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**Title: Disability Management and Attendance Support Program**

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**Policy Number: 084**

**Resolution Number: 25-109**

**Date Approved: May 6, 2025**

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**PURPOSE:**

The Town of Conception Bay South is committed to preventing injuries and illnesses through the provision of a healthy and safe workplace. It is the Town's policy to make every reasonable effort to provide suitable alternate employment to an employee who is unable to perform some or all of their normal duties as a consequence of an accident or injury at the workplace.

The Town of Conception Bay South is also committed to promoting employee health and recovery from a non-occupational illness or injury through early intervention and active case management along with opportunities for early and safe return to work. Each department will attempt to accommodate employees who cannot perform some or all of the duties of their position, up to the point of undue hardship. Where this is not possible, all departments will cooperate in identifying suitable alternate employment, where available.

The Town of Conception Bay South will assist employees in achieving and meeting their obligation of maintaining regular attendance at work and provide Managers/Supervisors with tools to address attendance concerns in a constructive manner. The Program is intended to clarify expectations and provide a clear understanding of the responsibilities of all parties involved with regard to employee attendance. This Program reinforces the requirement for employees to attend work on a regular basis, to report their absences when they are unable to do so, and to take appropriate actions if they are unable to maintain regular attendance.

**AUTHORITY:**

- *NL Human Rights Act, 2010*
- Sections 83, 100, 101, and 149 of the *Workplace Health, Safety and Compensation Act, 2022*
- Subsection 54(3) of the *Occupational Health and Safety Act*
- Section 21 of the Town of Conception Bay South and CUPE Local 3034 Collective Agreement

**STATEMENT OF POLICY:**

Where a re-employment obligation exists for occupational injuries or illnesses, as outlined under Section 101 of the *Workplace Health, Safety and Compensation Act, 2022*, the



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Town will accommodate the work or the workplace for the employee to the extent that the accommodation does not cause the employer undue hardship. Also, as per Section 101 of the Workplace Health, Safety and Compensation Act, the Town will cooperate in early and safe return to work.

To prevent and decrease the number of incidents of non-occupational illness or injury and reduce the effects of disability on an employee due to such illness or injury, early and safe return to work will be provided to employees, where available, up to the point of undue hardship to the Town.

The Program is further intended to:

- Create a culture of positive attendance and improve efficiency by minimizing absenteeism in the workplace;
- Provide employees with the support needed to assist them in maintaining regular attendance at work and options if, and when, it is determined that they are not able to perform some or all of the duties of their position;
- Provide guidelines for responding to excessive absenteeism;
- Provide a consistent approach for managing employee absenteeism; and
- Ensure that employees are aware of the impact of uncontrolled absenteeism on the Town of Conception Bay South, which includes the disruption of work and services and the increased burden on employees.

**SCOPE:**

This program applies to all employees in both bargaining unit and non-bargaining unit positions, including supervisors and managers.

**GUIDING PRINCIPLES OF ATTENDANCE SUPPORT**

The Town of Conception Bay South believes that:

- It has a responsibility to provide a safe, respectful and healthy workplace;
- All employees are valued team members who contribute to the quality of service at the Town of Conception Bay South;
- Regular attendance is essential to furthering the Town's general goals and objectives;
- Regular attendance at work is one of the fundamental obligations within an employment relationship;



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- Some absences are unavoidable and to be expected from time to time. These legitimate absences are supported through various approved leaves such as sick leave, annual leave, etc.;
- Each employee's personal health issues are unique and must be considered in context on a case by case basis;
- Frequent, positive, and supportive communication between Managers/ Supervisors and employees is critical to improving attendance and developing a culture of regular attendance;
- Maintaining regular attendance is primarily the responsibility of the employee; however, the Town does recognize the duty to accommodate when required and requested, where possible; and
- Attendance monitoring is an ongoing management practice and Managers/ Supervisors are expected to address attendance concerns with staff at any time a concern comes to their attention.

**DEFINITIONS:**

**Absenteeism** is time away from the workplace due to illness/injury. Employees are not considered absent from work when the absence is due to previously-approved annual leave, leave for union business, bereavement, court leave, maternity/parental leave, professional development, education leave, or an unpaid leave of absence.

**Absence notification process** is a process that is established which outlines the specific procedure an employee must follow when reporting their absence from the workplace.

