



<p>POLICY:</p> <p style="text-align: center;">Disability Management</p>		<p>POLICY NUMBER:</p> <p style="text-align: center;">PS-1-8</p>
		<p>PREVIOUS/REPLACES:</p> <p style="text-align: center;">Disability Management</p>
<p>APPROVED BY:</p> <p style="text-align: center;">Executive Council</p>	<p>EFFECTIVE DATE AS OF:</p> <p style="text-align: center;">July 5, 2022</p>	<p>PRIOR VERSIONS:</p> <p style="text-align: center;">May 4, 2021 February 4, 2021</p>

1. Policy Statement:

The Manitoba Institute of Trades and Technology (to be referred to as MITT) is committed to protecting the health and well-being of all employees by striving to provide an environment that enhances an employee’s ability to be successful in the workplace. The purpose of this policy is to provide an opportunity for all employees who are experiencing an illness or injury to successfully remain at or return to the workplace.

Disability Management supports employee health and well-being by promoting:

- Early intervention to support employees who become ill or injured;
- Reasonable accommodations that meet the employee’s restrictions and limitations;
- Facilitating a timely and safe return to work.

Managers/Supervisors, Employees, Unions (where applicable), third party health care providers/insurers and People Services, are all responsible for engaging in the interactive process. By following the Disability Management process, it ensures:

- A consistent delivery to all employees;
- Timely medical information is provided and that MITT has the opportunity to work collaboratively with the employee’s medical providers;
- A clear accommodation or return to work plan that supports the employee;
- Promoting timely reintegration to regular, modified or alternate work duties (when feasible) in conjunction with their recovery;
- Adherence to Human Rights legislations and other provincial laws related to the accommodation.

2. Scope:

This policy applies to all employees of MITT.



3. Procedure:

People Services will lead the disability management process and will act as the liaison between the employee, the manager, the union, the insurers and health care providers.

It is important for managers to communicate with People Services as soon as possible when an employee is having difficulties functioning in the workplace due to mental or physical health reasons, when an employee is going to be on an extended leave or if an employee is going to be off work for more than 5 days. People Services will work with all parties to ensure a timely review of an employee's well-being at work and implement strategies that will assist the employee in being able to remain at work while injured or ill, where possible.

Managers/Supervisors, the Employee, Union, if applicable, third party health care providers/insurers and People Services are required to work collaboratively when working through an employee disability management process.

3.1 Medical Leave

If the employee's absence is beyond the employee's paid sick leave accrual or beyond five (5) business days, People Services must be informed and may become involved to support the disability management process.

An employee may be required to provide a medical note/medical assessment from a qualified medical practitioner indicating the length of time the employee requires to be away from work (see Sick Leave Absences & Medical Certificate Policy). When an employee is on a medical leave, they will use their accrued sick time, if available.

If applicable, People Services will contact the employee, providing the employee with information regarding Short-Term Disability (STD). People Services will submit an application for STD to the insurer. If an employee doesn't have sufficient accrued sick time, the employee will be eligible for STD after the required waiting period of three (3) days.

If an employee's medical absence from the workplace reaches 45 business days, People Services will begin the process of filing a long-term disability (LTD) claim, if applicable. People Services will communicate directly with the employee, assisting with the LTD claim. If approved, an employee will be eligible for LTD at the 120th calendar day absent from work. Approval is provided by the insurer, based on medical information obtained from the employee's medical practitioner.

At any time throughout an employee's medical/injury leave, People Services may request additional information from the employee's medical provider.



3.2 Workers' Compensation Board Claim

If the absence is due to a workplace injury, the employee must notify People Services within the first 24 hours and submit an Incident Report. If the employee is unable to, then their manager is required to notify People Services and submit the Incident Report on their behalf with 24 hours. People Services will take the lead working together with the injured employee, the employee's manager, and the Safety and Health department if applicable and report the injury to WCB. WCB will work with People Services, the injured employee and the medical provider as it relates to time off and return to work. All medical information shall be communicated only to People Services. People Services will provide updates to the manager as to an expected return date, if time loss is required. Should an employee return to work the following day after a workplace injury/incident, it is important for the employee/manager to inform People Services of the return.

3.3 Return-to-Work

An employee may be required to provide a note from a qualified medical practitioner prior to returning to work after a leave. When an employee does return to work, they may have limitations/restrictions to their regular duties. This may include a reduced work week/hours and/or adjusting work duties and tasks. The employer is obligated under Manitoba Human Rights to provide reasonable accommodation to a point that it does not create undue hardship. People Services will work with the Manager/Supervisor, Union if applicable, third party medical providers/insurers and the employee to determine an appropriate reasonable return to work plan.

3.4 Accommodations

The *Manitoba Human Rights Code* requires employers to accommodate employees who are unable to perform their regular duties based on various characteristics listed in The Code including physical or mental disability up to the point that it does not create an undue hardship for the employer.

