

Registration requirements for physicians

The following article is reprinted from the September 2008 *BC Medical Journal*. Please note two important changes—both highlighted in screened boxes.

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

The Workers Compensation Act (the 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 a 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 a 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 the doctor an employer?

No. Dr Foster is not an employer and is not required to register with WorkSafeBC.

Is the doctor 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 the doctor an employer?

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

Is the doctor a worker?

No. Since registration provides coverage for only his receptionist, Dr Foster would have compensation coverage for himself only if he purchased POP. As the name implies, POP is not

mandatory. With POP, both he and his worker are covered; without it, 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; 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 worker.

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 shared receptionist.

Is Dr Winters an employer?

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

Is Dr Winters a worker?

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

Scenario #5

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

Is Dr Jamison an employer?

No, Dr Jamison is not considered an employer.

Is Dr Jamison a worker?

No. Dr Jamison is an independent operator, with an independent business existence, whose income is derived through either a service or a sessional contract. Dr Jamison may choose to purchase POP.

Personal Optional Protection

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. The monthly maximum changes each year. In 2009, you can purchase between \$1500 and \$5708 of monthly POP coverage.

Typically, benefits are calculated at 90% of net average earnings—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 approximately \$3446 a month in income replacement. 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.work

safebc.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. However, you may not know that as an employer you have additional rights and responsibilities, independent of your health care provider role.

As an employer, you have the following rights and responsibilities:

- 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 for protecting the health and safety of your workers and complying 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 online 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 8:30 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.

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