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Subject	WORKPLACE SAFETY AND INSURANCE BOARD (WSIB) CLAIMS
References	Workplace Safety & Insurance Act (Ontario) Human Rights Code (Ontario) Occupational Health & Safety Act (R.S.O. 1990) Accessibility for Ontarians with Disabilities Act
Links	APM A4001 – Return to Work by Ill and Injured Employees APM A4002 – Reporting of Workplace Injury/Illness Form A4002 – 1 – Reporting of Workplace Injury/Illness APM A4006 – Disability Related Workplace Accommodation Workplace Safety and Insurance Board Standard Medical Precautions – Appendix A
Contact	Human Resource Services

1. Purpose

- 1.1 This Administrative Procedures Memorandum (APM) provides guidance to employees of the Simcoe County District School Board (SCDSB) with respect to Workplace Safety and Insurance Board (WSIB) Claims.
- 1.2 The Simcoe County District School Board recognizes its obligation to provide an early and safe return to work program for its employees in order to minimize injury and illness related absences. The Board is committed to accommodating returning employees in order that employees have productive and gainful employment, as appropriate, as soon as can be reasonably expected and in accordance with the pertinent collective agreements, laws and regulations.
- 1.3 The WSIB program provides employees with a safe and timely transition from illness or injury to their pre-injury/illness position by remaining at work or a return to work plan. When appropriate, the program assists employees by providing rehabilitation support, accommodations or modifications to remain at work, gradual return to work and/or modified work prior to commencement of their regular full-time, part-time or occasional position.



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- 1.4 The SCDSB is committed to developing an inclusive barrier-free work environment in which persons with disabilities have equal access to opportunities and all employees feel included and valued.

2. **Definitions**

- 2.1 The Workplace Safety and Insurance Board (WSIB) is a provincial body which oversees Ontario's workplace safety education and training system, provides disability benefits, monitors the quality of health care, and assists in early and safe return to work.
- 2.2 Early and Safe Return to Work is an effort to alter the employee's normal duties in length or nature for varying periods of time in order to accommodate physical or cognitive functional restrictions, where practical. It is applicable to employees who have become incapable of fully performing the essential duties of their own position but who have the functional abilities to perform modified duties in their own or an alternate position.
- 2.3 The Human Resource Services Coordinator (HRS Coordinator) in the Compensation and Wellness team within the Human Resources Services Department is the individual responsible for coordinating the return to work process for occupational illness and injuries (WSIB claims).
- 2.4 For the purpose of this procedure, supervisor is defined as an individual who has charge of a workplace or authority over a worker, such as a superintendent, principal, manager, or supervisor.
- 2.5 Loss of earnings benefits (LOE) is paid to an employee, when a WSIB claim is approved, if he/she misses time from work and experiences a loss of earnings due to a work-related injury or illness. The LOE commences on the next regularly scheduled work day following the occurrence of a workplace injury or illness. Loss of earnings benefits continue until the employee is no longer impaired by the work-related injury or illness, or until the employee no longer has a loss of earnings, or reaches age 65. If the employee is 63 years or older at the time of injury, the employee is eligible to receive LOE for up to two years as long as he/she continues to be approved for LOE.
- 2.6 Productive and Gainful Work/Suitable Work is defined as work which:
 - 2.6.1 Is safe for the employee.
 - 2.6.2 Restores the employee's pre-injury/pre-illness earnings as closely as possible given the employee's limitations and abilities.
 - 2.6.3 The employee has the necessary skills, qualifications, functional capabilities and abilities to do the task or job.



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- 2.7 A Return to Work Plan (RTW Plan) is a collaborative plan based on the ill or injured employee's functional abilities that may include the following information:
 - 2.7.1 Restrictions and limitations.
 - 2.7.2 Work schedule.
 - 2.7.3 Follow-up work assessment date(s).
 - 2.7.4 A gradual resumption of duties.
 - 2.7.5 A gradual increase in hours worked.
 - 2.7.6 Anticipated start and end date of plan.
 - 2.7.7 Signature of the employee, immediate supervisor, Human Resources Coordinator, appropriate treating health care professional or provider and the union representative, if applicable.
 - 2.7.8 Next review meeting date.

