

# Overview of the WorkSafeBC Return-to-Work Tool

## “Create return-to-work plans with ease: Coming soon”

### Presentation Resource Document Fall 2025

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The screenshot shows the WorkSafeBC website interface. At the top, there is a navigation bar with the WorkSafeBC logo, links for Forms & Resources, Law & Policy, About Us, and Contact Us, and a button for Log in to online services. Below this is a secondary navigation bar with links for Health & Safety, Insurance, Claims, and I Am a..., along with a search bar. The main content area features a banner with the heading "Create return-to-work plans with ease: Coming soon". The banner includes two illustrations: one of two women in an office setting, one pointing at a laptop screen, and another of hands typing on a laptop keyboard. Below the illustrations, there is a paragraph of text and two buttons for "News & Events" and "Announcements".

**WORK SAFE BC** Forms & Resources Law & Policy About Us Contact Us Log in to online services

Health & Safety Insurance Claims I Am a... Search worksafebc.com

### Create return-to-work plans with ease: Coming soon

When workers and employers communicate and cooperate with each other after a workplace injury, it can improve return-to-work outcomes for both parties. An important step to help ensure a worker's safe and timely return to work is to create a return-to-work plan.

Our online Return-to-Work Planning Tool gives you the opportunity to create customized return-to-work plans with ease and confidence, collaborate with your injured employee, and identify safe and suitable work that's tailored to their abilities.

News & Events

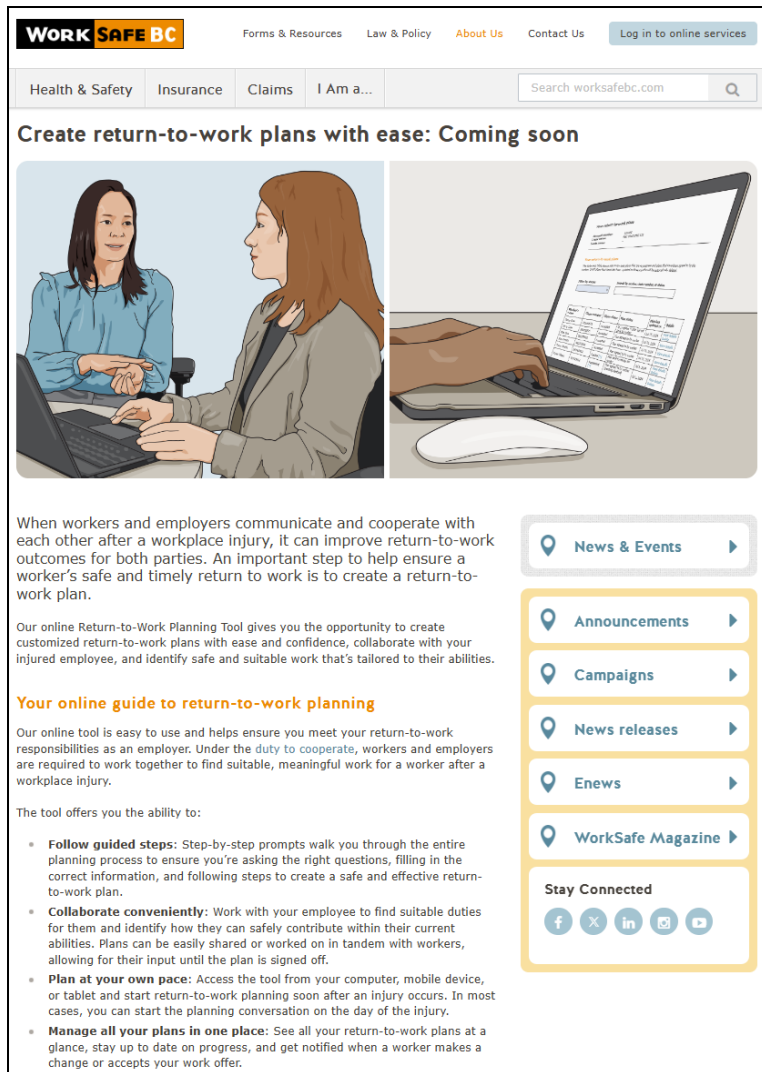
Announcements

## I. WHAT IS THE WORKSAFEBC RETURN-TO-WORK PLANNING TOOL:

The WorkSafeBC online return-to-work planning tool is used to assist workers and employers in the return-to-work process, modify return-to-work offers, and to show that both parties are cooperating in the process. The tool was introduced in 2025 as part of the ongoing implementation of Bill 41 [Bill 41: Amendments to the Workers Compensation Act - WorkSafeBC](#). The tool is voluntary and does not replace existing law and policy.

## II. USING THE WORKSAFEBC RETURN-TO-WORK PLANNING TOOLS WEBSITE:

Workers and employers can access the online WorkSafeBC return-to-work planning tool at [Create return-to-work plans with ease: Coming soon - WorkSafeBC](#). At this time, return-to-work plans can only be created for workers who have a WorkSafeBC claim number.



