



Supersedes: New Policy

Effective Date: 16-Mar-18

**PURPOSE** To describe the commitment of Dart to provide for all sick and/or injured employees.

**SCOPE** This policy applies to all Dart Canada Inc. (“Dart”) employees.

**POLICY** Under the AODA, Ontario Regulation 191/11, entitled “Integrated Accessibility Standards Regulation” [the “Integrated Regulation”], came into force July 1, 2011. The regulation establishes accessibility standards for employment. Dart is included in the regulation’s definition of an “obligated organization”, and must comply with the phased-in requirements to return employees with disabilities back to work after an injury or illness beginning January 1, 2016.

Dart is committed to the provision of workplace rehabilitation that supports and enables injured or sick employees to remain at, or return to, the workplace and continue the discharge of work duties

Dart is committed to:

- providing a safe and healthy work environment and, in the event of a work or non-work related injury/illness that fits the definition of disability, ensuring that workplace rehabilitation is started as soon as possible in accordance with medical advice (when applicable)
- trying to facilitate a safe and early return to work of injured and ill employees by identifying duties that are appropriate to their grade and function where possible. These duties will be medically approved (when necessary), time limited (if applicable) or permanent (if the employee can continue to perform the essential duties of the job with or without accommodation)
- respecting the confidential nature of medical information, and ensuring confidentiality (both verbal and written)
- ensuring all employees are aware that in the event of injury or illness they will be consulted to develop their rehabilitation and return-to-work plan

As part of its disability management program, Dart has developed a rehabilitation/return-to-work procedure for work/non-work related injuries and illnesses. Its purpose is to rehabilitate and return employees to work at the earliest date following any work/non-work related injury or illness.

This policy is not designed as a substitute for:

- reasonable accommodation under the Ontario Human Rights Code
- re-employment and return-to-work obligations under the Workplace Safety and Insurance Act (WSIA)

### **Definitions**

**Accommodation:** the special arrangements made, or assistance provided, so that persons with disabilities can participate in the experiences available to persons without disabilities. Accommodation may vary depending on the employee’s unique needs.

**Communication supports:** may include (but is not limited to) captioning, alternative and augmentative communication supports, plain language, sign language, and other supports that ease effective communications.

**Critical Injury:** injury of a serious nature that places life in jeopardy, produces unconsciousness, results in substantial loss of blood, involves the fracture of a leg or arm (but not a finger or toe), involves the amputation of a leg, arm, hand, or foot (but not a finger or toe), consists of burns to a major portion of the body, or causes the loss of sight in an eye.



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**Disability:** is defined as:

- 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, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, 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
- a condition of mental impairment or a developmental disability
- a learning disability or a dysfunction in 1 or more of the processes involved in understanding or using symbols or spoken language
- a mental disorder
- an injury or disability that benefits were claimed or received for under the insurance plan established under the Workplace Safety and Insurance Act, 1997

**Non-work related injuries or illnesses:** injuries or illnesses that are not caused by the employee's work or the workplace environment.

**Reasonable accommodation:** the employer's obligation to employees and prospective employees to take measures to eliminate disadvantages that result from a rule, practice, or physical barrier that has (or may have) an adverse impact on individuals or groups protected under any human rights legislation. The employer must be able to demonstrate that, upon becoming aware of the individual's needs, reasonable accommodation measures were undertaken within a reasonable time frame. What is reasonable will depend on the unique needs of the employee.

**Rehabilitation:** the process of restoring the skills of a person who has had an illness or injury so as to regain maximum self-sufficiency and function in a normal, or as near normal, manner as possible.

**Suitable alternative duties:** matching pre-injury/illness duties to recovery abilities on a temporary basis.

**Workplace:** includes, but is not limited to, the physical work site, restrooms, cafeterias, training sessions, business travel, conferences, and work-related social gatherings.

**Workplace rehabilitation:** a managed process involving early intervention with appropriate, adequate, and timely services based on assessed needs and aimed at maintaining injured or ill employees in, or returning them to, suitable employment.

**Work-related injuries or illnesses:** injuries or illnesses sustained in the course of employment and directly related to the employee's occupation at work or the workplace.

#### **References and Related Statements of Policy and Procedure**

- Accessibility for Ontarians with Disabilities Act, 2005
- Ontario Human Rights Code
- Integrated Accessibility Standard Regulation (O.Reg.191/11)
- SPP AS 5.01 – Accessibility standard for employment policy, statement of commitment
- SPP AS 5.02 – Recruitment, assessment, and hiring
- SPP AS 5.04 – Performance management
- SPP AS 5.05 – Career development and advancement
- SPP AS 5.06 – Redeployment
- SPP AS 5.07 – Accessible formats and communication supports



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- SPP AS 5.08 – Documented individual accommodation plans
- SPP AS 5.09 – Workplace emergency response information

### **Responsibility**

Dart is responsible for:

