



Abu Dhabi EHSMS Regulatory Framework (AD EHSMS RF)

EHS Regulatory Instrument

Code of Practice

**EHS RI - CoP 10.0 – Rehabilitation and
Return to Work**

Version 2.0

February 2012

ACKNOWLEDGEMENTS

With gratitude Abu Dhabi EHS Center acknowledges the great support provided by the Executive Council in facilitating the issuance of Abu Dhabi Emirate Environment, Health and Safety Management System (AD EHSMS) and its implementation at Emirate level.

The issuance of the system would not have been possible without the supervision, diligent efforts and productive recommendations of the AD EHS Center Board of Directors.

These documents (Regulatory Instruments) constitute the efforts of the Abu Dhabi EHS Center and the concerned Sector Regulatory Authorities who worked together to integrate all relevant regulatory requirements under *AD EHSMS RF*. The input, contribution and constructive views of all sectors is highly appreciated.

May these documents prove to be beneficial and helpful in system implementation and in expanding the knowledge in the EHS field.



مركز أبوظبي للبيئة والصحة والسلامة
Abu Dhabi Environment, Health and Safety Center



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Preface

This Abu Dhabi EHS Regulatory Instrument was developed by the Health Authority - Abu Dhabi as the primary Competent Authority for this topic to set the minimum mandatory requirements.

Every effort was made in developing this document so that it does not conflict with existing local or federal laws and regulations. In case of conflict, requirements of the existing local and federal laws and regulations shall prevail, and all concerned are obliged to bring the same to the attention of AD EHS Center for resolution.

This AD EHS Regulatory Instrument has been developed, reviewed and approved, following the process as described in *AD EHSMS Implementation Guideline: The Integration of EHS Requirements in the Emirate of Abu Dhabi*, by the following stakeholders:

- Abu Dhabi EHS Higher Committee;
- Abu Dhabi EHS Center;
- Environment Agency Abu Dhabi;
- Department of Municipal Affairs;
 - Abu Dhabi City Municipality;
 - Al Ain City Municipality; and
 - Western Region Municipality.
- Department of Transport – Abu Dhabi;
- Abu Dhabi Water and Electricity Authority;
- Health Authority - Abu Dhabi;
- Higher Corporation for Specialized Economic Zones (ZonesCorp);
- Center for Waste Management – Abu Dhabi;
- Abu Dhabi Tourism Authority;
- Abu Dhabi Food Control Authority;
- Abu Dhabi Education Council
- Regulation and Supervision Bureau; and
- Other Relevant Federal and Local Competent Authorities.

The AD EHSMS consists of the following hierarchy of documents:

- AD EHSMS RF Elements - Mandatory System Requirements

EHS Regulatory Instruments:

- Standards and Guideline Values - Mandatory EHS threshold and exposure levels
- Codes of Practice - Mandatory EHS technical requirements – subject specific
- Mechanisms - Mandatory system implementation processes and procedures

Guidelines:

- Technical Guidelines - Non-mandatory guidance on how to implement an EHS Regulatory Instrument
- AD EHSMS Guidance Documents - Non-mandatory guidance and interpretation of an *AD EHSMS RF* concept and/or principle

Further, this document is not intended to conflict with any contractual obligations in effect at the time of its issuance. However, all future contracts shall adhere to applicable requirements stated herein, and existing long term contracts shall be brought into compliance with its requirements as soon as reasonably practicable as stipulated by relevant subject authorities.

This document will be reviewed periodically as part of the continual improvement cycle.

1. Introduction

- (a) This Code of Practice (CoP) mandates the requirements of the Abu Dhabi EHS Center and Sector Regulatory Authorities within the Emirate of Abu Dhabi and applies to all private and governmental Entities operating under these Sector Regulatory Authorities within the Emirate of Abu Dhabi.
- (b) This CoP mandates the requirements for workplace rehabilitation and return-to-work to ensure that employees receive the appropriate treatment and benefits, including assistance in returning to their normal duties after a workplace injury, disorder or disease.
- (c) Workplace rehabilitation is defined as a managed process involving early intervention with appropriate and timely services based on assessed needs and which is aimed at maintaining injured or ill employees in, or returning them to, suitable employment. It is seen as a system in which the person of primary importance is the injured or ill employee and that every reasonable attempt is made to return the employee from injury and/or illness to their pre-injury state.
- (d) The requirements of this CoP will be implemented in a phased approach, based on the availability of registered training providers and suitable training courses within the Emirate of Abu Dhabi.

2. Training and Competency

- (a) Employers shall ensure that EHS training complies with the requirements of:
 - (i) *AD EHSMS RF – Element 05 – Training and Competency;*
 - (ii) *AD EHS RI – Mechanism 7.0 – AD EHS Professional Entity Registration; and*
 - (iii) *AD EHS RI – Mechanism 8.0 – AD EHS Practitioner Registration.*
- (b) Employers shall nominate appropriate personnel as Return-to-Work Coordinator(s) to implement the Rehabilitation and Return-to-Work Program / Procedure(s).
- (c) Employees shall receive Rehabilitation and Return-to-Work training as soon as reasonably practicable after being nominated and accepting the role.
- (d) Rehabilitation and Return-to-Work training shall be conducted by appropriate training providers registered with the AD EHS Center.

