COAA Best Practice Conference
Fitness for Duty
and
Physical Demands Analysis (PDA)

Presenter:
Scott Boyer, CEO, CannAmm Occupational Testing Services,
Project Manager, COAA PDA Best Practice Project
COAA PDA Project

Â Committee Members:

ï Dave Hagen, Chemco – COAA Safety Committee Rep.
ï Joe McFayden, CLRA – Committee Chair
ï Scott Boyer, CannAmm – Project Manager
ï Brad Bent, CLAC
ï Larry Jones, Ledcor
ï Reg Sopka, PCL
ï Ryan Henry, WCB/Millard Health
Agenda

• Physical Demands Analysis Project Overview & Update
• Key features of a defensible fitness for duty program
• Presentation of PDA repository and update on Leading Practices Guide
PDA Project Objective

- Develop Physical Demands Analysis (PDAs) for industrial construction occupations.
- To create a best practice for the industrial construction industry regarding worker placement decisions both before and after injury and reduce the risk of further injury in the cases of return to work or accommodation scenarios.
Impact of an Injury

• Injury due to overexertion: #1
• Incidence of repeat injury: 35%
• Average work days lost per claim: 23 days
• Average lost-time claim cost: $87,500 (2014)
Impact of an Injury

Direct Costs
• Medical costs
• WCB premiums
• Safety investments

Indirect Costs
• HR/HSE administration costs
• Hiring & training replacement workers
• Production downtime
• Loss of products/services
PDA Project Update

✓ Assembled a tripartite committee
✓ Identify trades in industrial construction
✓ Contract the development of PDAs
✓ Research leading practices
✓ Identify participating sites/contractors – On going
✓ Develop PDAs – On going
✓ Create repository for documents
✓ Develop “how-to instructions” and best practices for repository users – In Progress
## Current List of Trade PDAs

<table>
<thead>
<tr>
<th>Level</th>
<th>Position 1</th>
<th>Position 2</th>
<th>Position 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rope Access Level 3</td>
<td>Journeyman Scaffolder</td>
<td>Journeyman Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>Rope Access Level 1</td>
<td>1st Year Scaffolder</td>
<td>1st Year Instrumentation Technician</td>
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</tr>
<tr>
<td>Journeyman Painter/Decorator</td>
<td>2nd Year Scaffolder</td>
<td>2nd Year Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>3rd Year Painter/Decorator</td>
<td>3rd Year Scaffolder</td>
<td>4th Year Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>Crane Operator Journeyman</td>
<td>Journeyman Electrician</td>
<td>Journeyman Millwright</td>
<td></td>
</tr>
<tr>
<td>Crane Operator Supervisor</td>
<td>1st Year Electrician</td>
<td>2nd Year Millwright</td>
<td></td>
</tr>
<tr>
<td>Journeyman Steamfitter/Pipefitter</td>
<td>2nd Year Electrician</td>
<td>3rd Year Millwright</td>
<td></td>
</tr>
<tr>
<td>1st Year Steamfitter/Pipefitter</td>
<td>3rd Year Electrician</td>
<td>Journeyman Crane Operator</td>
<td></td>
</tr>
<tr>
<td>2nd Year Steamfitter/Pipefitter</td>
<td>4th Year Electrician</td>
<td>1st Year Crane Operator</td>
<td></td>
</tr>
<tr>
<td>3rd Year Steamfitter/Pipefitter</td>
<td>Journeyman Welder</td>
<td>Journeyman Ironworker</td>
<td></td>
</tr>
</tbody>
</table>
## Current List of Trade PDAs

