

Chapter: Benefits

Legislative authority: sections 111, 114

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 provides information on when alternative treatment may be permitted.

Definitions

alternative treatment means a variety of therapeutic or preventive health care practices that do not fall within the scope of conventional medical care and fall outside the scope of policy HC-01, "Overview: Provision of Health Care Services"

alternative treatment practitioner means a regulated health care provider recognized by the board who provides care and treatment to an individual using alternative treatment methods (e.g. a licensed physiotherapist may provide alternative treatment)

board means the Workers' Safety and Compensation Board

health care provider means

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

medical practitioner means

- a. a person who is entitled to practice medicine in Yukon pursuant to the *Medical Profession Act*; or
- b. a person entitled to practice medicine under the laws of another province.

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

Effective date: July 1, 2022

Policy statement

1. General

The board may provide a worker with health care assistance, including services, devices or equipment that are necessary to grant relief from a work-related injury. All questions as to the necessity, character and sufficiency of any health care assistance are determined solely by the board.

Alternative treatment aimed at promoting a worker's overall recovery may be permitted by the board under specific circumstances.

Given the broad range of available treatments that have varying and uncertain levels of efficacy and safety, this policy aims to avoid potential unintended, negative effects from alternative treatments on the worker's recovery from their work-related injury.

The board will examine the alternative treatment using these policy guidelines to determine if it will waive policy 2.5 Mitigation of Loss. This in turn protects a worker's benefits so that the worker is not subject to having their benefits reduced, suspended or terminated solely due to using an alternative treatment for their work-related injury.

2. Permission to use alternative treatment – key provisions

If a worker wishes to pursue alternative treatment to promote recovery and return to work from their work-related injury, the board may permit the use of such treatment and waive the immediate potential consequences under policy RE-03 Mitigation of Loss (e.g. suspension, reduction or termination of benefits) for receiving treatment that does not meet the requirements of policy 3.8 Overview: Provision of Health Care Assistance. Such permission will be granted only when all of the following criteria have been met:

- a. the worker has received the alternative treatment in the past and it proved effective in treating their work-related injury or related symptoms;
- b. the worker has informed the medical practitioner that they are receiving or intend to receive that specific alternative treatment;
- c. the worker informs the board, in writing, whenever they are intending to or are receiving alternative treatment, and
- d. the alternative treatment is being provided by an Alternative Treatment Practitioner.

2.1 Payment for alternative treatment

The board is not responsible for paying for any costs or fees associated with alternative treatment.

3. Mitigation of loss when receiving alternative treatment

When a worker is “permitted” by the board to receive an alternative treatment, consequences under policy 2.5 Mitigation of Loss will not be immediately considered even though the alternative treatment is not verified through current evidence-based guidelines or supervised by a medical practitioner. However, when a worker is permitted to receive alternative treatment and it appears to the worker or the board that the alternative treatment is causing increased impairment or prolonged and/or further loss of earning capacity, the worker is obligated under policy RE-03 to mitigate loss by ceasing the alternative treatment and reporting same to the board and their medical practitioner.

Failure to mitigate loss may result in reduction, suspension or termination of benefits.

4. Medical information

Medical information required for decision-making purposes under the Act, must be received from medical practitioners or other health care providers who are providing treatment and services within their professional scope of practice and who are recognized under policy 3.8 Overview: Provision of Health Care Assistance.

5. Functional abilities information

Functional abilities information for use in return to work and vocational rehabilitation planning is defined in policy Duty to Co-Operate, Part 3 of 4: Functional Abilities. Such information is provided by health care providers under their scope of practice and will not be accepted from Alternative Treatment Providers as a result of the provision of alternative treatment.

6. Withdrawing permission for alternative treatment

The board may withdraw permission for a worker to receive alternative treatment where the board believes the treatment is negatively affecting the worker’s recovery, impeding return to work or increasing impairment.

History

HC-07 Alternative Treatment, effective July 1, 2011, revoked July 1, 2022