



DISABILITY MANAGEMENT AND RETURN TO WORK

Supervisor 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 Supervisor Guide

About this Guide

This guide will outline the steps, process, duties, and responsibilities for the supervisor 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 10-11.

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*

Employees are not required to disclose their diagnoses or specific treatment to their supervisor. That information is personal and confidential.

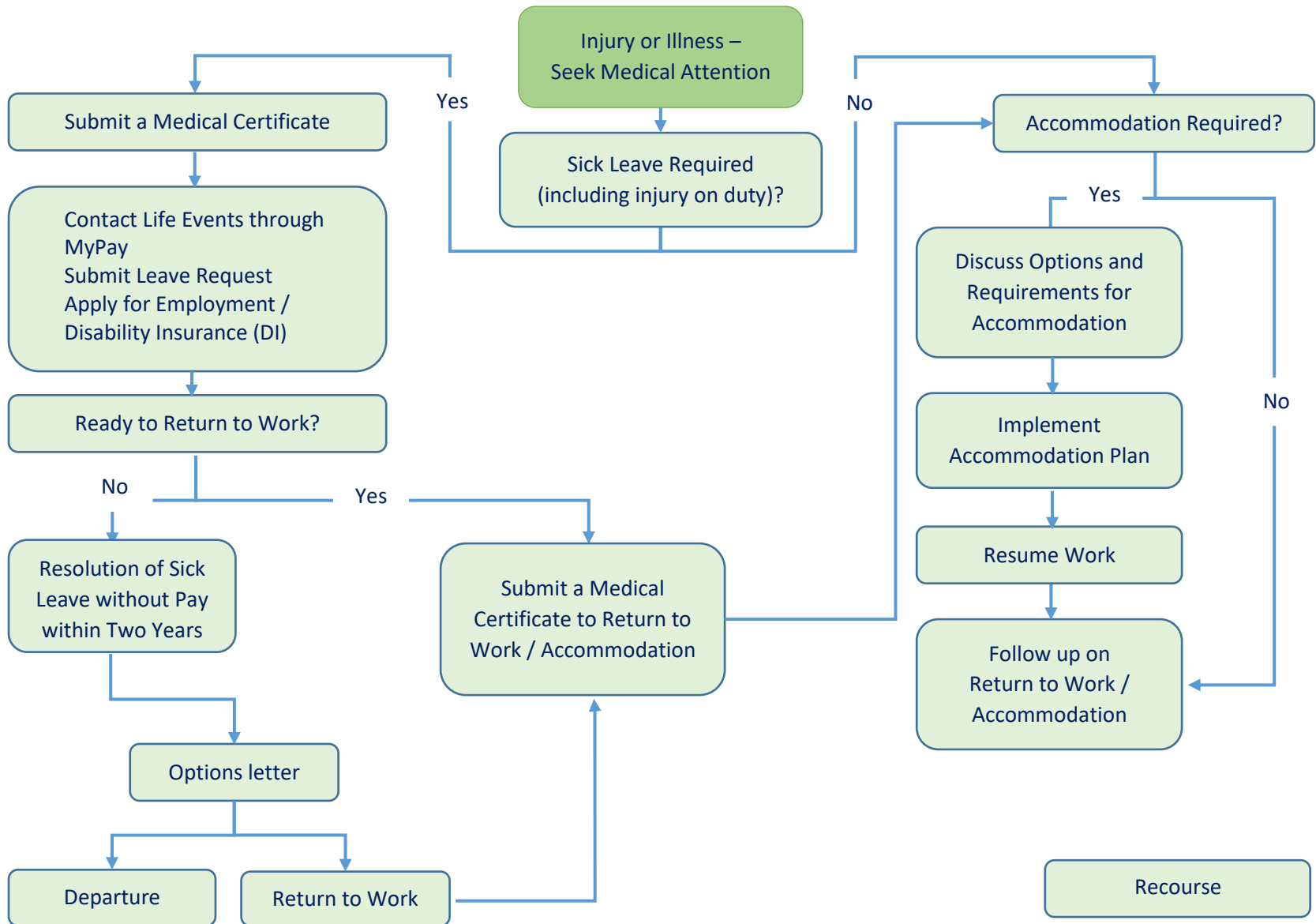
The supervisor needs to know:

