

Duty to cooperate

When a workplace injury happens, WCB will work with you, your employer, treatment providers and others through all stages of your recovery and return to work. Collaboration, cooperation and communication are key to this success. Working together creates shared understanding of your injury, treatment, recovery and return to work and together you'll work to create plans and solutions that fit for you.

Effective April 1, 2021, your cooperation is not just recommended – it's required under Alberta's *Workers' Compensation Act*. Employers and workers both have a duty to cooperate in all aspects of the worker's early and safe return to work.

Throughout the life of your claim, your duties are to:

- attend scheduled appointments or contact us if you cannot attend an appointment so it can be rescheduled,
- maintain contact with your employer, with WCB and with your service providers,
- follow medical advice and participate in medical treatment essential for your recovery,
- avoid activities and behaviours that could prevent or delay your recovery,
- help your employer and WCB to identify work duties and jobs that fit within your abilities and restrictions, which you could safely perform while you are recovering from your work injury.
- accept suitable 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 your full pre-accident duties when it's safe to do so, and
- if you cannot return to your pre-accident job, work with WCB to develop and participate in a re-employment plan.

The duty to cooperate applies to all claims, regardless of your date of injury. Your employer may also have an obligation to reinstate your employment if your date of accident was between September 1, 2018 and March 31, 2021, inclusive. [Learn more](#) about your employer's obligation to reinstate if you were injured during this time period.

WCB will work with you and your employer to help you feel better and get back to work safely.

What you should know about your duty to cooperate:

1. What if I don't (or can't) cooperate in the process?

Our goal is to work with you and your employer to get you back to work safely. You play an important part in the return-to-work process.

If you are not able to cooperate, we will work to understand your reasons why and work with you towards a solution. If we determine there is a valid reason why you cannot cooperate (e.g., strike/lockout, death in the family, unexpected illness or accident, etc.), we'll work with you to adjust the plan so it fits for you.

If we find there is no valid reason why you cannot participate in your care or re-employment plan, we may reduce or suspend your compensation benefits. This may result in basing any remaining compensation benefits on your estimated earning potential. You will continue to receive appropriate medical benefits and services you need to recover.

If you're able to resume cooperation, your claim owner will review your claim and may resume or reinstate benefits if your benefits were suspended.

2. What part does my employer play in this process?

Both you and your employer are required to cooperate with each other and with WCB in all aspects of your safe return to work. This means maintaining communication throughout the recovery period and taking an active role in your return-to-work planning.

3. What happens if my employer does not cooperate?

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

If your employer does not cooperate as required by legislation, we'll determine if there is a valid reason for not cooperating (e.g., your employer cannot provide modified work because of the size or nature of their business). If there isn't a valid reason, we may apply an administrative penalty. You will continue to receive appropriate wage replacement benefits and medical services during this time.

4. What happens if my job is terminated?

Your case manager or adjudicator will contact you to discuss the continued benefits and services you are eligible for. This may include ongoing medical benefits and services, ongoing wage replacement and/or re-employment benefits and services.

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

