

WCB Alberta Business Procedure 10.1A: Claim Management for Foreign and Out of Province Workers

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Workers Remaining in Alberta After the Injury

The following applies to foreign workers and workers that reside out of province (and are considered a worker under the WCB of Alberta and are employed with an employer who is required to have WCB coverage). When an injury is not severe and a return to work is likely, it is preferable to have the injured worker remain job attached and in Alberta where WCB can draw on a network of health care and other providers to expedite medical aid, recovery, rehabilitation and return to work. However, if an injured worker cannot or chooses not to stay in Alberta, he/she may live anywhere in the world and continue to collect the same benefits that would have been received while living in Alberta.

Foreign workers:

These workers are employed in Alberta under the Canada Temporary Foreign Worker program are covered by Alberta Workers' Compensation and entitled to the same benefits and services available to any Alberta worker, whether or not they hold a valid work permit through the Federal Government. However, the work permit expiry date is important in determining the time restraints in managing the worker's claim in Alberta before the claimant returns to the country of origin. If the work permit will expire within the expected recovery time, the worker should contact the Government of Alberta Temporary Foreign Worker Advisory Office Notes Link to discuss their options.

Out of province workers:

These workers do not require a work permit and may return to the home province at any time after notifying the WCB. See Policy 04-02 Part II When developing the case plan consider travel arrangements for a return to Alberta for treatment or vocational services in order to expedite services for return to work.

The following key points must be considered when managing claims for foreign workers:

Determine if the worker holds a temporary work permit and when it will expire. It is not mandatory to obtain a copy of the work permit for the claim. Adjudicate the claim as for any other Alberta worker whether or not there is a valid work permit

There are several categories of work permits:

Skilled - six months to two years

Unskilled - six months to two years

Working Holiday - 12 months

Farm Workers - 10 months

- Workers with a temporary work permit are issued Social Insurance Numbers which begin with a "9".
- Temporary work permits are occupation specific and are based on the corresponding NOC code.
- Temporary work permits do not allow the worker to perform modified work duties, unless those modified work duties fall within the context of regular duties associated with the occupation listed on the work permit. Suggest the employer and worker contact the Government of Alberta Temporary Foreign Worker Advisory Office prior to beginning a modified work program.
- The worker and employer can apply to have the occupation of the temporary work permit changed. This would require the employer to apply for a new Labour Market Opinion from Service Canada and, if approved, the worker to apply for a new work permit from Citizenship and Immigration Canada. During this process, the worker may remain in Canada if the temporary work permit has not expired.

Note: Effective July 16, 2012, until July 31, 2017, the Temporary Foreign Worker occupation specific pilot project added additional occupations to their pilot program. This program allows specific skilled, in-demand occupations to be issued a work permit that allows them to move freely between employers (in the occupation they acquired their work permit for), without first receiving authorization from Human Resources and Skills Development Canada. There are a total of seven (7) occupations that do not need to apply for a labour market opinion from Human Resources and Skills Development Canada/Service Canada:

1. Carpenter (NOC 7271)
2. Estimator (NOC 2234)
3. Heavy duty equipment mechanic (NOC 7312)
4. Ironworker (NOC 7264)
5. Millwright and industrial mechanic (NOC 7311)
6. Steamfitter and pipefitter (NOC 7252)
7. Welder (NOC 7265)

Until July 31, 2014, Temporary Foreign Workers who have a job offer in one of the above occupations in Alberta can proceed directly to Citizenship and Immigration Canada to apply for a work permit.

Contact the **Government of Alberta's Temporary Foreign Worker Advisory Office** (North office 780-644-2584 or South office 403-476-4540). They can provide advice and assistance clarifying the worker's rights and potential options regarding modified work and/or re-employment.