- How long the employee expects to be absent; and,
- What barriers will require accommodation when the employee returns 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

Employees are an organization's most valuable resource. Ill or injured employees should be encouraged to seek immediate medical attention, if and when required.

Sick Leave - Is Sick leave required?

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

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

Step 2: Sick leave is required

The supervisor should be advised as soon as possible as to the expected duration of and reason (without providing medical information) for the employee's absence. It is important to keep the lines of communication open with the employee from the onset. One way is to collaboratively establish a communication plan or schedule at the beginning of the sick leave to ensure direct contact is maintained and expected. Regular contact creates a support network for the employee, and a way to provide them with contacts and resources. Employees who remain in contact with their supervisor during an absence from work are more likely to return to work successfully, and in a timely manner. Some situations may warrant identifying an alternate contact for the employee such a different supervisor and/or reaching out to the bargaining agent. The Disability Management and Return to Work (DM&RTW) program should be consulted as it is the supervisor's first point of contact for advice on disability management, return to work and duty to accommodate.

Discuss with the employee to determine if the absence is due to an occupational injury or hazard. If the reason for the employee's absence is work-related (occupational), please see the [Occupational Health and Safety Manual, Chapter 4](#). For occupational injuries or illnesses, complete [LAB1070 - Hazardous Occurrence Investigation Report](#) (DFO) or [Incident Investigation Report](#) (Coast Guard) for the incident and contact the [Regional Health and Safety Advisor](#) (DFO) or [Coast Guard Safety and Security](#) to ensure the required forms and processes are followed, including injury-on-duty leave.

Step 3: Submit a Medical Certificate

Employees requiring medical support must see their doctor or medical practitioner and, at the supervisor's request, 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. The employee should provide this certificate as soon as possible, to allow for their leave to be taken from credits or for proper arrangements to occur, such as leave advance or leave without pay.

Step 4: Contact Life Events through MyPay, Leave request, and Insurance

- Maintain regular open communication with the employee or through a delegate supervisor as previously agreed, to demonstrate support such as information on your leave and proper documentation, and to allow them to feel connected to the team. Research indicates that early

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and sustained contact with an employee during the leave period is extremely important in the successful management of illness and injury cases.

- Provide the contact information for Life Events through MyPay (Mypay-mapaye@dfo-mpo.gc.ca) to the employee to ensure that they are accessing the correct leave, and to provide information on benefits and other support. Consult the employee to verify that they are using the proper type of leave for their situation and ensure that they are aware of their leave information. All pay and benefit related enquiries should be addressed to: Mypay-mapaye@dfo-mpo.gc.ca
- The employee should enter their leave request as soon as possible. In cases of sudden illness or injury, the supervisor can submit the sick leave request to the Pay Centre for input in PeopleSoft on behalf of the employee. For more information on Leave Management, please contact your Labour Relations Advisor and/or visit the [Labour Relations](#) intranet.
- Remind the employee to 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/slf/FDI/Documents/English/490L-M-12500-E%20\(G6318-E\)_AF.pdf](https://www.sunlife.ca/static/slf/FDI/Documents/English/490L-M-12500-E%20(G6318-E)_AF.pdf) (Employee's Statement)
https://www.sunlife.ca/static/slf/FDI/Documents/English/4841-E_AF.pdf (Employer'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 (work related) :
<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. The supervisor will complete and process an employer's report for compensation purposes stating the description of the accident and comments. The employee 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.
- If the reason for the employee's absence is work-related (occupational), contact your regional Health and Safety advisor (DFO) (https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/occupational_health_and_safety_program_contact_list.pdf) or Coast Guard Safety and

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Security (<https://intra.ccg-gcc.gc.ca/safety-securite/en/index.html>) for information on the different requirements and processes to follow.

