



# Supporting Return to Work for Psychological Injuries

Psychological Health and Safety Event | An MNP Session

November 2020



Wherever business takes you

[MNP.ca](https://www.mnp.ca)



KINCENTRIC  
Best Employer

CANADA 2019

# Today's agenda

## Supporting Return to Work for Psychological Injuries



**Part one**  
De-mystifying  
accommodation  
for psychological  
injuries



**Part two**  
Accommodation  
planning



**Part three**  
Supporting  
mental health  
and well being at  
work (HR  
perspective)



**Part four**  
Creating /  
supporting a  
psychologically  
safe environment  
at work

# Part one

---

De-mystifying accommodation for  
psychological injuries

# What is a psychological injury?

- Psychological injury refers to a mental health condition resulting from an event or a series of events.
- Includes post traumatic stress disorder (PTSD), acute stress disorder, anxiety, generalized anxiety disorder, phobias, panic disorder, conversion disorder, pain disorder, major depressive disorder, neurocognitive disorder and adjustment disorder\*



\*as recognized by courts and adjudicators – MLT Aikens article on Psychological Injury and Harassment in the Workplace, November 13, 2018

# Duty to accommodate

- The Saskatchewan Human Rights Code requires employers to accommodate the needs of employees who are sick, injured or have a disability to the point of undue hardship
- Saskatchewan Employment Standards states **“An employer shall modify and employee’s duties or reassign the employee to other duties if (a) the employee becomes disabled and the disability would unreasonably interfere with the performance of the employee’s duties; and (b) it is reasonably practicable to do so.”**



SASKATCHEWAN  
HUMAN RIGHTS  
COMMISSION



# Getting right to the point...

Regardless of the type of injury, the duty to accommodate applies.



=



# Duty to accommodate - employers

## What does accommodation look like?

For example:

- ✓ Granting a leave of absence to recover from injury or illness
- ✓ Allowing a gradual return to work
- ✓ Altering work conditions
- ✓ Approving a transfer to another job
- ✓ Rearranging shifts
- ✓ Bundling meaningful job duties in order to allow the employee to continue working
- ✓ Adjusting employee start or finish times to accommodate family issues

*...To the point of "undue hardship"*

### Undue hardship

defined as an unbearable financial cost or a considerable disruption to business, or an interference with the rights of others



SASKATCHEWAN  
HUMAN RIGHTS  
COMMISSION

[www.saskatchewanhumanrights.ca](http://www.saskatchewanhumanrights.ca)

# Duty to accommodate – employees

## What are the employee's responsibilities?

- ✓ An obligation to inform an employer of their need for accommodation, where possible and practical, and to assist in securing an appropriate accommodation
- ✓ The employee should not turn down any reasonable proposal for accommodation that is offered. Accommodation may be a continuum of measures and not a perfect or final solution
- ✓ Employees are obligated to provide necessary detailed medical or other information that justifies the request for accommodation
- ✓ Employee must accept the rate of pay for the type of work performed – benefits may also be adjusted to reflect time worked



SASKATCHEWAN  
HUMAN RIGHTS  
COMMISSION

[www.saskatchewanhumanrights.ca](http://www.saskatchewanhumanrights.ca)

# Duty to accommodate: what can I know as the employer?

- An employer is entitled to clear and credible information that supports the employee's accommodation request
- The employee's doctor or other medical professional will provide a written description of the limitations or restrictions for the employee and may also offer a prognosis for recovery or suggestions for a gradual return to work
  - E.g. "no lifting an object that weighs more than 10 kg over shoulder height"; "the patient can work 4 hours a day this week, returning to full-time hours the week following"
- An employer may also need to know information about the possible impact of medication on an employee's work performance or abilities
- BUT – an employer is not entitled to a diagnosis

