

Reporting Workplace Accidents

Do any of these statements sound familiar to you?

- *It was just a little scrape, it really wasn't worth reporting.*
- *I was just so busy I forgot.*
- *It didn't seem like a big deal at the time.*
- *I wasn't sure I should report it, so I didn't.*
- *It was my own fault, so I was embarrassed to say anything.*
- *I couldn't leave my class!*

ETFO members who do not take the time to report workplace accidents and follow through with the paperwork lose the protection of the *Workplace Safety and Insurance Act* and allow the conditions that caused the accident to go unchecked by the employer. This can leave other colleagues vulnerable to having a workplace injury as well.

What Type of Accident/Injury Should be Reported?

All accidents/injuries that occur on the worksite or that arise out of and in the course of employment, no matter how trivial, should be reported to the employer. This does not mean, however, that every injury is reported to the Workplace Safety and Insurance Board (WSIB). An employer only needs to report accidents to the WSIB if the member is unable to earn full wages or if the injury necessitates some form of health care, for example, physiotherapy. Remember – “If in doubt – FILE!”

How to Initiate a WSIB Claim

When an accident occurs, an employer is responsible for completing a Form 7 and this is the employer's reporting of the accident. This form is filed with the WSIB. Sometimes the Form 7 will be completed off-site (school board) and a general accident reporting sheet will be used at the school, but the Form 7 is still the official accident report. Form 7 comes in triplicate and members have a right to a copy from the employer.

When an injured worker seeks medical attention for an injury, the treating physician is obligated to complete and submit a Form 8 which is the physician's reporting of the accident based upon an examination of the injured member. If for some reason a Form 7 does not get filed, a Form 8 will also trigger the start of a WSIB claim. Forms 7 and 8 are key to initiating a WSIB claim.

The injured member may also report the accident to the WSIB through a Form 6. This form is provided by the WSIB, usually at the injured member's request. This form is the member's opportunity to describe the workplace accident and injury suffered.

Claims filed with the proper information are generally paid without an unreasonable delay. If a workplace accident is not reported properly this can result in lengthy investigations and delays and lead to more frequent denials. Above all, the information provided on Forms 6, 7 and 8 must be consistent. Any inconsistencies in the accident information, areas of injury, dates and lost time will cause long delays and can possibly result in the claim not being allowed.

Forms 6, 7, and 8 can also be downloaded from the WSIB website at www.wsib.on.ca.

When Should you Report an Accident/Injury?

A workplace accident/injury should be reported to the employer *as soon as possible/if not immediately* following the accident/injury. Under WSIB rules, accidents must be reported to the WSIB no later than 6 months from the date of the accident and in the case of an occupational illness, no later than 6 months from when the member learns that the member suffers from the occupational illness.

Functional Abilities Form (FAF)

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 member can return to his or her regular job or if accommodations are needed. The FAF is given to the injured worker by the employer for completion by the member's treating physician. The information is then released to the employer. There is no limit on the number of times a request can be made. There is space on the Form 7 for an injured worker's signature consenting to the release of functional abilities information. This signature applies only to the release of this information and does not mean that the injured worker agrees with what is reported on the Form 7.

Obligation to Cooperate

The *Workplace Safety and Insurance Act* sets out a duty of cooperation for both injured members 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 member's functional abilities. Members must assist the employer as required or request to identify suitable work that is available, consistent and within the member's functional abilities. Your ETFO local can assist in this process if requested.

Important Tips

Document everything - keep copies of all correspondence, doctor's notes, forms, and letters. You may want to consider keeping a journal of what's happened and note any verbal communications.

WSIB is a no fault system of insurance. Under WSIB rules, you cannot sue your employer for a workplace accident.

Never assume your WSIB claim has been approved. It is best to contact the claims adjudicator assigned to your case or your employer for confirmation.

Your employer is only entitled to functional abilities information as it relates to your workplace accident. Employers should not have unlimited access to an injured member's medical history and injured members should not grant an employer open-ended access to medical information.

If you have any questions or concerns, contact the WSIB Counsellor in Professional Relations Services at 416-962-3836 or 1-888-838-3836.

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