

Working Effectively with Unions

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Employee-Employer Disability Management Program Models

- National Institute of Disability Management and Research (NIDMAR)
- Health Canada's Corporate Health Model
- Ontario Federation of Labour "Accommodation Guidelines and Principles for Local Unions"
- Various Collective Agreements

NIDMAR's Disability Management in the Workplace Program

- In the early 1999's individuals from the Disabled Forestry Workers Foundation of Canada, IWA-Canada, the Canadian Paperworker's Union, and MacMillan Bloedel Limited searched for ways to improve the treatment of workers with disabilities.
- The impact of legislative changes and legal interpretations of the "duty to accommodate" in Canada were being discussed in corporate offices and at union conventions.

NIDMAR's Disability Management in the Workplace Program con't

- Many employers and union representatives were asking questions about how to respond to the rising human, social and economic costs of disability.
- A practical working model was developed to reflect the needs of the workplace environment in Canada.

NIDMAR's Disability Management in the Workplace Program con't

- The Model would be a joint labour-management, workplace-centered, non-exclusive program aimed at reducing the economic, personal and social consequences of disabilities.
- The joint structure would ensure equal union-management representation and participation in the development and implementation of a program.

NIDMAR's Disability Management in the Workplace Program con't

Model Components

- The injured/ill worker
- Joint Disability Management Committee
- Managers/Supervisors
- Treatment Providers
- Benefit Carriers i.e., WSIB, Insurance etc
- Disability Management Coordinator

NIDMAR's Disability Management in the Workplace Program con't

Internal Resources

- Ergonomic Committees/Experts
- Safety Committees/Experts
- Employee Assistance Programs
- Benefits Programs/Advisors

NIDMAR's Disability Management in the Workplace Program con't

External Resources

- Rehabilitation providers i.e., Physiotherapists, Occupational Therapists, etc
- Physicians and Chiropractors
- Ergonomist's
- Other Rehabilitation Providers

Health Canada's Corporate Health Model

- It is part of the Health Canada's Workplace Health System, a system that allows management and labour to work together to create a healthy work environment
- The Model provides a framework for discovering what policies and programs would best suit the workplace.
- It is not meant to replace existing programs.
- It is meant to integrate all of the workplace health related programs, activities and policies into one plan.

Health Canada's Corporate Health Model con't

Key Components

- Senior and Middle Management Commitment
- Joint Labour/Management Committee
- Needs Assessment
- Workplace Health Profile
- Corporate Health Plan Design
- Program Action Plan
- Evaluation

Ontario Federation of Labour Guidelines

- Local Union Leadership must recognize the right of workers with disabilities to return to the workplace, with the emphasis on return to the pre-accident/injury job.
- Establish local joint re-employment committees to address the needs of workers with disabilities.
- Review collective agreements to eliminate potential barriers to accommodation and re-employment, including adding non-discrimination clauses to provide mechanisms for grieving

Ontario Federation of Labour

Guidelines con't

- Negotiate Collective Agreement Language which establishes a joint re-employment/modified work/RTW committee.
- Educate the local membership in the principles, identification of issues and statutory rights and obligations in the duty to accommodate.
- Work with WSIB, Insurance Carriers in support of the Employers obligation to accommodate disabled workers.

Collective Agreements

- Communications, Energy and Paperworker's Union (CEP)
 - Rehabilitation Programs
 - Joint Return to Work Committees

Collective Agreements con't

- Canadian Auto Workers Union (CAW)
 - Placement Review Committees
 - Medical Rehabilitation Program
 - Modified Work Committees
 - Ergonomic Committees

Collective Agreements con't

- United Steelworkers
 - Joint Disability Management Committees
 - Return to Work Programs
 - Accommodation Committees

Collective Agreements con't

- CUPE
 - Worker's Compensation and Rehabilitation Union Representatives
 - Modified Work Programs
 - Modified Work Committees

Collective Agreements con't

- OPSEU
 - Modified Work
 - Modified Work Committees
 - Accommodation Committees

Joint Disability Management Program

Why???

Benefits of a Joint Disability Management Program

- Joint Disability Management programs provide a structured agreement between management and workers that, regardless of cause of injury or illness, facilitates early return to work without jeopardizing the health of the worker.

Benefits of a Joint Disability Management Program con't

- Workplace-based programs minimize the economic, human and social costs of disability.
- Each party to the disability management process benefits.

Key to Success

- Cooperation and interaction among management, labour and health care professionals at an early stage in the rehabilitation process are the key components of successful Joint Disability Management Return-to-Work Programs.

Worker Benefits

- Can continue to perform meaningful work.
- Can maintain their income levels and secure future pensions.
- Early return to work can facilitate physical recovery.
- Support social and mental well-being.