**Available work** is work that exists with the Town of Conception Bay South at the pre-injury work site, or at a comparable work site arranged by the Town.

**Comparable work site** means a work site other than the pre-injury site that falls within the parameters of the Town.

**Cooperation** means:

- Maintaining effective communication throughout the period of the employee's recovery;
- Working towards identifying suitable and available employment for the employee; and
- Fulfilling the reporting obligations to WorkplaceNL.

**Discrimination** means refusing to employ or to continue to employ or otherwise discriminating against a person in regard to employment or a term or condition of



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employment on the basis of disability or other prohibited ground of discrimination set out in the *NL Human Rights Act, 2010* but does not include the expression of a limitation, specification or preference based on a good faith occupational qualification.

**Duty to accommodate** refers to the obligation to adjust rules, policies or practices, or physical environments to prevent or reduce discrimination on the prohibited grounds of discrimination as set out in the *NL Human Rights Act, 2010*. An example of the duty to accommodate would be revising the work environment or duties of an employee to allow them to return to work in a safe manner. This duty exists to the point of **undue hardship**, which generally refers to the point beyond which employers are not expected to accommodate. Factors that may be considered in determining whether accommodation would result in undue hardship include: the creation of health or safety risks; interchangeability of the workforce or facilities; financial cost; disruption of collective agreements; and, impacts on other employees.

**Established pattern of sickness** is paid or unpaid sick leave that demonstrates pattern(s) of behaviour that include, but are not limited to, calling in sick for undesirable shifts (weekends, overnights, etc.), sick on days that were originally denied as requests for other leave, days in which there is poor weather conditions or school/child care facilities are closed, calling in sick prior to or immediately following statutory holidays or other forms of leave (annual, overtime, etc.), using exactly the hours earned each month over a six month period, reporting an illness after tasks/work duties have been assigned, and any other pattern that indicates suspected abuse.

**Functional abilities** are the physical, cognitive, emotional, and social capacities required to safely and effectively perform the employee's job duties. Illness or injury may affect an employee's functional abilities such that they are not able to safely perform some or all of their job duties or the performance of such duties may cause aggravation to an existing injury or illness or give rise to a new injury or illness.

**Functional abilities form** is a form that is provided to the employee by the Town, to be given to their attending physician to obtain detailed functional information regarding the employee's current abilities and restrictions. The information provided on this form is necessary to aid in the accommodation process and to assist the employee in attending work on a regular basis.

**Health care provider** generally refers to the treating health care provider who is responsible for the ongoing care of the employee. This includes physicians, specialists and other health care professionals. This can be the employee's health care providers, providers set forth by WorkplaceNL or providers agreed upon between the employee and Town.



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**Medical certificate** is a medical document provided to the employer by the employee, from a physician, dentist, optometrist, chiropractor, physiotherapist, or massage therapist (with a referral), indicating their absence from the workplace due to medical reasons or to provide clearance for an employee to return to work.

**Non-occupational injury or illnesses** are illnesses, injuries, or medical conditions that are unrelated to work. These can be of a physical or psychological nature and are managed in accordance with legislation, employer policy, collective agreements, or via an arrangement with an insurance plan (i.e. long-term disability).

**Occupational disease** means a disease prescribed in regulations issued under the NL *Workplace Health, Safety and Compensation Act, 2022* and another disease peculiar to or characteristic of a particular industrial process, trade or occupation.

**Occupational injuries** are injuries as defined in the NL *Workplace Health, Safety and Compensation Act, 2022* arising out of and in the course of employment.

**Occurrence** is any period of sick leave for any duration. For example, an employee may have an occurrence of a partial day, full day, or an occurrence over several days.

**Serious Injury (Occupational)** is outlined under Section 54(3) of the NL *Occupational Health and Safety Act* and is:

- A fracture of the skull, spine, pelvis, femur, humerus, fibula or tibia, or radius or ulna;
- An amputation of a major part of a hand or foot;
- The loss of sight of an eye;
- A serious internal haemorrhage;
- A burn that requires medical attention;
- An injury caused directly or indirectly by explosives;
- An asphyxiation or poisoning by gas resulting in a partial or total loss of physical control; or
- Another injury likely to endanger life or cause permanent injury.

