



BEATING THE ODDS

HUMAN RESOURCES – 2019 – PRELIMINARY ROUND

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This case was written by Stephanie Brydges and Dr. Deborah McPhee, Brock University, Faculty of Business, St. Catharines, Ontario. It is intended as a basis for student discussion, not to show either effective or ineffective administrative decision-making.

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BEATING THE ODDS

Abstract

Officer Timothy Martins beat the odds and became a source of inspiration when he persevered to become a decorated police officer after a crash that almost killed him. But his road back to work kept being hampered by bureaucratic red tape from the human resources department. This case will ask how the Police Commissioner should proceed when he hears that Timothy is going to file a grievance regarding his negative experience with Marta, the Health and Safety Manager.

Keywords: Human resources, public sector, management shortcomings, reintegration, accommodation, disability management.

This fictitious case was written by Stephanie Brydges, Windsor, Ontario, & Dr. Deborah McPhee, Brock University, Goodman School of Business, St. Catharines, Ontario. It is intended as a basis for student discussion, not to show either effective or ineffective administrative decisionmaking. This case is not at all indicative of the Human Resources Department for any police force in Ontario and is truly fictitious.

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It was August 29th 2018 when Officer Timothy Martins stepped onto the front steps of the 19th District Police Station, breathing in the fresh spring air. It was this time of year that he missed being on his motorcycle, patrolling the roads and protecting the Town of Lakeview in Ontario.

As Timothy walked up the flight of stairs, he thought he saw a woman analyzing every step he took. Although he did have a slight limp, he had been told at this point it was barely recognizable. However, he often got the feeling that those around him noticed and judged him for it. As Timothy looked up at her, her eyes quickly shifted back and she kept walking.

Timothy was walking towards the Commissioner, Charles. They had spoken over the phone, but Charles wanted more information on Timothy's recent negative experience with the Lakeview Police Force's Human Resources department. He had heard from a friend that Timothy was considering filing a grievance, so Charles wanted to know exactly what happened, and all the shortcomings that Timothy had experienced in regards to this health and safety (H&S) matter. Although Charles was quite removed from the patrol staff, he wanted to ensure Timothy was comfortable and any concerns were resolved to the best of his ability.

As Timothy walked, he began reflecting on the past few years. He had beaten the odds and survived a crash that almost killed him. It had been the fight of his life to stay alive, and the fight continued as he worked with the Lakeview Police Force (LPF) and the Workplace Safety Insurance Board (WSIB) on the accommodation and reintegration process. The process, specifically dealing with the LPF's H&S Manager, had been bumpy at best, which is why he was seriously contemplating filing a grievance.

Charles was in his office, watching Timothy approach. Charles knew as the leader of the organization he needed to make some decisions and do damage control as quickly as possible. Charles needed to determine, what went wrong with the H&S Manager, who worked in Human Resources, in handling this case? Furthermore, how should he proceed in order to amend the situation?

THE DREAM

Timothy had worked his entire life towards becoming a police officer. Since the time he was a child, dressed in his police hat and flashing his plastic badge, he had dreamed about being part of a police squad, working his way up to a Lieutenant (see Appendix A). This dream started to become a reality when he finished high school, took the police concepts course at a local college and passed the police test on the first attempt.

Timothy had always been active and held the characteristics required to be successful as a police officer. He had played football in college, loved hitting the gym in his spare time and was passionate about helping those in need. He had a determination to be successful, was courageous and had excellent problem solving skills.

When Timothy made it onto the police squad, he felt pride going to the local watering hole and socializing with the team after hours. He enjoyed being part of a tight knit group and loved the sense of camaraderie that the officers held.

It was at a local pub that he met the love of his life, Britney. Their relationship was a whirlwind but within a few years they had purchased a house together, got married and had two baby girls. Britney knew the risks associated with Timothy's career and it often kept her up at night, wondering if Timothy would return home unharmed and alive. However, she knew the passion Timothy had towards his career so she rarely complained and mainly kept her worries to herself.

THE LAKEVIEW POLICE FORCE

The Lakeview Police Force (LPF) is a regional police force in Ontario. The LPF provides policing services for over a quarter of a million square kilometers of land and 75,000 square kilometers of water. It services over 2.5 million people.

The LPF's fleet is made up of vehicles, marine vessels, snow / all-terrain vehicles, helicopters and two-wing aircrafts (see Appendix B). The vast majority of the fleet (85%) is vehicles at a total of 2290 units, which includes cars, trucks, vans and motorcycles. The LPF prides themselves on the upkeep of the vehicles in addition to training on how to effectively utilize the vehicles for all new recruits so all personnel feel comfortable in their assigned mode of transportation.

In terms of specific breakdown of vehicles, the LPF has about 1,200 patrol cars currently in service. The most common model of car includes the Ford Fusion, Ford Taurus, Dodge Charger and Chevrolet Tahoe. A variety of vans and SUVs are used as support vehicles for reasons such as prisoner transport. In summer months, motorcycles are utilized for traffic patrol, with Harley Davison the main supplier. Furthermore, snow and all terrain vessels allow for proactive policing of recreational activities.

