
Workers' Compensation



UNIFOR
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How to Make a Claim

HOW TO MAKE A WORKERS' COMPENSATION CLAIM

The following information will help you to make a workers' compensation claim for yourself or to help your fellow workers establish a claim:

I WAS JUST INJURED ON THE JOB. WHAT DO I DO NOW?

Report every injury to your employer and to the first aid attendant, no matter how minor you may think it is. Make sure that your employer and the first aid attendant writes down everything you say about your accident. Keep notes about the report you make. This is very important. If you don't report your injury right away, it might be hard, even impossible, to prove later that it happened at work.

If you go to a doctor, your employer must report your injury to the Workers' Compensation Board (WCB). In some provinces the WCB has a different name. Check the list at the end of this booklet for the right name for your province.

A work-related injury can be something that happens over time. For example, you might think it's normal to have back pain or wrist pain because you have it all the time. You might not connect your pain with your job because you didn't have an "accident". But in fact, your back pain could be caused by heavy or awkward lifting at work. Your wrist pain could be caused by repetitive motion. You therefore should apply for workers' compensation for these types of injuries.

WHO DO I REPORT MY INJURY TO AT WORK?

Report to your supervisor and the first aid attendant if you are injured at work. If you cannot report right away, report before the end of your shift. Get the names of any of your co-workers who saw you get hurt. If no one saw you get hurt, make sure you tell someone about it right away.

DO I HAVE TO BE TREATED BY THE COMPANY DOCTOR?

No. You have the right to choose the doctor you want. You do not have to be treated by the company doctor. In some provinces the company can ask you to go to their doctor. If you refuse, the company can appeal. However, if the WCB tells you to see one of their doctors, you have to go or you will be cut off benefits. Make sure you see your doctor regularly, every couple of weeks or so, or you may be cut off WC benefits.

WHAT SHOULD I DO AFTER I REPORT MY INJURY TO MY EMPLOYER?

First, go to a doctor. See your family doctor, or a doctor at your local hospital or community health clinic.

There will be a number of forms that you will have to deal with after you report your injury to your employer. The form numbers used in this booklet are the ones used in most provinces. But some provinces, such as Manitoba, use different numbers.

DOCTOR'S FIRST REPORT, FORM 8

First, go to a doctor. See your family doctor, or a doctor at your local hospital or community health clinic.

There will be a number of forms that you will have to deal with after you report your injury to your employer. The form numbers used in this booklet are the ones used in most provinces. But some provinces, such as Manitoba, use different numbers.

WORKERS' REPORT OF INJURY, FORM 6

If your employer has reported that you lost time from work because of your injury, the WCB will send you a **Form 6**. You will have to fill it out and return it. If you have trouble filling in this form, **get help** from your workers' compensation or benefit representative.

If you telephone the WCB, they may send you the form. Your union workers' compensation or benefit rep may have a Form 6 for you to fill out or the company may have one for you to fill out. Even if you don't have a Form 6 you could write to them first in order to speed things up. Give them your name, address, social insurance number, and your date of birth. Describe your accident. Give information about the job you were doing at the time you were hurt. Give the names of anyone who saw you get hurt. Give as much detail as possible about what parts of your body were hurt. You will still have to fill in a Form 6 but contacting the WCB early may see your claim accepted sooner.

WHAT SHOULD I SAY IN MY REPORT TO THE WCB?

Whether you wait for the WCB to send you a Form 6, or you write to them before you get it, you will have to write a report of your accident. Give a lot of detail.

For example, don't just say "I fell and hurt myself". Say, "I was walking through the plant

in the assembly division. I stepped in some oil that was on the floor. My right leg went forward and I lost my balance. I fell backwards. I hit my shoulder on the machine. I hurt my right shoulder on the machine. When I landed on the floor, I hurt my right wrist, my neck, and my right hip."

Keep a photocopy of the Form 6. Keep notes on all telephone calls you may have with anyone from the WCB, they will. Keep copies of all letters you get from the WCB.

DOES MY EMPLOYER HAVE TO MAKE A REPORT?

Yes. Your employer has to report any injury that needs more than very minor first aid to the WCB. Once you report your accident, your employer has 3 business days to file a report. This report is called the Employer's Report of Accident, Form 7. This form is important to you because it gives the WCB information that affects your claim. It will affect the amount of money you might get in WCB benefits. It also gives the WCB an idea whether or not your employer will be fighting your claim.

Ask your employer for a copy of the Form 7. If your employer will not give it to you, get it from the WCB or through your union.

WHAT SHOULD I LOOK FOR ON FORM 7?

Check to make sure that your employer has correctly reported the amount of money you make. Since this report is what the WCB will use to decide how much money they will give you in benefits, it is important that it is right.




Once your employer has completed the Form 7, it should include information like:

- hourly wage or salary
- shift premiums
- overtime pay
- lead hand pay
- travel allowances
- living allowances
- money value of any benefits package - drug plans, dental plans, or pension plans, and
- anything else that can be estimated in terms of money. For example, every year your employer gives everyone a Christmas turkey.