**Sick leave** means the period of time an employee is absent from work with full pay, when leave is available, by virtue of being sick or disabled, quarantined or under examination or treatment of a physician, chiropractor, or dentist, or because of an accident for which compensation is not payable under the *Workplace Health, Safety and Compensation Act, 2022*.

**Suitable employment** is work that:

- Is available;



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- Is consistent with the employee's functional abilities;
- The employee is qualified to perform;
- Does not pose a health or safety risk to the employee or co-employees or the public; and
- Where possible, restores the employee's pre-injury earnings.

**Threshold** is the organizational average of sick leave by all Town employees over the last three years.

**ROLES AND RESPONSIBILITIES:**

**Directors:**

1. Non-Occupational/Attendance Support:
  - a. Provide visible support, commitment, and when required, participation in the Disability Management and Attendance Support Program in conjunction with current legislation and collective agreement;
  - b. Provide a safe, positive, supportive and healthy workplace;
  - c. Inform new Managers/Supervisors of attendance expectations and the Disability Management and Attendance Support Program;
  - d. Act as a positive role model with respect to attendance at work;
  - e. Provide recommended resources, within normal budgetary restraints, to ensure success of the Disability Management and Attendance Support Program;
  - f. Ensure that Managers/Supervisors are following the process for attendance support with their employees;
  - g. Arrange for the necessary resources to enable Managers/Supervisors to carry out recommended accommodations; and
  - h. Maintain confidentiality of employee information.
2. Occupational:
  - a. Pay employee's salary, for hours worked, during the early and safe return to work process;
  - b. Provide suitable employment, where available;
  - c. Provide information, when requested, to WorkplaceNL regarding an employee's return to work process as well as information regarding disputes or disagreements;
  - d. Maintain confidentiality of employee information; and



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- e. Any other process that may be prescribed in the Regulations made pursuant to Section 149 of the *Workplace Health, Safety and Compensation Act, 2022*.

**Departmental Managers/Supervisors:**

1. Non–Occupational/Attendance Support:
  - a. Provide a safe, positive, supportive and healthy workplace;
  - b. Ensure that employees are aware of reporting processes per Town policies and procedures;
  - c. Educate employees on the importance of regular attendance, as well as their roles and responsibilities within the Program, and ensure copies of this Program are available to employees;
  - d. Assist staff who are struggling with attendance issues in developing an action plan to improve their attendance and support them in achieving the goals of their action plan;
  - e. Fairly and consistently apply this Program with all employees;
  - f. Review and analyze employee attendance, monitor sick leave patterns and usage in a timely manner, and assess and address attendance concerns;
  - g. Acknowledge good attendance and attendance improvement in a consistent manner;
  - h. Inform new employees of attendance expectations and the Disability Management and Attendance Support Program during their departmental orientation;
  - i. Act as a positive role model with respect to attendance at work;
  - j. Work proactively with the employee, Occupational Health and Safety and Human Resources on modified or alternate work options, where possible;
  - k. Maintain contact with the employee during the accommodation process;
  - l. Provide employee with applicable Town paperwork to be completed by their Physician in order to obtain further information, as required, and review with Human Resources and Occupational Health and Safety;
  - m. Contact the employee to discuss functional abilities and fitness for work to assist with developing a return to work plan
  - n. Monitor the recovery process and attendance of the employee to ensure compliance with the return to work plan and to prevent further illness or injury and update Human Resources and Occupational Health and Safety on progress;
  - o. Discuss with the sick or injured employee any concerns/issues with work duties or safety;
  - p. Consider further functional assessment or assistance by an external agency in consultation with Human Resources and Occupational Health and Safety;



