



DISABILITY MANAGEMENT AND RETURN TO WORK

Employee Guide

Your guide on the process and responsibilities

FISHERIES AND OCEANS CANADA AND CANADIAN COAST GUARD
DISABILITY MANAGEMENT AND RETURN TO WORK PROGRAM
Workplace Well-Being

Fisheries and Oceans Canada and Canadian Coast Guard Disability Management and Return to Work Employee Guide

About this Guide

This guide will outline the steps, process, duties and responsibilities for you, the employee, as part of the Disability Management and Return to Work Program. Please refer to the Disability Management and Return to Workflow Chart on page 2 for the visual summary of the process outlined below. This guide is to be read in conjunction with the [Directive on Disability Management and Return to Work](#). Please note that all the [links](#) used throughout the guide can be found on page 9-10.

The Disability Management and Return to Work Program

Fisheries and Oceans Canada and the Canadian Coast Guard's Disability Management and Return to Work Program supports employees who are dealing with illness, injury or disability through prevention, support for recovery, accommodation, and rehabilitation.

Privacy

Any information that is obtained, with the employee's consent, for the purpose of facilitating their accommodation is only shared on a need-to-know basis and to serve the purpose for which it was shared (e.g., accommodation). As per the **Privacy Act**, Article 8 (2) (a), *subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed*

- *for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose*

You are not required to disclose your diagnosis or specific treatment to your supervisor. That information is personal and confidential.

Your supervisor needs to know:

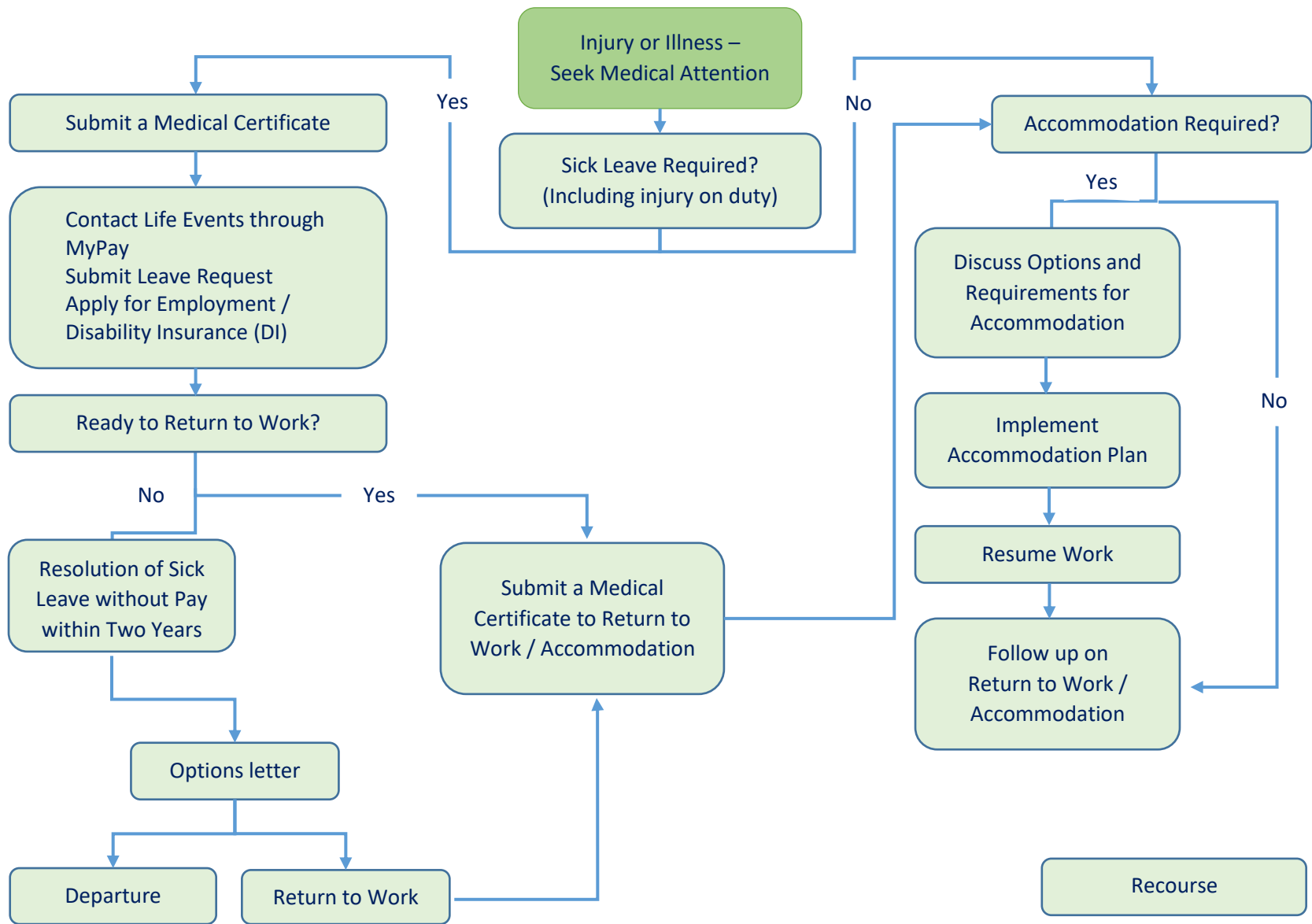
- How long you expect to be absent; and,

