of an agreement for modified duties;
- Cooperate with the requirements of the RTWP and make every effort towards rehabilitation and return, where possible, to full-time employment and maintain fitness to work;
- Complete D Safe G's [DND Civilian Employee Return to Work Satisfaction Questionnaire](#).

Co-workers	<p>Co-worker engagement contributes to the success of a RTWP for their colleagues with medical conditions. Their support entails:</p> <ul style="list-style-type: none"> • Cooperating with workplace changes designed to assist a fellow worker in their return to work; • Supporting their fellow co-workers in the return to work process and recognizing that medical conditions may impose certain limitations that require modified duties and hours of work.
Union Representative	<p>Union representatives can be called upon to assist with RTW cases. Their support involves:</p> <ul style="list-style-type: none"> • Participating on the RTW Committee; • Being available for consultation and providing input with various parties involved in the RTWP; • Providing information about the union requirements of modified duties; • Advising on union jurisdiction issues; • Representing their members, as required, at Case Management Meetings; • Assisting the RTW Program Coordinator / Advisor in delivering awareness training sessions as required.
Medical Practitioners	<p>Medical practitioners participate in the RTW process by:</p> <ul style="list-style-type: none"> • Completing the <u>Occupational Fitness Assessment Form (OFAF)</u> to outline the employee's limitations while engaged in their RTW plan; • Completing various <u>WCB</u> forms and reports which they forward to their provincial Worker's Compensation Board office. <p>Those forms detail the various restrictions to the employee, his / her representative, the supervisor and the RTWP Coordinator / Advisor and / or Case Manager, usually through the completed <u>OFAF</u>.</p>
Worker's Compensation Board (WCB)	<p><u>WCBs</u> process claims and their adjudicators decide if they are compensable or not. Their expertise in the process of returning injured workers to work can be a tremendous help in case management.</p>

	<ul style="list-style-type: none"> • Worker's Safety Insurance Board (Ontario) <ul style="list-style-type: none"> - Employer link - Worker Link • Commission des normes, de l'équité, de la santé et de la sécurité du travail CNESST(Quebec) – Retour au Travail (available only in French): <ul style="list-style-type: none"> - Employer link - Worker link
Health Insurance Provider	<p>Health insurance providers are actively involved in helping employees with medical conditions return to work as quickly as possible and can be an asset to the case management process. Their RTWP case managers provide assistance via a prescribed RTW plan to employees with medical conditions.</p>

6. Committees and Support Organisations

6.1 General

The first step to beginning a RTWP is to develop the committee that will not only establish the workplace policy, but also guide and monitor the program. The RTW Committee will be involved in all aspects of case management. Its collective goal is to direct the employee's recovery toward a return to productive employment. Each case requires personal attention. To be successful, the Committee will need to continually fine-tune its program to meet the ongoing needs of the Ombudsman's Office.

6.2 RTW Committee Composition

Each of the following will normally be required; both management and the workforce.

RTW Committee Members:

- **Management Representative** – Represent firm commitment from management in support of the RTWP and its benefits are demonstrated best by representation on the committee;
- **Immediate supervisor** (*case-by-case basis*) - Part of a supervisor's role on the committee will be to develop a strategy to communicate support and commitment throughout the organization;
- **Union Representative** - Employee representation will also serve to benefit the entire workplace community by acting as a liaison to the workforce by keeping co-workers and staff informed on the progress of the Committee;
- **Human Resources (HR) Representative** – HR involvement will ensure that all HR matters are accounted for as a part of RTW case management;
- **Return to Work Program Advisor** – They help to navigate through the RTW process to ensure that standard operating procedures are observed and followed as appropriate.

6.3 Ombudsman RTW Committee

The Ombudsman's Office RTW Committee is coordinated by the General Safety Officer, who is also the RTW Program Advisor.

7. Training

7.1 General

Directors are to ensure that team leaders, managers of employees, supervisors, RTW Committees and Workplace Health and Safety Committee (WHSC) members receive the appropriate briefing and / or training to enable them to participate in the RTWP commensurate with their duties and responsibilities.

Employee orientation briefings shall be conducted with regards to the RTWP. The RTWP Advisor and a local Union Representative (if required) should provide these briefings. Also available is a DND on-line [RTW Awareness course](#) that can be found at the D Safe G website.

7.2 D Safe G

RTW Coordinators / Advisors must take the [RTW Committee Course](#), provided by D Safe G, as described below. There are a number of locally run courses, funded by D Safe G. RTW Coordinators / Advisors are encouraged to visit their website for current course offerings.

8. Reports and Audits

8.1 Semi-Annual Reports

The RTW Program Coordinator / Advisor shall submit a cumulative report about the program to the Ombudsman as requested. It will be expected that organizations will provide RTW case files status updates during the Ombudsman's Office RTW Committee meetings.

8.2 Audits

Audits of the RTWP are normally conducted by the General Safety Officer as one of the elements of the [Safety Program Development and Evaluation Technique \(SPDET\)](#) survey as described in the General Safety Program or may be evaluated as a stand-alone sub-program.

9. Publication

9.1 Frequency of Publication

Ombudsman's Office policies are issued and updated as required.

9.2 Errors / Omissions or Suggestions

Ombudsman employees are encouraged to bring any errors, omissions or suggested orders to the attention of the Director of Corporate Services or the RTW committee.

10. References

10.1 Source References

- [A-GG-040-001/AG-001, General Safety Program Volume 1, Policy and Program](#)
- [A-GG-040-009/AG-001, General Safety Program – Return To Work Program Manual](#)
- [A-GG-040-010/ AG-015, A Guide to the Civilian Employee Return to Work Program](#)
- [Return to Work Awareness Course \(RTWAC\) \(on-line\)](#)

10.2 Related References

- [Workplace Health and Safety Committee Guide](#)
- [The Fundamentals - Return-to-Work Plan, Treasury Board of Canada Secretariat](#)

10.3 Annex

- [Annex - Civilian RTW Aide Memoire](#)

10.4 Forms

- [Return To Work Forms](#)