



## ARCHDIOCESE OF REGINA

<b>Policy Name:</b>	Return to Work and Duty to Accommodate	<b>Number:</b>	S4-31
<b>Policy Type:</b>	Employment Benefits and Protection of Employees	<b>Date Approved:</b>	February 2017
<b>References:</b>	<i>Saskatchewan Employment Act Section 2 – 4- &amp; 414 Workers' Compensation Act (Saskatchewan)</i>	<b>Date Revised:</b>	

**Policy  
Statement:**

An employee who sustains a work-related injury or illness is entitled to be re-employed by The Archdiocese in accordance with the *Workers Compensation Act (Saskatchewan)*

- a) Upon receipt of a completed medical restrictions report from an injured employee's health care professional, the Archdiocese will assess whether or not the employee is still able to perform the essential duties of their job, or whether suitable alternate work is available for the employee. The Archdiocese will then develop a Return to Work Plan to outline the employee's duties upon returning to work through to their return to full duties. The Return to Work Plan will address the following:
  - The employee's ability to perform the essential duties of their pre-injury job and whether any accommodation or modified duties may be necessary.
  - Whether suitable alternate work is available for the employee,
  - Whether other employment is available for the employee.
- b) If the employee is unable to perform the essential duties of their previous position, he or she will be offered suitable alternate work, if it is available, at the regular wage rate associated with that position. If the wage rate for the position is at lower wage range, and the employee's previous regular wage rate is above the top of the range for the alternate work, the employee shall be paid at the top of the range for the alternate work. If the employee's regular wage rate is within the wage range for the alternative work, the employee shall be paid at the same rate as their regular wage rate.
- c) If no suitable alternative work is available, the employee will be offered any available employment within the employee's current abilities, or which would be within the employee's abilities upon receiving (two) (2) weeks of training or less. If no employment is immediately available, the employee will be offered the first available suitable alternate position that

becomes available within a period of two (2) years after the date of the employee's injury, or until the employee reaches the age of sixty-five (65), whichever comes first.

- d) If the employee is deemed to be medically able to perform the essential duties of the employee's pre-accident job, or other suitable job, and the employee has not resumed their position in the pre-accident job, or the suitable job, as offered by the Archdiocese within six (6) months of being deemed medically able to perform the essential duties of the job, the Archdiocese will no longer be obligated to re-employ the employee and the employee will be deemed to have resigned their employment with the Archdiocese.
- e) Any disputes regarding the employee's Return to Work Plan will be resolved in accordance with the appropriate sections of the *Workers' Compensation Act (Saskatchewan)* and, as a result, the supervisor will notify the Workers' Compensation Board of any dispute regarding the employee's return to work.

**Definitions:**

**“Accident”**: means a chance event occasioned by a physical or natural cause and includes a willful and intentional act that is not the act of the worker; any event arising out of, and in the course of employment, or thing that is done and the doing of which arises out of, and in the course of, employment, and an occupational disease, and as a result of which worker is injured.

**“Essential duties of job”**: means the primary responsibilities of the pre-injury that allows the worker to resume a pre-injury level of productivity.

**“Illness”**: means a worker's occupational disease that occurs due to the nature of their employment which results in lost time of five (5) working days or more, and to which the *Workers Compensation Act* applies.

**“Injury”**: means personal injury to a worker by accident arising out of and in the course of their employment which results in lost time of five (5) working days or more and to which the *Workers Compensation Act* applies.

**“Regular wage rate”**: means regular hourly wages or salary, excluding overtime commissions, bonuses or other additional compensation.

**“Suitable alternate work”**: means a job that the employee is medically able to do, does not aggravate or enhance the injury, and will provide benefits to both the work and the company. Suitable work may be permanent or transitional employment that takes into account the worker's pre-accident employment, aptitudes, skills, and what work is available. It also considers any safety concerns for the worker and co-workers.

- Procedure:**
- a) Supervisors must report any accident or injury in accordance with the *Workers' Compensation Act* and *Occupational Health and Safety Act* as soon as possible.
  - b) Following a work-related accident or injury, the employee and the employee's supervisor must contact each other as soon as possible and the employee must keep the supervisor informed about the employee's rehabilitation progress.
  - c) As soon as possible following work-related injury or illness, the employee must have their physician complete a medical restrictions report, indicating the employee's capabilities, limitations and expected recovery time, and the employee shall submit a copy of same to their supervisor.
  - d) Upon receipt of the medical restrictions report, the employee's supervisor will devise a Return to Work Plan consistent with Section 4--32 of the Policy Statement herein. The Supervisor shall give the Return to Work Plan to the employee for their review and shall consult with the employee regarding any modifications to the Plan requested by the employee.
  - e) The Supervisor and employee may agree to modify the Return to Work Plan.
  - f) The Supervisor shall prepare and submit any documents necessary to facilitate the employee's return to the workplace.
  - g) Disputes between the Supervisor and the employee related to the Return to Work Plan which cannot be resolved between them shall be referred to the Director responsible for Human Resources for resolution. If a resolution cannot be arrived at to which all parties agree, the Archdiocese shall refer the issue to the Workers' Compensation Board for guidance which may include further referral to mediation or disposition by the Board, the results of which will be binding on both the Archdiocese and the employee.
  - h) The Supervisor shall keep the Workers' Compensation Board informed of the employee's return to work within twenty-four (24) hours of the employee's return and shall provide the Board with periodic updates of the employee's progress as necessary and/or required.

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