

RETURN TO WORK (RTW)

Rehabilitation and Return to Work (RTW) planning begins the day of the worker's absence from work or when the worker requires accommodation as a result of a workplace injury or illness.

The RTW process should:

- ensure a health recovery process for the injured worker
- provide a safe return to work as soon as is medically possible
- identify any limitations that should be placed on the worker if the worker comes back to a pre-injury job on a modified or part time schedule (until capable of returning to normal job functions)

The worker, the employer and the union should provide effective, ongoing communication and documentation where requested. Based on this information, a return to work or a written accommodation plan should be developed and implemented between the workplace parties.

As an injured worker returning to work, you should:

- get proper medical attention immediately upon experiencing a work related injury;
- report injury to the employer as soon as you are reasonably aware of the injury;
- maintain effective communication between you, the employer, the union representative and WSIB during recovery and RTW process;
- help to identify suitable work with respect to your functional abilities and contribute to the development of your RTW plan;
- report any significant change in your circumstances. This includes returning to work, additional income, or any change in your medical condition. These changes must be reported within ten days of the change occurring and comply with recommendations for treatment;
- provide functional abilities information regarding your restrictions and limitations including your medical prognosis.

You can expect ongoing evaluations of your work progress in relation to your injury from both your employer and WSIB to ensure that you are able to perform your pre-injury job functions or whether there is a need to modify your RTW plan.

The WSIB monitors all claims for worker opportunities to return to part-time, modified and full-time work whether it is the worker's home position or alternative employment. If a job is available, WSIB will arrange a meeting with a Return-to-Work Specialist at the worksite to discuss return to work with the worker, the employer and the union. The WSIB will attempt to arrange a meeting no later than 12

weeks after the claim is approved. However, a meeting can be arranged much sooner based on the worker's ability to return to work.

An offer of work should include:

- what work is being offered;
- nature of the work;
- hours of work;
- associated remuneration;
- location of work site.

If you are unable to return to work or to perform the job duties included in your RTW plan, you must:

- notify your employer that the job is not within your functional capabilities;
- communicate with your employer any alternate accommodations available;
- inform the WSIB immediately.

In turn, the WSIB will consider all relevant functional abilities/health care information; all information regarding the job description including information pertaining to the physical and cognitive demands associated with the job offered; and any other relevant considerations, such as whether changes in the location of work or the hours expected to work will negatively impact your recovery. WSIB may ignore the opinion of your treating health care practitioner and deem you capable of a RTW despite medical information supporting total disability. It is vital to appeal these determinations.

There is an obligation on your part to mitigate your financial loss while appealing or waiting for benefits. This means you are expected to continue to seek medical treatment for your injury and also to seek suitable alternative employment in the labour market.

You should work with your union, employer and health care professional to return to work.

You should contact and arrange for a Local union representative and/or OPSEU/SEFPO Staff Representative to assist you throughout the RTW process. You and your Local may seek the assistance of a WSIB RTW Specialist.

If you wish to appeal a written WSIB decision denying a Loss of Earnings or Health Care benefit, there is a (6 month time limit). A return-to-work dispute has a 30-day time limit to appeal. Refer to *WSIB Fact Sheet # 2 Appealing a Decision*. You should appeal as soon as possible to ensure that you do not miss the appeal deadline.

WORKER SAFETY UNIT

WSIB FACT SHEET #4

Contact Us

To contact **OPSEU/SEFPO Worker Safety Unit**, email workersafety@opseu.org or call **1-800-268-7376 extension 3561**.

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