



Policy Amendment Proposal EN-11 Worker, Attendant and Witness Travel

This policy amendment proposal relating to worker, attendant and witness travel will reflect the issues consulted on during the engagement for the *Workers' Safety and Compensation Act* (the 'Act') and will align the amendments made in the new legislation.

The new Act comes into force July 1, 2022. The intended effective date of the proposed policy amendments will be July 1, 2022.

The proposed amended Worker, Attendant and Witness Travel policy will reflect minor changes to ensure consistency with the provisions of the Act.

A five-year policy review plan will be developed later in 2022. After July 1, 2022, all amended policies to align with the new Act will be prioritized for a more detailed review.

The purpose of this policy is to provide information on the payment of travel expenses for workers, attendants and witnesses in relation to claims for compensation.

Relevant sections of the Act

The following sections of the Act are relevant:

- 12 responsibilities of the board of directors

Proposed minor changes to this policy are highlighted in yellow

- changes to section references, language and definitions
- removal of reference to BD-02 Travel (proposed revocation); addition of Government of Yukon travel rates
- clarifies when meals, incidental expenses, mileage, and private and commercial accommodations are eligible for reimbursement

Board Orders/Regulations

N/A

Current policy

[EN-11 Worker, Attendant and Witness Travel](#)



Policy Amendment Proposal EN-11 Worker, Attendant and Witness Travel

The board of directors is providing this policy amendment proposal to stakeholders seeking their input, comments, questions and suggestions.

Some questions for consideration:

1. Are there any general comments about this policy proposal?
2. Are there any gaps in this policy proposal?
3. Additional comments?

The views of our stakeholders are important to us. All feedback will be considered prior to the board of directors approving any amendments.

Engagement on this policy proposal closes on **April 30, 2022**. Please provide your feedback by:

1. Downloading a [fillable form](#) our website and sending it as an attachment to Policy.Feedback@wcb.yk.ca
2. Emailing comments directly to Policy.Feedback@wcb.yk.ca
3. Receipt in our building by April 30, 2022, by mail or drop off at
*Yukon Workers' Compensation Health and Safety Board
401 Strickland Street
Whitehorse, Yukon Y1A 5N8*

By the end of May a summary of all feedback on this policy amendment proposal will be published on our website at www.wcb.yk.ca



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

Preventing work-related injuries is the most important job in any workplace. The *Workers' Safety and Compensation 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 the payment of travel expenses for workers, attendants and witnesses in relation to claims for compensation.

Definitions

Appeal Tribunal means the appeal tribunal continued under Part 5 of the Act

attendant means a person who is required to help an worker manage of effects of their work-related injury during emergency or non-emergency medical care or transportation, or during activities or daily living. The attendant may be providing health care, practical or emotional support

board means the Workers' Safety and Compensation Board

Travel rates means the rates established in the Government of Yukon travel directive for meals, incidental expenses, mileage, and private accommodation for employees on travel status, as published on Yukon.ca.

pre-injury work-related pattern of travel means the usual distances and frequency a worker travels to and from work prior to their work-related injury. This includes the worker's normal mode of travel and whether the worker travels alone or not

witness means a person required by a reconsideration body of the board or the Appeal Tribunal to attend a reconsideration or appeal hearing

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 Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

Policy Statement

1. General

The board occasionally requires workers to travel to receive health care and other rehabilitation services.

The board or the Appeal Tribunal may also require a worker to travel to attend a required medical examination or other evaluation, and may require a witness to travel to attend a reconsideration or an Appeal Tribunal hearing.

The board 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.

2. Travel Rates

Travel rates for workers, attendants, and witnesses will be the travel rates applicable on the date of travel.

3. Mitigation

Workers are required to attend all appointments for which they are travelling, in keeping with the Act and 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 reimburse **the board** for the cost of the travel. See policy [EL-04 Recovery of Overpaid Compensation](#).

4. Responsibility for Damages and Extra Costs

Workers, attendants and witnesses on travel status are responsible for the costs of any damages or other additional costs they incur beyond those authorized under this policy. For example, a worker or attendant who smokes in or damages a hotel room would be responsible for paying the costs of those damages.



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

5. Travel by Workers

Travel Status

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 **reconsiderations or** appeal hearings as witnesses.

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

Before a worker travels, **the board** will inform them in writing about travel status and workers' compensation coverage, including the worker's responsibilities for attending all appointments and paying additional costs not authorized under this policy.

Expenses Reimbursed

The board pays for reasonable travel expenses when **the board** requires a worker to travel.

Compensable travel expenses are those incurred by the worker that are greater than what the worker would normally incur as part of their regular pre-injury work-related pattern of travel.

When a worker changes their place of residence and this results in greater travel expenses, the worker is entitled to be reimbursed only for travel expenses that they were entitled to under this policy before moving.

