

Teaching Notes CPR Case Study

Although this has been a long and prolonged accommodation process, given the cost, legal, and ethical considerations (outlined below), it would be difficult to justify not accepting the recommendation and making the accommodation.

- i) A summary of the costs incurred by CP in this case is as follows:

Direct Costs

<u>ITEM</u>	<u>AMOUNT</u>
WCB Compensation	52,082.79
WCB Administration Costs	12,068.18
WCB Medical Costs	17,770.17
WCB Pension	19,774.70
Worksite modifications	10,231.00
Occupational Therapy Services	2,988.00
Job Coach	735.00
TOTAL	<u>\$115,649.84</u>

Indirect Costs

Replacement costs (for lost time)	\$100,000.00
Lost productivity?	
Time of company personnel on this case ?	
TOTAL	<u>\$100,000.00+++</u>

Already the company has spent in excess of \$215,000 managing this case. At the same time, a failure to accommodate at this stage could result in further costs for rehabilitation which would be outside the employer's control. It is likely that further rehabilitation would be undertaken by the WCB. Such rehabilitation might include education, job search, and the like. It is not uncommon for such costs to be in the \$200,000- \$400,000 range.

Management risks doubling its direct costs to date should there be a failure to re-employ. This does not include the risk of further indirect costs such as recruiting and training a new employee.

By not accepting the recommendation of the Local Return to Work Committee you also risk undermining its credibility and may put harmonious employment relations at risk.

ii) Although there is no doubt the employer has incurred major costs in this accommodation, the undue hardship test is a difficult one to meet. It is doubtful that such an accommodation would constitute undue hardship for CP. The costs of this accommodation will not cause solvency problems, and it does not pose any health and safety problems.

Therefore one could argue the employer still has the legal obligation to re-employ. Failure to do so could come into conflict with human rights and workers' compensation law. This could also result in CP incurring financial penalties.

iii) Particularly given CP's commitment to corporate responsibility, this is the right thing to do not only for the employee, but for the company, and society as a whole.

2. There are a variety of best practices evident in this case. For instance, a strength of the CP program is labour-management involvement and consensus building through their committee structures. Stakeholder involvement and communication plans are well-established. A multi-disciplinary approach is taken to achieve a successful ESRTW. Finally there are corporate wide and managerial accountability and evaluation plans in place.