# Part two

---

## Accommodation planning

# Preparing for a return to work...start early

- A successful return to work begins much earlier than the employee's first day back in the office
- If an employer maintains contact during the employee's leave, it can ensure that the employee feels connected to the workplace and supported in their time away
  - Identify the most appropriate person to maintain contact with the employee off work – look for someone who has a good relationship with the employee...could be a supervisor/manager, co-worker, union rep or HR rep
- Ways to approach:
  - Clarify that it is policy to stay in touch
  - Be patient – contact may be difficult at first, but valued as the employee begins to recover and think about coming back to work
  - Offer help and watch out for questions that may be interpreted as an investigation of the absence
  - Share organizational events and news – not necessarily things about the job
  - Communicate in the way the employee prefers
  - Ease transition back to work by including the employee in workplace events and celebrations
  - Ensure that someone off work due to a psychological injury receives the same acknowledgement (cards, flowers) as an employee off due to a physical illness



# Accommodation – roles defined

## Employer's Role

- Must find a reasonable accommodation
- Work with the employee's manager/supervisor to find the accommodation and/or make them aware of the situation
- Develop the return to work plan in conjunction with the employee
- Prepare the employee's team members for their return to work

## Employee's Role

- Duty to disclose the requirement for accommodation
- Provide general information about the nature of the injury and any restrictions
- Communicate with the employer and union throughout the accommodation process
- Accept a reasonable accommodation

## Union's Role (if applicable)

- Is actively involved in the process
- May help with determining appropriate accommodation alternatives
- Can represent the employee's interest in meetings with the employer
- Protect the interests of other union members
- May need to be flexible with the application of its own collective agreement

# Returning an employee to work

- An employer must keep an open mind, be objective and fair and ensure that considerations relating to the search for accommodation are based on appropriate medical information
- There is no “one size fits all” – each and every situation is unique and needs to be relevant to the situation and treated with the utmost respect and sensitivity
- Engage the employee in developing solutions
- Understand from the employee how they would like their return to work positioned with their co-workers
- Communicate, communicate, communicate – even if you are waiting for more information, reaching out to say you are working on things and waiting for more information is better than not saying anything at all
- Prepare employee’s co-workers with the information you can share regarding the returning employee’s return to work plan

# Return to work plans – a tool for accommodation

- Consider recommendations from treating professionals – work to find accommodation strategies within the information you have
- Involve the employee:
  - How can we/I help you be successful at work?
  - What will you do to ensure this workplace plan is successful for you?
  - How will you deal with future issues in a way that is healthy for you?
  - How should we respond should you experience symptoms (i.e. anxiety, flashbacks or emotional breakdowns) at work?
- Document important items such as accommodations to be made, dates etc. (record of conversation)
- Leverage your Human Resources department to help you if you have one

*An accommodation plan/return to work plan needs to address the specific workplace issues that impact their ability to perform the job.*



Web Site:  
Workplace Strategies for Mental Health – Compliments of Canada Life  
[Workplacestrategiesformentalhealth.com](http://Workplacestrategiesformentalhealth.com)

# What accommodation might look like...

- Flexibility in job scheduling and duties
  - Allowing the employee to begin with tasks that they agree they will be able to accomplish
  - Gradually increasing the employees working hours over a period of time
  - Allowing flexible scheduling to attend medical appointments
  - Considering employee energy levels at various times of the day and schedule work accordingly (i.e. modifying start and end times)
- Modifying the physical environment (e.g. lighting, noise, clutter, scents)
- Looking at communication and supervision techniques such as:
  - Implementing brief weekly meetings for the supervisor and employee to talk about issues before they become serious
  - Looking at management approaches that may be more positive rather than negative (tone of voice, choice of words, feedback styles etc.)
- Examining training approaches to support the return to work.
  - Not only for the employee, but for the manager/supervisor as well (e.g. in how to manage a person dealing with a psychological injury)

# Part three

---

Supporting mental health and well being at work (HR perspective)

# Some Canadian mental health statistics...

Mental illness affects people of all ages, education, income levels, and cultures

In any given year, 1 in 5 people in Canada will personally experience a mental health problem or illness

Mental illness indirectly affects all Canadians at some time through a family member, friend or colleague

Approximately 8% of adults will experience major depression at some time in their lives

About 1% of Canadians will experience bipolar disorder (or "manic depression")

By age 40, about 50% of the population will have or have had a mental illness

Stigma or discrimination attached to mental illnesses presents a serious barrier, not only to diagnosis and treatment but also to acceptance in the community

