



Understanding WorkSafeBC Premiums & Disability Management Strategies to Control Them

Presented by Jen Nicholl & Amanda Peck
TeksMed Services Inc.
October 10, 2024



Who is TeksMed?



30 Years in Business



Proudly Canadian



Industry Leader

Jen Nicholl, Data Analyst & Communications Manager

- Seven years of experience with TeksMed, having grown from client care coordinator to an integral member of the operations support team
- Has become intimately familiar with workers' compensation boards across the country, through numerous roles in various departments



Amanda Peck, Technical Claims Specialist

- Has worked in disability management since 2006
- Proven herself to be an expert on workers' compensation policy in addition to being a successful return to work coordinator
- As technical claims specialist, her experience and skill make her a resource for the entire claims team when faced with particularly challenging or complex cases



Agenda

- 01 How WorkSafeBC Premiums Are Calculated**
- 02 Where to Find Important Information from WorkSafeBC**
- 03 How to Control Your Premiums**
- 04 The Duty to Cooperate & The Duty to Maintain Employment**
- 05 Proactively Preparing a List of Modified Duties**
- 06 Making an Offer With or Without a Medical Assessment**
- 07 Mental Health Claims**

How Are Premiums Calculated?

- An **experience rating** is calculated based on an employer's cost to payroll ratio, comparing it to its peers
 - If an employer does better than the average of their peers, they get a **discount**
 - If an employer does worse than the average of their peers, they get a **surcharge**
 - Discounts can be as low as **50%** and surcharges can be as high as **100%***
- The experience rating is then applied to your industry's base premium rate, and then that value is multiplied by your assessable payroll to determine the **premiums** owed



Example Company
at a surcharge

\$3.19
Base Rate

+50%

\$4.79 for every \$100
of payroll

Payroll: \$15 M

WorkSafeBC Premium =

\$718,500

Example Company
at a **surcharge**

\$3.19
Base Rate

+50%

\$4.79 for every \$100
of payroll

Payroll: \$15 M

WorkSafeBC Premium =

\$718,500

Example Company
at a **discount**

\$3.19
Base Rate

-25%

\$2.39 for every \$100
of payroll

Payroll: \$15 M

WorkSafeBC Premium =

\$358,500



What could **your
organization
achieve with an
additional
\$360,000?**

How Are Premiums Calculated?

- When determining an employer's experience rating, WorkSafeBC considers the claims costs and payroll from a **three-year window**
 - Claim costs for the purposes of WorkSafeBC's calculations are attributed to **the year an injury occurred**

2025's rate is based on the costs of injuries from:

2021

2022

2023

- For each year in the assessment window, an employer's **claims cost to payroll ratio** is determined
- This ratio is compared to that of the rate group as a whole for those same years, resulting in a variance indicator
 - **<1** = discount
 - **1** = average, no discount or surcharge
 - **>1** = surcharge
- The impact each year has on the calculations is also **weighted**
 - **50%, 33.3%, 16.7%**
- A participation factor is used to balance the impact of the assessment period vs. overall history (also weighted)

| | Year the injury occurred | | |
|---|--------------------------|---------------------|---------------------|
| | 2021 | 2022 | 2023 |
| Your claim costs paid to June 30, 2024 | \$39,248 | \$51,694 | \$93,132 |
| Your firm's assessable payroll | \$7,138,342 | \$7,174,638 | \$7,780,028 |
| Your firm's claim costs as a percentage of assessable payroll | 0.5498% | 0.7205% | 1.1970% |
| Your rate group's claim costs as a percentage of assessable payroll | 1.3872% | 1.3843% | 1.2647% |
| How your firm compares | Better than average | Better than average | Better than average |

| Part 1: Claims Cost Experience | 2015 | 2016 | 2017 | Explanation |
|---|-------------|-----------------|--------------|--|
| Claims costs paid to June 30, 2018 | \$17,713.52 | \$65,189.82 | \$60,665.15 | a Costs paid for injuries that occurred in each of the years shown. See the enclosed list of claims that have been included in these totals. |
| Assessable payroll | \$7,890,622 | \$11,714,880 | \$11,424,643 | b Your assessable payroll for each year shown. |
| Your firm's claims cost to payroll ratio | 0.002244 | 0.005564 | 0.005310 | c = a / b Your claims costs divided by your payroll for each year. |
| Rate group claims cost to payroll ratio | 0.003989 | 0.003206 | 0.002794 | d Total claims costs divided by the total payroll for your rate group. This determines the average for your rate group. |
| Variance indicator | 0.562547 | 1.735495 | 1.900501 | e = c / d A number less than 1 indicates that your firm's experience is better than the average of the rate group. A number greater than 1 indicates experience is worse than average. For example, a value of 2 would indicate that the experience is two times worse than average. |
| Capped variance | 0.562547 | 1.735495 | 1.900501 | f = e (up to a pre-determined maximum of 3) Variances are capped at a maximum to limit extreme rate fluctuations. |
| Weighting | 16.7% | 33.3% | 50.0% | g The experience rating plan looks at a three-year window of claims costs and payroll information. Weightings are applied to emphasize your most recent years' experience. |
| Weighted variance per year | 0.093757 | 0.578498 | 0.950250 | h = f * g Variance indicator once we have applied the weightings. |
| Weighted average variance | | 1.622505 | | i = sum of all h's Represents your firm's overall experience over the three-year window, compared to the rate group average (see 'e' for explanation). |



