



Supportive Employment Services Guidelines

*Supportive Employment Services for
Manitoba Government Employees*

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This information is available in alternate formats upon request



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Supportive Employment Services

The Manitoba government recognizes that an employee may experience a medical illness or injury which affects their ability to fully participate in the workplace. The [Reasonable Accommodation policy](#), [Supervisor Guide](#) and [Employee Guide](#), along with the following Guide have been created to assist management with supporting employees requiring reasonable accommodation in the workplace.

Supportive Employment Services provides support, guidance and advice to all levels within the organization. The following outlines the roles and responsibilities within the Supportive Employment Services (SES) unit:

Supportive Employment Consultants (SEC) and Supportive Employment Manager (SEM)

- Specialized positions within Human Resources that provide consultation and support to management, employees, Human Resources and others involved in disability management.
- Assists management and Human Resources with managing medical absence, obtaining medical information regarding accommodation requirement and case management services for complex disability matters.
- Assesses medical capabilities in relation to reasonable accommodations and the duty to accommodate in the workplace.
- Provides information and assistance to employees on health and disability benefits.
- Maintains the Accommodation Priority Placement List for seeking permanent medical accommodations outside the home department or agency.
- Provides recommendations and referrals for ergonomic assessments, Functional Capacity Evaluations (FCE) and Independent Medical Examinations (IME).
- Provides education and training on disability management processes and best practices throughout the organization.
- Responsible for confidential retention of employees' medical information.

Disability Specialist

- The Disability Specialist acts as the plan administrator for the government's Long Term Disability (LTD) plan, providing guidance and administration in all matters relating to the LTD plan regulations, procedures and administration. This includes providing support and guidance regarding the qualification and eligibility for LTD benefits and facilitating return to work planning for employees in receipt of LTD benefits by relaying medical restrictions and limitations to management obtained from the benefit provider.
- The Disability Specialist will also provide consultation services for complex disability management cases and is the designate for arranging approved requests for the independent medical examination (IME)/Functional Capacity Evaluation (FCE) process.

Workers Compensation Board (WCB) Coordinator

- The WCB Coordinator acts as the employer liaison to the Workers Compensation Board of Manitoba and provides guidance in WCB administration, consults on complex WCB claims management issues and acts as the employer representative for claim and review appeals.

Duty to Accommodate

In Manitoba, the employer has an obligation to reasonably accommodate employees with an injury, illness, physical or non-physical disability up to the point of undue hardship. The accommodation process is a shared responsibility by the employee, employer and union (if applicable) to meaningfully participate in the accommodation process, which includes, having meaningful dialogue about how a medical illness or injury may affect an employee's ability to participate in their regular work activity, what supports or accommodation options could be reasonably implemented, consulting with professionals as needed and to work together towards a successful return to the workplace.

In addition to the legislative requirements, the duty to accommodate is required through the Manitoba government's [Reasonable Accommodation Policy](#).

Benefits of Early Intervention

Early intervention in disability management is a proactive and effective approach that relies on the commitment from both management and the employee to communicate and engage with each other at the onset of an illness or injury. When an employee reports the effects of an illness or injury as soon as possible to management, it provides an opportunity to support the employee to remain at work or return to work in a safe and timely manner.

Benefits of early intervention include:

- i. reinforces that both the employee and management are communicating and working together on planning any workplace accommodation requirements in a timely manner;
- ii. demonstrating a supportive workplace environment that values effective communication and inclusion;
- iii. engages individuals in return to work initiatives that can reduce the social and economic consequences for both the employee and the workplace; and
- iv. builds relationships, stimulates job satisfaction and employee engagement.

Evaluating an employee's absence and the ability to provide reasonable and supportive employment opportunities before the absence transitions to long term, increases the possibility for returning the employee to work in a safe, timely and meaningful way.