**WORK SAFE BC** Forms & Resources Law & Policy About Us Contact Us Log in to online services

Health & Safety Insurance Claims I Am a... Search worksafebc.com

### Create return-to-work plans with ease: Coming soon

When workers and employers communicate and cooperate with each other after a workplace injury, it can improve return-to-work outcomes for both parties. An important step to help ensure a worker's safe and timely return to work is to create a return-to-work plan.

Our online Return-to-Work Planning Tool gives you the opportunity to create customized return-to-work plans with ease and confidence, collaborate with your injured employee, and identify safe and suitable work that's tailored to their abilities.

#### Your online guide to return-to-work planning

Our online tool is easy to use and helps ensure you meet your return-to-work responsibilities as an employer. Under the duty to cooperate, workers and employers are required to work together to find suitable, meaningful work for a worker after a workplace injury.

The tool offers you the ability to:

- **Follow guided steps:** Step-by-step prompts walk you through the entire planning process to ensure you're asking the right questions, filling in the correct information, and following steps to create a safe and effective return-to-work plan.
- **Collaborate conveniently:** Work with your employee to find suitable duties for them and identify how they can safely contribute within their current abilities. Plans can be easily shared or worked on in tandem with workers, allowing for their input until the plan is signed off.
- **Plan at your own pace:** Access the tool from your computer, mobile device, or tablet and start return-to-work planning soon after an injury occurs. In most cases, you can start the planning conversation on the day of the injury.
- **Manage all your plans in one place:** See all your return-to-work plans at a glance, stay up to date on progress, and get notified when a worker makes a change or accepts your work offer.

News & Events

Announcements

Campaigns

News releases

Enews

WorkSafe Magazine

Stay Connected

f x in i v

There is a short five minute video on how to use the return-to-work tool on the same webpage [Create return-to-work plans with ease: Coming soon - WorkSafeBC](#) and <https://youtu.be/T9JHtyw40Fs>

This video should be reviewed before the return-to-work planning tool is used.

## How to use the Return-to-Work Planning Tool

Watch how to create, manage, and collaborate on safe and effective return-to-work plans.



This video demonstrates the new return-to-work planning tool from both an employer and worker perspective as per time index 1:24 and the key features of the tool. For example, the following two sections per the figure below show that the applicable sections of the return-to-work tool are ONLY available for workers who have an Online Services Account AND the employer has created a return-to-work plan:


### How to use the Return-to-Work Planning Tool

Watch how to create, manage, and collaborate on safe and effective re


July 18, 2024  
You have received a return-to-work plan from WorkSafeBC [View notifications \(5\)](#)

What would you like to do today?


**A. Employer section**



**Create a new return-to-work plan or record RTW details**  
Search for a specific worker to start or modify their return-to-work plan or confirm their return-to-work status



**See all your return-to-work plans**  
See all your return-to-work plans and what stage they are in, including any claims where a plan has been initiated for you.



**Learn more about return-to-work planning**  
Learn more about return-to-work planning and get resources to help you create an effective plan


### How to use the Return-to-Work Planning Tool

Watch how to create, manage, and collaborate on safe and effective re


July 18, 2024  
You have received a return-to-work plan from WorkSafeBC [View notifications \(5\)](#)

What would you like to do today?


**B. Worker section**



**Create a new return-to-work plan or record RTW details**  
Search for a specific worker to start or modify their return-to-work plan or confirm their return-to-work status



**See all your return-to-work plans**  
See all your return-to-work plans and what stage they are in, including any claims where a plan has been initiated for you.



**Learn more about return-to-work planning**  
Learn more about return-to-work planning and get resources to help you create an effective plan

To use the return-to-work planning tool, scroll down to the log in section titled “Sign up for online services”:

[Create return-to-work plans with ease: Coming soon - WorkSafeBC](#)

The screenshot shows a webpage titled "Your online guide to return-to-work planning". The main content area contains a paragraph explaining the tool's purpose and a list of five key features: "Follow guided steps", "Collaborate conveniently", "Plan at your own pace", "Manage all your plans in one place", and "Customize a plan to meet your needs". Below this is a section titled "Sign up for online services" with a paragraph of instructions and a "Log in or create an account" button. On the right side, there is a sidebar with navigation links for "News releases", "Enews", and "WorkSafe Magazine", and a "Stay Connected" section with social media icons for Facebook, Twitter, LinkedIn, Instagram, and YouTube.

Log in or create an Online Services Account. The process for workers to access the online WorkSafeBC return-to-work tool is as follows:

1. Create a WorkSafeBC Online Services Account using the email address and a password to use the return to work tool by signing up for online services. See [Sign up for online services - WorkSafeBC](#) The password for the Online Services Account is not the Personal Access Number (PAN) nor the Customer Care Number (CCN).
2. Log into the Online Services Account with the worker email address and the password for the Online Services Account.
3. You may be sent a 6-digit verification code to your email e.g. if you are using a cell phone, in order to access the Online Services Account.
4. The return-to-work plans in the Online Services Account – Return to Work box – will only appear if the employer has created one.

