



# Information for Workers

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WCB Information Series publication

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# A BASIC OVERVIEW OF WORKERS COMPENSATION

## Workers Compensation System

The Workers Compensation Board of Prince Edward Island (WCB) is an independent, non-profit mutual insurance organization operating under the provincial Workers Compensation and Occupational Health and Safety Acts. WCB's mission is to promote safe workplaces and protect employers and injured workers through a sustainable accident insurance program.

The workers compensation system offers workplace disability insurance, liability protection and occupational health and safety services:

- Workers and their dependents receive financial protection, medical aid benefits and rehabilitation services in case of workplace injury or death
- Employers are protected against lawsuits arising out of workplace accidents or injury
- Workers and employers are protected by health and safety standards in the workplace

## Funding the Workers Compensation System

Employers collectively pay for the cost of workers compensation by contributing to an “accident fund.” The amount paid by employers depends on their industry group and the size of their payroll. Compensation for workers is paid by WCB out of the accident fund. Workers do not contribute to the accident fund, nor does government.

## Workplaces covered under the Workers Compensation Act

All workplaces are required to have WCB insurance coverage with certain exceptions; for example fishers and farmers. Employers in these workplaces have a choice to purchase workers compensation insurance coverage. To confirm if your workplace is covered please contact Employer Services at (902)-368-5679 or 1-800-237-5049.

# WORKPLACES COVERED UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT

As of January 1, 2007, the Prince Edward Island Occupational Health and Safety act will apply to all workplaces, including farm operations.

## Occupational Health & Safety

An important function of the Workers Compensation Board is to promote the development of healthy and safe workplaces. This is accomplished through education and enforcement of the Occupational Health and Safety Division/Team.

The role of WCB's Occupational Health and Safety (OHS) team is to support the Internal Responsibility System (IRS) by establishing and clarifying the responsibilities of all workplaces, and to support workers in building and maintaining healthy, safe workplaces and to intervene when safety responsibilities are not carried out.

The division is committed to supporting IRS in the process of reducing occupational accidents and illnesses on Prince Edward Island. The OHS team includes: OHS Officers and Education Consultants.

OHS Officers provide

- workplace inspection
- respond to concerns/complaints involving illness or unsafe Island workplaces

Their inspection may result in an order(s) to correct an unsafe situation; a stop work order if there is an immediate danger in a workplace; or when necessary, legal action.

Education Consultants provide:

- Education on OHS Act and Regulations
- Provide education sessions to assist safety committees/representatives and all worker or employers to maintain healthy and safe workplace(s)
- Provide education specific to health and safety needs of young workers; farm safety and health care
- Conduct research on best practices for a workplace safety culture

For IRS to happen in the workplace partners need to communicate with each other. Each workplace must have a safety representative or a joint occupational health and safety committee (JOSH) to build policies and programs around safety. In addition to good communication workplace training on safety is key.

## OH&S Act

### Rights and responsibilities under the OH&S Act

Workers have three basic rights under the Act:

- The right to know - this generally means training about hazards
- The right to participate - this means participation in finding solutions
- The right to refuse - unsafe work

Worker responsibilities under the Act are:

- To report hazards
- To work safely
- To co-operate with the Health and Safety representatives or committee

Employer responsibilities under the Act are:

- To provide and maintain all materials and equipment in a safe manner
- Provide training and supervision necessary to ensure safe conditions
- Operate the business so workers are not exposed to hazards

## Workers Compensation Act

### WORKPLACE INJURIES

#### If you are injured

1. Get first aid if you need it and then see a doctor immediately. Be sure to tell the doctor that you were hurt at work. This is important because the doctor must send a medical report to WCB. Remember, you must be under a doctor's care to be eligible for compensation benefits.
2. Contact your employer as soon as possible after the injury. Briefly explain how and where the accident happened, who was involved, and give any other details. Your employer must send a report of the injury to WCB within 3 days.
3. Complete a Worker's Report Form 6 and mail it, or drop it off at the Workers Compensation Board. **All workers reports must be received within six months of the date of injury.**

The Form 6 is available from the WCB, your employer or the Internet at [www.wcb.pe.ca](http://www.wcb.pe.ca).

