

	Subject:	No. of Pages:	Effective Date:
	Reporting Workplace Injuries Policy - Ontario		October 10th, 2018
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Intent

OCTEVAW will comply with all required federal and provincial regulations, legislation and workplace compliance issues regarding the correct reporting of any workplace injuries and will strive to prevent any potential workplace injuries through the implementation of health and safety policies and programs.

Definitions

The following definitions have been taken from the Ontario WSIB:

Workplace Injury - Any injury that occurs on OCTEVAW premises or during the transaction of approved OCTEVAW business that requires either First-Aid or Health-Care.

First Aid - First Aid is the one-time treatment or care and any follow-up visit(s) for observation purposes only. First aid includes, but is not limited to:

- Cleaning minor cuts, scrapes, or scratches
- Treating a minor burn
- Applying bandages and/or dressings
- Applying a cold compress, cold pack, or ice bag
- Applying a splint
- Changing a bandage or a dressing after a follow-up observation visit.

Health-Care - includes:

- Services requiring the professional skills of a health care practitioner (e.g., doctor, nurse, chiropractor, or physiotherapist (see: Entitlement to Health Care (WSIB Document No. 17-01-02)).
- Services provided at hospitals and health facilities.
- Incidents where dentures, glasses, or artificial appliances (e.g., prosthetic arm) were damaged in a work related accident.

Critical Injury - Is an injury that places life in jeopardy, involves unconsciousness, results in substantial loss of blood, results in a fracture of leg or arm but not a finger or toe, results in an amputation of leg or arm but not a finger or toe, involves burns to a major portion of the body, or results in the loss of sight in an eye

Guidelines

Reporting Workplace Injuries

OCTEVAW will report a work-related accident to the WSIB if a worker requires health care and/or:

- Is absent from regular work.
- Earns less than regular pay for regular work (e.g., part-time hours).
- Requires modified work at less than regular pay.
- Requires modified work at regular pay for more than seven calendar days following the date of accident.

When deciding whether to report an accident where a worker requires modified work at regular pay for more than seven calendar days, OCTEVAW will consider that:

1. The seven calendar day period is not reset for workers that initially require modified work for less than seven calendar days, return to regular work for a brief period, and then require further modified work. In these cases, the requirement to report is based on whether the worker requires modified work after the initial seven calendar days following the date of accident.
2. If a worker initially returns to regular work, but then requires modified work, OCTEVAW will report the accident if the worker requires modified work for more than seven calendar days from the date that the modified work began.

The use of calendar days reflects the WSIB's notion that if an injury affects the worker's ability to perform regular work after a week, health care is likely to be sought, regardless of the number of days worked.

OCTEVAW will not require a work-related accident report if the worker:

- Receives only first aid (a record of the first aid will be kept internally).
- Receives first aid and requires modified work at regular pay for seven calendar days or less, following the date of accident.
- Does not receive first aid, but requires modified work at regular pay for seven calendar days or less, following the date of accident.

Accidents Requiring Health-Care

When deciding whether an accident should be reported to the WSIB because "care" has been provided to the worker, OCTEVAW will consider the type of care provided, rather than the professional qualifications of the provider giving the care, or where the care was provided. OCTEVAW will report the accident to the WSIB when a worker is injured and the treatment received could only have been administered by a health care practitioner.

The accident will be reported regardless of whether:

- OCTEVAW pays the health care practitioner for the service provided, and/or
- The health care practitioner treats the worker on OCTEVAW premises.

OCTEVAW will not report the accident to the WSIB if first aid is provided to a worker by a:

- Co-worker, manager, lay person, or
- Health care practitioner, when the first aid did not require the professional skills of that practitioner.

Exposure to Infectious Diseases

If the worker tests negative for exposure to an infectious disease, OCTEVAW is not required to submit an accident report. However, if the worker tests positive for an infectious disease, or requires any type of treatment related to the incident, OCTEVAW will report this to the WSIB. If a worker tests negative, but claims an emotional or anxiety-related response following the accident, OCTEVAW will report the accident.

In cases where HIV infection is suspected, OCTEVAW will report the accident if a health care practitioner provides a post-exposure prophylaxis (PEP) (see: Post-exposure Prophylaxis for Occupational Exposure to HIV (WSIB Document No. 23-01-01)).