5. To generally access the specific WorkSafeBC claim, have all three of the following:

- (i) A WorkSafeBC claim number.
- (ii) A Customer Care Number (CCN), which is sent with the initial WorkSafeBC claim correspondence by the WorkSafeBC Claims Team.
- (iii) A Personal Access Number (PAN), which is sent with the initial WorkSafeBC claim correspondence by the WorkSafeBC Claims Team.
- (iv) If you have previously received the CNN, then you may be prompted for the CNN instead of the WorkSafeBC claim number and the PAN. See [View & submit claim information - WorkSafeBC](#)

Here is the “Online Services Account” log in page:

The screenshot shows the WorkSafeBC online services login page. At the top left is the WorkSafeBC logo. Below it, the text "WorkSafeBC online services" is displayed. The main content area is a light gray background. On the right side, there is a white login form. The form has a blue header that says "Log in to online services". Below this, there are two input fields: "Email address" and "Password". The "Password" field has a small eye icon to its right. Below the input fields is a gray "Log in" button. Underneath the button is a blue link that says "Forgot your password?". At the bottom of the form, there is a section for "New user?" with the text "Create an online services profile" and a blue "Sign up" button.

Next, enter the six digit identification number that is sent to the email address:

# WorkSafeBC online services

## Check your email inbox

We've sent you an email containing a 6-digit code, which expires in 5 minutes. Please enter it below.

Your 6-digit code

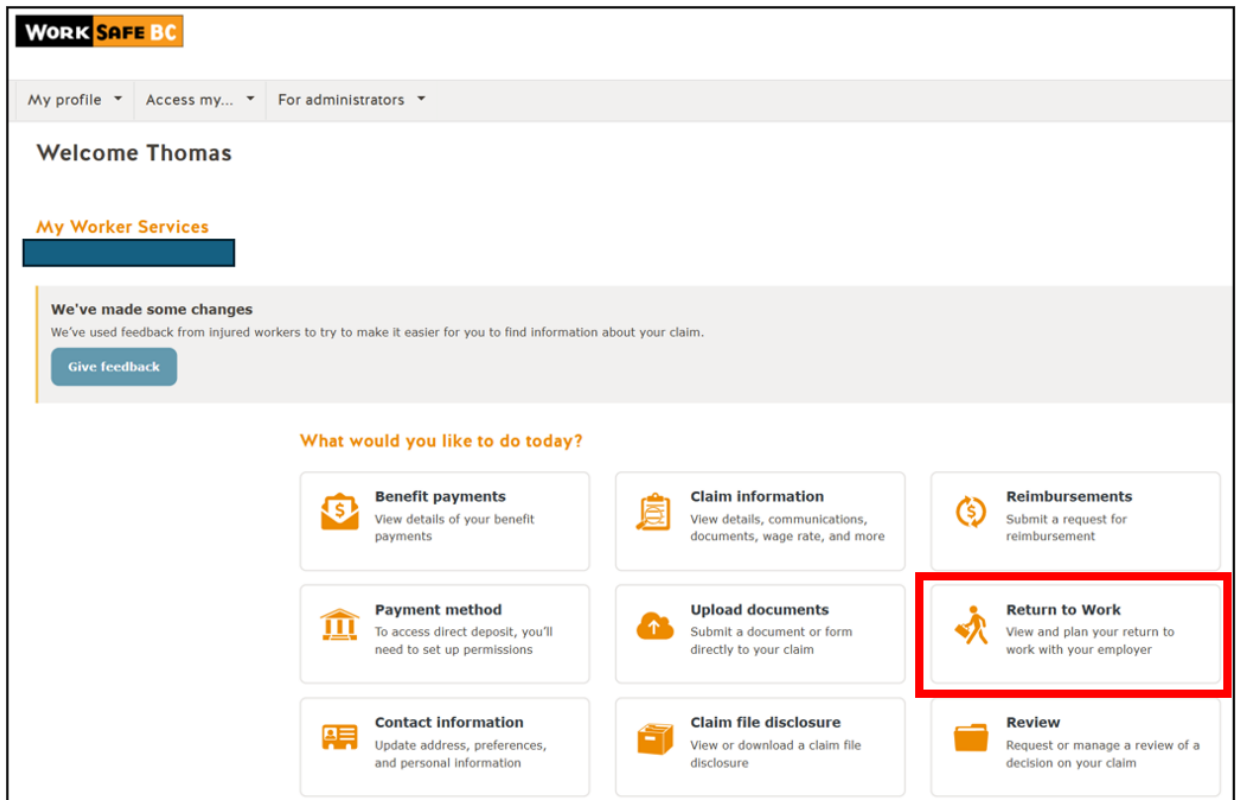
 

Continue

Send me another code

Send code using your Email

Select “Return to Work” from “My Worker Services” (the location of the icon will vary on whether a computer or cell phone is being used):



Select the worker section “See all your return-to-work plans” (assuming this is a worker using the website):



This is a sample of what will appear in the next screen that appears:

**WORK SAFE BC** Exit

### Return-to-work planning tool

Account number: 123456  
 Legal name: ABC SUPERMARKET LTD  
 Trade name: --

**Your return-to-work plans**  
 The following table shows return-to-work plans that are in progress and plans that have been agreed to by the worker.

