

<b>TYPE:</b>	Employment-Related
<b>TITLE:</b>	Medical Leave, Return to Work and Accommodations
<b>NO.:</b>	EMPL-320
<b>RESPONSIBILITY:</b>	Chief Administrative Officer
<b>APPROVED BY:</b>	Durham College Leadership Team
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## 1. Introduction

Durham College is committed to working with all Durham College employees to ensure a healthy, accommodating and speedy recovery and return to work program through the appropriate shared paths of responsibility. Durham College also recognizes the employee's responsibility to ensure regular attendance at work and to advise and follow the appropriate policy and procedure when they are unable to attend work. Clear and concise communication among the employee, their supervisor and human resources or health and safety is key to providing a positive and effective experience.

## 2. Purpose

The purpose of this policy and procedure is to facilitate the timely and successful return to work for employees who have been absent due to illness or injury.

## 3. Definitions

Refer to [Durham College's Standard Definitions](#).

## 4. Policy statements

- 4.1. Durham College recognizes the value of being able to offer disability benefits to its employees to ensure that when they are ill they can focus on their health and not have the added stress of work and financial responsibilities.
- 4.2. Durham College's expectation is that the employee recognizes the importance and requirement of their compliance with the policy and procedure including providing the required communication and documentation to support their absence.
- 4.3. If the employee is sick or injured while on vacation, their absence will be counted as vacation unless admitted to the hospital. Appropriate medical documentation substantiating admittance to the hospital and length of stay will be required. In accordance with the academic collective agreement, faculty who are ill during deferred leave (vacation) period will continue on the deferred leave whether hospitalized or not.

- 4.4. Medical documentation must provide details regarding an employee's limitations and or restrictions; however, the diagnosis or nature of illness/injury is not required.
- 4.5. Supervisors are to report occupational injuries or illnesses to the Health and Safety Officer immediately (see policy EMPL-301).
- 4.6. Durham College ensures that employees are accommodated in accordance with their needs as articulated in the medical documentation.
- 4.7. It is expected that employees who are on sick leave, i.e. receiving short-term disability benefits, will not travel without prior approval of Human Resources.
- 4.8. The benefit year for sick credits is as follows:
  - Academic Staff: September 1 – August 30
  - Support Staff: September 1 – August 30
  - Administrative Staff: July 1 – June 30

## **5. Procedure**

- 5.1. Reporting of absence to supervisor
  - 5.1.1. The employee is required to report their inability to attend work due to illness to their immediate supervisor at least one hour before the beginning of their regularly scheduled shift.
  - 5.1.2. An employee who will be absent from work for more than one day is required to inform their immediate supervisor each day of absence.
- 5.2. Medical documentation
  - 5.2.1. Employees who are absent for five or more consecutive days are required to provide a doctor's note. At the discretion of the supervisor, a doctor's note may be required if patterns in attendance arise which would include less than five consecutive days of absence.
  - 5.2.2. An employee who is absent for ten or more consecutive days will be provided with a Physician's Statement by Human Resources. The Physician's Statement is to be completed by their physician and returned to Human Resources within one week. An employee who has been absent due to illness for ten or more consecutive days is also required to provide an updated Physician's Statement supporting their ability to return to work along with appropriate or necessary limitations and medical restrictions.

### 5.3. Reporting of absence to Human Resources

#### 5.3.1. Supervisors are required to notify Human Resources:

- When an employee is absent due to illness for five or more consecutive days; or
- Where there is a pattern of absence that has a negative impact on the employment relationship.

### 5.4. Reporting Occupational injury or illness

5.4.1. An occupational injury or illness is to be reported to the Health and Safety Officer, per policy EMPL-301.

5.4.2. Absences due to occupational injury or illness follow the processes outlined below, however are coordinated by the Health and Safety Officer.

### 5.5. Contact with employee

5.5.1. Human Resources will coordinate with the supervisor to maintain regular contact with the employee to support a timely return to work and to identify any support required in order to facilitate the return.

5.5.2. If Human Resources, in consultation with the employee, determine that a return to work is not imminent, they will advise the supervisor.