Process for Supportive Employment

The [Reasonable Accommodation Policy](#) outlines five steps to accommodation. Although each situation is unique and must be managed on a case-by-case basis, the following will assist management with managing an employee's illness, injury or disability.

Step 1. Notification of Injury or Illness

Employees are required to immediately report to management any illnesses or injuries arising from incidents in the workplace. Employees are also required to report any non-occupational restrictions that limit their ability to attend work or successfully perform their regular duties due to medical conditions. The employer is not entitled to know the diagnosis.

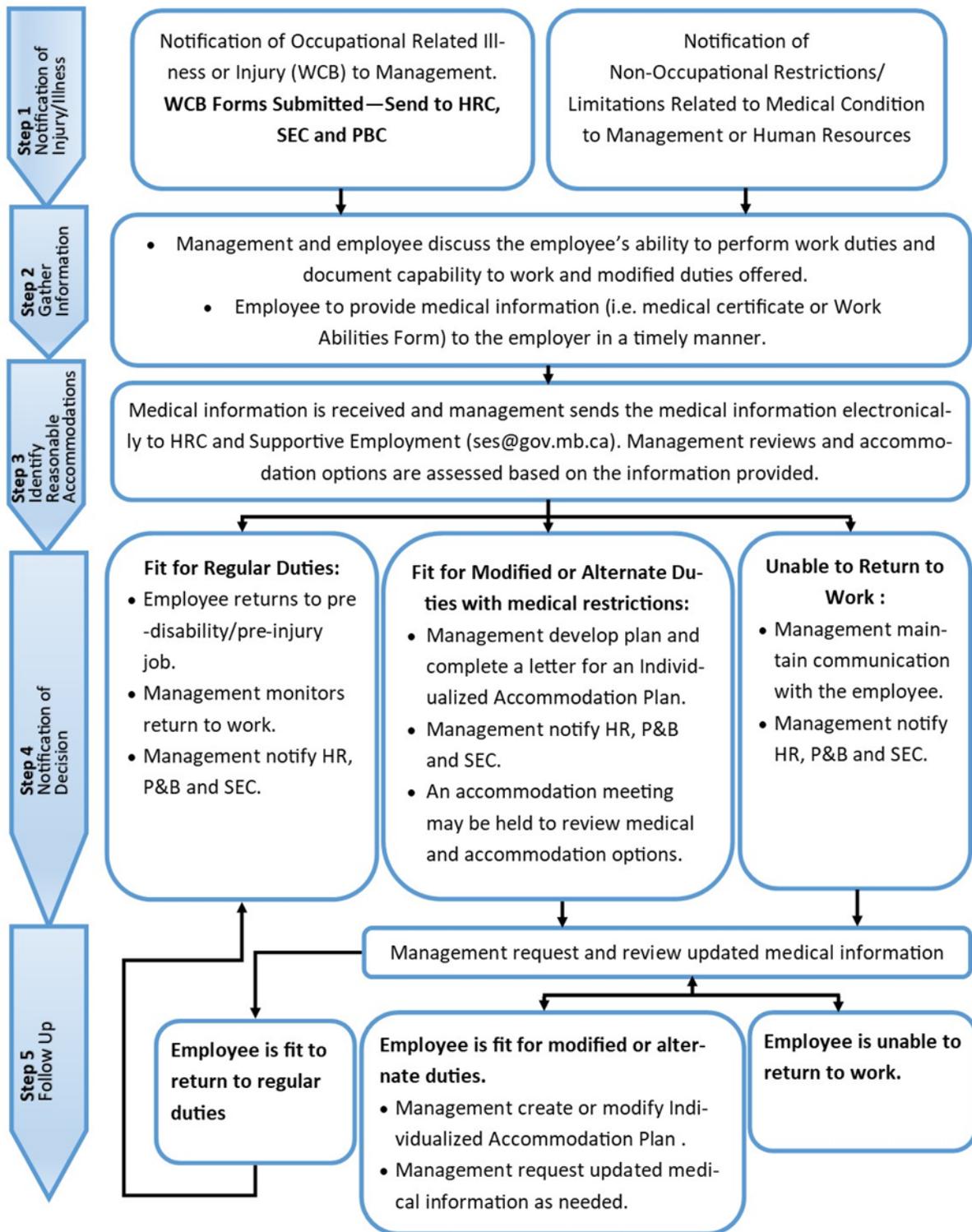
- **Workplace injuries need to be reported** – Once the employee reports a workplace injury/illness, management will inform the employee of the injury reporting process. The Workers Compensation Act states when an employee sustains a reportable injury or occupational illness that requires *medical attention and/or results in time loss* from work after the day of injury, **it is mandatory** that an employer reports the incident to WCB. Please see Appendix A - General Procedure for Reporting Workplace Injuries to WCB.
- **Employee reports verbally or in writing that they require an absence or accommodation due to medical condition.** - Management must document the report.
- **Discussion between Management and Employee** - Management may seek additional information and discuss the employee's restrictions with them to gain a better understanding of the employee's need for accommodation. Management must document the discussion.
- **Management must seek assistance** from a Human Resources for complex cases (ie. long term).