Search:

Worker's name	Claim number	Claim status	Plan history	Plan last updated on	Details
Terry Doe	13246578	Accepted	In progress — plan not yet sent to worker	Jul 19, 2024	<a href="#">View details</a> <a href="#">Delete</a>
Jerry Doe	38472938	Accepted	Plan agreed to by worker	Jul 11, 2024	<a href="#">View details</a> <a href="#">Duplicate</a>
Kim Doe	28378492	Accepted	Plan agreed to by worker	Jul 11, 2024	<a href="#">View details</a> <a href="#">Duplicate</a>
Kim Smith	48372648	Accepted	Plan agreed to by worker	Jul 10, 2024	<a href="#">View details</a> <a href="#">Duplicate</a>
Terry Smith	98765432	Denied	Plan sent to worker for review	Jul 8, 2024	<a href="#">View details</a> <a href="#">Delete</a>
Ryan Dhasi	65465464	Suspended	Plan agreed to by worker (pending deletion)	Jul 1, 2024	<a href="#">View details</a> <a href="#">Duplicate</a>
Jane Smith	89879788	No adjudication	Plan sent to worker for review	May 1, 2024	<a href="#">View details</a> <a href="#">Delete</a>

To reiterate, the employer must have to have created a plan for the worker to access the return-to-work plan:

**WORK SAFE BC** Exit

### Return-to-work planning tool

Name:   
 Customer Care Number:

**Welcome**  
 This tool allows you to work with your employer to create a return-to-work plan. When reviewing a plan, you can agree to the plan suggested by your employer or make your own suggestions. The plan that you and your employer put together here will not be used by WorkSafeBC to make a decision about whether a claim will be accepted.

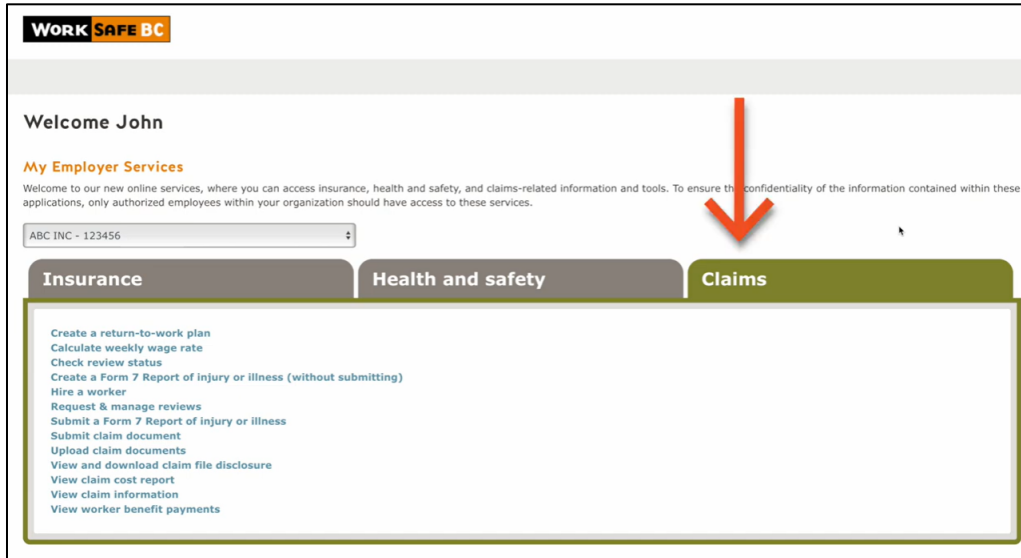
**Staying connected**  
 Continue to be proactive and have regular conversations with your employer. Your relationship with them will be essential to your recovery and return to work.

**We're here to help**  
 If you have questions or concerns about your return to work, please call our Claims Call Centre at 604.231.8888 (or toll-free at 1.888.967.5377) or call the WorkSafeBC staff member who's looking after your claim on their direct line.

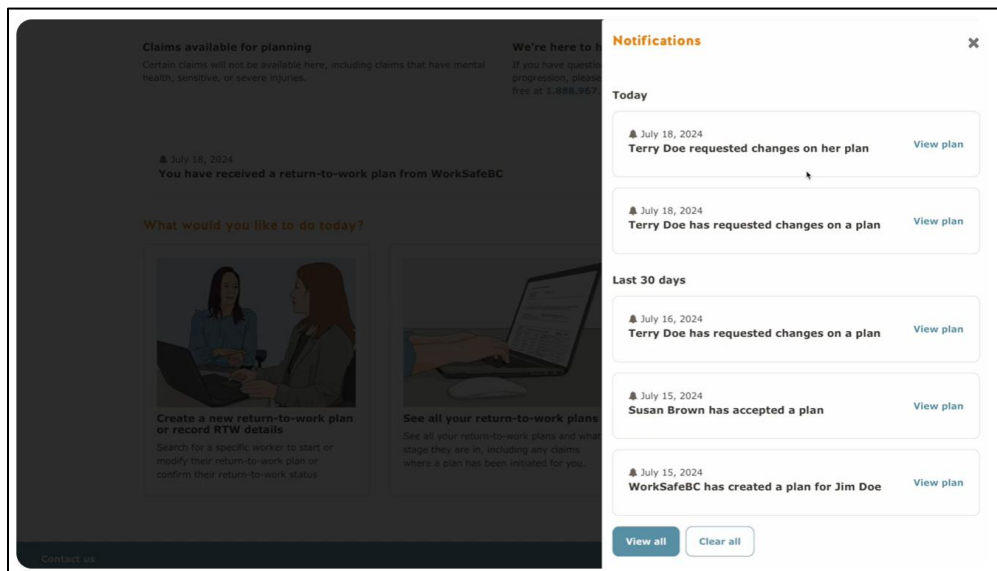
**Your return-to-work plan**

**⚠ There are currently no return-to-work plans associated to your profile**  
 Plans will show here once they are created by your employer.

