

INJURED AT WORK



Thank you for contacting
Waterloo Region Community
Legal Services.

Though we cannot assist you
with matters pertaining to
WSIB (Workplace Safety &
Insurance Board), some of
this information may be
helpful to you.

BENEFITS YOU CAN RECEIVE

In most cases, if you get injured or contract a disease related to the work, you can be eligible for compensation by the WSIB (Workplace Safety & Insurance Board) called "worker's compensations benefits."

The WSIB can take 12 weeks or more to make a decision for your claim. They will send you their decision in writing and will tell you what worker's benefits you have been approved for.

TYPES OF BENEFITS

- 1) Loss of Earnings (LOE):** these are benefits that pay for wages that you didn't receive due to your injury.
- 2) Health Care Benefits:** These are benefits that can help you pay for medical costs such as medication, physiotherapy to help you recover from your injury.
- 3) Non-economic Loss:** Sometimes called "permanent impairment benefit," the WSIB may pay for the impact of your injury if it is serious and permanent.

WSIB may also pay for other costs that you have because of your injury such as expenses that help you return to work, such as training, if you cannot return to work.

For additional information visit www.wsib.ca or www.stepstojustice.ca.

You may be able to get workers' compensation benefits for health care related to the workplace accident or injury, such as:

- medication
- assisted devices that help you function better, like orthotics,
- braces, crutches, canes, wheelchairs, hearing aids, or other aids that you need because of your accident at work.
- money to pay for clothing that is damaged by braces and wheelchairs
- medical treatment bills, doctor's bills and travel costs to go to your doctor or therapy approved by the WSIB
- wages you didn't get because of your injury
- retirement income you didn't save for because of your injury
- training or education to help you get work if you can't return to your old job
- an independent living allowance if you have a severe permanent disability

WSIB sometimes pays for your costs directly. If WSIB does not pay for your costs directly:

- keep all of your receipts
- ask your WSIB case manager if the cost is something the WSIB will pay for

PERMANENT IMPAIRMENT BENEFIT

If your injury is permanent, the WSIB may also pay you for the impact of your injury. This is called a permanent impairment benefit or non-economic loss (NEL) benefit because it is not related to your loss of earnings or ability to work.

You may need to ask for this benefit if the WSIB says they think you are fully recovered but you and your doctor disagree. If this happens, ask your doctor to inform WSIB that you still have ongoing limitations. The WSIB may send you to a doctor to see how serious your permanent injury is, but in most cases the WSIB will try to assess this only by looking at the reports in your file. If the WSIB will not assess you and you disagree with the assessment you received, you can appeal that decision.

TELL THE WSIB HOW MUCH YOU EARN

Be sure to the WSIB knows how much you earn so that they can pay you for the wages that you didn't earn due to your injury. These payments are called "loss of earnings (LOE)" benefits.

When you report your injury to the WSIB, you also give information about your wages, including all your earnings, such as overtime, shift premiums, and wages from other jobs. If you miss time from work because of your injury, your employer is expected to pay your full wages for the first day. After the first day, if you continue to lose time because of your injury, the WSIB pays you for 85% of your lost earnings.

WHEN YOUR LOE BENEFITS STOP

You will stop getting "loss of earnings (LOE)" benefits if you return to work and what you earn is the same or more than before your injury.

You'll also stop receiving LOE benefits if WSIB looks at the available jobs that you are both physically able and qualified to do and says it's possible for you to earn the same amount (or more) than before your injury in in one of these jobs. LOE benefits stop when you turn 65 years old, unless you were 63 or older when you were injured, in which case you can get LOE benefits for up to 2 years after you were injured.

WHAT YOU SHOULD DO

KEEP A RECORD OF ALL MEDICAL COSTS

WSIB may pay for some of your medical costs directly. For example, if your doctor recommends treatment such as chiropractic care, physiotherapy or prescribed medication. (You may have to pay for some of those expenses first, and then ask WSIB to pay you back after.)

Be sure to:

- get receipts for everything
- keep a record of the dates of your medical appointments
- keep a record of how many kilometres you travel if you drive to your medical appointments
- keep a copy of everything you send WSIB in case something gets lost.
- send your original receipts and records, along with the corresponding form.

KEEP REGULAR CONTACT WITH YOUR EMPLOYER

WSIB will require that you and your employer work together to get you back to work.

If you don't cooperate with your employer and WSIB to get back to work as soon as possible your benefits could be stopped. Contact your supervisor regularly to update your employer on your progress and to know when to expect you back at work.

ADDITIONAL RESOURCES

Office of the Worker Adviser:

<http://www.owa.gov.on.ca/en/about/Pages/Getting-Help-from-the-OWA.aspx>

Appealing WSIB's decision & filing an Intent to Object:

<https://stepstojustice.ca/questions/employment-and-work/what-do-i-do-if-i-disagree-wsib-decision>