

Information for newcomers to Ontario about workers' compensation

If you are injured at work, you can access Ontario's workers' compensation system through the Workplace Safety and Insurance Board and get paid for time off work while you recover from your injury.

This is important to know because research has shown that new immigrants or newcomers to Canada are more likely to work in manual jobs where the risk of injury is higher.

Injury at work

You might be hurt at work because of an accident or because of the nature of your work. For example:

- You might fall off a ladder or get cut when using a machine.
- You might develop an injury over time because of your work. You might lift heavy things in your job or do the same motion repeatedly, and you may start to feel pain in your back, shoulders or neck because of this lifting or repetition.
- You may be exposed to harmful chemicals that, over time, could affect your health.

The workers' compensation system

In Ontario, most workers cannot take their employers to court if they have been injured. Instead, most workplaces in the province are covered by the Workplace Safety and Insurance Board (WSIB).

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 are injured while working on a machine because you forgot to put the safety guard down, you can still file a claim for benefits with WSIB. It also does not matter if you just started the job or if you are new to Canada.



In Ontario, WSIB benefits can cover the following:

- **Loss of earnings (LOE):** If you can't 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 retraining 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

If you are injured, report the injury to your employer (boss) as soon as possible. You may be afraid to do this. 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 an injury is so small that you do not need to tell your boss about it.

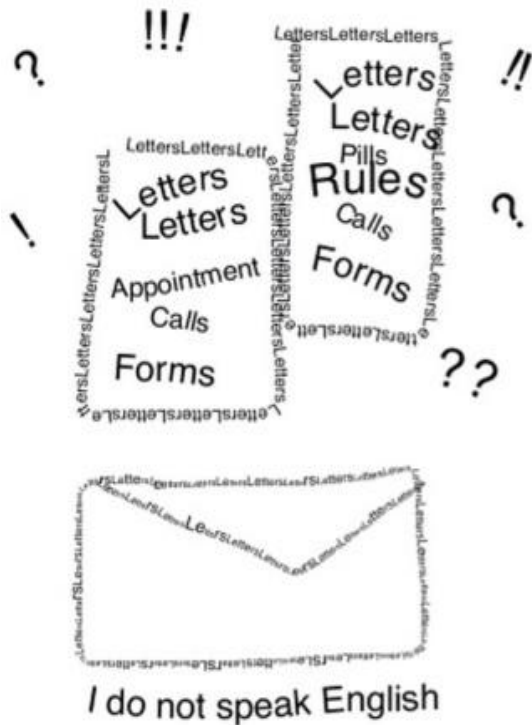
But all accidents or injuries in Ontario should be reported to the employer. This is important because sometimes things that seem small—a minor cut, for example—can become more serious. The cut could become infected, and it could mean that you cannot work for a period of time.

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

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

To report an injury to WSIB, employers 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.

Or, you can get the forms by calling 416-344-1000 in Toronto or 1-800-387-0750 toll-free. **To speak to someone in a language other than French or English, call 416-344-4999 in Toronto or 1-800-465-5606 toll-free.**



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 to WSIB 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 this fact sheet) or contact WSIB directly.

Other important information

- Keep a notebook and write down 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) when you speak to your boss about your injury and/or accident.

- 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 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

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 at 1-800-465-5606 **to speak to someone in your own language**, or e-mail WSIB at: 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.

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 **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.

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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The Institute for Work & Health is an independent, not-for-profit organization whose mission is to conduct and share research that protects and improves the health of working people and is valued by policy-makers, workers and workplaces, clinicians and health & safety professionals.

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