TRAINING AND DRILLS

The training that LPF recruits would endure was thorough and necessary. The process began with a one-week orientation at the Police Academy. Following orientation, there was a twelve-week Basic Officer Training course, followed by a supplementary eight-week course at the Academy. In total, it was 21 weeks of in-depth training that all 6,200 uniformed personnel that made up the LPF would endure. The trainers were audited on a regular basis to ensure effective training was being provided. The LPF was recognized as a leader for police force training programs.

Timothy started in the LPF doing car patrol. While he had always dreamed about being a police officer, his desire to be on motorcycle patrol came a bit later after a friend once let him try out his motorcycle on a dirt road in the middle of nowhere. He loved the rush that being on the open road going high speeds produced. He also loved the flexibility that

being on a motorcycle allowed for. Therefore, the next summer he applied to be on motorcycle patrol and was thrilled when he was accepted immediately.

Being part of the police unit, Timothy had to participate in a variety of different trainings and drill exercises. The training varied from in-class knowledge studies to more physical training. The in-class sessions often focused on how to de-escalate a situation, cultural sensitivities training and communication techniques. They reviewed the organizations core values, which centred on honesty, integrity and mindfulness to safety into daily operations, something all the on-the-ground trainers drilled into each trainee's mind. The departments worked closely with the public, so acting in accordance with the core values was vital. The physical training varied but included drill exercises, chase techniques and gun re-training.

When Timothy was moved to motorcycle patrol, the training became more intense and he enjoyed it even more. Timothy's favourite training exercise was the motorcycle drills; he would get to drive the motorcycle up to 100 km/h, replicating high-speed chases. This was where Timothy excelled, and he soon got promoted to be a part-time trainer of the drill exercises. The leadership in the training departments was superb and he never had a complaint about any on-the-ground trainer he worked with.

THE ACCIDENT

On April 17, 2017, Timothy was performing a motorcycle drill, as he had hundreds of times before. He was going 98 km/h when he saw a black object coming straight towards him. He tried to swerve, but he was going too fast and the black object, which turned out to be a large bird flew up and smashed into his face. He was knocked unconscious immediately.

Timothy flew off his motorcycle and hit the guardrail. His leg was severed, his face was smashed and within seconds, he began to bleed uncontrollably at the side of the road. Beside him, he could see the Canada Goose that had flown into him squawking and attempting to flap its clearly broken wing.

Timothy's squad quickly came to his aid. One individual, Mark, happened to have a tourniquet (see Appendix C) in his equipment bag and pulled it out immediately. It would later be said that without the tourniquet, Timothy would have likely bled to death at the side of the road. Another individual, a trainee named Scott, called 911 immediately to advise emergency attention was needed. The hospital and fire station were only minutes away, so within four minutes an ambulance was on scene.

When Timothy got into the ambulance, it was determined that he was facing life-threatening injuries that could not be treated at Lakeview Memorial Hospital. He needed to be air-lifted out to the nearest large city hospital where he could be treated by the best surgeons. As luck would have it, there was an air ambulance at Lakeview Memorial Hospital at the exact second Timothy needed it. He was quickly transferred to the helicopter and whisked away in the 25-minute helicopter ride. Timothy's family was

immediately phoned, and they got into the car for the long drive to meet him at the hospital a few cities away.

Timothy's supervisor phoned the Health and Safety (H&S) department within the LPF but the call went to voice mail, so he left a very detailed message regarding what had occurred. He also left his phone number so she could phone him back with any additional questions. Meanwhile the Joint Health and Safety Committee (JHSC) began their internal investigation and they too could not reach anyone in the (H&S) department, and left messages asking for a call-back.

THE AFTERMATH

Timothy spent more than three weeks in a coma. He had flat lined more than once in the hours following the crash, but he remained the fighter he had always been and he refused to give up. Friends, family and coworkers all visited and there was a steady stream of people in the waiting room, eagerly waiting to hear updates to his status. He went through six surgeries in the first 10 days following the accident, mainly relating to his severed left leg.

Doctors came into the waiting room to update everyone on his status after each surgery, where there were tears and tension. When he was taken out of the critical care unit on May 14th, the question turned to everyone wondering how he would get by with a missing leg. However, the doctor's made it clear with current technology, he had options including prosthetics.

When Timothy regained consciousness, he had no recollection of what had happened. Britney let him know that he had been in a terrible accident, that his kidneys had failed and that she had been told simple tasks such as eating would be a struggle for him in the upcoming months, and that she and the kids would not leave his side until he was well enough to get up and about. Timothy was flabbergasted, and in the upcoming period he began to lose strength but never spirit. Timothy was resolute, and throughout his recovery, the one thing he was sure of was that he was not going to let the crash define him.