What barriers you have that will require accommodation when you return to work, if applicable.

Diversity and Inclusion

At Fisheries and Oceans Canada and the Canadian Coast Guard, every employee is given fair access to employment and advancement opportunities, regardless of gender, disability, religion, sexual orientation, or ethnic origin. The Department values diversity, inclusiveness, fairness, equality, and respect in the workplace.

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Initial Onset - Injury or Illness

Step 1: Seek Medical Attention

Your health is your first priority. Seek immediate medical attention as soon as required. It is your responsibility to actively follow any treatment plans advised by a medical practitioner to support your recovery.

Sick Leave - Is sick leave required?

Yes - If the injury or illness is such that it requires sick leave, with the assistance of your supervisor, please follow the steps below.

No - If sick leave is not required, please skip ahead to the [Accommodation](#) section.

Step 2: Sick leave is required

Advise your supervisor of your absence, as well as the reason (without providing medical information) and the expected duration of your absence. It is important to keep the lines of communication open with your supervisor from the onset of your absence to ensure direct contact is maintained and that you continue to feel engaged with and connected to your workplace as a support network. Some situations may warrant identifying an alternate contact for the employee such a different supervisor and/or reaching out to the bargaining agent.

If your absence is due to an occupational injury or hazard (work related), please advise your supervisor, who will complete a [LAB1070 - Hazardous Occurrence Investigation Report](#) (DFO) or [Incident Investigation Report](#) (Coast Guard) and will also contact the [Regional Health and Safety Advisor](#) (DFO) or [Coast Guard Safety and Security](#) to ensure the required forms are filled and processes are followed, including injury-on-duty leave. For more information on the processes surrounding occupational (work related) injuries/illnesses, refer to the [Occupational Health and Safety Manual, Chapter 4](#).

Step 3: Submit a Medical Certificate

If you require medical support, please see your doctor or medical practitioner and, at the request of your supervisor, obtain a medical certificate indicating the start date and the end date of the sick leave, it is important to include the expected duration of the absence to reduce delays in process at the Pay Centre. The date of the next appointment should be identified, if applicable. This certificate needs to be submitted to your supervisor as soon as possible to allow for your leave to be taken from your credits or for proper arrangements to occur, such as leave advance or leave without pay.

