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Committee on Workers' Compensation.



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the
game**



with
**Modified
WORK**

**Real work.
Real success.
Real benefits.**

Guiding Principles

The following basic principles guide development of a modified work program and individual modified work plans for injured/ill workers:

1. Respect and dignity

All parties are to be treated with respect and dignity.

2. Responsibility and Development

Employers are responsible for the development and implementation of a basic health and safety program for the prevention of injuries/illnesses with the support of unions and workers. Workers, unions, and employers should jointly participate in a modified work program in order to achieve mutual understanding, commitment, and increase the potential for success. A joint approach should be used to develop individual modified work plans.

3. Responsibility and Accountability

A safe and effective modified work program clearly establishes responsibilities and accountability to guide and direct return-to-work.

4. Involvement of the Injured/ill Worker

The worker's participation in the development of his or her modified work plan provides a sense of ownership and responsibility for his or her rehabilitation, on and off the job.

5. Communications/Promotion

A successful modified work program and plan should have ongoing communication and consultation among the participants.

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6. Rehabilitative Focus

Modified work programs and plans should have a rehabilitative focus to allow for a safe, effective and timely return-to-work.

7. Continuation of Worker/Employer Work Relationship

The continuation of communication, work relationship/routine between the worker and employer will facilitate the worker's recovery and reduce the length of time off work and the duration of disability.

8. Safe, Suitable, Meaningful and Productive Work

To increase effectiveness, the tasks and duties contained in an individual's modified work plan must be safe, suitable, meaningful, and productive.

9. Abilities

The focus should be on workers' abilities, not disabilities. Workers must be medically able to perform the duties safely without risk of injury/illness to themselves or others.

10. Training, Knowledge and Experience

To be effective, workers must have the training, knowledge, skills and experience to safely perform tasks and duties included in the individual modified work plan.

11. Duty to Accommodate

Modified work programs must comply with the duty to accommodate, a legal requirement of employers and unions derived from human rights legislation and collective agreements. Programs should not distinguish between occupational and non-occupational injuries or illnesses.

the
power
of **WORK!**



Modified Work Programs

What is Modified Work?

Temporary modified work includes any changes to regular job duties required as a result of an injury or illness, whether work related or not. This includes changes in:

- Tasks or functions,
- Workload (e.g. hours or work schedules),
- Environment or work area, or
- Equipment.

It can also include:

- Training,
- Work normally performed by others, or
- Work specifically designated as a modified work program.

What is Suitable Modified Work?

Suitable modified work must:

- Accommodate the worker's medical restrictions,
- Enable the worker to perform the modified work duties without endangering his/her recovery or safety, or the safety of others,
- Contribute to the worker's physical and vocational rehabilitation by the promotion of activity and involvement in the workplace,
- Promote the restoration of the worker to his/her pre-incident level of employment,
- Be a safe, meaningful and productive part of the employer's operations, and
- Not create undue hardship for the worker.

*For more information on modified work as it applies to work related injuries, please refer to Policy 04-05, Part II, TEMPORARY MODIFIED WORK PROGRAMS on the WCB Alberta's website, www.wcb.ab.ca.

Why do Modified Work?

Injuries and illnesses cost everyone.

Modified work:

- Reduces the human and financial costs of disability to workers, and provides a connection to the workplace, which has a significant impact on a worker's healing and successful return to the workplace,
- Reduces the cost of disability for employers.

Employers have a legal obligation, called the duty to accommodate, to provide modified work to injured or ill workers.

What is the Duty to Accommodate?

The duty to accommodate is a legal responsibility arising from human rights legislation. Employers and unions are obliged, by law, to take all reasonable steps to place a worker with a physical or mental disability in a position that accommodates his or her medical work restrictions. This obligation exists for both occupational and non-occupational injuries or illnesses. Employers and unions are not required to accommodate a worker if the accommodation would cause them undue hardship.

Under the duty to accommodate, a worker:

- Must cooperate in the search for reasonable, safe, suitable, meaningful and productive modified work,
- Is entitled to a reasonable position, but not the best possible position, and
- Must perform the modified work.

Stay **in** the game



Workers

How will a modified work program benefit me?

Modified work programs:

- Maintain employment relationship and job security,
- Maintain financial credibility and stability,
- Reduce recovery time, and
- Maintain quality of life.

What are my rights?

You have the right to:

- Be treated with respect and dignity,
- Be informed of all matters relevant to your return to work,
- Be provided modified work that is safe, suitable, meaningful and productive,
- Expect that your personal health information will be kept confidential, and
- Refuse modified work if it does not meet the requirements for suitable modified work, or if the modified work, in reality, is much different from the proposed work. If you feel the modified work is not suitable contact your employer or shop steward to explain why.

