



Employment and
Social Development Canada

Emploi et
Développement social Canada

DISABILITY MANAGEMENT PROCESS GUIDE

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- words in green underlined font are defined in the glossary
- references to tools and forms are in red underlined font

Introduction

Disability Management (DM) involves preventing employee illness or injury, and when cases occur, supporting employees to stay at work if possible, or safely return to work as soon as possible.

DM contributes to supporting wellness within ESDC's workplace in the context of health related challenges employees may face during their career. This directly impacts the ability to achieve greater productivity and overall better results for Canadians.

Aligned with the Public Service Renewal process, DM emphasizes on the importance of management accountability for better people management. It focuses on working collaboratively with employees by enabling managers and employees to acknowledge their accountabilities throughout a [health related situation](#).

Purpose

This guide provides the necessary steps for addressing health-related situations within ESDC. It provides guidance that supports managers and employees to work together in responding to a health situation according to their respective responsibilities. The basic steps presented in this guide apply to any health related situations and are therefore generic. For further practical advice and tools pertaining to specific situations, consult the [Disability Management section on iService](#).

Health-related situations include those circumstances related to illness, injury, as well as [disability](#), regardless of whether they are occupational or non-occupational in nature.

For the purpose of this document, a reference to manager includes anyone with front line supervisory responsibilities, exercising both the appropriate level and limits of their delegated authority.

Recommended Practices

The manager and employee are encouraged to ensure the following best practices are taken into consideration for all [health-related situations](#).

- ❖ It is important for management to take every opportunity to remind their employee of the availability of the [Employee Assistance Program](#) (EAP) and [Office of Informal Conflict Management](#) (OICM) services.
- ❖ The manager may open a ticket at the [Human Resources Service Centre](#) at any time when in a [health related situation](#).

Communication

- ❖ It is important for the manager and employee to collaborate and maintain contact throughout the health related situation. Frequency of contacts as well as means to communicate (in person, telephone or e-mail) should be discussed and agreed upon. See the [Staying Connected tool](#) for more details.
- ❖ The employee may choose to seek advice and/or representation from their Union or a [third party](#) at any time.

Privacy and Confidentiality

- ❖ The manager is required to respect the employee's confidentiality and [right to privacy](#) throughout the health-related situation.

Documentation

- ❖ It is good practice for the manager to create and maintain a [Management File](#) including relevant documentation during the health-related situation. See the [Management File Checklist](#).
- ❖ The employee is also encouraged to maintain a record of all information and documentation related to their health-related situation.

1.0 Support to Stay-at-Work

Assisting and supporting an employee who is ill or injured starts before there is a health related leave of absence from the workplace.

Work support initiatives are triggered by either:

- ❖ An employee advising the manager they have a concern or disclose a [health-related situation](#); or

- ❖ The manager is observing behaviours which they believe may be indicative of the need for [arrangements/accommodation](#).
1. The manager and employee should follow ESDC's 5-Steps Duty to Accommodate Process: [ESDC Guidelines on Duty to Accommodate in the Workplace – A Shared Responsibility](#) to:
 - a. Confirm if there may be a requirement to obtain [medical information](#) and if so, establish relevant procedures; and
 - b. Determine reasonable accommodations.
 2. A work plan may be established. The [Return-to-Work Plan](#) may be used as a template.
 3. If leave is required, the employee must complete and submit leave requests and/or [leave forms](#) to their manager, in a timely manner and the manager must act promptly.

Managers may refer to the Recommended Practices section.

2.0 Absence Management

It may become necessary for the employee to leave the workplace for a period of time to focus on regaining their health.

Note:

- ❖ It is important that the manager and employee be aware of the Treasury Board Secretariat [Directive on Leave and Special Working Arrangements – Appendix B](#) and [Policy on Injury-on-Duty Leave](#).