If an employer is entering into their account to access the return-to-work planning process for the worker's claim per the employer section "Create a new return-to-work plan or record RTW details" (see page 4 of this document), this is what will appear:



The employer will be able to see if the worker has requested changes to the return-to-work plan under the "Notifications" section on the same webpage:



The employer can then review and revise the return-to-work plans based on the claim number they enter.

## Return-to-work planning tool

Account number: 123456  
 Legal name: ABC SUPERMARKET LTD  
 Trade name: --

### Who is this return-to-work plan for?

Search by claim number

### Worker details

**Worker's name:** Terry Doe  
**Claim number:** 12345678  
**Claim status:** Pending  
**Claim date:** July 2, 2024

### Plan history

The following table shows previous versions of this worker's return-to-work plan. Once the plan is agreed to by the worker, the plan cannot be edited. Instead, you're welcome to start a new plan from scratch or duplicate the agreed to plan if you'd like to create a similar plan.

Date	Plan status		
July 21, 2024	● Plan agreed to by worker	<a href="#">Duplicate</a>	<a href="#">View this version</a>

### Your return-to-work plans


The following table shows return-to-work plans that are in progress and plans that have been agreed to by the worker [?](#).

Search

Worker's name	Claim number	Claim status	Plan history	Plan last updated on	Details
Terry Doe	13246578	Accepted	● In progress — plan not yet sent to worker	Jul 19, 2024	<a href="#">View details</a> <a href="#">Delete</a>
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Ryan Dhasi	65465464	Suspended <a href="#">?</a>	● Plan agreed to by worker (pending deletion)	Jul 1, 2024	<a href="#">View details</a> <a href="#">Duplicate</a>
Jane Smith	89879788	No adjudication required <a href="#">?</a>	● Plan sent to worker for review	May 1, 2024	<a href="#">View details</a> <a href="#">Delete</a>
James Smith	59839783	Pending	● Plan sent to worker for review	May 1, 2024	<a href="#">View details</a> <a href="#">Delete</a>
Bob Doe	14838747	Pending <a href="#">?</a>	● Plan agreed to by worker	--	<a href="#">View details</a> <a href="#">Duplicate</a>
Brian Dhasi	65465464	Suspended <a href="#">?</a>	● Plan agreed to by worker (pending deletion)	Jul 1, 2024	<a href="#">View details</a> <a href="#">Delete</a>

Workers can access other resources, such as the “Job Demands and Accommodation Planning Tool” from the Accommodating and Communicating about Episodic Disabilities Team at the Institute for Work & Health (IWH):

**Your return-to-work plan**

 **There are currently no return-to-work plans associated to your profile**  
Plans will show here once they are created by your employer.

**Resources**

<p><b>Duty to cooperate</b> Learn about the obligations workers and their employers have to cooperate with each other to find suitable and safe work.</p>	<p><b>Information and resources</b> Learn more about the return-to-work process and get resources to help you plan a successful return to work.</p>	<p><b>Job Demands and Accommodation Planning Tool</b> Use this external tool to help you identify the demands of your job and ways to keep working with appropriate accommodations.</p>
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On the main return-to-work planning tools webpage, there are nine “Frequently Asked Questions” with answers on general topics.

[Create return-to-work plans with ease: Coming soon - WorkSafeBC](#)

## Frequently asked questions

### What if I’m waiting for medical information to start the return-to-work plan? —

In many instances, your employee can tell you what they can safely do and together you can identify appropriate modified duties that are within their abilities. If there are concerns about the worker’s ability to perform the work safely, their physician or health care provider can be helpful in identifying what they can and cannot do.

### How do I update a plan with new information? —

If your employee requests a change or adds new information to consider, you can access and update an existing plan by viewing the most current version under “Plan status” and then adjust and reshare for their review and acceptance. Once a worker has reviewed and accepted the final version of the return-to-work plan, you’re unable to make changes.

If available duties change in your workplace or your employee’s abilities change as they recover, you’re encouraged to duplicate the plan and use that as the basis to create a new plan.

### Can I use this tool for workers who don’t have WorkSafeBC claim number? —

At this time, you can only use the tool to create plans for workers who have a WorkSafeBC claim number.

### **I don't see my employee's claim in the tool?**



Some claims, including those that involve mental health, sensitive information, or severe injuries, are not currently available in the Return-to-Work Planning Tool. Please contact our [Claims Call Centre](#) or reach out to our [Return to Work Consultation and Education Services](#) team for assistance.

