



INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS  
-MISSISSAUGA LODGE-  
LOCAL 2413



## **THE DO'S AND DON'TS OF WORKERS' COMPENSATION**

Many unionized members injured on the job encounter problems with the Workplace Safety and Insurance Board (WSIB).

Many unionized members injured on the job encounter problems with their employers.

The following DO's and DON'Ts are intended as a guide to minimize problems that unionized members may encounter before and after making a claim for benefits from the WSIB.

### **The DO's of Workers' Compensation:**

1. DO Report every injury, however minor, immediately to your supervisor and/or your manager.
2. DO Seek first aid for all minor injuries, such as scratches, skin breaks, strains and bruises.
3. DO Ensure that a report or notation is made by you about all first aid you receive, noting the time of day, the date, the work location where the injury occurred and the nature of the injury. Your employer is not obliged to file a Form 7 for injuries only requiring first aid.
4. DO Seek immediate medical attention from your own Doctor, a hospital or clinic for all injuries that are not minor injuries. Your employer must pay for your transportation to your Doctor, or hospital or clinic of your choice within a reasonable distance of your employer (See Section 38 of the WSIA).
5. DO Ensure that your employer files a Form 7 (Employer's Report of Injury or Disease) within three days of your injury occurring. Your employer must file the Form 7 within three days of your injury occurring or pay a fine (See Section 21 of the WSIA).
6. DO Ensure you call the WSIB at (416) 344-1000/(416) 344-1002/1-(800) 387-0750, requesting to speak to an adjudicator. You will need to state the nature of your employment (transportation, manufacturing, etc) or if with Air Canada, Canada Post, CN or CP Rail, state you work for a Schedule 2 employer.
7. DO Request a Form 6 and a Form 8 from the adjudicator with whom you are speaking.
8. DO Request a Medical Waiver from the adjudicator if you obtained treatment for your injury at a hospital or clinic. The medical waiver permits the WSIB to obtain the medical information about your treatment from the hospital or clinic.
9. DO return all phone calls from the WSIB and your employer. Failure to return all phone calls can be interpreted to mean you are refusing to cooperate.
10. DO visit your Doctor every two weeks to validate with objective medical evidence that you are still temporarily totally disabled and therefore unable to return to work.
11. DO have your Doctor file a Functional Abilities Form (FAF) for an Early and Safe Return to Work whenever your employer provides you with a FAF. Failure to have your Doctor file a FAF will likely be interpreted as your refusal to cooperate in an early and safe return to work.
12. DO Ensure that your Doctor properly reflects your current medical situation on the FAF. If your Doctor truly believes you are still incapable of working, your Doctor must demonstrate this on the FAF (See Samples of FAFs for shoulder, low back and knee injuries). If your Doctor truly believes you are capable of returning to work modified duties, your Doctor must demonstrate this on the FAF. (See DON'T #7)
13. DO Call (905) 673-0382 or 1-(866) 426-9427 anytime you feel you require assistance with any aspect of your claim (examples include assistance filing the Form 6, guides to filing the FAF [[See Sample FAFs for shoulder, low back and knee injuries]]).



INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS  
-MISSISSAUGA LODGE-  
LOCAL 2413



**The DON'Ts of WORKERS' COMPENSATION**

1. DON'T ever fail to file a report about any injury.
2. DON'T ever fail to diarise injuries requiring first aid only.
3. DON'T ever use your employer's medical department for injuries requiring more than first aid. You have no legal obligation to use your employer's medical department for immediate medical attention for injuries sustained at work. Your employer's requirement to use its medical department is illegal and breaches your right to choose the health care provider (See Section 33 of the Workplace Safety and Insurance Act [[WSIA]]. Any discipline you receive for refusing to use your employer's medical department will be overturned at arbitration, **IF YOU FILE A GRIEVANCE.**
4. DON'T ever use your employer's medical department for injuries requiring more than first aid in exchange for your employer filing a Form 7. Some employers will require injured workers to report to the employer's medical department before filing the Form 7. **You have no legal obligation to use your employer's medical department for immediate medical attention for injuries sustained at work. Your employer's requirement to use its medical department is illegal and breaches your right to choose the health care provider (See Section 33 of the WSIA). Any discipline you receive for refusing to use your employer's medical department will be overturned at arbitration.**
5. DON'T ever refuse to submit to a medical exam by a doctor your employer has chosen *after you have been absent from work* due to an injury at work. Your employer may request that you attend for a medical exam under Section 36 of the WSIA. If you are required to submit to a medical exam by a doctor of your employer's choice, DON'T surrender your OHIP number to that doctor. The law requires your employer to pay for the medical exam (See Section 36 of the WSIA). You can verify if your employer has surrendered your OHIP number to that doctor by applying under the Freedom of Information and Protection of Privacy Act to the Head of OHIP and/or the Privacy Commissioner.
6. DON'T ever decline a request by the WSIB to attend for a medical exam at a doctor of the WSIB's choosing (See Sections 33 and 35 of the WSIA). Declining such a request will probably result in the WSIB terminating benefits or rejecting the claim.
7. DON'T ever refuse any offer of light duties from your employer (See Section 40 of the WSIA). You must give every job offer the *good old try*. If you believe (only after giving the *good old try*) that the allegedly light duty job exceeds what you are capable of, then inform your employer, your Union and the WSIB immediately of your objection. Be aware adjudicators at the WSIB will often advise employers to offer a "light duty" job to close the file. The WSIB's advice will likely be based on a recent FAF. If your Doctor has imposed restrictions on your ability to work, common sense and the *good old try* can determine whether the light duty job is consistent with your Doctor's restrictions.
8. DON'T ever sign any document your employer has sent or given to you authorising the release of confidential medical information to your employer. Your employer is entitled to receive a copy of the FAF, BUT is not entitled to any medical information about your claim with the WSIB. Your employer is entitled to confidential medical information only after it provides a basis for objecting to a decision of the WSIB. The WSIB will inform you that your employer has filed an objection and allow you approximately 30 days to object to the release of medical information. Generally objections to the release of confidential medical information to the employer (after it has filed an objection) fail. For information about the release of confidential medical information or dealing with a doctor your employer has chosen, call (905) 673-0382 or 1-(866) 426-9427.
9. DON'T ever agree to attend for any functional abilities exam your employer has arranged. Your employer is only entitled to obtain information about your functional abilities from your treating physician ((See Section 37(3) of the WSIA)). Any dispute about your functional abilities must be resolved by the WSIB (See Section 118 of the WSIA).