At times, it may not be evident to an employee that their medical situation may be affecting them in the workplace. Management has the duty to inquire with the employee if the observed behaviors, absences or issues are linked to a medical condition. Management should seek the advice and support of Human Resources before engaging in these conversations.

Step 2. Gather Relevant Information to Assess the Request

In order for an employer to assess reasonable accommodation options, such as medical absence, modified duties or alternate work arrangements, the employer is entitled to satisfactory medical information to support the employee's request. Employees are responsible for providing satisfactory medical information to management in a timely manner to sufficiently identify and support their medical needs. If the medical information is received directly from the employee, consent for release of medical information is not required.

Procedure Chart



Satisfactory Medical Information

Generally, satisfactory medical information includes, but is not limited to:

- general nature of injury / illness – no diagnosis required;
- return to work date, with or without restrictions;
- current functional capabilities based on objective medical findings;
- anticipated duration of these restrictions and limitations;
- confirmation of participation in treatment;
- prognosis for resumption of regular duties; and
- medical reassessment date.

Note: Employees are responsible for any costs associated with obtaining medical information (i.e. notes, forms or questionnaires), with the exception of an employer authorized Independent Medical Examination (IME) or a Functional Capacity Evaluation (FCE). Where eligible, an employee can claim the cost for the medical information through their Health Spending Account (HSA).

Types of Medical Information

In order to assess an employee's absences from work or an accommodation, the employer needs to obtain the *minimum* medical information necessary to authorize the absence from work or be able to provide a suitable accommodation. The employee may be asked to provide satisfactory medical documentation from a duly qualified medical practitioner (medical doctor or nurse practitioner). If an employee's absence is a result of WCB, LTD, or MPI, the employer may receive medical documentation from the benefits provider from a variety of healthcare providers (i.e. medical doctor, physiotherapist, occupational therapist or chiropractor) or from the employee's healthcare provider.

Management will receive the medical information from the employee and will send the medical information to the HR Consultant and [Supportive Employment](#) by email and provide the paper copy of the medical information back to the employee to retain.

Generally, satisfactory medical information should be obtained as soon as possible. For follow up medical information, (WAF, Medical Inquiry or Medical Questionnaire), an employee should be given a reasonable due date based on the circumstances (ie appointment date, availability of care, etc.).

1. **Medical Note/Certificate** – An employee may provide a medical note or certificate to support a medical leave or provide information for an accommodation or capabilities. These notes generally do not provide detailed information so further medical information is often sought such as the completion of a WAF.
2. **Work Abilities Form (WAF)** - The WAF provides information on an employee's ability to perform certain functions. The WAF provides whether the employee is able to complete job tasks, modified duties, functional capabilities, whether the employee is receiving treatment, and expected date to return to full duties.

