



Return to Work Resources

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Return To Work (RTW) Resources

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Employer Procedure Checklist

Assess your Current Practices

- Do you have senior management commitment?
- Assess your financial and legal obligations regarding Return to Work
- Do you have a program? If so, is it formalized?
- Do people have assigned responsibilities in returning a worker to work?
- Has your Return to Work program been communicated to management, staff and the union?

Get Commitment from All Parties

- Show upper management your projections including cost evaluations, legal obligations and the possible benefits in workplace relations
- Obtain management, JHSC and staff / union commitment
- Involve the JHSC in developing a Return to Work commitment statement

Write your Return to Work Program

Consider:

- The collective agreement
- How and when you will contact the worker
- How contact will be maintained
- The process for obtaining functional abilities information
- How job matches will be made with functional abilities information
- If work is available to be set aside for Return to Work purposes
- Conditions of modified work, e.g. wages, hours, etc.
- How disputes are to be resolved
- What indicators you will use to evaluate the program

Assign Responsibilities

Include who is responsible for:

- Contacting the worker
- Gathering the worker's functional abilities information
- Coordinating and offering work
- Monitoring the worker upon return to work
- Evaluating program results
- Updating the program

Educate

- Communicate the commitment
- Make details of the Return to Work program available to all staff
- Ensure staff gets regular updates on the program and its results

Evaluate and Update

- Both individual cases and overall program results
- Ongoing process through all steps of program development and implementation
- Based on the results of the evaluation, make the necessary changes to your Return to Work program

Evaluating your Workplace/Communication – Best Practices for Return to Work

| Best Practices Indicators | Employer | Worker | Health Care Practitioner | Union |
|-------------------------------------|--|--|--|--|
| 1. Commitment Statement | Make written commitment statement available to all parties | Ensure worker reads commitment statement | Ensure HCP knows about commitment statement | Ask for support of commitment statement |
| 2. Poster 82 | Post WSIB Poster 82 in workplace | Ensure worker reads Poster 82 and knows where it is posted | | Show/tell union where Poster 82 is posted |
| 3. Return to Work Policy | Make written Return to Work policy available to all workers | Ensure worker reads Return to Work policy | | Ensure union is given Return to Work Policy |
| 4. Investigate/Report Injury | Investigate/report injury within 3 days | Make sure worker reports injury | Ensure HCP is given injury history | Ensure given report/injury details, if applicable |
| 5. Functional Abilities Information | Receive functional abilities information before start of next shift following injury and get updates regularly | Ensure worker provides functional abilities information before start of next shift following injury and when requested by employer | Ensure HCP reports functional abilities information on prescribed form to the employer | |
| 6. Return to Work Meeting | Talk to worker and identify suitable work | Ensure worker talks to employer to help identify suitable work | | Ensure union talks to employer and worker to help identify suitable work, if applicable |
| 7. Return to Work Plan | Give written RTW plan to worker | Ensure worker receives written RTW plan | | Ensure union is given RTW plan, if applicable |
| 8. Return to Work Progress | Talk to worker and review RTW plan daily/weekly | Ensure worker reports to employer on progress daily/weekly | Ensure HCP reports changes in functional abilities | Ensure union is aware of changes in RTW plan, if applicable |
| 9. Return to Work Complete | Talk to worker when RTW goal complete. Use dispute mechanism if necessary | Ensure worker tells management when RTW goal complete. Use dispute mechanism if necessary | | Ensure union talks to worker/employer when RTW complete. Use dispute resolution mechanism, if applicable |
| 10. Return to Work Results | Report RTW Program results and support program | Ensure workers are given RTW Program results and request support for program | | Ensure union is given RTW Program results and request support for program |

Return To Work Forms/Resources

[Form 8 Health Professional's Report](#)

[Form 8 CMS Health Professional's Report for Occupational Mental Stress](#)

Access the dynamic Form 7 and Form 6 through your individual accounts

[Functional Abilities Form](#)

[Disability Management Self Assessment \(IDMSC\)](#)

Select DSMA Questions, choose print version pdf

[Sample RTW Package \(WSIB\)](#)

WSIB RTW Policies

[19-02-07 RTW Overview and Key Concepts](#)

[19-02-08 RTW Co-operation Obligations](#)

[19-02-09 Re-employment Obligations](#)

[19-02-10 RTW Assessments and Plans](#)

[19-05-02 Re-employment Obligations in the Construction Industry - Threshold, Duration and Specific Employer Requirements](#)

[19-05-03 Compliance with the Re-employment Obligations - Construction Industry](#)

[19-05-04 Re-employment Penalties and Payments - Construction Industry](#)

Please note that the above links are external resources that you might find useful.