Britney also explained that the Ministry of Labour had phoned multiple times to investigate, as this was classified as a critical injury. She had been told the Ministry of Labour had begun their investigation but needed to speak with Timothy to get his statement.

Timothy immediately phoned the Ministry of Labour, and they took down his account of the situation. However, most of the information was foggy in his memory so the majority of the form was left as unknown. He was told at this point that the Ministry of Labour was still missing information from the LPF's H&S Department but the Ministry of Labour had all they needed at this time from Timothy. Timothy was still tired and dazed,

so he ended the conversation quickly forgoing all the questions he had running through his mind regarding the health and safety process that would follow.

In the upcoming days, Timothy began asking his doctor questions. The doctor indicated Timothy would need to go through the Workplace Safety Insurance Board (WSIB) for all specific return to work questions and concerns but that he would answer general questions to the best of his knowledge. Timothy appreciated the support.

Timothy was concerned about the missing information the Ministry of Labour had indicated they were experiencing. However, he wasn't surprised because he had phoned the LPF's H&S department a few times himself and had not heard back so he was starting to question their credibility. He contacted his union rep, Sam Jones, who said he would look into the matter with the H&S Manager.

Since Timothy wasn't getting anywhere with the H&S department and he was awaiting word from Sam, Timothy decided to ask the doctor what his role in the WSIB process was, the doctor indicated because this was a workplace injury, he had already filled in a Health Professional's Report Form 8 and submitted it to the WSIB. He indicated that the *Workplace Safety and Insurance Act* provides the legal authority for health care practitioners to submit, without consent, information relating to someone claiming benefits to the WSIB.

When Timothy asked further questions about what the return to work process may look like, the doctor explained the H&S Manager at the LPF would have filled out a Form 7: the employers report of the injury already. He explained that because what Timothy endured was a critical injury, it would have been the H&S Manager's responsibility to complete the form immediately, even if she did not have all the information right away. She could provide additional details later.

The doctor additionally explained that there would be further forms that will be used to update the WSIB and the LPF on Timothy's status, called Functional Ability Forms (FAF), which identifies the patient's overall functional abilities, and work restrictions that will assist his or her return to suitable work. He added, only when Timothy receives a Functional Ability Form that matches the, potentially modified, tasks and duties that the LPF has to offer will he be allowed back to work.

The union rep, Sam, contacted Timothy in May, but the information Timothy needed had been addressed by the doctor, and he said that things were fine for now and that if he needed him he would get back to them. While the union was pressing for a grievance on the matter, Timothy was overwhelmed enough and had other things to be concerned about that he thought were more important. He told Sam that things were fine for now and if he needed them he would get back to them. Timothy commented, "how could they ignore someone with such serious injuries?" Sam decided not to respond as he didn't want to upset Timothy. Sam knew Timothy wasn't being treated respectfully but didn't want to make it worse for him.

By mid-July, Timothy was fully alert and had mentally come to terms with the accident. However, he still had lots of physical healing that needed to happen through rehabilitation. The first thing he asked the doctor for was an estimate on when he could be fitted for a prosthetic so he could return to duty. He was determined to get back on patrol, whatever the efforts required. The doctor explained to Timothy it would be a long road to recovery, and at this point it may not be just a matter of when but rather a matter of if. It would be a long wait to get the prosthetic as he needed to fully heal first which could take years.

Coincidentally in July, a report was issued by the independent police investigators, who were assigned to conduct an investigation into the near fatal crash. No wrong doings were found. Timothy was going within speed restrictions for the drill, he had the appropriate protective equipment on and he had been trained appropriately for the drill. The investigation did find that Timothy had luck on his side for this accident; he had landed on a tiny patch of grass that had softened his fall, the crash happened very close to the hospital and there was an air ambulance parked at the hospital at the exact second he needed it. Without everything falling into place exactly as it had, the outcome would likely have been very different.

The JHSC committee had conducted their own internal review and had documented their findings which matched the findings of the independent investigation. Their document was tabled for discussion at the next JHSC to be held in August, but they still had not heard from Marta and she had missed the past three JHSC meetings.

Timothy knew he had been saved for a reason, he still had lives to save and crime to solve with the LPF. Therefore, he focused on his rehabilitation and kept focused on the task at hand – get well enough that he could begin taking his children to soccer once again, and get strong enough so he could get back to work on patrol. He was supposed to have a few meetings with the H&S Manager from the LPF but she kept cancelling. He had not heard back from any other individual in the Human Resources department either. This was frustrating because he wanted to keep the process going, but he felt he had no choice but to wait.

MARTA WILLIAMS, HR

Marta Williams was the LPF's H&S Manager. She had been with the LPF for over eight years and enjoyed working with the organization. In her tenure with the LPF, she had gone from Recruitment Assistant to Recruitment Coordinator and was finally in her

dream role of H&S Manager. Marta had enjoyed H&S while in school, and although that was almost a decade ago she felt this position was well suited to her.

