

Guide to On-the-Job Injuries

in Canada

I got hurt on the job. What can I do?

- If you are hurt on the job, you are entitled to workers' compensation benefits.
- You have a right to workers' compensation whether the accident was your fault, the fault of one of your co-workers, or your employer's fault.
- Do not drink or take drugs on the job. You may lose your right to workers' compensation if you do this. Even if your drinking or use of drugs did not cause your accident, you may still be excluded from workers' compensation.

What is workers' compensation?

- Workers' compensation is a provincial and territorial program that provides help if you are hurt on the job or as a result of your job.
- Workers' compensation is governed by an independent board that ensures that your rights are protected.
- You are guaranteed medical and wage benefits if you are hurt on the job or because of your job.
- You are entitled to benefits even if the company you worked for is now bankrupt. This is called "collective liability."

How do I know if I can get workers' compensation?

- Almost all workers in Canada can get workers' compensation if they are hurt on the job. Certain industries do not have to provide coverage. But employers in these industries can choose to provide coverage anyway.
- Coverage applies equally to both men and women.

You have a right to workers' compensation in most Canadian provinces even if you are a foreign worker or do not have a valid worker permit.



What about workplace stress?

- A mental disability arising from a physical injury or industrial disease is included.
- Mental stress as a result of a physical disability may be compensated. Contact the Workers' Compensation Board (WCB) worker advisor in your province.
- A mental condition that results from mental stress is rarely compensated.

Contact the WCB office in the province where you are working for more information.

I am a farm worker. Am I covered?

- If you are a farm worker, Alberta, Manitoba, Nova Scotia, Prince Edward Island, and Saskatchewan do not require your employer to provide workers' compensation.
- You can still receive benefits if your employer chooses to include you. Ask your employer to find out whether he or she has workers' compensation coverage for you.

I am a domestic worker. Am I covered?

- You are a domestic worker if you work at your employer's residence (cleaning, cooking, gardening).
- Yukon and Saskatchewan do not require employers to have coverage. You should arrange for coverage by speaking with your employer.

Does the payment of workers' compensation come out of my paycheque?

No. Your employer must make the payments for your workers' compensation contributions. It is against the law for your employer to take contributions from your paycheque.

Are all of my on-the-job injuries covered?

- Yes. Injuries that occur in the course of employment are covered.
- An injury in the course of employment can be either a sudden event like a fall from a ladder, getting burnt, chemicals in eyes, etc. It can also be caused by performing a task over and over again for a long time, like typing too much or being exposed to materials like asbestos in the workplace over time.
- Both of these types of injuries are covered by workers' compensation.



What medical expenses are covered?

Coverage varies between provinces, but all provinces cover:

- hospital and/or physiotherapy costs;
- treatment by a doctor;
- repair of dentures, clothing or glasses and lost income from losing these things;
- artificial limbs, canes, hearing aids, and other needed aids that are prescribed by your doctor.

Is workers' compensation like welfare?

No. Workers' compensation is an insurance program. You have a right to workers' compensation.

You receive workers' compensation benefits for two primary reasons.

- 1) Your loss of earnings. Because of your injury you are no longer receiving your salary. Workers' compensation replaces part of your lost salary. You will be paid until you recover and once again receive a salary to support your family and yourself.
- 2) Loss of physical ability to work. If you lose some physical or mental ability because of your accident, all WCBs will compensate you for that loss.

You should contact your provincial worker adviser or office for help.

What if I get injured outside the province where I work?

- If you are injured outside the province where you are employed, don't panic.
- You are entitled to receive benefits.
- Provinces have entered into agreements to make sure workers are taken care of outside their home province.

You must:

1. see a doctor and report your injury immediately;
2. contact your employer and report your injury immediately;
3. contact your home province and report your injury immediately.

What rights do my family members have?

- If a worker dies as a result of a work injury, all provinces allow for a payment to the widow or widower.
- This includes common law widows and widowers.
- If the worker's children are the only surviving dependants, they can get workers' compensation benefits.
- In some provinces, payments can be made to the children in addition to the payments to the widow or widower.
- Each WCB has different payment levels and procedures. Family members should contact the WCB in their province for information.

Know your rights

- Your employer may not retaliate against you if you choose to file a claim for workers' compensation.
- You have a right to an appeal if your claim for workers' compensation is denied.
- You have the right to a fair hearing with an impartial judge.

What benefits will I receive?

- 1) **Medical benefits.** You will be entitled to have all your medical bills paid. You will be provided with treatment to help you return to good health.
- 2) **Wage benefits.** If you suffer a workplace injury you will get a portion of the income you have lost as a result of your injury. There is a minimum and maximum in most jurisdictions, and you should contact your provincial office to find out what they are. The length and amount of payment depends on the seriousness of your injury.
- 3) **Rehabilitation.** All WCBs cover both vocational and physical rehabilitation.
 - *Vocational Rehabilitation:* You can get training or retraining so you are able to go back to work.
 - *Physical Rehabilitation:* You can get treatment for a handicap that your injury created.

