

ABOUT YOUR WORKSAFEBC CLAIM THE BASICS

A GUIDE FOR WORKERS

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 an interpreter for you. Please contact the WorkSafeBC staff member handling your claim and ask him or her to arrange an interpreter for you.

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

HOW TO USE THIS GUIDE

This guide is divided into four main sections that take you step-by-step through the workers' compensation system:

1. The basics of workers' compensation
2. The types of benefits you can expect
3. Returning to work
4. Your rights and responsibilities within the compensation system

Also, on pages 5 and 6 you'll find a list of phone numbers, fax numbers, and addresses of WorkSafeBC and WorkSafeBC-related offices if you need more information than is provided here.

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. You are covered even if your employer has failed to register with WorkSafeBC.

You or your dependants may be eligible for compensation by WorkSafeBC if:

- You are injured or killed on the job
- You are disabled or die from a disease that results from working at your job

If you are self-employed, contact WorkSafeBC's Assessment Department for information on personal optional protection.

If you need an interpreter, one can be arranged.

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 it must have been caused by something to do with your job in order to be covered by WorkSafeBC. For a disease, this means that the disease you contracted must be caused by the work or the work environment in order for you to be covered by WorkSafeBC. WorkSafeBC covers both physical and psychological injuries.

If you are injured on the job or develop a disease as a result of your work and WorkSafeBC accepts the claim, we will pay for your medical costs (up to certain limits and with some restrictions) and part of your lost income while you are unable to work.

Who pays for the compensation system

WorkSafeBC is an insurance system paid entirely by employers. **The compensation system is not paid for by 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 the workplace injury or disease.

Your right to claim

By law, your employer must report any workplace injury or disease to WorkSafeBC within three days. **Telling you to not 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 must, by law, pay those costs.

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 at 604 231-8888 or toll-free at 1 888 967-5377. The Teleclaim representative will record the details of your injury or disease and inform you of the next steps. If you need an interpreter, one can be arranged.

Your customer care number

Once you have registered a claim with WorkSafeBC, you will receive your unique customer care number. You will only ever receive one customer care number. If you have more than one claim, each claim number will be linked to your customer care number.

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. You can also check the status of your claim online by visiting WorkSafeBC.com, then selecting "Check the status of a claim" from the WorkSafe™ Online Services menu. Your employer and your doctor will also receive your claim number and will be able 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 registered, you will also receive a secure personal access number and instructions on how to use WorkSafeBC's automated phone system or Online Claim Status application for information on:

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

Do not give your personal access number to anyone.

If you have any other questions about your claim, or you would rather talk to a WorkSafeBC representative than use the automated system, call WorkSafeBC at 604 231-8888 (Greater Vancouver area) or toll-free at 1 888 967-5377. If you need an interpreter, one can be arranged.

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, 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.

How your claim is handled

In most cases, your claim will be started by WorkSafeBC's Teleclaim 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 pay you for any time lost due to injury or disease.
- 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:

- Teleclaim representative – Can register your claim for you.
- Client service representative – Answers questions and makes entitlement decisions on straightforward claims.

- Entitlement officer – Makes decisions on straightforward and complex cases; manages straightforward cases.
- Nurse advisor – Supports the entitlement officer to arrange safe, early return-to-work opportunities.
- Wage rate officer – Determines the amount of your wage-loss rate.

People with longer-term claims work with a greater variety of WorkSafeBC staff. If you have a complex claim, you will be assigned a case manager (case managers are similar to what used to be called "adjudicators"). Here are the people you will likely work with:

- Case manager – Coordinates all aspects of your case, including the efforts of your WorkSafeBC team, your employer, union representatives, and health care providers. **Your case manager is your primary WorkSafeBC contact.**
- Team assistant – Supports the case management team by scheduling appointments, maintaining information, and preparing correspondence.
- Medical advisor and nurse advisor – A doctor or nurse who provides consultation on health care matters such as rehabilitation and treatment plans; works directly with your family doctor. They also help facilitate return-to-work programs.
- Vocational rehabilitation consultant – Works with you and your case manager to identify and overcome the obstacles preventing your return to work. Your vocational rehabilitation consultant may provide services and programs to assist you to return to suitable employment, either with your current employer or a new employer.
- Psychologist – Helps you deal with any emotional or psychological aspects of your injury or disease.

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

Tips on managing your claim

- Record the important details of your claim.
- Keep your claim, customer care, 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 receipts for prescriptions and other health care benefits.
- If you can't get in touch with your case manager, ask for the team assistant working on your claim.
- 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 your claim is longer than two weeks, remember to check in with WorkSafeBC every two weeks to confirm your disability status (see page 5). This step may be waived by your case manager in some circumstances.
- If you are receiving benefits and will be travelling (family, business, vacation), please contact WorkSafeBC to discuss how this might affect your benefits.