Marta was originally hired because she was a close friend to the Commissioner General. She had previously been dating the Commissioner's brother, and had a strong relationship with the whole family. The Commissioner had since been let go due to an investigation that was done regarding his history with nepotism, as the LPF stood for fairness and merit, and this sense of injustice would no longer be tolerated. However, Marta got to keep her job since her performance had been consistently above average.

Marta enjoyed her position in recruitment, but when a management position became available in late January 2017 she jumped on the opportunity and applied. This particular management position specialized in H&S, which wasn't her ideal position but did excite her nonetheless because of the opportunities it afforded her. The position's responsibilities centered around WSIB administration, implementing safety policies, conducting audits and safety inspections and monitoring company safety performance.

Marta had no experience dealing with H&S but was confident with effective training and leadership she would excel. She was starting to feel burnout as she recruited day in and day out, so it was time for a change. By February 12th, Marta was offered and accepted the H&S Manager position.

Marta began working with Wendy, the current H&S Manager who was scheduled to go on maternity leave in several months. Wendy began explaining the process, taking it slow as to not overwhelm Marta. She went through the organization's H&S policy, practices and procedures, which had been created in 2009, and had not been updated since. She asked Marta to make a note that they should be reviewed and updated, as the outdated information was essentially useless.

Wendy also reviewed the WSIB practical guide she had made years ago filled with pictorial guides on how accident and ill health prevention and occurrences would be handled. She noted the process had completely changed in recent months so that would

need to be updated as well. Wendy let out an embarrassed nervous laugh and stated the procedure for developing and implementing, reviewing and maintaining H&S policies at this time was lacking.

Marta was beginning to learn a lot. She could see the H&S and WSIB process was more complicated than she had thought, so she was grateful for the training. She was also pleased with how the Human Resources Director, her manager, had delegated full authority to the H&S team to enable fast and flexible decision making, with little to no personal involvement. While the training was great, within several days Wendy was forced to take an early maternity leave due to bed rest, and Marta was thrown into the role headfirst.

With Wendy being off, Marta was now paired with Jerome, the H&S Assistant for training. Marta was advised that Jerome had been assisting Wendy for years and knew the health and safety processes thoroughly. Jerome had been excellent at giving her a rundown of the WSIB process in her first few days, but after a ski accident that left him with a broken leg and concussion he also would be off for an unspecified amount of time.

Marta's boss, the Human Resources Director asked her how much she had been trained between her time with Wendy and Jerome. Marta explained she had received the basics. He shook his head up and down in approval, and said Marta would be just fine. She was told to reach out to him if she had any troubles.

In the upcoming weeks she reached out to her boss several times, but had not heard back, and wanted to prove she was independent and could be trusted to get her work done. So Marta thought to herself, she had the assistance of Case Managers at the WSIB who would be handling the process; she would lean on them for support and abandoned the idea of reaching out to her manager.

WSIB

A few months passed since taking her new position, and Marta began to fall extremely behind schedule with all of her tasks and duties. She knew that due to the fact that one of her WSIB candidates, Timothy, had lost consciousness in his accident and had a limb removed, his case was considered a critical injury by the WSIB so that needed to be priority.

However, it has been over six days since Timothy's accident and Marta had not yet had the chance to investigate Timothy's injury thoroughly. She had filled in the original incident report late, and it was definitely missing information as she had relied solely on a voicemail she received about the accident. She knew she needed to provide additional information and perform an investigation, but time was not permitting. She also had not had the chance to return the calls from the JHSC. She had heard he was going in and out of consciousness, so thought it be better to wait and see what would happen anyways.

When Marta asked a friend of hers who also worked in Human Resources what would happen with her filing late, she advised that Marta would receive a fine from the WSIB for not filing within the acceptable time frame and potentially another fine for not providing enough supporting information. As they sat at the restaurant discussing, Marta pulled up the WSIB website and looked at the employer's requirements in regards to critical injuries (see Appendix D). She realized she had missed multiple requirements and immediately regretted not looking this up sooner. In the end, she shrugged her shoulders and figured she'd get to the investigation on Monday. She said to her friend that she thought of it as a learning experience for next time, and vowed to file when she got back to the office on Monday.

On Wednesday of the next week, Marta's boss asked about the case. Marta lied and said she had already filed a detailed report with the WSIB, so in an effort not to get caught she shuffled back to her desk and started an internal investigation form immediately. She wrote a list of all the relevant personnel she would interview, and filled out what she knew about the case so far. She decided not to mention the phone calls she was receiving from the JHSC.

IMPROVING HEALTH

A WSIB Case Manager, Karly, had been assigned to Timothy's case by April 20th. She looked over the Form 8 when it became available to her and got an understanding of the situation. She also reviewed the Form 7, which indicated it would be more than six months before Timothy would be eligible for return to work consideration. Karly called Marta for additional information, such as his earnings information and a few details, which had missed and/or misspelled on the Form 8. There was no answer so she left a voicemail.