1. When an employee is experiencing a [health-related situation](#), it is important to let their manager know immediately if they will be away from work and keep their manager up to date on the anticipated duration of the leave of absence.
2. The employee has to provide their manager with the necessary [medical information](#) in order to substantiate their leave of absence including any subsequent extensions.
3. The manager and employee should discuss [income maintenance](#) options.
4. The employee's leave must be kept current. Managers must provide [leave forms](#) to the employee for completion and the employee should ensure the

leave forms are completed and returned on a timely basis. The manager then has to action the relevant [leave administration](#) in a timely manner.

5. The manager and employee will discuss the prognosis for a potential return-to-work throughout the period of leave. Returning to work when it is healthy and safe to do so is the primary objective.

Best Practice:

It is important for the manager and employee to maintain on-going communication throughout the period of leave. Frequency of contacts as well as means to communicate (in person, telephone or e-mail) should be discussed and agreed upon. See the [Staying Connected Tool](#) for details.

Managers may refer to the Recommended Practices section.

3.0 Return-to-Work

At any time while an employee is away from the workplace as a result of a [health-related situation](#), they can be certified as medically fit to return-to-work (RTW).

1. The employee must advise their manager as soon as they anticipate a possible RTW in order to allow sufficient time to prepare the reintegration.
2. There may be a requirement to obtain [medical information](#) that identifies the employee's work capabilities and [functional limitations](#). Please refer to [Section 3.1: Obtaining Relevant Medical Information](#).
3. Referring to the medical information obtained and any other relevant additional information (ex: from insurance provider), the manager and employee will collaboratively develop a [Return-to-Work Plan](#) (RTW Plan) prior to an employee's return-to-work date.
4. The manager will implement all agreed upon [arrangements/accommodations](#) as identified in the RTW Plan and proactively prepare the employee's return to work.
5. The employee must advise their manager if they are not able to RTW on the agreed date and time. The employee should provide updated medical information identifying a new RTW date.

6. On the first day of work, the manager should e-mail the [Compensation and Benefits Service Centre](#) to confirm the employee has actually reported to work.
7. The manager should schedule regular meetings to maintain ongoing communication with the employee and to review the progress of the RTW Plan.
8. The manager must report the actual hours worked to the [Compensation and Benefits Service Centre](#) at the end of each week, through the [Attendance Record Form](#).

Best Practice:

It is recommended that the manager and employee agree on a meeting schedule to regularly discuss and review the progress of the RTW Plan. This should be done for the duration of the RTW Plan.

Once the employee resumes regular work hours, the manager and employee should continue reviewing the situation in order to quickly respond if further support is needed. The manager and employee should agree on a relevant period of time to pursue follow-ups.

In establishing the RTW Plan, other partners such as the employee's union representative, can collaborate in the initial and on-going discussions and meetings.

If relevant, the employee may share the RTW Plan with their treating physician and where applicable, the insurance provider.

Managers may refer to the Recommended Practices section.

3.1 Obtaining Relevant Medical Information

For return-to-work situations, there may be a requirement to obtain [medical information](#) that identifies the employee's [functional limitations](#).

This information is critical for the manager and employee to identify reasonable and appropriate workplace [arrangements/accommodations](#) and build a [Return-to-Work Plan](#) (RTW Plan) where appropriate.

Note:

- ❖ For stay-at-work initiatives, the manager and employee should follow ESDC's Duty to Accommodate Process: [ESDC Guidelines on Duty to Accommodate in the Workplace – A Shared Responsibility](#).

1. Should it be necessary to obtain medical information on the employee's capabilities and functional limitations, and if not already provided by the employee, the manager will provide their employee with a cover letter enclosed with the [Fit Note](#) to be taken to their treating physician for completion.
2. The employee will provide their treating physician with the [Fit Note](#) and return the completed information to their manager in a timely manner.
3. Should the obtained medical information require further clarification, the manager will advise the employee accordingly and provide the necessary supplementary questions to take to their physician. The employee will act as promptly as possible to submit the additional information to their manager. The manager and employee will identify timelines.
4. If the employee is unable to see their treating physician or the treating physician is not providing the appropriate information, the manager may recommend seeking [additional medical information](#) through a [Fitness to Work Evaluation](#) with Health Canada or an [Independent Medical Examiner](#) (IME). The manager should discuss options with [Human Resources](#).
5. If the employee agrees to participate in this type of evaluation, they must voluntarily provide their manager with written consent, using the Health Canada or the Independent Medical Examiner's consent forms.
6. Once the employee's written consent is received, the manager, with assistance from [HR](#), completes the management component of the appropriate documentation and sends it to Health Canada or to the IME. The manager should provide a copy of this documentation to the employee.
7. Once an appointment is scheduled by Health Canada or by the IME, the employee is expected to respect the scheduled date and time.
8. When the manager receives the medical information, they may consult with [HR](#) for next steps.

