

# WCB Legislation

The Saskatchewan Workers' Compensation Board (WCB) supports and encourages return-to-work (RTW) initiatives in the workplace. These initiatives are important in preventing needless or continuing disability.

RTW promotes recovery. It safeguards the health and well-being of an injured worker (both physical and psychological) and protecting his or her employability.

Under The Saskatchewan Workers' Compensation Act, 2013 (the Act), an injured worker has legal obligations for participating and cooperating in the rehabilitation process, including participating in RTW initiatives.

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.

## **The Workers' Compensation Act, 2013 – Section 51 and 101**

Under the Act, the WCB expects an injured worker to cooperate fully in RTW measures. If an injured worker does not cooperate when the employer, health care provider and the WCB consider him

or her 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 not cooperating.

### **(51)**

#### **A worker shall:**

- a) take all reasonable action to mitigate the worker's loss of earnings resulting from an injury; and
- b) if 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.

### **(101)**

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

- (b): without good reason, the worker is not available or declines to accept a genuine 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.

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## Injured Worker's Return-to-Work Role

### *"The worker will:*

- *Get any medical aid needed*
- *Report the injury/illness to his/her employer and the WCB*
- *Follow the treatment plan set out by the health care provider*
- *Actively participate in return to work plans"*

## The Worker's Compensation Act 2013, Section 53

The WCB's goal is always to return an injured worker to normal life activities – including work – in a timely and safe manner. The WCB views the RTW process as a partnership between it, the injured worker, employer and health care providers. When required by the WCB employers also have legal responsibilities for cooperating in RTW efforts.

*"An employer shall co-operate with the board and the worker to achieve the early and safe return of an injured worker to his or her employment."*

## Employer's Role in RTW

### *\*The employer will:*

- *Report the injury to the WCB within five days of becoming aware of the injury*
- *Initiate and lead return to work planning*
- *Use the list of restrictions from the health care provider to adjust job duties so the worker can return to work while recovering*
- *Continue to adjust the worker's duties as their condition improves, based on updates provided by the health care provider and,*
- *Ask the WCB for help with return to work planning, if needed.*

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1. (Saskatchewan WCB "Recovery and Return to Work for Injured Workers" revised 03/2011)

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2. (Saskatchewan WCB "Recovery and Return to Work for Injured Workers" revised 03/2011)

