

WORKERS' COMPENSATION & COVID-19:

Know Your Reporting Rights & Responsibilities

When an injury or illness happens on the job, the **Workplace Safety and Insurance Board (WSIB)** provides compensation such as wage-loss benefits, medical coverage and support to help people recover and get back to work.

CLAIMING WORKER'S COMPENSATION FOR COVID-19

If you have been diagnosed with COVID-19⁽ⁱ⁾ and believe you may have contracted this illness in the course of your employment, you must take the following 4 steps to claim for compensation:

1) SEEK MEDICAL ATTENTION

- » Go to a healthcare professional.⁽ⁱⁱ⁾
- » Make sure to inform the treating healthcare professional that you may have been exposed at work.
- » The treating healthcare professional will complete a **Health Professional's Form (Form 8)** which they will send immediately to the WSIB.
- » Discuss options for alternative work, modified work or use of appropriate personal protective equipment (PPE) if applicable with your healthcare professional.
- » Follow your healthcare professional's advice.

2) REPORT TO YOUR EMPLOYER⁽ⁱⁱⁱ⁾

- » If you needed medical attention (this includes being screened for COVID-19).
- » If you are not able to go to work (if you have been diagnosed with COVID-19 and have been advised by your healthcare professional to take time off to recover or if you are hospitalized).
- » If you have some symptoms but are able to work from home while recovering.

3) EMPLOYER'S RESPONSIBILITIES

- » Your employer is required to complete an **Employer's Report of Injury/Disease Form (Form 7)** which they must send to the WSIB within 3 days.

- » Your employer is also required to notify the MOL and JHSC of an occupational disease report if there is lost time or medical attention. (OHS Section 51).
- » Your employer/supervisor is also required to notify other workers of hazards of which they are aware (OHS Section 25, 27).

4) FILE A COVID-19 CLAIM WITH THE WSIB (www.wsib.ca/en/covidclaim)

- » Download this COVID-19 questionnaire: www.wsib.ca/sites/default/files/2022-01/10433a_fs_01_22_1.pdf
- » Fill out the form with as much information as you can.
- » Submit your completed questionnaire, along with the following (www.wsib.ca/en/submit):
 - » If you were eligible for a polymerase chain reaction (PCR) test, submit your positive test results.
 - » If you were not eligible for a PCR test and sought medical attention (including a virtual or telemedicine consultation), submit written confirmation from a doctor or other healthcare professional that you had COVID-19 symptoms.
 - » Submit your paystubs for the four weeks prior to your first day off work.
- » If you haven't already, you must **report your illness** to open a claim for benefits, by completing a **Worker's Report of Injury/Disease (Form 6)**.^(iv)
 - » The **Form 6** is available on the WSIB's website: www.wsib.ca/sites/default/files/2022-01/0006a_workersreportofinjury_english.pdf
 - » You can print the form and fax or mail it to the WSIB. Alternatively, you can call the WSIB and have one mailed to you.
 - » The WSIB also provides an option to file your Form 6 online: www.eservices.wsib.on.ca/portal/server.pt/community/eform_6/209
 - » You can ask a friend, family member, union representative or other adult to help you complete the Form 6.

WHAT HAPPENS NEXT?

Once all the reporting requirements have been met, the WSIB will review your claim for compensation. If further information is required, the WSIB will contact you.

To notify you about your entitlement to compensation, the WSIB may call you or your authorized representative. They will also send you a written decision letter.

If you do not agree with the decision of the WSIB, you have the legal right to object to their decision.

To object to a WSIB decision, workers must send the WSIB their objection in writing within 6 months of the date of the decision letter. (Appeals time limits are under review and may change.)

To object to a WSIB decision, workers can complete the **Intent to Object Form (ITO)** which is available on the WSIB's website: www.wsib.ca/en/appeals/appeals-objecting-wsib-decision

For assistance completing the ITO Form, please contact:

- » Your Union
- » The Ontario Federation of Labour (OFL): **1-800-668-9138**
- » The Office of the Worker Adviser (OWA): **1-800-435-8980**

CAN I REFUSE TO WORK IF I THINK MY WORKPLACE IS UNSAFE BECAUSE OF COVID-19?

Employees and employers have rights and obligations under the *Occupational Health and Safety Act* for workers' health and safety on the job. This *Act* gives a worker the right to refuse work that they believe is unsafe for them or another worker.

Visit the Ontario Ministry of Labour, Training and Skills Development website for more information about the procedure for a work refusal and information about how to contact the Ministry: www.labour.gov.on.ca/english/hs/index.php

(i) If you believe you have been exposed to coronavirus but do not yet have a diagnosis, please refer to our fact sheet entitled "Workplace Exposure to Coronavirus."
(ii) In an effort to curb the spread of COVID-19, many healthcare professionals have adjusted their practice protocols. Please check with your healthcare professional or local hospital to ask about their COVID-19 screening protocol **BEFORE** accessing these facilities.
(iii) If you belong to a union, you may want to advise your union representative that you may need assistance.
(iv) Workers are required by law to report their illness or injury to the WSIB as soon as possible or within 6 months. Workers are advised **NOT TO DELAY** reporting.

