

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.

Return to Work

All employers and workers are obligated under the Workplace Health, Safety and Compensation Act, 2022 (the Act) to co-operate in the worker's early and safe return to suitable and available employment with the injury employer (section 100). This is defined as employment that is available and consistent with the worker's functional abilities and that, where possible, restores the worker's pre-injury earnings. This may involve modified work, ease back to regular work, transfer to an alternate job or trial work to assess the worker's capability.

Re-employment Obligation

Employers who have a re-employment obligation have a legislative duty (section 101) (see Policy RE-05 Re-employment Obligation) to accommodate the work or the workplace for a worker who has been unable to work as a result of an injury to the extent that it does not cause the employer undue hardship (see Policy RE-07 Undue Hardship). This may include work site or job modification, or on-the-job skills development for alternate work.

Duty to Accommodate

All employers have a duty under human rights legislation to accommodate a worker who is unable to work as a result of an injury. In addition to the duty to accommodate in section 101 of the Act, WorkplaceNL interprets its legislation and policies in compliance with human rights legislation and applies the duty to accommodate to all employers.

Labour Market Re-entry (LMR) Assessment and Plan

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 an LMR assessment for the worker (including consideration of any transferable skills). Depending on the assessment, it could result in a plan involving:

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- Employment readiness services;
- An on-the-job training program with another employer;
- Academic upgrading;
- Formal re-training program; or
- Self-employment venture.

When referencing any of the return to work policies (RE-01 to RE-08 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

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.

Penalties for Non-compliance

Penalties for non-cooperation and non-compliance will be determined in accordance with the provisions outlined in Policy RE-02 The Goal of Early and Safe Return to Work and the Roles of the Parties or RE-08 Compliance with the Re-employment Obligation.

Merits and Justice

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 as outlined by Policy EN-22 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 LMR. Because a phased-in approach was used to implement this new

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chapter, the effective date may vary by policy. Please refer to the effective date for each policy.

Reference:

Workplace Health, Safety and Compensation Act, 2022, Sections 99 – 102

Policies:

EN-22 Merits and Justice

RE-01 through RE-18 Hierarchy of Return to and Accommodation

Amendment History

Original Effective Date	2002 01 01
Revision #1	2002 06 26
Revision #2	2004 07 22
Revision #3	2022 12 15

Next Review Date 2027 12 01