

RTW: WCB LEGISLATION

The WCB supports and encourages Return-to-Work (RTW) initiatives in the workplace and recognizes the importance they play in the prevention of needless and/or continuing disability.

RTW prevents disability, promotes recovery, safeguards the health and well being of an injured worker (both physical and psychological), and protects his/her employability.

Under the WCB Act an injured worker has legal obligations for participating and cooperating in the rehabilitation process, including participating in RTW initiatives.

It is important to note that these obligations exist whether there is a structured RTW Program in a workplace or not. Any worker on a WCB claim throughout the province has the same responsibilities in the process.

WCB Act – Section 51.1 and 104.4

Under the Act, an injured worker is expected to cooperate fully in RTW measures. If an injured worker does not cooperate when he/she is considered fit to return to some kind of work, the WCB is required by law to decide if benefits should be continued, suspended, reduced or terminated, depending on the reasons for non cooperation.

(51.1)

A worker shall:

take all reasonable action to mitigate the loss of earnings resulting from an injury; and

where the circumstances require, cooperate with the board in the development of a rehabilitation plan that is intended to return the worker to a position of independence in suitable productive employment.

(104.4)

The board may terminate or reduce payment to a worker of any compensation based on the worker's loss of earnings: Where...

(b): without good reason, the worker is not available or declines to accept a bonafide offer of employment in an occupation in which the worker, in the opinion of the board in consultation with the worker, is capable of engaging.

Injured Worker's Return-to-Work Role

- Seek medical aid and follow prescribed treatment plan
- Have the health care practitioner document any medical restrictions
- Provide medical restrictions to the employer
- Return to work as soon as safe and productive work is arranged