If it is suspected that a worker has been exposed to an infectious disease, but the worker chooses not to participate in the surveillance protocol, OCTEVAW will report the accident to the WSIB. OCTEVAW will report when a worker has been exposed to, or is suspected of having been exposed to, an infectious disease.

Accident Reporting

OCTEVAW will report accidents through the use of:

- Report of Injury/Disease Form 7 (Form 7)
- WCB/ WSIB-approved electronic reporting form.

OHSA Compliant Health and Safety Accident Reporting

The *Occupational Health and Safety Act* (OHSA), and the regulations under OHSA require OCTEVAW to provide information to their health and safety committees. If a photocopy of the Form 7 is used for this purpose, personal information (e.g., the worker's Social Insurance Number, telephone number, earnings information, and pre-existing medical conditions) will be removed.

Authorization

To be considered valid, a completed Form 7 will be authorized by OCTEVAW or a representative of OCTEVAW. Sole proprietors and independent operators with optional insurance may authorize a report of their own accident. Partners and executive officers who have obtained optional insurance may not.

Employees

If you are injured or ill because of work, your first priority is to seek proper medical attention. You must then inform your Supervisor/Manager so that OCTEVAW can give you support and fulfill our responsibilities. As soon as possible after an accident, workers will file a claim for benefits. They will also consent to disclose their functional abilities information, which is provided by the treating health professional.

Workers will give OCTEVAW a copy of the claim for benefits at the same time they give a copy to the WSIB. In the case of occupational diseases, workers will give a copy of the claim to the OCTEVAW which most recently employed them in the employment to which the disease is associated.

The WSIB only issues one benefit payment (up to two weeks of loss of earnings benefits) to workers who are entitled to benefits under the insurance plan, but who have not met the claim and consent requirements. No further benefits are provided unless the worker meets the requirements.

Workers meet their requirement to claim for benefits by signing Form 0006A - the Workers' Report of Injury/Disease Form 6 (Form 6) or Form REO6 - Worker's Continuity Report.

How Employees Consent

Workers meet their requirement to consent to disclose functional abilities information by signing:

- Form 0006A - the Workers' Report of Injury/Disease Form 6 (Form 6)
- Functional Abilities Form for Planning Early and Safe Return to Work (FAF), or
- REO6 - Worker's Continuity Report (REO6).

Reporting Deadline

OCTEVAW

We will ensure that the WSIB receives a complete accident report within seven business days of OCTEVAW learning of the reporting obligation. (Business days are Monday to Friday, and do not include statutory holidays.) Workers will receive a copy of the accident report that is provided to the WSIB (including any additional information provided by OCTEVAW).

Employees

A claim must be filed within six months of an accident or, in the case of an occupational disease, within six months of the worker learning of the disease. If the worker does not file the claim for benefits, or consent to the disclosure of functional abilities information within the six-month deadline, the WSIB does not provide benefits unless, in its opinion, it is just to do so.

In some cases, workers may ask the Workplace Safety and Insurance Appeals Tribunal (WSIAT) to determine whether they have the right to pursue a legal action against a third party under the *Workplace Safety and Insurance Act*. If WSIAT rules that they do not have that right, the deadline for filing a claim for benefits is six months following WSIAT's decision.

Waiving the Requirements to Claim and Consent

Mentally/Physically Incapable

If, as a result of the accident, the worker is mentally or physically incapable (e.g., unconscious) of claiming benefits and consenting to the disclosure of functional abilities information, the WCB/WSIB waives the requirements and issues the first and subsequent benefit payment(s) to the guardian.

Failure to Comply

Due to the serious nature of workplace injuries and the importance of accurate and timely reporting, OCTEVAW employees are expected to fulfill their obligations regarding the correct reporting of workplace injuries.

At the initial entitlement stage of a claim, the WSIB may levy four separate penalties -- one each for:

1. Late reporting;
2. Incomplete reporting;
3. Not reporting on a pre-approved version of the form; and
4. Failing to provide a copy of the Form 7 to the worker.

The WSIB may again levy these penalties if OCTEVAW fails to respond to subsequent requests for information, or at the time of a recurrence.