

OCCUPATIONAL HEALTH & SAFETY ISSUES

LIGHT DUTIES — WHO BENEFITS?

This Fact Sheet deals with the “walking wounded”, i.e. those workers who are asked by the company to come to work when they are temporarily disabled, to do so-called “light work”.

Light duties (or better stated as appropriate or suitable duties) can sometimes be beneficial to a worker who is on the road to recovery from an injury or disease. Likewise the availability of an appropriate job is of great importance to a permanently disabled worker. However, performing so-called light work can be very harmful to a worker who is temporarily disabled.

In order for you to consider performing “light duties”, four factors should be considered:

- 1) you must agree
- 2) your doctor must agree
- 3) the work must be gainful, productive employment
- 4) the work must serve a rehabilitative role in helping to get you back to your regular job.

The doctor’s permission should be obtained by you, not by the company, as the company may be more interested in avoiding WCB claims than they are in your welfare.

You should discuss with your doctor what your job is or what job you have been offered by the company. Find out what work is being offered before you return to work.

If you feel that you are not physically capable of doing the job, then stay at home.

Ensure that the work offered is not something like reading a book in the First Aid Room. Gainful, productive employment means just that. To merely come in and push some paper for an hour or so can hardly be called gainful and productive. Coming in and doing some menial task for an hour or so while getting paid for a whole day, may sound like a good deal, but your chances of ever receiving WCB benefits for a re-occurrence of your injury sometime in the future are greatly jeopardized.

It is extremely important that all injuries or industrial diseases are reported to the First Aid Attendants and that all injuries or industrial diseases which involve a visit to the doctor (regardless of any time loss) are reported on a claim form submitted to the WCB. Waiving WCB benefits is illegal according to the B.C. Workers’ Compensation Act which states:

“Compensation cannot be waived”

- 13.(1) A worker may not agree with his employer to waive or to forego any benefit to which he or his dependants are or may become entitled under this Part, and every agreement to that end is void.

- (2) Where an employer, or a worker of that employer having supervisory responsibilities, by agreement, threats, promises, inducements, persuasion or any other means seeks to discourage, impede or dissuade a worker of the employer, or the worker's dependant, from reporting to the board an injury or allegation of injury, whether or not the injury occurred or is compensable under this Part;
- (a) an injury or allegation of injury, whether or not the injury occurred or is compensable under this Part;
 - (b) an industrial disease, whether or not the disease exists or is compensable under this Part;
 - (c) a death, whether or not the death is compensable under this Part; or
 - (d) a hazardous condition or allegation of hazardous condition in any employment to which this Part applies,

"the employer commits an offence and is liable on conviction to a fine not exceeding \$5,000; and the worker having supervisor responsibilities commits an offence and is liable on conviction to a fine not exceeding \$1,000."

Consider this: some employers try to offer workers the opportunity to come to work with little or nothing to do in the way of work assignment and waive their claim to compensation until recovery.

If the company is willing to pay you a whole days wages for an hour worth of work, while on the other hand they discipline workers for being two minutes late getting back from a coffee break - they are obviously benefiting in some way

In B.C., Manitoba, and most other Canadian provinces employers pay WCB assessment premiums under the "experience rating" system. Experience rating means that within an industry rate group (e.g. metal mining) employers pay the same basic assessment rate but in addition, the rate of the individual employer is varied up or down as a result of the total cost of the workers' WCB claims. Thus if employers can keep WCB claims, especially lost time claims, to a minimum, they will benefit financially by paying reduced WCB assessment rates.

Our union believes that more effort should be devoted to preventing industrial injuries and diseases before they occur, not to hiding statistics after accidents happen.

IT CAN'T BE FIXED IF NO ONE KNOWS ABOUT IT!

*lhcope343
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