Step 4: Contact Life Events through MyPay, submit your leave request and apply for Insurance

- Establish regular open communication with your supervisor or a delegate supervisor as previously agreed, for support such as information on your leave and proper documentation, and to maintain a connection to your team.
- Contact the Life Events Team through MyPay (mypay-mapaye@dfo-mpo.gc.ca) to ensure that you are accessing the correct leave, as well as accessing any appropriate benefits. Verify that you are using the proper type of leave for your respective situation and ensure that you are aware of your leave information. All pay and benefit related enquiries should be addressed to: Mypay-mapaye@dfo-mpo.gc.ca

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- Submit your leave request as soon as possible to your supervisor. In cases of sudden illness or injury, your supervisor can send your leave request on your behalf to the Pay Centre for input in PeopleSoft. For more information on Leave Management, please visit the Labour Relations intranet at: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1117>.
- Apply, if required, for Disability and Employment Insurance (not work-related illness) or Worker's Compensation Benefits (work related illness):
 - Disability Insurance: <https://www.canada.ca/en/treasury-board-secretariat/services/benefit-plans/disability-insurance-plan/disability-insurance-plan-benefits-glance.html>
 - Sun Life: <https://www.sunlife.ca/sl/fdi/en/>
[https://www.sunlife.ca/static/sl/FDI/Documents/English/490L-M-12500-E%20\(G6318-E\)_AF.pdf](https://www.sunlife.ca/static/sl/FDI/Documents/English/490L-M-12500-E%20(G6318-E)_AF.pdf) (Employee's Statement)
 - Industrial Alliance: <https://www.tbs-sct.gc.ca/tbsf-fsct/5945-5946-nf-eng.pdf>
 - Employment Insurance (sickness benefits)
<https://www.canada.ca/en/services/benefits/ei/ei-sickness.html> (As the waiting period for disability insurance is 13 weeks, applying for employment insurance is an option for employees without at least 13 weeks available in their sick leave balances.)
 - Worker's Compensation Benefits : <https://www.canada.ca/en/employment-social-development/services/health-safety/compensation/federal-employees.html>
 - As per the Labour Program's [if you have an accident booklet](#), the government provides benefits to employees under the [Government Employees Compensation Act](#) by using the services already available through provincial workers' compensation boards. Your supervisor will complete and process an employer's report for compensation purposes stating the description of the accident and comments. You may also be asked to give a report directly to the workers' compensation board.
 - As indicated in Step 2, ensure that the proper forms are completed in a timely manner.
- Contact any other resources that might provide appropriate assistance. Your supervisor should be able to provide you with contacts (Employee Assistance Program (<https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1018> or 1-800-268-7708), your bargaining agent, etc.,)

Return to Work

Step 5: Are you ready to return to work?

The return to work should be in your substantive position but where it is not possible, reasonable efforts must be made to identify transitional or alternative work. Studies have shown that employees may be able to work while recovering from an injury or illness.

Yes - As soon as you are able to return to work or you are aware of when it will happen, inform your supervisor. A return to work can be gradual and increase to normal hours as per the relevant collective agreement. Please continue to the [Accommodation](#) section below for more information.

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No - If your sick leave has not been resolved within 18 months from the start of the leave without pay period and you are not ready to return to work in the foreseeable future, please go to the [Resolution of Sick Leave within Two Years](#) section below for more information on your supervisor's responsibilities.

Accommodation

As part of the return to work process, you must provide information on any barriers you face related to returning to work, and it is the responsibility of your supervisor, in consultation with you and other relevant resources (DM&RTW, Labour Relations Advisors, Case Manager/Coordinator, healthcare provider, etc.), to identify and implement suitable accommodation measures that address those barriers. Note that your medical practitioner can also provide information on your relevant barriers, but any accommodation measures provided by a medical practitioner are suggestions or recommendations as this is outside of the medical practitioner's role. Your supervisor may ask for a doctor's note or medical certificate at any time in order to better understand your barriers. However, a doctor's note is not mandatory in order to request accommodation measures. It is recommended that the employee's use the [GC Workplace Accessibility Passport](#) to indicate their barriers and propose solutions. More information on the Passport is available below.

Step 6: Submit a Medical Certificate to Return to Work/ Accommodation

Following an absence from work, and at your supervisor's request, you must submit a medical certificate that indicates you are fit to return to work and identifies all barriers that may require accommodation. The barriers could include schedule changes to ensure proper accommodations can be put in place for a successful return to work. Please advise your supervisor as soon as you are aware that you will need accommodations.