| Part 2: Participation in the ER Plan | 2015 | 2016 | 2017 | Explanation |
|--|-------------|--------------|--------------|--|
| Classification unit base rate for 2019 | \$1.98 | | | j Base rate for your classification. |
| Assessable payroll | \$7,890,622 | \$11,714,880 | \$11,424,643 | k Same as Part 1 Row b Assessable Payroll. |
| Participation level by year* | 56.6% | 65.9% | 65.3% | I = (j * k / 100) / ((j * k / 100) + 120,000) Determines the level at which your firm will participate in the experience rating plan for a given year. 120,000 is a value that controls your participation in the experience rating plan. This value could change over time. |
| Weighting | 16.7% | 33.3% | 50.0% | m Same as Part 1 Row g Weighting. |
| Weighted participation level per year* | 9.4% | 22.0% | 32.7% | n = I * m Participation level once the weightings have been applied. These values have been rounded for display purposes. As a result, the sum of these values may not equate to the Weighted average participation level displayed in Row o. |
| Weighted average participation level (minimum 10%) | 64.1% | | | o = sum of all n's (with a minimum of 10%) This amount indicates the degree to which your firm participates in the plan. A small percentage means more emphasis will be placed on long-term trends in your experience. A higher percentage means more emphasis is placed on your experience in this three-year window. |

* Figures are rounded for display purposes.

| Part 3: Experience Rating Adjustment | Value | Explanation |
|--|-----------------|---|
| Weighted average variance | 1.622505 | p Same as Part 1 Row i |
| Weighted average participation level | 64.1% | q Same as Part 2 Row o |
| Experience rating factor for 2018 | 1.081529 | r This number reflects the trend of your past experience. A value of 1 represents the average. This value is 1 for employers who qualify to be experience rated for the first time (this assumes an employer is average until actual experience occurs). |
| Experience rating factor for 2019 | 1.428099 | s = p * q + (1 - q) * r This formula takes into account your claims cost experience relative to your rate group and your participation level. This factor represents a stepping mechanism to minimize fluctuations in experience rating from year to year. The effect of this formula is: <ul style="list-style-type: none"> • The higher the participation level, the more the emphasis is placed on the last three years. • The lower the participation level, the more the emphasis is placed on the long-term trend. |
| Calculated experience rating adjustment for 2019 | 21.4% surcharge | t = (s - 1) / 2 * 100 This is the experience rating discount or surcharge calculated for your firm. |

Further Considerations to Calculations

- Individual claim cost caps
 - Fatalities (five-year rolling board-wide average of fatal claims)
- COVID claims (revisited each year)
- Maximum assessable payroll
 - **\$121,500 for 2025**
- Variance indicator caps
- Excess cost surcharge
 - If an active employer has had a variance >3 for three years, has a surcharge $>90\%$, and has 50 or more LT claims in five previous years
 - Up to 500% of base rate, considers up to 15 years
 - Exit program after two consecutive years of $<90\%$ surcharge or <3 variance
- June 30th cutoff for calculations



Activity One:

When & How a Claim Impacts Your Experience Rating

How to Know Your Performance



Annual Rate
Statement



Employer
Report



ER
Forecaster



Peer
Comparison



Claim Cost
Reports

Employer Report

My profile ▾ Access my... ▾ For administrators ▾

Last log in: September 25, 2024 7:52 a.m.

Welcome Teks1

My Employer Services

To ensure the confidentiality of the information contained within these applications, only authorized employees within your organization should have access to these services.

We'd like to hear your feedback

We're seeking feedback from employers to improve our online services and make it easier to interact with us online. If you have a suggestion for us or would like to tell us about your online experience, we'd love to hear from you. If you have a question about your account or claim(s), or are experiencing technical issues, please contact us directly. You can find all contact information on worksafebc.com/contact-us.

[Give feedback](#)

* The Request and Manage Reviews options for employer and worker will not be available on Saturday, September 14, from 8:30 a.m. to 5:00 p.m. due to planned maintenance. We apologize for any inconvenience.

Insurance

Health & Safety

Claims

Account information ?

Account number:
Legal name:
Trade name:
CRA business number:
Account status:

[Manage my account](#)

Letters and Documents ?

View your insurance-related letters and statements of account.

[View letters & documents](#)

Contact details ?

[Change my address](#)

Account number:
Legal name:
Trade name:
CRA business number:
Account status:

Employer Report

[Manage my account](#)

[View letters & documents](#)

[Change my address](#)

Payroll report status

You need additional privileges to view this account information. You may [request access](#) from your firm's account administrator.

Account balance

You need additional privileges to view this account information. You may [request access](#) from your firm's account administrator.

Clearance status

Active and in good standing to July 1, 2024
[Learn more](#)

[Clearance alerts](#)

[Get clearance](#)

Rate information

View your firm's rate information, including experience rating adjustments and claim costs.

