

# HOW TO

## ...file a Workplace Safety and Insurance Board (WSIB) claim

### *How do I Avoid Problems with WSIB?*

#### **Immediately:**

1. Report the injury/illness to your employer, supervisor and occupational health department.
2. Inform coworkers that you injured yourself and explain how before you leave work.
3. Seek medical attention from your doctor/health professional (HP). Do not delay.
4. Ensure your doctor/HP knows your work may be the cause of your injury and that she/he completes a WSIB Form 8 (HP's Report).
5. Ensure your doctor/HP documents all objective physical findings in your file after each visit and on all WSIB forms.
6. Keep in mind that for WSIB purposes, the only consent forms you need to sign are those mentioned in #11 below.
7. Ask your employer to complete a Form 7 (Employer's Report of Injury/Disease). This is the official WSIB reporting form. Your employer must give you a copy.
8. Complete an Employer's Incident Form in detail, listing all areas of injury, including those even slightly affected.
9. Write to WSIB in detail about your injury. If your employer tells you it is not work-related or is considered sick time, advise WSIB.
10. File a claim if you are unsure about WSIB coverage for your injury.
11. Complete, sign and send to WSIB a Form 6 (Worker's Report of Injury/Disease) if/when WSIB sends one to you. You must also provide a copy to your employer. If WSIB does not send one to you, download a copy from [www.wsib.on.ca](http://www.wsib.on.ca). A Form 6 must be completed and signed to officially claim for WSIB benefits. If the employer provides you with a Functional Abilities Form (FAF), you must submit it to your HP to complete.
12. Report any "material change in circumstances" within 10 days if your claim is accepted. This includes any change in your condition, income or availability for work or rehabilitation.
13. Maintain contact with your employer and cooperate with what WSIB calls "Early and Safe Return to Work" (ESRTW).
14. If you have any health and safety (H&S) concerns during your Return to Work process, speak to your Joint Health and Safety Committee/H&S Representative/Labour Relations Officer.
15. Remember, if WSIB feels you are not cooperating, it will likely terminate your benefits.

#### **WSIB Time Limits to Claim**

Workers must file a claim no later than six months from the date of the accident; as soon as possible is best. In the case of an occupational disease, a claim must be filed within six months of the worker learning of the disease. WSIB may extend the six-month deadline, or waive the dual requirements altogether if, in WSIB's opinion, it is just to do so.



## WSIB Time Limit to Appeal

The time limit is 30 days or six months, depending on the issue. If you miss the time limit, we advise you to still submit the claim or appeal.

## Can ONA Help me Appeal the WSIB Decision?

For general questions about WSIB, contact your Local union office. If WSIB sends you an adverse decision and you want ONA to represent you, contact the ONA WSIB Intake line at (toll-free) 1-800-387-5580 (press 1 for English, press 0 for the receptionist and ask to be put through to the ONA WSIB Intake Officer) or (416) 964-8833, ext. 7721 within:

- One week of receiving notice of a 30-day WSIB appeal time limit.
- Four weeks of receiving notice of a six-month WSIB time limit.
- One week of receiving notice of an employer appeal.

If you have an adverse decision from WSIB, you must meet ONA's criteria for representation.

## For More Information

See ONA's *Your Complete Guide to WSIB*, available from ONA WSIB Intake, the ONA mailroom (call toll-free 1-800-387-5580) or our website at [www.ona.org](http://www.ona.org).

## Need Help with a LTD Appeal?

Insurance companies set time limits for appealing the denial or termination of Long-Term Disability (LTD) benefits. They also set conditions a claimant must meet to have benefits approved or reinstated.

ONA may be able to give you advice and launch an appeal on your behalf. However, if you want help with submitting an appeal, ONA policy requires you to:

- Contact your ONA Bargaining Unit Representative or Labour Relations Officer (LRO) by mail, phone, e-mail or fax no later than 14 calendar days following the date on the letter of denial or termination of benefits (your mail should be postmarked within this time frame.) If you don't know the name of the ONA representative in your workplace, call ONA at (416) 964-8833 or (toll-free) 1-800-387-5580 and ask for her or his name and phone number.
- Respond promptly when the LRO asks you to call or send information.
- Cooperate with the LRO's efforts to help you.
- Comply with terms and requirements of the insurance policy. It is especially important to remain under appropriate medical supervision.

It is better to speak to ONA before you respond to the insurance company or hire a lawyer. Either action may impede our ability to help. So may failure to meet the company's conditions.

Labour legislation and ONA policy do not require us to assist with appeals. Please ensure you follow the above process. We can help – call us!

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