

Return To Work Policy

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Approved By:

☐ Board of Governors

☒ PVP

1. Purpose

The Return to Work Policy (the “Policy”) provides a framework at The Sheridan College Institute of Technology and Advanced Learning (“Sheridan”) for an early, safe and successful return to work of employees who are absent from work due to Occupational (workplace) or Non-occupational (non-workplace) Illness or Injury or other Disability. This Policy addresses the requirements of employees who have been absent from work due to a Disability and require Disability-related Workplace Accommodations in order to return to work.

The Policy is developed to comply with the *Workplace Safety and Insurance Act* (the “WSIA”), the *Ontario Human Rights Code* (the “Code”), and the *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”), and in accordance with the Letters of Understanding in the respective Collective Agreements with OPSEU Local 244, and Local 245 (Full Time and Part Time Support Staff).

2. Scope

The Policy applies to any Sheridan employee who is returning to work after an absence from work due to Occupational or Non-occupational Illness or Injury or an absence otherwise due to a Disability.

This Policy is distinct from the Sheridan Workplace Accommodation Policy.

3. Definitions

Disability: In accordance with section 10(1) of the Code, disability means:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental impairment of a developmental disability;

- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder; or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Employee: For the purposes of this Policy, an employee is a person under the employ of Sheridan either: on a full-time, ongoing basis under the terms of the Academic Employees Collective Agreement, the Support Staff Collective Agreement, the Part Time Support Staff Collective Agreement, or the Terms and Conditions for Administrative Employees; on a less than full-time, and/or temporary basis under the terms of an employment agreement; on a cooperative or work-term placement educational training program.

Functional Abilities: An employee's ability to perform the physical and cognitive demands of the essential duties of their own occupation.

Non-occupational (Non-workplace) Injury/Illness: A personal injury or illness that does not occur in the course of or arising out of employment.

Occupational (Workplace) Injury/Illness: An injury or illness that occurs in the course of and arising out of employment.

Undue Hardship: The legal limit of the duty to accommodate. It applies in situations where severe negative effects outweigh the benefits of providing Workplace Accommodation. The factors determining whether a Workplace Accommodation creates undue hardship are limited to:

- a) costs
- b) outside resources or sources of funding, if any
- c) health and safety requirements, if any.

Undue hardship must be considered individually, and in the full context in which each Workplace Accommodation request is made.

Workplace Accommodation: A means of adjusting or modifying the work environment or the method of doing work in order to address individual needs of Employees to permit them to perform the essential duties of their position or an alternate position. It can be temporary or permanent in nature and is a process that includes identifying and/or removing barriers in the workplace or in how the work is performed.

4. Policy Statement

4.1 Sheridan is committed to facilitating an early, safe, and successful return to work for employees who are returning after an absence due to illness, injury or Disability, in order to support their recovery and minimize the loss of their expertise. Sheridan will focus on the employees' Functional Abilities, monitor the employees' rehabilitation, and work with employees in the recovery and return to work process.

4.2 Sheridan shall undertake reasonable Workplace Accommodation of Disability-related needs to assist employees as part of the return to work process. As a single employer, Sheridan may provide temporary or transitional modified work that is meaningful and supportive to the recovery process, including temporary or permanent accommodation across bargaining units, if an Employee cannot be accommodated by their own bargaining unit.

4.3 All Workplace Accommodations provided to employees as part of the return to work process are subject to the limit of Undue Hardship.

4.4 Early intervention, full participation and collaboration of the workplace parties are essential in early and safe return to work. All parties are expected to act in good faith and cooperate for a successful re-integration to work.

4.5 All parties involved in the return to work process will incorporate reasonable measures to respect and protect the confidentiality of both personal and medical information.

4.6 The return to work process will include the development of documented individual accommodation plans as required under the AODA.

4.7 The Responsible Office for this Policy shall be Human Resources.

5. Related Documentation (Procedures/Additional Policies/Forms)

[Ontario Human Rights Code](#)

[Workplace Safety and Insurance Act](#)

[Accessibility for Ontarians with Disabilities Act](#), 2005

[Return to Work Procedure](#)

[Code of Professionalism and Civility](#)

[Workplace Accommodation Policy](#)

[Accessibility Policy](#)

[Support Staff Collective Agreement](#)

[Academic Collective Agreement](#)

Part Time Support Staff Collective Agreement