3. **Third Party Benefit Provider** - Should a benefit provider be involved, such as LTD, MPI, WCB, the case manager may provide information by email or formal letter to support relevant accommodation or absence needs. The benefit provider may also be contacted, by the SEC or Disability Specialist, to provide further information or clarification about the medical information received (i.e. functional capabilities, prognosis, treatment frequency, etc.).
4. **Medical Inquiry Letter** - Medical inquiry letters can be used to seek out additional medical information, clarify existing information, or confirm clearance for an employee to return to work. Medical inquiry letters include background information on the workplace such as the duties being performed which allows the health care provider to respond to questions with a more in depth understanding of the employee's workplace. The healthcare provider is encouraged to provide a written response to the questions.
5. **Medical Questionnaires** - A medical questionnaire may be provided to the employee to seek relevant information from the healthcare provider. If it is determined that a medical questionnaire is necessary, management should work in consultation with their Human Resource Consultant and Supportive Employment Consultant in developing appropriate and relevant questions to be addressed by the employee's healthcare provider.
6. **Independent Medical Examination/Functional Capacity Evaluation** – An Independent Medical Examination (IME) or a Functional Capacity Evaluation (FCE) may be used to determine the employee's level of disability, prognosis, clarify medical capabilities and to provide recommendations on modified or alternate work programs. A request for an IME/FCE must be approved by the Director of Supportive Employment in advance and the cost of the IME/FCE process is the responsibility of the employer.

Who is the Requestor of any Medical Request?

With any request for medical information, the requestor is usually the manager of the employee. Human Resources and Supportive Employment Consultant provide assistance with writing medical inquiry and medical questionnaires.

Interpreting the Medical Information

Once sufficient medical information is received, management will review the information and consult with Human Resources and Supportive Employment Consultant. The medical information received from the employee's healthcare provider or benefit provider (ex. LTD, MPI, WCB) will generally trigger one of the following accommodation types:

- Employee is able to return to work to **full duties** (with or without limitations).

The employee may or may not have medical restrictions and limitations; however, they are capable of resuming full regular duties. Management will monitor the employee's return to work such as evaluating work performance to ensure that the employee is capable of performing regular duties. If difficulties arise, additional medical information may be requested.

- Employee is able to **return to work to modified or alternate duties** or on a gradual basis with restrictions and limitations.

Management receives functional capabilities for the employee. There also may be modifications to an employee's hours of work (work frequency) or a gradual return to work schedule that may be recommended by the healthcare provider. See Step 3 for Identifying Reasonable Accommodation.

- Employee is **unable to perform any** form of reasonable or meaningful work and will be re-evaluated by their healthcare provider.

In these cases, management establishes a schedule of contact with the employee to receive regular medical updates while continuing to assess and anticipate a return to work or other benefit options if needed.

Step 3. Identifying Reasonable Accommodation

Management determines reasonable accommodation options based on an employee's capabilities as provided by the healthcare provider and discusses the accommodation with the employee and the union (if applicable). Human Resources and Supportive Employment are available to discuss reasonable accommodation options.

The accommodation options may include, but are not limited to:

- modification of regular duties – temporary or graduated (work hardening)
- modification of work schedule – reduction of hours per day or days per week, change of shift, or graduated work hours, etc.
- bundling of work duties or tasks
- alternative duties – either in the regular workplace or outside the regular workplace – must be meaningful and available work

Management must follow the following process to identify a suitable accommodation for the employee:

- 1. Return to the same job** – same employer (same workplace)
 - Accommodations may include temporary bundling of tasks within capabilities; with or without aids (ie. ergonomic equipment, adaptive computer technology, etc.); modified hours.
- 2. Return to different (modified) job** – same employer (same or alternate workplace)
 - a. Consider employee's capabilities, transferable work skills and qualifications
 - b. Consider risks or safety issues
 - c. Provide on the job training for performing an alternate job
- 3. Return to work to an alternate workplace or department**
 - a. Return to similar job (transferable skills within functional abilities)
 - b. Return to different (or modified) job

Identifying Reasonable Accommodations is further explained in the [Reasonable Accommodation Policy](#) with the accompanying [Employee's Guide](#) and [Supervisor's Guide](#).