<table>
<thead>
<tr>
<th>Trade Position</th>
<th>Current Year</th>
<th>Previous Year</th>
<th>Competency Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment Operator - Level 1</td>
<td>2nd Year Steamfitter/Pipefitter</td>
<td>Boomtruck Operator</td>
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</tr>
<tr>
<td>General Labourer</td>
<td>3rd Year Steamfitter/Pipefitter</td>
<td>Warehouse Operator</td>
<td></td>
</tr>
<tr>
<td>Tool Crib Attendant</td>
<td>Journeyman Steamfitter/Pipefitter</td>
<td>2nd Year Electrician (Heat Trace Installer)</td>
<td></td>
</tr>
<tr>
<td>Journeyman Carpenter</td>
<td>Journeyman Welder</td>
<td>3rd Year Electrician (Heat Trace Installer)</td>
<td></td>
</tr>
<tr>
<td>3rd Year Warehouse Technician</td>
<td>1st Year Fireproofer</td>
<td>4th Year Electrician (Heat Trace Installer)</td>
<td></td>
</tr>
<tr>
<td>Journeyman Warehouse Technician</td>
<td>2nd Year Fireproofer</td>
<td>Journeyman Electrician (Heat Trace Installer)</td>
<td></td>
</tr>
<tr>
<td>Journeyman Heavy Duty Equipment Technician</td>
<td>3rd Year Fireproofer</td>
<td>2nd Year Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>3rd Year Heavy Duty Equipment Technician</td>
<td>Journeyman Fireproofer</td>
<td>1st Year Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>Journeyman Painter/Blaster</td>
<td>1st Year Insulator</td>
<td>3rd Year Instrumentation Technician</td>
<td></td>
</tr>
<tr>
<td>1st Year Steamfitter/Pipefitter</td>
<td>Journeyman Insulator</td>
<td>Journeyman Instrumentation Technician</td>
<td></td>
</tr>
</tbody>
</table>

Physical Demands Analysis Project 2018
## Current List of Trade PDAs

<table>
<thead>
<tr>
<th>Journeyman Welder</th>
<th>Journeyman Insulator</th>
<th>Water/Wastewater Treatment Plant Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Quality Assurance/Quality Control</td>
<td>Journeyman Boilermaker Welder</td>
<td>Water/Wastewater Treatment Plant Lead Operator</td>
</tr>
<tr>
<td>1st Year Scaffolder</td>
<td>3rd Year Boilermaker</td>
<td>Water/Wastewater Treatment Plant Electrician</td>
</tr>
<tr>
<td>3rd Year Scaffolder</td>
<td>Journeyman Boilermaker (Field)</td>
<td>Laundry Manager/Assistant Manager</td>
</tr>
<tr>
<td>Journeyman Scaffolder</td>
<td>Journeyman Pipefitter (Shop)</td>
<td>Laundry Worker Coordinator</td>
</tr>
<tr>
<td>Journeyman Electrician</td>
<td>3rd Year Pipefitter Welder (Expediter)</td>
<td>Laundry Worker</td>
</tr>
<tr>
<td>Electrical Foreman</td>
<td>Journeyman Pipefitter (Field)</td>
<td>Laundry Light Maintenance Worker</td>
</tr>
<tr>
<td>3rd Year Instrumentation Technician</td>
<td>General Labourer (Clean-Up)</td>
<td>Laundry Driver</td>
</tr>
<tr>
<td>2nd Year Insulator</td>
<td>General Labourer (Spark Watch)</td>
<td>Laundry Electrician</td>
</tr>
<tr>
<td>3rd Year Insulator</td>
<td>General Labourer (Water Duty)</td>
<td>Laundry Mechanical</td>
</tr>
</tbody>
</table>

