

NLSchools refers to all public K-12 English schools and school-related facilities under the jurisdiction of the Department of Education, Education Operations Branch and all employees working therein and all employees providing services and supports to such schools, including those who work in school facilities, student transportation, program implementation, student services, and procurement.

Policy Name

Disability Management

Policy Statement

The Department of Education in consultation with its employees, is committed to the development, implementation, monitoring and continuous improvement of a progressive disability management program. The Education Operations Branch, Human Resource Division, of the Department of Education will be responsible for the administration of this policy for all NLSchools employees. The Education Operations Branch commits to the utilization of the WorkplaceNL policy [Hierarchy of Return to Work and Accommodation \(RE-18\)](#) in the implementation of the [Early and Safe Return to Work \(ESRTW\)](#) process. The program shall utilize ease back, modified work, rehabilitation, suitable and available job placement, constant communication and follow-up to ensure that ill, injured and disabled employees can remain at work or quickly return to productive and meaningful work, with the ultimate goal of returning the employee to pre-injury employment. This policy has been developed in joint and meaningful consultation with employee groups and will be reviewed on an annual basis.

Background

This Disability Management Policy is guided by the principles of early intervention and the provision of ESRTW opportunities for employees who have experienced a workplace injury or a disabling illness. NLSchools, in meeting its re-employment obligation as outlined in the [WorkplaceNL policy \(RE-05\)](#) has committed to a co-operative and consistent program in accordance with section 89 of the [Workplace Health, Safety and Compensation Act, 2022](#) as well as all other applicable [WorkplaceNL policies](#). With a cooperative approach by all workplace parties, it is NLSchools belief that ill and injured employees can return to the workplace in an expedited manner to the benefit of both the employee and the employer.

Policy Directives

1. Throughout the disability management process, NLSchools shall respect the principles of seniority and human rights and shall ensure the protection of all confidential information.
2. Managers and supervisors shall make every reasonable effort to accommodate employees who require workplace modifications in order to perform the duties associated with their position.
3. Where this is not possible, managers and supervisors will co-operate in meeting NLSchools policy of locating suitable and available alternate employment. This shall be done in consultation with the injured worker, the health care provider, the group insurance provider, WorkplaceNL, and where appropriate, the union.
4. All employees are expected to fully participate in all rehabilitation and ESRTW initiatives.

Scope

This policy applies to all employees: unionized, non-unionized and management; full-time, part-time, casual, substitute; permanent or temporary; apprentice, work-term/intern or contract working for or supporting schools within NLSchools

Definitions

Available Work

Available work is defined as work that already exists within NLSchools at the pre-injury work site, or at a comparable site arranged by the employer, and is determined in accordance with any applicable collective agreement.

Continuous Employment

Employees who are hired one year or more before an injury occurs are considered to be continuously employed, unless the year was interrupted by a work cessation intended by the employee or the employer to sever the employment relationship.

Continuous Employment – Seasonal Employees

A seasonal employee is considered to be continuously employed where it is shown there has been a pattern of rehiring the employee for more than one season and there is no evidence that the employment relationship was officially terminated with no intention to

rehire the employee at the next season. (e.g., an employee who works ten months each year, September to June, for the same employer.)

Ease Back

Ease back opportunities let injured workers return to their work gradually, while building up strength and tolerance in the process. The objective is to allow a steady progression of hours and/or duties with the end result being a return to full hours and duties.

Functional Abilities

Functional abilities refer to the duties an employee is able to perform, given any limitations due to the workplace injury. An employee's functional abilities are determined by his/her health care provider or by a health care provider appointed by NLSchools.

Lost-Time Injury

A lost-time injury is a personal injury which results in the employee losing time at work beyond the day of the injury.

Suitable Work

Suitable work is defined as:

- Work within the employee's functional abilities;
- Work for which the employee has, or is reasonably able to acquire, the necessary skills;
- Work which does not pose a health or safety risk to the employee or co-employees; and,
- Work which restores the employee's pre-injury earnings, if possible.

WorkplaceNL

WorkplaceNL provides no-fault workplace injury insurance to employers and workers across Newfoundland and Labrador under the direction of the [Workplace Health, Safety and Compensation Act, 2022](#).