- preventing injury and illnesses by providing a safe and healthy working environment
- ensuring that rehabilitation is the normal practice and an expectation in the workplace
- ensuring that rehabilitation commences as soon as possible following an injury or illness and in accordance with medical advice
- implementing a rehabilitation and return-to-work plan that returns an employee to his/her normal duties
- providing suitable alternative duties where practicable, with the aim of returning the employee to his/her normal duties
- consulting with employees and, where appropriate, treating medical practitioners to ensure that the workplace rehabilitation/return-to-work procedures operate effectively and safely
- establishing a team-based consultative approach for workplace rehabilitation/return to work with employees, Immediate Supervisors, and the local HR representative in the development, implementation, and evaluation of programs
- ensuring employees are not disadvantaged by participating in workplace rehabilitation programs
- respecting the rights and the confidentiality of employees

Managers and Immediate Supervisors in consultation with the local HR representative are responsible for:

- accepting rehabilitation/return-to-work practices as part of management/supervisory functions
- educating all employees about this policy, the disability management program, and what to expect when an injury/illness occurs
- ensuring that first aid is provided (in the case of work-related injuries/illnesses), that the injury is reported in line with the incident reporting procedure and the WSIA, that there is an investigation as to the cause, and that appropriate controls are put in place to prevent recurrence
- ensuring workplace rehabilitation/return-to-work is part of the new employee orientation and training process
- being aware of circumstances where an injured or ill employee may need rehabilitation/return to work and ensuring timely referral to the Employee and Family Assistance Program
- ensuring the rehabilitation/return-to-work process in the workplace begins as soon as practicable so that the employee's maximum physical, psychological, and social potential can be restored
- consulting and advising on the injured or ill employee's capabilities, and negotiating workplace adjustments, support, and individual accommodation (e.g., communication, assistive technology, flexible work schedule) in advance of the employee's return to work (where appropriate, and with the necessary consent of the returning employee)
- conducting a return-to-work meeting in accordance with the disability management process, policies, and procedures
- seeking additional internal support and advice, as appropriate
- ensuring that duties assigned to an employee for a suitable alternative duties program are meaningful, and have regard to the objective of the employee's rehabilitation, return-to-work, and individual accommodation plans
- monitoring the employee's progress in relation to suitable alternative duties
- maintaining accurate records of the employee's hours worked and work progress reviews.



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- maintaining confidentiality of information received, including appropriate storage and handling

Employees are responsible for:

- preventing work-related injury and illness by adhering to health and safety policies, procedures, practices, and protocols appropriate to their scope of work, that are required by law, designed to promote safe working, and to avoid injury to oneself or others
- seeking appropriate medical treatment (e.g., first aid) in the event of a work-related injury or work risk incident
- actively participating in any rehabilitation/return-to-work process in order to resume normal duties as soon as practicable after illnesses or injury in accordance with medical advice
- maintaining (where possible) regular contact with their Immediate Supervisor with particular emphasis on informing them of any deterioration in condition or unexpected issues
- reporting any injury that occurs at work as soon as possible to the Immediate Supervisor, following incident reporting procedures, and participating in any follow-up investigation
- advising treating medical practitioners of the availability of a rehabilitation/return-to-work process, and asking them to complete the Functional Abilities Form (if needed)
- encouraging co-workers to support injured/ill employees and informing them of the progress of the rehabilitation/return-to-work process on a “need to know” basis with the injured/ill employee’s consent
- encouraging co-workers to be actively involved wherever possible to support the rehabilitation/return-to-work process

The local HR representative is responsible for:

- assisting the injured/ill employee to remain at work or return to work, consistent with medical advice
- obtaining accurate information (with the employee’s consent) about the medical condition and limitations that apply to the particular employee
- obtaining written consent from the employee to communicate with relevant health care professionals involved in the employee’s care (when applicable)
- obtaining as much information as possible about the employee’s role, and the essential and marginal tasks of their job.
- assessing the individual employee and liaising with their Immediate Supervisor (if applicable) in planning the employee’s rehabilitation/return-to-work process
- liaising with a third party consultant and the treating medical practitioner and, where appropriate, explaining the rehabilitation/return-to-work process and seeking his/her input (with the employee’s consent)
- obtaining the support of the treating medical practitioner and the employee in completing the Functional Abilities Form
- ensuring through a third party consultant that employees who are in need of rehabilitation services are referred to appropriate professionals (e.g., physiotherapy, occupational therapy, psychological supports, etc.), and working collaboratively with all services
- developing a rehabilitation/return-to-work plan in collaboration with the employee, their Immediate Supervisor, and other professionals
- reviewing employees who return to work with accommodation/restrictions to assess progress and fitness to return to normal duties, and reviewing ongoing restrictions/absences at intervals as required by the employee’s individual circumstances
- providing confidential support and counselling services to employees who are affected by personal or work-related issues (if needed)
- delivering high quality rehabilitation/return-to-work services that are integral to Dart’s disability management and health and safety practices