[View rate information](#)

Health & Safety Planning Tool Kit

Learn about injuries and claims, compare your performance to your peers, identify trends, and plan health and safety initiatives for your workplace.

[Go to tool kit](#)

Other services

[Apply for insurance as an employer or business \(or view your application\)](#)

[Calculate experience rating](#)

[Check review status](#)

[Request & manage reviews](#)

Employer Report

Employer Health and Safety Planning Tool Kit

Analyze your injuries and risks, compare your performance to your peers, identify trends, and plan your health and safety initiatives

Quick Stats

- Time-loss claims (2023): **11**
- Serious injury claims (2023): **1**
- Total work days lost (2023): **221**
- Most frequent accident type:
Exposure to Toxic Substances

Financial Summary

- Cost of claims (2023): **\$42,313**
- Experience rating (2024): **12.1% discount**
- Maximum potential savings (2024):
\$138,438
- Most costly accident type: **Acts of Violence, Force**

How you compare to your peers



[View employer report >](#)

Account number:
Legal name:
Trade name:
CRA business number:
Account status:

Experience Rating Forecaster

[Manage my account](#)

[View letters & documents](#)

[Change my address](#)

Payroll report status ?

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[Check review status](#)

[Request & manage reviews](#)

Experience Rating Forecaster

Experience Rating Forecaster

Save Print Help

Experience Rating Forecast

| Year | Actual (%) | Forecasted (%) |
|------|------------|----------------|
| 2020 | -12 | |
| 2021 | 30 | |
| 2022 | 35 | |
| 2023 | 10 | |
| 2024 | -12 | |
| 2025 | | -14 |
| 2026 | | -6 |
| 2027 | | -6 |
| 2028 | | -6 |

◆ Actual
◆ Forecasted experience ratings at current claims costs trends

ER Forecast
- Shows how much you are paying relative to your competitors
- Use the claims cost filter to see the impact on your premiums over the next three years

Change filters

Estimate claim cost changes:

Classification Unit:

[Click here for a detailed breakdown on the forecast projected for the next three years](#)

Go to details for Forecaster

Key fact
Improving safety and reducing injury in the workplace can reduce costs.
To learn more about this tool, click [Help](#)