2.8 Standard Medical Precautions

A precaution is a safety measure taken to prevent injury or exacerbation of an existing injury. The standard medical precautions are meant to be general. The activities listed on the standard medical precautions list are to be minimized or avoided to ensure precaution is accommodated. Specific precautions or absolute restrictions (e.g. no bending) should be indicated on a Functional Abilities Form (FAF) or documented by the treating medical professional.

3. Roles and Responsibilities

The Workplace Safety & Insurance Act (WSIA) outlines roles, responsibilities and obligations for employers, employees, health professionals and WSIB. The expectations of the parties are:

3.1 The Employee

- 3.1.1 Co-operate with the SCDSB and WSIB in the return to work process.
- 3.1.2 Obtain medical treatment.
- 3.1.3 Provide information to the SCDSB on functional abilities from the treating health care professional or provider (e.g. physician, physiotherapist, etc.), as required.
- 3.1.4 Maintain communication with the HRS Coordinator and WSIB throughout his/her recovery and return to work.
- 3.1.5 Assist the SCDSB in identifying productive, gainful and suitable work.
- 3.1.6 Provide the WSIB with any information requested about health care treatment and progress with respect to returning to work.



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- 3.1.7 Report any material change in circumstances to the WSIB (e.g. health care status, lost time, earnings, income, and work status).
 - 3.2 The Simcoe County District School Board (SCDSB)
 - 3.2.1 Contact and communicate with the employee as soon as possible after the illness or injury and throughout his/her recovery and return to work.
 - 3.2.2 Co-operate with the employee and the WSIB in the return to work process.
 - 3.2.3 Provide suitable employment within the employee's abilities using the standard medical precautions which are outlined in Appendix A. This may require modifying the work and hours of work to accommodate the employee.
 - 3.2.4 Provide productive, gainful and suitable work which restores the employee's pre-injury earnings as closely as possible.
 - 3.3 The Workplace Safety & Insurance Board (WSIB)
 - 3.3.1 Monitor the employee's activity, progress, and cooperation between the employee and the employer throughout the return to work process.
 - 3.3.2 Obtain and clarify functional abilities information.
 - 3.3.3 Help resolve difficulties and disputes through the RTW process.
 - 3.3.4 Render decisions on all claim related and compliance issues.
 - 3.4 The Health Care Professionals or Providers
 - 3.4.1 Co-operate with the SCDSB in the return to work process.
 - 3.4.2 Complete the Functional Abilities Form (FAF) for the employer and WSIB.
 - 3.4.3 Provide medical information to WSIB.
 - 4. **Injury/Illness requiring modified duties**
 - 4.1 The SCDSB will provide productive and gainful work/suitable work to employees who have an injury/illness and are unable to perform their regular duties. The SCDSB recognizes its responsibility to ensure that employees who require assistance or accommodations to return to work are supported. Every reasonable effort will be made by the SCDSB to accommodate employees in accordance with the Ontario Human Rights Code.
 - 4.1.1 The provision of modified duties requires the placement of an ill/injured employee into productive and gainful work which is suitable to his/her capabilities while maintaining the integrity of the job and the productivity of the work performed.