If the injury is work related and your employer is unable or unwilling to accommodate your concerns, contact your WCB case manager or adjudicator.

How much will I get paid?

If your injury is work related and your employer does not keep you on full salary, the WCB will reimburse you for your lost earnings, based on maximum insurable gross earnings. The WCB pays 90% of your net earnings which can be found in the Workers' Handbook from WCB. For example, in 2009 the maximum insurable earnings was \$72,600 per year. That means the WCB will pay you a maximum of \$47,842.57 per year, or \$917.53 per week.

Workers

Responsibilities

Will I get overtime pay?

You may work over time, while on modified work, only if permitted by your medical work restrictions and your employer.

What are my responsibilities if I am hurt?

- Report your injury or illness immediately to your employer.
- Seek medical treatment. If the injury or illness is work related, tell your doctor.
- Report the injury or illness to the WCB if it happened at work.
- Participate in the recommended treatment plan.

What should I tell my health care provider?

It is important that you:

- Tell your health care provider if the injury is work related.
- Tell your health care provider if modified work is available.
- Describe how the injury happened.
- Describe the tasks that you normally perform.
- Describe the tasks required to perform the proposed modified work, if available.
- Have your health care provider complete any forms required by your employer for the modified work plan.
- Bring a copy of the doctor's WCB form back to your employer.

Your health care provider will tell you if you are fit for work and if you have any medical work restrictions.

What are my responsibilities while on modified work?

- Perform safe, suitable, meaningful and productive modified work.
- Advise your employer of your progress, and of any problems as soon as possible.
- Attend all medical appointments and participate in the recommended treatment plan.
- Inform your health care provider of your employer's modified work program.
- Advise your employer of any medical appointments, medical work restrictions, and of any medications you are taking.
- Advise your employer and your WCB case manager/adjudicator, if the injury or illness is work related, of any changes. As your condition improves, your duties can be adjusted.
- Ask your employer if additional expenses that you may incur (e.g. transportation to medical appointments, lost wages, travel expenses) will be reimbursed.

Who do I call if I have questions about modified work or I am having problems?

- Issues with the modified work program should be addressed with your employer.
- Your union representative could be a source of assistance.
- Inform your health care provider of any medical concerns.
- If your injury is work related, notify your WCB case manager or adjudicator.

**Every job
is important**

How will a modified work program benefit me?

Modified work programs:

- Retain experienced and trained workers on the crew,
- Reduce the recovery time of injured or ill workers.
- Reduce time lost from work,
- Increase employee morale,
- Reduce employee turnover and retraining costs,
- Increase productivity and decrease errors,
- Reduce disability insurance and WCB premiums,
- Reduce disability costs overall, and
- Reduce grievances, arbitrations and human rights complaints.

Workers who participate in modified work, programs return to full duties faster than workers who remain off the job,

Modified work reduces the costs of disability for employers. Premium rates for disability insurance and workers compensation are reduced. Some employers may not incur increased training costs and reduced productivity, because they may not have to replace the injured or ill worker.

What are my responsibilities?

- Treat all parties, including the worker, with respect and dignity.
- Comply with the duty to accommodate, by accommodating injured or ill workers in safe, suitable, meaningful and productive modified work positions.
- Ensure that line supervisors, health and safety personnel, and employees are adequately trained about the modified work program,
- Identify suitable modified work positions/tasks and the demands for each position,
- Provide support to, and work with, line supervisors to address modified work issues, including any impacts on the work unit from the placement of workers on modified work programs (e.g. productivity, safety), and
- Ensure line supervisors and health and safety personnel monitor workers on modified work programs.

Set up a modified work program that considers:

- Best practice models of modified work programs do not distinguish between occupational and non-occupational injuries and illnesses,
- For work related injuries, the program must comply with the WCB's legislation and policy. The legislation and policy is also an excellent resource for establishing a modified work programs for non-occupational injuries and illnesses, and
- Consulting with workers and their union representatives.

For work related injuries:

- The modified work must meet the criteria for suitable modified work contained in the WCB's policy manual.
- Report modified work placements, beyond the date of accident, to the WCB case manager/adjudicator.

Where can I get more information about setting up a modified work program?