Administrative Procedures

1. Roles and Responsibilities

- 1.1 The **Superintendent of Schools** is responsible to provide support and leadership in the Disability Management Program.
- 1.2 The Education Operations Branch, **Human Resources Division** is responsible for the administration of the Disability Management Program for NLSchools.
- 1.3 The **Senior Management Official (Human Resources)** is responsible for the implementation, monitoring and revision of the Disability Management policy.
- 1.4 **Human Resources Representatives** are required to:
 - a) Manage claims and facilitate the ESRTW process.
 - b) Ensure that all required documentation is completed and filed.
 - c) Contact the worker as soon as possible after the injury/illness or disability occurs.
 - d) Communicate and cooperate with the worker throughout the period of their recovery or impairment.
 - e) Work to provide suitable and available employment.
 - f) Review physician reports and chiropractor/physiotherapist reports ([Form 8/10 - WorkplaceNL](#)) when submitted by the employee.
 - g) Develop ESRTW plans based on information provided by the physician, chiropractor/physiotherapist, occupational therapist, or the Commission, in consultation with the supervisor.
 - h) Communicate and distribute plan information to all appropriate parties.
 - i) Monitor progress and compliance of employee participating in ease back and modified duties program.
 - j) Periodically review the plan and revise as required.
- 1.5 **Managers and School Administrators** are required to:
 - a) Initiate the completion of the [Injury Report Form \(Form 7\)](#).
 - b) Forward completed [Injury Report Form \(Form 7\)](#) to Human Resources.

- c) Cooperate with the Human Resources Representative, the injured employee and any other person involved in the rehabilitation process in order to facilitate the ESRTW program.
- d) Provide [Injury Report – Workers \(Form 6\)](#) to employee and encourage them complete it (workplace injury).

1.6 **Employees** are expected to cooperate with the employer and play an active role in the development and implementation of an ESRTW plan. Employees are required to:

- a) Contact the employer as soon as possible after the injury/illness or disability occurs and maintain effective communication and cooperation throughout the period of recovery or impairment.
- b) Provide appropriate information and complete forms for NLSchools and WorkplaceNL as required.
- c) Keep all scheduled appointments with their health care provider, participate in programs outlined by their health care provider and immediately report any changes in their condition to Human Resources.
- d) Assist the employer, as may be required or requested, to identify suitable and available employment.
- e) Accept suitable work when it is identified.
- f) Give WorkplaceNL or group insurance provider any information requested concerning the return to work, including information about any disputes or disagreements that may arise during the ESRTW process.
- g) Unions are expected to cooperate with NLSchools in supporting the Return to Work programs of their members.

2. **Accident/Incident Reporting**

All accidents/incidents must be reported to the employee's immediate supervisor without delay, regardless of how minor. An accident/incident report shall be completed as soon as practical by the supervisor and signed by any employees that were involved in the occurrence. Reporting procedures are as follows:

2.1 **Injury/Illness Reporting (WorkplaceNL – WORK RELATED)**

- a) The supervisor shall complete WorkplaceNL [Injury Report – Employers](#)

(Form 7). This form is to be forwarded to the Education Operations Branch, Human Resources Division for payroll information. The Human Resources Representative is then to ensure the form is:

- b) Sent to the Commission within 72 hours.
- c) Copied and placed in the employee's file.
- d) WorkplaceNL Injury Report – Workers Form 6 is to be given to the injured employee by the supervisor for completion. It is the responsibility of the injured worker to submit this form to the Commission and the Human Resources Division.
- e) An accident investigation is to be completed by the supervisor and forwarded to the Human Resources Division as per the Accident/Incident Reporting & Investigation procedure.
- f) The worker has the right to seek medical care through his/her own physician, the Human Resources Division may arrange for the employee to be assessed by an independent health care provider to expedite the employee's recovery and ESRTW.
- g) When attending medical appointments, the worker shall have their physician complete a WorkplaceNL - Physician's Report (MD) Form indicating work capabilities. The employer's copy of the Form is to be immediately returned by the employee to their supervisor.
- h) The supervisor forwards the original Form to Human Resources.
- i) Upon receipt of the Physician's Report (MD) Form, Human Resources shall complete an ESRTW form based on the information provided.

2.2 Injury/Illness Reporting (Disabling Injury/Illness – NON-WORK RELATED)

- a) Any claim for short/long-term sick leave shall be immediately reported to the employee's immediate supervisor, and medical documentation provided.
- b) For potential long-term disability claims, the Human Resource Representative shall complete the appropriate forms as directed by the insurance provider, in accordance with insurance provider timelines, where applicable.
- c) The Human Resources Representative shall present the employee with the required Long-Term Disability Benefits claim forms for completion.
- d) The employee shall ensure that these forms are completed and returned to the Human Resources Representative as soon as possible to be subsequently submitted to the group insurance provider.
- e) As is the case with WorkplaceNL claims, the Human Resources Representative shall work with the employee, the employee's health care providers, the group insurance provider, and the supervisor in the identification and facilitation of ESRTW opportunities.
- f) While NLSchools recognizes the employee's right to seek medical care through their own health care provider, NLSchools reserves the right to refer the employee to an independent health care provider.
- g) Employees with LTD coverage must exhaust sick leave prior to receiving LTD benefits.

