

BULLETIN

DUTY TO COOPERATE AND DUTY TO MAINTAIN EMPLOYMENT

The final amendment of Bill 41, Duty to cooperate and duty to maintain employment, comes into force on **January 1, 2024*** and will affect workers and employers.

**In certain circumstances, the changes will be retroactive, applying to some claims with injury dates before January 1, 2024. Please [consult with WorkSafeBC](#) for more details.*

Amendment Overview

According to [WorkSafeBC](#),

The duty to cooperate creates obligations for workers and employers to cooperate with each other, and with WorkSafeBC, to identify and make suitable work available to workers in a timely and safe manner following an injury.

The duty to maintain employment applies only to some employers. If an employer regularly employs 20 or more workers and has employed the injured worker for at least one year before their injury, the employer has an obligation to maintain that worker's employment.

How does the amendment affect workers?

- The worker must stay in touch with their employer and WorkSafeBC.
- They must work with the employer to find suitable tasks if they can't do their previous work due to an injury but are able to work in another role.
- The worker should accept suitable job offers made by an employer and should not unreasonably say no.
- If a worker can return to their previous job, the employer must offer that job or a similar one.

For more information, please [email WorkSafeBC](#) with any questions. Select *Duty to cooperate* and *Duty to maintain employment* and follow the prompts.

How does the amendment affect employers?

- If an employer usually has 20 or more employees and has employed the injured worker for at least a year before the injury, they must keep offering employment to that worker.
- If a worker is fit to return to their pre-injury work, the employer will be required to offer either that pre-injury work or a comparable alternative.
- If the worker cannot perform their pre-injury job but is otherwise fit to work in another capacity, the employer must offer the first suitable work.
- The legislation also requires employers to make any changes necessary to the work or workplace to accommodate an injured worker unless the changes create an undue hardship for the employer.

BULLETIN

DUTY TO COOPERATE AND DUTY TO MAINTAIN EMPLOYMENT

WorkSafeBC provides the following information resources for employers who want to learn more about what the legislation means:

- View the [presentation slides](#).
- [Watch a video](#) of the presentation.

For more information on Bill 41, see: [***Bill 41: Amendments to the Workers Compensation Act.***](#)

Please [email WorkSafeBC](#) with any questions. Select *Duty to cooperate and Duty to maintain employment* and follow the prompts.

More Information

For more information regarding Bill 41 or concerns regarding support and compliance, please see:

[***Bill 41: Amendments to the Workers Compensation Act.***](#)

All inquiries can be directed to WorkSafeBC [via email](#).