Permanent Accommodation

When an employee's medical restrictions and limitations have been deemed permanent by their healthcare or benefits provider and as a result, the employee can no longer perform their pre-injury or illness job duties so a permanent accommodation must be considered. The permanent accommodation process would follow the same steps as outlined in the hierarchy of accommodation options above.

There can be occasions where the employee can be reasonably accommodated on an interim basis in position; however a permanent accommodation in a modified position or with bundled duties may not be viable in the longer term. It is at these times where alternate position options may need to be considered. It is recommended that management consult with Human Resources and Supportive Employment for any permanent accommodation situations.

Accommodation Priority Placement List

If an employee requires a permanent accommodation and is unable to complete their position, the employee will be placed on a priority placement list. The employee may be placed in a temporary position while a permanent position is explored. In consultation with Supportive Employment, efforts will be made by Human Resources to place the employee in a position that meets their medical restrictions and employment qualifications.

Step 4. Notification of Decision

Able to Accommodate

Once management has determined a suitable accommodation – balancing the employee's capabilities with operational needs and constraints – management will present the accommodation to the employee and the union (if applicable). It is at this time that management, the employee and union (if applicable) will discuss the details and finalize the accommodation plan. Human Resources and Supportive Employment are available to assist the employee and management with any accommodation planning including identifying relevant resources, aides, supports, benefits, duties or options that can further facilitate the accommodation planning process.

Once an accommodation has been determined and discussed with the employee, management will complete the Individualized Accommodation Plan letter template found on page 19 in the [Reasonable Accommodation: Supervisor Guide](#). The letter contains the following information:

1. the start date;
2. modified or alternate work duties;
3. scheduled hours of work;
4. any expectations (ex. medical updates after appointments and reporting of any worsening or accommodation concerns);

5. intervals or a date for follow up discussions on the accommodation, progress and next steps;
6. management contact information (if different);
7. any timekeeping considerations.

The documented Individualized Accommodation Plan must be provided to the Human Resource Consultant, Pay and Benefits Consultant and the Supportive Employment Consultant to be placed on both the employee personnel file and the employee Supportive Employment file. The documented plan may also be provided to any benefit providers involved.

Management is responsible for ensuring that staff who have direct management of the employee, are made aware of the employee's modified work need and related assignment. Management, with the employee, will regularly evaluate the appropriateness of the accommodation plan. Should any concerns arise with the accommodation plan, it is important to seek assistance from Human Resources and/or Supportive Employment.

Note for WCB claims: When the employee is fit to resume work, it is a requirement under WCB legislation that both the employer and the employee notify the WCB (i.e. by telephone, email, fax, etc.) of the return to work date. Notify the Supportive Employment Consultant and Pay & Benefits Consultant of an employee's return to work to ensure that WCB is aware and there are no overpayments.

Unable to Accommodate

Employers are obligated to accommodate up to the point of undue hardship, meaning there is a level of hardship an employer may be expected to bear, but it should not be considered overly excessive or "undue". Some considerations of undue hardship include: cost, impact on others, health and safety, disruption of the collective agreement, nature, size and scope of the employer, interchangeability of workforce and facilities, and business efficiency.

Step 5. Follow Up

Review of Individualized Accommodation Plan

To ensure that an accommodation continues to be successful, management must monitor the employee's accommodation until the employee has resumed their full unrestricted work responsibilities or otherwise permanently accommodated with reasonable work. Management will work with Human Resources and Supportive Employment on the appropriate timing to request updates on the employee's capabilities and scheduling further accommodation planning meetings to make adjustments to the accommodation plan while the employee progresses back to full duties.

