

Registration requirements for physicians

Are you considered an employer under the Workers Compensation Act? If so, you have obligations, responsibilities, and benefits. Here's what you need to know.

If you're an employer—you hire people on a full-time, part-time, casual, or piecemeal basis—you must register with WorkSafeBC.

The Workers Compensation Act defines an employer as an individual or legal entity that has a contract of service with another individual to perform work in British Columbia. An employer may be any form of legal entity, including proprietor, partnership, unincorporated association, or incorporated entity such as a company or society.

In the case of an incorporated entity, a director of that company or an officer, shareholder, or other principal who is active in the company's operations is considered a worker under the Act.

All workers, including physicians who are considered workers under the Act, have guaranteed compensation coverage. In the event of a work-related injury, illness, or disease, WorkSafeBC will provide return-to-work rehabilitation, wage-loss compensation, health care benefits, and a range of other services.

Are you an employer or worker—or both?

As a medical service provider, you may wonder if you're considered an

employer under the Act and, as a result, whether you need to register with WorkSafeBC.

The following scenarios illustrate the nature of employer-worker relationships in the medical field and where registration may be required.

Scenario #1

Dr Foster is a physician practising medicine as a sole proprietor. He operates his business independent of any health care organization and doesn't employ workers.

Is he an employer?

In this scenario, no. Dr Foster is not an employer and is not required to register with WorkSafeBC.

Is he a worker?

No. He is not automatically considered a worker under the Act. He may, however, choose to purchase optional workplace disability insurance—WorkSafeBC coverage called personal optional protection (POP). This coverage is available to individuals not automatically covered under the Act. POP will cover his lost salary and medical expenses if he's injured at work or if he contracts an illness or disease in the course of doing his job. The amount of his benefits will depend on how much coverage he purchases, up to a monthly maximum. (Read more about POP below.)

Scenario #2

All other factors are the same as in Scenario #1, but Dr Foster hires a receptionist.

Is he an employer?

Yes, he is now an employer required by law to register with WorkSafeBC because he now has a worker.

Is he a worker?

No, since registration only provides insurance to cover his receptionist, Dr Foster would only have compensation coverage for himself if he purchased POP. As the name implies, POP coverage is not mandatory. With POP, both he and his worker are covered; without POP, just his worker is covered.

Scenario #3

Solid Practice Medical Inc. is an incorporated medical practice that exists as a business enterprise independent of any health care organization. The practice is run by Dr Wong and Dr Strong and both are active shareholders.

Is either doctor an employer?

No, the doctors are not employers, but the incorporated practice in this scenario is considered an employer under the Act. As such, by law, the incorporated company must register with WorkSafeBC.

Is either doctor a worker?

The shareholders are considered workers of the corporation and are automatically covered for compensation, just like any other workers.

Scenario #4

Dr Winters is a physician practising as a sole proprietor independent of any health care organization. She shares an office with five other doctors who jointly fund operating expenses, including the payment of wages for Lisa, their joint receptionist.

Is Dr Winters an employer?

Together, the group of six physicians is considered the employer. The employer is required to register because Lisa is the physicians' worker.

Is Dr Winters a worker?

9th Annual WorkSafeBC Physician Education Conference

Saturday, 11 October 2008
Coast Capri Hotel, Kelowna

For conference updates, visit www.worksafebc.com/news_room conferences, or contact Christine Lynn at 604 276-3329 or toll free 1 877 633-6233.

Dr Winters is not considered a worker, but she may choose to purchase POP.

Scenario #5

Dr Jamison is an anaesthesiologist who provides his services exclusively to one health authority and bills the Medical Services Plan for those services. Dr Jamison does not have any workers.

Is Dr Jamison an employer?

No, he is not considered an employer.

Is Dr Jamison a worker?

Yes. In this scenario, he provides services exclusively to one health authority. As such, he has an employment relationship with that authority and does not have an independent business existence. Under the Act, the health authority is considered the employer and is responsible for covering Dr Jamison as a worker.

Personal optional protection (POP)

If you purchase POP, the amount of benefits payable to you in the event of injury or illness depends on the amount of coverage you purchase, up to a monthly maximum. This monthly maximum changes each year. In 2008, you can purchase between \$1500 and \$5542 of monthly POP coverage.

Typically, benefits are calculated at 90% of net average earnings—that is, the average amount remaining after probable deductions for income taxes, Canada Pension Plan contributions, and Employment Insurance premiums.

For example, if you purchased \$5000 a month in POP coverage and were injured in the course of your work, you would receive an approximate monthly income replacement benefit of \$3446. As a physician, this will likely fall below your typical net earnings. As such, you should not look to POP as your sole source of income in the event of an illness or injury. However, unlike many other disability plans, POP disability coverage begins the first full day of work lost.

For more information, visit the WorkSafeBC web site at www.worksafebc.com/insurance/registering_for_coverage/personal_optional_protection

Your responsibilities as an employer

As a health care provider, you're likely aware of your responsibilities when an injured worker visits you for treatment. If you fall into the category of employer, you have additional rights and responsibilities, independent of your health care provider role.

As an employer, the following rights and responsibilities apply:

- You must register with WorkSafeBC.
- Once registered, you're required to report your payroll and pay premiums to WorkSafeBC for your insurance coverage. Your premiums are pooled with premiums from employers across the province and used to fund the compensation system, including wage-loss payments and health care costs. You can file your payroll reports and make your premium payments online at WorkSafeBC.com, through Internet banking, by phone, by mail, or in person at any WorkSafeBC office.
- You must maintain a safe workplace. You are responsible to protect the health and safety of your workers and comply with the Workers Compensation Act and the Occupational Health and Safety Regulation. For more information, visit the "Safety at work" section at WorkSafeBC.com.
- You should understand the claim process in case one of your workers suffers a work-related injury or illness. In such an event, you should do what you can to help your worker return to safe, healthy, and meaningful work.
- You are responsible for reporting any illness, disease, or death occurring in your workplace within 3 days of the incident. You can do this on-

line at WorkSafeBC.com by selecting "Report injury or illness."

- You must ensure that all accidents and incidents are promptly investigated.

Benefits of workers' compensation insurance

As an employer meeting your health and safety requirements, you cannot be sued for the costs of a work-related injury or disease. If a worker is injured on the job, WorkSafeBC pays for the worker's medical and wage-loss costs.

The Act guarantees:

- Protection from lawsuits.
 - Wage-loss compensation for your injured workers or their dependants.
 - Vocational rehabilitation for your injured workers.
 - The right to an appeal if you don't agree with a WorkSafeBC decision.
- Registration offers additional benefits, including access to:
- Current safety and injury prevention research.
 - Safety and injury prevention seminars and training.
 - Workplace safety education and information (e.g., publications and videos).
 - Free advice from one of the Employers' Advisers offices.
 - The right to influence WorkSafeBC policy decisions by responding to surveys and discussion papers.

Questions?

If you're not sure whether you need to be registered, or have questions about your registration requirements or coverage, please contact the WorkSafeBC Employer Service Centre. You can reach a service representative from 8 a.m. to 4:30 p.m., Monday through Friday, by calling 604 244-6181 in the Lower Mainland or 1 888 922-2768 toll free within BC.

—Peter Rothfels, MD
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 WorkSafeBC