

4.8 Injury Claims Policy

Intent

This policy is designed to provide employees with a set of guidelines so that all workplace injury claims are handled in the correct manner, ensuring employees are provided with the benefits they require in a timely manner.

This policy has been developed using the WSIB (Ontario), WCB (Alberta) and WorkSafeBC as guidelines.

Scope

This policy applies to all employees always and without exception.

Unionized employees are requested to refer to their current Collective Agreement for specific information pertaining to this policy. Where the Collective Agreement is silent, bargaining members shall refer to the contents of this policy. In situations where the directions of this policy cover issues also in the Collective Agreement, the Collective Agreement will be the final authority.

Please note: the reporting guidelines and procedures noted in this policy do not negate the reporting requirements required by WSIB/WCB/WorkSafeBC. Please refer to the company's Reporting Workplace Injuries - Compliance Policy for specific reporting requirements as required by the WSIB, WCB and WorkSafeBC.

This policy has been developed to incorporate the legislative requirements of Alberta, British Columbia and Ontario and shall be updated accordingly should the employer expand its operations into additional provinces.

Guidelines

In the event of a workplace injury or occupational disease, the employer will comply with all federally and provincially mandated legislation as well as relevant WSIB/WCB/WorkSafeBC regulations. It is in everyone's best interest to ensure that injured workers receive benefits for their injuries where appropriate, as this will assist them in coping with the injury, and facilitate their recovery.

Any employee who is entitled to receive benefits under the WSIB/WorkSafeBC/WCB insurance plan is required to:

- Provide the WSIB/WCB/WorkSafeBC with any information necessary to adjudicate the claim;
- Co-operate in health care measures the WSIB/WCB/WorkSafeBC considers appropriate;
- Undergo an examination by a health professional selected and paid for by the WSIB/WCB/WorkSafeBC where required;
- Undergo an examination by a health professional selected and paid for by the employer if directed by the WSIB/WCB/WorkSafeBC;
- Co-operate in the Early and Safe Return to Work (ESRTW) program;
- Co-operate in all aspects of work reintegration assessments and plans;
- Co-operate in all aspects of return to work (RTW) placement programs.

If the employee fails to meet these obligations, the WSIB/WCB/WorkSafeBC benefits may be reduced or suspended. *The decision to reduce or suspend WSIB/WCB benefits is not at the discretion of the employer, and is made by the WSIB/WCB/WorkSafeBC.*

It is expected that the WSIB/WCB/WorkSafeBC will determine appropriate and reasonable health care measures based on their extensive experience in handling similar cases, and will maintain the best interests of the employee always.

In accordance with the requirements of the WSIB/WCB/WorkSafeBC, employees will be required to provide the WSIB/WCB with all necessary and/or requested information to assist them in the process of claims management.

If an employee is required by the WSIB/WCB/WorkSafeBC to obtain pertinent employment and/or claims related information from a third party, and fails to do so, the WSIB/WCB/WorkSafeBC will review the case to determine if all reasonable steps to acquire the information were taken. If the WSIB/WCB/WorkSafeBC is not satisfied that all reasonable steps have been taken, or where the employee simply fails to provide the necessary information, the WSIB/WCB/WorkSafeBC may reduce or suspend the provision of benefits until the employee can produce the required information.

Examples of non-co-operation may include:

- Changing health care professional without WSIB/WCB/WorkSafeBC approval;
- Not following prescribed treatment;
- Intentionally abusing prescription medication; or
- Missing appointments with health care practitioners.

If an employee produces a legitimate reason for their inability to follow the prescribed plan of treatment, the WSIB/WCB/WorkSafeBC will consult their health care staff to consider the rationale and determine the availability of acceptable alternatives.

If the WSIB/WCB/WorkSafeBC directs the employer to request a health examination, the employee will be required to undergo the examination as directed. If an employee fails to do so, the WSIB/WCB/WorkSafeBC may reduce or suspend benefits until the employee cooperates.

The employer will communicate effectively with the WSIB/WCB/WorkSafeBC regarding the return to work process and employees are required to cooperate; if an employee fails to cooperate with the process, the WSIB/WCB/WorkSafeBC may reduce or suspend benefits until the employee cooperates. Employees will be required to co-operate by:

- Participating in the preparation of the program;
- Fulfilling the mutually agreed upon commitments outlined in the program (such as modified duties), and taking into consideration penalties for non-compliance as per WSIB/WCB/WorkSafeBC.

If it is determined that an employee has committed a claims-related offence or fraud, the WSIB/WCB/WorkSafeBC will reduce or suspend their benefits in accordance with the provincially specified penalties of the WSIB/WCB/WorkSafeBC.