

MENTAL HEALTH

OBLIGATION TO REINSTATE PSYCHOLOGICALLY INJURED WORKER

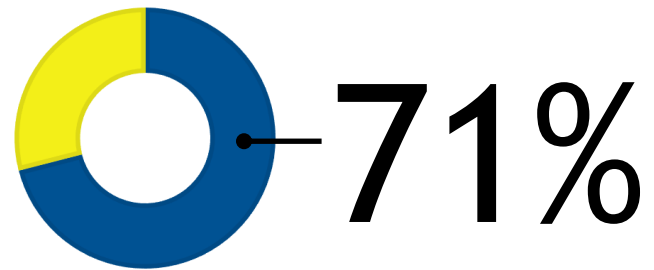
SAFETY BULLETIN

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As with any workplace injury, employers have a legal obligation to have a work plan or make accommodations for psychologically injured workers. Assisting an injured worker with returning to suitable work as quickly and safely as possible following a workplace injury remains an employer's best option for managing claims.

Many companies do not have a return to work program for workplace psychological injuries. Employers should be aware of their legal obligations or they may be in breach of their re-employment obligation.

As an employer or supervisor, one must identify potential critical events where psychological hazards, illness, or injury is involved, or likely to occur, while respecting confidentiality and privacy of all parties.



of Canadian employees surveyed report some degree of concern with psychological health and safety in their workplace.

Guarding Minds @ Work/www.workplacestrategiesformentalhealth.com Source: Guarding Minds at Work. Gilbert Bilsker & Samra 2018.

WORKERS COMPENSATION IN ALBERTA

In cases where an injured worker has been an employee of a company for 12 months or more, employers are required to ensure the employee is back to work as soon as essential job duties can be performed in the same job or a job of equal value and pay, or when the worker is fit for modified work or alternative work in the first available job.

If an employee is terminated within six months of returning to work, WCB will presume that the employer did not meet its obligation to return the employee to work, unless evidence is provided of a valid business reason to terminate the employee, unrelated to the work injury. With no evidence, the employer may be penalized up to the equivalent of the worker's net salary for the year before the accident occurred.



WHAT CAN SUPERVISORS DO?

Supervisors have two primary responsibilities:

1. Provide a psychologically safe work environment
2. Support workers, including those who may be experiencing mental health concerns.

Supervisors can provide:

- Modified or transitional duties to serve as a bridge until the worker can safely return to regular duties.
- Choose duties within the worker's functional abilities, knowledge and skills. You may consider training on other tasks that are safe and appropriate.
- Request additional training for identifying mental health issues in the workplace and communication strategies.

WHAT CAN EMPLOYERS DO?

It is in everyone's best interest for employers to support an employee's return to work.

Employers must:

- Determine whether accommodation is possible, identify modified work opportunities in their company, and review the worker's qualifications and skills to see if another role may be appropriate.
- Return a psychologically injured worker to the original job or accommodate the worker with transitional or modified duties that match the worker's abilities and work function.
- Hold a pre-return to work meeting to develop/discuss a work plan. Ask the employee to provide suggestions. The return to work process may not be linear, so adapt the plan as needed.
- Monitor and keep the worker connected to work during recovery. This is very important to their physical, mental and social well-being.

PRESENT LIKE A PRO

Before you begin:

- How does this subject apply to your audience? Are they familiar with the topic and terminology?
- Provide examples that pertain to your work area. Draw from your own company's experiences when possible.
- Anticipate possible questions and be prepared to answer/discuss them.

Involve and challenge the group:

- Discuss the corporate policies and procedures for return to work.
- Discuss what individuals can do to support a returning worker. Focus on building trust, rapport, safety and open dialogue.
- Challenge the group to find solutions when workers are returning to work.

RESOURCES:

<https://www.notmyselftoday.ca/>

<https://www.wcb.ab.ca/return-to-work/>

<https://www.worksafebc.com/en/claims/report-workplace-injury-illness/>

<http://www.worksafesask.ca/industries/return-to-work/>

