

Duty to cooperate

When a workplace injury happens, WCB works together with injured workers, their employer, treatment providers and others to achieve a safe and successful return to work. Collaboration, cooperation and communication are key to this success.

Effective April 1, 2021, the duty to cooperate replaces the obligation to reinstate a worker after a workplace injury, however the goal to achieve a safe and timely return to work remains the same. Key differences include:

- The duty to cooperate focuses on whether the employer and worker made reasonable efforts to cooperate in the return-to-work process.
- When a worker fully recovers from the work injury and returns to their date of accident employment, the employer's and worker's duty to cooperate ends.
- Workers must take reasonable action to mitigate their loss of earnings due to their injury.

Employers and workers both have a duty to cooperate in all aspects of the worker's early and safe return to work. This includes but is not limited to:

- recording and reporting workplace accidents and injuries in a timely manner,
- maintaining communication with your worker and WCB throughout the return-to-work process,
- attending and participating in care and return-to-work planning discussions, and/or
- allowing your worker time to participate in their treatment and rehabilitation program.

The duty to cooperate applies to all claims, regardless of the date of your worker's injury. Your obligation to reinstate also remains on claims with a date of accident between September 1, 2018 up to and including March 31, 2021. [Learn more](#) about your obligation to reinstate workers injured during this time period.

Here's what you should know about your duty to cooperate:

1. How will this impact my claims costs and rates?

As always, providing suitable work (whether temporary modified work or a permanent alternative position) remains your best way to control claims costs and positively impact your premiums.

2. What happens if I do not cooperate?

The claim owner will work with you to understand why you are not able to cooperate and collaborate with you to find possible solutions. Non-cooperation may result in an administrative penalty.

3. What happens if I'm not able to offer modified work to my worker?

Communication is key. Your claim owner will work with you and your worker to identify potential modified work opportunities. If you are collaborating and engaging in these conversations, you are meeting your cooperation responsibilities.

4. What happens if I terminate my worker's employment?

We need to ensure the termination was in good faith. If that's not the case, an administrative penalty may apply.

5. What part does my injured worker play in this process?

Both you and your injured worker are required to cooperate with each other and WCB in all aspects of the worker's safe return to work. This means maintaining communication throughout the recovery period and taking an active role in their return-to-work planning. More specifically, your worker is required to:

- attend scheduled appointments or contact us if they cannot attend an appointment so it can be rescheduled,
- maintain contact with you, with WCB and with their service providers throughout the return-to-work process,
- avoid activities that could prevent or delay their recovery,

- accept suitable temporary modified work offers and follow the modified work plan,
- comply with all professional standards, safety rules and employer policies applicable to the temporary modified work,
- return to full pre-accident duties when it's safe to do so, and
- if they cannot return to their pre-accident job, work with WCB to develop and participate in a re-employment plan.

6. What happens if my injured worker doesn't cooperate?

If your worker does not cooperate in their return-to-work plan, contact your claim owner. They will work to ensure everyone understands the expectations, explore the reasons why your worker is not cooperating and find possible solutions.

If a worker does not cooperate as required by the legislation, we'll determine if there is a valid reason for not cooperating (e.g., health and safety concern, strike/lockout, death in the family, unexpected illness or accident, etc.) If there isn't a valid reason, we may reduce or suspend the worker's compensation benefits. Your worker will continue to receive appropriate medical benefits and services during this time.

If your worker begins to cooperate (e.g., attends scheduled appointments, resumes contact etc.), the claim owner will review the claim and may resume benefits if they were suspended.

Still have questions? Please contact us toll-free at 1-866-922-9221.

