

Worker fact sheet

Duty to cooperate

What is the duty to cooperate?

If you have an accepted WorkSafeBC claim for a work-related injury or illness, you and your employer may have a *duty to cooperate*. The duty to cooperate requires you both to work together, and with WorkSafeBC, on your timely and safe return to, or continuation of, work.

This means you and your employer are expected to communicate throughout the claim, as appropriate. This involves promptly contacting each other after the injury and continuing to share information about your abilities and return-to-work options.

Returning to work as soon as it is safe to do so can minimize the impacts of your injury, protecting your income, your routines, and your health. The duty to cooperate helps ensure you're able to reap these benefits.

What do workers need to do?

To fulfill your duty to cooperate as a worker, you must:

- Contact your employer as soon as possible after the injury or illness
- Remain in contact with your employer
- Work with your employer to identify suitable work that is safe, productive, within your functional abilities, and consistent with your skills and competencies
- Provide WorkSafeBC with information about your return to work
- Cooperate in the return-to-work process and not unreasonably refuse suitable work when your employer has made it available

The duty to cooperate is effective as of January 1, 2024. It applies to you if your claim has a date of injury on or after January 1, 2022.

What happens if I don't cooperate?

If there are disputes about your cooperation, WorkSafeBC will work with you and your employer to find a resolution and identify potential suitable work opportunities.

We'll contact you to understand your reasons for not cooperating, and we'll collaborate with you to find possible solutions. As part of this process, we'll determine if your reasons for not cooperating are reasonable. If we determine that you've unreasonably refused an offer of suitable work, your wage-loss benefits may be reduced or suspended. You'll continue to receive appropriate health care benefits and services during this time.

If you later cooperate, we'll review the claim and may restart your wage-loss benefits if they were suspended.

What part does my employer play?

To fulfill their duty to cooperate, your employer must:

- Contact you as soon as possible after the injury or illness
- Remain in contact with you and with WorkSafeBC throughout your recovery and return-to-work process

- Work with you to identify and make available suitable work that is safe, productive, within your functional abilities, and consistent with your skills and competencies
- Provide WorkSafeBC with information about your return to work
- Cooperate in the return-to-work process

What happens if my employer doesn't cooperate?

If your employer doesn't cooperate in the return-to-work process, contact WorkSafeBC. We'll clarify everyone's responsibilities, find out why your employer isn't cooperating, and work toward solutions.

WorkSafeBC will work with your employer to understand why they feel they're unable to cooperate, and we'll collaborate with them to find possible solutions. If they still don't cooperate, they may have to pay a financial penalty.

I still have questions. How should I contact you?

Please visit gems.online.worksafebc.com/emailus to send us questions about your duty to cooperate. Select "Duty to cooperate and duty to maintain employment" as the subject of your email.