3. Requirements

3.1 Roles and Responsibilities

3.1.1 Employers

- (a) Employers shall undertake their roles and responsibilities in accordance with the general requirements of *AD EHSMS RF – Element 01 – Roles, Responsibilities and Self-Regulation Section 3.2.5.*

- (b) Employers shall perform a risk assessment in accordance with *AD EHSMS RF – Element 02 – Risk Management* to determine the risks associated with employees returning to work and/or undergoing rehabilitation and ensure that appropriate control measures are implemented to mitigate hazards to ALARP level.
- (c) Employers with a workforce of 1,000 employees or more shall allocate responsibility to a competent employee for Rehabilitation and Return-to-Work Coordinator, for less than 1000 employees based on risk assessment, Employers in high risk industries (eg. demolition, construction, foundry, ship building, ship repair, etc.) shall have a Rehabilitation and Return-to-Work Coordinator on staff if they have 250 employees or more.
- (d) Employers shall ensure that if the entity outsources the Rehabilitation and Return to Work Program, the contracted personnel managing the program meet the training requirements of Section 2 of this CoP.
- (e) Employers shall develop and implement a Rehabilitation and Return to Work Program, that at a minimum, meets the requirements of Section 3.2 of the CoP.

3.1.2 Rehabilitation and Return-To-Work Coordinator

- (a) Shall initiate early communication with an injured or ill employee to clarify the nature and severity of the employee's injury, disorder or disease, and to compile initial notification information.
- (b) Shall provide overall coordination for the employee's return to work.
- (c) Shall identify suitable duties as part of the rehabilitation and return to work plan in consultation with the employee, supervisor and medical professional treating the employee.
- (d) Shall liaise with:
 - (i) any person engaged by the employer to help in the employee's rehabilitation and return to work;
 - (ii) the insurer about the employee's progress and indicating, as early as reasonably practicable, if there is a need for the insurer to assist or intervene; and
 - (iii) the Medical Board of the Health Authority – Abu Dhabi for medical assessment for sick leave attestation and compensation for disabilities.

3.2 Rehabilitation and Return-to-Work Program

- (a) The Rehabilitation and Return-to-Work Program / Procedure(s) shall:
 - (i) be approved by the senior management;
 - (ii) be clear and able to be easily understood by all employees;
 - (iii) include an insurance policy with a licensed health insurance provider covering workplace injuries, disorders and diseases for all their employees, or have a company policy to cover all costs directly;
 - (iv) include a process for notifying the Rehabilitation and Return-to-Work Coordinator when injury/illness occur in the workplace;

- (v) include a process for making early contact with the injured employee and the treating medical practitioner;
- (vi) interaction with the treating medical practitioner(s);
- (vii) roles and responsibilities of the rehabilitation and return-to-work coordinator;
- (viii) roles and responsibilities of managers/supervisors/co-employees;
- (ix) process for determining suitable duties;
- (x) grievance procedures;
- (xi) ensure appropriate communication of the program / procedure(s) to all employees;
- (xii) include a procedure for referring cases to the Medical Board Section of the Health Authority – Abu Dhabi for cases where workplace injuries, disorders or diseases that are likely to result in a disability, or have led to disability or death; and
- (xiii) include a process to ensure injured employee are not dismissed from employment solely or mainly because of their injury as per Ministry of Labour regulations, which includes Federal Law 8 for 1980.

3.3 Provision of Suitable Duties

- (a) Employers shall provide suitable duties to employees during rehabilitation and return-to-work.
- (b) Suitable duties (also known as light or alternative duties) shall be utilized when an injured employee can perform some duties but cannot perform all of their normal day-to-day duties.
- (c) Suitable duties shall be meaningful tasks selected from the injured employee's normal task or another comparable role.
- (d) Suitable duties shall be agreed between the employee and the employer and shall take into account the employee's normal job, age, education and training, work experience, the nature of the injury, restrictions and other information on the medical certificate.
- (e) Employers shall take all reasonable steps to assist or provide the employee with their rehabilitation and return-to-work.

4. References

- *AD EHSMS RF – Element 01 – Roles, Responsibilities and Self-Regulation*
- *AD EHSMS RF – Element 02 – Risk Management*
- *United Arab Emirates Labour Law and the Ministerial Orders implementing its provisions. Federal Law No. (8) of 1980, as amended by Federal Law No. (8) of 2007*
- *Executive Committee at the General Secretariat of the Executive Council Resolution No. (4C/2010) issued on 24/02/2010 regarding 'Adding Healthcare Services of Work Related Injuries & Diseases to the Basic (Health Insurance) Policy Benefits'*

- *HAAD Resolution No. (CO/014/10) dated 22/03/2010 regarding 'Adding Healthcare Services of Work Related Injuries & Diseases to the Basic (Health Insurance) Policy Benefits' (HAAD Health Insurance Circular No. 29, issued 24/03/2010)*
- *Employee's Compensation and Rehabilitation Act 2003. Queensland, Australia. Available at: <http://www.legislation.qld.gov.au/legisltn/current/w/employeescompa03.pdf>*
- *Employee's Compensation and Rehabilitation Regulation 2003. Queensland, Australia. Available at: <http://www.legislation.qld.gov.au/LEGISLTN/current/W/EmployeesCompR03.pdf>*
- *Australia National Occupational Health and Safety Commission, NOHSC: 302 1, 1995*

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