

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

RETURN-TO-WORK SERVICES

Authorization:

BoD Resolution 2001/07/38

Date:

August 21, 2001

APPLICATION 1: GENERAL

- 1. *What is the WCB's role in return-to-work services?*

The WCB is responsible for helping a worker return to employability, and may use a variety of tools to do so, as part of a return-to-work plan. The word "helping" is important, as the worker shares responsibility for overcoming the effects of an injury. The WCB works with the worker, the employer, and when appropriate, health care providers to develop the return-to-work plan. Other parties are consulted as needed.

The WCB is also required to manage the Accident Fund effectively by ensuring that the services provided are appropriate and cost-effective.

- 2. *How does the WCB determine the worker's eligibility for return-to-work services?*

Workers are only eligible for return-to-work services while they have a compensable disability. Once the worker's disability and entitlement under s.56 of the Act have ended, then the worker's eligibility for return-to-work services also ends. Therefore, the nature of the injury and the extent of any residual disability determine which return-to-work services are appropriate.

The following questions are a guide for determining whether a worker is eligible for return-to-work services:

Does the worker have any compensable work restrictions?

There are two parts to this question:

- are there work restrictions, and
- are they compensable?

The worker is only entitled to return-to-work services if there are *compensable* work restrictions, see Part 1, 1.0.

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Are the identified compensable work restrictions temporary or permanent?

Part of the case management process is determining the anticipated outcome of an injury. The key question is whether the worker is expected to recover with or without permanent compensable work restrictions.

Work restrictions are normally considered temporary during medical (clinical) convalescence. The work restrictions may change as the worker's recovery progresses. When the worker's condition has reached a medical plateau (see Glossary) and no significant change is anticipated, any remaining work restrictions would be considered permanent, unless there is evidence to the contrary.

If temporary, do the work restrictions result in total or partial disability?

Work restrictions are considered total when the worker is not medically fit to return to employment. They are partial when a fitness-to-work examination indicates that the worker is able to return to some type of modified work.

Do the work restrictions affect the worker's earning capacity?

The effect of compensable work restrictions on the worker's earning capacity must be taken into consideration when determining entitlement for either temporary or permanent earnings replacement benefits and return-to-work services.

At the conclusion of the return-to-work process, any remaining impairment of earning capacity resulting from the injury will be considered when determining permanent disability compensation benefits.

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APPLICATION 2: TEMPORARY MODIFIED WORK PROGRAMS

4. *How does the WCB determine if modified work is suitable?*

When determining if proposed modified work is suitable, the WCB will consult with the injured worker, employer, and physician to evaluate the proposal.

The evaluation is based on, but not limited to, a detailed description of the job being offered, including the physical requirements, and detailed medical information outlining the worker's physical restrictions and medical requirements that must be accommodated in a modified work plan.

5. *How are benefits calculated for modified work?*

If, after evaluating the proposal, the WCB considers it reasonable for the worker to accept the modified work, compensation benefits will be adjusted in accordance with s. 56(9) of the Act. The basis of calculation is:

- (a) the worker's pre-accident biweekly net earnings calculated in accordance with the Act and General Regulations,

LESS

- (b) the worker's biweekly post-accident net earnings calculated in accordance with the Act and General Regulations.

The temporary partial disability benefit will be a proportionate part of 90% of the earnings loss [the difference between (a) and (b)], based on the WCB's estimate of the degree to which the earnings loss is caused by the remaining disability.

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6. *What if the worker refuses the modified work?*

When the worker refuses to accept the modified work that is available, the WCB will consider the reasons for refusal. If, after evaluating the proposal, the WCB still considers it reasonable that the worker accept the employment, the worker's compensation benefits will be adjusted effective the date of the decision, as if the employment had been accepted.

The following are examples of possible reasonable grounds for refusal:

- medical evidence indicates that the worker is not able to perform the required duties
- a significant discrepancy between the proposed and actual requirements of the work so that the actual requirements do not meet the conditions described in Q# 3, above.

If the modified work does not meet the WCB conditions for suitable work, the WCB will try to arrange appropriate changes. If this is not possible, the WCB will reinstate total temporary disability benefits for as long as necessary.

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7. *How long do modified work programs usually last?*

Normally, a modified work plan will not last longer than 6 months. However, the length of the program depends on the worker's recovery. Revisions to the modified work may be made as the worker's medical condition changes, until the worker is considered medically fit to return to pre-accident employment or permanent work restrictions are identified.

If the medical prognosis changes and the worker is expected to have permanent work restrictions, the WCB will re-evaluate the modified work program to determine whether it is still an appropriate part of the long-term rehabilitation plan.

8. *What if the modified work program ends?*

This policy is effective January 1, 2002, and applies to all accidents on or after that date.

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If the modified work program ends before the worker is fully recovered, the WCB will consider the worker's remaining disability, the loss of earnings that result from the remaining disability and the reasons the program ended.

Any on-going entitlement will depend on the remaining disability, the level of work restrictions and whether the termination resulted from circumstances beyond the worker's control. (See Question 6, worker refuses modified work.) Each case will be judged on its own merits.

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9. *What are the reporting requirements when modified work is made available?*

All accidents are to be recorded as required by Occupational Health and Safety regulations and First Aid Regulation, 1981 (Alta. Reg. 299/81).

No Time Loss

If a worker's employment is modified beyond the day of the accident to accommodate a compensable injury, the accident must be reported to the WCB, even if there is no time loss or loss of earnings.

The WCB will be satisfied with the worker accepting a modified work program immediately, provided the attending physician, employer, and worker agree on suitable modified employment. The WCB will review the suitability of the program when the accident reports are received.

Time Loss

All injuries with time loss for more than the day of the accident must be reported to the WCB in accordance with the Act.

Usually, the WCB will review proposed modified work plans before the injured worker returns to modified employment. If, however:

- (a) the worker misses only a short period beyond the day of the accident and is declared medically fit to return to modified employment before a WCB claim has been established, and

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Reporting requirements

Time Loss (continued) (b) the attending physician, employer, and worker agree on suitable modified employment,

then the worker may begin the modified work program.
The WCB will review the suitability of the program when the accident reports are received.

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APPLICATION 3: JOB SEARCH

1. *Why does the WCB provide job search services?* The WCB provides job search services to help workers find employment or gain job-search skills that will help them be competitive in the job-market.

2. *When are workers eligible for job search services?* These services are normally provided to workers with permanent work restrictions who are ready to re-enter the job market.

The WCB may also provide the services to workers with temporary work restrictions who do not have a job to return to. Services will be provided to these workers only while they have a remaining disability that entitles them to benefits under s.56.

3. *What services are provided?* Services may include such things as help with resume writing, employment leads, and job-search and employment skills counselling (for example, employment search techniques, interview skills, presenting a business-like appearance).

4. *What job search service methods are normally used?* The usual means are individual counselling by the WCB or counselling by a contracted service provider. The method used depends on the individual circumstances of each case.

5. *What limitations are there?* Workers are eligible only while they have temporary or permanent work restrictions due to a compensable injury.

Service providers must be approved by the WCB.

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