

# Return to Work Audits: What OHS Managers Need to Know and How to Do Them Properly



Return to work programs often occupy a complex position within organizations, as they rarely fall under the sole responsibility of a single department. These programs intersect with safety, workers' compensation, human rights, supervision, operations, and organizational culture. Consequently, return to work audits are frequently approached as administrative reviews rather than being recognized for their true importance: evaluating whether the organization can demonstrate compliance with its legal and ethical responsibilities to injured employees.

In many cases, occupational health and safety (OHS) managers only identify deficiencies in their return-to-work processes when issues arise. Examples include prolonged claims, human rights complaints filed by employees, challenges from workers' compensation boards regarding the appropriateness of modified duties, or inspectors posing questions that cannot be answered definitively. When such situations occur, concerns shift from hypothetical scenarios to matters involving costs, organizational credibility, and liability.

An effective return to work audit is not intended to uncover errors or assign fault; instead, it seeks to determine whether the organization maintains a robust and consistently effective

system. This article outlines the critical considerations OHS managers must address before conducting a return-to-work audit and provides guidance on performing an audit capable of meeting regulatory, legal, and operational requirements.

## **Why Return to Work Audits Matter More Than Ever**

Throughout Canada, authorities are using more advanced methods to evaluate employers' actions after workplace injuries. Workers' compensation boards now consider several factors—not just whether an employee returns to work. These include timely employer contact, true suitability of modified duties, adherence to medical restrictions, and ongoing accommodation efforts. Human rights tribunals review these same details but may hold employers to a stricter standard.

Workplaces are also more complicated today. With older workers, chronic illnesses, mental health challenges, and long-term trauma claims, returning to work can take months or years, rather than being a brief transition. This situation reveals flaws in systems originally designed for less complex injuries and faster recoveries.

A return-to-work audit helps organizations reflect by asking: If our actions were evaluated by a regulator, arbitrator, or tribunal, could we prove that we acted fairly, consistently, and in good faith?

## **Understanding Return to Work as a Legal Obligation**

One of the most common misconceptions uncovered during audits is the belief that return to work is optional or discretionary. In every Canadian jurisdiction, employers have a legal duty to cooperate in early and safe return to work. This duty flows primarily from workers' compensation

legislation but is reinforced by occupational health and safety laws and human rights statutes.

This matters because audits are not about whether the employer wanted to help. They are about whether the employer can prove compliance with that duty. Good intentions do not carry much weight if they are not documented or if they are applied inconsistently.

A proper audit therefore starts with understanding that return to work is not a favor to the worker. It is a legal process that must be structured, documented, and supported at every level of the organization.

## **The Hidden Complexity of Return-to-Work Systems**

On paper, many return-to-work programs look adequate. They include policies, forms, and flowcharts. The audit process often reveals that the real system operates very differently.

In practice, return to work usually unfolds through informal conversations, supervisor decisions, and operational pressures. Supervisors may quietly adjust duties to keep production moving. Workers may exceed restrictions because they want to be helpful or fear being seen as uncooperative. OHS or HR may only learn about problems after something has already gone wrong.

An effective audit pays close attention to this gap between policy and practice. It asks not only whether the organization has procedures, but whether those procedures are understood, followed, and supported.

This is where many audits become uncomfortable. They reveal that success depends heavily on individual supervisors rather than a consistent system. When that happens, outcomes vary widely depending on who is involved, and that variability is

exactly what regulators and adjudicators look for when assessing employer conduct.

## **The Role of Modified Work and Why It Is Often Misunderstood**

Modified work is the centerpiece of most return-to-work programs, and it is also one of the most common sources of audit findings.

From a compliance perspective, modified work must be based on documented functional abilities. It must be meaningful, safe, and consistent with medical restrictions. It must also be reviewed and adjusted as the worker's condition changes.

What auditors frequently find instead is modified work that exists only in theory. Job banks are outdated. Tasks have changed over time. Supervisors improvise duties without formal approval. Restrictions are interpreted loosely, especially when staffing is tight.

In some cases, modified work is created with good intentions but fails to consider new hazards. A worker recovering from a back injury may be placed in a seated role that introduces ergonomic risks. A worker with psychological restrictions may be assigned to a role that increases stress or isolation.

A proper audit examines not just whether modified work was offered, but whether it was suitable, monitored, and reassessed. It also looks at whether the organization has a process for saying no when suitable work genuinely does not exist and how that decision is documented.

## **Supervisors as the Critical Control Point**

No return-to-work system is stronger than the supervisors who implement it. Audits consistently show that supervisors are

both the greatest asset and the greatest vulnerability in return-to-work programs.

