

New legislation to shift the needle on prolonged disability

Unemployment and worklessness are critical social determinants of health and economic stability. Losing their livelihood can put workers at greater risk of morbidity, mortality, and social harms. For employers, losing experienced workers can cause them hardship, affecting overall productivity, staff morale, and their workers' compensation costs.^{1,2}

A recent amendment to the Workers Compensation Act aims to reduce the risk of prolonged worklessness after a work-related injury by introducing new duties for employers and workers as of 1 January 2024.³ The goal of the legislation is to encourage connection and collaboration between employers and workers by setting out formal responsibilities in the event a worker sustains a work-related physical or psychological injury or occupational disease.

New duties for workers and employers

Under the amendment, if an employer who regularly employs 20 or more workers has employed the injured worker for at least 1 year before their injury, the employer has an obligation to maintain that worker's employment.

In addition, workers and employers have an obligation to cooperate with each other and with WorkSafeBC to identify suitable work following an injury. Employers must make this work available in a timely and safe manner, and workers must not unreasonably refuse it.

The duty to cooperate applies to claims with an injury date up to 2 years before the 1 January effective date, while the duty

to maintain employment applies to claims with an injury date up to 6 months before the effective date.

What this means for physicians

Physician participation is vital for workers and employers to meet these new legal obligations, given that the physician-patient relationship is one of the most meaningful a worker may have in the aftermath of their injury.

By encouraging injured workers to remain active and focused on their abilities at the outset of their injury, physicians can set a positive tone for conversations and advise on timely, meaningful, and medically safe return to work through light or modified duties.

Using an occupational medicine approach, physicians can outline the worker's abilities and contraindications to performing certain tasks, helping guide employer-worker conversations about safe work options. Armed with the medical best guess on recovery times, the worker and employer can develop safe return-to-work plans and adjust them as needed if the worker's condition changes.

Some injuries may not require specific medical advice—simple strains, for example. In those cases, as long as the worker feels they can tolerate the work tasks being offered and the employer and worker agree to them, there is no reason for a physician to review them—and you can let the worker know this.

Support for physicians

WorkSafeBC's team of medical advisors can provide resources and support for the worker's recovery and help physicians access expertise in coordinating a worker's return to work.

By working together, community physicians and medical advisors (who are also physicians) can apply a broader lens to decisions surrounding return to work and help workers maintain a lifeline to their employment.

To reach a WorkSafeBC medical advisor, use the RACE app or call 604 696-2131 or 1 877 696-2131 (toll-free). Medical advisors are available Monday to Friday, 8 a.m. to 5 p.m., and will call you back within 2 hours. ■

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References

- Roelfs DJ, Shor E, Davidson KW, Schwartz JE. Losing life and livelihood: A systematic review and meta-analysis of unemployment and all-cause mortality. *Soc Sci Med* 2011;72:840-854.
- Waddell G, Burton AK. *Is work good for your health and well-being?* London, UK: The Stationery Office, 2006. Accessed 11 December 2023. www.gov.uk/government/publications/is-work-good-for-your-health-and-well-being.
- Government of British Columbia. Return-to-work requirements will protect injured workers. Last modified 9 June 2023. Accessed 13 December 2023. <https://news.gov.bc.ca/releases/2023LBR0025-000884>.

For more information:

- Return-to-work information for health care providers (www.worksafebc.com/hc-providers-rtw)
- Pathways (<https://pathwaysbc.ca>)
- Related *BCMJ* articles:
 - "Performing a return-to-work consultation for patients with a workplace injury or illness" (2023;65:351,353)
 - "WorkSafeBC medical advisors are here to help" (2010;52:100)

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