

Duty to cooperate in Early and Safe Return to Work (ESRTW)

All employers and workers are obligated under section 100 of the Workplace Health, Safety and Compensation Act, 2022 to cooperate in a worker's early and safe return to suitable and available employment with the injury employer.



Challenges within the Health Care and Social services industry

- Difficulty identifying ESRTW duties due to nature of work and worksites.
- Physical demands of the work & progression of ESRTW plans.
- A high number of soft tissue injuries such as sprains and strains (accounts for 52% of injuries in this industry).
- Difficulty accommodating workers who do not fully recover from their injuries (permanent accommodation).
- Collective agreement provisions impact availability of ESRTW and permanent accommodation options.

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ESRTW Tips - Highlights

The Health Care and Social Services Industry includes sectors such as hospitals, nursing homes, social services, day care services, physicians' offices, and health and community services.

Lost time claims by top 5 occupations, 2016-2020

Health Care Occupations	% Total Lost time Claims
Personal care attendants	22%
Licensed practical nurses	15%
Light duty cleaners	12%
Registered nurses	12%
Visiting homemakers/related occupations	7%



Tactics and Possible Solutions - Employers

Program level

- Start talking about return to work and recovery at orientation.
- Compile a list of modified duties for various positions within your workplace.
- Have clear roles and responsibilities for everyone involved in the Return to Work (RTW) process.
- Ensure all managers/supervisors are educated on ESRTW and their roles and responsibilities.
- Evaluate the RTW program each year to ensure it is meeting objectives.
- Involve all workplace parties in the RTW process.



Contact a WorkplaceNL RTW Facilitator

ESRTW

St. John's

t. 709.778.1000

For immediate assistance, call **1.800.563.9000**

Corner Brook

t. 709.637.2700

For immediate assistance, call **1.800.563.2772**

Grand Falls-Windsor

t. 709.489.1600

For immediate assistance, call **1.800.563.3448**



connect

Employers can enter and maintain their ESRTW plans, review claims cost information and obtain injury statistics through their **connect** account.

Register for **connect** at workplaceni.ca

Claim specific

- Maintain regular communication with injured workers (once a week for anyone in ESRTW).
- Contact WorkplaceNL even before claim is accepted if you need help with any part of ESRTW process.
- Ensure you are receiving Health Care Provider reporting forms from injured workers within 24 hours after each visit.
- Involve the injured worker in development of ESRTW plan.
- If difficulty in obtaining functional information, contact the case manager to see if a functional assessment can be completed.
- Explore work that may be across unions if that work is suitable and available.

If you are having difficulty arranging ESRTW you can:

- Ask the RTW Facilitator. They can:
 - Assist in developing the ESRTW plans before the claim is adjudicated.
 - Assist with clarifying medical information.
 - Provide education sessions to staff.
 - Monitor ESRTW plans and mediate disputes between workplace parties.
 - Help identify potential ESRTW duties (suitable & available work).

Contact the Case Manager. They will:

- Assist with early ESRTW intervention.
- Ensure progression of the ESRTW plan.
- Address issues such as workers being hard to reach or getting required Health Care Provider reporting forms on a timely basis.

Tactics and Possible Solutions - Workers

- Report the injury to your supervisor immediately.
- Ensure that all Health Care Provider reporting forms are returned to the employer within 24 hours.
- Help identify potential ESRTW duties with your employer.
- Discuss ESRTW options with your health care providers.
- Maintain communication with your employer.

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