Physical Demands Analysis Project 2018
## Current List of Trade PDAs

<table>
<thead>
<tr>
<th>Trade/Position</th>
<th>Company Department</th>
<th>Year of Apprenticeship</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT Supervisor</td>
<td>Lodge Mechanical</td>
<td>2nd Year Apprentice Scaffolder</td>
</tr>
<tr>
<td>IT Maintenance Technician</td>
<td>Lodge Plumber</td>
<td>3rd Year Apprentice Electrician</td>
</tr>
<tr>
<td>HVAC (Hydrovac) Operator</td>
<td>Lodge Gas Fitter</td>
<td>3rd Year Apprentice Pipefitter</td>
</tr>
<tr>
<td>HVAC (Hydrovac) Swamper</td>
<td>Maintenance Foreman</td>
<td>3rd Year Apprentice Scaffolder</td>
</tr>
<tr>
<td>Lodge Carpenter</td>
<td>Laborer</td>
<td>3rd Year Apprentice Welder</td>
</tr>
<tr>
<td>Janitor</td>
<td>HVAC (Heating, Ventilation, Air-conditioning) Technician</td>
<td>4th Year Apprentice Electrician</td>
</tr>
<tr>
<td>Baker</td>
<td>1st Year Apprentice Ironworker</td>
<td>General Labourer</td>
</tr>
<tr>
<td>Camp Attendant</td>
<td>1st Year Apprentice Pipefitter</td>
<td>Heavy Equipment Operator (Zoom Boom)</td>
</tr>
<tr>
<td>Chef</td>
<td>2nd Year Apprentice Electrician</td>
<td>Journeyman Crane Operator</td>
</tr>
<tr>
<td>Lodge Electrician</td>
<td>2nd Year Apprentice Pipefitter</td>
<td>Journeyman Electrician</td>
</tr>
<tr>
<td>Journeyman Ironworker</td>
<td>Journeyman Scaffolder</td>
<td>Tool Crib Attendant</td>
</tr>
<tr>
<td>Journeyman Pipefitter</td>
<td>Pipefitter Welder Journeyman</td>
<td>Warehouse / Metal Trade Production Worker</td>
</tr>
</tbody>
</table>

*Physical Demands Analysis Project 2018*
Key Features of a Defensible Fitness for Duty Program

Main issues around fitness testing

- Human Rights Considerations
- Privacy Laws

Best Practices – Fitness to Work Checklist
What is Fitness Testing

Fitness testing may include questionnaires, physical and medical tests to determine whether workers have the physical capabilities to perform the duties associated with their positions without undue risk of injury to the worker or to others. Fitness testing and health questionnaires engage legal principles relating to the exercise of managerial powers in unionized environments, human rights obligations, and privacy concerns.
Human Rights Considerations

Fitness testing automatically discriminates against individuals with physical or perhaps mental disabilities. Discrimination arises because the disability may prevent or hinder the person from passing the fitness testing, which in turn may cause an employer to not hire them or prevent them from returning to work.
Human Rights Considerations

Employers can justify such discriminatory policies if they:
Å demonstrate that each element of the test is a bona fide occupational requirement (a “BFOR”); and
Å incorporate into the program a process for reviewing whether the candidate or employee can be “accommodated to the point of undue hardship.”
Human Rights Considerations

The employer must establish that a fitness testing program:

Â was created for purposes rationally connected to the job/work;

Â is necessary for a work-related purpose (e.g., safety, physical requirement, compliance with site-owner requirements, past injuries); and

Â is reasonably necessary to accomplish the work-related purpose—each and every question, test, and requirement must be necessary. You must demonstrate that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.
Privacy Laws

Å Canadian privacy laws place significant restrictions on collecting, using, and distributing “personal information” and “personal employee information,” including much of what you’d collect during a fitness test.

Å To avoid breaking such laws, the employer must obtain the candidate’s / employee’s informed consent at each stage of information gathering. One blanket consent form for multiple disclosures or collections of information is not sufficient.
Best Practices – Fitness to Work Checklist

The following checklist provides a quick guide to some of the key considerations in developing and implementing a fitness testing program.
Collect Evidence of Fitness/Health Issues for Worksite

Employers should collect as much information as possible to show there is a need for workplace testing given the health-related concerns with the worksite and workforce.

Consider the following sources: WCB reporting and injury reports, OH&S investigations, Employee-disclosed health issues, Reasonable Cause fitness testing results. This is a critical requirement when considering universal or random fitness testing.
Clearly Drafted Policy

Å The policy must make clear the consequences for failure of testing and must include the guarantee that the employer will accommodate those who cannot successfully complete the testing to the extent required by human rights legislation.

Å The policy should provide a clear description of each component of the testing program and should be made available to all affected persons and the union.
Communication of the Policy

Â PDAs and testing requirements should be made part of job descriptions.

Â In the case of non-unionized employers, these should be integrated into contracts of employment.

Â For unionized employers it is recommended that it be brought to a union’s attention at least 2 months in advance of implementation.
Develop Physical Demands Analysis (PDA) for Each Position/Task

- PDA is a breakdown of every task performed for each position, the time spent on each task, and every fitness related hazard associated with that task. It should enable a testing facility to determine the minimum physical requirements of the tasks and position. Reliance on template PDAs is not best practice as job requirements may differ between job sites and employers.

