

Disability Management: An Introduction Key Points

Disability Management:

- » Is part of a Workplace Health Promotion program
- » Is a coordinated effort to prevent, reduce, and manage employee illness, injury and abilities
- » Involves prevention, recovery, and accommodation
- » Requires consistent and fair application for all employees
- » Requires all parties to be aware of and fulfill their roles and responsibilities
- » Requires employers to:
 - › Become aware and get involved early when employees require support
 - › Stay in regular contact with employees on leave
 - › Obtain adequate medical information at appropriate intervals, as needed
 - › Be an active participant in return to work and stay at work processes and planning
 - › Ensure understanding of duty to accommodate and duty to inquire

3 Components of a Disability Management Program

Prevention:

- » Promote health, safety, and wellness
- » Identify and help prevent injury and illness
- » Provide a physically and psychologically safe workplace
- » Provide support to employees to help prevent threats from escalating
- » Support early interventions
- » Increase and promote training and awareness

Accommodation:

- » Accessibility standards
- » Duty to accommodate
- » Inclusive environment
- » Assistive technologies

Support for Recovery:

- » Benefit plans
- » Goal-orientated case management
- » Return to work planning

Roles and Responsibilities

Managing medical absence and accommodation requires:

- » Employee engagement
- » Committed leadership
- » Clear, consistent communication
- » Ongoing opportunities for the employee to contribute to the workplace

Employer Responsibilities

- » Effective case management
- » Become familiar with sick leave benefits
- » Explore options for the employee to return or stay at work

- » Facilitate and implement plans with assistance from:
 - › BCTF Health and Wellness Program
 - › Joint Early Intervention Services (for CUPE support staff)
 - › External resources (e.g. physiotherapists, psychologists)
- » Understand the next step if the employee's sick benefits are exhausted
- » Research available resources
- » Obtain medical documentation as necessary
- » Support the employee with respect and confidentiality

Direct Supervisor:

- » Has a relationship with the employee
- » Remains in contact with employee who is off work
- » Uses active listening skills in communications with employee
- » Respects the rights and privacy of employee's medical information

Duty to Accommodate

BC Human Rights Code provides protection for people with disabilities:

- » mental or physical
- » visible or non-visible
- » permanent or temporary

Need for accommodation is identified by:

- » Employee disclosure
- or
- » Employer observes or is made aware of behaviours that indicate the need for accommodation

Medical Documentation

- » Employers are entitled to sufficient, clear, current, and credible medical information when needed.
- » Generally, employers can obtain information regarding the nature of the disability, prognosis, anticipated length of absence, and restrictions/limitations.
- » There are four arbitration decisions (3 BCTF and 1 CUPE) that specifically relate to what questions can be asked of an employee's physician at the initial request for medical leave. This has resulted in a standardized medical form that is currently used in most school districts.
- » Employers may request subsequent medical information (in addition to what's on the form) when this information is required.
- » The school district's right to obtain necessary medical information must be balanced against the employee's right to privacy. Limit medical-related questions to what you reasonably need to know, at that point in time.