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- q. Schedule all meetings related to return to work plan or attendance support; and
  - r. Maintain confidentiality of employee information.
2. Occupational:
- a. Provide first aid to injured employee;
  - b. Provide transportation to medical facility, if required. This includes calling an ambulance when necessary;
  - c. If the injury is a Serious Injury, notify the OHS Division, Digital Government and Service NL and the Town's Occupational Health and Safety immediately. For any accident involving vehicles, property or equipment damage contact Enforcement and Occupational Health and Safety;
  - d. Complete the Initial Incident Notification Report form and submit to applicable management, based on risk level;
  - e. Complete the Incident Report Form and forward a copy to Occupational Health and Safety and the applicable Director;
  - f. Complete the WorkplaceNL Form 7 and submit it to Occupational Health and Safety in order to ensure it is submitted to the WorkplaceNL within 48 hours of an injury resulting in a medical visit;
  - g. If functional limitations are noted on the WorkplaceNL medical form, develop an early and safe return to work plan with Occupational Health and Safety and submit the Early and Safe Return to Work Form to WorkplaceNL within 3 days of receiving functional abilities outlined on the MD Form;
  - h. If the employee is unable to work, due to injuries, maintain contact on a weekly basis and ensure that employees are submitting updated MD reports to Occupational Health and Safety when received; and
  - i. Maintain confidentiality of employee information.

**Human Resources:**

1. Non-Occupational/Attendance Support:
- a. Provide training, advice, assistance, and support to Managers/Supervisors concerning the Disability Management and Attendance Support Program, ensuring that the Program is consistently, fairly and equitably applied;
  - b. Communicate guidelines for employee attendance;
  - c. Work with the Manager/Supervisor to have the employee return to their physician to have the Town's applicable paperwork completed and returned;
  - d. Review paperwork with Manager/Supervisor, Occupational Health and Safety and employee to determine if a return to work plan is available;



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- e. Maintain contact with the Manager/Supervisor during the return to work process or sick leave time if work is not permitted;
  - f. Document and monitor each case and the ongoing return to work plan;
  - g. Maintain confidentiality of employee information; and
  - h. Develop and maintain an atmosphere of trust and mutual understanding.
2. Occupational:
- a. Provide guidance and assistance, as necessary, to Occupational Health and Safety and Managers/Supervisors on relevant articles in the collective agreement.

**Occupational Health and Safety:**

1. Non-Occupational/Attendance Support:
- a. Provide training, advice, assistance, and support to Managers/Supervisors concerning the Disability Management and Attendance Support Program, ensuring that the program is consistently, fairly and equitably applied;
  - b. Communicate guidelines for employee attendance;
  - c. Work with the Manager/Supervisor to have the employee return to their physician to have the Town's applicable paperwork completed and returned;
  - d. Review paperwork with Manager/Supervisor, Human Resources, and employee to determine if a return to work plan is available;
  - e. Maintain contact with the Manager/Supervisor during the return to work process or sick leave time if work is not permitted;
  - f. Document and monitor each case and the ongoing return to work plan;
  - g. Maintain confidentiality of employee information; and
  - h. Develop and maintain an atmosphere of trust and mutual understanding.
2. Occupational:
- a. Track all accidents/incidents reported by Managers/Supervisors;
  - b. Assist in investigation process of accidents/incidents, as required;
  - c. Assist Managers/Supervisors with functional abilities and return to work plans;
  - d. Ensure all WorkplaceNL forms are filled out and sent within required time frames and assist in their completion, if required;
  - e. Maintain contact with employees and Managers/Supervisors when an accident results in an injury in which a WorkplaceNL claim has been opened; and



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- f. Maintain contact with WorkplaceNL employees regarding claim information and manage claims to ensure return to work plans and functional abilities are being reviewed in a timely manner.

**Employee:**

1. Non-Occupational/Attendance Support:
  - a. Report to work and remain at work, fit for duty, as scheduled or as otherwise required;
  - b. Make every effort to attend to personal affairs and obligations outside of regular working hours (i.e. medical and dental appointments);
  - c. Report all absences to their Manager/Supervisor according to the established absence notification process along with their expected date of return;
  - d. Maintain their own personal health and make every effort to achieve a level of health required to perform the duties of their job;
  - e. Work with their Manager/Supervisor to achieve and maintain regular attendance at work;
  - f. Follow recommended assistance or treatment programs to facilitate a prompt and safe return to work;
  - g. Follow safety rules and procedures to prevent injury and illness;
  - h. Co-operate with the employer for an early and safe return to work, including advising their physician of the availability of modified and/or alternate work duties, where applicable;
  - i. Maintain regular contact with their Manager/Supervisor or designate while absent and provide medical documentation as requested/required;
  - j. Be aware of the sick leave provisions of their collective agreement, if applicable;
  - k. Provide attending physician a copy of the Town's paperwork to complete if requiring accommodation for a work-related injury, illness or disability;
  - l. Return completed paperwork to their Manager/Supervisor within 24 hours of seeing the physician;
  - m. Attend all scheduled medical, rehabilitation and return to work plan appointments and/or meetings as outlined by the Town;
  - n. Provide updated Functional Abilities Forms as per the timeline designated by their Manager/Supervisor;
  - o. Take an active role in initiating, developing and participating in safe and timely return to work opportunities;
  - p. Comply with recommendations of medical provider (physician, chiropractor, physiotherapist, etc.);



