

LEGISLATIVE BRIEFING

A Regional Employers Services Publication

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NEW RETURN-TO-WORK REQUIREMENTS UNDER THE WORKERS COMPENSATION AMENDMENT ACT (NO.2) 2022

Further to the *Legislative Briefing* titled [Workers Compensation Amendment Act \(No.2\) 2022 - Bill 41 Receives Royal Assent](#), published on December 6, 2022, the BC Government has confirmed the effective date of Sections 4, 7 & 13 of the [Workers Compensation Amendment Act \(No.2\) 2022 \(Act\)](#), which create new accommodation duties for employers of workers injured on the job, as **January 1, 2024**.

Key Amendment:	Effective Date:
Section 4, 7 & 13 - Duty for employers to return injured workers to work, for employers and workers to cooperate, and the corresponding penalty provisions.	January 1, 2024
Section 6 & 14 - Interest on delayed benefit payments	April 3, 2023
Sections 8, 9 & 15 - Independent Health Assessments	April 3, 2023
Section 11 - Fair Practices Commissioner	May 1, 2023
All other amendments	Date of Royal Assent

Background

Previously, when the *Act* received Royal Assent in November 2022, the effective date for this amendment was undetermined and the BC Government advised that it would be determined at a later date by regulation of the Lieutenant Governor in Council. As per the BC Government's [announcement](#) on June 09, 2023, through an

order-in-council, the effective date of these provisions was declared as January 1, 2024. As a result, businesses with 20 or more employees will be required to follow the new return-to-work requirements effective January 1, 2024.

These new requirements require an employer and an injured worker to cooperate with each other and with WorkSafeBC to ensure the worker can return to their pre-injury job, a comparable job or, where the worker is not fit to do their pre-injury work duties, to other suitable work. Furthermore, employers must, to the point of undue hardship, make any changes to the work or workplace necessary to accommodate the worker. The changes also allow WorkSafeBC to impose administrative penalties on employers who fail to comply with their return-to-work obligations.

What's Next

WorkSafeBC is currently developing policies to support the new return-to-work requirements and will be engaging in broad public consultation in July and August, 2023. RES will continue to monitor the progress of these policies, and this legislation, and will provide further updates as required.

QUESTIONS?

If you have any comments or questions about this update, please e-mail RES360@metrovancover.org or call 604-451-6558.

SOURCES

Bill 41 - 2022, Workers Compensation Amendment Act (No.2), 2022

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/3rd-session/bills/progress-of-bills>

“Return-to-work requirements will protect injured workers” - BC Gov News

<https://news.gov.bc.ca/releases/2023LBR0025-000884>