Note that additional medical assessments (e.g., Health Canada pre-placement or periodic assessment and Transport Canada medical clearance) may be requested to ensure proper accommodations are put in place and therefore, support a successful return to work.

Do you require an accommodation?

Yes - If you are medically cleared to return to work and your Passport or medical certificate indicates barriers that require accommodation, or you submit a medical certificate with barriers without having been on sick leave, please follow the steps below.

No - If your medical certificate indicates that you are fit to return to work without the need of accommodation measures, please go to [Step 9: Resume Work](#).

Step 7: Discuss Accommodation Requirements and Options

To request and set up workplace accommodations, you will need to indicate your barriers related to returning to or remain at work. The [GC Workplace Accessibility Passport](#) is a voluntary tool that can be used to indicate your barriers and to propose solutions as well as to capture all required information for an efficient DTA process. You can also provide a medical certificate to indicate your barriers, and this can be requested by the supervisor as required. As part of the duty to accommodate, the accommodation process should be a collaborative effort between you and your supervisor to ensure that adequate and reasonable accommodations are put in place to meet your needs. While your supervisor does not need to offer or accept an accommodation request that goes beyond what is

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required in the Passport or on the medical certificate, they must accommodate your needs up to the point of undue hardship (see definitions in the [Directive on Disability Management and Return to Work](#) and information in the [Questions and Answers](#) document).

For complex accommodation requests, the supervisors may be required to seek outside medical expertise. In these situations, supervisors must consult with the DM&RTW team. The DM&RTW will consult with Labour Relations should a letter to your physician, consultation with other services providers (such as an occupational therapist, etc.) or a Fitness to Work Evaluation (FTWE) be determined to be required.

The employee's substantive department is responsible for covering the cost of accommodation related material, equipment (including technical aids) and resources. The cost of an accommodation must not be the only factor in determining if an employee can be accommodated, undue hardship is also based on health and safety factors. In the case of federal departments and agencies, the employer is the Government of Canada.

Step 8: Implement Accommodation Plan

Once you are medically fit to return to work and appropriate and reasonable accommodation measures have been agreed upon by you and your supervisor, they should be implemented as soon as feasible. To clearly identify the details surrounding your accommodations and return to work, the completion of an Accommodation/Return to Work Plan is recommended as it is signed by both you and your supervisor and shows that both parties are committed to fulfilling the requirements outlined. The Accommodation/Return to Work Plan template can be found at: [Return to Work/Accommodation Plan](#). The Accommodation Plan is an active document and may be revised at any time. As soon as the accommodations are in place and the accommodation plan is finalized, you can return to work.

If you are fit to return to work, but there is a delay in acquiring your required accommodation equipment or the necessary workspace modifications have not yet been completed, please discuss alternate arrangements or other temporary accommodations with your supervisor in order to return to work as soon as possible.

Resume Work

Step 9: Resume Work

As soon as you are medically cleared to return to work and your accommodation measures are in place (if applicable), you must determine with your supervisor a start date to report to work and identify it in the [Return to Work/Accommodation Plan](#) to ensure that everything is in place for your return prior to coming into the office.

If you have been on leave without pay, please contact the Life Events team through MyPay as soon as you know you will be returning to work for steps on how to have your pay re-instated. On your first day back, you should meet with your supervisor to prepare and sign a notice of return from leave without pay then send to the Pay Centre with a [Pay Action Request \(PAR\)](#) through the Trusted Source e-mail address (DFO.TrustedSource-SourcesFiable.MPO@dfo-mpo.gc.ca). In cases of disability, you will need to include additional documents, the Life Events' team through MyPay will be able to provide guidance.

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Follow up on Return to Work/Duty to Accommodate

Step 10: Follow up on Return to Work/ Accommodation

As part of the Return to Work or Accommodation Plan, a follow up period should be established between you and your supervisor. This will allow both parties to determine if the agreed upon arrangements are working, or if changes are needed. The duration of the Return to Work or Accommodation Plan can be extended or reduced as required.

