

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

RETURN-TO-WORK SERVICES

Authorization:

BoD Resolution 2021/02/09

Date:

March 22, 2021

REFERENCE:

[*Workers' Compensation Act, RSA 2000, Sections 1\(1\)\(f\), 54, 56, 63, 89, and 137.1*](#)

POLICY:

When a work-related injury results in compensable work restrictions that impair a worker's ability to perform their accident job, WCB will, together with the eligible worker, the employer, and, if there is a collective agreement in place, the worker's union, develop a plan for appropriate, cost-effective return-to-work services to help the worker return to work with the employer. If, for any reason, the worker is not able to return to employment with the accident employer, WCB will develop a plan with the worker to help the worker return to employability.

Under human rights law, all employers have a *duty to accommodate* workers with disabilities. In addition, for claims with dates of accident from September 1, 2018, to March 31, 2021, inclusive, employers have an obligation under the *Workers' Compensation Act (WCA)* to accommodate and reinstate workers injured on the job, provided certain criteria are met.

When a worker dies as a result of a compensable accident, the dependent spouse or, as of June 1, 2003, the dependent adult interdependent partner, is eligible for the same vocational services the worker would have been entitled to, had the worker lived.

This policy is effective April 1, 2021, except when noted otherwise in a specific policy section(s).

INTERPRETATION

1.0 Compensable Work Restrictions

Compensable work restrictions are based on an assessment of the medical conditions (physical and/or psychological) which resulted from the work-related injury. Work restrictions impair a worker's ability to perform pre-

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**1.0 Compensable Work
Restrictions (continued)**

accident work duties or to adapt to some other employment. For example, the worker’s compensable condition prevents return to pre-accident or comparable employment, or the worker suffers from a disabling or potentially disabling occupational disease and continued exposure would be harmful. WCB identifies work restrictions based on medical and vocational information about the worker. The restrictions may be temporary or permanent.

2.0 Eligible Workers

To be eligible for return-to-work services, the worker must be entitled to benefits under s.56 of the *WCA*. As return-to-work is a cooperative effort, services are also dependent on the commitment and determination of workers to return to the workplace. If a worker chooses not to cooperate, WCB may suspend or terminate services (see Policy 04-11, Duty to Cooperate).

3.0 Return-to-work plan

The plan includes details and costs of the services to be used in helping the worker return to employment with the accident employer or to employability. The plan also includes an estimate of the worker’s earning capacity on completion of the plan. The plan will form the basis of any estimation of the worker’s earning capacity for calculating earnings loss.

**4.0 Appropriate and Cost-
Effective**

WCB will consult with the worker and, where possible, the employer to jointly develop an appropriate and cost-effective return-to-work plan that is consistent with the worker’s abilities, skills, and potential. The return-to-work plan is considered appropriate if the worker has a reasonable probability of successfully achieving the vocational goal.

In most cases, WCB determines cost-effectiveness by comparing:

- a) the total estimated costs of required vocational services,

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4.0 Appropriate and Cost-Effective (continued)

- b) the remaining compensation benefits that the worker is entitled to,
- c) the estimated cost of alternative return-to-work plans, and
- d) the estimated benefit costs if no return-to-work services are provided.

For workers with severe disabilities, other rehabilitation factors may be more important than vocational cost-effectiveness. Refer to Policy 04-07, *Services for Workers with Severe Injuries*.

Non-Compensable Rehabilitation Barriers

When a combination of compensable and non-compensable factors delays or prevents a worker's return to employability, WCB may provide assistance to address the combined problems. WCB will not provide assistance when the sole obstacle is non-compensable.

5.0 Services

Services include any reasonable activity or expense required to restore the worker's employability. The services may include, but are not limited to:

- counselling services
- job clubs
- job search assistance
- relocation assistance
- re-employment assistance
- temporary modified work programs
- training
- vocational assessments
- workplace modifications

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6.0 Employability

WCB has no control over several factors that affect a worker's return to employment. These factors include:

- economic conditions,
- the availability of employment opportunities,
- the worker's effort and commitment to find employment,
- an employer's decision about whom to hire.

Because these factors are beyond WCB control, WCB is responsible for helping the worker achieve employability, not employment. WCB will help the worker identify and develop the skills and capabilities to competitively pursue employment.

WCB considers a worker employable when suitable work has been identified which the worker is capable of performing. To be suitable, work must meet the following conditions:

- a) the work can be performed without endangering the worker's recovery or safety and the safety of others,
- b) the worker has the skills the work requires, and
- c) the work is reasonably available in a location to which the worker may reasonably commute or relocate.

7.0 Duty to Accommodate

Under human rights law, it is the employer's and, where applicable, the union's duty to accommodate a worker's physical or mental disability unless accommodation would cause undue hardship.

This duty imposes specific obligations on employers, unions and workers:

- the employer must take reasonable steps to accommodate an employee's individual needs

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7.0 Duty to Accommodate (continued)

- the union cannot prohibit an accommodation that is considered reasonable, even if that accommodation contravenes a collective bargaining agreement
- the worker must consider an accommodation that is deemed reasonable

WCB works with the employer, worker, physician, and union (where applicable) to facilitate return to work that makes reasonable accommodation for a worker's work restrictions. Effective April 1, 2021, employers and workers both have a duty to cooperate with WCB to achieve the worker's early and safe return to work (see Policy 04-11, *Duty to Cooperate*).

The question for WCB regarding accommodation is whether the work is suitable. WCB does not adjudicate disagreements or complaints about failure to comply with the *Alberta Human Rights Act*. Concerns about discrimination or undue hardship should be pursued through the Alberta Human Rights Commission.

NOTE: For claims with dates of accident from September 1, 2018, to March 31, 2021, inclusive, s.88.1 of the *WCA* imposes the duty to accommodate workers who are disabled due to a compensable work injury under WCB's jurisdiction. Under s.88.1, employers have a duty to accommodate their injured workers and to reinstate them when they are fit to return to work. As well, both employers and workers have an obligation under s.88.1 to cooperate with each other and WCB during the return-to-work process.

For these claims, WCB is responsible for determining whether employers and workers have met their obligations under s.88.1, including whether the employer has accommodated the worker to the point of undue hardship. For details, see Application 2 and Application 3 of this policy.

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Please see Part II for additional information on the following subjects:

Application

- 1 – [General](#)
- 2 – [Responsibilities of Employers and Workers in Return to Work – Claims with a Date of Accident from September 1, 2018, to March 31, 2021, Inclusive](#)
- 3 – [Accommodation and Undue Hardship – Claims with a Date of Accident from September 1, 2018, to March 31, 2021, Inclusive](#)
- 4 – [Temporary Modified Work Programs](#)
- 5 – [Job Search](#)
- 6 – [Training-on-the-job Programs](#)
- 7 – [Training](#)
- 8 – [Relocation](#)
- 9 – [Self Employment](#)

[Document History](#)**Previous versions**

- [Policy 0405 Part I - September 2018](#)
- [Policy 0405 Part I - April 2018](#)
- [Policy 0405 Part I - August 2015](#)
- [Policy 0405 Part I - January 27, 2004](#)
- [Policy 0405 Part I - January 1, 2004](#)
- [Policy 0405 Part I - June 2002](#)
- [Policy 0405 Part I - January 2002](#)
- [Policy 0405 Part I - September 2001](#)
- [Policy 0405 Part I \(consolidated manual 1st Issue\) - February 1997](#)