### **What if the worker hasn't signed up for online services?**



The Return-to-Work Planning Tool is only accessible with an online services account. If your employee needs help, ask them to review [Creating an online services account as a worker](#). If they're unable to sign up for an account, you can collaborate with them by phone, share a PDF, or print out the plan for them sign and agree to.

### **Do I have to use this tool to create a return-to-work plan? What if I have a different system or process?**



Using the online Return-to-Work Planning Tool is optional and entirely your choice. If you have a different system you use to facilitate return-to-work planning, you can use the format and process that works best for you. WorkSafeBC offers a variety of tools and downloadable templates to support you with return-to-work planning, including the online return-to-work planning tool.

### **Why did the system ask me to sign up for notifications?**



The system works best when you can see the latest updates in the system. If you want to get alerts by email when a change is made, please sign up for email notifications. You can turn notifications off at any time. If you don't have notifications enabled, you'll be able to see the latest progress to each plan in your plan history.

### **How will WorkSafeBC use or access the information within this tool?**



The information you provide in your return-to-work plan is not used by WorkSafeBC to make a decision about whether a claim will be accepted. We may use the information to confirm that a suitable return-to-work offer is in place and that both parties are cooperating in the process. Once you have an accepted plan, it will be uploaded to the worker's claim file.

### **Is my information safe and secure?**



All the information in our online services is protected behind a secure server log in, and two-factor authentication for your security.

### III. ISSUES AND PROBLEMS:

#### III.I. The worker, not the medical provider, is expected to identify their abilities (capabilities):

<https://youtu.be/T9JHtyw40Fs>

**WORK SAFE BC** Exit

## Abilities checklist

Account number: 123456  
Legal name: ABC SUPERMARKET LTD  
Trade name: --

---

Worker's name: Terry Doe  
Claim number: 12345678  
Status: Pending  
Claim date: July 12, 2024

**Before you begin**

- This checklist is designed to help with creating an effective return-to-work plan that has suitable, safe, and meaningful job duties and accommodations.
- The information provided in this checklist is **not meant to replace medical information from a physician or other qualified practitioner**. It is designed to help identify what you, a worker, can do based on your own perceptions.
- It's best to collaborate with your employer when completing this checklist.


Which body parts are injured?

### Determine the worker's current abilities

If any of the abilities have limitations, please indicate the number of minutes or maximum level of that activity where applicable.

#### How much can you carry or lift an object?

[See weights of commonly used items](#)



**Level of ability:**


- Up to 10 lbs (4.5 kg)
- Up to 22 lbs (10 kg)
- Up to 44 lbs (20 kg)
- More than 44 lbs (20 kg)

**Additional comments**

Provide details to help your employer make suitable modifications

#### Can you reach above or below your shoulders?

Common activities include putting dishes away or picking up a toddler.



**Level of ability:**

- Yes, I can
- I can to some degree
- No, I can't

**Additional comments**

Provide details to help your employer make suitable modifications

### III.II. Medical information is not sufficiently considered:

The return-to-work planning tool webpage says that “this checklist is not meant to replace medical information from a physician or other qualified practitioner” – it is only based on the worker’s perceptions at the time (which can change as the conditions change, sequelae develop, diagnostic reports are obtained, etc). See the excerpt below from the WorkSafeBC guide “Managing a Safe Return to Work”:

<https://www.worksafebc.com/en/resources/claims/guides/managing-safe-return-to-work?lang=en&direct>

#### **Collaborate with health care providers, if needed**

For many injuries, there’s no need to wait for input from a health care provider before beginning the return-to-work planning process. The worker is usually the best source of information about what they can and cannot do and can communicate their functional abilities directly to you, their employer. If there are concerns about the worker’s function or safety, a health care provider can help clarify the worker’s abilities and considerations that may impact their ability to safely return to work.

If your worker sees a health care provider (e.g., a physician, physiotherapist, or psychologist) for their workplace injury, consider having them take a Functional Abilities Assessment (FAF) form with them to their appointment. There are separate assessment forms for physical injuries and psychological injuries. These forms are not required by WorkSafeBC for creating a return-to-work plan. However, they are useful tools to help you plan a safe and timely return to work with your employee.

If you want to use either form:

1. Download the form and fill in the blanks in the letter to the health care provider (page 1 of the form).
2. Give the customized letter and blank assessment form to your employee who has experienced an injury at work.
3. Ask the employee to take both the letter and the blank assessment form to their health care provider and then return the completed assessment form to you.
4. Use the information in the assessment form to help identify suitable work duties for your employee.

The worker is expected to cooperate with the employer even if there is disagreement with the worker’s physician. Seeing a physician is not required before the return-to-work process begins. Workers cannot refuse to cooperate in the return-to-work process because they have not seen a physician (there are exceptions such as serious injuries, traumatic events, etc).

**Before you begin**

- This checklist is designed to help with creating an effective return-to-work plan that has suitable, safe, and meaningful job duties and accommodations.
- The information provided in this checklist is **not meant to replace medical information from a physician or other qualified practitioner**. It is designed to help identify what you, a worker, can do based on your own perceptions.
- It’s best to collaborate with your employer when completing this checklist.