3. Early and Safe Return to Work Plan (ESRTW)

- 3.1 An ESRTW plan will be developed with the involvement of the injured employee, their supervisor, a Human Resources representative and other parties as necessary. The goal of the plan will be to, wherever possible, return the employee to their pre-injury work.
- 3.2 The plan will include:
 - a) The duties the employee is expected to perform, taking into consideration his/her functional abilities.
 - b) Any required workplace modifications.

- c) The hourly wage of the suitable job.
- d) The proposed date the employee will commence the suitable work.
- e) The return to work weekly schedule outlining the number of hours the employee is expected to work, including any ease back accommodation.

4. **Functional Abilities Assessment**

- 4.1 The employee shall provide information on his/her functional abilities (as assessed by his/her health care provider) to Human Resources and the WorkplaceNL.
- 4.2 This information will normally be provided on a [Physician's Report \(MD\) Form](#).
- 4.3 The functional abilities information shall be used along with job descriptions and job site analysis, to assist with the identification of suitable and available work for the employee.
- 4.4 NLSchools may require the employee to have a functional abilities form completed by their health care provider, if additional information is required for the purposes of developing an ESRTW program.

5. **Ease Back or Modified Duties**

- 5.1 Physician or other medical professional releases employee to return to work on an ease back or modified duties program.
- 5.2 Employee to meet with the Human Resources Representative to develop an ease back or modified duties ESRTW plan. The employee's supervisor shall also participate in the development of this ESRTW plan.
- 5.3 In the event an ESRTW plan, and/or permanent return to work plan, requires an employee to encounter significant workplace modifications, change in duties and/or change of position, the Human Resources Representative shall review any potential workplace issues.
- 5.4 Employee shall perform ease back or modified duties as outlined in the ESRTW plan.
- 5.5 Employee/Employer communication is to continue during the ESRTW process.
- 5.6 After commencing the ease back or modified duties program, WorkplaceNL benefits are adjusted.

- 5.7 If the employee declines ease back or modified duties, WORKPLACENL benefits will be terminated.
- 5.8 The ESRTW plan is completed once the employee receives full clearance to return to work from his/her physician or is deemed unable to return to suitable employment with NLSchools.

6. **Re-employment**

- 6.1 The employer shall offer to re-employ employees within a maximum of two years from the date of the lost-time injury, in accordance with Section 101 of the [Workplace Health, Safety and Compensation Act, 2022](#) providing the following conditions are met:
 - 1. The employee was employed with NLSchools for a continuous period of one year immediately prior to the date of injury.
 - 2. The employee is medically able to perform the essential duties of the pre-injury employment or other suitable work.
- 6.2 The Employer obligation to re-employ begins on the date that the employee is able to perform the essential duties of the pre-injury job or other suitable work.
- 6.3 The Employer will continue to work with the employee once they have returned to work to address any issues that may arise and to adjust the ESRTW plan as appropriate.
- 6.4 In cases where NLSchools is unable to accommodate an injured employee to return to work with NLSchools, WorkplaceNL will facilitate a labour market re-entry assessment for the employee or the possibility of a medical disability retirement will be explored.
- 6.5 Where the terms of the Collective Agreement gives a greater benefit, the Collective Agreement will prevail.

7. **Dispute Resolution**

If a dispute arises that cannot be resolved by the employee and the employer, NLSchools shall immediately notify the Commission in accordance with the [Workplace Health, Safety and Compensation Act, 2022](#).

8. **Confidentiality**

Any personal information collected for the purposes of meeting the needs of an injured employee shall be treated as confidential and only shared with authorized parties as required.

Resources / References

- [Canadian Union of Public Employees](#)
- [Newfoundland and Labrador Teacher's Association Collective Agreement](#)
- [Newfoundland Association of Public Employees Collective Agreements for Support Staff and Student Assistants](#)
- [WorkplaceNL Injury Reporting Requirements](#)
- [Workplace Health, Safety and Compensation Act, 2002 & Regulations](#)
- [WorkplaceNL Policies](#) – RE: 01-19 and RH: 07-08