*Note: Please do not leave the original form with your employer.*

4. Make sure your workplace Health and Safety committee or representative has been notified of the accident.

## Remember, when completing your Worker's Report Form 6 ...

- Fill in the whole form - all questions are important
- Give complete information and as many details as possible
- Call WCB if there is anything you don't understand, a staff member will assist you
- Use a pen and remember to sign the form
- Mail, fax or bring the form to WCB as soon as possible. This form must be received within six months of the date of injury  
*(payment for certain treatments cannot be authorized until this form is received by WCB)*

## Employers' responsibilities

1. To provide you with first aid.
2. To arrange your immediate transportation to medical treatment.
3. To submit an Employer's Report Form 7 to the WCB within three days of being notified of the injury.
4. To report all serious workplace injuries (as defined under section 36.1 of the Occupational Health and Safety Act) immediately to WCB at (902) 628-7513.

## Your claim

The WCB registers your claim and assigns it to an entitlement officer. If more information is required to make a decision or if some information is missing, the entitlement officer will contact you, your doctor and/or your employer. Once the required information is gathered, the entitlement officer will make a decision on your claim. If your claim is accepted you are eligible for benefits and services that may include: temporary wage loss benefits, medical aid, medical rehabilitation and vocational rehabilitation.

If your claim is not accepted you will be advised both by phone and in writing. You may discuss the decision with the entitlement officer or a supervisor. You have the right to request a reconsideration of the decision within 90 days from the date of notification.

# BENEFITS AND SERVICES TO WORKERS

## Timely and Safe Return to Work

The Workers Compensation Board is committed to assisting workers return to safe and productive work activities as soon as medically possible following a work-related injury.

Workers and employers are obligated to cooperate in a worker's timely and safe return to suitable and available employment with the injury employer. **The worker is required to take a copy of the Physician's Report Form 8 to the employer.** The return to work can be a gradual building of hours through an easeback program or modified/alternate work which may or may not be part of the pre-injury duties. A worker does not have to be able to perform the pre-injury duties in order to return to suitable employment during the return to work process.

The Workers Compensation Board provides injured workers with the services of a team of professionals who help them return to work in a timely and safe manner. The team includes a case worker, a medical advisor, a nurse, an occupational therapist and a vocational counselor.

Where appropriate, return to work discussions will begin on time loss claims upon approval. Please refer to the Return to Work Workplace Guide for further information on the return to work process.

## Medical Aid

The Workers Compensation Board provides workers who are injured as the result of a workplace accident with medical aid determined necessary to return workers back to a safe and productive work environment as soon as medically possible.

Medical aid may include but is not limited to medical, surgical and dental services, hospital and nursing services, chiropractic services, occupational therapy and physiotherapy services, diagnostic assessments, medications, dressings and transportation.

A worker may receive initial treatment following the injury at a hospital emergency department or may choose to be assessed by a recognized physician or chiropractor.

Subsequent treatments and care should be provided by the family physician or treating physician who is familiar with the health of the worker. A worker may not transfer from his/her family physician or treating physician for the injury under review without permission from the Workers Compensation Board, Workers Compensation Board Policy, POL: 04-36, Physician Selection.

Physiotherapy is recognized as an acceptable form of medical aid when it is prescribed by a treating physician. Physiotherapy will not be authorized until a Form 6 is received by the WCB.

## **Vocational Rehabilitation**

If you have an impairment, a loss of earning capacity, and no work to return to with your pre-injury employer as a result of your injury, you may be eligible for Vocational Rehabilitation Services. These services may include vocational assessment, assistance with job search, work experience programs, formal training or self employment. Your case manager will refer you to these services at the appropriate time.

## **Travel**

Workers are reimbursed for travel expenditures required for medical services. The payment of travel expenditures must be pre-authorized by the Workers Compensation Board before the travel takes place. Workers should check with their case worker if they have questions about eligibility for travel benefits. All receipts must be submitted within 6 months of receiving service.

## **Temporary Wage loss Benefits**

If a worker has a loss of earnings resulting from a compensable work-related injury, the Workers Compensation Board will provide the worker with wage loss benefits based on the worker's loss of earning capacity.

In order to be eligible for wage loss benefits, a worker must undergo an unpaid waiting period or deductible equivalent to three-fifths of a week's net wages. If the injury results in a loss of earnings for more than four consecutive weeks, the deducted amount will be reimbursed.

The wage loss benefits payable to a worker are equivalent to 80% of the worker's net annual earnings up to the current maximum annual earnings limit. After 38 weeks, the wage loss benefits payable increase to 85% of the worker's net annual earnings, subject to the current maximum annual earnings.

