

REPORT TO OPSSU GMM
JOINT ACCOMMODATION COMMITTEE
Submitted by Lisa McCaskell, OPSSU co-chair
Saturday, December 7, 2013

The Joint Accommodation Committee (JAC) has met twice this year, with a 3rd meeting scheduled on December 12. OPSSU representatives on the Committee are: Bernard King, Lisa McCaskell (co-chair) and Pati Habermann. The Employer is represented by Nazlin Mohamed (co-chair) and Catherine Bowman. Although not an official employer member, Amin Purshottam also attends some meetings.

The SSU members of the Joint Accommodation Committee would like to thank Jim Gilbert who regularly sends us the most recent case law on accommodation matters. We have found it to be extremely helpful and it assists us in keeping up with developments in this evolving area.

As you may recall, I announced at the June General Membership Meeting, all of the existing JAC documents and processes that we use when developing Accommodation/Return to Work plans for OPSSU members are now posted and available in the OPSEU Public Folders binder.

At the upcoming JAC meeting on December 12, the committee will be reviewing and considering revisions to the letter that currently goes out to all staff who are returning following an absence on short- or long-term disability or WSIB. We have had a number of situations recently where the returning worker does not require any accommodation when returning to work, but they still receive the same letter which has caused confusion.

Employee Relations has adopted an approach which requires all employees returning to work after being on short or long-term sick leave to participate in an accommodation/return to work meeting even when an accommodation has not been requested. Although this may seem excessive, it gives the returning worker the opportunity to meet with their supervisor, and the employer rep, supported by their SSU rep, to quickly review and discuss the return to work and to make sure that no accommodation is required. In this case, all that's needed is a note from the treating physician stating that the worker is ready to return to full duties with no restrictions.

Generally, the Return to Work and Accommodation process for OPSSU members has been running smoothly. Most members requiring accommodation and/or a Return-to-Work plan following an injury or illness have found the process to be effective and helpful. For the most part, the Employer has been agreeable to accommodation requests and respectful of the recommendations made by our members' doctors. At any given time, we are assisting between 10 and 15 members at some stage of the accommodation process. We have a small number of members who are permanently accommodated.

Simply put, the process is as follows:

- An employee identifies to their supervisor, Employee Relations or OPSSU, their need for an accommodation or that they are ready to return to work following an injury or illness;
- Employee Relations sends the member a RTW/Accommodation package which contains a form for the worker's treating physician to complete that describes the accommodation required along with a consent form. The package also describes the accommodation process and advises the worker to contact an OPSSU member of the JAC.
- The member sends the completed Accommodation form to Employee Relations which then forwards the completed form to the SSU JAC co-chair or to another SSU member of JAC who will participate in the RTW meeting;
- An Accommodation Team is struck consisting of the worker requiring accommodation, their supervisor, one SSU member of JAC and an Employee Relations person;
- A meeting is held with the Team and the RTW/Accommodation plan is developed;
- Meetings are held from time-to-time as necessary to review the accommodation and the worker's changing needs for accommodation;
- These meetings can either be done in person or by telephone depending on time and location of the parties.

The SSU members of the Joint Accommodation Committee have received some queries over the past year as to how decisions are made on specific accommodation plans and what role the SSU Executive plays in these decisions. In straightforward cases such as, someone who requires a graduated return-to-work, or a temporary modification of their duties – the Accommodation Team works out the plan which is then put into action. This is the usual process and takes place without consultation with the SSU Executive or other SSU members of the JAC. In more complex cases such as a permanent accommodation or one that could affect other union members, the SSU members of the JAC consult with the SSU Executive and review relevant case law before any plan is agreed to. It is important to recognize that, ultimately, it is the employer who decides what accommodation plan will be implemented.

If you have any questions about the process and how it works, please contact Pati, Bernard or Lisa and we'll be happy to help.

Lisa McCaskell
December 7, 2013