Experience Rating Forecaster

Calculator

2025 ER: %

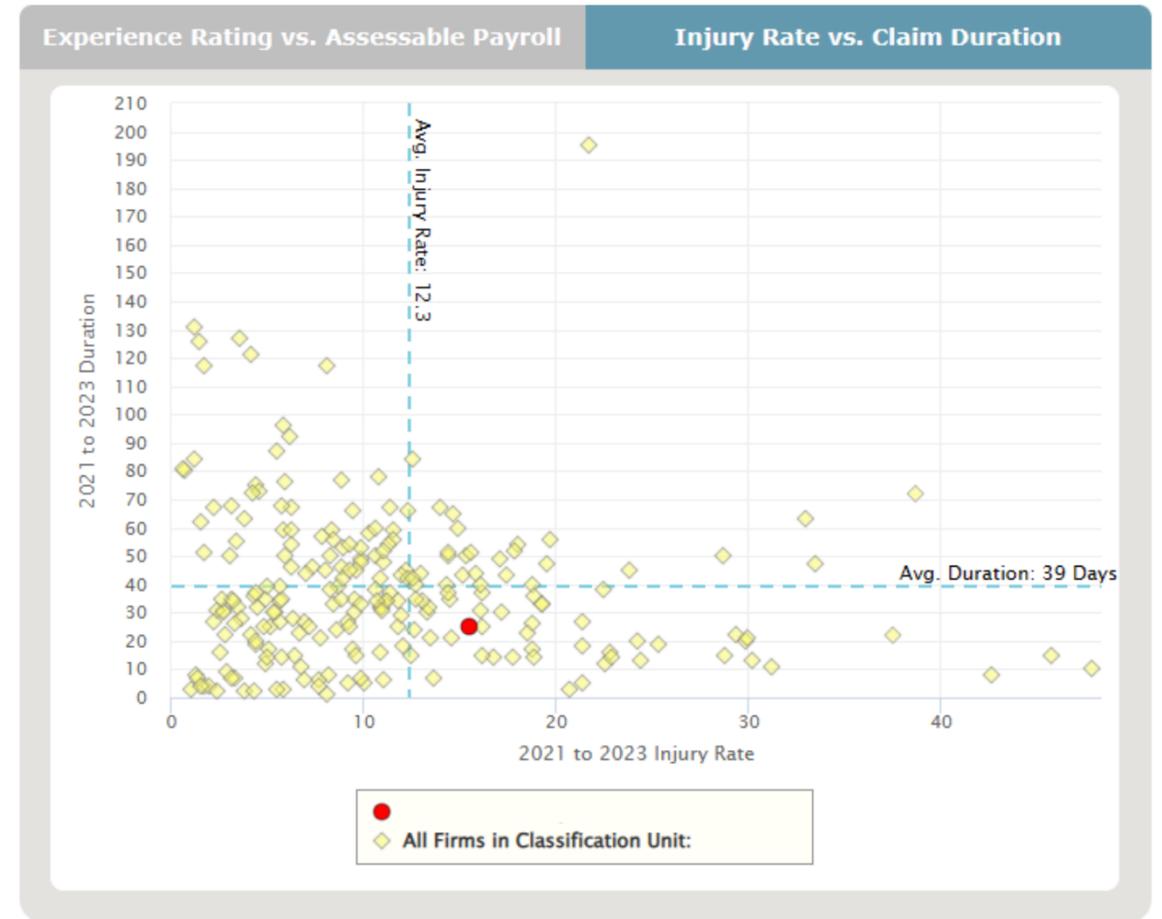
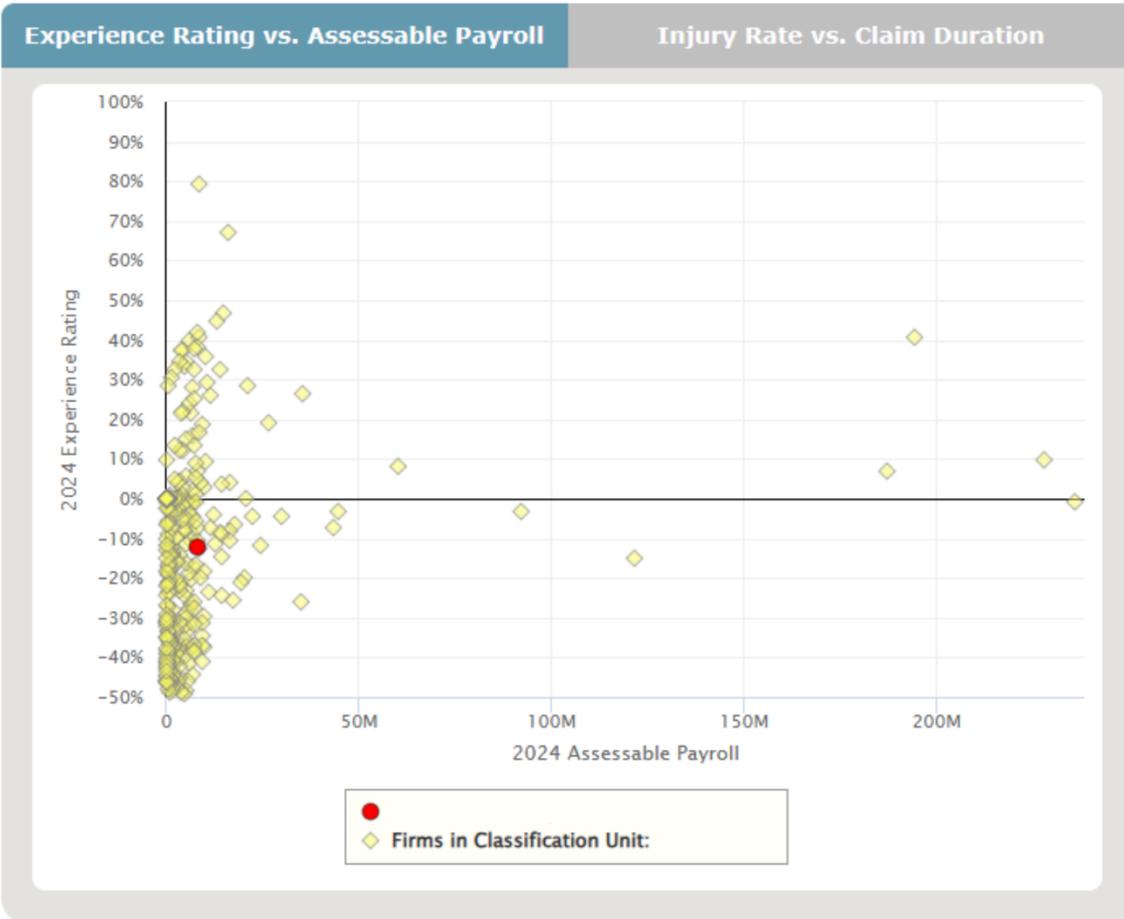
| | Payroll(\$) | Claim costs(\$) | | |
|------|-------------|-----------------|---------|---------|
| 2022 | 7,174,638 | 53,762 | | |
| 2023 | 7,780,028 | 105,239 | 109,449 | |
| 2024 | 8,385,418 | 93,132 | 105,239 | 109,449 |
| 2025 | 8,990,808 | | 93,132 | 105,239 |
| 2026 | 9,596,198 | | | 93,132 |

Calculate

Experience rate summary

| | AY 2026 | | AY 2027 | | AY 2028 | |
|------------|---------|-------|---------|-------|---------|-------|
| Base rate: | | 4.42 | | 4.42 | | 4.42 |
| ER: | -7.8% | -0.34 | -6.4% | -0.28 | -8.4% | -0.37 |
| Net rate: | | 4.08 | | 4.14 | | 4.05 |

Peer Comparison



Claim Cost Reports

My Employer Services

To ensure the confidentiality of the information contained within these applications, only authorized employees within your organization should have access to these services.

We'd like to hear your feedback

We're seeking feedback from employers to improve our online services and make it easier to interact with us online. If you have a suggestion for us or would like to tell us about your online experience, we'd love to hear from you. If you have a question about your account or claim(s), or are experiencing technical issues, please contact us directly. You can find all contact information on worksafebc.com/contact-us.

