

Summary of Policy and Procedure Revisions – January 2023 Updates -- Bulletin-33

This Bulletin provides a summary of recent policy and procedure revisions.

General updates to these policies and procedures include: edits for clear language and use of the active voice; restructuring of policy and procedure content and section headings (where relevant); removal of repetitive language; and reference updates including a modified description of Merits and Justice.

Additional edits for each policy and procedure are outlined below.

Health and Safety

Procedure 81.00 Certification Trainer Approval

Effective September 12, 2022, Management Committee revised Procedure 81.00 to ensure it reflects the changes that have occurred to the trainer assessment process to enhance the user experience and regulatory oversight. Updates to the Procedure include:

- Added a Certification Trainer's Code of Ethics for trainers to sign and submit to WorkplaceNL as part of the initial application to ensure trainers are aware of the requirement to act in a professional manner.
- Revised the trainer assessment tool to ensure consistency of both in-person and virtual assessments. Updates to the assessment tool include:
 - Blended the non-verbal communication element with the presentation skills element;
 - Moved the practical skills and discussion elements to the presentation skills element; and
 - Removed the assessment of a trainer's use of visual aids (i.e., flip chart skills) as this does not apply to virtual training.
- Added that a trainer will be notified in writing if additional time is required to notify them of the status of their application.
- Moved the information for successful trainer candidates from Section 3 to Section 2.
- Updated policy language to improve clarity and ease of reading.

Return to Work and Rehabilitation

Effective December 15, 2022, the Board of Directors approved the following policy revisions:

Policy RE-01 Overview of Return to Work

- Added reference to section 89 and defined suitable and available work for the return-to-work section.
- Clarified that the duty to accommodate to the point of undue hardship applies to all employers (as opposed to only to those who have a re-employment obligation), to support compliance with the Supreme Court of Canada decision.
- Clarified Labour Market Re-entry (LMR) plan options resulting from an LMR assessment to include academic upgrading and on-the-job training.

Policy RE-08 Compliance with Re-employment Obligation

- Consolidated policies RE-09, RE-10, and RE-11 into one single policy (RE-08) to promote a fulsome understanding of compliance requirements.

Policy RE-09 Re-employment Penalties

- Rescinded policy and consolidated the policy information (excluding repetitive language), into Policy RE-08.
- Moved information on the amount, waiving, reducing, and collection of the reemployment penalty to Procedure 41.00 Compliance with the Re-employment Penalty, as this information describes the specific methods and practices used to action a re-employment penalty – more appropriately placed in a procedure, as opposed to a policy.

Policy RE-10 Termination after Re-employment

- Rescinded policy and consolidated the policy information (excluding repetitive language), into Policy RE-08.

Policy RE-11 Re-employment Provisions and Collective Agreements

- Rescinded policy and consolidated the policy information (excluding repetitive language), into Policy RE-08.

Policy RE-16 Labour Market Re-entry (LMR) Plans

- Clarified the difference between employment readiness services and employment readiness benefits.
- Increased employment readiness benefits from six weeks to 12 weeks.

Policy RE-19 Construction Industry

- Rescinded as policy expired in 2004; all construction employers have the duty to cooperate in return to work under section 89 and the obligation to re-employ under section 89.1 of the Workplace Health, Safety and Compensation Act (the Act).

Effective November 22, 2022, Management Committee approved the following procedure revisions:

Procedure 41.00 Compliance with the Re-employment Obligation

- Consolidated procedures 42.00 and 43.00 into one single procedure (41.00) to promote a fulsome understanding of compliance requirements.
- Clarified wording for compliance with the re-employment obligation (section 89.1(8) of the Act).
- Removed the section on “The Case Manager’s Role in Facilitating Early and Safe Return to Work”, as this information is repetitive and presently included in the Case Manager’s position description and Policy RE-02 The Goal of Early & Safe Return to Work and the Roles of the Parties.

Procedure 42.00 Re-employment Penalties and Payments

- Rescinded and consolidated the procedure information (excluding repetitive language) into Procedure 41.00.

Procedure 43.00 Termination after Re-Employment

- Rescinded and consolidated the procedure information (excluding repetitive language) into Procedure 41.00.
- Removed reference to referrals to the Legal Department as references to client and solicitor privilege should not be stated in policy or procedure.

Procedure 47.00 Labour Market Re-entry (LMR) Plans

- Removed the general eligibility criteria section as this is repetitive language outlined in other decision-making policies (RE-16 Labour Market Re-entry (LMR) Plans and RE-12 Labour Market Re-entry Overview).
- Removed the reference to an internal process for the approval LMR programs with a duration of greater than 26 weeks.
- Added the reference to employment readiness services and benefits under the formal training section to be consistent with Policy RE-16.
- Clarified the difference between employment readiness services and employment readiness benefits.
- Increased employment readiness benefits from six weeks to 12 weeks.