



New Changes for Injured Workers Came into Effect January 1, 2024

Attend an HEU webinar on Bill 41 and these new obligations for more information:

[Thursday February 22 at 1-2pm](#)

[Thursday February 29 at 1-2pm](#)

[Wednesday March 6 at 10-11am](#)

[Wednesday March 13 at 1-2pm](#)

[Wednesday March 20 at 12-1pm](#)

What are the changes?

Injured workers and their employers are now both required by the *Workers Compensation Act* to cooperate and communicate with each other and with WorksafeBC (WSBC) in order to get injured workers back to work that is safe for them to perform.

Employers will now have a “duty to maintain employment” for injured workers. This is similar but not the same as the “duty to accommodate” under the *Human Rights Code*. Employers now have to offer both temporary and permanent “suitable work”. “Suitable work” is work with changes made to the duties, hours, or equipment so that you can perform it safely. Employers also cannot terminate your employment because you are injured and cannot do your regular work.

Workers now have an obligation to cooperate with their employer and WSBC by staying in communication, not refusing suitable and safe modified work, and by helping to identify other work they can do if they cannot do their regular duties.

What happens if I don't cooperate or talk to my employer or WSBC? What happens if my employer refuses to offer me suitable work or fires me after I return to work?

There are financial consequences for not living up to the new obligations. For workers, WSBC can reduce, suspend, or terminate your wage-loss benefits if you refuse to do safe suitable work, or do not maintain communication or cooperation.

1. WSBC has to give you a letter in writing first.
2. Ten days after the first letter explaining what obligation you are not meeting, WSBC can reduce your wage-loss benefits by 50%.
3. This continues until you comply or for 14 days. At 14 days if you have not complied, they can suspend all benefits.
4. Once you cooperate, benefits will resume from the date you cooperated forward (no back pay).

Employers who do not cooperate or fulfill their obligations can be fined. Employers also get warnings and time to comply.

What if my employer or supervisor was bullying or harassing me?

This new obligation to cooperate and communicate with the employer does not apply if it is harmful or would delay your recovery.

What if my employer and I don't agree on what communication is necessary or what duties are suitable?

These changes are intended to encourage and support workers and employers working together to find solutions that allow workers to stay at their job. However, workers and employers will not always agree, and some employers may be unreasonable. Under these new rules, when a worker or their employer do not agree, either side can ask WorksafeBC to decide. WSBC has 60 days to decide whether duties are suitable, or whether a worker or employer is not cooperating.

Key Advice for Injured workers:

- Keep written records of when you speak to your employer, including the date and time, who you spoke to, and what you talked about. This will help defend against any accusations you are not cooperating or communicating.
- Keep a copy of any forms or offers of modified duties from your employer.
- When you see your doctor to ask if different work is suitable and safe, make sure your doctor understands the duties being offered before giving their opinion and that they clearly describe any limitations or restrictions you have.
- When you are working modified duties, keep a record of any difficulties or setbacks to support any changes you may need or any disagreement about whether the duties are suitable and safe.