5.5.3. If an accommodation would expedite the return to work, Human Resources will advise the supervisor and the union representative (where applicable), and will work with the employee and the supervisor to implement the appropriate accommodations.

5.5.4. Where an employee has been absent due to illness for a period of four months, and a return to work is not imminent, Human Resources will initiate the necessary paperwork for a long term disability application and will review the details of LTD with the employee.

5.5.5. It is the responsibility of the employee to ensure that appropriate medical documentation is submitted to Sun Life to support the LTD claim. This should be done in accordance with the timelines recommended by Human Resources in order to avoid a delay in the claims approval process.

5.5.6. The elimination period for LTD is 130 days. Should the LTD application process extend beyond 130 days, and the employee has no remaining banked sick days, the employee will be placed on a leave of absence.

## 5.6. Notice of return to work

- 5.6.1. An employee is required to provide adequate notice of their return to work. The length of notice will be dependent on the length of the absence. Where the illness is ten days or less and there are no medical restrictions, the initial medical documentation will suffice.
- 5.6.2. Where the absence due to illness is more than ten days, a completed Physician's Statement is required.
- 5.6.3. Where the absence is longer than one month, a minimum of two weeks' notice and/or consultation with Human Resources and the supervisor may be required.

## 5.7. Accommodated return to work

- 5.7.1. In those cases where the employee requires accommodation, including modified duties, the employee will provide a completed Physician's Statement which outlines medical restrictions. Human Resources will work with the employee and the supervisor to determine and facilitate the accommodated return to work.
- 5.7.2. In some cases, the College may request an independent medical examination for verification and/or assistance with respect to identifying suitable return to work accommodation(s).

## 5.8. Non-standard return to work

- 5.8.1. In those cases where the employee is able to return to work but unable to return to their position, Human Resources, the supervisor, and the union representative (where applicable) will identify potential job assignments that match the employee's abilities and limitations.
- 5.8.2. Human Resources will then facilitate a meeting with the employee, the supervisor, the union representative and where appropriate a third party representative to discuss the employee's accommodation and to facilitate a return to work. It may be necessary for the employee to participate in training prior to assuming the new work assignment.
- 5.8.3. Any training required for a return to work will be included in the return to work plan. Human Resources will also work with the supervisor and the employee to ensure that mutually agreed upon assistive devices required to support the return to work are in place.

## 5.9. Individual accommodation plans

Individual Accommodation Plans may be developed as part of the Return to Work program or as requested to support employees with disabilities.

### 5.9.1. An accommodation can be:

- Requested by the employee through their supervisor or through Human Resources.
- Identified through the return to work process.

### 5.9.2. In order to evaluate the employee's restrictions and limitations, the College may request any of the following:

- A Physician's Statement to be completed by the employee's family doctor or specialist.
- Additional information from the employee's family doctor or specialist.
- A review of the medical documentation provided to the College by an independent medical consultant.
- An Independent Medical Exam (IME).
- Involvement of a third party specialist on accommodations and/or assistive devices.

### 5.9.3. If the accommodation request has been made to support an employee with a disability, the restrictions/limitations will be reviewed by Human Resources and discussed with the employee and supervisor to identify and evaluate potential options. The employee may also invite their union representative to participate.

### 5.9.4. When the most appropriate accommodation(s) has been identified, the accommodation(s) will be included in a formal Accommodation Plan. Accommodation Plans may include but are not limited to:

- Reduced/flexible hours;
- Modified duties;
- Assistive technology and altered work stations;
- Accessible formats and communication supports; and
- Workplace emergency response information.

### 5.9.5. A copy of the final Accommodation Plan will be provided to the employee and supervisor. If a requested accommodation is denied, the employee will be provided with a written explanation for the denial. All information will be provided in a format that takes into account their accessibility needs.

5.9.6. The employee and their supervisor will monitor the accommodation(s) to ensure that it is effective. A review of the Accommodation Plan will be conducted:

- If the accommodation has not proven effective for the employee or the employer,
- At a predetermined frequency,
- If employee's work location or position changes, and/or
- If the nature of employee's disability changes.

