

POLICY NUMBER: POL-76

**Chapter:
CLAIMS**

**Subject:
RESPONSIBILITIES OF RECOVERING WORKERS**

**Effective Date:
December 13, 2001**

**Last Update:
September 23, 2016**

PURPOSE:

The purpose of this policy is to explain the responsibilities of a worker recovering from compensable injury.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 11-14, 18, 86(2).
Workers Compensation Board Policy, POL-93, Return to Work

DEFINITION:

In this policy:

“Non-compliance” means where a worker has failed or refused to comply with a requirement or request of the Workers Compensation Board.

“Suitable work” means work that a worker has the necessary skills to perform and is medically able to perform, and that does not pose health or safety hazards to the worker or co-workers, as determined by the Workers Compensation Board.

POLICY:

Guiding Principles

1. Workers are responsible for taking reasonable steps to assist in their own recovery from a compensable injury, and for refraining from actions or inactions that will have a negative effect on their recovery.
2. A safe and timely return to productive work in some capacity during recovery can benefit a worker physically, emotionally and socially.

Worker Responsibilities

3. Workers are responsible to co-operate in their recovery and in a safe and timely return to work by:
 - a) contacting their employer as soon as possible after an injury occurs and maintaining regular communication throughout their recovery;
 - b) accepting an employer's offer of suitable work in a return to work program, including ease back, modified, light or alternative job duties as described in Workers Compensation Board policy, POL-93, "Return to Work;"
 - c) assisting the employer, as may be required or requested, to identify suitable work that is available and consistent with the worker's functional abilities and that, where possible, restores the worker's pre-injury earnings;
 - d) accepting suitable work as identified under (c);
 - e) maintaining regular communication with the Workers Compensation Board;
 - f) providing the Workers Compensation Board with information required to assist in the management of the worker's claim ;
 - g) notifying the Workers Compensation Board immediately if there is a change in employment status, positive or negative change in functional ability or medical status, whether related to the workplace injury or not, that could affect participation in treatment or recovery, or that could have an impact on benefit entitlement;

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- h) attending all health care, vocational or any other appointments; and
 - i) notifying the Workers Compensation Board of vacation plans.
4. Workers are expected to seek medical treatment for their compensable injury and for any changes in symptoms related to that injury.
5. Workers are expected to refrain from any activity that would impede or delay recovery or the ability to work following an injury.

Dispute Resolution

6. If there is a dispute about a worker's responsibilities, the Workers Compensation Board shall, through consultation with the worker, attempt to resolve the dispute and where the parties are unable to come to an agreement through consultation, decide the matter in dispute.

Non-compliance

7. If a worker refuses or fails to attend appropriate treatment, cooperate in a medical assessment, participate in a return to work or vocational rehabilitation program, or provide required information, benefits may be reduced, suspended or terminated
8. Benefits may be reinstated effective the date the worker participates in the appropriate treatment, medical assessment, return to work or vocational rehabilitation program, or provides the required information, if the Workers Compensation Board determines that ongoing symptoms are related to a compensable injury.
9. Benefits will not be paid for the period the worker was determined to be in non-compliance.

HISTORY:

September 23, 2016 - The policy was amended to clarify suitable work, dispute resolution, the worker's responsibilities in recovery and return to work and the impact that non-compliance may have on benefit entitlement.

September 7, 2012 - The policy was reviewed as a result of the 60 month policy review process.

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No substantive changes were made to the policy during this review.

June 26, 2007 - The policy was updated as a result of the 60 month policy review process.

December 13, 2001 - Replaces policy on "Injuries to Recovering Workers" dated November 15, 1994.

Board of Directors Approval Date: December 13, 2001