

Sample lesson plan to accompany fact sheet on workers' compensation

This tool provides advice to settlement services staff and workshop leaders on delivering the information in the fact sheet for learners entitled "Information for newcomers to Ontario about workers' compensation." The purpose of the fact sheet is to introduce newcomers to the workers' compensation system in Ontario, including the Workplace Safety and Insurance Board and what to do in the event of a workplace injury or illness.

Use of the fact sheet is recommended for:

- all newcomers enrolled in English-language classes of LINC 4 or above;
- newcomers preparing to enter the labour market (e.g. in job-search and employment-preparation programs); and
- newly employed immigrants.

Why introduce this topic

Sometimes new immigrants do not find the work that they hoped to find when they first arrived in Ontario and instead take "survival jobs" that are not in their field. Research has shown that new immigrants to Canada are more likely to work in manual jobs where the risk of injury is higher. Many newcomers do not know anything about the workers' compensation system and, as a result, are unsure about what to do if they are injured at work or get sick due to work.

When to introduce this topic

This topic should be addressed when discussing occupational health or general safety information, workers' rights and job quality.

How to use this lesson plan

This lesson plan is designed for workshop leaders and settlement services staff who have little knowledge or background in this field and want guidance. The sample lesson plan provides wording that essentially mirrors the information in the fact sheet handed out to learners. It also suggests some classroom exercises.

The lesson plan ends with workshop leaders providing learners with information on "Helpful resources." Phone numbers and website information are provided as a convenience, but these do not have to be verbally provided during the session. Learners have this information in the fact sheet/handout.

Introduction

Although the aim is to get a job in your field, at first you may have to work in a job that is not in your field in order to become more financially secure and get Canadian work experience. You may work in a factory or a store. You may end up cleaning or doing maintenance work. Research has shown that new immigrants are more likely to work in manual jobs where the risk of injury is higher.

Exercise #1

Ask participants to think about and discuss the types of injuries and illnesses that workers might sustain at work.

Possible answers: slips and falls, cuts, strains, pain that develops slowly over time (e.g. back pain), a disease, violence-related injuries, head injuries, dermatitis (i.e. skin allergic reaction).

About the Workplace Safety and Insurance Board

If you are injured at work, you will not be able to sue your employer, as is the case for most workers in Ontario. Instead, you can access Ontario's workers' compensation system through the Workplace Safety and Insurance Board (WSIB) and get paid for time off work while you recover from your injury.

WSIB is a “no-fault” insurance system. That means it does not matter to WSIB who or what caused an injury. For example, if you get injured working on a machine because you forgot to put the safety guard down, you can still apply to WSIB for benefits. It also does not matter if you just started a job or are new to Canada.

In Ontario, WSIB benefits can cover the following:

- **Loss of earnings (LOE):** If you cannot work because of your injury and WSIB accepts your claim, then WSIB will cover a percentage of your take-home pay until you can work again.
- **Non-economic loss (NEL):** If you are permanently injured, then you may receive benefits that go beyond your regular pay to cover physical or psychological loss.
- **Health-care services for your injury:** This includes chiropractic, physiotherapy and prescription drug costs related to your injury, as well as the costs of assisted living devices and, in some cases, costs for travel to health-care or other service providers.
- **Help with returning to work:** This can include re-training for a different type of job, or getting your job changed so that you can do it while recovering from your injury.

What to do if you are injured or sick at work

Report the injury to your employer (boss) as quickly as possible. This might scare you. You may be worried that your boss will be angry, or that you will lose your job. **Your boss does not have the right to fire you just because you have been injured or because you report your injury.**

You might think your injury is so small that you do not need to tell your boss about it. But all accidents or injuries in Ontario should be reported to the employer. This is important because sometimes things that seem small—a minor cut, for example—can become more serious. The cut could become infected, and it could mean that you cannot work for a period of time.

It is your employer’s responsibility to report your injury to WSIB if it causes you to do any of the following:

- miss time from work;
- need health care (see a doctor, chiropractor, physiotherapist, dentist or registered nurse);
- earn less than regular pay for regular work;
- do a different (modified) job at less than regular pay; or
- do modified work at regular pay for more than seven days following the date of your injury.

To report an injury to WSIB, your employer should fill out a **Form 7** and you, the worker, should fill out a **Form 6**.

These forms are found on the WSIB website: www.wsib.on.ca/en/community/WSIB. Click on “Workers” followed by “Forms.” Print out the form or fill it in online.

Exercise #2

Show participants examples of the forms and pass these around the classroom or workshop.

Ask participants to practise completing the forms so they will be aware of the kinds of information they will need to provide in the event of filing a WSIB claim.