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- q. Notify Manager/Supervisor of any concerns with treatment or problems encountered due to sickness or injury during the return to work process;
  - r. If an employee is unable to participate in their return to work plan due to their sickness or any other reason, the employee must notify their Manager/Supervisor; and
  - s. Should the employee be unionized, it is at their own discretion and responsibility to contact a union representative for assistance in the accommodation process. It is noted that the union may be involved in the accommodation at the request of management representatives depending on the particulars of the accommodation. Should this occur, the employee will be informed of their participation prior to the request being made to the union.
2. Occupational:
- a. Get first aid or medical attention, if required;
  - b. Report ALL accidents/incidents to Manager/Supervisor immediately;
  - c. Attend drug and alcohol testing, as required under the Drug and Alcohol Policy;
  - d. If medical attention is required, advise the attending physician that it was a work related injury;
  - e. Bring the WorkplaceNL medical form, (yellow copy) to your Manager/Supervisor within 24 hours of seeing a doctor;
  - f. Complete WorkplaceNL Form 6 and fax/mail to WorkplaceNL. Occupational Health and Safety will assist in the process;
  - g. If functional limitations are outlined on the WorkplaceNL medical form, then the employee will meet with their Manager/Supervisor and Occupational Health and Safety to develop an early and safe return to work plan;
  - h. Accept suitable employment, where available;
  - i. Maintain communication with Manager/Supervisor during return to work process and submit all forms from medical provider (physician, chiropractor, physiotherapist, etc.);
  - j. Provide WorkplaceNL with requested information concerning the return to work process, including information about disputes or disagreements which may arise from the process; and
  - k. Should the employee be unionized, it is at their own discretion and responsibility to contact a union representative for assistance in the accommodation process. It is noted that the union may be involved in the accommodation at the request of management representatives depending on the particulars of the accommodation. Should this occur, the employee will be informed of their participation prior to the request being made to the union.



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**Union Representatives:**

1. Non-Occupational/Attendance Support and Occupational
  - a. Maintain confidentiality of employee information;
  - b. Develop and maintain an atmosphere of trust and mutual understanding; and
  - c. Attend meetings with the employees, as requested.

**Health Care Provider:**

1. Non-Occupational/Attendance Support:
  - a. Assist the Town in their Disability Management and Attendance Support Program by completing the Town's paperwork for employees;
  - b. Assist the Town in developing a return to work plan for an employee with a non-occupational injury or illness, if required; and
  - c. Provided updated Town paperwork as per the time frame required by the Manager/Supervisor.
2. Occupational:
  - a. Provide the workplace parties and WorkplaceNL with functional abilities information;
  - b. Provide the employee and WorkplaceNL with medical information;
  - c. Identify the most appropriate method of treatment for the injury;
  - d. Ensure the employee receives timely treatment; and
  - e. Ensure return to work is discussed throughout recovery for both occupational injuries and illnesses.

**WorkplaceNL (Work Related Injuries Only):**

- a. Communicate to the workplace parties their statutory obligations to co-operate in the early and safe return to work process;
- b. Ensure the return to work plans are achieving the hierarchy of the return to work priorities set out below and are consistent with the employee's functional abilities;
- c. Monitor activities, progress and cooperation of the workplace parties;
- d. Proactively manage the medical rehabilitation of the employee in consultation with the employee and the health care provider(s);
- e. Determine compliance with the obligation to cooperate and, where applicable, to re-employ;
- f. Provide dispute resolution between workplace parties; and
- g. Communicate regularly and effectively with the workplace parties and health care providers.