#### 5.10. Dispute resolution

5.10.1. Disputes that may arise during the return to work process, including questions about the individual's level of function and/or skills, the demands of the job, or the effectiveness of an accommodation will be addressed through a meeting with Human Resources, the employee, the supervisor, the union representative (where applicable), and where appropriate, a third party representative.

5.10.2. Any disputes that cannot be resolved through this mechanism will be referred to the Chief Administrative Officer or their designate.

#### 5.11. Confidentiality

5.11.1. The College is committed to protecting the confidentiality of an employee's medical and personal information.

5.11.2. In order to ensure timely return to work planning, the College requires information about an employee's abilities and limitations which are collected from the relevant treating physician or through a third party representative. Human Resources is responsible for overseeing the safekeeping and protection of confidential information.

5.11.3. Records of personal medical information are kept confidential and separate from employee human resources files.

5.11.4. Employee health information is gathered through a process of informed written consent from the employee.

### **6. Roles and responsibilities**

#### 6.1. Human Resources responsibilities:

- Maintain appropriate contact with the employee, the supervisor, and the union representative.
- Ensure that the employee understands the procedures and their responsibilities.

- Consult with the employee; union; supervisor; treating physician; on abilities/restrictions, job demands and timing of return to work.
- Lead the return to work process by meeting with the employee, supervisor, union representative and third party representative, if applicable.
- Develop and implement the Individual Accommodation Plan where applicable per the Accessibility Policy and Procedure.
- Oversee the day-to-day functioning of the Return to Work program.
- Ensure consistency of application.
- Include information on the Medical Leave, Return to Work and Accommodations policy and procedure (EMPL-320) in the new hire orientation.

#### 6.2. Health and Safety Officer responsibilities (Occupational Injuries):

- Maintain appropriate contact with the employee, the supervisor, and the union representative.
- Ensure that the employee understands the procedures and their responsibilities.
- Consult with the employee; union; supervisor; treating physician; on abilities/restrictions, job demands and timing of return to work.
- Lead the return to work process by meeting with the employee, supervisor, union representative and third party representative, if applicable.
- Develop and implement the Individual Accommodation Plan where applicable per the Accessibility Policy and Procedure.
- Oversee all WSIB reporting.

#### 6.3. Employee responsibilities:

- Maintain appropriate contact with supervisor and Human Resources or Health and Safety Officer throughout the absence.
- Focus on recovery and obtain appropriate medical treatment.
- Comply with doctor's recommendations to achieve improved health.
- Provide medical documentation and any additional information necessary for return to work planning.
- Accept responsibility for and ensure payment of any fees associated with required medical and Return to Work documentation.
- Cooperate with the Return to Work process.

6.4. Supervisor (of the affected employee) responsibilities:

- Notify Human Resources when an employee is absent due to illness for more than five consecutive days.
- Maintain appropriate contact with employee.
- Identify Return to Work options within the department based on the returning employee's abilities and limitations.
- Support the employee in the implementation of the Return to Work plan.

6.5. Union Representative (if applicable) responsibilities:

- Assist employee in understanding procedures and their responsibilities regarding the Return to Work plan.
- Participate in Return to Work meeting with Human Resources, employee, supervisor, and third party representative.

6.6. Senior Management responsibilities:

- Allocate resources as required.
- Provide assistance with inter/intra-departmental transitional work.

6.7. Employee's Health Care Provider(s) responsibilities:

- Manage and treat employee's illness or injury.
- Support the employee in return to work efforts.
- Provide abilities and limitations information.

**7. Accessibility for Ontarians with Disabilities Act considerations**

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).



## **8. Non-compliance implications**

- 8.1. Employee's failure to comply may result in discontinuation of short-term disability payments and or disciplinary action.
- 8.2. Non-compliance may result in violation of benefits plans, collective agreements, and legislation such as Ontario Human Rights Code, Workplace Safety and Insurance Act, Occupational Health and Safety Act and Accessibility for Ontarians with Disabilities Act (AODA).

## **9. Communications plan**

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

## **10. Related forms, legislation or external resources**

- Accessibility for Ontarians with Disabilities Act
- Occupational Health and Safety Act
- Ontario Human Rights code
- Workplace Safety and Insurance Act