Check that your employer has correctly reported:

- ✓ your income tax net claim code
- ✓ the details of your accident and the parts of you that were hurt.

Write to the WCB and let them know if:

-  there is a mistake on the form
-  your employer hasn't included some of the things mentioned here on the form
-  your co-workers get any retroactive pay raises after you were injured (this may or may not be taken into account)

WHAT HAPPENS WHEN THE WCB GETS A REPORT OF MY INJURY?

Once the WCB gets a Form 6, a Form 7, or a Form 8, they will open a claim file on you. They will give you a claim number. Use this claim number whenever you contact them. Getting a claim number does not mean that you will get benefits.

Every time you talk to someone at the WCB, that person will make a note of the conversation and put the note in your file. Every time you write to the WCB or they write to you, a copy of the letter will go into your file. Medical reports and other papers relating to your claim will also be in your file. If you need to make an appeal, your workers' compensation rep will need to get a copy of this file.

WHAT DO I DO IF MY EMPLOYER DOESN'T FILE A REPORT?

You should file your report anyway. Make sure your doctor sends in his or her report. The WCB can begin to look at your claim without your employer's report.

If your employer doesn't file their form within 3 business days, they may be fined.

I WAS STILL ABLE TO WORK. CAN I GET BENEFITS FROM THE WCB?

Yes. There are two types of WCB claims. Lost time claims are for payment of lost wages and medical expenses. No lost time claims cover medical expenses.

Medical expenses can be:

- + doctor's bills
- + physiotherapy
- + chiropractor
- + other therapy
- + prescription drugs
- + artificial aids such as hearing aids or braces
- + travel costs to get back and forth to your treatment
- + clothing allowance if a brace or wheelchair damages your clothing

You have to pay these expenses and then ask the WCB for the money back. Get receipts for everything. Keep track of your mileage. Send these to the WCB. Keep copies of everything, in case the WCB loses something.

Make sure your physiotherapist or chiropractor sends in forms to the WCB so they know you've gone for treatment.

WHAT HAPPENS IF THE WCB TAKES A LONG TIME TO DECIDE ON MY CLAIM? WHERE CAN I GET MONEY TO LIVE ON UNTIL THEN?

There are a number of places that you can go to for help while you are waiting for your WCB claim to be decided. Apply for everything. They'll let you know if you are not eligible.

- ⇒ Sickness and accident (weekly indemnity) benefits through work
- ⇒ Unemployment insurance sick benefits
- ⇒ Canada Pension Plan total disability benefits
- ⇒ Welfare

If you apply for these other kinds of benefits, you must let them know that you feel your injury or illness is work related and that you are applying for WC benefits.

They will probably tell you to sign an **assignment of benefits or subrogation of benefits form**. This form is a promise to pay back the money you receive from them once you get it from the WCB.

IS THERE A TIME LIMIT ON MAKING A WCB CLAIM?

It is best to make your workers' compensation claim as soon as possible after your accident. In some provinces you must apply within 6 months.

WHAT SHOULD I DO IF MY EMPLOYER TRIES TO GET ME TO TAKE SICK PAY INSTEAD OF MAKING A WCB CLAIM?

Do not let your employer talk you out of making a WCB claim. If your injury is related to your work, you should claim WCB benefits. WCB benefits are often higher than benefits under other plans. Also, if your injury reoccurs, you are far better off with a WCB claim established in the first place.

WHAT ELSE MUST MY EMPLOYER DO?

In most provinces, the law says your employer must:

- ⇒ pay you for the day you were injured
- ⇒ pay for you to go to a hospital or a doctor, or to your home
- ⇒ in Ontario, keep up their benefit plan payments for you for health care, life insurance, or pensions for one year
- ⇒ in Ontario and Quebec, re-employ you if you are able to return to work within two years.

CAN I APPEAL A DECISION TO DISALLOW MY CLAIM?

Yes. Contact your Unifor workers' compensation or benefit rep for assistance in processing your appeal.

WHERE CAN I GET HELP?

Your workplace should have a CAW WCB or benefit rep to assist you. If not, call your local union who should have someone to help you. The National Union provides training to workplace and local union WCB reps to learn how to help members with WCB problems.

WHERE CAN I GET HELP?

Your workplace should have a Unifor WCB or benefit rep to assist you. If not, call your local union who should have someone to help you. The National Union provides training to workplace and local union WCB reps to learn how to help members with WCB problems.

PLEASE NOTE:

This booklet describes workers' compensation provisions in effect for nearly all provinces. Some details in some provinces, however, may be slightly different so check with your Unifor Local Union WCB representative or Unifor workplace benefit representative to be sure.