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- identifying and raising awareness of themes and trends that reflect the particular needs of the workforce
- providing advice and input with regard to the development of a range of preventative, educational, and training programmes
- communicating this policy and what to expect when an illness or injury occurs to all employees
- advising employees of applicable policies (e.g., Sick Leave, Attendance Management) and other time off work requests

Rehabilitation professionals (with the consent of employees) are responsible for:

- providing timely intervention based on assessed needs, and in line with best practices
- engaging in 2-way communication with the source of referral and/or the designated person/department on an ongoing basis in relation to strategies required and/or recommendations for rehabilitation/returning to work
- providing reports as indicated or requested in relation to the employee's rehabilitation progress
- participating in case conferences as required
- assessing (when applicable and appropriate) aspects of the workplace in respect to contributing factors to the employee's condition, and making recommendations for changes accordingly

### **Procedures**

All work-related injuries and illness must be reported to the Immediate Supervisor. All employees with non-work related injuries and illness must report their need for accommodation to their Immediate Supervisor.

If needed, immediate first aid or medical attention must be provided by the designated first aid attendant.

The Immediate Supervisor should inform the Joint Health and Safety Committee, representative, disability case manager, or other designated person/department regarding the employee's illness/injury, if appropriate or required by law, in accordance with the disability management program.

In the event of a work-related injury or illness, the Immediate Supervisor or Health & Safety Specialist will ensure that a form 7 is filed with the WSIB. Where a critical injury has occurred, the Ministry of Labour must be contacted immediately, and the scene of the accident will not be disturbed other than to:

- save life or relieve human suffering
- maintain an essential public utility service or a public transportation system
- prevent unnecessary damage to equipment or other property

The Immediate Supervisor or Health & Safety Specialist will be designated to interview the employee (if required).

Where further information is required, the Joint Health and Safety Committee (or representative), Health & Safety Specialist, or other designated person/department at Dart will liaise with the employee's medical practitioner (with appropriate consent). The employee's medical practitioner may be asked to provide a medical certificate and complete the Functional Abilities Form. Referral will be made to the relevant medical professional or rehabilitation services (e.g., physiotherapy, occupational therapy, or psychological and counselling services) as needed.



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In consultation with the employee the Immediate Supervisor, medical practitioner, rehabilitation service, and case manager or other designated individual from Dart will create a rehabilitation and return-to-work plan with agreed time frames that will include:

- the goals of the plan
- list of regular duties
- individual accommodation required (e.g., suitable alternative duties, work stations, work hours)
- communication support and assistive technologies required
- hours to be worked
- details of training required
- anticipated time frame of plan
- details of pay during the period
- formal periodic review
- requirements for evaluating the emergency response plan for change

The Immediate Supervisor, Joint Health and Safety Committee, representative/disability case manager, Health & Safety Specialist, or other designated person/department will maintain communications between all parties involved, including providing feedback on the rehabilitation and return-to-work plan, and maintaining current and confidential records of the progress of the plan.

Where it is identified that an employee is not progressing and achieving goals as agreed in the rehabilitation and return-to-work plan, the Immediate Supervisor, medical practitioner, Health & Safety Specialist, or other designated persons/department will:

- identify areas of concern
- seek appropriate additional advice as indicated
- amend the plan accordingly

The workplace rehabilitation and the return-to-work plan will conclude when the employee resumes all the prescribed duties for their appointed role. Employees will be in breach of their obligations where they:

- are considered to gain minimal or no benefit from continued workplace rehabilitation and return-to-work processes
- fail to engage in rehabilitation and return-to-work processes
- fail to comply with recommendations of the rehabilitation and return-to-work plan or any other recommendations made by the rehabilitation and return-to-work team
- withdraw from the disability management program and rehabilitation and return-to-work plan

In the event that the employee is unable to return to work in his/her former position, a number of alternative arrangements will be discussed with the ill/injured employee. These may include (but are not limited to) retraining, redeployment, accessing short-term disability benefits, or retirement.

Where there is a disagreement over the proposed plan offered, discussions will take place with the employee, the Immediate Supervisor, medical practitioner, Health & Safety Specialist or other designated person/department (and union, if required) to seek a resolution.

Disagreements regarding a medical treatment can be referred to an independent medical practitioner or occupational health consultant in appropriate circumstances.

Training will be provided on this policy for Immediate Supervisors, the Health & Safety Specialist, and other designated persons/departments.



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A workplace rehabilitation/return to work evaluation will be sent to each employee who was involved in a rehabilitation/return-to-work plan.

This policy is available in an alternative format upon request.

**Federal and Provincial Law**

Where any applicable law conflicts with the provisions of this policy, the policy will be deemed amended as necessary to comply with the law while preserving the principles and intent of the policy.

**Exceptions**

Any exception to this policy must be approved by a Vice President in consultation with the Vice President of HR.