

Managing Your WorkSafeBC Claim

The basics of workers' compensation



WORK SAFE BC

WORKING TO MAKE A DIFFERENCE
worksafebc.com

If you have difficulty reading English and have questions about your WorkSafeBC (Workers' Compensation Board) claim, we will provide a translator for you. Please contact the WorkSafeBC staff member handling your claim and ask him or her to arrange translation for you.

如果您對工人賠償福利 (WCB) 有任何疑問，而又看不懂英語，我們會為您提供翻譯員。請與負責處理您索賠申請的工人賠償局職員聯絡，要求該職員為您安排翻譯服務。

Si vous avez de la difficulté à lire l'anglais ou vous désirez des éclaircissements au sujet de votre demande d'indemnisation pour accident de travail, nous vous offrons le service de traduction. Veuillez communiquer avec l'employé de la Commission des accidents de travail qui s'occupe de votre demande et demandez-lui de faire les arrangements nécessaires.

Se você tiver dificuldade para ler em inglês e tiver perguntas com relação à sua reivindicação junto a WCB, nós providenciaremos um tradutor para você. Favor contatar o funcionário da WCB que está processando sua reivindicação e pedir a ele ou ela para providenciar a tradução para você.

ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਣ ਵਿਚ ਮੁਸ਼ਕਲ ਆਉਂਦੀ ਹੈ ਅਤੇ ਆਪਣੇ ਡਬਲਯੂ ਸੀ ਬੀ ਕਲੇਮ ਬਾਰੇ ਤੁਹਾਡੇ ਮਨ ਵਿਚ ਸਵਾਲ ਹਨ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਤਰਜਮਾ ਕਰਨ ਵਾਲਾ (ਟਰਾਂਸਲੇਟਰ) ਦੇਵਾਂਗੇ। ਡਬਲਯੂ ਸੀ ਬੀ ਦੇ ਉਸ ਸਟਾਫ ਮੈਂਬਰ ਨਾਲ ਸੰਪਰਕ ਕਰੋ ਜਿਸ ਕੋਲ ਤੁਹਾਡਾ ਕਲੇਮ ਹੈ ਅਤੇ ਉਸ ਨੂੰ ਕਹੋ ਕਿ ਉਹ ਤੁਹਾਡੇ ਲਈ ਤਰਜਮੇ ਦਾ ਪ੍ਰਬੰਧ ਕਰੇ।

Si lee inglés con dificultad y tiene preguntas acerca de su reclamo ante el WCB, nosotros le proveeremos un intérprete. Sírvase contactar al empleado que se ocupa de su caso y pídale que haga los arreglos necesarios para obtener un intérprete.

Please note:

This handbook is for your information only. Should this information differ from the *Workers Compensation Act* or WorkSafeBC policy, the Act and WorkSafeBC policy will prevail.

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Your personal claim information

Use the following form to record the important details of your WorkSafeBC claim.

Claim number
Date of injury <i>(or date you first noticed symptoms)</i>
Injury details <i>(body part(s) injured, how, etc.)</i>
Case manager's name
Phone number
Other WorkSafeBC staff spoken to <i>(name, phone number, date, and topics discussed)</i>

The basics of workers' compensation

Who is covered

Most people working in British Columbia – whether they're working full time, part time, on contract, as casual labour, or as the principals or owners of a company – are covered by WorkSafeBC (the Workers' Compensation Board). You are covered even if your employer has failed to register with WorkSafeBC. If you are self-employed, contact WorkSafeBC's Assessment Department for information on personal optional protection.

What is a “work-related injury or disease”

WorkSafeBC will compensate you or your dependants for only a *work-related* injury or disease. For injuries, this generally means you must have been working when you were hurt and the injury must have been caused by something to do with your job. For a disease, this means that the disease you contracted must be caused by the work or the work environment. WorkSafeBC covers physical and psychological injuries that arise out of, and in the course of, employment.

Your right to claim

By law, your employer must report any workplace injury or disease to WorkSafeBC. Telling you not to report an injury or disease, or even trying to talk you out of reporting to WorkSafeBC, is against the law. You have the right to report any workplace injury or disease.

At the time you're injured, if you need an ambulance or transportation from your workplace to your doctor's office or the hospital, your employer is required to pay those costs.

Employers pay for the compensation system

WorkSafeBC is like an insurance system paid entirely by employers. The compensation system is *not* paid for by our provincial or federal taxes. It's against the law for your employer to deduct money from your wages or salary to pay your company's WorkSafeBC premium charges.

In return for employers funding the system, you cannot sue your employer, another employer, or another worker for a workplace injury or disease.

All about your WorkSafeBC claim

Opening a claim

WorkSafeBC starts a claim for you when it receives a report from either you, your employer, or your doctor (or whoever treats you) – that's why you have to tell both your employer and doctor that the injury or disease is work related. Both your employer and your doctor must fill in forms and send them to WorkSafeBC within three days of the date you tell them about your injury or disease.