For accidents arising out of travel to Alberta, see Section 28 and Policy 02-01, Part II, Application 3 - Travel. The following information may also be useful in determining entitlement:

- Accidents occurring outside Alberta are not covered unless the conditions of Section 28(1) are met; or if the Board, prior to the accident, has exercised its discretion under Section 28(2) to waive any of the requirements of Section 28(1).
- Accidents occurring while traveling to work in Alberta are generally covered once the worker has crossed the Alberta border (when driving) or when the plane touches down in an Alberta airport (when flying). Review the details of the employment contract to determine any relevancy it may have on the worker's travel and adjudicate accordingly.
- Once the worker arrives in Alberta and employment commences, routine travel to and from the worksite will not be covered when there are no employment obligations or duties associated with the travel, regardless of any remuneration the worker may receive for the travel. See Policy 02-01, Part II, Application 3 - Travel for additional travel and entitlement information.

Create a file note (*Compensation Payments/Rate Setting*) and send it to the *Payments/Rate Setting, Team Desk* for assistance prior to setting rates when a worker is a non-permanent employee and prior earnings from a foreign country have been confirmed.

Note: Convert the eligible wages to Canadian funds using the rate of exchange in effect on the date of accident. Refer to the Bank of Canada website for currency conversion calculator <http://www.bankofcanada.ca/en/rates/exchform.html>

The following key points must be considered when managing claims for foreign and out of province workers:

Confirm if appropriate modified duties are available when determining fitness for work. Encourage the employer to put the modified work offer in writing, and have the worker and employer sign the modified work agreement. A copy of the agreement should be obtained for the file (see Business Proc. 31.5 - Modified Work Program).

Note: It is the employer's responsibility to contact the Federal Government with any questions regarding the details of the worker's temporary work permit and any work restrictions that may be applicable. If the work permit does not allow for modified work, pay TD01 until fitness for full work is confirmed or permanent/long-term restrictions are identified and vocational services begin.

Develop a proactive case plan for out of province workers and foreign workers far in advance of the temporary work permit expiration date. Issue all benefits the worker is entitled to while remaining in Alberta (e.g., prescription reimbursement, travel expenses, etc.). See Business Proc. 10.1 - Case Planning Model.

Note: When developing a case plan for foreign workers, ensure that the work permit allows the worker to participate in the services offered (e.g. retraining [short or long term], job search, etc.). If unsure, contact the Alberta Temporary Foreign Worker Advisory Office

Workers Leaving Alberta After the Injury

For both foreign and out of province workers:

Develop a case plan and arrange all necessary medical assessments (e.g. MSE, FCE, IME) before the worker's departure, if possible. Request vocational services such as a Return to Work Skills Profile (RWSP) and career counselling if work restrictions are anticipated. After the worker has left the province, if a wage loss is anticipated and SJS is required, contact service providers in Alberta to confirm if the service can be performed over the phone. If an over the phone job search is not possible, consider a provider in the worker's home town or a self-directed job search (with regular employer contact forms).

Schedule a meeting (in-person whenever possible) with the worker before the departure. Consider the need for interpreter services to discuss WCB's expectations regarding frequency of medical treatment and reporting, vocational planning, and return to work planning after the return to the province or country of origin. Explain that the worker is responsible for securing medical services following the return home. Explain Section 54 and the implications of not attending all required appointments and treatment. Document the conversation in a letter to the worker after the meeting.

Contact Health Care Services for assistance in determining out of province payments and reporting expectations and to assist in identifying potential medical and/or vocational providers that may be required in the future (e.g. national service providers, HMO's, other WCB's, etc). Contact Medical Aid and/or Health Care Services if special payment and translation services are required.

If surgery or medical treatment is recommended after the worker returns home, contact Health Care Services to confirm whether the medical treatment and/or services are available in the province or country of origin and the costs involved to treat the worker. Complete an analysis to determine if it would be more cost efficient to return the worker to Alberta for treatment. Request travel arrangements to Alberta for the worker and issue travel expenses, if required.

Independent medical examinations for Permanent Clinical Impairment (PCI) awards can also be arranged in Alberta. Documentary PCI examinations can be arranged if the worker cannot return to Alberta.

