

Construction Industry – Facilitating Recovery at Work

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

All employers and workers are obligated under section 89 of the Act to cooperate in a worker's early and safe return to suitable and available employment with the injury employer.



Challenges within the construction industry:

- Identifying ESRTW duties due to nature of work and worksites.
- Accommodating injured workers who do not fully recover from their injuries (permanent accommodation).
- Collective agreement provisions impact availability of ESRTW and permanent accommodation options.
- Identify alternate return to work options that restore the pre-injury earnings of higher wage earners.

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ESRTW Tips - Construction Industry Highlights

The Construction Industry includes sectors such as building, developing and general contracting, industrial and heavy construction, and trade contracting.

Lost time claims by top 5 occupations, 2016-2020

| Occupations | % Total Lost time Claims |
|---|--------------------------|
| Construction trades helpers/labourers | 24% |
| Carpenters | 23% |
| Heavy Equipment operator – except crane | 4% |
| Truck drivers | 4% |
| Electrician except industrial systems | 4% |

Tactics and Possible Solutions - Employers

Program level

- Start talking about recovery at work at orientation.
- Compile a list of modified duties for various positions within your company.
- Have clear roles and responsibilities for everyone involved in the Return to Work (RTW) process.
- Evaluate the RTW program each year to ensure it is meeting objectives.

Claim specific

- Maintain regular communication with injured workers (once a week for anyone in ESRTW).
- Ensure you are receiving Health Care Provider reporting forms from injured workers within 24 hours after each doctors 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.



Involve all stakeholders
in the ESRTW process.
Union, employee reps etc.



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.

Contact a WorkplaceNL RTW Facilitator

ESRTW - St. John's

Jennifer Payne, RTW Facilitator **778.1334**
Amanda Kerrivan, RTW Facilitator **778.1318**
Kourtney Sturge, RTW Facilitator **778.1152**

For immediate assistance, call **1.800.563.9000**

ESRTW - Corner Brook

Jennifer Grimes, RTW Facilitator **637.2741**
for immediate assistance, call **1.800.563.2772**

ESRTW - Grand Falls-Windsor

Jasmine Collis, RTW Facilitator **489.1635**
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 workplacenl.ca

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