

Reporting Workplace Accidents Workplace Safety and Insurance Board Medical Treatment Following a Workplace Injury

When Should You Report an Accident/Injury?

A workplace accident/injury should be reported to your employer as soon as possible, if not immediately, following the accident/injury. The *Occupational Health and Safety Act* defines responsibilities of workers which includes that a worker must: get first aid right away, tell the employer of any injury or the possible onset of a work-related disease/condition and file a claim for workplace insurance benefits promptly when more than first aid treatment/advice is needed.

Under the Workplace Safety and Insurance Board (WSIB) policy, accidents must be reported to the WSIB no later than six months from the date of the accident, and in the case of an occupational illness, no later than six months from when the worker learns they suffer from the occupational illness. However, immediate reporting is key to a successful WSIB claim.

Where are the Reporting Forms Located?

Each school board will have its own practice for workers to access incident/injury/disease reporting forms. Your school or local health and safety representative will be able to direct you to the form. These reporting forms are commonly accessed online.

In addition to the school board incident/injury/disease form, WSIB forms need to be completed for all workplace accidents/injuries that require health care, medical attention, and/or lost time from work.

The injured worker submits the Worker's Report of Injury/Disease (Form 6), which can be found at www.wsib.ca or [WSIB Form 6](#). There is an online reporting option. A copy of the Form 6 should be kept by the injured worker if they choose to submit online. In completing the Form 6, the worker should provide as much detail about the accident/injury as possible. All body parts impacted should be identified, even those not requiring medical attention. It is advised that when reporting chronic mental stress (CMS), workers provide additional documentation with the Form 6. This documentation should provide the narrative of the workplace events, names of witnesses, and any related reports of incidents giving rise to the CMS injury.

Treating health care practitioners need to know that a worker is being seen for a work-related condition as they are responsible to complete and submit a Form 8 to the WSIB, and in the case of CMS, a Form CMS8.

Who Completes the Forms?

The injured worker should complete the school board incident/injury/disease form and the WSIB Form 6. This ensures that all of the details of the incident/accident and injury are reported accurately according to the worker's experience. In circumstances where this is not possible, the worker can dictate to a scribe.

Why Make a WSIB Claim?

- WSIB claim entitlement provides for Loss of Earnings (LOE) compensation that does not result in the use of sick leave days.
- WSIB claim entitlement provides for Health Care Benefits (HCB).
- WSIB claim entitlement can provide benefits for recurrences and future medical disability arising out of the original workplace accident/injury.
- It is a worker's responsibility under the *Occupational Health and Safety Act* to report workplace accident/injury/disease.
- Making a WSIB claim ensures that unsafe conditions do not go unchecked, creating a safer work environment.
- The WSIB provides the only source of compensation for workplace accident/injury/disease. Workers cannot sue their employer to seek compensation.
- Many ETFO local collective agreements provide top up to one hundred per cent of salary for members on a WSIB claim.

Medical Treatment Following a Workplace Injury

Medical documentation is pivotal to a successful WSIB claim and/or WSIB appeal. While off work, it is important that injured workers continue to:

- seek customary treatment for the injury using evidence-based, regulated health professionals such as physicians, physiotherapists, occupational therapists, etc.;
- be sure that treatment is ongoing and continuous - gaps in treatment can be problematic;
- consult regularly with their family physician and/or specialist(s) - monthly is optimal;
- engage specialist(s) with expertise in the area of the injury (in the case of a chronic or traumatic mental stress injury or mental nervous condition, this should be a psychiatrist or registered psychologist);
- follow all prescribed/recommended treatments, including medications and any other therapies;
- keep a daily symptom diary/journal; and
- report the same information/symptoms to all health practitioners.

How Does the Return-to-Work Process Work?

The *Workplace Safety and Insurance Act* sets out a duty of co-operation for both injured workers and employers to contact one another as soon as possible after the accident occurs and to maintain communication throughout the period of the worker's recovery or impairment. Employers must attempt to provide suitable employment that is available and consistent with a worker's functional abilities. Your ETFO local can assist in this process.

Every injured worker is obligated to consent to the release of functional abilities information. The information is provided to employers and is used to assess whether a worker can return to their

regular job or if accommodations are needed. The Functional Abilities Form (FAF) is given to the injured worker by the employer for completion by the worker's treating physician. The information is then released to the employer.

In regards to WSIB claims, the employer is only entitled to functional abilities information as it relates to the workplace accident. Employers should not have unlimited access to an injured worker's medical history, and an injured worker should not grant an employer open-ended access to medical information. If your school board requests access to this form of medical information, you should contact your ETFO local or the WSIB Counsellor-on-Duty at the provincial office.

The WSIB Return-to-Work Meeting

Co-operation is key. According to the *Workplace Safety and Insurance Act*, an injured worker is obligated to respond and speak directly to the WSIB and is obligated to co-operate in the return-to-work process; failure to do so could result in denial or suspension of WSIB benefits. It is important that workers demonstrate willingness to participate in WSIB return-to-work discussions/meetings/plans whenever possible.

Injured workers have a right to union representation throughout the entire WSIB return-to-work or medical accommodation process and the district school board must still uphold its duty to accommodate to the point of undue hardship as per Ontario's *Human Rights Code* and the *Workplace Safety and Insurance Act*.

For more information, view ETFO's [A Member's Guide to the Workplace Safety and Insurance Board](#) resource. If you have further questions or concerns, contact the WSIB Counsellor-on-Duty at 1-888-838-3836 or 416-962-3836.

TK:MMC