

ONA Supports Members in Return to Work

A CHECKLIST

The checklist below provides a brief overview of the return-to-work process and is directed toward Bargaining Unit leaders who are often the first point of contact for our members requiring accommodation. **Please refer to ONA's *Accommodation and Return to Work: A Guide for ONA Members (Appendix 4)* for more detailed information.** The **Guide** is available on the ONA website at www.ona.org.

If a member in your Bargaining Unit has been off work due to a disability including injury or an illness and she/he is ready to return, you can assist the injured member in a safe return to work (RTW). ONA is legally obligated to represent its members and is entitled to attend all RTW meetings. It is important to take detailed notes during each of the meetings described below.

If your employer has requested a meeting to discuss a member's return to work:

Prior to the Return-to-Work Meeting with the Employer

Before the meeting, ask management to provide you with the following information:

- Is it an occupational injury or a non-occupational medical condition?
- What is the employer's position regarding the required accommodation including any information the employer has regarding medical restrictions?
- What is the Physical Demands Analysis (PDA) for the positions being considered by ONA or the employer as possible accommodations and is the employer willing to modify the position, if needed, to accommodate the member's restrictions?
- An updated list of job postings including any jobs posted that remain unfilled.
- Be sure to review your Local Collective Agreement language regarding the RTW process.

Meet with the Member: Ask and raise the following issues:

- What is the nature of the disability, illness or injury? Is it occupational or non-occupational?
- Ask for a copy of the medical restrictions. Review the restrictions, any functional abilities evaluations and reports.
- Review the Physical Demands Analysis (PDA) and explain to the member that the PDA is a guide to identify the physical or mental requirements of the job. It does not mean that the member has to be able to perform every single duty listed on the PDA to be accommodated into the position as duties may be modified or adjusted.
- Discuss the duty to accommodate under the *Ontario Human Rights Code*. The employer is required to investigate all accommodation options available to meet the member's medical restrictions.
- Discuss possible accommodation options that could be proposed to the employer.
- Review with the member her/his obligation to cooperate in the accommodation/return-to-work process as well as the obligation to try a proposed, reasonable and suitable accommodation.

At the Return-to-Work Meeting with the Employer

- Ensure the meeting is respectful. If the tone of the meeting becomes adversarial, confrontational or becomes an interrogation, advise management that this approach is unacceptable.
- Present possible accommodation solutions to the employer and ensure that the employer is meeting its duty to accommodate our members.
- If a RTW plan is proposed in the meeting, advise the employer you may need additional time to review the plan with the member and other union officials including ONA staff before it is finalized. A RTW plan must be in writing and include the specifics about the accommodation, timelines for monitoring and feedback, and the responsibilities of those involved in implementing the plan.
- Before ending the meeting, review next steps with the employer to ensure a timely accommodation.

After the Meeting

- Advise the member that you will maintain confidentiality of all personal health information.
- Advise the member you will continue to represent her/him throughout the process of accommodation.
- Advise the member to call you immediately if the employer contacts her/him directly so that you can support and advise the member.
- Advise the member to call you if her/his medical condition or restrictions change.

Please contact your Labour Relations Officer for more specific information, guidance and advice.