You should report work-related diseases as soon as you notice the symptoms. Even if you're not working or you've changed jobs when you realize you have a work-related disease, contact WorkSafeBC right away.

Using our Teleclaim service, you can call our call centre to open a claim (the phone number is listed on page 11). Once your injury or disease has been reported, we may send you an Application for Compensation and Report of Injury or Occupational Disease (called a Form 6). If a WorkSafeBC staff member asks you to complete this form – at any time – it is important that you do so and return it as soon as possible.

Your claim number

When you make a claim with WorkSafeBC, we will give you a claim number. With this number, you can phone the WorkSafeBC call centre and use an automated telephone system to find out if your claim has been accepted by WorkSafeBC. Your employer and your doctor will also receive your claim number and will be able to phone to see if the claim has been accepted. Your employer and doctor *cannot* find out any of your personal information from this service.

Your personal access number

If you are off work because of your injuries or disease and your claim has been accepted, you will also receive a personal access number and instructions on how to use WorkSafeBC's automated phone system for information on:

- Whether a payment has been made to you
- How much that payment is
- When the cheque was mailed to you

DO NOT give your personal access number to anyone.

How your claim is handled

In most cases, your claim will be started by the WorkSafeBC call centre. Once we receive a report from either you, your employer, or doctor that you have been injured or developed a work-related disease, we will establish a claim for you. Then:

- If more information is needed to make a decision, a WorkSafeBC representative will call you about your application or to explain what is happening.
- If there is enough information for a WorkSafeBC representative to accept your claim, WorkSafeBC will send your first compensation payment by mail.
- If there is enough information for a WorkSafeBC representative to determine that your claim cannot be accepted by WorkSafeBC, he or she will send you a letter explaining the reasons why.

Who is on your WorkSafeBC team

Depending on how long your injury is expected to last, a variety of WorkSafeBC staff may help you. People with short-term claims (less than three weeks) will usually come into contact with only the following WorkSafeBC staff:

- Client services representative – Answers questions and makes entitlement decisions on straightforward claims.
- Entitlement officer – Makes decisions on straightforward and complex cases; manages straightforward cases.
- Nurse advisor – Assists in developing return-to-work plans.
- There are also administrative support staff with whom you may have contact.

People with longer-term claims (more than three weeks) work with a greater variety of WorkSafeBC staff. If you have a complex claim, you will be assigned a case manager to coordinate adjudication and management of your claim.

The goal of everyone on your team is your early, safe, and lasting return to work.

Tips on managing your claim

- Use the space on page ii to record the important details of your claim.
- Keep your claim and personal access numbers handy when talking to WorkSafeBC staff members.
- Make photocopies of all paperwork to do with your claim (forms, reports, receipts, etc.)
- Keep notes of phone conversations with WorkSafeBC staff, your doctor, and your employer (the date and what you discussed).
- Keep all original receipts for prescriptions and other health-care benefits. WorkSafeBC will not pay on photocopies of prescriptions.
- Be patient but proactive. WorkSafeBC receives about 160,000 claims every year, and making decisions can sometimes take time. But if you have questions or concerns, please call us to discuss them.
- If you are receiving time-loss benefits and you will be travelling (family, business, vacation), please contact WorkSafeBC to discuss how this might affect your benefits.

Out-of-province claims

If you are injured while working outside of British Columbia but you normally live and work in B.C. and your employer is based in B.C., you will usually be covered by WorkSafeBC. If you're not covered by WorkSafeBC, contact the workers' compensation board of the province in which you were injured.

In some cases, you may be eligible for workers' compensation in B.C. and another province. In that case you have three months from the date of your injury to decide from which board you intend to claim compensation.

If you are moving to another province while you are still getting payment from WorkSafeBC, let the WorkSafeBC staff member handling your case know, and provide your address and phone number. Your benefits will not change unless the move delays your recovery and return to work. Note that WorkSafeBC will pay health-care costs up to the amount allowed in British Columbia, but not more.

Your right to review and appeal decisions

If your claim or an aspect of your claim is not accepted by WorkSafeBC, we will send you a letter explaining the reasons and a brochure explaining the review and appeal process. If you don't understand the decision or the reasons behind it, contact the WorkSafeBC staff member who wrote the letter.

If you disagree with the decision, you can have it reviewed. If you disagree with the review decision, you may be able to appeal it, depending on the type of compensation.

There are specific time limits that apply to the review and appeal process. To have a decision reviewed, you must file a request for review within 90 days of the date of the decision. To appeal a decision, you must file a notice of appeal generally within 30 days of the date of decision. Check the *Claims Review and Appeal Guide* for further details (available online at WorkSafeBC.com).

Your rights to access and privacy

You have a right to see your WorkSafeBC claim file and all records about your claim. Your claim file and its contents will not be disclosed to anyone unless you request it. However, if you or your employer begin an appeal, your file becomes available to both of you. To request a copy of information in your claim file, send a letter to the Disclosures Department. To request a copy of information about you that may be located apart from your claim file, send a letter to the Freedom of Information and Protection of Privacy Department (addresses are listed on page 11).