Employer Benefits

- Retain valuable workers and reduce the costs of replacement workers.
- Restore labour force participation.
- Reduce the negative financial impacts of disability such as increase costs associated with insurance premiums, WSIB, productivity etc.
- Meet legal requirements i.e., WSIB, Human Rights etc

Union Benefits

- Unions like management, have a legal responsibility to assist disabled workers in returning to work.
- Maintains labour rights and principles.
- Promotes worker well-being.
- Demonstrates value of the program to union members by protecting the employability of its members.
- Problem-solve in addressing areas of mutual interest and concern.

Characteristics of Successful Joint Disability Management Programs

- Effective safety programs and working injury prevention approaches.
- A strong focus on health promotion and wellness programs, supported by the organization.
- Early intervention when an worker becomes ill or injured, combined with formal return-to-work programs that are supported by policies and procedures.

Characteristics con't

- Collaboration and cooperation between labour and management in support of retention policies, procedures and protocol.
- Effective and efficient communication systems within the organization, as well as between it and external community and government resources.
- Benefit programs that reward return-to-work activities instead of encouraging an ongoing disability status.

Characteristics con't

- Clearly identified disability management personnel.
- Creative use of transitional work options to address the individual needs of workers with disabilities during the return-to-work process.
- Adaptation and accommodation to ensure full participation in the workplace for all workers with disabilities.

Characteristics con't

- Ongoing evaluation and accountability of the program.
- A corporate culture that values employing, accommodating and retaining workers with disabilities.

Stakeholders in a Joint Disability Management Program

- Injured/ill/disabled Worker
- Joint Committees
- Return to work coordinators
- Healthcare providers
- Insurance providers, WSIB included
- Supervisors, worker representatives, senior management and union officials

Injured, Ill or Disabled Worker Role and Responsibility

- Actively participate in the return-to-work process.
- Ensure that the return-to-work plan is safe, suitable and sustainable by reporting illness or injury as soon as possible.
- Contribute to the development of the return to work plan.
- Comply with recommendations of treatment.

Worker Role and Responsibility can't

- Take responsibility for maintaining health and mental well-being.
- Advise supervisor and Joint Committee of any change in circumstances during the return-to-work process.

Joint Committee Role and Responsibility

- Oversee the administration of a Disability Management Program on a company-wide or worksite specific basis.
- Members provide overall policy direction and advise on dispute resolution.

Disability Management Coordinators Role and Responsibility

- Are the contact person for all stakeholders.
- An active supporter of the worker, their families.
- Catalyst for facilitating the return-to-work of the worker.
- Can be a dedicated Disability Management Professional, Human Resources Professional, Occupational Health Nurse etc.

Health Care Providers Role and Responsibility

- Assist the worker's Return-to-Work by reviewing functional job descriptions with the worker to explore Return-to-Work possibilities.
- Complete thorough functional assessments.
- Suggest modifications to work functions so as to minimize future risk.
- Communicate effectively with workers and the Joint Disability Management Committee.

WSIB and Insurance Providers Role and Responsibility

- Supply loss of earnings, health care benefits.
- Arrange for Rehabilitation Services.
- Communicate openly with the worker and the Joint Committee to explore Return-to-Work strategies.
- Participate in the process of identifying or creating permanent job accommodation options.

Supervisors Role and Responsibility

- Monitor safe work practices of workers returning to work.
- Identify transitional work options or job accommodations that might assist the Return-to-Work process.
- Work with the Joint Committee to analyze the overall demands of each job, discuss concerns and issues around job performance, safety with the employee.
- Responds to co-worker inquiries about disabled workers, job modifications etc.

Senior Management Role and Responsibility

- Provide visible support and commitment to Disability Management Program objectives.
- Ensures accountability.
- Ensures necessary program resources are available.
- Empowers joint committees to carry out program objectives.
- Promotes return to work language within the collective agreement.

Union Leadership Role and Responsibility

- Provide visible support and commitment to the Disability Management Program.
- Support marketing and promotional efforts.
- Empower the joint committee.
- Promote return to work language within the collective agreement.

Worker Representative Role and Responsibility

- Act as an Advocate for the rights of the workers including those with disabilities.
- Identify transitional job options.
- Support the worker through the Return-to-Work process.
- Ensure that the worker has the appropriate information to support the Return-to-Work process.
- Communicate objectives and potential benefits of a Disability Management Program to co-workers.

The Joint Disability Management Committee Framework

- A Disability Management Program Mission or Policy Statement.
- Terms of Reference which includes the following elements:
 - Program Objectives
 - Principles
 - Membership
 - Meeting frequency
 - Procedures

Framework con't

- Terms of Reference con't
 - Definitions
 - Member Roles and Responsibilities
 - Documentation, methods and types
 - Confidentiality
 - Method of Dispute/Conflict Resolution
 - Standardized approach to the Return-to-Work plan

A stylized, low-poly illustration of two hands shaking, rendered in various shades of blue. The hands are positioned diagonally across the frame, with the left hand on the left and the right hand on the right, meeting in the center. The background is a solid dark blue.

Questions????



Thank You

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