- PDAs are typically created through direct observation of workers performing tasks and interviews of those employees in order to understand the job tasks.

- Obtaining Union agreement for PDAs provides significant advantages to avoid and resist legal challenges.
Develop Testing Thresholds for Each Position

Fitness testing includes strength and other fitness tests.

Testing should be tailored to meet the minimum requirements to safely perform the tasks identified in the PDA.

Fitness tests are typically developed by third-party providers specializing in developing and implementing fitness testing. Where possible, completing testing should be incorporated into pre-conditions of employment.
Developing Medical Questionnaires and Requirement to Report Injuries

**Reporting** - The Policy should require employees to disclose current and previous injuries and medical conditions that may impact the ability of the employee to safely perform the tasks as identified in the PDA, and those that may impact the ability of the employee to safely proceed with the testing. It should also indicate how this information is to be kept confidential, and confirm that the employer will accommodate disabilities to the extent required by law.
Developing Medical Questionnaires and Requirement to Report Injuries Cont.

Questionnaire & Disclosure – Medical questionnaires and authorization for release of medical information are vital parts of a fitness testing policy. All medical information sought must directly relate to the ability of the employee to meet the minimum demands of the position identified in the PDA. Third-party providers specializing in developing and implementing fitness testing are available to assist in developing medical questionnaires and requests. Each time medical information is sought from some person or organization other than the candidate or employee, the employee or candidate must provide consent.
Developing a System for Reviewing Fitness Results (Providing Accommodation)

- Policies must include a process where the employer assesses each unsuccessful candidate and employee to determine whether:
  - the failure was related to a disability or other protected grounds; and,
  - there is an ability to reasonably accommodate the employee or candidate or whether accommodation would impose an undue hardship.

- Policies should include a guarantee that the employer will abide by its legal obligations under human rights legislation and that it will attempt to accommodate any employee or candidate to the extent required by law.

- Consent must be obtained from the employee or candidate to share information required for the review and the policy should explain how information is to be kept confidential.
Deciding When Testing is Required

- Employers typically test fitness in three scenarios (reasonable cause/post-incident, universal or random testing, and pre-employment). Employers should carefully consider the risks and advantages of each when determine which forms of testing should be part of the fitness testing policy.

- Universal/Random Testing is the most difficult to justify in human rights and union legal proceedings. Strong evidence of a substantial workplace problem related to fitness and medical issues is likely a key requirement.

- Reasonable Cause & Post-Incident Testing is not only more resistant to legal challenge but may also provide evidence of a substantial workplace fitness problem in the event the employer wishes to consider universal, random or pre-employment testing.
Deciding When Testing is Required Cont.

Â Pre-employment testing may be justified as a necessary job requirement. However, employers dealing with union hiring halls under collective agreements may not be able to place conditions on candidates where they have bargained away the right of selection or provided the union with the obligation to provide qualified workers.

Â Employers are generally not responsible for justifying site-owner testing imposed and conducted by the site owner, and normally need only accommodate those who do not pass the site screening requirement. However, where site-owners require employers to implement fitness testing, the employers will likely need to both justify the policy and demonstrate accommodation of those with disabilities to the point of undue hardship.
Deciding Who Pays
(Candidate/Employee or Employer)

Â Pre-Employment Testing: In non-union environments, employers can more likely justify requiring candidates to take on the cost of testing. In unionized environments requiring candidates to pay may be both unreasonable and may violate union rights to bargain the conditions of work.

Â Testing During Employment: Imposing costs on employees that are not contemplated in a collective agreement or contract of employment are likely invalid. Employers should be willing to cover the costs of testing of current employers.
PDA Benefits

Å Orients new hires to tasks and demands
Å Used by health professionals & case management to support RTW process (reduces treatment time and improves outcomes)
Site Project Insights

- Many of the sites had outdated PDAs
- Existing documentation was limited in detail
- PDAs for different levels of apprenticeship found to be very valuable
- Having a site contact really helped facilitate the PDA process.
Repository

Å https://www.coaa.ab.ca/