Your benefits

Types of benefits

When you have an accepted claim with WorkSafeBC, we will pay accepted medical expenses (also called health-care benefits) and wage-loss benefits, plus any necessary rehabilitation services, to return you to a productive life.

If you have any questions on whether a health-care benefit or service is covered by WorkSafeBC, call the WorkSafeBC staff member handling your claim.

Health-care benefits

If your claim is not accepted, you will be responsible for paying for medical services and supplies. If your claim is accepted, WorkSafeBC may pay for medical services and supplies required to help you recover from your compensable injury. Some of these products or services must be preapproved by your WorkSafeBC claim representative before we will pay for them. If you're not sure if a medical service or supply is covered, contact your case manager or entitlement officer before you purchase it.

If your claim is accepted, in most instances the practitioner bills WorkSafeBC directly. You should not be asked to pay. If you are asked to pay, contact your WorkSafeBC officer.

Wage-loss benefits

Your wage-loss payments will usually be 90 percent of your average net earnings at the time of your injury. In determining your average net earnings, WorkSafeBC will deduct probable Canada Pension Plan contributions, Employment Insurance premiums, and federal and provincial income taxes. Average earnings may not exceed the maximum wage rate. The minimum and maximum wage rates are adjusted every year. If you are an apprentice or learner*, were employed less than 12 months with the accident employer, are a casual worker, or are an independent operator or employer who has purchased

* A learner is a worker who is undergoing training or probationary work that is preliminary to employment.

coverage from WorkSafeBC, special rules may apply. You may be asked to supply confirmation of your earnings to WorkSafeBC.

If you are still receiving compensation 10 weeks after the date of injury, we will review your rate. You may be asked for your T4 earnings slips and income tax returns to verify your earnings.

Setting wage rates is sometimes not straightforward. If your work is casual, temporary, in varying shifts, or for multiple employers, please discuss your work schedule with the WorkSafeBC officer handling your claim.

When benefits begin and end

Your wage-loss benefits from WorkSafeBC start the first scheduled shift lost after the day you suffer a work-related injury or disease. However, health-care costs are covered starting on the day you are injured.

You will receive wage-loss benefits until the WorkSafeBC staff member handling your case concludes you are able to return to work or have recovered from your injury. If your employer can provide lighter or modified duties that are safe, suitable, and productive, you must return to work to those duties.

Returning to work

When to return to work

You should return to work as soon as it is safely possible. Your doctor and other health-care professionals send progress reports to the WorkSafeBC staff member handling your case.

What is a “return-to-work” program

To help you return to work during your recovery period, your employer may be able to provide you with transitional tasks that are safe for you to do until you have fully recovered. That could mean modified tasks, shorter hours, or duties that are entirely different from your usual work for a set period of time. Your case manager will work closely with your doctor, your employer, your union, and you to make sure the duties are safe, suitable, and appropriate. If your employer suggests something you feel is unsafe, discuss your concerns with your WorkSafeBC case manager.

If your employer doesn't have an established return-to-work program, your WorkSafeBC case manager will assist in creating a program that's right for you.

For more information

WorkSafeBC.com

Our web site contains a complete listing of all WorkSafeBC offices and a wealth of information about all aspects of WorkSafeBC. For the most current contact information, please check the web site.

Mailing address

All written correspondence with WorkSafeBC should be mailed to the address below, not to the call centre or local offices.

WorkSafeBC
PO Box 4700 Stn Terminal
Vancouver BC V6B 1J1

WorkSafeBC call centre

Phone numbers:

604 231-8888 or 1 888 967-5377

Fax numbers:

604 233-9777 or 1 888 922-8807

Other WorkSafeBC contacts

Freedom of Information and Protection of Privacy Department

PO Box 2310 Stn Terminal

Vancouver BC V6B 3W5

Phone 604 279-8171

1 866 266-9405

Fax 604 279-7401

Disclosures Department

PO Box 5350 Stn Terminal

Vancouver BC V6B 5L5

Phone 604 279-7607

1 888 967-5377, Ext. 7607

Fax 604 276-3102

Workers' Advisers

If you disagree with a WorkSafeBC decision and want free, independent advice, call your nearest Workers' Advisers office. Or visit their web site at www.labour.gov.bc.ca/wab/.

Abbotsford

Phone 604 870-5488 / 1 888 295-7781

Campbell River

Phone 250 830-6526 / 1 888 643-0013

Kamloops

Phone 250 371-3860 / 1 800 663-6695

Kelowna

Phone 250 717-2096 / 1 866 881-1188

Nanaimo

Phone 250 741-5504 / 1 800 668-2117

Nelson

Phone 250 354-6933 / 1 866 354-6933

Prince George

Phone 250 565-4280 / 1 800 263-6066

Richmond

Phone 604 713-0360 / 1 800 663-4261

Victoria

Phone 250 952-4393 / 1 800 661-4066

