

Obligations to Re-employ

In 2007, new laws on re-employing injured workers will be implemented.

Re-employing injured workers as soon as they are medically able to return to work benefits everyone. And in the vast majority of cases, injured workers return to work with the same employer within a few days or weeks.

Effective January 1, 2007, employers who have 25 or more full-time or regular part-time workers will be required to re-employ injured workers who have been in their employ for at least 12 continuous months prior to their injuries.

“Workplace injuries and illness are costly to both you and your workers,” said Doug Sexsmith, WCB President and CEO. “The lives of the worker and his or her family are disrupted. Injuries where time is lost from work drive up WCB premiums and interrupt business productivity. Besides ensuring a safe workplace, implementing an effective return to work program is one of the best ways to minimize the human and financial effects of workplace injuries.”

Return to work programs help employers:

- keep experienced workers connected to the workplace
- reduce the cost of training replacements
- minimize workers compensation costs
- maintain productivity.

Return to work programs help workers:

- recover more quickly from their injuries
- maintain their job stability
- get back on track sooner and with less uncertainty about the future.

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Amendments to *The Workers Compensation Act* were passed unanimously last year by members of the legislature. The new law states employers must offer positions to injured workers when they are fit to return to their original jobs. Employers can offer the pre-injury job or alternative positions of a nature and earnings comparable to their original work.

When workers are unable to return to their original jobs but can do suitable work,

employers must offer workers the first opportunity to accept suitable work that becomes available. If necessary, the employer may be required to modify the workplace to accommodate the effects of the injury.

The re-employment obligation is time limited and ends at the earliest of three points:

- the second anniversary of the date of injury
- six months after the worker is medically able to perform the pre-injury job or suitable work
- the date the worker would have retired.

The new provisions recognize that a business decision made in good faith which was not affected by the worker being injured can impact a worker's employment status, including lay offs or termination.

To ensure employers and workers are aware of the new legislation, the WCB held a total of eight information sessions in Brandon, Thompson and Winnipeg in early April to provide details and hear comments from employers and workers. These were followed by a number of discussion groups with business and labour. An education campaign is planned for the fall.