

BULLETIN

## Returning to work after a period of disability

April 1, 2008

### The Report: April / May 2008 vol.29 num.1

by ALISON HIETANEN



Im covered by the health science professionals contract, but I was injured on the job. Currently, I am on an accepted long term disability claim and receiving monthly benefits. I now feel well enough to try returning to work. What steps should I take? Do I have to return to fulltime employment right away, or could I ask to start with part-time duties?



Its great news that youre feeling better and are interested in going back to work. The process for returning to work following an absence due to illness or injury is medically driven. This means ... before anything ... your treating physicians must be in agreement that you are well enough to contemplate going back to employment.

In order to initiate the process, your doctor must provide you with a medical letter confirming that you are cleared to return to work in some capacity. The letter must also set out any associated functional limitations and restrictions which must be considered when drawing up a return to work plan. The letter would then be sent to your case manager at Great-West Life (the insurer).

In the event your doctor advises that you are able to return to the workplace without any functional limitations or restrictions, your employer would be notified by Great-West Life that you are ready to go back. A meeting will be scheduled between yourself, the employer and a union representative to determine when you will start, and which job you will return to. The long term disability plan and collective agreement set out that:

*Upon return-to-work following recovery, an employee who was on claim for less than twenty-four (24) months shall continue in her/his former job; an employee who was on claim for more than twentyfour (24) months shall return to an equivalent position, exercising her/his seniority rights if necessary, pursuant to Article 6.04 of the Master Agreement.*

Generally, if an employee has been away from the workplace for an extended period of time for medical reasons, a graduated return to work schedule will be prepared by the parties to assist the employee with a safe and healthy increase in hours and duties.

Frequently, doctors will advise that while they support the return of the employee to the workplace, there are functional limitations and/or restrictions which will affect the nature of the return. The doctor may also recommend additional support services to assist the employee in preparing for going back to an employment environment.

When this occurs, if appropriate, Great-West Life will forward the employees file to the rehabilitation services division of Healthcare Benefit Trust ... the administrator of the LTD plan. A rehabilitation consultant will be assigned to review the medical information on file and determine what rehabilitation services are suitable to expedite the return to work, and ensure it has the greatest likelihood of success. The types of assistance offered may include:

- case management and coordination of rehabilitation services
- referral to community resources for treatment such as work conditioning or counselling
- vocational assessment and guidance
- funding for rehabilitation services or retraining programs
- functional capacity evaluations
- job demands analysis

Each employees situation is unique. Any rehabilitative intervention provided will be dependent upon the physician recommendations, as well as the employees education, skills and experience.

The language of the long term disability plan allows for employees to undertake a gradual return to employment while continuing to receive LTD benefits. For this benefit to apply, a rehabilitation plan must be prepared which is acceptable to the employee, the employees physician, and the Healthcare Benefit Trust.

The employee returns to the workplace in accordance with the terms of the plan, and will be paid by their employer for any hours worked. The employer will report all hours worked to Great-West Life, and the monthly LTD benefits will be adjusted as necessary. Under this language, an employee can keep all earnings plus their monthly LTD benefit, as long as the combination of the two does not exceed 100 per cent of the current rate of pay for their predisability job. Once that threshold dollar amount has been reached, Great-West Life will deduct from the monthly LTD benefit any earnings over and above that 100 per cent figure.

As noted above, if an employee has been on LTD claim for 24 months or less, they will return to their own job or, if on claim for longer than 24 months, to an equivalent position. However, employees are sometimes unable to return to their former occupation due to permanent medical restrictions limiting the nature of the work they can undertake.

In such cases, the employer has a statutory duty to accommodate the employee. This means that the employer must undertake a vigorous search to locate an alternate job for the employee.

This alternate job must be a match to their stated medical restrictions, as well as their skills and experience. This obligation extends to the point of undue hardship. In other words, the employer must demonstrate that they have made every effort to find alternate work but have been unable to locate any options for the employee which could be implemented without causing undue hardship to the employer.

Ideally, your return to work will be smooth and seamless. The union is available to support you through every step of this process for a successful return to work. 

*For more information, or for help with your return to work, contact Alison Hietanen at the HSA office.*

Type:

[The Report](#)

- [Print](#)
- [PDF](#)