At the end of the established timeline for the return to work or accommodation plan, if you are medically fit to return to your full substantive duties you should submit a medical certificate indicating this and eliminating the need for accommodations, if applicable.

If any of your barriers become permanent, they must be detailed on the medical certificate or the Passport and will need to be discussed with your supervisor to determine if and how the permanent requirements can be met, up to the point of undue hardship. Please see the [Duty to Accommodate Guide](#) for more information.

Resolution of Sick Leave within Two Years

The Treasury Board of Canada Secretariat *Terms and Conditions of Employment Policy (Directive on Leave and Special Working Arrangements - Appendix B - Leave Without Pay)* states that: “Persons with the delegated authority are to regularly re-examine all cases of leave without pay due to illness or injury in the workplace to ensure that continuation of leave without pay is warranted by current medical evidence”. Furthermore, this policy requires that “Such leave without pay situations are to be resolved within two years of the leave commencement date, although each case must be evaluated on the basis of its particular circumstances.”

Step 5: Resolution of Sick Leave Without Pay Within Two Years

It is your responsibility to discuss your prognosis for returning to work with your supervisor, as per the recommendations of your treating physician. In order to comply with the above-mentioned policy, around the 18 month mark of your sick leave without pay and following a discussion with your supervisor on your prognosis for returning to work, you will be advised of the options in writing that are available to you should there be no resolution within two years, and/or no prognosis for returning within the foreseeable future. Please note that, at the discretion of the supervisor, the options letter can also be sent prior to this if there is reason to believe that you will not be returning to work or will be unable to do so within two years.

Your options will be sent to you by your supervisor and will provide an explanation of the choices that are available to you, as follows:

- Return to Work (following a medical assessment indicating the employee is fit to return);
- Retirement, if eligible;
- Proceed with a Medical Retirement Application; or
- Departure/Resignation.

The options letter will provide a deadline as to when a response is required. Failure to respond to the options letter may lead to termination for incapacity.

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It is highly encouraged to contact the following resources in order for you to make an informed decision:

- Life Events through MyPay and/or the Pay Centre;
- Pension Centre;
- Your supervisor; and,
- Your bargaining agent.

If, after receiving the options letter, it is determined that you are able to return to work, with or without accommodations, please go to the [Return to Work](#) section above and follow those steps.

If you can not return to work, contact Life Events through MyPay and/or the Pay Centre, the Pension Centre, and your bargaining agent, if needed, in order to obtain the applicable forms.

Recourse

Recourse related to accommodations:

Informal

Regional Management Committee (DFO) or Regional Management Board (Coast Guard)

If appropriate accommodations cannot be identified without undue hardship, the Regional Management Committee/Board (RMC/RMB) can be consulted for recommendations to help resolve the situation.

National Advisory Panel (NAP)

In cases where the RMC/RMB is unable to assist or the recommendations are not acceptable to one or both parties, the employee or the supervisor may contact the Disability Management, Return to Work Program, and request a case review by the National Advisory Panel. The panel will review the case and call in appropriate subject matter experts to attend the panel meeting and provide informed recommendations. Please see the [Terms of Reference](#) for the National Advisory Panel for more information.

Formal

Grievance

According to the collective agreements, employees may file a grievance when they feel discriminated against based on, amongst other things, mental or physical disability.

<http://www.tbs-sct.gc.ca/agreements-conventions/index-eng.aspx>

Canadian Human Rights Complaints

According to the *Canadian Human Rights Act*, a person may file a complaint if they were not, amongst other things, properly accommodated at work.

<https://www.chrc-ccdp.gc.ca/en/complaints/how-file-a-complaint>

For more information on formal recourses, please visit the following site: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/936>.

It is important to take a collaborative approach when working toward returning to work and the duty to accommodate. You and supervisor have a joint responsibility to work together to establish reasonable accommodations that allow a return to work as soon as medically possible, and accommodate your

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needs based on your barriers. You are encouraged to contact your bargaining agent for assistance and support throughout the return to work and accommodation process.