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Claim Cost Reports

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Give feedback

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Insurance

Health & Safety

Claims

Calculate weekly wage rate

Check review status

Create a Form 7 Report of injury or illness (without submitting)

Hire a worker

Request & manage reviews

Submit a Form 7 Report of injury or illness

Submit claim document

Upload claim documents New

View and download claim file disclosure

View claim cost report

View claim information

Claim Cost Reports

Home Details Summary **Monthly Report** Download Preferences

Search criteria

Year: 2024 ▾

Month: September ▾

View

Claim Cost Reports



Employer Claim Cost Report

Assessment Department of the Workers' Compensation Board of British Columbia

Online

View more detailed claim cost information for this Employer Claim Cost Report at WorkSafeBC.com

For information purposes only. This is not an invoice.

| Costs paid in month of | September 2024 | |
|--|--------------------|-------------|
| Account number | | |
| Classification unit | | |
| Classification description | | |
| Benefit type | Total (this month) | Total (YTD) |
| Short-term disability, Long-term disability, Survivor Benefits | 4,278.43 | 25,687.74 |
| Health care benefits | 3,791.30 | 25,508.10 |
| Rehabilitation | 0.00 | 0.00 |

| Worker name / Claim # / Injury date | Benefit type | For future ER | Benefit cost | HC service date / payment period | Days |
|-------------------------------------|-----------------------|---------------|---------------|----------------------------------|------|
| 2024 Year of injury | | | | | |
| | | Yes | 1,170.10 | | |
| | HEALTHCARE | | 100.69 | 2024/08/23 2024/08/23 | |
| | HEALTHCARE | | 100.69 | 2024/09/04 2024/09/04 | |
| | HEALTHCARE | | 220.00 | 2024/09/09 2024/09/09 | |
| | | | 421.38 | | |
| | SHORT-TERM DISABILITY | | 374.36 | 2024/08/26 2024/09/08 | 14 |
| | SHORT-TERM DISABILITY | | 374.36 | 2024/09/09 2024/09/22 | 14 |
| | | | 748.72 | | |
| | | Yes | 440.00 | | |
| | HEALTHCARE | | 440.00 | 2024/07/28 2024/07/28 | |
| | | | 440.00 | | |
| | | Yes | 50.68 | | |
| | HEALTHCARE | | 50.68 | 2024/06/12 2024/06/12 | |