Karly then called Timothy and explained the WSIB process as a follow up to the conversation he originally had with the Ministry of Labour prior to her being assigned to the case. She explained the roles and responsibilities of each party. Since Timothy would not be eligible to return to even modified duties for at least six months, she indicated his only requirement at this time was to participate in the WSIB process by phoning his employer, Marta on a bi-weekly basis to update her on his health. Timothy complied, although Marta rarely answered her phone and never returned his phone calls.

In the meantime, Sam, Timothy's union rep, had made several calls to Marta trying to find out about the disability process, but he had a difficult time connecting with her. He

finally decided to march down to her office to gather the information he needed. Marching into her office, he asked for the information Timothy needed and sternly forewarned her that if she didn't start following up with Timothy, or any other member who needed advice, that the union would file a grievance. Marta mentioned that she was dealing with the issue and that she would get back to him soon. In the mean time she was working with WSIB on the matter. Sam again warned her that this was a serious matter and that she needed to be more respectful of her fellow colleagues who put their lives on the line. Marta being Marta, was shaken by the event, but reconciled with herself that she was doing the best that she could, especially since they were short staffed.

Months passed, and because Timothy was in excellent health prior to his accident, his recovery was running smoothly. By January of 2018, Timothy was comfortable in his wheelchair and felt in a great place mentally. He felt ready to re-enter the workforce. He made a doctor's appointment to get an updated Functional Abilities Form (FAF).

Timothy missed being on patrol, but at this point he would be happy with any sort of modified return to work, even if it was at a desk. He wanted the structure, routine, social interaction, physical and mental stimulation and sense of accomplishment that returning to work would bring.

On January 9th 2018 the doctor assessed him and provided him with the FAF he was hoping for: one that indicated he could begin modified work, deskwork, although there were restrictions listed. The restrictions pertained to maximum hours per day he could work as well as his physical limitations that resulted from being in a wheelchair. Timothy was thrilled, until he realized his return to work plan would not be as easy as he anticipated.

RETURN TO WORK

Two weeks passed since Marta and Karly had been faxed the FAF clearing him for modified work, and he had not yet heard any encouraging information. In that time, the WSIB was meeting their responsibilities as Karly had been trying to set up a meeting between herself, Timothy and Marta but Marta was a difficult woman to get in contact with. Finally, Marta returned the phone calls and they settled on an in-person meeting at the LPF station for February 2nd. The goal was to review Timothy's restrictions and develop a plan together on where he could be placed within the LPF that would meet his restrictions.

As Marta prepared herself for the meeting, she reviewed Timothy's restrictions on the most recent FAF sheet. She anticipated that he would not be able to do anything more than deskwork for the foreseeable future, which frustrated her as there were enough people in the office, what they needed was patrol units at this time.

Marta had spoken to Timothy and was aware he was eager to get back to work. His goal was to ultimately get back to his position on patrol, but Karly discussed with him the

importance of modified work prior to him getting back to full duties. Timothy indicated he would be thrilled to get back to work, modified or not.

Marta called Timothy's manager and explained the situation. His manager was happy that Timothy was feeling well, but also noted they already had enough employees around the office that were unable to perform what they really needed: on the road support. He also expressed a fear that Timothy was returning to work too quickly and he needed more time to recover. He ended by stating that she should try to defer the process as long as possible. At the organizational level, noting the need to be physically capable to perform all the duties and support his fellow officers, a culture of being 100% able to perform the duties of the job became accepted practice. In the past, the union had argued that workers are entitled to full WSIB benefits, and should not return until 100% recovered. Past union grievances of less serious injuries were won since many managers were forcing workers back to work too soon to reduce the costs in their budgets.

Marta cancelled the WSIB meeting for the afternoon, and rescheduled for February 8th. Then, she rescheduled again to February 15th. She called the Case Manager to reschedule for a third time, but Karly advised if Marta did not comply, she would be fined. This time, she had to attend.

At the meeting, Karly explained that returning to work and life activities could help a person's recovery from an injury and reduce the chances of a longer-term absence from the workplace. This benefits all parties, as workplace injuries can have substantial costs associated with them whether direct or indirect costs.

Marta indicated there was very little deskwork available. However, she smiled and said she would do everything she could. In reality, Marta was not interested in the additional paperwork and approval process she would endure to provide temporary or permanent accommodations to help Timothy reintegrate back into the duties and hours required of the job. Timothy had been told that returning to work after an absence is often the most important component to recovery, so he was shattered when he heard there were no accommodations that could be made at this time.

After weeks of non-compliance, Marta received a WSIB letter in the mail, indicating she was on her last warning and if she did not comply the LPF would be fined significantly. The letter reiterated that a successful return to work is achieved when both the employer and worker work together to plan for a return to work. It indicated that Marta should be listening to the ideas and concerns of the injured party (and visa-versa) and finding practical solutions.