For Reference: Summary of Supervisor Roles and Responsibilities

During the return to work and accommodation process, the SUPERVISOR is responsible for:

- Remaining in contact with you;
- Encouraging you to seek medical treatment, if required;
- Ensuring a medical certificate is submitted, and that the corresponding sick leave is entered in PeopleSoft;
- Providing you with contact information or links to Life Events through MyPay, Disability and Employment insurance, Employee Assistance Program, Insurance providers, Safety and Security (Coast Guard) etc., if required;
- Contacting the Regional Health & Safety Advisor/Coast Guard Safety and Security in occupational cases, if required;
- Assisting with and participating in return to work and accommodation planning;
- Meeting with you on your first day back to work;
- Completing the Return to Work or Accommodation Plan;
- Implementing agreed upon accommodations;
- Following up with you to ensure accommodation requirements are being met; and,
- Maintaining a record of the entire return to work and accommodation process.

In the event that your sick leave without pay is not resolved within two years, the SUPERVISOR is responsible for:

- Informing you of the options letter at the 18-month mark;
- Preparing and sending you the options letter prior to the two-year mark;
- Working with you to help you make your decision;
- Providing any and all required forms and paperwork for completion, and once completed, submitting the forms to the appropriate authorities for processing;
- Advising HR and the Pay Centre of the resolution; and,
- Keeping a record of the entire process from initial incident to the resolution.

Links

Directive on Disability Management and Return to Work: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1516>

Occupational/Work related links:

Regional Health and Safety Advisors (DFO): [occupational health and safety program contact list.pdf \(dfo-mpo.ca\)](#)

Occupational Health & Safety Guide chapter 4 (DFO): [ohs-sst-man-ch-4-eng.pdf \(dfo-mpo.ca\)](#)

LAB1070 - Hazardous Occurrence Investigation Report (DFO): [LAB1070 - Hazardous Occurrence Investigation Report](#)

Coast Guard Safety and Security: <https://intra.ccg-gcc.gc.ca/safety-securite/en/index.html>

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Incident Investigation Report (Coast Guard): http://forms-formulaires.dfo-mpo.gc.ca/Forms/fp_5234_E.pdf

Labour Program's brochure on "If you have an accident":
<https://publications.gc.ca/collections/Collection/L36-12-2001E.pdf>

Employee Benefit and Support related links:

Leave Management: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1117>

Life Events: Mympay-mapaye@dfo-mpo.gc.ca

Disability Insurance: <https://www.canada.ca/en/treasury-board-secretariat/services/benefit-plans/disability-insurance-plan/disability-insurance-plan-benefits-glance.html>

Sun Life: <https://www.sunlife.ca/sl/fdi/en/>

Industrial Alliance: <https://www.tbs-sct.gc.ca/tbsf-fsct/5945-5946-nf-eng.pdf>

Employment Insurance (sickness benefits): <https://www.canada.ca/en/services/benefits/ei/ei-sickness.html>

Employee Assistance Program: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1018> or 1-800-268-7708

Return to Work and Accommodation related links:

GC Workplace Accessibility Passport - GCPedia Page -

https://www.gcpedia.gc.ca/wiki/GC_Workplace_Accessibility_Passport/_Passeport_d%E2%80%99accessibilit%C3%A9_au_lieu_de_travail_du_GC?setlang=en&uselang=en

GC Workplace Accessibility Passport - DFO Page: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1676>

Return to Work/Accommodation Plan: https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/return_to_work_-_accommodation_plan_-_bilingual_1.pdf

Duty to Accommodate Guide: https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/duty_to_accommodate_guide_en_final.pdf

Return to Work Pay related links:

Pay Action Request (PAR): http://forms-formulaires.dfo-mpo.gc.ca/Forms/DFO_PAR_446_5.pdf

Trusted Source: e-mail address: DFO.TrustedSource-SourcesFiable.MPO@dfo-mpo.gc.ca

Recourse:

National Advisory Panel Terms of Reference: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1521>

National Advisory Panel Request Form: https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/national_advisory_panel_request_form_2.pdf

Labour Relations: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/936>

Canadian Human Rights Commission: <https://www.chrc-ccdp.gc.ca/en>

Bargaining agents: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1318>