



POLICY STATEMENT

The Government of Nunavut (GN) has a duty to accommodate employees who, as a consequence of disease, injury or condition, become unable to perform the duties of their job. The GN commits to taking all reasonable steps to provide safe and timely return to work (RTW), by providing reasonable accommodation measures.

The GN will work in collaboration with employees and union or association representatives, if applicable, to identify suitable work and develop an individualized RTW plan for the employee.

PRINCIPLES

This policy is guided by the following Inuit Societal Values and principles:

- *Tunnganarniq*: Fostering good spirits by being open, welcoming and inclusive. The GN will provide accommodation measures for an employee with a disability as soon as is reasonably and safely possible, with a safe and supported RTW plan, up to the point of undue hardship.
- *Piliriqatigiinniq/Ikajuqtigiinniq*: Working together for a common cause. The GN and the employee will work closely together to identify suitable work in a timely manner.
- *Aajiiqatigiinniq*: Decision making through consensus. The RTW plan will be based upon collaboration between the employer and the employee including functional abilities information provided by qualified Health Care Providers.
- *Inuuqatigiitsiarniq*: Respecting others, relationships and caring for people. The GN recognizes the importance of supporting and treating employees with respect.

APPLICATION

This policy applies to all employees of the GN as well as employees of public bodies. When necessary and possible, employees will be provided with alternate or modified work that is within their skills and abilities. The RTW process commences immediately after an injury/illness occurs.

DEFINITIONS

The following definitions apply to this policy:

Accommodation Measure is an action taken to accommodate the temporary, long term, or permanent incapacity of an employee to perform a part of or all of his or her job.

Disability means the condition of having reduced physical or mental abilities caused by the worker's personal injury or disease. Disability may be temporary, long term, or permanent.

Disease means an unhealthy condition of the body or mind.

Duty to Accommodate is a legal obligation under the Nunavut *Human Rights Act* that requires employers to identify and change any rules, practices, expectations, or procedures that have or may have a discriminatory impact based on the Nunavut Human Rights Act (NHRA)'s prohibited grounds. The GN has a duty to accommodate up to the point of undue hardship.



Employee/Worker is a person who performs work for, or supplies services to the GN for wages, and receives instruction or training related to the GN's business. Includes full-time, part-time, seasonal, term, casual and indeterminate employees.

Health Care Provider is a physician, nurse, physiotherapist, occupational therapist or any other certified health care specialist.

Independent Medical Evaluation is a medical assessment of an individual's abilities and expected recovery from illness or injury performed by a specific health care provider other than the individual's own health care provider at the request of the employer.

Modified Work is any job, task, function or combination of tasks and functions which an employee with a disability can safely perform. This work may incorporate, but is not limited to, regular work that has been changed, redesigned or physically modified. This may include reductions in time or volume, changes in job duties, or workload distribution with others in the workplace, or work that has been specifically designed for the worker participating in a modified work plan. The work must be meaningful.

Occupational Injury/Illness is all occupational disabilities including cases of psychological injury and mental stress arising from an event at work. Occupational illness or injuries are managed under the Worker's Compensation Act.

Return to Work Plan is a plan that has been developed based upon objective medical information and/or functional abilities and/or limitations identified by a treating health care provider. The purpose of a RTW plan is to assist a worker to return to suitable and meaningful work as soon as safely and medically possible. The RTW plan is established through collaboration between the worker and the employer.

Suitable Work must be meaningful work:

- the worker can do (and that is within their functional abilities);
- the worker already has the skills to do, or can be safely trained to do;
- that does not pose a health or safety risk to the worker or their co-workers; and
- that restores pre-injury earnings, where possible

Undue Hardship means excessive hardship as determined by evaluating the adverse consequences of the provision of an accommodation by factors such as:

- a) Health and safety;
- b) Disruption to the public;
- c) Effect on contractual obligations;
- d) Cost; and
- e) Business efficiency.

ROLES AND RESPONSIBILITIES

The Return to Work Consultant

The Return to Work Consultant is responsible for the following:

- Developing RTW Guidelines to implement the RTW policy, communicating the policy, and monitoring the application of the policy;



- Communicate to WSCC, unions, employers and workers about the RTW program and rights and responsibilities of each party;
- Ensure ongoing communication between the parties during the RTW process;
- Ensure worker, employer, and other parties involved understand what to expect and what they must contribute to the process;
- Assist in the development and individualization of RTW plans; and
- Assist when necessary to resolve RTW disputes.

Managers and Supervisors

All managers and supervisors are accountable for complying with the RTW Policy and RTW Guidelines, and as well are responsible for, but not limited to the following:

- Promote safe work practices and support the efforts of the Government's health and safety program;
- Inform all workers about the RTW program and ensure all employees are aware of their right to accommodation;
- Communicate to employees about reporting procedure and responsibilities for occupational and non-occupational injuries and illness';
- Maintain regular communication with worker from the time of injury or illness, through the RTW process to find out how they are doing, and determine their approximate return to work;
- Review any medical information submitted by the employee and request consent to obtain further medical/health information if necessary;
- Collaborate with worker, health care provider, union representative (if applicable), WSCC (if applicable) and Return to Work Consultant on developing a RTW plan;
- Supervise and monitor the RTW plan;
- Grant accommodation requests in a timely, reasonable manner, to the point of undue hardship;
- Keep information/medical records confidential.

Employees

All employees of the GN and its public bodies are accountable for complying with the RTW Policy. They are also responsible for but not limited to the following:

- Know and follow written safety policies and procedures at all times;
- Submit appropriate internal and external (WSCC) reporting forms for occupational incidents;
- Request accommodation when needed and suggest appropriate measures, if possible;
- Undergo an independent medical evaluation (IME) upon the employer's reasonable request;
- Provide a diagnosis made by a medical professional when one has been made;
- Inform the employer of changes in accommodation needs, or any concerns with treatment, benefits, work duties, changes in circumstances, etc;
- Maintain communication with employer to provide regular updates on functional abilities throughout recovery period;
- Assist in the search for suitable work, and accept suitable work when identified.
- Participate in reasonable re-training when requested by the employer if/when necessary.



Health Care Provider (HCP)

- Diagnose and treat illness or injury within the scope of practice;
- Complete and submit appropriate documentation to WSCC when treating a worker with a workplace injury/illness;
- Provide appropriate, effective health care that facilitates recovery and expedites return to productive work;
- Provide information on the worker's functional abilities when requested by the employer, the worker or the WSCC;
- Suggest ways in which tasks could be modified to place less strain on existing injuries or conditions;
- Establish and maintain open communication with the workplace, having regard for patient confidentiality.

RELATED LEGISLATION

Human Rights Act (Nunavut)
Workers Compensation Act

PROGRAMS

Return to Work Program

PREROGATIVE OF EXECUTIVE COUNCIL

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action respecting the provisions of this Policy.

SUNSET DATE

This policy has a sunset date of February 11, 2021.