Managers may refer to the Recommended Practices section.

4. Inability to Return-to-Work

An employee who is on a leave of absence from work as a result of an injury, illness or disability situation may be deemed medically unfit to return-to-work (RTW) in the foreseeable future.

Note:

- ❖ It is important that the manager and employee be aware of the Treasury Board [Directive on Leave and Special Working Arrangements – Appendix B](#)

1. The employee should advise their manager without delay if their treating physician determines there is no possibility for a Return-to-Work (RTW) in the foreseeable future. In such circumstances, the employee should provide their manager with written [medical information](#) stating this prognosis.
2. The manager and employee should collaborate in discussing the employee's elective separation options, which are:
 - ❖ Resignation,
 - ❖ Retirement, or
 - ❖ Medical Retirement.
3. The employee should contact the [Public Service Pension Centre](#) for relevant information with respect to their elected separation options. Once the information and documentation has been provided to the employee by the Pension Centre, it is recommended that the employee thoroughly review their options in consultation with their financial advisor.
4. In a timely manner, the employee must determine their separation decision and notify the manager. The manager and employee should agree on a timeline.
5. It is recommended that the manager immediately communicate with the [Human Resources Service Centre](#) in a situation where their employee refuses to proceed with a separation option within a reasonable and determined timeframe.
6. The employee must establish an actual separation date and inform their manager of the determined separation date by promptly providing the manager with a written, signed and dated letter of resignation.
7. It is important that the manager provide the employee with the [Separation Clearance Certificate](#) . Any applicable departmental assets, along with the

completed Separation Clearance Certificate, should be returned to the manager in a timely manner.

8. The manager should consult with [Staffing/Resourcing](#) about the employee's separation from the Public Service and their eligibility for a [disability priority](#). This information must be provided to the employee.
9. The manager should provide the employee with a written acknowledgement and acceptance of the employee's letter of resignation in a timely manner.
10. The employee's original letter of resignation, along with a copy of the manager's written acknowledgment and acceptance, should be provided to the [Compensation and Benefits Service Centre](#) for immediate action.
11. Leave needs to reflect the period the employee is absent up until the determined separation date. If there are any pending [leave forms](#) to be completed, the employee should complete and submit them to their manager in a timely manner and the manager should act promptly.

Managers may refer to the Recommended Practices section.

5.0 Glossary

Accommodation/accommodate: The design and adaptation of the work environment that will meet the needs of a diverse workforce; and to what is required in the circumstances of each case to avoid discrimination up to the point of undue hardship.

<http://iservice.prv/eng/hr/dta/index.shtml>

Additional Medical Information: Documentations, evaluations or assessments [such as [Fitness to Work Evaluation](#) (FTWE) from Health Canada or an [Independent Medical Examiner](#) (IME)] requested by the manager in circumstances where insufficient [medical information](#) has been submitted and the manager requires further clarification regarding the employee's actual capabilities and [functional limitations](#).

Arrangements: Include, but are not limited to, flexible and/or reduced work hours, reduced and/or modified work duties and other flexible work arrangements, that are not agreed upon under a DTA. .

<http://iservice.prv/eng/hr/dta/index.shtml>

Disability: As defined by the *Canadian Human Rights Act*. Disability refers to any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug.