- Provide additional resources to the employee depending on the situation (Employee Assistance Program (<https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1018> or 1-800-268-7708), bargaining agents, etc.)

Return to Work

Step 5: Ready to Return to Work?

The return to work should be in the employee's substantive position. If this 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 the employee is able return to work or aware of when a return to work may happen, the supervisor must be informed. 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.

No - If the employee's sick leave has not been resolved within 18 months from the start of the leave without pay period, and there is no indication of a return to work in the foreseeable future, please go the [Resolution of Sick Leave within Two Years](#) section below for more information on the next steps.

Accommodation

As part of the return to work process, the employee must provide information on their barriers related to returning to work, and it is the responsibility of the supervisor to use this information, in consultation with the employee 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. The employee's the medical practitioner can also provide the employee's relevant barriers. However, note that a medical note is not mandatory to determine barriers, and any accommodation measures included by the treating physician are suggestions or recommendations only. The [GC Workplace Accessibility Passport](#) is a voluntary form that can be used by the employee 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 the supervisor's request, the employee must submit a medical certificate which indicates that they are fit to return to work and includes all barriers that may require accommodation. These barriers could include schedule changes to ensure proper accommodations are put in place for a successful return to work.

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.

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Does the employee require an accommodation?

Yes - If the employee is medically cleared to return to work by the doctor and the medical certificate or Passport indicates barriers that require accommodation, or if the employee submits a Passport or medical certificate with barriers without having been on sick leave, please follow the steps below.

No - If the employee submits a medical certificate indicating a return to work is possible without barriers, please go to [Step 9: Resume Work](#).

Step 7: Discuss Accommodation Requirements and Options

To request and set up workplace accommodations, the employee will need to indicate their barriers, related to returning to or remaining at work. The [GC Workplace Accessibility Passport](#) is a voluntary tool that can be used by the employee to indicate their barriers and to propose solutions as well as to capture all required information for an efficient DTA process. A medical certificate can also be provided by the employee to indicate their barriers, and this can be requested by the supervisor as required. However, it is considered best practice to not require a doctor's note unless the supervisor requires more information in order to accommodate their employee. The duty to accommodate process should be a collaborative effort between the supervisor and employee to ensure that adequate and reasonable accommodations are put in place. If an accommodation proposal is reasonable and meets the needs outlined in the Passport or on the medical certificate, it should be accepted and implemented. The supervisor does not need to offer or accept an accommodation request that goes beyond what is required. That said, the supervisor must accommodate up to the point of undue hardship (see definitions in the [Directive on Disability Management & Return to Work](#) and information in the [Questions and Answers document](#)).

For complex accommodation requests, the supervisor may be required to seek outside medical expertise. Supervisors are encouraged to consult with the DM&RTW team should they feel outside expertise is required. As required, the DM&RTW team will consult with Labour Relations should a letter to a physician 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 the employee is medically fit to return to work and appropriate and reasonable accommodation measures have been agreed upon with the employee, they should be implemented as soon as feasible. To clearly identify the details surrounding the accommodations and return to work, the completion of an Accommodation/Return to Work Plan is recommended as it 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/return to work plan is finalized, the employee can return to work.

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

Resume Work

Step 9: Resume Work or Return to Work

As soon as the employee is medically cleared to return to work, and the accommodation measures are in place (if applicable), the employee must determine with his supervisor the start date to report to work and identify it in the [Return to Work/Accommodation Plan](#). Please ensure that adequate arrangements (both to the workplace and anticipated tasks) have been made prior to the employee returning to work. If the employee's start date needs to be revised in order for arrangements to be made and no temporary solution is possible, please advise the employee as soon as possible.

