

**POLICY NUMBER: POL-76**

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**Chapter:**  
**CLAIMS**

**Subject:**  
**WORKER ROLE IN RECOVERY AND RETURN TO WORK**

**Effective Date:**  
**December 13, 2001**

**Last Update:**  
**March 31, 2022**

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**PURPOSE:**

The purpose of this policy is to set out the essential role and responsibilities that injured workers have in their recovery and return to work.

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**REFERENCE:**

*Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 6(12), 11-14, 18, 48.5(1)(2), 59(1), 86*

Workers Compensation Board Policy, POL-64, Health Care Providers

Workers Compensation Board Policy, POL-71, Conditions for Entitlement

Workers Compensation Board Policy, POL-80, Fraud Prevention and Investigation

Workers Compensation Board Policy, POL-93, Return to Work

Workers Compensation Board Policy, POL-117, Vocational Rehabilitation

Workers Compensation Board Policy, POL-165, Employer Role in Worker Recovery and Return to Work

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**DEFINITION:**

In this policy:

“Suitable work” means work that a worker has the necessary skills to perform and is medically able to perform, and that does not pose physical or psychological health or safety hazards to the worker or co-workers, as determined by the Workers Compensation Board.

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**POLICY:**

1. The Workers Compensation Board (WCB) works collaboratively with workers, employers, health care providers and other service providers, to assist with recovery from a workplace injury and prevent work disability, including facilitating a safe and timely return to work.
2. The WCB is committed to fostering trust and accountability throughout the duration of a claim. This commitment is demonstrated through fair treatment, transparent decision-making and respectful communication between workers, employers and the WCB.
3. The WCB recognizes that work is good for physical and mental health, and that maintaining the connection to work following an injury can help the recovery process.
4. The worker's active involvement in their recovery and return to work is essential. This policy sets out the worker's roles and responsibilities for open communication and full participation throughout their WCB claim.
5. The WCB will ensure that injured workers understand the importance of their role and responsibilities.
6. Employer and health care provider roles and responsibilities are set out in WCB policies, POL-165, Employer Role in Worker Recovery and Return to Work, and POL-64, Health Care Providers.

**Worker Role and Responsibilities**

7. A worker's role in their recovery and return to work begins as soon as they are aware that they may have a work-related injury, and continues throughout their claim.
8. Workers are responsible to engage in activities that promote their recovery from a work-related injury, and to avoid activities that could prevent or delay their recovery.

9. Workers' responsibilities include the following:

Communication

- Reporting the injury to their employer and the WCB as soon as possible after the injury occurs. Injuries must be reported to the WCB on the Worker's Report - Form 6, with all information completed.
- Maintaining open communication with their employer throughout their recovery.
- Providing full, accurate and timely information to the WCB as required for the claim. Workers should provide this information personally and not rely on others to do so.
- Maintaining open and respectful communication with the WCB. This includes being reasonably available to discuss their claim with the WCB, by telephone, electronically or in person, and keeping their contact information up to date.
- Notifying the WCB of any change in circumstances that may affect their claim as soon as they become aware.

Health Care

- Attending and participating fully in all health care appointments, assessments, treatment and programs that the WCB determines necessary for their injury, as set out in WCB health care policies.
- Avoiding unreasonable delays in seeking health care treatment.
- Engaging in healthy activities that promote recovery.
- Informing the WCB of their health care status and any changes, including:
  - Functional abilities, both at work and outside of work. This information is required for a safe and timely return to work. Suitable work is based on the worker's abilities, which may change throughout the recovery process.
  - Any improvement or deterioration of the work-related condition.
  - Non-work related conditions or injuries that may have an impact on their recovery or ability to work.
  - Changes in health care providers.
- Providing health information to the WCB when requested.

Return to Work

- Collaborating and co-operating in return to work processes, including assessments, plans and programs.
- Keeping their employer informed about their functional abilities.
- If the injury is preventing the worker from remaining at work, working with their employers to assist in identifying suitable work and accepting their employer's offer of suitable work. This may include modified, transitional or alternative job duties as described in WCB policy, POL-93, Return to Work.
- Participating in discussions and meetings about their return to work.
- Working with their employer to resolve any concerns throughout the return to work process. If the worker and employer are unable to come to an agreement, they must notify the WCB. The WCB will work with the worker and employer and, if necessary, make the final determination on the issue.
- Fully participating in vocational rehabilitation assessments, plans and programs, as set out in WCB policy, POL-117, Vocational Rehabilitation.

Earning Ability

- Advising the WCB of any changes to their earnings or income, such as:
  - Wage increases or decreases.
  - Canada Pension Plan/Quebec Pension Plan disability benefits related to the work-related injury.
  - Sick pay, and short term and long term disability benefits.
  - Vacation pay.
  - Employment Insurance benefits.
  - Income assistance benefits.
- Notifying the WCB of any changes in employment status, such as:
  - New employment or job changes.
  - Changes in job duties or hours.
  - Terminations or lay-offs.
  - Retirement and other voluntary departures from the workforce.

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10. Workers must avoid activities that prevent or delay their recovery or return to work. In doing so, workers are responsible for advising the WCB immediately about:
- Barriers to attendance and participation in health care appointments, treatment, returning to work or vocational rehabilitation.
  - Missed or cancelled health care appointments.
  - Absences from work during the return to work process or from vocational programs.
  - Factors that may interfere with their availability and participation, such as leaving the province, vacation, family emergencies, or incarceration.

**Compliance**

11. Because a worker's role is essential in their recovery and return to work, failure or refusal to fulfil their responsibilities may result in a reduction or suspension of benefits.

The WCB will consider the circumstances of each case to determine the most appropriate course of action to encourage compliance. If the WCB determines that it would have been reasonable for the worker to comply but chose not to do so, benefits will not be paid for the period the worker is in non-compliance.

12. Benefits may be reinstated effective the date the worker is in compliance with their responsibilities, if the worker continues to meet the criteria set out in WCB policy, POL-71, Conditions for Entitlement.
13. Where the non-compliance includes evidence of fraud or misrepresentation, as set out in WCB policy, POL-80, Fraud Prevention and Investigation, benefits may be terminated and the claim may be closed.

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**HISTORY:**

March 31, 2022 - Amended to include expanded responsibilities for communication and clarify consequences of non-compliance. Non-substantive editorial changes provide additional context.

September 23, 2016 - The policy was amended to clarify suitable work, dispute resolution, the worker's responsibilities in recovery and return to work and the impact that non-compliance

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may have on benefit entitlement.

September 7, 2012 - The policy was reviewed as a result of the 60 month policy review process. No substantive changes were made to the policy during this review.

June 26, 2007 - The policy was updated as a result of the 60 month policy review process.

December 13, 2001 - Replaces policy on "Injuries to Recovering Workers" dated November 15, 1994.

Board of Directors Approval Date: December 13, 2001