As Marta put down the letter, she looked up and saw Jerome. Jerome had returned from his leave. He had emailed her about his pending return multiple times but Marta admitted she was two weeks behind on her emails at this point. At that second, Marta wondered for a split second if she was truly suitable for this position.

Marta thought to herself, is it too late to return to her former position with the OFP? She did not enjoy the hassle of this new position. If it was in fact too late, Marta wondered

what she needed to do to keep this job. She knew she was lucky no one had reported her to her manager yet because she realized she was not meeting her WSIB responsibilities. She wondered if she should take some secret health and safety courses to brush up on her health and safety knowledge privately.

Marta filled Jerome in on the situation, and Jerome indicated she had handled the situation inappropriately. Jerome was hurt by the way Marta had conducted business, as the Human Resources department had recently been tasked at ensuring the office staff was conducting business with the same distinction and dedication as the on-the-ground staff by embedding the core values of honesty, integrity and mindfulness to safety into daily operations. He didn't know if he should report Marta to her supervisor, but thought to himself that he did not want to get involved since it might be viewed as jealousy on his part for not getting the job. He knew the truth would come out sooner or later, and that he had to use the opportunity to get Timothy's situation resolved, regardless of Marta's shortcomings.

RETURNING TO MODIFIED WORK

Jerome was familiar with Timothy as he had always been a top performer in everything he did with the LPF. Jerome looked through Timothy's case file, and suddenly remembered that Timothy had prior training in detective work from when he started with the LPF. He looked through the case file to see if Marta had written this crucial piece of information down. However, he could not see it so he looked into Timothy's personnel file and found the confirmation he needed. Jerome knew exactly who to reach out to in order to get him a suitable placement with the detectives.

Jerome reached out to the detective department manager. He indicated he would be thrilled to have Timothy join his team even if it was temporary, since they had a large backlog of investigations that could be completed via telephone or skype interviews. Therefore, Jerome was immediately able to determine a suitable placement for Timothy, a desk assignment doing detective work. He wrote up a Return to Amended Work offer by end of day on March 2nd, and Timothy accepted immediately.

In Timothy's first week back on the job, Jerome spoke with him about his work reintegration. Timothy remained relatively positive about the situation, but Jerome had some key takeaways from the discussion. Timothy pointed out that he had been cleared for work for a significant period of time before being placed. He advised that Marta had belittled him during multiple conversations they had about his return to work. She was unresponsive and not willing to modify the workplace or put forward alternative return to work options. Furthermore, that there was several barriers in the workplace such as desks pushed too close together that did not allow his wheelchair through that still had not been resolved. Lastly, Timothy indicated that the detective work he was doing was primarily administration and he felt he was being underutilized in the department.

However, overall, Timothy was pleased with being back to work and saw this position as a stepping-stone. But, deskwork was not why he had gone into policing. He loved the

rush of front-line duty and knew the only way he would get back to his old job was by getting a prosthetic.

Timothy began looking into prosthetic legs again. This would allow him to get back to patrolling the highways as a police officer. Even better, he heard the prosthetic leg would be covered by the WSIB. He ended up going with a top of the line leg, which was built to handle stairs and other obstacles. It was a high-tech apparatus; with stumble recovery and the ability to be optimized for Timothy's body. Furthermore, the device was waterproof so anything the job would throw at him would be covered. By the end of April, Timothy was fitted for his prosthetic.

Timothy understood that danger would still be elevated with his physical limitations, even with a prosthetic. Timothy was also aware the risks were both physical and mental. Patrol had many rigors, and with his prosthetic leg, he needed to convince both doctors and counselors that he could handle going back to duty.

Within a few months, Timothy was comfortable with his prosthetic. He was ready to get back to patrol. To beat the odds and get back to patrol, he knew first step would be tackling the exam for both physical and mental assessment to do the work. He spoke with Jerome about retaking the police test. Jerome provided him with the information he needed. Jerome explained the police test had two components, a written section and physical capabilities test.

Timothy had no doubts he could pass the written section once again, and for the physical component he, like everyone else, had the option of riding a bike or running. Timothy knew with some training and with him opting to take the bike, he would pass. Jerome indicated that his doctor would need to approve him to retake the test, which still had not happened, so it was a waiting and healing game.

RETURN TO (NON-MODIFIED) WORK

Timothy continued returning to the doctor for updated FAF's, waiting to be cleared for full duties, but his doctor indicated he was not yet ready. Timothy continued adjusting to his prosthetic, doing rehabilitation and getting even stronger than before the accident.

One afternoon, Timothy also had an off-the-record discussion with the chief of police who explained all the risks that the police department needed to consider before letting him back into his previous position. He indicated their top concerns were a potential lawsuit if something went wrong, the worry of re-injury and the potential for posttraumatic stress disorder (PTSD). Many fellow officers supported Timothy, however questioned whether he would be a good back-up in critical situations or events.

