

# Rehabilitation Placement Process Guidelines for PSGE Employees

**Public Service Commission**  
Centres of Excellence  
Integrated Health, Safety and Wellness

Last revised: January 2020  
Last reviewed: January 2020  
**Next review: January 2021**

*Saskatchewan* 

## Table of Contents

1. Introduction .....	3
2. Steps.....	3
2.1 Step 1 Information Gathering .....	3
2.1.1 Medical Information .....	3
2.2 Step 2 Notification of the Commencement of Phase 1 .....	4
2.3 Step 3 Determining a Reasonable Accommodation .....	4
2.3.1 Initial Meeting .....	5
2.3.2 Identification of Placement Options .....	5
2.3.3 Things to Keep in Mind .....	6
2.4 Step 4 Salary Guarantee - Phase 2 .....	6
2.4.1 Salary Guarantee.....	6

## 1. Introduction

These guidelines steer the implementation of the provisions of Letter of Understanding #09-1 for employees returning to work following a prolonged illness or injury. The return to work (RTW) process from a short term illness/injury is typically resolved at the local level through cooperative efforts between the employee and manager with support from human resources. In these situations, the guidelines may not be required although the duty to accommodate still applies. Please refer to “*A Manager’s Guide to Accommodation and Return to Work*” document for further information.

## 2. Steps

### 2.1 Step 1 Information Gathering

It is the employee’s and or their third party Vocational Rehabilitation Consultant’s responsibility to provide information to the employer, which shall include:

- medical clearance to return to work with clear restrictions/limitations and prognosis - from the health care provider; and,
- a current and comprehensive resume (for assistance composing or updating a resume see the Career Centre website, [www.careers.gov.sk.ca](http://www.careers.gov.sk.ca) for information or speak with the human resource business partner.

The referral to the Rehabilitation Placement Process should be made to the Vocational Rehabilitation Consultant (VRC) of the Integrated Health, Safety and Wellness Branch as soon as possible.

If it is determined by the VRC that further information or clarification of any information is required, it will be requested promptly by the VRC in writing. This information is to be returned to the VRC as soon as possible, to facilitate the consideration of an appropriate accommodation.

#### 2.1.1 Medical Information

When requesting medical information, the least intrusive method of attaining the required information should be utilized. In straightforward cases, information from the employee’s general practitioner is likely acceptable.

However, in more complex cases or where there have been difficulties in attaining the required information, it may be necessary to do one of the following:

- Request clarification through the LTD VRC;
- Request clarification from the employee’s health care provider (repeated requests may be required);
- Inquire with the employee if they have been referred to a health care provider with expertise applicable to the employee’s disability and if so request information by the specialist; and,
- Request the employee undergo an independent medical examination (consult with human resources and/or labour relations).

If the further required restriction information is not available through the VRC, payment will be the responsibility of the employer.

Failure, on the part of the employee, to comply with the request may be a breach of the employee's obligation to participate and end the employer's obligation to continue with an accommodation. However, each circumstance must be evaluated on a case by case basis weighing all relevant factors. Human resources and/or labour relations should be consulted on such issues.

## **2.2 Step 2 Notification of the Commencement of Phase 1**

When it has been determined that all of the required information needed to explore accommodation options has been received, the employee will be notified in writing by the VRC, IHSWB that Phase 1 of the process has commenced, copying the HRBP, the LTD VRC (if known) and the permanent head, of the employee's home ministry.

The 6-month timeline to Phase 2 may be interrupted and paused in some circumstances, for example a change in the employee's medical status, a temporary work placement, a work trial or other compelling circumstances.

Any disagreement in the application of the 6-month timeline will be addressed jointly by the IHSWB, the labour relations representative of the PSC and the SGEU Representative for the Joint Rehabilitation Committee.

## **2.3 Step 3 Determining a Reasonable Accommodation**

Determining a reasonable accommodation during Phase 1, is the most effective, positive and desirable approach to accomplishing a rehabilitation placement. The parties should be creative and flexible when seeking accommodation options.

The search for an accommodation always starts with the employee's home position at the start of their absence even if the employee is on an indefinite leave. If the employee's restrictions cannot be accommodated in their former home position, then other options should be explored. In this circumstance, considering the employee's restrictions, positions that most closely reflect the employee's previous position and location should be considered first. Permanent employees may be placed into any position that meets the employee's restrictions. A permanent employee may be placed into a term position while a search is ongoing but this would not end the process. Term employees are only required to be accommodated in their home position for the length of that term.

