

Chapter: Return to Work

Legislative authority: sections 91, 116, 117

Prevention statement

Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.

Purpose

This policy outlines the roles and responsibilities of the worker, employer, health care providers and the board in supporting the early and safe return to work of workers.

Definitions

board means the Workers' Safety and Compensation Board

case management team means a team that assists the worker with their recovery, early and safe return to work plan and, if needed, vocational rehabilitation. The team always includes the worker and the board. Employers have a duty to co-operate in their worker's early and safe return to work and will be encouraged to use participation on the Case Management Team to facilitate that duty. The team can also include up to two representatives of the worker (chosen by the worker), case manager and the health care providers. Other members may be added depending on their specific roles and responsibilities.

employer means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

health care provider means

- a. a medical practitioner; or
- b. a health care provider recognized by the board

worker means a person who performs work or services for an employer under a contract of service or apprenticeship, written or oral, express or implied and as further defined in section 77 of the Act

Policy statement

1. General

The board encourages workers, health care providers, employers and other parties to work co-operatively as a Case Management Team to explore all reasonable, creative and flexible solutions to design plans that facilitate the worker staying at work, when possible, or facilitate the worker's early and safe return to work when the worker, functionally, cannot stay at work.

2. Roles and responsibilities

2.1 Role of the health care provider

In addition to diagnosing and treating the worker, health care providers are responsible to:

- a. provide the employer and worker and the board with functional abilities information;
- b. provide the worker and the board with relevant objective medical information;
- c. identify the most appropriate method of treatment for the work-related injury;
- d. ensure the worker receives timely treatment; and
- e. ensure the benefits of early and safe return to work are discussed, encouraged and supported throughout recovery.

2.2 Role of the board

The board's role is to assist both the worker and the employer in developing a plan for the early and safe return to work of a worker. Board staff are responsible to use their expertise in presenting information and options with likely outcomes, timelines, practical expectations and to help the worker and employer make choices in developing and implementing a return to work plan.

They are responsible for monitoring the effectiveness of the plan and determining when the plan is completed.

In order to facilitate the shared responsibilities of the workplace parties in the early and safe return to work process, the board will:

- a. establish the Case Management Team;
- b. manage the medical recovery of the worker. In doing so, the board will:
 - i. determine the expected duration of injury recovery;
 - ii. monitor health care reports and communicate appropriate information to the Case Management Team;
 - iii. expedite health care appointments;
 - iv. confer with a board medical consultant if recovery or milestones to recovery are of longer than expected duration;
 - v. determine when the worker has reached maximum medical improvement; and
 - vi. provide other appropriate services, as needed, to facilitate the worker's recovery.
- c. communicate to the employer and worker their statutory obligations to co-operate and the early and safe return to work process;
- d. ensure early and safe return to work (ESRTW) plans are progressing along the hierarchy of return to work objectives (see policy 4.1 Return to Work - Overview), are consistent with the worker's functional abilities and, where appropriate, are rehabilitative in nature;
- e. monitor activities, progress, and co-operation of the employer and worker;
- f. determine compliance with the obligation to co-operate. Penalties for non co-operation will be determined in accordance with the provisions outlined in the Act and in policy 4.5 Duty to Co-Operate, Part 4 of 4: Penalties for Non Co-Operation;
- g. resolve disputes; and
- h. communicate regularly and effectively with the employer, worker, health care providers and, where appropriate, other members of the Case Management Team.

2.3 Role of the worker

Worker involvement in the development of their own return to work plan is essential. It provides a sense of ownership of the program and commitment to return to work in a timely and reasonable manner. Return to work services provide early assistance to workers to help the worker maintain a positive connection to the workplace and alleviate any of the concerns, experienced by the worker following a work-related injury. It is incumbent upon the worker to take responsibility for their own recovery and return to work. This includes accepting suitable early, safe return to work offers of accommodation by the employer. In recognizing the worker's

key role in the return to work process, the Act sets out minimum requirements for workers regarding co-operation in rehabilitation and the safe return to work process. Workers are expected to co-operate fully in return to work measures.

The Act requires that a worker must co-operate in their early and safe return to work by:

- a. contacting their employer as soon as possible after the work-related injury occurs and maintaining communication with them throughout the period of their recovery;
- b. assisting the employer, as may be required or requested, to identify suitable employment that is available and consistent with the worker's functional abilities and that, where possible, restores the worker's average earnings before the work-related injury;
- c. accepting suitable employment that is identified under paragraph (b);
- d. giving the board any information that the board may request concerning their return to work; and
- e. doing any other things that the board may determine in order to facilitate their early and safe return to work.

Workers are entitled to receive appropriate benefits while co-operating in their active recovery and the progressive early and safe return to work process.

2.4 Role of the employer

Co-operation and commitment by the employer in the return to work process is essential. Early involvement by the employer is crucial as well as ongoing communication and consultation in order to develop and support the return to work plan for the worker. Commitment by the employer will ensure success and reduce costs due to injuries for all stakeholders. In recognition of the important role of the employer, the Act sets out the minimum requirements for employers of workers regarding co-operation in the early and safe return to work process. This includes:

- a. contacting the worker as soon as possible after the work-related injury occurs and maintaining communication with them throughout the period of their recovery;
- b. providing suitable employment that is available and consistent with the worker's functional abilities and that, if possible, restores their average earnings before the work-related injury;
- c. giving the board any information that the board may request concerning the worker's return to work; and

- d. doing any other things that the board may determine in order to facilitate the worker's early and safe return to work.

2.5 Role of self-employed individuals who have a work-related injury

A proprietor who has purchased optional coverage and has experienced a work-related injury must cooperate and commit to their ESRTW plan as both the worker **and** the employer.

When roles of the worker and employer are in conflict in these situations, the matter will be resolved by the board decision-maker.

3. Responsibility for payments during early and safe return to work plans

Numerous options are available for the development of an ESRTW plan for a worker. ESRTW plans promote a worker's return to fitness for employment and ultimately employment. Whether the board pays compensation benefits, the employer pays employment earnings, or a cost-sharing arrangement is negotiated and is determined based on the hierarchy of return to work options.

History

RE-02-2 Duty to Co-Operate, Part 2 of 4: Roles and Responsibilities, effective July 1, 2012, revoked July 1, 2022

RE-02-2 Return to Work, Duty to Co-Operate: Part 2 of 4: Roles and Responsibilities, effective January 1, 2010, revoked July 1, 2012

RE-02-2 Return to Work, Duty to Co-Operate: Part 2 of 4: Roles and Responsibilities, effective July 1, 2008, revoked January 1, 2010