- 4.1.2 When modifying an employee's duties, an individual's restrictions and abilities are matched with the demands of the job and permits movement into other suitable duties.
 - 4.2 Modified duties in general, may include, but is not restricted to, some or all of the following:
 - 4.2.1 Modification of current duties.
 - 4.2.2 Temporary re-assignment of duties, position or work location.
 - 4.2.3 Change or reduction in hours of work.
 - 4.2.4 Provision of assistive or specialized equipment.
 - 4.3 The Supervisor will attempt to offer appropriate modified work to employee on date of injury/illness. An employee can work up to seven (7) calendar days on modified work, at full pay, without reporting a claim to the WSIB, as long as medical treatment is not required.
 - 4.4 The injured/ill employee must provide his/her Supervisor or the HRS Coordinator with a completed Functional Abilities Form (FAF), which will provide medical limitations, restrictions and duration to determine if suitable modified duties or hours are available. Prior to this information being provided, standard medical precautions will be used to return an employee to work.
 - 4.5 All modified duties or hours are considered temporary and the goal is to return the employee to regular duties and hours of work in the employee's pre-injury position.
- 5. Injury/Illness requiring lost time from work**
- 5.1 Any work-related injury/illness absence must be reported to the employee's direct supervisor or the HRS Coordinator as soon reasonably possible. Any absence related to work-related injury and illness must be reported to the Simcoe County Absence Reporting Replacement Information System (SCARRI) using SCARRI code 04 - WSIB.
 - 5.2 The employee must provide sufficient medical documentation to WSIB, which states that he/she is totally disabled and unable to return to work in any capacity, for WSIB to approve loss of earnings benefits (LOE). The HRS Coordinator will request updated medical documentation related to the employee's functional abilities (and limitations and restrictions) during the employee's absence from work.
 - 5.3 If a claim for LOE benefits has been submitted to WSIB, on behalf of an employee, the SCDSB will advance the employee his/her full regular pay while awaiting the decision of WSIB, using the employee's accumulated sick leave credits. The employee's accumulated sick leave bank will be charged one regular



work day for each day absent until the employee's accumulated sick leave bank has been exhausted or he/she has returned to work during the claim adjudication period.

- 5.4 If WSIB subsequently approves the claim for LOE benefits, the employee's accumulated sick leave bank will be reimbursed up to 85% of his/her net earnings for the approved lost time claim retroactive to the day following the date of injury/illness. The employer is responsible for full payment of wages on the effective date of the claim (date which the injury/illness occurred).
- 5.5 In the event the employee's accumulated sick leave bank has exhausted, the WSIB will pay the employee up to 85% of his/her net earnings directly and the employee will be placed on an approved WSIB leave without pay.
- 5.6 WSIB records all compensation payments, whether it is covered by advances or paid directly to the employee, as a financial charge against the employee's claim costs and the SCDSB's WSIB account.
- 5.7 Employees must report any other monies they are receiving to WSIB (e.g. Canadian Pension Plan (CPP) Disability benefits, long term disability (LTD), etc.). The WSIB classifies such payments as a material change in circumstances.

6. Returning from a WSIB claim for lost time

- 6.1 When an employee is absent due to a work-related injury/illness, the Workplace Safety and Insurance Act (WSIA) requires that both the employee and the employer co-operate in Early & Safe Return to Work (ESRTW).
- 6.2 The HRS Coordinator notifies the supervisor of the employee's restrictions and limitations, using WSIB standard medical precautions or medical documentation provided by the treating health care professional to determine if the employee can be accommodated in their current position.
 - 6.2.1 If the employee is able to be accommodated by modifying his/her regular duties, the HRS Coordinator will develop the accommodation plan in writing. Please refer to APM 4006, Disability Related Workplace Accommodation for details regarding the workplace accommodation process. This plan will be sent to the employee via board courier or other appropriate means of distribution.
 - 6.2.2 The offer of modified work/duties will include an agreed return to work date. The supervisor and HRS Coordinator will discuss the return to work plan with the employee and representative, if one has been requested by the employee.
 - 6.2.3 If the employee refuses to sign the RTW Plan, or his/her health care professional or provider feels they are unable to return to modified work and the offer is declined by the employee, the proposed RTW plan must still be submitted to the WSIB. WSIB will determine the suitability of the



board's offer and the decision of WSIB may be to reduce or terminate the employee's LOE benefits.

