

# New legislation—Know your obligations after a workplace injury

Every successful return to work starts with a great plan. New legislation effective Sept. 1 makes it even more important for all Alberta employers to have a solid return-to-work plan in place to help get injured workers safely back to work.

## What the new legislation means for you

Under the new legislation, employers and workers are expected to work together towards a return to the same job or an alternative job after a workplace accident, to the point of undue hardship.

It's assumed that the injured worker will go back to work:

- As soon as they are able to perform their essential job duties in the same job or a job of equal value and pay.
- When they are fit for modified work or alternative work in the first available job.

WCB will be with you each step of the way to help you bring your injured employees back to work safely.

This legislation applies to all claims with a date of accident on or after Sept. 1, 2018. The draft policy is currently posted on our website for online consultation until March 6.

The concepts of modified work and accommodation are not new. In 2016, 93.7 per cent of injured workers returned to their date-of-accident employment, and 80 per cent of injured workers were placed in modified duties while they recovered.

## Here are five things you should know about the new legislation:

### 1. How long does the obligation to reinstate last?

An obligation to reinstate ends when an employee declines to return to work. If your employee is terminated within six months of returning to work, WCB will presume that you did

not meet your obligation to return the employee to work, unless you can provide evidence that there was an appropriate and valid business reason to terminate the employee, unrelated to the work injury, like a work shut-down or lay-offs.

If that can't be proven, you may be penalized the equivalent of the worker's net salary for the year before the accident occurred.

### 2. Who's responsible for paying my injured worker's salary during their recovery?

We provide wage replacement benefits until your employee is able to return to work. If the employee has restrictions and an accommodation is required at fewer hours or a lower salary, we can also pay a wage top-up benefit until they've recovered.

### 3. Do I need to pay my employee's health benefits?

You're expected to pay your injured worker's benefits for a period of 12 months after the date of accident or illness. If an injured worker was paying into that benefit plan before the injury or illness occurred, they must also continue paying into the plan.

### 4. What if I can't afford to provide the worker with the required specialized equipment or facility changes that may be needed so they can safely return to work?

WCB is committed to providing financial assistance if equipment or facility changes are needed.

### 5. What's my injured worker's obligation in this process?

Both you and your injured worker are required to cooperate with each other and WCB in a safe return-to-work. This means maintaining communication throughout the recovery period and taking an active role in their return to work planning.

Still have questions? Please contact us toll-free at 1-866-922-9221.