Data Source:



# We have to get better at talking about mental health!

- Not only generally, but at work where we spend a considerable amount of time
- If we talked about physical health the way we talk about mental health - it would amaze you
- Work culture plays an important role
  - What is your work culture like?
  - How will people be treated that disclose a mental illness?
  - Would a mental illness be seen as a weakness? Someone making excuses?
- We need to make it okay to talk about mental illnesses – how we are feeling – and find ways to reduce stigma
  - The broken leg is not the person – neither is the mental illness (physical vs. mental)
- We need to ask the questions, be concerned if people are not well, offer help and support – be compassionate



# Practical tools to encourage safety and normalcy to talking about mental health

- Review the National Standard on psychological health of workers
- Become aware of all the resources that are out there to help



- Planned lunch and learns on the topic of mental health
  - Make talking about it commonplace in your work environment
- Support your leaders, managers and supervisors to develop skills to talk about mental health – make it “normal”
  - Take advantage of all the tools out there at your fingertips (many accessible via your keyboard)
- Make it a part of your regular discussions as a mentor and/or coach in your organization

# Part four

---

Creating / supporting a psychologically safe environment at work

## A couple of definitions – psychological safety

*"a workplace that promotes workers' psychological well-being and actively works to prevent harm to worker psychological health, including in negligent, reckless or intentional ways"*

– National Standard of Canada on Psychological Health and Safety in the Workplace

**"Psychological safety is a belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes."**

– Amy Edmondson, Harvard Business School Professor

# The concept of “psychologically safe” workplace

- Not just a focus on mental health - creating a safe place for conversation, innovation, productivity, risk taking, etc.
- It’s not a place where everyone is necessarily “happy” – people are still responsible for carrying out their job duties, may receive feedback that they aren’t meeting expectations, they might lose their job due to changes in the industry environment
- According to Amy Edmondson, a psychologically safe workplace is one in which people are not hindered by interpersonal fear. They are willing to take the risk of being candid and “they fear holding back their full participation more than they fear sharing a potentially sensitive, threatening or wrong idea.”
- Leaders (including managers and supervisors) play an important role in shaping the environment in which employees work, including the psychological safety



# Why a psychologically safe workplace matters

- Get the best out of people
- Increased productivity
- Attachment to the job, commitment to organization
- Satisfaction with job and discretionary effort exists
- Learning culture; motivated to talk about errors
- Higher stress tolerance; lower anxiety

# Creating a psychologically safe workplace



Leaders need to understand what psychological safety is – and that it is ultimately embedded in how people interact with each other daily – including how the work is approached