The accommodation process is based on the responsibility, shared by all parties, to have meaningful dialogue about restrictions, limitations and the potential accommodation options, and to work together respectfully towards a solution. Everyone involved is required to engage in the process, by sharing information, consulting with professionals as needed and work towards providing the employee with a reasonable accommodation that allows them to be successful in the workplace.

The duty to provide reasonable accommodation is the employer's responsibility. MITT will assess each case on an individual basis. If the employee is unable to fulfill their duties even after reasonable accommodation to the point of undue hardship, then accommodation is not required.



Accommodations will be based on medical documentation from a qualified medical practitioner. Generally, the accommodation options to be explored, be it temporary or permanent, are considered in the following order:

1. Return to existing job with modifications
2. Return to another job (if qualified)
3. Return to another job with modifications (if qualified)

3.5 Communication

People Services will communicate regularly with the employee as it relates to their medical leave. Managers should be communicating with the employee regarding any updates or changes in the department. This will assist the employee in remaining in the workplace or in their return to work. It is common for employees that are on a medical leave to feel stress and anxiety about their return and having regular communication with People Services and their manager will allow the employee to remain connected to their workplace which will ultimately make their transition back to work smoother.

3.6 Confidentiality

An employee's medical information is confidential material that only limited People Services staff will have access. Medical information is protected in Manitoba under FIPPA (*Freedom of Information and Protection of Privacy Act*) and PHIA (*Personal Health Information Act*). Information collected from an employee is stored separately from an employee's personnel file and only those designated within People Services with authorization will have access to this information.

If an employee does share their medical information with their manager, it is required for managers to forward that information to People Services for safe storage. Please note that managers are not entitled to the medical information an employee provides.

4. Administration:

The Director, People Services and Organizational Development is responsible for ensuring this policy is adhered to.

5. Review:

This policy will be reviewed every five years by Executive Council.



6. References:

Legislation:

The Manitoba Human Rights Code
The Freedom of Information and Protection of Privacy Act and Regulations
The Personal Health Information Act and Regulations

Policies:

Accessible Customer Service Policy
Accessible Employment at MITT
Attendance Management
Employment Equity
Privacy and Access to Information
Sick Leave Absences and Medical Certificates
Workplace Safety, Health and Wellness

7. Definitions:

Accommodation – This is the process of removing unreasonable burdens or barriers based on a physical and/or mental health disability that limits individual's access to opportunities and benefits available. This includes modifying duties. Examples may include adjusting duties and tasks, hours of work, rules, standards, policies, and environments to ensure that it does not negatively impact an individual based on their disability. Accommodations may be temporary or permanent in nature.

Disability Management – A consistent and collaborative approach to facilitating a disability management process where MITT supports all employees who have an illness or injury through regular or modified/alternate work duties as appropriate, in conjunction with an employee's recovery.

Long-term Disability (LTD) – Long-term disability protects an individual's partial wages due to a serious non-work related injury or illness that requires the individual to be off work for a longer duration. If an employee still has not returned to work at the 120th calendar day, the employee may qualify for LTD benefits. The insurer will determine if the employee is eligible for LTD benefits.

Medical Assessment – Is a document that People Services provides to the employee's medical practitioner to complete, with authorization from the employee. A medical assessment is conducted to identify any health issues that may affect a worker's ability to perform on the job.

Paid Sick Leave – An employee who has accrued sick time to compensate them while they are away from work due to illness.



Reasonable Accommodation – An accommodation is reasonable when there is an adequate process used to decide on the type, degree and possibility of accommodation, and the effort and actions taken by the responsible party are sufficient.

Return to Work – This is a supportive process of returning an employee to the workplace. An employee may return on a gradual basis. This allows an employee the opportunity to continue their recovery while slowly re-integrating into the workplace. During a return to work process, MITT may require additional medical reports from the individual's health care provider. This process will consider restrictions, limitations and any accommodations that may be required to support the employee's return to the workplace.

Short-term Disability (STD) – Short-term disability protects an individual's partial wages for a short period of time due to injury that is not work related or an illness. There is a three (3) day waiting period prior to STD benefits are provided to the employee. The insurer determines if the employee is eligible for STD benefits.

Undue hardship – Defined as more than minimal hardship and must be based on actual evidence of hardship and not merely assumptions or prejudices. Various factors are considered when assessing undue hardship including financial implications, health and safety risks, legitimate operational requirements, disruption to a collective agreement, and the potential of the accommodation to negatively impact workplace morale. In addition, the Manitoba Human Rights Commission considers the nature, size and scope of a business or organization directly to what is reasonable accommodation in the circumstances.

Unpaid Sick Leave – Where an employee does not have any accrued sick time and will not be paid but is on a medical leave. If eligible, the maximum an employee would be without pay is three days, as described below for the waiting period for STD.

Workers Compensation Board Claim (WCB) – When an employee has an injury/incident while undertaking work related activities for MITT that requires them to be off work/seek medical treatment, a WCB claim is filed. People Services must be notified immediately so that an Employer Incident Report can be submitted.