

POLICY NUMBER: POL-93

Chapter:
CLAIMS

Subject:
RETURN TO WORK

Effective Date:
November 27, 2002

Last Update:
September 22, 2022

PURPOSE STATEMENT:

The purpose of this policy is to describe how the Workers Compensation Board assists workers in returning to safe and meaningful work following a workplace injury.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988 Cap. W-7.1, Section 2.1(2), 86, 86.1 - 86.12
Workers Compensation Board Policy, POL-71, Conditions for Entitlement
Workers Compensation Board Policy, POL-76, Worker Role in Recovery and Return to Work
Workers Compensation Board Policy, POL-85, Extended Wage Loss Benefits
Workers Compensation Board Policy, POL-86, Temporary Wage Loss Benefits
Workers Compensation Board Policy, POL-117, Vocational Rehabilitation
Workers Compensation Board Policy, POL-165, Employer Role in Worker Recovery and Return to Work

DEFINITION:

In this policy:

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

POLICY:

1. The Workers Compensation Board (WCB) recognizes that work is good for physical and mental health, and that maintaining the connection to work following an injury can help the recovery process.
2. The WCB works collaboratively with workers, employers, health care providers and other service providers to assist with recovery from a workplace injury and prevent work disability, including facilitating a safe and timely return to work.
3. A return to work plan is based on suitable work that is safe, meaningful and consistent with the worker's abilities. The primary goal is to enable the worker to return to the pre-injury job duties and schedule. Where this is not possible, the plan will focus on other opportunities for suitable work with the employer.
4. This policy explains the types of support available to assist workers to return to work when their workplace injury is preventing them from performing their regular job duties. If a worker's loss of earning capacity is prolonged and suitable work is not available with their employer, the worker may be entitled to benefits and services under WCB policy, POL-117, Vocational Rehabilitation.

Eligibility Criteria

5. Workers are eligible for return to work services if:
 - They have an accepted workers compensation claim that meets the conditions set out in WCB policy, POL-71, Conditions for Entitlement, and
 - Their workplace injury is preventing them from performing their regular job duties, as supported by objective information.

Return to Work Planning

6. Return to work planning begins immediately following a workplace injury. It may involve remaining at work in a modified capacity or returning to work after a period of time off.
7. Return to work plans are based on objective medical or functional information of a worker's abilities compared to the demands of the work. The plan is adjusted throughout the worker's recovery to ensure that the work continues to be appropriate

and beneficial to the recovery process.

Roles and Responsibilities in Return to Work

8. Workers and their employers have essential roles and responsibilities for a successful return to work outcomes, including working together to identify suitable work options.

The roles are set out in more detail in WCB policies, POL-76, Worker Role in Recovery and Return to Work and POL-165, Employer Role in Worker Recovery and Return to Work.

9. The WCB will assist workers and employers to develop return to work plans that are appropriate and beneficial to recovery. This assistance includes:
- Obtaining and sharing information about functional abilities.
 - Arranging for detailed functional assessments.
 - Assessing and sharing job demands for consistency with the worker's abilities.
 - Helping to identify suitable work options.
 - Determining whether a return to work option is suitable.
 - Monitoring the progress of the return to work plan and adjusting as required.
 - Resolving return to work issues.
 - Ensuring that workers and employers understand their roles and responsibilities.
10. The WCB encourages employers to establish a return to work program. The program proactively ensures that safe and meaningful work options are available in the event of a workplace injury.

Return to Work Options

11. Return to work options must meet all of the following criteria to be considered appropriate and beneficial to recovery:
- The option must be safe, in that it does not pose a safety hazard to the worker or others.
 - The work must be meaningful, by contributing to the productivity or efficiency of the business operations or by developing the worker's job skills.
 - The work must be consistent with the workers abilities. The worker must have the necessary skills to perform the work and the job demands must be

- compatible with the worker's functional abilities and tolerance to work.
 - Where possible, the work should restore the worker's pre-injury earnings.
12. Return to work options may include one or any combination of the following, based on the individual worker and types of work available with the employer:
- Modified job duties
 - Modifications to the tools, equipment or workspace
 - Alternate job duties
 - Modified hours or schedule
 - Ease back to regular hours over a period of time
 - Rehabilitation to build strength, stamina and tolerance to work
 - Gradual exposure to work activities and environment
 - Training or work experience

Wage Loss Benefits

13. While a worker is participating in a return to work, the employer may pay wages directly to the worker. If the employer is not paying their wages, the worker may be entitled to wage loss benefits as per WCB policy, POL-86, Temporary Wage Loss Benefits.
14. The WCB recognizes that due to the seasonal, casual or contractual nature of employment, the pre-injury job may not be available when the worker is able to return to work. In these cases, if objective medical or functional information supports that a worker is able to participate in a return to work plan, the WCB may provide the worker with up to eight weeks of wage loss benefits in lieu of the return to work.

Duration of Return to Work Benefits and Services

15. The WCB will provide return to work benefits and services until one of the following occurs:
- The worker is able to return to full duties, as supported by objective medical or functional information.
 - The worker no longer has a loss of earning capacity or the loss is not a result of the workplace injury (eg. Non-work conditions, retirement, resignations or no longer available for employment.)

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- The employer offers suitable work that restores the worker's pre-injury earnings.
 - The worker becomes eligible for vocational rehabilitation services under WCB policy, POL-117, Vocational Rehabilitation.
16. If a worker has reached a plateau in their recovery, but is unable to fully return to their pre-injury work, every effort will be made to find suitable alternate work with the employer. The employer's duty to accommodate the worker through re-employment is set out in WCB policy, POL-165, Employer Role in Worker Recovery and Return to Work.
17. Entitlement to benefits for workers with an extended loss of earning capacity are determined under WCB policy, POL-85, Extended Wage Loss Benefits.
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HISTORY:

September 22, 2022 - Amended to provide clarification on employer initiated return to work plans and benefits provided in lieu of ease back. Introduced concept of meaningful work and provided additional options for rehabilitation, training and work experience.

December 25, 2021 - Non-substantive changes to reflect *Workers Compensation Act* amendments.

December 10, 2020 - Non-substantive changes to reflect revisions to policy, POL-86, Temporary Wage Loss Benefits.

March 28, 2019 - Amended to extend entitlement to wage loss benefits in lieu of an ease back from four to eight weeks.

January 10, 2019 – Non-substantive changes to reflect legislative amendments excluding employers of volunteer firefighters from re-employment obligations, effective January 1, 2019.
May 31, 2018 – Amended to provide clarification on the support for return to work, entitlement to wage loss benefits and travel expenses, and the responsibilities of injured workers and employers.

July 22, 2010 - Amended to clarify that if the employer is unable to accommodate an ease back program, the Workers Compensation Board will provide 4 weeks of wage loss benefits in lieu of the ease back.

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April 27, 2006 - Amended to clarify "alternate employment" and definition of "undue hardship".

March 27, 2003 - Amended to ensure the definition of "accident" is consistent with the definition provided in the *Workers Compensation Act*.

Board of Directors Approval Date: November 27, 2002