

**Chapter:** Return to Work

**Legislative authority:** section 118

*Prevention statement*

*Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.*

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## Purpose

This policy addresses how collective agreements work in conjunction with the re-employment provisions of the Act.

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## Definitions

**board** means the Workers' Safety and Compensation Board

**employer** means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

**worker** means a person who performs work or services for an employer under a contract of service or apprenticeship, written or oral, express or implied and as further defined in section 77 of the Act

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## Policy statement

### 1. General

If the provisions of section 118 of the Act conflict with a collective agreement that is binding on an employer, and the employer's obligations under section 118 give a worker better re-employment terms than the collective agreement does, section 118 prevails over the collective agreement. This does not operate to displace the seniority provisions of a collective agreement.

## 2. Collective agreements

When a worker is covered by the re-employment provisions of both a collective agreement and the Act, the provisions of the Act will be applied, except where the workplace parties, in consultation with the bargaining agent or union representative, as the case may be, determine that the provisions of the collective agreement give the worker greater rights.

In such cases, the provisions of the collective agreement will prevail and the workplace parties must notify the board in writing of this finding as soon as possible.

### *2.1 Seniority provisions*

The re-employment provisions under the Act as it relates to the worker's return to work, do not displace the seniority provisions of the collective agreement. The application of the re-employment obligation is subject to the level of accumulated seniority in relation to co-workers, and the specific seniority provisions of the collective agreement.

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## History

- RE-08 Re-Employment Provisions of Collective Agreements, effective July 1, 2012, revoked July 1, 2022
- RE-08 Re-Employment Provisions of Collective Agreements, effective January 1, 2011, revoked July 1, 2012