If the employee was on leave without pay, advise the employee to contact the Life Events Team through MyPay as soon as a return to work is known for steps on how to have their pay re-instated. On the first day back, the supervisor should meet with the employee and prepare a notice of return from leave without pay to be signed by both, and then sent 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, the Life Events' Team through MyPay, will be able to provide guidance on the additional documents the employee will need to include.

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 the employee and 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. The supervisor should keep notes on the entire return to work and accommodation processes including the efforts taken by the organization to assist the employee and the content of discussions with them.

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

Any of the employee's barriers that need to become permanent must be detailed on a medical certificate or on the Passport and a discussion will need to take place with the employee 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](#) document 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

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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

In order to comply with the above-mentioned policy, around the 18-month mark of sick leave without pay, the supervisor should initiate a discussion with the employee on their prognosis for a return to work, and around the options available to the employee should their prognosis indicate that they will not be able to return to work in the foreseeable future. If, as per the recommendations of their treating physician, it is reasonable to expect the employee will be able to return to work in the foreseeable future, the leave without pay period may continue beyond the two-year mark. It is important to note that there is no requirement for two years to have elapsed prior to the options letter being sent. At the discretion of the supervisor, the options letter can be sent to an employee at any point during their sick leave without pay if there is reason to believe they will not be returning to work or will be unable to do so within the two-year time period as outlined above.

The options letter, sent by the supervisor following consultation with Labour Relations, will provide an explanation of the choices that are available to the employee, 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 on the part of the employee to respond to the options letter may lead to termination for incapacity.

Please consult the DM&RTW team in order to receive guidance on the process and a template of the options letter and encourage the employee to contact Life Events through MyPay and/or the Pay Centre, the Pension Centre, and their bargaining agent, if needed, in order for them to make an informed decision. Note that prior to recommending that the options letter be provided to the employee, the DM&RTW team will consult with Labour Relations to ensure there is no reason to delay sending the letter. Should the employee not respond to the options letter by the deadline indicated, Labour Relations will be responsible for all follow up and future letters.

Once a decision is made, the supervisor will ensure that the process and transition go smoothly for the employee and that questions and concerns are addressed. The supervisor must also keep a record of the entire process from the onset of the injury or illness to the resolution, including copies of all submitted and completed documents and forms.

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

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Recourse

Recourse related to accommodation:

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 applying the duty to accommodate. The employee and supervisor have a joint responsibility to work together to establish reasonable accommodations that allow an employee to return to work as soon as medically possible and accommodate the employee's needs based on their barriers. Employees are encouraged to contact their union or bargaining agent for assistance and support throughout the return to work and accommodation process.

For Reference: Summary of Employee Roles and Responsibilities

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

- Remaining in contact with the supervisor;
- Obtaining medical treatment, if required;
- Submitting medical certificates;
- Entering leave in MyGCHR (or requesting assistance from supervisor to do so);

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- Contacting resources as required (e.g., Life Events through MyPay, Disability and Employment insurances, Employee Assistance Program, Coast Guard Safety and Security, etc.);
- Assisting with and participating in return to work and accommodation planning;
- Completing the Return to Work or Accommodation Plan; and,
- Discussing any issues or concerns with the supervisor if the accommodation requirements are not being met.

In the event that the employee's sick leave without pay is not resolved within two years, the EMPLOYEE is responsible for:

- Discussing their prognosis for return with their supervisor around the 18-month mark;
- Reviewing, asking questions about, and responding to the options letter within the provided timeframe;
- Following the processes required by the chosen option; and,
- Accessing resources and requesting assistance throughout the process.

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

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

LAB1070 - Hazardous Occurrence Investigation Report (DFO): [eng -2020 lab1070-hoir.pdf \(dfo-mpo.ca\)](#)

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

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

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>

Labour Relations Advisors: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1110>

Life Events: MyPay-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

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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>