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**SICK LEAVE FOR PREVENTATIVE MEDICAL AND DENTAL CARE**

Employees are expected to ensure that routine appointments are arranged at times that minimize disruption to operations. Appointments that cannot be made outside of working hours should be made at the beginning or end of the normal working day (i.e. within the first or last working hour), or around a lunchtime period. Employees are required to receive Manager/Supervisor approval prior to attending an appointment during working hours. Employees are also required to provide the approximate length of time in which the appointment will take, including driving time.

In cases where an employee has no control over the appointment times, reasonable time off with pay is allowed for medical appointments. Those that require absence from work on a regular basis to attend appointments should discuss with their Manager/Supervisor in advance. All time missed for medical and dental appointments will be recorded as sick leave. The employer reserves the right to deny usage of sick leave if the medical provider offers evening/weekend services.

**ABSENCE NOTIFICATION PROCESS AND SICK LEAVE DOCUMENTATION**

When an employee is unable to report to work due to illness, the employee is required to follow the below notification procedure:

- The employee is to make all reasonable attempts to personally contact their immediate Manager/Supervisor or the Director (unless an emergency situation deems otherwise) prior to or no later than at the commencement of the shift but should provide as much notice as possible.
- If electronic means are utilized (email/text message), contact is only deemed to be made if confirmation of receipt is received from the Manager/Supervisor.
- Should it not be possible to contact the immediate Manager/Supervisor or Director, the employee should report to the management person available for that shift.
- Only after the above effort is made, will it be acceptable for the employee to leave a message giving the reason for the absence and other pertinent information. In such cases the employer has the right to contact the employee to confirm the reason for the absence.
- An employee may submit medical documentation for any sick leave usage upon their return to work, outside of policy requirements.
- Medical documentation will be required for ALL employees that are off for more than 5 consecutive days/shifts.
- Sick leave notes/medical certificates will be accepted up to and with the timesheet at the end of the applicable pay period if the employee has returned to work. If



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the employee has not returned to work by the end of the pay period, it may be submitted immediately upon their return.

- Specialist notes that outline that an employee has an ongoing medical condition or illness that results in reoccurring absences will be accepted for a six month period.
- Firefighters and Fire Captains that are off on sick leave for a duration of two weeks or more are required to submit a doctor's note clearing them to return to work. All other employees with the Town will be required to provide a doctor's note clearing them for duties after a 30-day absence for medical reasons, unless the sick leave is for family purposes.

**EARLY & SAFE RETURN TO WORK PLANNING PROTOCOL:**

When available, the Town of Conception Bay South will provide suitable employment for an employee who has sustained a workplace injury within three working days from receipt of the employee's Physician's Report, Form MD. Suitable employment should commence as soon as possible but no later than three working days after the employer has offered the work. Further to this, the Town will provide the employee, when seeking medical attention for an work-related injury, a letter which outlines that the employee's job duties and any other options for accommodation.

To achieve the maximum benefit from the Return to Work Program, the workplace parties should consider each of the priorities listed in the hierarchy table in this section in the order that they appear and take into consideration the functional abilities of the employee. The primary objective, where possible, is to maintain the employee's connection to the pre-injury job during the return to work program. The first priority is to return the employee to the pre-injury job (with accommodation, as required) or to modify the pre-injury job. An alternate, comparable job may also be offered. Where the specific functional abilities prevent a return to pre-injury or a comparable job, then the most suitable employment that is available will be offered to the employee. All factors of the case must be considered when making decisions on return to work.

**Non-Occupational Injuries or Illnesses**

When available, the Town of Conception Bay South will provide suitable employment for the injured employee. Suitable employment should commence as soon as possible.

For non-occupational illnesses or injuries, the return to work hierarchy will also be utilized, when possible, in order to safely return an employee to work, however the return to work plans will be developed and monitored solely by the Town and attending physician and



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will be based on the information provided by the employee’s physician either through the Town’s letter and job duties or through the Town’s Functional Abilities Form. Employees who are taken off work for two weeks or more will be provided with a letter from the Town outlining the duties of the employee’s position, including any other duties that may be added to accommodate injuries or illnesses. This will be then be followed up with the Town’s Functional Abilities Form after an additional 4 weeks if an accommodation cannot be made based on the duties provided.