BENEFITS

Types of benefits

When you have an accepted claim with WorkSafeBC, **we will pay accepted medical expenses (also referred to as health care benefits) and wage-loss benefits, plus any necessary rehabilitation services**, to return you to a productive life. We also provide permanent disability benefits where there is a permanent disability and pay toward funeral costs if there is a death. Pension benefits are provided to dependants of workers who have been killed on the job.

If you have any questions on whether a product or service is covered by WorkSafeBC, call your case manager or entitlement officer. If you move, please give us your new address and phone number.

Wage-loss benefits

Your wage-loss payments, also referred to as earnings equivalency, 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 WorkSafeBC's maximum insurable wage rate, which is approximately \$62,400 a year. 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 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.

You do not pay income tax on your WorkSafeBC compensation payments.

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. Examples of medical services and supplies that may be covered include:

- Treatment by a chiropractor, doctor, or specialist, or treatment by a physical therapist or massage therapist when referred by a doctor. (WorkSafeBC will usually pay for treatment from only one of these professionals at a time. Treatment by a physiotherapist or massage therapist that extends beyond four weeks must be pre-approved.)
Note: Not all therapists will treat WorkSafeBC clients.
- Treatment by a dentist
- Hospital, laboratory, and X-ray services

- Nursing care
- Personal-care assistance
- Prescription drugs related to the injury you are being compensated for
- Medical supplies, or equipment including artificial limbs, canes, dentures, hearing aids, wheelchairs, eyeglasses, crutches, back and leg braces, and some orthotics
- Home, vehicle, or workplace modifications, if required
- Other expenses that are a necessary part of your medical care or recovery

For enquiries regarding health care payments, contact Payment Services at 604 276-3085 or toll-free at 1 888 422-2228. If you need an interpreter, one can be arranged.

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.**

Permanent-disability benefits

If there is evidence that a work-related injury or disease has permanently disabled you, you will be assessed to determine whether you are eligible for permanent-disability benefits and will be advised accordingly.

WorkSafeBC may provide vocational rehabilitation to help you overcome the effects of your injury or disease.

Death benefits

If you die as a result of a work-related injury or disease, WorkSafeBC will pay benefits directly to your dependants, as well as pay toward your funeral costs.

If your employer continues to pay your salary

Instead of taking you off the payroll while you are off work because of your work-related injury or disease, your employer may decide to keep you on full salary. In this case, WorkSafeBC pays the wage-loss benefits directly to your employer.

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 you return to work or your case manager concludes you are able to return to work or have recovered from your injury, or have reached your maximum medical recovery. If your employer can provide light or modified duties that are safe, suitable, and productive, you can return to work at those duties.

WorkSafeBC benefits can be suspended if:

- You do not contact WorkSafeBC every two weeks to confirm disability (*Note: Your case manager may waive this requirement in some circumstances, e.g. recovering from surgery*)
- You do not attend or do not cooperate in a medical examination or program arranged by WorkSafeBC
- You participate in any activity that might delay your recovery
- You refuse treatment recommended by WorkSafeBC
- You refuse to participate in an appropriate return-to-work plan
- You fail to provide information requested for adjudication purposes by WorkSafeBC
- We discover your claim is fraudulent

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

Rehabilitation

Physical rehabilitation

WorkSafeBC uses a treatment program that is set up in a series of steps from the simplest to the most complex. Three weeks after your injury, we may call and ask you to see your doctor and discuss active treatment – if active treatment is appropriate. Once we get your doctor's approval, we'll refer you to the nearest WorkSafeBC-approved treatment centre that can see you within a week.

You may be referred to a WorkSafeBC-approved clinic near your home for physical therapy, work conditioning, occupational therapy, or other specialized treatments. The goal of rehabilitation is to enable you to return to work.

Psychological treatment

If the WorkSafeBC staff member handling your case believes that, as a result of your injury, you are entitled to and would benefit from psychological treatment, he or she will refer you for an assessment. You may then be referred for treatment, usually by a registered psychologist. WorkSafeBC will cover the cost of this treatment.

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, discuss with your employer any transitional tasks that are safe for you to do until you have fully recovered. That could mean light or modified tasks, shorter hours, or duties that are entirely different from your usual work for a set period of time. Your case manager and nurse advisor 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.

Upgrading your skills or retraining for a new job

If you are unable to return to your job and your employer has no other suitable jobs available for you to do, WorkSafeBC may help you seek employment with another employer or, if needed, prepare you for another job with another employer.

Return-to-work priorities

The return-to-work process is sequential, as follows:

1. Doing the same job with your current employer
2. Doing a new job with your current employer
3. Doing a new job with a new employer

Your vocational rehabilitation consultant or case manager can explain this process in more detail.

YOUR RIGHTS AND RESPONSIBILITIES

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 information 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 what the decision relates to. 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 the decision. Check the *Claims Review and Appeal Guide* for 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 relating to 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 the 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 5).