**III.III. Presence of ongoing symptoms is expected:**

The return-to-work is predicated on “relative comfort” as per time index 3.28 of the video on the webpage. This is highly subjective. It also means that the worker is expected to engage in the return-to-work planning process even if they are symptomatic.

**III.IV. Inconsistent direction in the return-to-work planning tool regarding mental health and psychological injury claims:**

WorkSafeBC claims for mental health, sensitive information, or severe injuries are not currently available in the return-to-work planning tool, yet the return-to-work planning tool webpage includes the Functional Abilities Assessment – Mental Health: Template for Employers below in the Guide “Managing a Safe Return to Work” in the “Resources” section on the webpage:

[Create return-to-work plans with ease: Coming soon - WorkSafeBC](#)

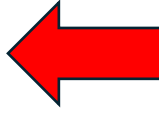
**I don’t see my employee’s claim in the tool?**

Some claims, including those that involve mental health, sensitive information, or severe injuries, are not currently available in the Return-to-Work Planning Tool. Please contact our [Claims Call Centre](#) or reach out to our [Return to Work Consultation and Education Services](#) team for assistance.

## Resources

Visit our [return-to-work](#) webpages for more information and resources for [workers](#) and [employers](#).

### Return-to-work planning



- [Managing a Safe Return to Work](#)
- [How to support workers who have common physical injuries](#)
- [Identifying Worker Capabilities](#)
- [Common Household/Work Items — Load Handling by NOC Strength Category](#)
- [Return-to-work strategies to support workers who experience psychological injuries: A resource for employers](#)
- [How to support workers who experience psychological injuries](#)

## Managing a Safe Return to Work



This guide provides tips and templates to help employers put a seamless process in place for handling workplace injuries and helping employees get back to work safely.

Visit [Employers: Return-to-work information](#) to learn more.

[Download PDF](#)

Publication Date: Jul 2025

File type: PDF (1 MB)

Asset type: Guide

[Share via Email \(Anonymously\)](#)

## Functional Abilities Assessment — Mental Health: Template for Employers



This template is for employers to get information from a mental health care provider (registered clinical counsellor, psychologist, etc.) about an injured employee's functional abilities after a work-related injury. This information can be used to plan a safe and timely return to work for the employee.

To use this template:

1. Download the template and fill in the blank fields in the letter to the health care provider on page 1.
2. Give the letter and blank assessment to your employee who has experienced an injury at work.
3. Ask the employee to take both to their health care provider and return the completed assessment to you.
4. Use the information in the assessment to help identify suitable work for them.

Download PDF

Download DOCX

Publication Date: May 2025

File type: PDF (198 KB)

Asset type: Template

Share via Email (Anonymously)

### Related Resources

- [Functional Abilities Assessment: Template for Employers](#)

### III.V. It does not sufficiently refer to human rights duty to accommodate:

The website does not distinguish between return to work and accommodation. It deviates from the wording of Section 154 of the Act. This may create confusion among employers and workers.

[Employer Information Session Q&A: Duty to Cooperate and Duty to Maintain Employment | WorkSafeBC](#)

### Other questions

#### Will the duty to accommodate apply to non-work-related injuries?

The duty to cooperate and duty to maintain employment under the Act apply to work-related injuries, mental disorders, or occupational diseases that disable a worker from earning full wages at their pre-injury employment.

In addition to the obligations created by the Act, all employers have an obligation to comply with human rights legislation to accommodate workers with disabilities. This obligation is set out in B.C.'s *Human Rights Code*, and for federally regulated employers, the *Canadian Human Rights Act*.

It does not sufficiently address the employer's obligations to accommodate the worker to the point of undue hardship:

### [Table of Contents - Workers Compensation Act](#)

Duty to maintain employment
<p><b>154.3</b> (1) Except as provided in subsection (2), this section applies in relation to an employer and a worker of the employer if the worker has been employed by the employer, on a full- or part-time basis, for a continuous period of at least 12 months before the date the worker was injured.</p> <p>(2) This section does not apply in relation to the following:</p> <ul style="list-style-type: none"><li>(a) a person who is a worker only because the person is deemed under the Act to be a worker;</li><li>(b) an employer who regularly employs fewer than 20 workers;</li><li>(c) a class of employers or workers or an industry or class of industries prescribed by the Lieutenant Governor in Council.</li></ul> <p>(3) If a worker is fit to work but not fit to carry out the essential duties of the worker's pre-injury work, an employer must offer to the worker the first suitable work that becomes available.</p> <p>(4) If a worker is fit to carry out the essential duties of the worker's pre-injury work, an employer must</p> <ul style="list-style-type: none"><li>(a) offer that pre-injury work to the worker, or</li><li>(b) offer to the worker alternative work of a kind and at wages that are comparable to the worker's pre-injury work and wages from that work.</li></ul> <p>(5) <u>An employer must, to the point of undue hardship, make any change to the work or the workplace that is necessary to accommodate a worker.</u></p>

### [Employers: Duty to cooperate and duty to maintain employment - WorkSafeBC](#)

**Understanding undue hardship**

**Undue hardship**  
Point at which it is too difficult, unsafe, or expensive to remove barriers so injured workers can return to work

**Undue hardship is determined on:**

- A case-by-case basis
- Thorough investigation
- Consideration of specific circumstances of each situation

While employers are expected to make reasonable and practical efforts to accommodate a worker, there are limits to this obligation.