There are times when the employer may request that the employee undergo an independent medical exam (IME) and/or meet with a Third-Party provider. This may be necessary when the employee has provided vague, insufficient and/or inconsistent medical information that requires clarity in order for the Town to determine how to proceed. If the employee’s attending physician does not provide clear and sufficient information, an IME may be mandatory for employees that have been off work for medical reasons for more than 2 months. If the employee does not participate in the IME then sick leave benefits and return to work plans may be suspended pending submission of satisfactory medical information.

**Hierarchy of Return to Work Priorities**

<b>Priority Level</b>	<b>Return to Work Program</b>	<b>Description</b>	<b>Goal</b>	<b>Obligation</b>
1	Pre-injury job	Full hours; full pre-injury duties	Full return to work	Employer is obligated to provide pre-injury or comparable job
2	Essential duties of pre-injury job	Full hours; essential duties of pre-injury job (modified work)	Move to priority 1	Employer is obligated to provide pre-injury or comparable job
3	Pre-injury job with modifications	Full hours; Essential pre-injury duties modified or removed	Move to priority 1 or 2	Employer is obligated to provide the most suitable work that becomes available
4	Pre-injury job with modified duties	Full hours; some pre-injury and non- pre-injury duties	Move to priority 3, 2 or 1	Employer is obligated to provide the most suitable work that becomes available
5	Ease back to pre-injury job	Full pre-injury duties; gradual return to pre-injury hours	Move to priority 2 or 1	Employer is obligated to provide the most suitable work that becomes available
6	Alternate work	Full hours; non pre-injury duties	Move to priority 4, 3, 2 or 1	Employer is obligated to provide the most suitable work that becomes available



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**ATTENDANCE SUPPORT:**

- Managers/Supervisors will be provided the quarterly and annual numbers for the Town's threshold.
- Managers/Supervisors are to review attendance records quarterly to identify if there are any established patterns of sickness or if any employees have gone above the Town's threshold.
- If an employee's sick leave days are above the Town's threshold for the 12-month period, then the Manager/Supervisor will note the employee's information.
- Managers/Supervisors will set up a meeting with the employee and a shop steward, if the employee is unionized, for all cases of attendance support. A unionized employee may, in writing, waive the right to have a shop steward in attendance. These meetings are to set attendance expectations, note the operational effects of absenteeism, possible independent medical exams or Third-Party assistance, and offer support and assistance.
- All meetings will be documented and reviewed with Human Resources and/or Occupational Health and Safety.
- Meetings will occur quarterly, with a review of the employee's sick leave usage, and if improvement is not made, possible disciplinary action may be taken or additional services may be availed of to assist in attendance support.
- If the employee reduces sick leave below the Town's threshold or no longer shows a pattern of sickness for the next quarterly meeting, they may be removed from Attendance Support, depending on the level of attendance support they are on.
- The Town acknowledges the need to consider the individual circumstances of employees whose attendance may be affected by disability, as verified by medical certificates and other information provided by or through the employee. In such cases, the Town will comply with its duty to accommodate to the point of undue hardship.

**OBLIGATION TO RE-EMPLOY (WorkplaceNL Requirement):**

The Town of Conception Bay South will meet WorkplaceNL's requirements as it pertains to the obligation to re-employ an injured employee who has been employed continuously for at least one year by the Town on the date of injury. The Town also is aware that it is obligated to re-employ until the earliest of:

1. Two years after the date of injury;
2. One year after the employee is medically able to perform the essential duties of their pre-injury employment; or
3. The date on which the employee reaches 65 years of age.



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**Title: Disability Management and Attendance Support Program**

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**Policy Number: 084**

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Under the obligation to re-employ, the Town will accommodate the work or the workplace for the injured employee to the extent that the accommodation does not cause the employer undue hardship. If there is no undue hardship to the employer and an employee is medically capable to perform the essential duties of their pre-injury employment, the Town shall offer:

1. To re-employ the employee in the position that the employee held on the date of injury; or
2. Offer to provide the employee with alternative employment of a nature and at earnings comparable to the employee's employment on the date of injury.

When an employee is medically able to perform suitable work but is unable to perform the essential duties of their pre-injury employment, the Town shall offer the employee the first opportunity to accept suitable employment that may become available with the employer.