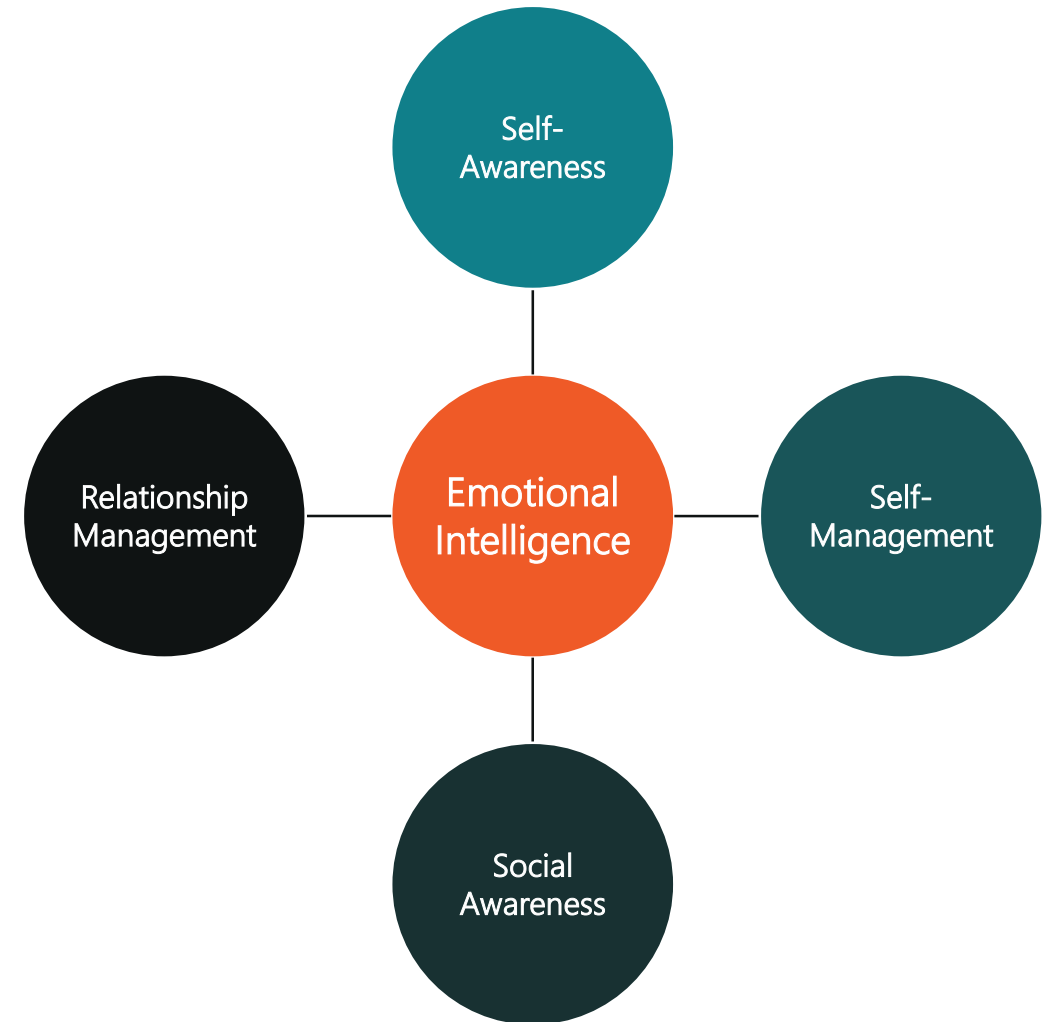
Leaders need to understand how what they do or do not do to lead people greatly impacts an employee's experience in the workplace – and that the "tone" of the environment is set by the leader



Human Resources departments/HR professionals can help by supporting and educating their organizational leaders in this regard

# The role emotional intelligence plays

- Emotional intelligence:
  - refers to one's ability to identify and manage one's own emotions, as well as the emotions of others
  - is the ability to understand, use, and manage emotions in positive ways to relieve stress, communicate effectively, empathize with others, overcome challenges and diffuse conflict



# Emotional intelligence domains and competencies



## Self Awareness

- Emotional self awareness



## Self Management

- Emotional self control
- Adaptability
- Achievement orientation
- Positive outlook



## Social Awareness

- Empathy
- Organizational awareness



## Relationship Management

- Influence
- Coach and mentor
- Conflict management
- Teamwork
- Inspirational leadership

Source: <https://hbr.org/2017/02/emotional-intelligence-has-12-elements-which-do-you-need-to-work-on>

# Great Resources

- [Cupe.ca](#) – What is the duty to accommodate?
- Web Article: Psychological Injury and Harassment in the Workplace, MLT Aikens ([mltaikens.com](#))
- Workplace Strategies for Mental Health – [workplacestrategiesformentalhealth.com](#)
- Saskatchewan Human Rights Commission – [saskatchewanhumanrights.ca](#)
- A Guide for Managing the Return to Work – Canadian Human Rights Commission ([chrc-ccdp.gc.ca/eng/content/guide-managing-return-work](#))
- Not Myself Today – [notmyselftoday.ca](#) (tools to help build a mentally healthy workplace)
- You Tube – search “talking about mental health like physical health”
- Mental Health Commission Canada – National Standard for Psychological health and safety in the workplace ([mentalhealthcommission.ca](#))
- BOOK: The Fearless Organization: Creating Psychological Safety in the Workplace for Learning, Innovation and Growth, Amy C. Edmondson
- PHS Certification: [psychologicalhealthandsafetycertification.com](#)

**MNP**



Wherever business takes you

[MNP.ca](https://www.mnp.ca)



KINCENTRIC  
**Best Employer**  
CANADA 2019