

**Alberta WCB
Policies &
Information**

Chapter:

BENEFITS

Subject:

RETURN-TO-WORK SERVICES

Authorization:

Date:

BoD Resolution 2018/04/25

June 26, 2018

APPLICATION 4: TEMPORARY MODIFIED WORK PROGRAMS

1. *When does WCB place workers in temporary modified employment?*

A worker, while still recovering from a compensable injury, may benefit from temporary modified employment that helps the worker return to the pre-accident level of employment. In such cases WCB will seek and promote modified work opportunities for the injured worker.

When a worker is offered suitable modified employment that is appropriate to his or her physical and medical condition, WCB determines whether it is reasonable for the worker to accept the employment. If it is reasonable, WCB adjusts the worker's compensation benefits accordingly.

2. *What is temporary modified work?*

Temporary modified work includes any changes, restrictions, or limitations to a worker's regular job duties required as a result of a work-related injury. This includes changes in:

- tasks or functions - such as changes in the worker's regular tasks including redesigning, reorganizing, or eliminating tasks
- hours or work schedules - such as changes in the number of hours, shift cycles, or volume of work
- environment or work area - such as changes in location or access to the work area, restrictions to avoid exposure to heat, cold, or chemicals, etc.
- equipment - such as changes to the equipment used, including acquiring new equipment or modifying existing equipment to accommodate a work-related injury; this also includes the addition of personal protective devices (such as a filtration mask, etc.)

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*Temporary modified work
(continued)*

Temporary modified work may also include a suitable training opportunity, work which is normally performed by others, or work which has been specifically designed or designated as a modified work program.

For WCB purposes, preventative changes such as ergonomic adjustments to equipment, are not considered modified work if no work-related injury has occurred.

3. What is suitable modified work?

For work to be considered **suitable modified employment**, the following conditions must be met.

The work:

- accommodates the worker’s compensable medical restrictions so the worker can perform the duties without endangering his/her recovery or safety, or the safety of others
- contributes to the worker’s physical and vocational rehabilitation by keeping the worker active and involved in the workplace
- promotes the gradual restoration to the worker’s pre-accident level of employment
- must be a meaningful and productive part of the employer’s operations
- does not create financial hardship for the worker (for example, shift changes that require additional childcare costs, unreasonable travel to another location, etc.)

See also Application 2, Question 14.

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

When determining if proposed modified work is suitable, 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, WCB considers it reasonable for the worker to accept the modified work, compensation benefits will be adjusted in accordance with s.56(13) of the WCA. The basis of calculation is:

(a) the worker’s pre-accident biweekly net earnings calculated in accordance with the WCA and the *WC Regulation*,

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(b) the worker’s biweekly post-accident net earnings calculated in accordance with the WCA and the *WC Regulation*.

The temporary partial disability benefit will be a proportionate part of 90% of the earnings loss [the difference between (a) and (b)], based on 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, WCB will consider the reasons for refusal. If, after evaluating the proposal, 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 Question 3, above

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

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, WCB will re-evaluate the modified work program to determine whether it is still an appropriate part of the long-term rehabilitation plan.

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

If the modified work program ends before the worker is fully recovered, 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 of the modified work program resulted from circumstances beyond the worker's control. (See Question 6, worker refuses modified work but also see Question 10, strikes and lockouts.).

If the modified work program ends because the employer has terminated the worker's employment or has withdrawn the modified work, WCB will, in accordance with s.56(14) of the WCA, pay the worker temporary total disability benefits until WCB determines that the worker is capable of other suitable employment. WCB's determination will take into consideration the worker's remaining work restrictions and their impact on the worker's competitiveness in the labour market, as well as any other relevant factors.

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?

No Time Loss

All accidents are to be recorded as required by Occupational Health and Safety regulations and First Aid Regulation.

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

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. 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 WCB in accordance with the WCA.

Usually, 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
- b) the attending physician, employer, and worker agree on suitable modified employment,

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

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10. *What happens during a strike or lockout?*

WCB considers temporary modified work unavailable through no fault of the worker during legal strikes and/or lockouts of the worker’s bargaining unit. Any ongoing entitlement will depend upon the remaining disability and level of work restrictions. Rehabilitation and medical services continue with any modifications necessary to achieve employability.

(Note: In cases of no time loss injuries, if a worker’s temporary modified work program is interrupted by a labour dispute, WCB may consider the claim as no time lost for reporting purposes.)

11. *What happens when there are business disruptions during a local or provincial state of emergency?*

When a local or provincial state of emergency is declared under the *Emergency Management Act*, and the state of emergency prevents employers from continuing to provide temporary modified work, WCB will determine ongoing entitlement based on the remaining disability and level of work restrictions.

For additional information see Policy 07-02, Part II, Application 2, Question 14.

12. *When is this policy application effective?*

This policy application (Application 4 – Temporary Modified Work Programs) is effective September 1, 2018, except when noted otherwise in a specific policy section(s).

[Document History](#)

Previous versions

- [Policy 0405 Part II, Application 2 - April 2018](#)
- [Policy 0405 Part II, Application 2 - December 2016](#)

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- [Policy 0405 Part II, Application 2 - August 2015](#)
- [Policy 0405 Part II, Application 2 - April 2004](#)
- [Policy 0405 Part II, Application 2 - January 2004](#)
- [Policy 0405 Part II, Application 2 - June 2003](#)
- [Policy 0405 Part II, Application 2 - January 2002](#)
- [Policy 0405 Part II, Application 2 - September 2001](#)
- [Policy 0405 Part II, Application 2 - October 1997](#)
- [Policy 0405 Part II, Application 2 \(consolidated manual 1st Issue\) - February 1997](#)