Supervisors are expected to understand restrictions, assign appropriate duties, monitor performance, document issues, and escalate concerns. Yet many receive little or no formal training in return to work or accommodation obligations. They learn through experience, trial and error, or informal guidance.

An audit should not assume supervisor competence. It should test it. This includes examining training records, interviewing supervisors about how they handle restrictions, and reviewing how they document return to work activities.

When supervisors lack clarity or confidence, they often make decisions that seem practical in the moment but create long term risk. A strong audit identifies these gaps early, before they result in extended claims or legal exposure.

## **Documentation as the Backbone of Due Diligence**

If there is one theme that runs through every defensible return to work audit, it is documentation. Regulators and adjudicators do not rely on recollection or verbal assurances. They rely on records.

An effective audit reviews whether documentation is timely, complete, and consistent. This includes records of contact with the worker, medical information requests, functional abilities forms, modified work offers, follow up reviews, and decisions not to accommodate when applicable.

Auditors often discover that documentation exists in fragments across multiple systems. Some records are held by HR, others by OHS, others by supervisors, and others by claims managers. This fragmentation makes it difficult to demonstrate a

coherent process.

A key outcome of a good audit is clarity about where records live, who owns them, and how they are maintained. This clarity is essential not only for compliance, but for continuity when staff change roles or leave the organization.

## **Conducting the Audit with Purpose and Structure**

A return-to-work audit should be approached with the same discipline as any other OHS system audit. That means defining objectives, scope, and criteria before reviewing files or interviewing staff.

The audit should examine both the design of the system and how it functions in practice. It should include document review, case file analysis, interviews, and where appropriate, observation of modified work in the workplace.

The tone of the audit matters. When audits are framed as fault finding exercises, staff become defensive and less forthcoming. When they are framed as system improvement exercises, people are more willing to share challenges and lessons learned.

The most valuable audits are those that surface uncomfortable truths early and provide clear, practical recommendations that leadership can act on.

## **Measuring Effectiveness, Not Just Compliance**

Compliance is the baseline. Effectiveness is the real goal. A return-to-work audit should examine whether the system actually reduces disability duration, supports safe recovery, and minimizes recurrence.

This includes looking at trends in lost time duration, recurrence rates, and disputes. It also includes examining whether lessons learned from difficult cases lead to improvements in policy, training, or job design.

Organizations that treat audits as living tools rather than static reports tend to see the greatest benefit. They use audit findings to refine their approach, strengthen supervisor capability, and build trust with workers.

## **What a Strong Audit Ultimately Achieves**

A well-executed return to work audit does more than protect the organization legally. It improves communication, clarifies roles, and builds confidence across the workplace. Workers feel supported rather than pressured. Supervisors feel guided rather than exposed. Leadership gains visibility into risks that were previously hidden.

Most importantly, it positions the organization to respond calmly and confidently when questions arise from regulators, insurers, or tribunals. That confidence is earned through preparation, not luck.

## **Return to Work Audit Checklist**

- Clear written return to work and accommodation policy
- Defined roles and responsibilities across OHS, HR, supervisors, and management
- Timely contact with injured workers following incidents
- Use of functional abilities information rather than diagnoses
- Documented modified work offers and responses
- Verification that modified work aligns with restrictions

- Ongoing monitoring and documented follow up
- Supervisor training on return to work and accommodation
- Integration with hazard assessment and prevention processes
- Consistent recordkeeping and file management
- Escalation process for complex or prolonged cases
- Management review of outcomes and trends
- Continuous improvement actions documented and tracked

<b>Jurisdiction</b>	<b>Employer RTW Duty</b>	<b>Accommodation Duty</b>	<b>Notable Features</b>
Federal	Mandatory cooperation with early and safe RTW	Required to point of undue hardship	Strong integration with human rights obligations.
British Columbia	Mandatory RTW cooperation	Explicit accommodation duty	Emphasis on functional abilities and suitability.
Alberta	Mandatory RTW cooperation	Required under human rights law	Focus on modified work planning.
Saskatchewan	Mandatory RTW cooperation	Human rights based	Strong board oversight of employer efforts.
Manitoba	Mandatory RTW cooperation	Human rights based	Early intervention expectations.

<b>Jurisdiction</b>	<b>Employer RTW Duty</b>	<b>Accommodation Duty</b>	<b>Notable Features</b>
Ontario	Mandatory RTW and reemployment duties	Explicit accommodation duty	Detailed statutory RTW timelines.
Québec	Mandatory RTW cooperation	Strong accommodation framework	Civil law influence on documentation.
Atlantic Provinces	Mandatory RTW cooperation	Human rights based	Varies by province but consistently enforced.
Northern Territories	Mandatory RTW cooperation	Human rights based	Smaller workplaces still held to standards.