

Client Services Policy Manual

Policy Number: **RE-01**
Subject: **Overview – Return to Work**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

WorkplaceNL provides return to work services and programs to an injured worker in the following hierarchical sequence; the goal of which is to safely return the worker to employment or employability that is comparable to the pre-injury level as soon as possible. With effective return to work planning, the human and financial costs associated with workplace injury are significantly reduced.

1. Early and Safe Return to Work

All employers and workers are obligated under the Act to cooperate in the worker's early and safe return to suitable and available employment with the injury employer. This may involve modified work, easeback to regular work, transfer to an alternate job or trial work to assess the worker's capability.

2. Re-employment Obligation

Employers who have a legislative duty (see policy RE-05 "Re-employment Obligation") to modify the workplace in order to accommodate the injured worker's return to the workplace are obligated to do so to the extent that it does not cause undue hardship for the employer (see policy RE-07 "Undue Hardship"). This may include work site/job modification or on-the-job skills development for alternate work.

3. Labour Market Re-entry Assessment and Plan

In cases where the injury employer is unable to accommodate an injured worker or has been found to be non-cooperative in the early and safe return to work process, WorkplaceNL will facilitate a Labour Market Re-entry assessment for the worker (including consideration of any transferable skills). Depending on the assessment, it could result in a plan involving:

1. employment readiness services;
2. a return-to-work program with another employer;
3. a training program, or
4. a self-employment venture.

When referencing any of the return to work policies (RE-01 to RE-11 and RE-18), it is important to recognize the responsibilities of the workplace parties within the context of the complete return to work process. Therefore, the whole return to work model must be considered in its entirety and not only the specific guidelines under an individual policy.

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General

Self-insured Employers Included

Employers who are self-insured, and employers covered under the Government Employees' Compensation Act (GECA), are bound by the co-operation and re-employment obligation of the Act.

Construction Industry

Effective January 1, 2002, section 89 and 89.1 of the Act applies to non-construction workers of construction employers. Effective January 1, 2003, section 89 and 89.1 of the Act shall also apply to a worker who performs construction work and to an employer who is engaged primarily in construction work as defined by Policy RE-19 "Construction Industry".

Penalties for non-compliance

Penalties for non-co-operation and non-compliance will be determined in accordance with the provisions outlined in the applicable policy.

Exceptional Circumstances

In cases where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Effective Date

This chapter on "Return to Work and Rehabilitation" (policies RE-01 through to RE-18) governs WorkplaceNL's entire process for Early and Safe Return to Work, Re-employment Obligation, and Labour Market Re-entry. Because a phase-in approach was used to implement this new chapter, the "Effective Date" may vary by policy. Please refer to the "Effective date" for each policy.

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Reference: *Workplace Health, Safety and Compensation Act (the Act), Sections 88 – 89.2*
Policies: RE-01 through RE-11
RE-18 Hierarchy of Return to and Accommodation

Amendment History

<i>Original Effective Date</i>	2002 01 01
<i>Revision #1</i>	2002 06 26
<i>Revision #2</i>	2004 07 22