ACCOMMODATION ROADMAP

Returning to Work with Medical Restrictions from a Leave of Absence

Although every situation is different, here is a general overview of what the process may look like. Accommodation involves yourself, the employer, and the union. Each party should be involved in every step in this process.

STAGE 1.

Getting Ready to Return to Work from a Leave of Absence

DETAILS

Prior to your leave ending, you, your insurer, or WCB should provide notice to the employer that you will be returning to work with restrictions.

TIPS

- Give as much notice of your return to work as possible (at least 28 days if possible if you have been on LTD).
- If you do not feel ready to return to work (even with restrictions), contact the union about appealing the insurer's or WCB's decision.
- Provide your abilities advisor with your return-to-work date and your restrictions. If your insurer or WCB will be providing the return to work plan, ensure that it has all required restrictions.
- Talk to your medical providers about whether you should return to work gradually (ie, increase hours of work and frequency of shifts over a period of weeks).
- If you have not been returned to work after a period of reasonable notice, the employer may compensate you. If the employer does not compensate you (or top up your disability payments) or if you are not receiving benefits, please talk to the union about a grievance.
- If you had a functional capacity evaluation, ask the insurer, WCB, or your medical provider for a copy of that report, and ensure that it corresponds with your restrictions.
- If your professional body (eg CRNA) was aware of your medical leave, it may require you to provide medical clearance prior to returning to work. Talk to the union if you have questions.

STAGE 2.

Clarifying Restrictions

DETAILS

The employer may ask your medical provider, insurer, or WCB for clarification of your restrictions.

TIPS

- Try to obtain any requested clarification as soon as possible.
- In general, UNA does not encourage you to sign a waiver for open communication between the employer and your medical providers. Instead, it is preferable if they communicate by sending letters in writing, through you, so that you are aware of all information.
- The employer is entitled to reasonable information about your medical conditions and restrictions. If you are unsure if the employer's questions are reasonable, talk to the union.
- Even if a request is reasonable, it is possible that the process can proceed while that information is being gathered. If there are delays in the accomodation process, talk to the union.

STAGE **3.**

Assessing if you can return to your home position

DETAILS

The assumption is that a person will return to their home position. However, depending on your restrictions, there may be a question about if you can return to your home position.

TIPS

- All parties should consider if the position can be modified or if certain duties can be bundled.
- It's helpful if you develop a list of tasks that you can do.
- If you have been away from the unit for a long time, it may be useful to have a shadow shift (where you observe a nurse on the unit) to get a better idea of what tasks would or would not meet your restrictions.
- During shadow shifts, and when at work, it is important to never work outside your restrictions. Talk to your manager, your abilities advisor, and the union if you believe the work you are doing is outside of your restrictions.
- If at any time you experience pain or discomfort, talk to your physician and share this with the union, your abilities advisor, and your manager.
- If you believe you can return to your home position and the employer disagrees, talk to the union about a grievance.
- While assessing positions, temporary modified work, such as audits, can be explored.

STAGE **4.**

Assessing if you can return to a different UNA position

DETAILS

If you cannot return to your home position, the parties will start looking for other UNA positions that might meet your restrictions.

TIPS

- The employer, the union, and you can all suggest positions to consider.
- Check job postings on a regular basis.
- To have a position considered, send the requisition number and any other information to your abilities advisor and the union.
- Normally we start with looking at positions on the same unit, then branching out to the same site, and then finally to other sites with the same employer, however other sites can be suggested at any time.
- Positions do not have to be an exact match – at this stage, all parties should put forward positions that might work. For example, the FTE and shift pattern may be able to be modified. If all tasks do not meet your restrictions, consider if most of them do, and if the position can possibly be modified or certain duties can be bundled. Not all qualifications have to be met, and some additional training may have to be provided by the employer.
- An accommodation may be reasonable even if it is not your ideal accommodation. Depending on your restrictions and the employer's operations, a different FTE may be considered reasonable.
- If you are unsure if a position meets your restrictions, ask for a shadow shift.
- Often this process will include a meeting or phone call with the manager to talk about your experience and the position. This is not an interview, but instead an opportunity for each party to assess if this may be a reasonable accommodation.
- If the employer offers a reasonable accommodation, it should be accepted, otherwise the employer may take the position it has exhausted its duty to accommodate. If there is disagreement about what is a reasonable accommodation, talk to the union about a grievance.
- If you are accommodated into a temporary position continue to check the job board and suggest permanent positions. You do not need to wait until the temporary position is over before being accommodated into a permanent position.
- If you believe you can return to a position and the employer disagrees, talk to the union about a grievance.

STAGE **5.**

Assessing if you can return to a non-UNA position

DETAILS

If you cannot return to any UNA positions, the parties will then consider non-UNA positions that may meet your restrictions.

TIPS

- This is rare and only after UNA positions have been thoroughly canvassed.
- In considering a non-UNA position, the same tips as considering a different UNA position apply.
- With a large employer, it would be very rare that you would be cleared to return to work and no position in the organization could be found. However, with very limiting restrictions or with a small employer, this could happen. If this happens, non-disciplinary termination could result. Please ensure the union is involved as a grievance should be considered.