Yukon Workers' Compensation Health and Safety Board	Part:			Entitlement
	Board Approval:		Effective Date:	January 1, 2013
	Number:	EN-11	Last Revised:	
	Board Order:		Review Date:	

REVOKED
JAN 01 2016

WORKER, ATTENDANT AND WITNESS TRAVEL

Replaced with EN-11 "Worker, Attendant and Witness Travel" Effective Jan 1/16

GENERAL INFORMATION

Yukon Workers' Compensation Health and Safety Board (YWCHSB) occasionally requires injured workers to travel to receive health care and other rehabilitation services.

YWCHSB or the Workers' Compensation Appeal Tribunal (Tribunal) may also require an injured worker to travel to attend a required medical examination or other evaluation, and may require worker or a witness to travel to attend an appeal hearing.

YWCHSB recognizes that there are times when workers who are required to travel for health care and rehabilitation services also need to be accompanied by an attendant to help them to manage the effects of their work-related injury.

When YWCHSB or the Tribunal requires a person to travel, YWCHSB shall pay their approved travel expenses in accordance with this policy.

PURPOSE

This policy provides direction to YWCHSB on the payment of travel expenses for injured workers, attendants and witnesses.

When an injured worker is required to travel to receive health care or other rehabilitation services, the main objective of decisions made under this policy is to promote the injured worker's recovery and return-to-work. The most cost effective travel and accommodation options are covered by YWCHSB, provided that they are suitable given the worker's injury.

DEFINITIONS

1. **Attendant:** A person who is required to help an injured worker manage the effects of his or her work-related injury during emergency or non-emergency medical care or transportation, or during activities of daily living. The attendant may be providing health care, practical or emotional support.

Chair

2. **Witness:** A person required by an appeal body of YWCHSB or by the Tribunal to attend an appeal hearing.

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. When injuries do occur and an injured worker is required to travel to receive health care or rehabilitation services, it is important that travel be done safely so as to avoid worsening the injury or incurring a subsequent condition or disorder.

Travel expense rates (those set out in Appendix A of YWCHSB policy BD-02, "Travel") apply to all claims regardless of their date of origin.

RATES FOR TRAVEL EXPENSES

Travel expense rates for injured workers, attendants, and witnesses are listed in Appendix A of YWCHSB policy BD-02, "Travel".

MITIGATION

Workers are required to attend all appointments for which they are travelling, in keeping with section 14 of the *Workers' Compensation Act* (the *Act*) and YWCHSB policy RE-03, "Mitigation of Loss."

Workers who fail to attend appointments may have their workers' compensation benefits suspended, reduced or terminated.

Workers who fail to attend appointments may also be required to pay YWCHSB for the cost of the travel. See YWCHSB policy EL-04, "Recovery of Overpaid Compensation."

POLICY STATEMENT – TRAVEL BY WORKERS

A. Travel Status

Injured workers are on travel status and have workers' compensation coverage while they are engaged in activities related to the purpose of the travel. This may include transportation, dining, attending medical or rehabilitation treatment and attending appeal hearings.

Other activities unrelated to the purpose of the travel, such as side trips or entertainment, may be considered off travel status and not covered by workers' compensation.

Chair

Before an injured worker travels, YWCHSB shall inform him or her in writing about travel status and workers' compensation coverage.

B. Expenses Reimbursed

YWCHSB authorizes payment for the reasonable expenses of traveling, in accordance with this policy, when YWCHSB requires an injured worker to travel.

Reasonable travel expenses are the travel costs the worker incurs that exceed the worker's regular pre-injury work-related travel costs. When deciding whether to authorize payment for travel expenses, YWCHSB shall consider the worker's regular pre-injury work-related pattern of travel, such as the normal distance traveled, the mode of travel, and whether the travel was conducted alone or not.

When a worker who is off work following a work-related injury changes his/her place of residence and this results in greater travel expenses than the worker's regular pre-injury work-related pattern of travel, the worker is entitled to be reimbursed for travel expenses based on their regular pre-injury work-related pattern of travel. Where this results in actual travel expenses that are less than the worker's pre-injury work-related pattern of travel, the worker is entitled to be reimbursed for those actual travel expenses in accordance with this policy.

Meals and Incidental Expenses

For each full calendar day of travel, a worker is eligible to be reimbursed for meals and incidental expenses in accordance with section 1 of Appendix A of YWCHSB policy BD-02, "Travel" ('Full Days on Travel Status').

When a worker is on travel status for less than one day or when a round-trip journey takes place on the same day, the individual is eligible to be reimbursed for meals and incidental expenses in accordance with section 2 of Appendix A of YWCHSB policy BD-02, "Travel" ('Partial Days on Travel Status'). While no firm meal times are set for this purpose, the worker will only be reimbursed for meals that are reasonably expected to be missed.