What do I have to do to get my benefits?

There are three steps to follow in order to receive benefits.

- 1) First, tell your supervisor or employer of your accident immediately.
 - If you are experiencing pains as a result of your task but no accident has taken place, notify your employer and go see a doctor immediately.
 - **Important:** Make sure that the doctor is independent and has your best interests in mind. Your doctor can tell you whether the pain resulted from your work.
 - You will have between three and five days to make this report, depending on the province where you work.
- 2) Your doctor must file a report with the WCB. The time limit for this is different from province to province, so you and your doctor should contact the WCB in the province where you work for that information.

Prevent injury by working safely

- Safety in the workplace is a shared responsibility between you and your employer.
- You must follow the safety instructions on all equipment and materials on site.
- Failure to do so may result in actions taken against you by your employer.
- Employers have to follow safety standards for their and your benefit.
- Failure to follow safety procedures could lead to an accident and increased WCB premiums for your employer. Employers are aware of this, and it is in their best interest to maintain a safe and healthy work environment by making sure employees follow the safety instructions.
- By not following safety procedures you will be putting yourself, your co-workers and your job in jeopardy.

For more information, see [Guide to On-the-Job Safety and Health in Canada](#).

- 3) You must file a claim with the WCB. You have between six and 12 months to file this claim. Contact the WCB in the province where you work to find out what the time limits are.

What must my employer do after learning I was hurt on the job?

- Your employer must notify the WCB of your injury or disease between three and five days after you give your notice of injury. If this deadline is not met then your employer will be fined by the WCB.
- Your employer must provide and pay for transportation to a place for you to recover.
- In all provinces your employer must have first-aid facilities on site.

Does it matter what health care provider (doctor) I choose?

- Yes. In worker's compensation circles doctors and other professionals (like physical therapists) are called "health care providers."
- Selecting a health care provider is an important step toward your goal of being properly compensated and treated for your workplace injury. The health care provider is important not only for your recovery, but also in establishing your condition before and after your injury. Be honest and open with your health care provider in order to get a report that is a true statement of your medical condition.
- The provinces of Alberta, British Columbia, Manitoba, Quebec, and Ontario permit you to select a health care provider of your choice.
- In addition, the WCBs of Alberta, Nunavut, Nova Scotia, Quebec, Yukon, and Ontario may require you to undergo a medical investigation by a health care provider picked by the board.

Worker inquiry numbers

Alberta

General claims enquiries

Tel: (780) 498-3800

Fax: (780) 427-5863 or toll free: 1-800-661-1993

Injury Reporting

Tel: (780) 498-3800

Fax: (780) 427-5863 or toll free: 1-800-661-1993

British Columbia

Tel: (250) 717-4301 or toll free: 1-888-922-6622

Fax: (250) 717-4334

Internet: <http://www.worksafebc.com/workers/workerscontact/default.asp>

Manitoba

Workers' Compensation Board of Manitoba
Exchange connecting all departments

Tel: (204) 954-4321

Within Canada toll free: 1-800-362-3340

Within Canada toll free fax: 1-877-872-3804

New Brunswick

Health and Safety Services
Toll free: 1-800-442-9776
Claims Inquiry
Toll free: 1-800-222-9775
Fax: (506) 632-6972

Newfoundland and Labrador

Tel: (709) 754-3927
Toll free: 1-800-563-1998
Fax: (709) 754-1220

Northwest Territories and Nunavut

Worker's Advisor is available at (867) 873-4345
or toll free at 1-877-816-2167

Nova Scotia

Legal Services: (902) 491-8900
General Enquiries
Tel: (902) 491-8999
Fax: (902) 491-8002
Internet: <http://www.wcb.ns.ca>

Ontario

Tel: (416) 344-1000
Toll free: 1-800-387-5540
Ontario toll free: 1-800-387-0750
TTY: 1-800-387-0050
Internet: <http://www.wsib.on.ca/wsib/wsbsite.nsf/public/contact>

Prince Edward Island

Worker's Advisor
Tel: (902) 368-6460
Fax: (902) 368-6576

Quebec

Commission de la santé et de la sécurité du travail
Tel: (514) 906-3780
Fax: (514) 906-3781

Saskatchewan

Tel: (306) 787-4370
Toll free: 1-800-667-7590
Fax: (306) 787-7582
Toll free fax: 1-888-844-7773
Internet: <http://www.wcbsask.com/>

Yukon

Tel: (867) 667-5645
Fax: (867) 393-6279
Internet: <http://www.wcb.yk.ca/worker/>



Commission for Labor Cooperation