

Temporary modified work

General compensation principles

While recovering from a compensable injury, a worker may benefit from placement in suitable temporary modified work. Temporary modified work includes any changes, restrictions or limitations to a worker's regular job duties that are required to accommodate a work-related injury.

To be considered suitable, WCB requires that modified work opportunities meet several conditions. This includes safely accommodating the worker's compensable medical restrictions; contributing to the worker's physical and vocational rehabilitation through active involvement in the workplace; and promoting gradual return to the worker's pre-accident level of employment. The modified work must be a meaningful and productive part of the employer's operations, and it must not create financial hardship for the worker (e.g., a shift change that requires additional childcare costs).

A claim can result in no time lost from work and still need to be reported as a modified work claim. Modified work can start immediately provided it is suitable. Even though the worker doesn't need to miss time from work, the claim is still considered disabling because the worker is unable to perform all the duties of the pre-accident job.

In each case, WCB examines the individual circumstances of the claim and evaluates the suitability of any modified work proposal by consulting with the injured worker, employer and physician. See scenarios one to five below for examples.

For more information, please refer to Policy 04-05, Part II, Application 2.

Scenario 1: Modified work that is normally performed by others

Ray works as a carpenter for a large construction company and injures his right arm while moving some equipment. The doctor has confirmed that Ray's injury needs some time to heal before he can return to his pre-accident employment. Ray's employer suggests that Ray return to work in a modified capacity and offers Ray a temporary position delivering orientation sessions to new employees as the regular trainer has been asked to do an assignment in the company's head office. **Is this reasonable?**

Likely, as the assignment meets the conditions laid out in the opening paragraphs above, and is consistent with the purpose of temporary modified work. The work is appropriate to Ray's physical and medical condition and has been set up to ensure it does not aggravate the injury. Orientation for new employees is a regular part of the company's operations, and Ray's employer has made the suggestion knowing that Ray has the skills necessary to deliver training in a classroom setting. Ray is looking forward to sharing his knowledge with new employees until he can return to his regular job. Although this injury may have resulted in no time lost from work, it is a disabling injury and it must be reported as a modified work claim.

Scenario 2: Modified work not immediately available

Dave works from Wednesday to Sunday as a driver for the XYZ company. On Friday afternoon, Dave is on the road when another driver runs a stop sign and hits Dave's vehicle. Dave escapes serious injury, but his right hand and wrist are badly sprained and he is unable to drive. Dave's employer offers him modified work at the company's head office, which Dave accepts, but the facility doesn't operate on the weekends so Dave is unable to start the modified work until Monday. **What is the status of Dave's claim?**

Dave's claim is a time loss claim since Dave misses two normal work days as modified work is not available on the weekend. Under such circumstances, workers are sometimes encouraged to take vacation days to cover the period until modified work is available. This is not an appropriate practice. All injuries with time loss for more than the day of the accident must be reported to WCB in accordance with the Act.

If Dave had been injured at the beginning of his shift on Wednesday, and was medically fit to work in the modified position the next day (and this work was both suitable and available), there could be no time lost from work. Provided it did not result in financial hardship, Dave's shift could be changed to accommodate the availability of the modified work (Monday to Friday instead of Wednesday to Sunday) until he is able to return to his regular duties.

Scenario 3: Changes in regular duties

Two health care providers have nurses with work-related back injuries. Neither nurse misses time from work, but they can't lift patients so other nurses have to provide assistance. **Employer A marks this as modified work while Employer B does not. Which is correct?**

Employer A is correct. The nurses have had to eliminate regular tasks from their work routines as a result of work-related injuries and the injuries are considered to be disabling.

Scenario 4: No change in regular duties

A foreman who supervises sites hurts his back helping an employee move some materials. His doctor advises him not to do any heavy lifting for five days. Technically, he is still able to do his job as he misses no time from work and is still able to supervise the sites. **Is this a modified work or a no time loss claim?**

It is reasonable to record this as a no time loss claim on the Employer's Report because the foreman is able to continue with his normal job duties without any modifications. This might be viewed as modified work if the circumstances show that the foreman is expected to help move materials on a regular basis or if the company has to get someone to fill in or assist with activities that the foreman is unable to complete because of his work-related injury.

Scenario 5: Unable to rotate duties

A production worker has a work-related soft tissue injury. The doctor recommends that the worker's exposure to a certain type of repetitious activity be reduced while the injury heals. The worker is trained in several production positions that the worker normally performs either as part of a rotation or for relief purposes. Some of these positions are considered suitable given the worker's injury, and the worker is assigned to one of these production positions full-time on a temporary basis. **Is this modified work?**

Probably, if the worker normally does a variety of production tasks in rotation and, because of the injury, is not able to perform some of those tasks, then the injury is disabling and the temporary assignment is considered modified work.

For more information on WCB policies, go to our web site at http://www.wcb.ab.ca/public/policy/policy_development.asp