WORKERS' COMPENSATION BOARDS

Alberta

Workers' Compensation Board of Alberta
9912 - 107 Street
PO Box 2415
Edmonton AB T5J 2S5
Telephone: (780) 498-3999 or (403) 517-6000 (Calgary)
Toll-Free: 1-866-922-9221
Fax: (780) 498-7999
<http://www.wcb.ab.ca>

British Columbia

WorkSafeBC (Workers' Compensation Board of British Columbia)
6951 Westminster Highway
Richmond BC V7C 1C6
Claims Call Centre
Telephone: (604) 231-8888 or Toll-Free: 1-888-967-5377
<http://www.worksafebc.com>
Prevention Information Line
Telephone: (604) 276-3100 or Toll-Free: 1-888-621-SAFE (7233)
Emergency and Accident Reporting
Telephone: (604) 273-7711 or Toll-Free: 1-888-621-SAFE (7233)
After hours (Richmond) Toll-Free: 1-866 WCB-HELP (922-4357)

Manitoba

Workers Compensation Board of Manitoba

333 Broadway Street

Winnipeg MB R3C 4W3

Telephone: (204) 954-4321 or Toll-Free: 1-800-362-3340

Fax: (204) 954-4999 or Toll-Free: 1-877-872-3804

<http://www.wcb.mb.ca>

New Brunswick

WorkSafeNB

1 Portland Street

PO Box 160

Saint John NB E2L 3X9

Telephone: (506) 632-2200 or Toll-Free: 1-800-222-9775 (NB)

Fax: (506) 632-6972

<http://www.worksafenb.ca/>

Nova Scotia, PEI, Newfoundland, Quebec and Ontario

Toll-Free: 1-800-222-9775

Health and Safety Emergencies

Toll-Free: 1-800-222-9775

Newfoundland and Labrador

Workplace Health, Safety & Compensation Commission of Newfoundland and Labrador

146 - 148 Forest Road

PO Box 9000

St John's NL A1A 3B8

Telephone: (709) 778-1000 or Toll-Free: 1-800-563-9000

Fax: (709) 738-1714

Corner Brook

Telephone: (709) 637-2700 or Toll-Free: 1-800-563-2772

<http://www.whscc.nf.ca/>

Northwest Territories and Nunavut

Workers' Compensation Board of the Northwest Territories and Nunavut

5022 49th Street 5th Floor

Centre Square Tower P O Box 8888

Yellowknife NT X1A 2R3

Telephone: (867) 920-3888 or Toll-Free: 1-800-661-0792

Fax: (867) 873-4596

<http://www.wcb.nt.ca/default.asp>

Iqaluit

Barron Building/1091
Box 669
Iqaluit NU X0A 0H0
Telephone: (867) 979-8500 or Toll-Free: 1-877-404-4407
Fax: (867) 979-8501
<http://www.wcb.nt.ca/default.asp>

Nova Scotia

Workers' Compensation Board of Nova Scotia
5668 South Street
PO Box 1150
Halifax NS B3J 2Y2
Telephone: (902) 491-8999 or Toll-Free: 1-800-870-3331 (mainland NS); 1-800-880-0003 (Sydney)
Fax: (902) 491-8002
<http://www.wcb.ns.ca>

Ontario

Workplace Safety and Insurance Board
200 Front Street West
Toronto ON M5V 3J1
Telephone: (416) 344-1000 or Toll-Free: 1-800-387-5540
Ontario Toll-free 1-800-387-0750
Fax: (416) 344-4684
<http://www.wsib.on.ca>

Prince Edward Island

Workers' Compensation Board of Prince Edward Island
14 Weymouth Street
PO Box 757
Charlottetown PE C1A 7L7
Telephone: (902) 368-5680 or Toll-Free: 1-800-237-5049 (in Atlantic Canada)
Fax: (902) 368-5705
<http://www.wcb.pe.ca>

Quebec

Commission de la santé et de la sécurité du travail du Québec (CSST)
(Occupational Health and Safety Commission)

1199, rue de Bleury

CP 6056, Succursale «centre-ville»

Montréal QC H3C 4E1

Telephone : (514) 906-3080 or Toll-Free: 1-800-667-7585

Fax: (514) 906-3781

<http://www.csst.qc.ca/portail/fr/>

Saskatchewan

Saskatchewan Workers' Compensation Board

Head Office

200-1881 Scarth Street

Regina SK S4P 4L1

Saskatoon Office

115 - 24th Street East

Saskatoon SK S7K 1L5

Telephone: (306) 787-4370 or Toll-Free: 1-800-667-7590

Fax: (306) 787-4311 or Toll-Free: 1-888-844-7773

<http://www.wcbask.com>

Yukon

Yukon Workers' Compensation, Health and Safety Board

401 Strickland Street

Whitehorse YK Y1A 5N8

Telephone: (867) 667-5645 or Toll-free: 1-800-661-0443

Fax: (867) 393-6279

<http://wcb.yk.ca/>

Association of WCBs of Canada

AWCBC

40 University Avenue, Suite 1007

Toronto ON M5J 1T1

Telephone: (416) 581-8875 or Toll-Free: 1-855-282-9222

Fax: (416) 581-1635

E-mail: contact@awcbc.org

<http://www.awcbc.org/en/index.asp>



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Unifor Health, Safety and Environment Department

205 Placer Court

Toronto ON M2H 3H9

Phone: (416) 495-6558 Fax: (416) 495-6552

1-800-268-5763

email: healthandsafety@unifor.org

www.unifor.org