Net earnings is the worker's gross earnings less amounts representing probable deductions for income tax payable, Canada Pension Plan and Employment Insurance Premiums.

A maximum annual earnings amount is adjusted on January 1st of each year in accordance with the Workers Compensation Act, Section 47. You may contact the Workers Compensation Board for the current rate.

Wage loss benefits may be payable until loss of earning capacity ends or a worker reaches age 65. A worker who is 63 or older at the time of injury, however, may receive benefits for a maximum of two years.

## **Collateral Benefits**

Wage loss benefits are reduced by collateral benefits paid to the worker from other sources for that injury. A collateral benefit is any periodic benefit a worker is entitled to receive under:

- a) the Canada Pension Plan as a disability benefit;
- b) the Quebec Pension Plan as a disability benefit;
- c) the Employment Insurance Act (Canada) as a sick benefit;
- d) any benefit the worker is entitled to receive as a result of the accident that is provided wholly or partially at the expense of the employer.

The Worker will notify WCB of any application for or monies received from Long-Term Disability, Canada Pension Disability or from any other potential source of financial benefit as a result of this accident/injury.

## **Recurrences**

When a recurrence or relapse of a condition related to a previous work-related injury occurs and results in a worker losing further time from work, the worker may reapply for benefits.

The worker must advise the employer, seek medical attention, and complete another Worker's Report Form 6. A decision to accept or deny will rely on medical evidence supporting the relationship between the previous injury and the recurrence of the condition. A recurrence of a previous work related injury may or may not result in time loss from work.

## **Impairment**

In some situations, a worker may not fully recover after a work-related injury. In this situation, the Workers Compensation Board must determine whether a impairment has resulted from the injury.

The determination regarding whether an impairment has resulted from a work related injury is made by the Workers Compensation Board's Medical Consultant, who is an external physician contracted by the Workers Compensation Board. The Medical Consultant has specific training in this type of assessment as well as in the use and interpretation of the AMA Guides to the Evaluation of Permanent Impairment.

## **Accident Resulting in Death**

If a worker dies as a result of a workplace accident, the Workers Compensation Board will help pay the cost of burial. Where eligible, compensation benefits may also be paid to a spouse, a child or a dependent of the deceased worker.

## **Worker Advisor**

A Worker Advisor is available to assist workers if they need help with their claim. The Worker Advisor can give advice on a worker's rights under the Workers Compensation Act and can act as a worker's representative through the appeal process.

The Worker Advisor is appointed by the Lieutenant Governor in Council and is an employee of the Department of Communities, Cultural Affairs and Labour. There is no charge for this service.

For more information about this service, please call (902) 368-6460 or toll free 1-800-658-1806.

## **RECONSIDERATION AND APPEALS**

### **Appeal of Decisions**

If a worker, a dependant of a worker, or the worker's employer does not agree with a claim decision, they have the right to discuss the situation with the Workers Compensation Board representative who made the decision. Providing additional written medical or other evidence may alter the decision.

If the parties are still not in agreement, a written request for reconsideration may be submitted to the Workers Compensation Board. The request for reconsideration must be filed no later than 90 days from the date of notification of the decision. The decision of the Internal Reconsideration Officer (IRO) represents the Workers Compensation Board's final decision.

The Internal Reconsideration Officer's decision can be appealed to the Workers Compensation Appeal Tribunal (WCAT), an external independent body that hears appeals of Internal Reconsideration Officer decisions. Requests for appeal of a decision made by the Internal Reconsideration Officer must be requested within 30 days of notification of the IRO's decision and must outline specifically the grounds for appeal.

For information which will assist in filing a formal request for reconsideration, contact the Internal Reconsideration Office at WCB by calling (902) 368-5674 or toll free in Atlantic Canada at 1-800-237-5049. For information on external appeals contact the WCAT office at 161 St. Peters Road, Charlottetown, PE C1A 6N8. Phone 902-894-0278, fax 902-620-3477.











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14 Weymouth Street, P.O. Box 757  
Charlottetown, Prince Edward Island C1A 7L7

Telephone: 902-368-5680  
Toll Free in Atlantic Canada: 1-800-237-5049

Fax: 902-368-5705

Website: [www.wcb.pe.ca](http://www.wcb.pe.ca)

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