

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 service industry:

- Difficulty identifying ESRTW duties due to nature of work and worksites (small employers).
- A high number of soft tissue injuries such as sprains and strains (accounts for 33% of lost time claims 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.
- High staff turnover as well as higher percentage of young workers.

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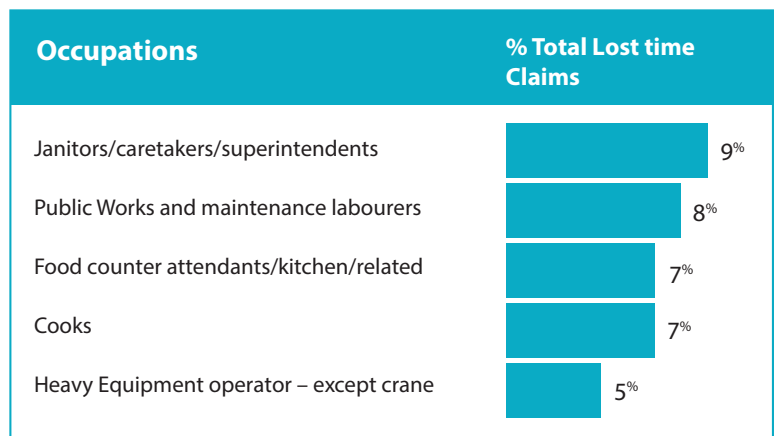
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Service Industry – Facilitating Recovery at Work

Industry Highlights

The Service Industry includes a range of sectors which involve including accommodation, food and beverage services, amusement and recreational services, personal and household services, government services, and business services.

Lost time claims by top 5 occupations, 2016-2020



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 company.
- Compile a list of alternate duties (outside the pre-injury job) that may be available.
- Cross train employees. This will allow employees who become injured the ability to work in other areas which may be better suited to their abilities.
- 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.



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 workplacnl.ca

Claim specific

- Maintain regular communication with your worker (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 form from your employees within 24 hours after each visit.
- Involve worker in development of an ESRTW plan.
- If difficulty in obtaining functional information, contact case manager to see if functional assessment can be completed.

If you are having difficulty with arranging ESRTW you can:

- Ask the RTW Facilitator. They can:
 - Assist in developing the ESRTW plans before 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 at WorkplaceNL. They will:
 - Assist with early ESRTW intervention.
 - Ensure progression of ESRTW plan.
 - Address issues such as workers being hard to reach or getting required Health Care Provider reporting form 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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