Accommodation does not need to be the worker's preferred accommodation so long as it's reasonable.

### **III.VI. Will the contents of the tool be part of a Disclosure file in an appeal?**

It is unclear whether portions of the contents of the tool in a worker's claim file have been disclosed in the appeal process.

### **III.VII. It is not clear if the tool will be used by employers for non-culpable discharge or how it will be used in conjunction with with the proposed legislation granting 27 weeks of unpaid leave per year for serious long term injuries and illnesses.**

[B.C. to add unpaid leave for 'catastrophic' illness, injury: Eby](#) and [B.C. to add unpaid leave for 'catastrophic' illness, injury: premier | CBC News](#)

#### IV. Unaddressed issues and problems associated with Bill 41:

The return-to-work planning tool does not address any of the following:

- Delayed or no diagnosis and treatment.
- Changing diagnoses, limitations, restrictions, and capabilities.
- Employers are increasingly referring workers to Independent Medical Exams.
- Restrictions that turn into limitations.
- Chronic conditions.
- Intermittent disabilities.
- Psychological injuries.
- Literacy and numeracy issues.
- How is “suitable” defined?
- Outdated Job Descriptions and Job Duties lists.
- Injuries arising from return-to-work programs
- New related or unrelated claim decisions, etc.
- What is the role of Prevention Services in returning workers where there are unaddressed hazards that gave rise to the claim?
- Risk Assessments not conducted or that did not identify all hazards and barriers to return-to-work.
- Timing of the return-to-work e.g. before a vacation.
- What occurs in claim Reopenings?
- How this may be used in non-culpable discharge.
- How is privacy managed e.g. diagnoses? See the excerpt below from the WorkSafeBC guide “Managing a Safe Return to Work”:

##### Do employers have the right to know private medical information?

You are entitled to medical information on a “need to know” basis. For example, you may ask for medical information about the worker’s functional abilities, but not their diagnosis, prognosis, or treatment details. The worker’s personal medical information is private and confidential.

## V. Implications of the return-to-work planning tool for Unions and workers:

The major implications of the return-to-work planning tool include:

- It may confuse the terms return to work and accommodation – they have key differences. The website generally refers to return to work.
- It may be used to reduce or remove the role of the Union in accommodation and return to work arising from WorkSafeBC claims.
- It may deviate from human rights law requirements for accommodation.
- There may be privacy related issues e.g. who has access and how is that information collected, used, stored, protected, etc.
- It may contradict Collective Agreement language (other than seniority related provisions). See the Figure below.
- It may contradict medical practitioner recommendations.
- It may increase the risk of reinjury.
- It may delay recovery.
- It may increase the risk of new claims.

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### **RTW obligations and collective agreements**

**Section 154.4**

1. If any of the duty to cooperate or duty to maintain employment obligations conflict with a term of a collective agreement that is binding on an employer in relation to a worker, the section in conflict prevails to the extent that it affords the worker a greater benefit than the term of the collective agreement.
2. This section does not operate to displace a term of the collective agreement that deals with seniority.

When there is a conflict between the new obligations and a collective agreement, the rule or provision that provides the most favorable return to work options will prevail – except where seniority is a factor.

## **VI. Possible opportunities for Unions:**

There may be opportunities for Union to expand worker rights using the return-to-work planning tool:

- It can be used to educate and mobilize Joint Health and Safety Committees (JHSC) regarding how return to work and accommodation work, hazard recognition, hazard prevention, etc.
- It may be used to compel employers to update outdated Job Descriptions.
- It may be used for early identification of employer return to work program and accommodation deficiencies.
- It may be used for early identification of unadjudicated conditions and diagnoses, including sequelae, that may need a new WorkSafeBC decision.
- It may be used as an “early warning system” for claims suppression.
- It may be used as an “early warning system” for Prohibited Action Complaints.
- To determine if the employer did an Incident Investigation / Form 52E40.

## **VII. Recommendations for changes to the return-to-work planning tool:**

- There should be more links to Section 154 of the Act and to relevant RSCM II Policies.
- There should be “Key Legislation Requirements” boxes throughout the employer sections of the return-to-work planning tool.
- There should be uniform language that refers to return to work as accommodation.
- There should be a new section in the return-to-work planning tool that flags the issues and problems that may arise:
  - Delayed or no diagnosis and treatment.
  - Changing diagnoses, limitations, restrictions, and capabilities.
  - Restrictions that turn into limitations.
  - Chronic conditions.
  - Intermittent disabilities.
  - Psychological injuries.
  - Literacy and numeracy issues.
  - Outdated Job Descriptions and Job Duties lists.
  - Injuries arising from return-to-work programs
  - New related or unrelated claim decisions, etc.
  - Unaddressed hazards that gave rise to the claim.
  - Timing of the return-to-work e.g. before a vacation.
  - What occurs in claim Reopenings?
  - How is privacy managed e.g. diagnoses?