When a worker is not absent overnight, he or she is not entitled to an allowance for incidental expenses.

Transportation Expenses

The most cost effective transportation options are authorized by YWCHSB, provided they are suitable given the worker's injury.

YWCHSB may allow an alternate mode of transportation in extenuating circumstances where it is safe to do so and where it will not impede the worker's recovery and return to work.

Chair

Where a worker is authorized to use a private vehicle for travel, the worker must carry insurance for third party liability and passenger hazard to the minimum limits required by law, as well as any supplementary insurance required to ensure coverage during the period of travel. The worker is eligible for a distance allowance for private vehicle in accordance with section 4 of Appendix A of YWCHSB policy BD-02, "Travel," however YWCHSB is not responsible for any additional expenses relating to the worker's use of a private vehicle for travel.

YWCHSB shall encourage the use of public transportation when it is available and practical. When the use of public transportation is authorized and the worker chooses an alternate mode of transportation, YWCHSB will reimburse only the cost of the public transportation.

Accommodation Expenses

YWCHSB shall select the commercial accommodations and rates in accordance with Appendix A of the YWCHSB policy BD-02, "Travel."

YWCHSB may allow and pay for alternate or private accommodation if the combined costs for the accommodation, per diem and local transportation do not exceed the costs of staying at the commercial accommodation.

YWCHSB shall not pay for alternate or private accommodation when it is preferable for an injured worker to stay in a residence attached to a medical or rehabilitation facility.

When YWCHSB approves alternate or private accommodation, it shall inform the worker of his or her entitlement and shall pay the authorized amount.

Extended Travel

In cases where a worker is required to spend periods in excess of one week on travel status at one location, YWCHSB may make arrangements for rental accommodation with kitchen facilities at weekly or monthly rates. In these circumstances the worker will be provided with a comprehensive allowance in lieu of the allowance for meals and incidental expenses. The comprehensive allowance will be in the amount of 75% of the allowance for meals and incidental expenses that would otherwise have been paid.

Additional Childcare Costs

YWCHSB may cover additional actual childcare costs where, because of the requirement to travel, the worker incurs childcare expenses that he or she would not have experienced in the regular day-to-day care of his or her children. Costs covered will take into consideration the number of hours required for childcare and competitive market rates. The worker will be required to submit receipts from a licensed childcare provider or a sworn affidavit from a non-licensed childcare provider verifying costs.

Chair

YWCHSB will support additional childcare costs for the worker's dependent children up to and including age 12, unless exceptional circumstances apply. YWCHSB does not reimburse for childcare normally provided by family members without compensation.

Allowance for Miscellaneous Expenses

YWCHSB may provide an allowance to offset the additional costs (not specifically set out under this policy) of miscellaneous expenditures that a worker incurs as a result of the requirement to travel. The amount of the allowance shall not exceed the amount of the ADL Allowance established under YWCHSB policy HC-06, "Activities of Daily Living."

C. Personal Stop-Overs

YWCHSB will make travel and accommodation arrangements that coincide as closely as possible with the authorized appointment or program. When a worker interrupts travel for personal reasons, this will be discussed in advance with YWCHSB to ensure the stop-over does not interfere with the worker's recovery and return-to-work. Any additional travel arrangements and costs resulting from the stop-over shall be borne by the worker.

D. Travel Advances

A worker authorized to travel may be issued a travel advance when the worker requires the advance in order to travel. The amount of a travel advance shall not exceed the estimated authorized expenses to be incurred by the worker during the travel.

Once a travel advance has been issued, no additional travel expense reimbursements will be made to the worker until the advance has been accounted for.

The worker must submit actual receipts within thirty (30) days of the travel to account for the travel expenses incurred. Where receipts are not received within the established timeframe, YWCHSB will assume the worker has received an overpayment of compensation.

Any money paid in advance to a worker in excess of the actual accounted for travel expenses incurred will be recovered in accordance with YWCHSB policy EL-04, "Recovery of Overpaid Compensation."

Chair

POLICY STATEMENT - ATTENDANTS

A. Approval of Attendant

YWCHSB will pay travel expenses to an attendant who is required to help the worker to manage the effects of his or her work-related injury in the following circumstances:

Emergency Medical Care (Medevac)

In these types of cases, the transportation is arranged by the appropriate healthcare authority and the attendant will usually be the worker's spouse or another member of the worker's immediate family. The need for an attendant will normally be determined by the attending medical practitioner and pre-approval by YWCHSB may not be required.

