

Client Services Policy Manual

Policy Number: **RE-11**
Subject: **Re-employment Provisions and Collective Agreements**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

When a worker is covered by the re-employment provisions of both a collective agreement and the Act, the provisions of the Act shall be applied, except where the workplace parties, in consultation with local union representatives, determine that the provisions of the collective agreement afford the worker greater rights.

In such cases, the provisions of the collective agreement shall prevail and the workplace parties shall notify WorkplaceNL in writing of this finding as soon as possible.

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.

General

Effect of Seniority

The worker's return to work under the re-employment provisions of the Act does not displace the seniority provisions of the collective agreement. The application of the re-employment obligation is subject to the level of accumulated seniority in relation to co-workers, and the specific seniority provisions of the collective agreement.

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 policy applies to injuries occurring on or after January 1, 2002 other than injuries to construction workers defined by Policy RE-19 "Construction Industry". For a worker who performs construction work and an employer who is engaged primarily in construction work as defined by Policy RE-19 "Construction Industry", the re-employment obligation under this policy applies to injuries occurring on or after January 1, 2003.

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Reference: *Workplace Health, Safety and Compensation Act (the Act), Section 89.1*
Policies: RE-01 through RE-11
RE-18 Hierarchy of Return to Work 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