Your right to impartial advice and to make complaints

There are several ways to get advice or make complaints:

- **Workers' advisers** – If you disagree with a WorkSafeBC decision and want independent advice, workers' advisers are available at no cost to you. The provincial government pays for this service. Contact a workers' adviser at any point in your disagreement with WorkSafeBC.
- **WorkSafeBC Complaints Office** – If you feel you have been treated unfairly by WorkSafeBC, you can contact the WorkSafeBC Complaints Office, which will work with you to resolve your complaint or concern.

Phone numbers and addresses are listed on pages 5 and 6.

Your rights when a third party is involved

If you are injured on the job and the cause was someone who is neither a worker nor an employer, you may choose to sue for damages rather than claiming compensation from WorkSafeBC. However, you cannot sue an employer, another employee, or a fellow worker. For information, contact your nearest WorkSafeBC office.

If your injury is the result of a crime, you may be eligible for crime victim assistance. For information, contact the office of the Ministry of Public Safety and the Solicitor General. There is a toll-free victims' information line at 1 800 563-0808.

Your responsibilities when you have a claim

Report injuries. *If you are injured at work, you must report it to your employer, who must report your injury to us.* Even if the injury is minor and results in little or no time lost from work, it is in your interest to report it.

Check in. To ensure there are no interruptions in your benefits, you must “check in” with WorkSafeBC every two weeks. This will ensure you are in touch with your claim team, who can assist in monitoring your care and recovery. There are circumstances where your case manager may waive your check-in, for example if you are recovering from surgery and it is known that you will require benefits for longer than two weeks.

Tell us if you are working. *If you are receiving benefits from WorkSafeBC, you must, by law, tell us if you are doing any paid work.* If you are considering working while on compensation, talk to the WorkSafeBC staff member handling your case to ensure it won't jeopardize your recovery. While we encourage a safe, early return to work, not reporting paid work is fraud, which WorkSafeBC takes seriously.

Keep in touch. Contact WorkSafeBC and your doctor immediately if there is any change in the status of your recovery or if you move. Call your employer regularly to see if he or she can provide light or modified duties.

See your doctor. Continue the medical treatments prescribed by your doctor and see him or her as often as your condition requires. Take your medication, continue your therapy, and attend any rehabilitation programs your doctor sends you to. *Your job now is to recover from your injury and safely return to work.*

FOR MORE INFORMATION

WorkSafeBC web site: WorkSafeBC.com

WorkSafeBC's web site contains a wide array of information about all aspects of WorkSafeBC, including publications, forms, and on-line options.

WorkSafeBC office locations and phone/fax numbers

Mailing address and fax number

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

WorkSafeBC
PO Box 4700 Stn Terminal
Vancouver BC V6B 1J1
Toll free fax 1 888 922-8807
Greater Vancouver fax 604 233-9777

WorkSafeBC call centre

604 231-8888 or 1 888 967-5377
Monday to Friday, 8:00 a.m. to 4:30 p.m.

Local WorkSafeBC offices

Please check our web site for the most current contact information.

Head Office / Richmond
6951 Westminster Highway
Phone 604 231-8888
1 888 967-5377
Fax 604 233-9777
1 888 922-8807

Please note: If you need an interpreter in person (Richmond office only) or on the phone, one can be arranged beforehand.

Abbotsford
2774 Trethewey Street

Burnaby
450 – 6450 Roberts Street

Coquitlam
104 – 3020 Lincoln Avenue

Courtenay
801 – 30th Street

Kamloops
321 Battle Street

Kelowna
110 – 2045 Enterprise Way

Nanaimo
4980 Wills Road

Nelson
524 Kootenay Street

North Vancouver
400 – 224 Esplanade Ave. W.

Prince George
1066 Vancouver Street

Surrey
100 – 5500 152 Street

Terrace
4450 Lakelse Avenue

Victoria
4514 Chatterton Way

Other WorkSafeBC services

Disclosures Department
PO Box 4700 Stn Terminal
Vancouver BC V6B 1J1
Phone 604 279-7607
1 888 967-5377, ext. 7607
Fax 604 276-3102

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

Review Division
PO Box 2071 Stn Terminal
Vancouver BC V6B 3S3
Phone 604 214-5411
1 888 922-8804
Fax 604 232-7747

WorkSafeBC Complaints Office
PO Box 5350 Stn Terminal
Vancouver BC V6B 5L5
Phone 604 276-3053
1 800 335-9330
Fax 604 276-3103

Related organizations

Workers' Compensation Appeal Tribunal

150 – 4600 Jacombs Road
Richmond BC V6V 3B1
Phone 604 664-7800 / 1 800 663-2782
Fax 604 664-7898

Workers' Advisers

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

Health and safety information

Prevention Information Line

Answers questions on work-place health and safety, worker and employer responsibilities, and reporting a workplace accident or incident. You do not have to give your name.

604 276-3100
1 888 621-SAFE (7233)

Health and safety emergency and accident reporting

604 276-3301
1 888 621-7233

After-hours 604 273-7711
1 866 922-4357 (WCB-HELP)

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