Claim Cost Reports

| ACCOUNT NUMBER | CU | CLAIM NUMBER | FROM DATE | TO DATE | FUND | DAYS | INJURY DATE | LASTNAME OF WORKER | FIRSTNAME OF WORKER | PROCESS PERIOD | AMOUNT | CASH IND | PAYMENT DESC | PAYEE | ER IND | INJURY TYPE | NOI1 |
|----------------|----|--------------|------------|------------|------|------|-------------|--------------------|---------------------|----------------|--------|----------|-----------------------|-------|--------|-------------|-----------------------|
| | | | 3/5/2024 | 3/5/2024 | HC | 0 | 3/5/2024 | | | 202403 | 361 | N | Initial Care | 3 | Y | Trauma | OPEN WOUNDS UNS |
| | | | 3/5/2024 | 3/5/2024 | HC | 0 | 3/5/2024 | | | 202404 | -361 | N | Transfer | 3 | Y | Trauma | OPEN WOUNDS UNS |
| | | | 1/11/2024 | 1/11/2024 | HC | 0 | 10/14/2015 | | | 202401 | 34.73 | N | Continuing Care | 3 | N | Trauma | BRUISES CONTUSIONS |
| | | | 2/1/2024 | 2/29/2024 | HC | 0 | 10/14/2015 | | | 202401 | 94.48 | N | Personal Allowances | 1 | N | Trauma | BRUISES CONTUSIONS |
| | | | 1/3/2024 | 1/3/2024 | HC | 0 | 11/30/2011 | | | 202401 | -32.06 | N | Overpayment | 3 | N | Trauma | CHRONIC PAIN |
| | | | 1/3/2024 | 1/3/2024 | HC | 0 | 11/30/2011 | | | 202401 | 22.96 | N | Overpayment | 3 | N | Trauma | CHRONIC PAIN |
| | | | 1/4/2024 | 1/4/2024 | HC | 0 | 11/30/2011 | | | 202401 | 22.96 | N | Overpayment | 3 | N | Trauma | CHRONIC PAIN |
| | | | 12/7/2023 | 12/7/2023 | HC | 0 | 11/30/2022 | | | 202401 | 362.55 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 12/12/2023 | 12/12/2023 | HC | 0 | 11/30/2022 | | | 202401 | 1125 | N | Medical Rehab | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 11/16/2023 | 11/16/2023 | HC | 0 | 11/30/2023 | | | 202401 | 83.44 | N | Initial Care | 3 | Y | Trauma | OPEN WOUNDS UNS |
| | | | 11/16/2023 | 11/16/2023 | HC | 0 | 11/30/2023 | | | 202401 | 83.44 | N | Initial Care | 3 | Y | Trauma | OPEN WOUNDS UNS |
| | | | 11/28/2023 | 11/28/2023 | HC | 0 | 4/23/2023 | | | 202401 | 21.03 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 12/6/2023 | 12/6/2023 | HC | 0 | 4/23/2023 | | | 202401 | 214.24 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/1/2024 | 1/14/2024 | STD | 3 | 4/23/2023 | | | 202401 | 802.53 | N | SHORT-TERM DISABILITY | 2 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/15/2024 | 1/15/2024 | STD | 4 | 4/23/2023 | | | 202401 | 802.53 | N | SHORT-TERM DISABILITY | 2 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/7/2024 | 1/7/2024 | HC | 0 | 1/7/2024 | | | 202401 | 361 | N | Initial Care | 3 | Y | Trauma | CONCUSSIONS |
| | | | 1/8/2024 | 1/14/2024 | STD | 2 | 1/7/2024 | | | 202401 | 175.24 | N | SHORT-TERM DISABILITY | 2 | Y | Trauma | CONCUSSIONS |
| | | | 11/5/2023 | 11/5/2023 | HC | 0 | 11/1/2023 | | | 202401 | 75.93 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 12/19/2023 | 12/19/2023 | HC | 0 | 12/11/2023 | | | 202401 | 56.72 | N | Universal | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 12/19/2023 | 12/19/2023 | HC | 0 | 12/11/2023 | | | 202401 | 56.72 | N | Universal | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/3/2024 | 1/3/2024 | HC | 0 | 12/11/2023 | | | 202401 | 84.5 | N | Universal | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/8/2024 | 1/8/2024 | HC | 0 | 12/11/2023 | | | 202401 | 84.5 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/11/2024 | 1/11/2024 | HC | 0 | 12/11/2023 | | | 202401 | 43.96 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 1/11/2024 | 1/11/2024 | HC | 0 | 12/11/2023 | | | 202401 | 46.26 | N | Universal | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 11/30/2023 | 11/30/2023 | HC | 0 | 11/28/2023 | | | 202401 | 27.2 | N | Universal | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 12/17/2023 | 12/17/2023 | HC | 0 | 11/28/2023 | | | 202401 | 27.2 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 12/27/2023 | 12/27/2023 | HC | 0 | 11/28/2023 | | | 202401 | 188 | N | Universal | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/4/2024 | 1/4/2024 | HC | 0 | 11/28/2023 | | | 202401 | 188 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/8/2024 | 1/8/2024 | HC | 0 | 11/28/2023 | | | 202401 | 48.5 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/8/2024 | 1/8/2024 | HC | 0 | 11/28/2023 | | | 202401 | 48.5 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/8/2024 | 1/8/2024 | HC | 0 | 11/28/2023 | | | 202401 | 48.5 | N | Initial Care | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/15/2024 | 1/15/2024 | HC | 0 | 11/28/2023 | | | 202401 | 46.26 | N | Universal | 3 | Y | Trauma | BRUISES CONTUSIONS |
| | | | 1/2/2024 | 1/2/2024 | HC | 0 | 10/5/2023 | | | 202401 | 521 | N | Initial Care | 3 | Y | Trauma | SPRAINS STRAINS TEARS |
| | | | 12/21/2023 | 12/21/2023 | HC | 0 | 10/14/2015 | | | 202402 | 10.52 | N | Continuing Care | 3 | N | Trauma | BRUISES CONTUSIONS |
| | | | 2/27/2024 | 2/27/2024 | HC | 0 | 10/14/2015 | | | 202402 | 107.77 | N | Pharmacy | 3 | N | Trauma | BRUISES CONTUSIONS |
| | | | 3/1/2024 | 3/31/2024 | HC | 0 | 10/14/2015 | | | 202402 | 94.48 | N | Personal Allowances | 1 | N | Trauma | BRUISES CONTUSIONS |

Healthcare/HC: Medical treatment, diagnostics, surgery

Short-Term Disability/STD: Wage replacement for shifts missed

Long-Term Disability/LTD: Disability awards & pensions

Vocational Rehab/VR: Cost of enrolment in the vocational rehabilitation program

Survivor Benefit/SB: Any benefits paid out to the spouse or estate of a worker who has passed due to a workplace accident or illness (counselling, funeral, pension)

Activity Two:

Finding Key Information From WorkSafeBC

How to Improve Your Performance

- The key to reducing premiums is, of course, **reducing claims costs**
- There are many ways you have **control** over your organization's claim costs:



Prevention



**Disability
Management**



**Protest &
Appeals**



Relief of Cost

Time for a break!

Please take 15 minutes to grab a coffee or snack, use the restroom, check your emails, or just have a moment to relax.



The Duty to Cooperate

Employers' Obligations

“

An employer must cooperate with a worker and the Board in the worker's early and safe return to, or continuation of, work by doing the following:

- a. subject to subsection (3), contacting the worker as soon as practicable after the worker is injured and maintaining communication with the worker;
- b. identifying suitable work for the worker that, if possible, restores the full wages the worker was earning at the worker's pre-injury work;
- c. providing the Board with information the Board requires in relation to the worker's return to, or continuation of, work;
- d. any other thing required by the Board.

