

The Employers' Adviser Law & Policy Bulletin



Employers'
Advisers Office

A bulletin by the Employers' Advisers Office, Ministry of Labour, B.C. Government. The *Employers' Advisers Office* provides advice, assistance, representation, and educational services on all aspects of the workers' compensation system.

Workers Compensation Act return-to-work requirements for injured workers came into effect January 1, 2024.

On November 24, 2022, [Bill 41 – Workers Compensation Amendment Act \(No.2\), 2022](#) – received Royal Assent. Most of the changes included in this Bill have previously come into effect. Provisions of this Bill related to return-to-work requirements for injured workers are effective January 1, 2024.

As of January 1, 2024, all employers and injured workers in B.C. will have a new legal duty to co-operate with each other and with WorkSafeBC to ensure workers can return to their previous jobs or other suitable work. The duty to co-operate requires employers and workers maintain communication, identify suitable work for the worker and provide WorkSafeBC with required information to support return-to-work efforts.

Additionally, any employer with 20 or more workers that has employed someone for at least one year before an injury is obligated to maintain that worker's employment after the injury. Employers must make any necessary changes to the work or workplace to accommodate the injured person, unless the changes create an undue hardship.

These obligations are in addition to the obligations employers already have under human rights legislation.

On November 9, 2023, WorkSafeBC's Board of Directors passed a resolution with updated Policy to support the duty to cooperate and the duty to maintain employment. There are four new Policy Items that outline how WorkSafeBC will assess employer and worker compliance with the new duties.

The updated Policy Items can be viewed on WorkSafeBC's website (www.worksafebc.com) and the Board of Director's resolution can be viewed here:

<https://www.worksafebc.com/en/resources/law-policy/board-of-directors-decisions/bod-2023-11-09-06-return-to-work-obligations-duty-to-cooperate-duty-to-maintain-employment?lang=en>

Employers who are non-compliant could face administrative penalties while non-compliant workers risk having their benefit entitlement lessened.

For further information, please contact our office, and review the Ministry of Labour's news release, available online:

<https://news.gov.bc.ca/releases/2023LBR0035-002002>

Contact Us

Phone: 1-800-925-2233; Fax: 1-855-664-7993

www.gov.bc.ca/employersadvisers

Inquiries/Subscribe/Unsubscribe: EAO@eao-bc.org