The chief spoke about previous experiences he had seen in return to work situations. He had seen employees come back to work after being significantly injured on the job, and having to leave again shortly after due to chronic pain and therefore the inability to sit in a car for an entire shift without experiencing discomfort. In another situation, he

explained an employee had reacted negatively when he heard a gunshot again for the first time after returning to work, and was worried that Timothy might experience the same reaction when he saw a goose. Also the union grievances in the past resulted in taking a cautious and detailed review of all return to work situations.

The chief asked Timothy if he had passed by the spot where the accident occurred. Timothy expressed that he had, and was fine, but the Chief still seemed concerned. He also asked how Timothy felt when asked about the accident. Timothy advised he was hoping to speak about his accident in an effort to encourage safety and how far you can come in recovery. However, the chief indicated Timothy might find that harder than he imaged – he may have trouble speaking about the accident after-all.

The Chief concluded, that although those were thoughts held by the LPF, the only true thing holding him back was his FAF, and when that was completely cleared he would be in a much stronger position. Therefore, Timothy waited it out; continued with his physiotherapy and hoped every night that tomorrow would be the day.

NEW BEGINNINGS

On July 16th, Timothy went to his doctor's office for an exam, starting to think he would never be cleared for full duties. However, on this day, he obtained an updated Functional Abilities Form and leapt up and down when the doctor explained this time it would read "no restrictions".

Timothy phoned Marta, as Jerome was out of the office on vacation. Marta indicated she would look into the next steps for him. On August 6th Timothy had still not heard back so he filed a complaint with the WSIB. The WSIB indicated the LPF could no longer treat Timothy as an employee with restrictions. Karly called and scolded Marta, indicating that if no physical restrictions exist, you must allow the employee the chance to get back to their pre-accident position.

Before long, Timothy was approved to take the police tests. Within a few weeks of taking them, Timothy got a letter in the mail indicating he had passed both police test. The last step would be a physical demands test with the WSIB to match his abilities with the job requirements. That was scheduled, and again he was thrilled with the results. Timothy was finally cleared to go back to work on patrol with no accommodations. While he heard through the grapevine that the LPF was still worried, he was very excited and eager to get back to work.

Timothy immediately picked up the phone and called Marta. As he told her the great news, Marta smiled, and together they scheduled his return to work date: August 28th 2018. Timothy felt a huge sense of relief. He had a big party to celebrate with his friends and family.

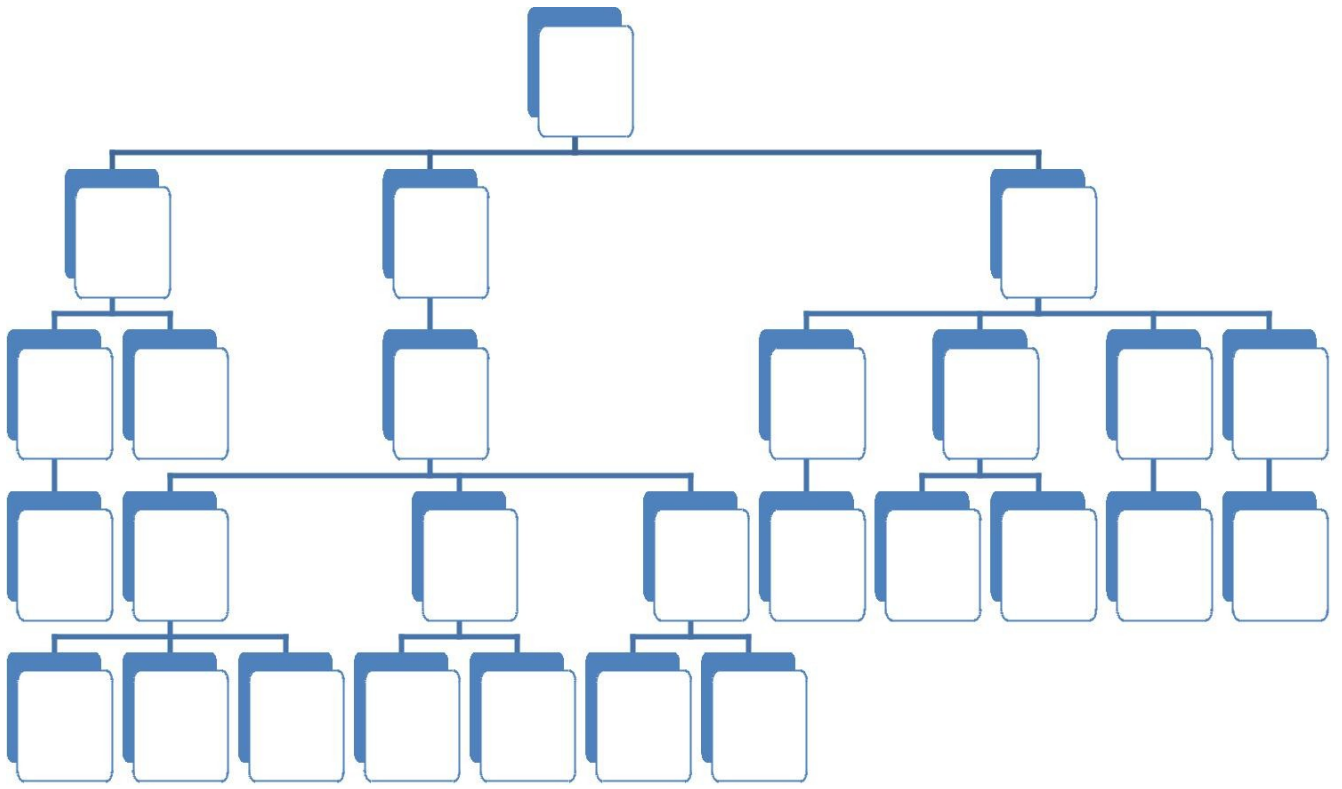
The Police Commissioner, Charles Hathaway was at the party, as were many of his former and soon-to-be current co-workers. As Charles walked around the room he overheard Timothy relay to some of his friends the difficulties and roadblocks he had