Employer Requested Health Examination

Employers may consider an employer requested health examination in the following situations:

- To clarify discrepancies in functional abilities information
- To determine if medical treatment appropriate
- To determine diagnosis and prognosis

Process

The employer chooses a health professional and pays for an in-person examination. Research health professionals in your area who specialize in the worker's condition. Contact the health professional to verify that they provide this service, the approximate cost and the time frame for the appointment and opinion.

The employer writes a letter to the health professional clearly identifying what information or opinion they are seeking.

The employer provides the health professional with relevant anonymized medical reports, usually before the examination. Redact all of the worker's personal information, i.e., name, address, date of birth, claim number etc.

The employer provides the worker with reasons for the examination. Ensure the worker has a clear understanding of why you are requesting the exam. Have a discussion with the worker and then follow up in writing.

The worker can refuse to attend the appointment. If the worker refuses to attend, the employer has 14 days to request written direction from WSIB. Have a discussion with the worker to determine the reason for the refusal and address the worker's concerns, if possible.

The case manager will try to mediate the issue and ultimately decide whether the worker should attend. The employer may need to convince the case manager that another medical examination is required.

Either party can appeal the case manager's decision to WSIB's Appeals Services Division, but the issue is not appealable to WSIAT (Workplace Safety and Insurance Appeals Tribunal).

If the worker is directed to undergo the examination, but doesn't comply, WSIB can reduce or suspend benefits.

A copy of the report must be provided to WSIB.

Issues to consider

- The employer's intentions may be misinterpreted by the worker and affect the level of trust in the RTW Process and employment relationship.
- Costs could be significant and are borne directly by the employer.
- The employer may have limited or no medical information for the health professional to review i.e., X-ray, MRI, medical opinions. Is the health examination worth doing without this information?
- Is there timely access to a specialist? Consider travel time and cost. By the time the employer gets the opinion, is it still relevant?
- The employer medical opinion may not be given as much weight as the other medical opinions already on file, i.e., family doctor, specialty clinic. Consider credentials, time spent, documents reviewed.
- The opinion may not be what the employer was hoping it would be.
- Remember the benefit of doubt provision that states where it is not practicable to determine an issue because the evidence for or against the issue is approximately equal in weight, the issue shall be resolved in favour of the person claiming benefits.

As an alternative to an employer requested health examination, ask the case manager to refer the worker for an assessment at a WSIB specialty clinic. The worker needs to cooperate with medical treatment proposed by the WSIB or loss of earnings will be reduced or suspended.

Another option is to consider an independent medical paper review, where the employer asks a doctor to review medical information and/or a medical report (or reports) from the worker's claim file and offer an opinion. This is done without the doctor examining the worker. You do not need the worker's approval for this process. You would need to have access to the relevant information from the worker's claim file, redact all personal and confidential information prior to sending the document(s) to the doctor, and be clear regarding the opinion you are seeking. There may be limited situations where this would be useful as the worker is not examined. This process could be useful in compatibility determinations or requests for Second Injury Enhancement Fund (SIEF) relief.

For further details see: OPM 17-04-02 Employer Requested Health Examination <https://www.wsib.ca/en/operational-policy-manual/employer-requested-health-examinations>

Accommodation Resources

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| Accessibility for Ontarians with Disabilities Act | https://www.aoda.ca/ |
| Canadian Centre for Occupational Health and Safety (CCOHS) Healthy Minds at Work | https://www.ccohs.ca/healthyminds/ |
| Canadian Human Rights Commission | http://www.chrc-ccdp.gc.ca/en |
| Institute for Work & Health Disability Management | https://www.iwh.on.ca/workplace-disability-management |
| Job Accommodation Network | https://askjan.org/ |
| National Institute of Disability Management & Research (NIDMAR) | https://www.nidmar.ca/index.asp |
| Ontario Human Rights Commission | http://www.ohrc.on.ca/en |
| Practical Strategies for Managing Mental Health and Return to Work | http://ellenmaceachen.ca/rtw-mental-health-guide/ |
| Work Related Musculoskeletal Disorders: Guide and Tools for Modified Work | http://www.irsst.qc.ca/media/documents/PubIRSST/OMRT-En.pdf |
| WSIB Return to Work Resources | https://www.wsib.ca/en/businesses/return-work/return-work-and-disability-resources |

Please note that the above links are external resources that you might find useful.