

## **Basic Tips for WorkSafeBC Claims:**

Here is some general information about the process for filing a claim with WorkSafeBC if you are injured at work. Please note this is general information only, and is not a substitute for legal advice.

### **Reporting**

1. Report your injury to your employer and WorkSafeBC as soon as possible:
  - a. Any time you need to see a doctor or miss work because of an injury at work, report it.
2. Before your call WorkSafeBC to report an injury, write down what you want to say so you don't forget anything. Make sure to tell WorkSafeBC:
  - a. Exactly how the injury happened.
  - b. Every single part of your body that hurts or has been injured.
3. Go see a doctor as soon as possible. If your family doctor is not available, go to a walk-in clinic. Tell your doctor how you injured yourself at work, and tell your doctor to record every single part of your body that hurts or has been injured in their report to WorkSafeBC.
4. Continue to see your doctor every two weeks if you have any ongoing symptoms (even if your claim has been denied and you have started an appeal). Ask your doctor to record every single part of your body that hurts or has been injured in their notes.

### **Healthcare Benefits:**

5. If your claim is accepted, WorkSafeBC will only cover one of the following kinds of treatment: physiotherapy, chiropractic or massage therapy.

### **Wage Loss Benefits:**

6. Wage loss benefits are calculated at 90% of your after tax income before your injury, up to a maximum salary of \$82,700.00 per year in 2018.
  - a. For the first 10 weeks, WorkSafeBC uses what you earned in the last 3 months before your injury (your "short-term wage rate").
  - b. If wage loss benefits continue after 10 weeks, or you are left with a permanent disability, WorkSafeBC uses what you earned in the last 12 months before your injury (your "long-term wage rate").

- c. If you've experienced absences from work during the time period WorkSafeBC uses to calculate your wage rate, tell WorkSafeBC and appeal the wage rate decision if necessary.
  - d. Make sure you fill out the tax status form WorkSafeBC sends you, as this can affect your wage rate.
- 7. Full wage loss benefits are only paid when your injury prevents you from returning to work and your employer has not offered alternative work ("light duties") that fit within your medical limitations.
- 8. If your employer offers you light duties, and you don't think you can do them:
  - a. Tell your employer and WorkSafeBC that you need a written description of the light duties offered to bring to your family doctor for review.
  - b. Make an appointment with your family doctor right away. (If your family doctor cannot see you, go to a walk in clinic).
  - c. Ask your doctor to review the specific light duties that your employer is offering to ensure they are within your limitations. If your doctor thinks you cannot do the light duties have the doctor fill in a Form 11 saying what specific duties you cannot do. Your doctor should also fill in any forms your employer needs completed about light duties.
  - d. If the light duties are not within your limitations, talk to WorkSafeBC and your employer. If your employer offers you light duties that are within your limitations, WorkSafeBC will not pay wage loss benefits.
    - i. A doctor's note that says "worker cannot work" is usually not good enough.
    - ii. A good doctor's note needs to have details about your limitations, how long the limitations will last, and why the specific light duties being offered are not suitable.

**Permanent Disability Benefits:**

- 9. WorkSafeBC may grant you a permanent disability award if your workplace injury has left you with a permanent disability.
- 10. A key moment in time in a claim is when WorkSafeBC finds that your injury has reached "plateau" – in other words, when WorkSafeBC finds that your injury has stabilized and will not get any better or any worse in the next 12 months.

11. Once your injury reaches “plateau,” you can no longer receive any further temporary wage loss benefits. Instead, WorkSafeBC will refer your claim for a permanent disability award.
12. A permanent disability award will usually be awarded on the “Loss of Function” method, where WorkSafeBC calculates how much your injury has affected your ability to earn money. Your injury is given a percentage rating (ie. 2.5%) called a “permanent functional impairment” rating or “PFI.” The percentage rating is usually calculated on your loss of range of motion in the injured body part. A permanent disability award will equal the PFI amount multiplied by your long-term wage rate, and is usually paid on a monthly basis until age 65 (or older if you can prove that you intended to retire past age 65). If the payment is under \$200 a month, WorkSafeBC will usually pay you a lump sum.
13. If the amount of money you can now earn after your injury combined with the amount of money you receive from your PFI award is 25% lower than the amount of money you earned before your injury, WorkSafeBC may grant your permanent disability award on the “Loss of Earnings” method.
14. There is no compensation for “pain and suffering,” loss of enjoyment, or the ability to do the hobbies you used to do.
15. WorkSafeBC does not compensate you for any pension plan or extended health care benefits you may have received from your employer.

**Vocational Rehabilitation Benefits:**

16. If you cannot return to your pre-injury job because of a permanent disability, WorkSafeBC may grant you vocational rehabilitation benefits.
17. There are 5 steps in the vocational rehabilitation process:
  - Phase 1 – Help return the worker to the same job with the same employer.
  - Phase 2 – If the worker cannot return to the same job, help return to the worker to a different job or modified job with the same employer.
  - Phase 3– If the employer cannot accommodate the worker, help the worker find a suitable occupation within a related industry relying on the worker’s transferable skills.
  - Phase 4 – If the worker cannot return to a suitable occupation in a related industry, help the worker find a suitable occupation in another industry.

- Phase 5 – If the worker does not have enough skills to find a suitable occupation, help the worker develop new skills (ie retraining).

### **Appealing a WorkSafeBC decision**

18. Cashing a cheque that WorkSafeBC sends you will not affect your right to appeal a WorkSafeBC decision.
19. You must appeal a decision by WorkSafeBC to the Review Division within 90 days from the date of the decision.
20. You must appeal a Review Division decision to the Workers' Compensation Appeal Tribunal within 30 days from the date of the decision.
21. Remember to appeal every decision letter you disagree with.

### **Helpful Links:**

Reporting:

<https://www.worksafebc.com/en/claims/report-workplace-injury-illness/how-workers-report-workplace-injury-illness>

Healthcare benefits:

<https://www.worksafebc.com/en/claims/benefits-services/health-care-benefits>

Wage Loss benefits:

<https://www.worksafebc.com/en/claims/benefits-services/wage-loss-benefits>

Permanent Disability Awards:

<https://www.worksafebc.com/en/claims/benefits-services/permanent-disability-benefits>

Vocational Rehabilitation benefits:

<https://www.worksafebc.com/en/claims/benefits-services/vocational-rehabilitation>

Compensation Claims Policies:

<https://www.worksafebc.com/en/law-policy/claims-rehabilitation/compensation-policies/rehab-claims-volumeii>

Appeals:

[http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/employment-standards-workplace-safety/workers-advisers-office/workers\\_info\\_kit.pdf](http://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/employment-standards-workplace-safety/workers-advisers-office/workers_info_kit.pdf)