Once the worker has medically plateaued, determine if work restrictions remain and whether the worker is eligible for a wage loss supplement - see Business Procedures 32.2 - Economic Loss Payment, 32.4 - Temporary Partial Disability Benefits, 32.5 - Temporary Economic Loss Benefits or 32.6 - Earnings Loss Supplement Benefits. **Estimate the worker's earnings using Alberta labour market information using a suitable position in Alberta or on actual earnings, whichever is higher** - see Policy 04-04 Part II, Application 4 - Economic Loss Payment.

Note: WCB estimates earning capacity as though the worker had continued to work in suitable employment in Alberta. Economic conditions outside of Alberta are not a consideration. When estimating earnings for foreign or out of province workers, the closest major centre can be used if positions are not available in the worker's current locale.

The ELP review process requires regular reviews to ensure accuracy and to confirm ongoing entitlement. Temporary foreign workers are subject to the same wage reviews as workers who live in Alberta. Claim owners can ensure benefit levels are appropriate via mail or email. See Business Proc. 32.2 - Economic Loss Payment

If academic training is approved (e.g., ESL courses, academic upgrading), it may be arranged in Alberta. Complete a cost analysis to determine if it is more feasible to have the worker attend the training in Alberta or in the province or country of origin. Any type of return to Alberta by the worker may have immigration and visa concerns which will need to be investigated before the upgrading.

For all non-medical aid foreign payment requests (taxi receipts, academic expenses, etc.), calculate the amount to be paid in Canadian funds (equivalent to the worker's submitted currency amount). Refer to the website: <http://www.bankofcanada.ca/en/rates/exchform.html> for currency conversion calculators. Issue the payment in Canadian funds once the conversion has been completed. Print the screen image of the conversion calculation results from the website and send for imaging.

If the payment will be issued by Finance, create a file note (*Medical Payment Processing/Foreign Currency*) asking for the payment to be calculated and issued. Obtain approval from the applicable person (see Levels of Authority). Send the completed file note along with the invoice task and the file note from the Level of Authority (if required) to the *Accounts Payable - Finance, Team Desk*.

Once the payment has been issued by Finance, a Reimbursement of Foreign Money Request form will be sent to a shared folder in the FINSHARE drive titled Conversion Sheets. Request a payment on the claim in Canadian funds payable to WCB Acct Department - Foreign Currency for the amount shown in the Payment Request section of the Reimbursement of Foreign Money Request form. Send this form to the claim.

Note: Rate based benefits (ie; TD, VR01, TEL, ELP) will be issued in Canadian Funds only.

For out of province workers only: Other provincial WCB's may be contacted for assistance in arranging medical treatment and/or vocational planning.

<p>1. Is compensation affected if a worker leaves Alberta?</p>	<p>According to s.52 of the Act, the WCB may stop paying compensation to a worker if that worker leaves Alberta to live in another jurisdiction, except in the following circumstances:</p> <ul style="list-style-type: none">• the worker provides satisfactory medical evidence confirming the continuation of disablement and the WCB is satisfied the period of disablement is not extended by the worker leaving Alberta, or• the worker has been granted an award for permanent disability. <p>The WCB may suspend compensation if a disabled worker leaves Alberta, either temporarily or permanently, without the WCB's consent.</p> <p>The WCB normally continues compensation following notice of a worker's intention to leave Alberta, unless it is evident that by leaving the province the period of disablement may be extended.</p>
<p>2. What if the WCB requires an examination or disability assessment of a worker who lives in another jurisdiction?</p>	<p>When a worker who is entitled to compensation lives in another jurisdiction, the WCB may, for the purposes of examination or disability assessment:</p> <ul style="list-style-type: none">• direct the worker to report to an office of the WCB in Alberta, or• direct the worker to report to the office of some extra-provincial agent or agency authorized to act on the WCB's behalf.
<p>3. Under what circumstances does the WCB continue medical aid when a disabled worker leaves Alberta?</p>	<p>When a disabled worker leaves Alberta, the WCB may authorize any continuing medical aid which might cure or alleviate the results of the worker's compensable condition.</p>