Building Trades of Alberta

Ph 780-421-9400 (Edmonton)

Ph 403-279-9500 (Calgary)

<http://www.buildingtradesalberta.ca>

Construction Labour Relations-Alberta

Ph 780-451-5444 (Edmonton)

Ph 403-250-7390 (Calgary)

<http://www.clra.org>

Workers' Compensation Board-Alberta

Customer Contact Centre: 780-498-3999

Toll Free in Alberta: 1-866-922-9221

www.wcb.ab.ca

Employers

Facts for Supervisors

In this section, “supervisor” refers to those individuals to whom a person on modified work directly reports.

What are my responsibilities as the supervisor of workers on modified work?

- Help identify suitable modified work positions/tasks and the demands for each position,
- Ensure that a worker on modified work adheres to his or her medical work restrictions,
- Communicate to the worker the modified work to be performed,
- Monitor the worker’s progress on the modified work program, and
- Continually liaise with the worker and the employer designate.

How will a modified work program benefit me?

Modified work programs:

- Promote injury recovery, and safe, early return to work by encouraging participation in the program,
- Reduce errors and lost productivity, as experienced workers are retained,
- Increase your credibility by helping workers to obtain maximum financial benefits while injured or ill,
- Helps your employer comply with duty to accommodate and human rights legislation, and
- Raise your profile as a fair and considerate supervisor who treats others as you want to be treated.

I don’t have long-term employees; so a few days don’t matter.

Wrong.

Every injury or illness has a human and a financial cost to all parties involved, including the worker, the worker’s family, the employer, and the union. Modified work helps to reduce those costs.

Where can I get more information about modified work?

Contact your employer.

the power of WORK!



Unions

What is the role of a union?

A union's role is to:

- Be aware of and understand an employer's documented modified work program,
- Cooperate in the development and implementation of modified work programs if requested by the employer,
- Help identify suitable modified work positions/tasks and the demands for each position if requested,
- Support and promote the benefits of participating in the program to workers,
- Take an active role in promoting the modified work program that exemplifies best practices,
- Address concerns in a timely manner with all relevant parties, including the:
 - Employer (e.g. line supervisor, contractor, or disability management coordinator)
 - WCB (e.g. case manager, adjudicator, or account manager),
- Assist in individual accommodations, in accordance with the union's duty to accommodate, and
- Advocate for individual workers, at the discretion of the union.

The Employer:

- ✔ Provides an effective, fair and consistent method of managing absence from work due to occupational and non-occupational injury or illness.
- ✔ Encourages communication with key stakeholders when developing and implementing a modified work program.
- ✔ Consults with the worker, and possibly the union, in the development and implementation of an individual modified work plan.
- ✔ Assigns an individual to coordinate the return to work process.
- ✔ Maintains an inventory of the demands of all positions or, at a minimum, of high-risk positions.
- ✔ Provides safe, suitable, meaningful and productive modified work to the worker.
- ✔ Ensures that the worker obtains medical authorization prior to his or her return to regular or modified duties.
- ✔ Provides the injured worker an information package, which may include:
 - A letter to the worker's health care provider, which outlines the company's modified work program, and the proposed modified work duties,
 - The demands of the worker's regular duties and the proposed modified work duties,
 - Details of what will be expected of a worker during the return to work process, and
 - A medical assessment form, to be completed by the worker's health care provider, which outlines the worker's medical limitations/restrictions.
- ✔ Informs the WCB of the details of modified work placements if injury is work related.
- ✔ Uses a written modified work agreement and sends a copy to the WCB, if the injury is work related.
- ✔ Pays workers their pre-incident rate of pay during modified work.
- ✔ Follows the modified work plan.
- ✔ Ensures that changes in the scope of the modified work adhere to the medical restrictions.
- ✔ Monitors workers following return to work to:
 - Observe the worker's progress on the modified work plan,
 - Refer the worker for further medical assessment as required, and
 - Modify the worker's duties as required.

Steps for a Modified Work Program

- ✓ A health care provider (doctor, occupational health nurse, physiotherapist, chiropractor etc.) gives medical clearance for a worker to undertake modified duties and identifies his or her medical restrictions.
- ✓ The employer ensures the modified work being offered is consistent with a worker's medical restrictions.
- ✓ The worker and employer agree to an employer's written offer of modified work. The written offer or agreement should describe the specific job duties, demands, pay, hours of work, and duration of the modified duties.
- ✓ If the injury is work related:
 - The employer sends documentation of the modified work offer to the WCB,
 - The WCB adjudicator or case manager reviews the work offer and either approves it or negotiates changes,
 - The worker and employer ensure the modified plan is followed, and advise the adjudicator or case manager of any required changes, and
 - The adjudicator or case manager confirms any changes with the worker, employer, and the worker's treatment provider, where necessary.

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