Your employer should not discourage you from making a claim for WSIB benefits.

Sometimes employers may offer you time off work instead of reporting an injury, or tell you that you cannot get WSIB benefits. If your employer is doing either of these things, you should call a free legal clinic or community resource for advice (listed at the end of the fact sheet) or contact WSIB directly.

Exercise #3

Tell participants that it is important to write down the details of an injury, illness or accident at work. Ask them to list the types of information they should make note of in the event of an injury, illness or accident at work.

Possible answers include:

- when the pain started;
- the type of job being done when the injury/illness took place;
- what was told to the supervisor, when and how he or she reacted;
- when the doctor was seen and what happened;
- any increases in pain;
- the details of the injury (what and why it happened, who was there, etc.);
- what activities can and cannot be done because of the injury;
- any contact with the union or health and safety committee; and
- any changes to the job being done—if so, what changes, for how long, etc.

Ask if the learners have questions, hand out the fact sheet and direct them to the resources at the end of the document.

Other important information

- Keep a notebook and write down the details of your injury, the pain you are feeling, the date(s) of your injury and the names of co-workers who may have witnessed your injury. If an accident took place, get the names and contact information of anyone who saw it happen. Also record the date(s) on which you speak to your boss about your injury.
- If you are sick because of your job, tell your boss that you are sick because of your activity or accident at work; do not just say you are sick without an explanation.
- Keep a record of the wages you are paid, and any other forms that you receive from work, such as a record of employment (ROE).
- If you have a union or health and safety committee representative at work, tell this person about your injury, sickness or accident.
- Get medical help. See your family doctor, or go to the hospital or a community health clinic. Tell your health-care provider that your injury or pain is related to your work activity or an incident at work. Provide as much detail as you can about your job, the kinds of work activities you do, what happened when you got the injury and the nature of your injury. Ask your doctor to fill out a **Form 8** and send it to WSIB.
- If English is a second language, bring a family member or friend who speaks English to your appointment, or ask for an interpreter if you are at a hospital. If you are calling WSIB, you can also ask for an interpreter. Call 1-800-465-5606 to speak to someone at WSIB in your own language.
- Get help filling out forms from someone who speaks English well and understands WSIB processes for filing a claim.

Helpful resources

If you get hurt or sick because of work, there are a number of places you can turn to for information, help and advice:

- The **WSIB website** has information in many different languages, including fact sheets about filing a claim, your rights, and health and safety information. The website is at: www.wsib.on.ca/en/community/WSIB. You can also call WSIB at 416-344-1000 or 1-800-387-0750.
- **WSIB** provides services and information in multiple languages. You can call the WSIB phone line or e-mail **WSIB to speak to someone in your own language**. Call 1-800-465-5606 or e-mail: translation@wsib.on.ca.
- The **Office of the Worker Advisor** provides free legal advice and representation to non-unionized injured workers. Call toll-free 1-800-660-6769 or 416-325-8570 in Toronto, or visit the website at: www.owa.gov.on.ca.
- **Injured Workers' Consultants** provides free legal advice and representation to injured workers. On site, the consultants speak French, Chinese, Italian and Spanish. Interpretation can be arranged for in other languages. Call 416-461-2411 in Toronto.
- The **Workers' Action Centre** is a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment. The Centre provides information and education to enable workers to organize for change. Call 416-531-0778, e-mail info@workersactioncentre.org or visit the website at: www.workersactioncentre.org.
- **Occupational Health Clinics for Ontario Workers (OHCOW)** has ergonomists, occupational hygienists, nurses and doctors who provide occupational health services, information and medical diagnoses for work-related injuries or diseases. Call 416-449-0009 in Toronto or 1-877-817-0336 toll-free, or visit the website at: www.ohcow.on.ca.
- The **Fair Practices Commission (FPC)** is an independent and confidential resource for injured workers, employers and service providers who experience service delivery problems in their dealings with WSIB. It can help to address concerns related to delays, communications, staff behaviour or issues surrounding the fairness of the decision-making process at WSIB. Call toll-free 1-866-258-4383, or visit the website at: www.fairpractices.on.ca.

This document does not constitute legal advice or formal training. To determine your rights and obligations under the *Workplace Safety and Insurance Act (WSIA)*, please contact legal counsel or refer to the legislation at: www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_97w16_e.htm

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- Injured Workers' Consultants
- Skills for Change
- Workers Health and Safety Centre
- Workplace Safety and Insurance Board
- Ontario Ministry of Labour
- Workplace Safety and Prevention Services
- Occupational Health Clinics for Ontario Workers



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