

# How to File a Workplace Safety and Insurance Board (WSIB) Claim

## **If you are injured or ill due to work, immediately do the following:**

- Report the injury/illness/disablement/exposure to your employer right away no matter how minor. This may include strains or pulls after doing job-related tasks.
- Complete an incident report and provide detailed information about how you were injured (such as body positioning, the task(s) you were performing, and any awkward movements), along with any changes in your work (increased workload, staff shortage, heavier or more acute patients, etc.) Provide as many details as possible.
- Seek medical attention as soon as possible. Make sure you advise the treating professional that your injury occurred at work and advise your employer that you sought medical attention. Your treating professional will complete a Form 8 (health professional's report) to submit to the WSIB. Provide the second page of Form 8 to your employer, which provides information concerning your functional abilities.
- If you miss time from work following your injury, tell your employer it is related to your workplace injury – do not call in “sick.”
- The sooner you report your injury to your employer and seek medical attention, the more likely the WSIB will allow your claim. Advise your union representative when you report.

## **You must report your work-related injury within six months of the date of injury.**

**If you experience more of a gradual onset type of injury, you must report within six months of the date you became aware that it was caused by your work duties.**

**Occupational disease claims must be filed within six months of the diagnosis.**

## **File a Claim with the WSIB**

- Complete a WSIB Form 6 (worker's report of injury/disease) available on [www.wsib.ca](http://www.wsib.ca).
- Once your employer is aware that you have sought medical attention for a workplace injury, they will complete a Form 7 (employer's report of injury/disease) and must provide you with a copy. Review Form 7 and advise the WSIB if there are any inaccuracies.
- The WSIB will review the information contained on Forms 6, 7 and 8 and will make a decision whether to allow your claim.

## How to File a Workplace Safety and Insurance Board (WSIB) Claim

### WSIB Decisions – Time Limit to Appeal

- Any decision by the WSIB can be appealed. To protect your right to appeal, an Intent to Object Form **must** be filed by the deadline contained in the decision letter (generally six months, but some decisions have a 30-day deadline).
- ONA can help you appeal an adverse decision of the WSIB (see information below).

### Return to Work

- The WSIB's mandate is to return injured workers back to work (ideally in their pre-injury job) with their employer. The WSIB takes the position that injured workers are better off at work unless the medical information supports that they are totally disabled and incapable of returning to any work (including modified work).
- When you are injured at work, your employer is required to provide you with an offer of modified work as soon as possible. It is very common for employers to offer you modified work as soon as you report a workplace injury (sometimes before you have sought medical attention).
- When your employer presents you with an offer of modified work:
  - Advise your employer you are happy to cooperate and participate in early and safe return to work, but you first need to see your treating professional to properly determine your functional abilities.
  - Request a copy of the offer of modified duties and a Functional Abilities Form (FAF) from your employer, and provide these documents to your treating professional. You must seek medical attention **as soon as possible**. Do not delay or this may impact any possible entitlement to WSIB benefits.
  - Your treating professional should complete the FAF with details about your abilities and restrictions, and provide it to the WSIB. You should provide a copy to your employer.
- If the WSIB decides that you are not cooperating in the return to work process, it will negatively impact your benefits.

Contact your Bargaining Unit for assistance with return to work.

### ONA is Here to Help!

If you receive an adverse decision of the WSIB or notice of an employer appeal, please contact ONA's WSIB Intake:

- Email: [WSIBintake@ona.org](mailto:WSIBintake@ona.org).
- Telephone: 1-800-387-5580 (press "0" and ask to speak to WSIB intake or extension 7721).

### For more detailed information about the WSIB:

WSIB: A Guide for ONA Members is available on our website at [www.ona.org/guides](http://www.ona.org/guides), or by calling the ONA mailroom toll-free at 1-800-387-558