- 6.3 To ensure implementation of an appropriate return to work plan, the HRS Coordinator will schedule a return to work meeting with the employee and supervisor, if necessary. The employee will be advised that it is his/her responsibility to request union representation for the meeting. In addition, WSIB may send a Return to Work Specialist to assist in the RTW process if required. The RTW plan will be discussed, accepted and signed by all parties.
- 6.4 The HRS Coordinator will communicate regularly with the injured employee and request updated functional abilities to monitor the employee's rehabilitation until he/she returns to full-time duties and hours.
- 6.5 If the employee is unable to meet the specifications of the RTW plan, the RTW plan may be modified provided the employee continues to be capable of working. If the RTW plan is unsuccessful, the RTW plan maybe terminated at any time and reconsidered by all parties.
- 6.6 The WSIB will determine if the employee is no longer able to continue to perform the essential duties of his/her usual position. The HRS Coordinator will involve the appropriate Human Resource Services Officer to identify a suitable and available position for which the employee has the necessary skills and qualifications.
 - 6.6.1 If an alternate position is available, the HRS Coordinator will develop a written job offer and provide to the employee. If the employee accepts the offer, a meeting will be arranged by the HRS Coordinator, which will include the appropriate Human Resource Services Officer, employee, supervisor and union representative, if requested by employee. The RTW plan will be discussed, agreed and signed by all parties present at the meeting.
 - 6.6.2 If the employee refuses to accept the alternate position, the written job offer must still be submitted to the WSIB. WSIB will determine the suitability of the board's offer of an alternate position in the RTW plan and the decision of WSIB may be to reduce or terminate the employee's LOE benefits.
- 6.7 The WSIB Adjudicator and WSIB's Medical Consultants will review the current job offer to determine if suitability and if it meets the medical restrictions for the compensable injury.
 - 6.7.1 If the alternate position and RTW Plan is deemed suitable by the employer and the health care professional and provider, yet the employee continues to be absent from the workplace for medical reasons related to the workplace injury, the employee will not be eligible for sick leave benefits and, upon approval by WSIB, will be paid directly by WSIB.



6.7.2 If WSIB rules that the job offer in the RTW plan is suitable and the employee continues to be absent as a result of the workplace injury, the employee's eligibility for sick leave benefits will be reviewed.

6.8 The employee will notify the HRS Coordinator and the supervisor if there is any change to his/her medical condition or if he/she is experiencing any difficulty with the assigned duties. If required a follow up meeting will be arranged by the HRS Coordinator.

7. Assistive or Specialized Equipment

7.1 The HRS Coordinator will discuss any requirements for assistive or specialized equipment with the employee and supervisor. If required, a workplace assessment will be performed.

7.2 Upon receipt of the assistive or specialized equipment, the employee will sign an Accommodation Supply Form. This form outlines the equipment that the employee has received and the employee agrees to accept responsibility for the equipment. The employee will notify the HRS Coordinator if these items need to be transferred to a new location, or he/she no longer requires the equipment.

7.2.1 If the equipment needs to be transferred to a new location, the HRS Coordinator will arrange to have the items transferred.

7.2.2 Should the employee lay off work for an extended period of time (e.g. summer breaks) or resign/retire from the SCDSB, Human Resource Services will arrange for the return of the equipment.

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Workplace Safety and Insurance Board Standard Medical Precautions

Standard Back Precautions

- repetitive trunk movements
- bending
- lifting limitation
- prolonged standing
- prolonged postures
- low level work
- heavy push/pull, twisting

Standard Neck Precautions

- repetitive neck movement
- above shoulder and overhead activity
- lifting limitations

Standard Shoulder Precautions

- repetitive shoulder movement
- lifting limitation
- above shoulder level activity
- repetitive use of the upper extremity against resistance
- limited range of movement

Standard Upper Extremity Precautions (elbow, wrist, hand)

- repetitive movement of the involved joint against resistance
- rotation (supination/pronation), pulling, pushing, lifting
- repetitive gripping
- maintain work surface at waist height

Standard Lower Extremity Precautions (hip, knee, ankle and foot)

- repetitive movement of the involved joint against resistance
- prolonged weight bearing
- rough ground walking
- low level activity (e.g. stooping, squatting)
- climbing stairs and ladders