YWCHSB will provide the attendant with an honorarium of $100.00 per calendar day and will pay the attendant's meals and incidental, transportation, and accommodation expenses in accordance with this policy. YWCHSB will not reimburse the attendant for any additional expenses incurred while acting as the worker's attendant.

Non-Emergency Medical Care (e.g. Post-Surgical Care)

In these types of cases the need for a traveling companion must be pre-approved by YWCHSB based on the recommendation of the medical practitioner or medical facility. YWCHSB will normally contract with an agency or individual who is qualified to provide this service on a professional basis in order to ensure that service is provided in a safe and effective manner, and market rates are paid for the provision of these services.

YWCHSB will reimburse the attendant in accordance with the terms of the contract entered into with the attendant for the provision of the service.

Non-Emergency – Worker Requires Support with Activities of Daily Living While Traveling

YWCHSB deals with these types of cases in accordance with YWCHSB policy HC-06, "Activities of Daily Living." YWCHSB will contract with an agency or individual who is qualified to provide this service on a professional basis in order to ensure service is provided in a safe and effective manner.

YWCHSB will reimburse the attendant in accordance with the terms of the contract entered into with the attendant for the provision of the service.

Chair

Non-Emergency – Worker Requires Emotional Support While Traveling

In these types of cases the need for a traveling companion must be pre-approved by YWCHSB and will cover situations such as (but not limited to):

- cases involving serious head injuries or mental illness,
- cases where the worker is 18 years of age or younger, and
- cases where the worker will likely be informed of a serious diagnosis or prognosis or will have to make a significant medical decision (such as one involving amputation).

YWCHSB will provide the traveling companion with an honorarium of $100.00 per calendar day and will pay the attendant's meals and incidental, transportation, and accommodation expenses in accordance with this policy. YWCHSB will not reimburse the attendant for any additional expenses incurred while acting as the worker's attendant.

B. Personal Stop-Overs

In non-emergency situations, YWCHSB will make travel and accommodation arrangements for the attendant that coincide as closely as possible with the worker's authorized appointment or program. When an attendant interrupts travel for personal reasons, any additional travel arrangements and costs resulting from the stop-over shall be borne by the attendant.

C. Travel Advances

An attendant authorized to travel may be issued a travel advance when the attendant requires the advance in order to travel with the worker. The amount of a travel advance shall not exceed the estimated authorized expenses to be incurred by the attendant during the travel.

Once a travel advance has been issued, no additional travel expense reimbursements will be made to the attendant until the advance has been accounted for.

The attendant must submit actual receipts within thirty (30) days of the travel to account for the travel expenses incurred. Where receipts are not received within the established timeframe an account receivable will be established.

Any money paid in advance to an attendant in excess of the actual accounted for travel expenses incurred will be considered a debt owing to YWCHSB which will be recovered in accordance with YWCHSB's debt recovery procedures.

Chair

POLICY STATEMENT – TRAVEL BY WITNESSES

In accordance with this policy, YWCHSB will pay travel expenses (meals and incidental, transportation, and accommodation expenses) to a witness who is required by an appeal body of YWCHSB or the Tribunal to travel to attend at an appeal hearing.

Before requiring a witness travel to attend a hearing, the hearing officer, YWCHSB Board of Directors, or the Tribunal shall attempt to obtain the necessary information through other means, such as a deposition or a telephone/video conference. Paying for a witness to travel to a hearing shall only be considered as a last resort.

While traveling and while appearing at the hearing, the witness is not an employee or agent of YWCHSB or the Tribunal. YWCHSB and the Tribunal do not assume liability for any expenses incurred by the witness except in accordance with this policy.

APPLICATION

This policy applies to the staff of YWCHSB, the Workers' Compensation Appeal Tribunal, and employers and workers covered by the *Act*.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy EN-02, "Merits & Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

APPEALS

Decisions made by YWCHSB under this policy can be appealed directly in writing to the hearing officer of YWCHSB in accordance with subsection 53(1) of the *Act*. Notice of the appeal must be filed within 24 months of the date of the decision by YWCHSB, in accordance with section 52 of the *Act*.

ACT REFERENCES

Sections 11, 13, 14, 39, 52, 53 and 57

Chair

POLICY REFERENCES

BD-02, "Travel"
EL-04, "Recovery of Overpaid Compensation"
EN-02, "Merits and Justice of the Case"
HC-06, "Activities of Daily Living"
RE-03, "Mitigation of Loss"

HISTORY

EN-11, "Injured Worker and Witness Travel", effective July 1, 2008, revoked January 1, 2013.
CL-34, "Claimant and Witness Travel", effective January 2, 1993, revoked July 1, 2008.

Chair