faced during this entire ordeal. He was extremely unimpressed with how Marta had seemed to neglect him. He did not think that Jerome was really good and had taken this all seriously. He also heard Timothy say that he intended to file a grievance against management, feeling he was being discriminated against because of his disability.

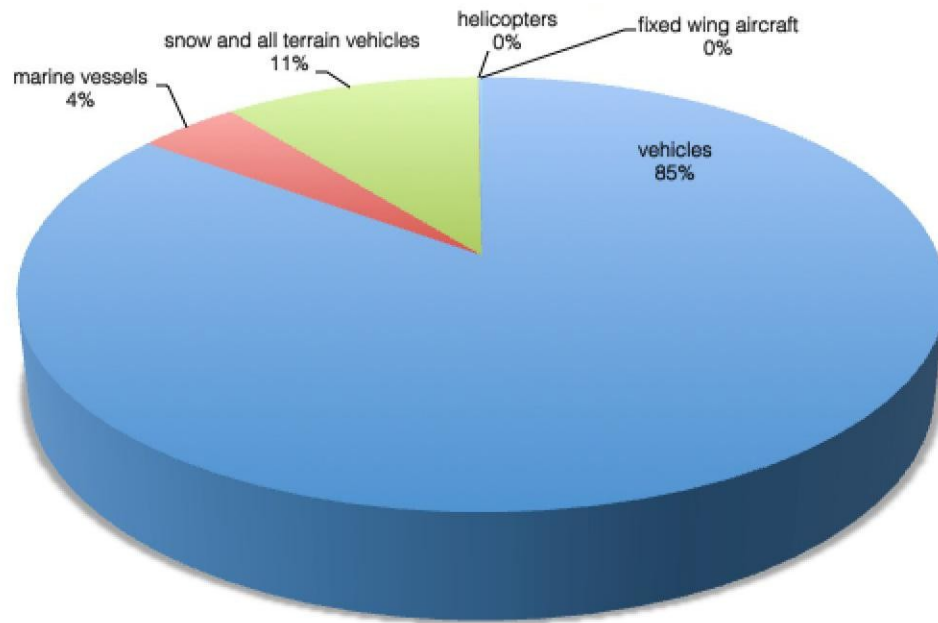
Sam Jones was overheard discussing the issues with another fellow officer, indicating that it was really difficult to reach the H&S Manager, using some choice words to describe her abilities. As Charles walked past the conversations turned to whispers trying to keep it from the Police Commissioner but Charles had already heard enough and was fuming. Charles took Timothy aside and confessed to him that he could not help but overhear the whispers in the room about the poor treatment Timothy had received and requested that he come see him in his office the next day to speak of his experience.

Charles knew action needed to be taken to salvage the reputation of the force, and the indignation Timothy had experienced. Even though Timothy was going to come in the next day, Charles had heard enough already. He knew he needed to determine what went wrong with Marta in handling this case? Costs were also rising on this case and he couldn't understand how this could be ignored (See Appendix E). Furthermore, how should he proceed in order to amend the situation?

Appendix A – Organizational Chart



Appendix B – LPF Fleet Makeup



Appendix C Tourniquet



Appendix D: Critical Injury Requirements

Workplace fatality or critical incident

A workplace fatality or other **critical incident** requires additional actions.

- If a person, whether a worker or not, has been critically injured or killed at the workplace, the employer and the constructor (if any), must immediately notify the Ministry of Labour's Health & Safety Contact Centre, the joint health and safety committee (or health and safety representative) and the union (if there is one). This notice must be by telephone or other direct means.
- Within 48 hours, the employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.
- If you have a family member or a worker that has been involved in a fatality or critical incident, call us at 1-800-387-0750, Monday to Friday 7:30 a.m. to 5 p.m. We can provide a Crisis Intervention Counsellor to help employers and workers deal with a fatal accident. **We are here to support you.**

**First Class Constable Annual
Salary**