<http://laws.justice.gc.ca/fra/H-6/page-2.html#codese:25-df:CODEDEFICIENCE-m1>

Disability Management: Involves preventing employee illness or injury, and when cases occur, supporting employees to stay at work if possible, or safely return to work as soon as possible.

Disability Priority: Refers to the Public Service Commission's priority entitlement which assists employees with career transitions due to various life and employment events such as becoming disabled and returning from an extended leave of absence from the workplace.
<http://www.psc-cfp.gc.ca/prad-adpr/index-eng.htm>

Duty to Accommodate (DTA): An employer's obligation to take steps to eliminate disadvantages to employees and prospective employees resulting from a directive, rule, practice or physical barrier that has or may have an adverse impact on individuals or groups protected under the *Canadian Human Rights Act*, and identified as a designated group under the *Employment Equity Act* and equal protection and benefit of law under the *Charter of Rights and Freedoms*.
<http://iservice.prv.eng/hr/dta/index.shtml>

Employee: Persons appointed to the core public administration – Are persons occupying one of the following types of positions: indeterminate, term of three months or more, term of less than three months, casual worker, student, seasonal worker, as well as excluded, unrepresented and part-time worker as required.

Fit Note: In a return to work situation, form to be completed by the employee's treating physician to obtain relevant information identifying any capabilities and functional limitations.

Fitness to Work Evaluation (FTWE): A Health Canada medical assessment requested by the manager with the employee's written consent, undertaken to determine any functional limitations an employee may have that would prevent the employee from carrying out the duties of their position.
<http://publiservice.gc.ca/services/hecs-sesc/whpsp/index.htm>

Functional Limitations: Are any restrictions the employee has due to a specific medical condition, which limits his/her ability to perform some or all the portions of their assigned work. Functional limitations are based on the employee's needs within the workplace and not on a personal preference. They are identified by the employee's treating physician, who is knowledgeable of the employee's medical condition. Information concerning a medical diagnosis or ongoing treatment is NOT required.
<http://iservice.prv.eng/hr/dta/index.shtml>

Health Related Situation: Includes those situations related to illness and injury as well as [disability](#).

Income Maintenance: An employee who has exhausted all earned and sick leave entitlements and/or does not have any other paid leave alternatives can choose to apply for an income replacement [such as Employment Insurance (EI); Disability Insurance (DI) or

Long-Term Disability Insurance benefits; etc...].

Independent Medical Examiner (IME): conducts a medical assessment requested in lieu of a Health Canada [Fitness to Work Evaluation](#) (FTWE) to determine any functional limitations an employee may have that would prevent the employee from carrying out the duties of their position.

Leave Forms: Forms an employee must complete for any leave of absences from the workplace.

<http://forms->

formulaires.prv/eform99/index.cfm?App=Launch&FormID=4150&GroupID=201&LANG=E

Management File: A secured and confidential file folder created, retained and maintained by the manager in order to document and reference pertinent information related to their employee's [health-related situation](#).

Manager: An individual who has front line supervisory responsibilities, exercising both the appropriate level and limits of their delegated authority.

Medical Information: Two types of medical documentation obtained from a medical practitioner: 1) note or form completed by the employee's treating physician or 2) any [additional medical information](#) that the employee may need to provide to their manager as a result of a [health-related situation](#) identifying any relevant capabilities and [functional limitations](#).

Return-to-Work (RTW): Refers to the processes and strategies that successfully support an employee who is absent for a [health-related situation](#) to resume work. Creative and flexible [arrangements/accommodations](#) can be established and put into place based on the employee's identified work related capabilities and [functional limitations](#).

Return-to-Work Plan (RTW Plan): A departmental tool used in return-to-work situations, where the manager and employee collaborate on a plan of action to address identified capabilities and [functional limitations](#).

Support to Stay-at-Work (SAW): Refers to the processes and strategies that successfully support an employee in a [health related situation](#) to remain at work. Creative and flexible [arrangements/accommodations](#) can be established and put into place based on the employee's identified work related capabilities and [functional limitations](#).

Third party representative: refers to any individual representing the interest of the employee, for example, a union representative, a family member, a trusted friend, etc.