

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 for oil and gas industries

- Difficulty identifying ESRTW duties due to nature of work and worksites.
- A number of worksites have captive employees which means that they live in an employer-provided facility. This prevents employees from being able to access treatment and participate in easebacks.
- Physical nature of the work .
- High incidence of soft tissue injuries which can be difficult to resolve/treat (accounts for 29% of injuries in these industries).
- Difficulty accommodating injured workers who do not fully recover from their injuries (permanent accommodation).
- High wage earners – it's difficult to identify alternate return to work options that restore the employee's pre-injury earnings.

WorkplaceNL

Health | Safety | Compensation

ESRTW Tips - Highlights

The Mining, Oil and Gas Industry Industry includes captures surface and underground mining of various minerals, as well as onshore and offshore oil and gas exploration, development and production.

Lost time claims by top 5 occupations, 2019-2023

Oil and Gas Occupations	% Total Lost time Claims
Heavy equipment operators – except crane	17%
Machine Operators mineral/metal process	10%
Drillers/blasters/surface miners	7%
Construction millwrights/mechanics	6%
Welders and related machine operators	6%



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 RTW process
- Evaluate RTW program each year to ensure it is meeting objectives
- Involve all workplace parties in the RTW process.



Claim specific

- Maintain regular communication with injured employees (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 forms from injured employees within 24 hours after each visit.
- Involve injured employee in development of 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:

- Utilize RTW Facilitator at WorkplaceNL. They can:
 - Assist in developing ESRTW plans before claim adjudicated.
 - Assist with clarifying medical.
 - Provide education sessions to staff.
 - Monitor ESRTW plans and mediate.
 - Help identify potential ESRTW duties (suitable & available work).
- Contact Case manager at WorkplaceNL They will:
 - Assist with early ESRTW intervention.
 - Ensure progression of ESRTW plan.
 - When having issues contacting injured employees or obtaining MD forms.

Employees

- Report the injury to your supervisor immediately.
- Ensure that all health care provider 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

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 **workplacenl.ca**

WorkplaceNL

Health | Safety | Compensation