

Under Canadian and Alberta human rights law, all employers have a duty to modify the work or the workplace to accommodate the needs of a disabled worker. Any undue hardship resulting from accommodation is more than just an inconvenience—the threshold is high. The Canadian Human Rights Commission describes undue hardship as when an employer or service provider cannot sustain the economic or efficiency costs of the accommodation. We will work with you to determine if undue hardship applies.

Effective September 1, 2018, under the new WCB legislation, offering your injured worker modified work is no longer an option, it's your responsibility. This is effective for claims with a date of accident on or after September 1, 2018.

This new legislation applies to workers who have been with your company for 12+ months. There are some exceptions like short-term or seasonal employees, subcontractors, and people with personal coverage. [Find out more.](#)

WCB is responsible for determining whether an employer has met its obligation to accommodate the worker to the point of undue hardship. If WCB determines that an employer has not fulfilled its obligation, the employer has the right to request a review or appeal of that decision through the normal WCB processes. See Policy: 04-05 Part II for further details.

Claiming undue hardship

To claim undue hardship, you will be required to complete a form that will ask for details and supporting documentation to confirm which factors your claim of undue hardship is based upon. These factors can include the size of your business, health and safety concerns and cost, to name a few. WCB staff can help guide you through this process.

Support available to you

We can also work with you to develop a return-to-work plan. A great place to look for more information is our website: www.wcb.ab.ca. Here you'll find:

- ***Seminars and workshops*** – We offer seminars and workshops in both Edmonton and Calgary that teach you how to build an effective modified-work plan.
- ***More information on how to formalize your modified-work plan*** – Check out the Return to Work section of our website for more detailed information on how you can get a plan in place.
- ***Details on our training-on-the-job (TOJ) program*** – The TOJ program provides employers with financial incentive for employee training.

You can also contact us toll-free at 1-866-922-9221 and we'll help you get started.