 Yukon Workers' Compensation Health and Safety Board	Part:			
	Board Approval:	Original signed by Chair	Effective Date:	July 1, 2011
	Number:	HC-08	Last Revised:	
	Board Order:		Review Date:	

[FIRST NATIONS OR INUIT TRADITIONAL HEALING](#)

GENERAL INFORMATION

Section 36 of the *Workers' Compensation Act, S.Y. 2008* (the "Act") specifies that Yukon Workers' Compensation Health and Safety Board (YWCHSB) may provide payment for health care assistance. The Act further provides YWCHSB with the authority and discretion to determine the necessity, character and sufficiency of health care assistance.

Section 37 of the Act states that YWCHSB shall, when appropriate, promote mutual understanding, knowledge, and respect between the providers of health services under the health system and the providers of traditional First Nations or Inuit nutrition and healing.

PURPOSE

This policy outlines how YWCHSB may facilitate injured workers' requests for traditional healing. Traditional healing may be appropriate for some workers' compensable injuries to assist in their recovery, functional restoration or return to work in a safe and timely manner.

DEFINITIONS

1. **Traditional Healing:** Traditional healing is the sum total of the knowledge, skills, and practices based on the theories, beliefs, and experiences of First Nation or Inuit cultures, whether explicable or not, used in the maintenance of health as well as in the prevention, diagnosis, improvement or treatment of physical illness, and support of emotional and spiritual wellness. Traditional healing has a long history (i.e. at least 50 consecutive years) of use. Traditional healing involving First Nation or Inuit cultural interventions may consist of ceremonial, medicinal treatments or other approaches to healing.
2. **Injury:** As set out in section 3 of the Act, an injury is a disablement, occupational disease or death caused by work-related events, and includes secondary or tertiary disorders or conditions that may arise out of a primary, work-related injury (see

YWCHSB policy EN-10, “Subsequent Disorders or Conditions Resulting from a Work-Related Injury”).

- 3. Traditional Healing Assessment Provider:** A provider, approved by YWCHSB, who is associated with a licensed medical facility and who has knowledge and expertise in traditional healing knowledge.

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. When injuries do occur it is important for workers and employers to minimize the impacts by:

- (1) when possible, keeping the injured worker at work in safe and productive work, or
- (2) returning the worker to safe and productive work as soon as it is functionally appropriate for the worker to do so. Once workers return to work, prevention of recurrences and further injuries is of utmost importance.

When a work-related injury does occur, YWCHSB believes that appropriate and timely health care assistance is critical to mitigating the impact of the work-related injury and in promoting a safe and timely return to work.

YWCHSB supports a wholistic approach where the injured worker, their family, the employer, the health care community and YWCHSB work together to achieve this goal.

POLICY STATEMENT

Any injured worker may request that traditional healing be part of the treatment plan for recovery from a work-related injury. YWCHSB may facilitate traditional healing as an appropriate approach to health care treatment for an injured worker.

When YWCHSB receives a request from an injured worker for traditional healing, the request will be reviewed considering such factors as the average expected healing time for the injury. YWCHSB may then refer the worker for an assessment to determine whether traditional healing is appropriate for the worker and their work-related injury. If traditional healing is recommended by the traditional healing assessment service provider, the treatment plan arising out of the assessment will include, but is not limited to the:

- nature of traditional healing recommended;
- location and characteristics of potential traditional healers;
- expected outcomes of the traditional healing (e.g. improved function,

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- improved return to work capacity);
- estimated duration of healing process;
- estimated cost of traditional healing; and
- identification of pre-existing conditions (see YWCHSB policy EN-07, “Pre-existing Conditions.”)

YWCHSB will consider the recommendation for traditional healing, the proposed treatment plan and the cost-benefit analysis of the plan (see YWCHSB policy HC-01, “Overview: Provision of Health Care Services”) and will authorize payments for traditional healing based on the individual circumstances of the case.

Workers who are receiving traditional healing as part of their treatment plan for recovery from a work-related injury must:

- also be under the care of a medical practitioner for the work-related injury;
- advise their medical practitioner that they are receiving traditional healing for the work-related injury, and
- mitigate their loss (see YWCHSB policy RE-03, “Mitigation of Loss”) by discontinuing traditional healing where it is recommended by their medical practitioner, the YWCHSB, the traditional healing assessment provider or where the worker believes the traditional healing is causing increased impairment or prolonged and/or increased loss of earning capacity. The worker must immediately notify YWCHSB and their medical practitioner of this information. Failure to mitigate loss may result in reduction, suspension or termination of benefits.

ROLES AND RESPONSIBILITIES

The Worker

Injured workers who access traditional healing must work with YWCHSB and their other health care providers to ensure that treatments continue to contribute to their overall recovery and return to work outcomes, and support mitigation of loss resulting from the injury, as per section 14 of the *Act* (see YWCHSB policy RE-03, “Mitigation of Loss”, policy RE-02-2, “Duty to Co-operate, Part 2 of 4: Roles and Responsibilities”, and policy RE-02-4, “Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation”).

YWCHSB

YWCHSB is responsible for establishing service agreements, where appropriate in the opinion of YWCHSB to facilitate traditional healing assessments and treatment.

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YWCHSB is responsible for facilitating an injured worker's request for traditional healing and will, where appropriate, refer the worker to a service provider for an assessment.

YWCHSB may, as appropriate, pay for implementation of the traditional treatment plan. Any traditional treatment plan will be incorporated as part of the injured worker's broader healthcare treatment plan (see YWCHSB policy HC-01, "Overview: Provision of Health Care Services").

APPLICATION

This policy applies to all injured workers, regardless of date of injury, who request traditional healing, and to traditional healing assessment providers, as well as to traditional healing practitioners and health care providers who provide treatment to injured workers as signatories to a service agreement with YWCHSB.

This policy applies to the Board of Directors, President/CEO, staff of YWCHSB, the Workers' Compensation Appeal Tribunal 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 and Justice of the Case". Such a decision will be considered for that specific case only and will not be precedent-setting.

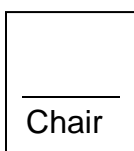
APPEALS

Decisions made by YWCHSB under this policy can be appealed in writing to the YWCHSB Hearing Officer in accordance with subsection 53(1) of the *Act*, or any decision made under subsection 14(2) or subsection 40(6) of the *Act* may be appealed directly to the Workers' Compensation Appeal Tribunal (WCAT).

A notice of appeal must be filed within 24 months of the date of the decision by YWCHSB, in accordance with section 52 of the *Act*.

EFFECTIVE DATE

This policy comes into effect on July 1, 2011 for injuries that occur on or after that date. Claims already existing on that date will be transitioned to this policy on or before December 31, 2011.


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ACT REFERENCES

Sections 14, 36, 37, 40, 52, 53.

POLICY REFERENCES

EN-02, "Merits and Justice of the Case"

EN-07, "Pre-existing Conditions"

EN-10, "Subsequent Disorders or Conditions Resulting from a Work-Related Injury"

HC-01, "Overview: Provision of Health Care Services"

RE-02-2, "Duty to Co-operate, Part 2 of 4: Roles and Responsibilities"

RE-02-4, "Duty to Co-operate, Part 4 of 4: Penalties for Non Co-operation"

RE-03, "Mitigation of Loss"

HISTORY

New