Should the employee experience significant challenges or worsening of their medical situation, the employee will need to discuss the challenges and barriers to the accommodation plan with management to address the barriers and explore reasonable and appropriate solutions. This may

require obtaining further medical information, reviewing other accommodation options, involving Human Resources and Supportive Employment Consultants and following the hierarchy outlined above.

Documentation of the Accommodation Process

All stages of the accommodation planning process must be well documented and be copied to the employee's Supportive Employment file. This is to ensure management's accommodation process (i.e. decision, actions and communications) is readily available as a formal record of the activities and may be reviewed and shared, where appropriate, with benefits providers or if the duty to accommodate is ever questioned.

Accommodations are rarely perfect; however, open and collaborative communications along with well documented planning are keys to a successful accommodation.

Personal Health Information and Confidentiality

The personal health information of an employee is confidential and must be protected. Any personal health information obtained for the purposes of disability management activities and planning will be handled in accordance with The Personal Health Information Act (PHIA).

- confidentiality must be maintained for all personal health information compiled inclusive of any medical documentation pertaining to course of treatment, prognosis/diagnosis, or other medical findings.
- an employee has a right, on request, to examine and receive a copy of his or her personal health information.
- personal health information will not be released without the written consent of the employee.
- all personal health information related to medical leaves and accommodations must be forwarded to Supportive Employment by email for record retention and secure storage.

What if I need additional assistance?

Guidance can be sought from individuals that specialize in supportive employment matters. Some examples of these supports include Human Resource Consultants, Supportive Employment Services, benefit providers and/or union representatives. These specialists may also recommend the involvement of other resources such as; EFAP, Addictions Foundation of Manitoba, Canadian Institute for the Blind (Manitoba), Society for Manitobans with Disabilities, other rehabilitation services, etc.

Supportive Employment Contact Information

Email : +WPG1257 - SES (CSC) or ses@gov.mb.ca

Telephone: (204) 204-945-4394

Mailing Address: 608 – 330 Portage Avenue, Winnipeg, MB R3C 0C4

List of Relevant Policies and Resources

[Reasonable Accommodation Policy](#)

Reasonable Accommodation - [Employee Guide](#)

Reasonable Accommodation - [Supervisor Guide](#)

[Work Abilities Form \(WAF\)](#)

[Accommodation Letter](#) – Page 19 & 20 of Supervisor Guide

Appendix A

General Procedure for Reporting Workplace Injuries to WCB

Any injury or illness to an employee that occurs at work, which an employee claims occurred at work or the employee claims is the result of performing their job duties and has resulted in the need for medical attention and/or an absence from work other than the date of the initial injury need to be reported to the WCB.

Depending on the type of the workplace injury/illness, a notice of injury form or a formal WCB claim may need be filed. The types of injuries are:

1. **Minor Injury** – the employee did not require any medical attention from a healthcare provider and did not miss any time from work. Minor Injury does not have to be reported to WCB.
 - The employee completes and signs Notice of Injury form (Green Card), management reviews and signs the form and a copy provided back to the employee.
 - Send to workplace health and safety program in the department if applicable.
 - Keep original copy of the Notice of Injury form for 30 days. After this time, the form can be sent to Pay and Benefits office to be placed on employee's file.
2. **No Time Loss Injury** – the employee sought some form of medical attention and/or treatment but did not miss any time from work other than the date of injury.
3. **Time Loss Injury** – the employee requires medical attention and results in time loss from work (partial or full days) other than the date of initial injury.

No Time Loss & Time Loss injuries - must be reported to WCB by both the employer and the employee.

An employer is required to report the workplace accident and the resulting injury details **within five (5) business days from the date of the injury or within five (5) business days from the date the employer first became aware of the injury**. Business days are considered to be Monday to Friday with the exception of statutory holidays. If the employer fails to submit a report of an accident that results in an injury in a format acceptable to the WCB within the five (5) business days, WCB may apply a financial administrative penalty or fine.