”

Workers' Obligations

“

A worker must cooperate with an employer and the Board in the worker's early and safe return to, or continuation of, work by doing the following:

- a. subject to subsection (3), contacting the employer as soon as practicable after the worker is injured and maintaining communication with the employer;
- b. on request of the employer, assisting the employer to identify suitable work for the worker that, if possible, restores the full wages the worker was earning at the worker's pre-injury work;
- c. providing the Board with information the Board requires in relation to the worker's return to, or continuation of, work;
- d. any other thing required by the Board.

”

The Duty to Maintain Employment

Applies only to employers who regularly employ 20 or more workers, and when the injured worker has been an employee for at least one year pre-injury

“

If a worker is fit to work but not fit to carry out the essential duties of the worker's pre-injury work, an employer must offer to the worker the first suitable work that becomes available.

If a worker is fit to carry out the essential duties of the worker's pre-injury work, an employer must

- a. offer that pre-injury work to the worker, or
- b. offer to the worker alternative work of a kind and at wages that are comparable to the worker's pre-injury work and wages from that work.

An employer must, to the point of undue hardship, make any change to the work or the workplace that is necessary to accommodate a worker.

An employer's obligations under this section end as follows:

- a. all of the employer's obligations under this section end on the second anniversary of the date a worker is injured if the worker has not returned to work by that date;
- b. the employer's obligation under subsection (4) ends on the second anniversary of the date a worker is injured if, by that date, the worker is carrying out suitable work

”



Modified Duties

Modified duties—also sometimes referred to as **suitable work** in BC—are temporary duties and job tasks that can be offered to an injured worker while they recover.

- They do not need to be part of the workers normal job or job duties
- The modified work offered must be specific, meaningful to the business, not demeaning, and reasonably accommodate a worker's limitations
- Modified duties can be sedentary, light, medium or heavy
- Modified duties can also be the worker's pre-injury work with modifications (e.g. removing or adjusting a certain task or job demand)

Categorization of Modified Duties

- When developing a list of possible modified duties, it is important to consider a variety of different abilities
- The National Occupational Classification provides guidance on what constitutes sedentary, light, and medium duties

As an example, these are the categories TeksMed adheres to:

Sedentary Duties

These duties have the flexibility to allow the patient to sit or stand as needed but can be done **primarily sitting** should their injury require.

These duties can be done with frequent breaks and do not require the patient to lift, push or pull.

These duties also do not require the patient to carry anything heavier than a clipboard and pen/pencil.

These duties can be done with **one hand** and quality is not an issue.

Light Duties

These duties may require **some walking** of short distances but can be done sitting for the most part.

These duties are visual in nature.

There is **minimal bending** involved and these duties are flexible so they can be rotated to ensure rest breaks for the patient. These duties do not require any lifting greater than **5-7lbs** and would require more manual dexterity than physical labor.

Medium Duties

These duties would include more walking and the ability to bend and stand **as tolerated**. There would be no lifting over **15-20lbs** and there is flexibility with these duties so they can be rotated to allow the patient extra micro breaks and stretch time. Chairs can be provided to the patient should they require and as the patient progresses through these duties they can be incorporated with the patient's regular work schedule and duties.

Example Modified Duties List

ABC Tools & Gadgets

➤ Manufacturing plant, mostly operational positions, lots of standing & repetitive work on production lines

Sedentary Duties

- Seated desk work in administrative or safety office performing work-related training or certification (must be measurable)
- Sorting invoicing or reconciling shipping paperwork
- Inbound and outbound calls for orders/service
- Preparing labelling
- Assisting with shipping and receiving duties & paperwork
- Reconciling or inventory of paperwork

Light Duties

- Inventory counts and sorting (<5 lbs)
- Labelling
- Light cleaning & dusting
- Quality control and checks
- Visual safety inspections
- Checking and restocking first aid stations
- Light product sorting
- Cross training (shadowing) for other lines
- New hire orientations and safety tours
- Marking stock
- Forklift duties (if certified)

Medium Duties

- Organizing, sorting, and counting inventory (<10lbs)
- Cleaning and sorting work stations
- Equipment cleaning and minor repairs
- Packaging
- Stocking small parts and supplies
- Machine operation – button or push pedal