If the worker's change of residence results in travel expenses that are less than those for their pre-injury work-related pattern of travel, they are not entitled to reimbursement for travel expenses.

Meals and Incidental Expenses

For each day of travel, a worker is eligible for meals and incidental expenses in accordance with **the travel rates**.

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 for meals and incidental expenses in accordance with **the travel rates**. 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.

Transportation Expenses

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



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

The board 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.

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 the current travel rates, however the board is not responsible for any additional expenses relating to the worker's use of a private vehicle for travel.

The board will 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, the board will reimburse only the cost of the public transportation.

Accommodation Expenses

The board selects, books or authorizes commercial accommodations prior to travel and will reimburse the worker based on actual cost. Receipts are required for reimbursement.

The board will pay the worker the allowance for private non-commercial accommodation as established by the travel rates.

However, the board may not pay for alternate or private accommodation when it is preferable for a worker to stay in a residence attached to a medical or rehabilitation facility.

Extended Travel

In cases where a worker is required to spend periods in excess of one week on travel status at one location, the board 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

The board may cover additional actual childcare costs where, because of the requirement to travel, the worker incurs childcare expenses that they would not have experienced in the regular day-to-day care of their 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.



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

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

Allowance for Miscellaneous Expenses

The board 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 will not exceed the amount of the ADL Allowance established under policy [HC-06 Activities of Daily Living](#).

Personal Stop-Overs

The board 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 the board 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 will be borne by the worker.

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 must 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, the board 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 policy [EL-04 Recovery of Overpaid Compensation](#).

6. Travel by Attendants

Approval of Attendant

The board will pay travel expenses to an attendant who is required to help the worker to manage the effects of their work-related injury in the following circumstances:



Policy Amendment Proposal EN-11 Worker, Attendant and Witness Travel

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 **the board** may not be required.

The board will provide the attendant with an honorarium of \$100.00 per calendar day.

For each day of travel, an attendant is eligible for meals and incidental expenses in accordance with the travel rates.

When an attendant travels for less than one day or when a round-trip journey takes place on the same day, the attendant is eligible for meals and incidental expenses in accordance with the travel rates. While no firm meal times are set for this purpose, the attendant will only be reimbursed for meals that are reasonably expected to be missed.

The most cost effective transportation options are authorized by the board provided they are suitable. The board may allow an alternate mode of transportation in extenuating circumstances.

If the attendant uses their own vehicle, the attendant is eligible for a distance allowance for private vehicle in accordance with the travel rates, however the board is not responsible for any additional expenses relating to the attendant's use of a private vehicle for travel.

The board will select and book the commercial accommodations prior to travel and will reimburse the attendant based on actual cost. Receipts are required for reimbursement.

The board will pay the attendant the allowance for private non-commercial accommodation as established by the travel rates.

The board 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 **the board** based on the recommendation of the medical practitioner or medical facility. **The board** 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.

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



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

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

The board deals with these types of cases in accordance with policy [HC-06 Activities of Daily Living](#). The board 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.

The board 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 Emotional Support While Traveling

In these types of cases the need for a traveling companion must be pre-approved by the board 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).

The board 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 as set out in this section. The board will not reimburse the attendant for any additional expenses incurred while acting as the worker's attendant.

Personal Stop-Overs

In non-emergency situations, the board 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 will be borne by the attendant.

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.



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

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 **the board** which will be recovered in accordance with **the board's** debt recovery procedures.

7. Travel by Witnesses

The board will pay travel expenses (meals and incidental, transportation, and accommodation expenses) to a witness who is required **by the board for a reconsideration or by the Appeal Tribunal** to travel to attend at **a** hearing.

Before requiring a witness travel to attend a hearing, the **board** or the **Appeal Tribunal** will 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 will only be considered as a last resort.

For each day of travel, a witness is eligible for meals and incidental expenses in accordance with the travel rates.

When a witness travels for less than one day or when a round-trip journey takes place on the same day, the witness is eligible for meals and incidental expenses in accordance with the travel rates. While no firm meal times are set for this purpose, the witness will only be reimbursed for meals that are reasonably expected to be missed.

The most cost effective transportation options are authorized by the board provided they are suitable. The board may allow an alternate mode of transportation in extenuating circumstances.

If the witness uses their own vehicle, the witness is eligible for a distance allowance for private vehicle in accordance with the current travel rates, however the board is not responsible for any additional expenses relating to the witness' use of a private vehicle for travel.

The board will select and book the commercial accommodations prior to travel and will reimburse the witness based on actual cost. Receipts are required for reimbursement.

The board will pay the witness the allowance for private non-commercial accommodation as established by the travel rates.

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



Policy Amendment Proposal

EN-11 Worker, Attendant and Witness Travel

Related Policies

[EL-04 Recovery of Overpaid Compensation](#)

[HC-06 Activities of Daily Living](#)

[RE-03 Mitigation of Loss](#)