WorkplaceNL may determine on its own initiative or if there is a disagreement between the Town and injured employee about the fitness of the employee to return to work:

1. Where the employee has not returned to work with the Town, whether the employee is medically able to perform the essential duties of their pre-injury employment or to perform suitable work; and
2. Where WorkplaceNL has previously determined that the employee is medically able to perform suitable work, whether the employee is medically able to perform essential duties of the employee's pre-injury employment.

The obligation to re-employ, is for occupational injuries and illnesses. For non-occupational injuries and illnesses, obligations will be met as covered under legislation, employer policy, the Collective Agreement, and any other obligations the Town of Conception Bay South may have.

**EFFECTIVE COMMUNICATION:**

In the event of an occupational injury or illness the Town will maintain contact with the injured employee. For non-occupational illnesses or injuries, if a physician determines that an employee is unable to return to work, modified or otherwise, for an extended period, the employee will provide regular updates to their Manager/Supervisor.



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For work-related injuries or illnesses, once a functional abilities assessment determines that an employee is able to return to work but requires modified duties or alternate duties for a period of time then the employee's Manager/Supervisor will contact the employee at least once a week during the early and safe return to work process. This will be continued until an employee has been cleared to perform their regular duties with no restrictions.

Effective communication will largely depend on the commitment of both the employee and Town in working together to get an employee back to work from a work or non-work-related injury or illness.

**CONSEQUENCES OF NON-COOPERATION:**

**Non-occupational injuries or illnesses**

It is expected that all parties will participate in the Disability Management and Attendance Support Program as per their duties outlined in this policy. For an accommodation to be completed in a safe and timely manner, it is required that an employee have the appropriate documentation completed, including the Functional Abilities Form. If this is not completed, an accommodation will not be possible.

It is the obligation of the employee and employer representatives to participate in the Disability Management and Attendance Support Program and accommodation process up to the point of undue hardship.

**Work related injuries**

An employee shall co-operate in the early and safe return to work by:

(a) contacting the Town as soon as possible after the injury occurs and maintaining communication throughout the period of the employee's recovery;

(b) assisting the Town, as may be required or requested, to identify suitable employment that is available and consistent with the employee's functional abilities and that, where possible, restores the employee's pre-injury earnings;

(c) accepting suitable employment identified under paragraph (b);

(d) giving WorkplaceNL the information it may request concerning the employee's return to work; and



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(e) doing other things that may be prescribed in the regulations.

Where WorkplaceNL determines that an employee has failed to comply with these obligations, it may suspend, reduce or terminate the employee's compensation.

**DISPUTE RESOLUTION (Work Related):**

If a dispute or disagreement is identified, or there is evidence of difficulty, WorkplaceNL will contact both workplace parties to determine what assistance or information is required to initiate, maintain or restore cooperative activities. To facilitate self-reliance and remove barriers in the early and safe return to work process, WorkplaceNL shall provide:

1. Information to assist in assessing the workplace in terms of the employee's functional abilities, skills, knowledge and fitness to work;
2. Information regarding job/workplace accommodations; and
3. The offer of mediation services, if either of the workplace parties request mediation, or if WorkplaceNL determines that mediation will be helpful.

**JOINT CONSULTATION (Work Related):**

As per requirements of WorkplaceNL, the Town of Conception Bay South will ensure that the Disability Management and Attendance Support Program is reviewed on an annual basis. The information that will be reviewed during the joint consultation includes the Disability Management and Attendance Support Program and accident/incident statistics for the previous years. This will be reviewed by each Worksite Occupational Health and Safety Committee as well as with Senior Management. Minutes will be recorded on the meetings and submitted to Occupational Health and Safety.

**ASSOCIATED DOCUMENTS:**

WorkplaceNL Form 7 – Employer's Report of Injury

WorkplaceNL Form 6 – Employee's Report of Injury

WorkplaceNL Early and Safe Return to Work Plan

WorkplaceNL Form MD

Town of Conception Bay South Physician Letter

Town of Conception Bay South Position Specific Job Duties

Town of Conception Bay South Functional Abilities Form

Town of Conception Bay South and CUPE Local 3034 Collective Agreement



**Town of Conception Bay South Corporate and Operational Policy**

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**REVISION HISTORY:**

<b><u>Revision</u></b>	<b><u>Resolution #:</u></b>	<b><u>Change Made:</u></b>	<b><u>Date:</u></b>