The employee:

- Reports the incident as soon as practicably possible to their reporting management and/or manager, completes the Notice of Injury form and provides the completed form to their manager.
- Completes a **WCB Form 3 – Worker Incident Report Form** (www.wcb.mb.ca) and sends the completed form to WCB or calls the WCB to report the injury claim (204-954-4100 or 1-855-954-4321).

The employer:

- Completes a **WCB Form 2 - Employer Incident Report** (www.wcb.mb.ca) and may attach a memo or another sheet to the report more detailed information about the incident, if needed.
- Forwards the completed Employer Incident Report form directly to the Pay and Benefits office by email or fax. The PBC will add any needed wage loss information and forward the completed form on to the WCB.
- Provides a copy of the completed form to the work area's HRC and the SEC.
- Should the department have a workplace safety and health (WSH) and injury prevention program, the Employer Incident Report may be required by their WSH representative.

If an employer disagrees with the validity of the claim, they are still required to report the accident, and can include a written statement of disagreement within the specified reporting period. If management has any concern about what should be included in these situations, they should contact either HR or their SEC for assistance.

When reporting the incident details, consider describing the incident in as much detail as possible using the information gathered from the people and evidence on the scene. Questions to ask and information to consider when gathering facts and reporting a workplace injury are:

- When did the incident happen?
- How did it happen?
- Where did it happen?
- Who was involved?
- Why the worker feels that work is the cause of the incident?
- Was it reported promptly or was there some delay in the worker reporting the incident to the management?
- Were there any witnesses?
- Were safe work procedures or protocols followed? If not, why?
- Any other information management feels is relevant for WCB to assist with claim adjudication.

Appendix B

Definitions

Alternate Work – Alternate work duties may be considered when job modifications to the employee's current position functions are not reasonable. Management considers other available duties and functions that meet both operational and employee needs within their own work unit and if none are identified, management may expand outward following the hierarchy of accommodation options.

Benefit Provider – Internal or external organization that provides support or wage loss and/or employee health benefits or insurance. Examples include EFAP, Workers Compensation Board (WCB), Long Term Disability (LTD), Manitoba Public Insurance Corporation (MPIC), Canada Pension Plan (CPP – Disability Benefits), Civil Service Superannuation Board (CSSB), Service Canada Employment Insurance (EI – Sick Benefits) and Manitoba Blue Cross.

Functional Capabilities – Physical or non-physical activities that an employee may be limited or restricted from performing as determined by objective medical evidence.

Gradual Return to Work (GRTW) – A process of gradually increasing increments of work duties or hours over a period of time to allow for work hardening and a gradual increase in stamina.

Modified Work – Work that matches the demands of a job to the ability of the employee, ensuring a smooth transition between the illness or injury and maximum medical recovery. This may include modifying the way tasks are completed, implementing tools or aids to assist with the performance of duties, modifying hours and work schedule and bundling work.

Non-Occupational Illness or Injury – An illness or injury that is not work-related.

Occupational Illness or Injury – An illness or injury that is work-related, arising out of and in the course of employment.

Permanent Accommodation – When an employee's functional limitations and restrictions are deemed to be permanent by their healthcare provider or benefit provider and a permanent or long term accommodation is required.

Personal Health Information – Recorded information about an identifiable individual that relates to documentation and access of health information as defined in The Personal Health Information Act (PHIA).

Reasonable Accommodation – Using an identified process to determine and implement an employee's accommodation need.

Temporary Accommodation – Modification of work, alternate duties or work schedule adjustments based on an employee's temporary medically supported needs.

The Freedom of Information and Protection of Privacy Act (FIPPA) – An information rights law that gives an individual a legal right of access to records held by Manitoba bodies, and also requires that public bodies protect the privacy of an individual's personal information existing in records held by public bodies.