Options for a reasonable accommodation can include but are not limited to:

- Allowing a flexible work schedule;
- Modifying job duties;
- Modifying policies;
- Making changes to the building;
- Modifying work stations;
- Providing specialized adaptation or assistive devices for computers, accessible technology;
- Providing alternate ways of communicating with the employee;
- Additional training;
- Allowing short or long term disability leave;
- Job bundling and unbundling; and,
- Alternative work.

### 2.3.1 Initial Meeting

The VRC, IHSWB, will contact the employee at the initial onset of the process.

Topics for discussion may include:

- Confirmation of medical restrictions;
- Accommodations/modifications required e.g. Hours of work, specialized equipment etc.;
- Confirmation of education, experience, skills and abilities;
- Potential placement opportunities;
- Participant's obligations (employee, employer, union);
- Timelines; and,
- Next steps.

### 2.3.2 Identification of Placement Options

Based on the information gathered and meeting results, the VRC in consultation with the HRBP will explore any reasonable accommodation options throughout the home ministry.

The home ministry bears the greatest responsibility for their employees and it is expected that reasonable accommodation options within the ministry will be thoroughly reviewed. Placement options in other ministries will be considered if a reasonable accommodation is not identified within the home ministry.

The VRC can consult with other human resource business partner teams (HRBPT) to explore options in other ministries. When a potential suitable position is identified, the VRC acts as a liaison between the HRBPT's in identifying options for consideration. The VRC with the assistance of the HRBP aligned to the vacant position will determine whether an option should be more fully explored based on the employee's restrictions, knowledge and transferable skills.

If an opportunity for a reasonable accommodation is identified either within the home ministry or service wide, the receiving position manager and the HRBP involved, will meet with the employee. This is referred to as a meet and greet.

Suggested Topics for Discussion:

- Details of the potential accommodation;
- The fit with the employee's restrictions, education, experience and skills;
- Further informal discussion of the employee's knowledge and transferable skills. It is not an undue hardship to provide training for an employee to be able to meet the essential duties of the position;
- Timelines; and,
- Next steps.

Following this meet and greet a final determination will be made between the manager, HRBP and VRC, IHSWB as to whether the option is a reasonable accommodation i.e. will accommodate the employee's restrictions and fit the employee's knowledge and transferable skills and if some training is necessary. Considerations and rationale should be documented using the *Rehabilitation Placement Assessment Form*.

If the accommodation is determined to be reasonable, the employee will receive a formal offer. If it is not determined to be a reasonable accommodation, the parties will continue to seek opportunities for placement.

### **2.3.3 Things to Keep in Mind**

- Employees are entitled to a reasonable accommodation to the point of undue hardship, not a “perfect” accommodation;
- Reasonable accommodation may mean multiple trial placements before a successful RTW occurs;
- Phase 1 of the process has a 6-month timeline. If the end of the 6-month timeline is reached without a reasonable accommodation being offered, Phase 2 of the process begins, which includes salary guarantee; and,
- Failure, on the part of the employee to participate and cooperate in the process may be a breach of the employee’s obligation and end the employer’s obligation to continue with an accommodation. Labour relations should be consulted in these situations.

### **2.4 Step 4 Salary Guarantee - Phase 2**

Salary guarantee (Phase 2) begins at the end of the 6-month Phase 1 time period. Phase 1 of the process can be extended if additional time is required to obtain medical reports, work trials or in other compelling circumstances.

Term employees and employees on initial probation are not entitled to salary guarantee (Phase 2) of the process.

If a reasonable accommodation has not been identified by the employer, at the end of Phase 1 the employee will begin receiving salary guarantee at the appropriate level, until a reasonable accommodation is identified.

#### **2.4.1 Salary Guarantee**

- Employees (except initial probation and term) are entitled to a salary guarantee if no reasonable accommodation offer has been made, after six months in Phase 1. Salary guarantee costs are the responsibility of the home ministry;
- When a temporary work placement is found Phase 1 is paused for the duration of the placement. This includes permanent, term, graduated RTW, trial, and supernumerary placements;
- Phase 1 will restart once the temporary work placement ends; and,
- Phase 1 be paused during the seasonal layoff period for Labour Service employees and will restart following the seasonal layoff period.

The calculation of the salary guarantee will be calculated in accordance with the LOU # 09 - 1.