Other Types of Accommodations

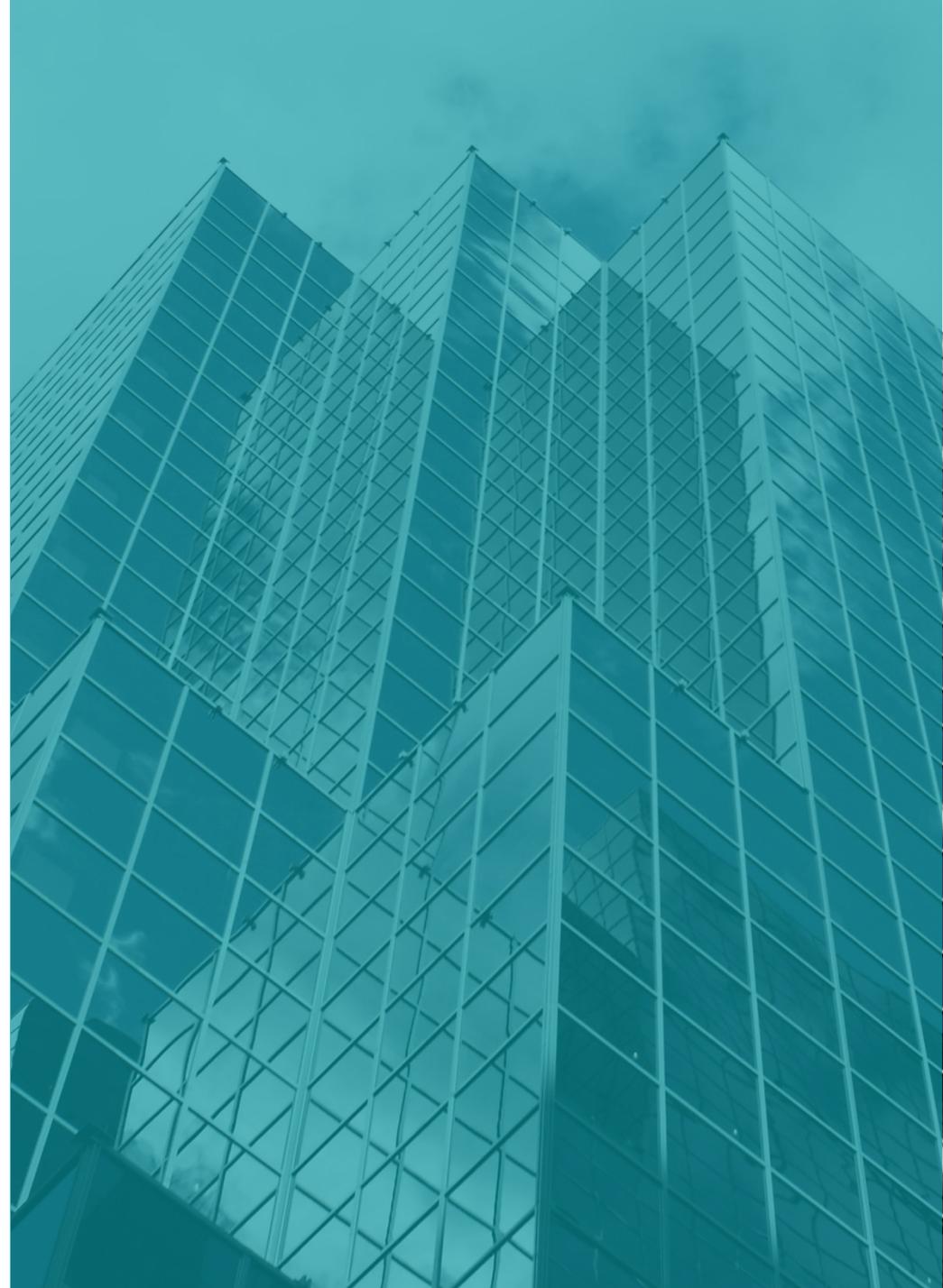
- Graduated Return to Work on pre-injury duties but modified hours
- Removing non-suitable job tasks from regular pre- injury position
- Switching work hours to accommodate lower work demands (night vs day shift)

Activity Three:

Preparing a List of Modified Duties

Considerations When Making an Offer

- Modified duties offers should always be documented and signed by both employer and worker, even if declined
- Offers must provide specific modified duties, no generalizations
- The offer should specify when modified work is to start
- Modified duties must be meaningful and not demeaning
- However, modified work does not need to be *preferred* work
- Modified offers should be made at injury reporting, and can always be adjusted or changed as abilities increase or if medical clarification is provided later



What Information Can an Employer Ask For?

- Employers are entitled to reasonable communication and updates from their injured worker about matters pertaining to their injury and ability to work
- Employers are allowed to ask a worker about their abilities and specific medical limitations or restrictions
- Employers may ask a worker for their input regarding duties or tasks they feel they may be able to do or duties that may be appropriate
- Employers are NOT entitled to detailed medical information, diagnosis or information about non-compensable conditions and illnesses.
- Injured workers must provide reasonable updates, including sharing medical clearances to return to work and information about their abilities and limitations as soon as practicable with their employer

Common Sense Restrictions

- If the injury has just occurred, or if the worker has not had the opportunity to see a medical professional, you should still make an offer of modified duties
- Without any medical assessment, your selection of modified duties to offer should be based on **common sense restrictions**



Activity Four:

Making an Offer of Modified Duties Based on Injury

Mental Health Claims

- Connect with the worker as soon as possible
- Ensure the contact person is a neutral party
- Mental health claims may require more accommodation to the environment, or based on cognitive abilities
- Some common accommodations that can support return to work on a mental health claim include:
 - Reduced work hours
 - Reduced workload or demands
 - Change in environment
 - Change in exposure
 - Providing additional supports
- Be **flexible**—accommodations and solutions will be as unique as each situation
- If communication is challenging, rely on the case manager or seek additional supports through return to work support services at WorkSafeBC



THANK YOU

We would be happy to answer any further questions.



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