

Changes to workers' compensation laws

Information for Albertans

Objective

The *Ensuring Safety and Cutting Red Tape Act, 2020* amends the *Workers' Compensation Act* to restore balance and fairness to the workers' compensation system to meet the needs of workers and job creators now and into the future. The system will be affordable, sustainable and efficient for workers who become ill or injured on the job.

Proposed changes

What is changing	What it means	Effective date
Limiting presumptive coverage for psychological injuries	<p>Presumptive coverage for psychological injuries will be limited to firefighters, police officers, paramedics, sheriffs, correctional officers and emergency dispatchers.</p> <p>Coverage for work-related psychological injuries will remain for other types of workers and occupations, but will be accessed through the regular WCB claim process (i.e. no longer presumed).</p> <p>WCB will still help all workers diagnosed with a work-related psychological injury get the treatment and supports they need.</p> <p>There has been no change to Post Traumatic Stress Disorder (PTSD) presumption. It continues to be limited to firefighters, police officers, paramedics, sheriffs, correctional officers and emergency dispatchers.</p>	January 1, 2021

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	<p>This change will save the workers' compensation system an estimated \$230 million over the next three years.</p>	
<p>A shorter appeals commission reconsideration process</p>	<p>If a person with a direct interest disagrees with a decision of the Appeals Commission for Alberta Workers' Compensation, they can request that the appeals commission reconsider that decision.</p> <p>Specific steps and requirements for the reconsideration process will be removed from legislation.</p> <p>Steps and requirements will be outlined in a guideline document.</p> <p>This will reduce time and costs for parties involved with a reconsideration request.</p>	<p>April 1, 2021</p>
<p>Benefit of the doubt favouring workers</p>	<p>Benefit of the doubt provisions favour workers in situations where the balance of evidence is approximately equal.</p> <p>Benefit of the doubt will be removed for medical panel responses to medical dispute questions.</p> <p>Benefit of the doubt will remain for claim eligibility and appeal decisions.</p>	<p>April 1, 2021</p>
<p>Revising the cost of living adjustment calculation</p>	<p>The Workers' Compensation Board (WCB) will calculate cost of living adjustments for compensation benefits as needed, rather than being adjusted automatically based only on the Alberta consumer price index.</p>	<p>January 1, 2021</p>

	<p>This will save the workers' compensation system an estimated \$240 million in future liabilities.</p>	
<p>Transitioning Fair Practices Office services</p>	<p>The core services of the Fair Practices Office will be delivered by other organizations beginning April 1, 2021.</p> <p>Fairness review services will continue to be available free of charge to injured workers and employers. A fairness review officer reporting directly to the WCB will provide these services.</p> <p>Appeals advisory services will continue to be available free of charge to injured workers and employers through the Appeals Commission for Alberta Workers' Compensation.</p> <p>These changes will save the workers' compensation system an estimated \$1.8 million per year.</p>	<p>April 1, 2021</p>
<p>Reinstating a maximum insurable earnings cap</p>	<p>A maximum insurable earnings cap will be reinstated.</p> <p>Injured workers will be compensated at 90 per cent of their pre-injury net earnings up to a maximum earnings cap.</p> <p>The WCB will set the earnings cap as required.</p> <p>This will save the workers' compensation system an estimated \$33 million in 2021.</p>	<p>January 1, 2021</p>
<p>Reducing the time limit to appeal a WCB decision</p>	<p>Injured workers and employers will have one year to appeal a WCB decision to the Appeals Commission for Alberta Workers' Compensation.</p> <p>The current time limit is two years.</p>	<p>April 1, 2021</p>

	This will allow appeals to be resolved more quickly.	
Review of the funding target range for the Accident Fund	<p>The Minister will advise the WCB to do a review of its funding policy in light of the current fiscal and business context.</p> <p>The WCB will continue to set the funding target range for the Accident Fund through operational policy.</p>	April 1, 2021
Distributing Accident Fund surpluses	<p>The Minister will advise the WCB to do a review of its funding policy in light of the current fiscal and business context.</p> <p>The WCB will continue to set the threshold for distributing surpluses to employers through policy as required.</p>	April 1, 2021
Continuation of wage replacement benefits after a worker is terminated for egregious conduct	<p>If an injured worker is terminated from modified work due to egregious conduct, the WCB will be able to reduce or cease wage replacement benefits.</p> <p>WCB health benefits and return to work services will still be available to injured workers terminated from modified work due to an egregious act.</p>	January 1, 2021
Requirement for employers to contribute to health benefit plans	<p>Employers will no longer have to contribute to health benefit plans for injured workers who are off work.</p> <p>Employers may voluntarily choose to continue contributing to the plans.</p> <p>An injured worker will receive WCB medical and rehabilitation benefits related to their injury while off work.</p> <p>Non-WCB benefits are outside the scope of workers' compensation legislation.</p>	April 1, 2021

<p>Employer obligation to reinstate injured workers and accommodate disabled workers.</p>	<p>Employers will not be legally obligated to reinstate an injured worker.</p> <p>Employers may voluntarily reinstate an injured worker and more than 90 per cent of injured workers were reinstated voluntarily before it became a legal requirement.</p> <p>Employers have a duty to accommodate disabled workers through human rights legislation.</p> <p>Employers will have a duty to cooperate in an injured worker's early and safe return to work.</p> <p>Injured workers will have a duty to cooperate with rehabilitation plans.</p>	<p>April 1, 2021</p>
<p>Transitioning services from the Medical Panels Office</p>	<p>The core services delivered by the Medical Panels Office will transition to the Appeals Commission for Alberta Workers' Compensation by April 1, 2021.</p> <p>Medical panels are used to resolve differences in medical opinions related to an injured worker's claim.</p> <p>This will save the workers' compensation system an estimated \$400,000 per year.</p>	<p>April 1, 2021</p>
<p>Physician choice for independent medical exams</p>	<p>Injured workers retain the right to choose a physician to conduct an independent medical exam if an exam is requested by the WCB.</p> <p>Injured workers may choose the physician from a list maintained by the WCB.</p> <p>The physician list was maintained by the Medical Panels Office, which will close by April 1, 2021.</p>	<p>April 1, 2021</p>

Optional case conferencing for medical disputes	Optional case conferencing may be used to resolve medical disputes in workers' compensation claims prior to having the matter reviewed by a medical panel. Case conferencing will be removed from the <i>Workers' Compensation Act</i> , but continues to be an option when required.	April 1, 2021