

What are my rights if I am injured or get sick from work?



If you are injured at work, you may be able to receive workers compensation to cover your healthcare costs and lost wages through WSIB (Workplace Safety Insurance Board) insurance.

What to do if you are injured because of work?

1. Report any injury to your employer or health and safety representative. Your employer must file a "Form 7" within 3 days of you reporting your injury.
2. Get medical help from a doctor and explain how you were injured at work. You should ask your employer to file a "Form 8". WSIB will rely on this to determine if you get compensation.
3. Keep detailed notes of the incident that caused the injury while your memory is fresh.
4. Make a WSIB report and file a "Form 6" especially if you need treatment from a doctor, you cannot work, or have your hours or wages reduced. If it is urgent you can call WSIB to explain the situation and they can help file it for you.

How much does WSIB compensate? What is covered?

- Your employer must pay you for the day that you were injured.
- If you are off work after the day, WSIB will pay you loss of earnings (LOE) benefits. Your LOE benefit is 85% of the difference between what you made before your injury and what you make at your current job now, or, what the WSIB thinks you should be making.

Example: If you made \$50,000 per year, and you are now working at another job that pays \$30,000 per year, your LOE benefits will be \$17,000 over the year. (85% of \$20,000)

- If you have healthcare costs because of your injury, the WSIB may fully support this care. For example, if your injury or illness requires you to see a physiotherapist, chiropractor, psychologist, or receive medical equipment like a wheelchair, the WSIB will cover the costs for these expenses for as long as they believe you are injured.
- You may also receive a one-time "non-economic loss" (or NEL) award for pain and suffering you may experience for the rest of your life because of your injury. It is based on your age and the seriousness of your illness and injury.

How long does the WSIB take? What If I need income now?

After filing a claim, WSIB may contact you with a decision in 2 weeks. Though if the injury is complex, it can take up to 3 months. Before WSIB makes a decision, you may choose to apply for other income support such as Employment Insurance Sickness Benefits. This impacts the compensation you receive from WSIB however.

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Common concerns about filing a claim

Is my injury bad enough to file a claim?

Always file a claim if you were injured or became sick at work, even if you feel it is not that serious. Your injury or illness may become worse over time. Your claim now may serve you better in the future if this happens. Remember, there is no penalty with making claims to the WSIB, even if they are unsuccessful ones.

But my boss will threaten me if I report an injury.

It is illegal for your boss to threaten you for this. It is your right to make claims if you are injured at work. You should report your injury anyway and seek legal assistance if your boss continues to threaten you.

I do not know if my boss is covered by the WSIB and I am afraid to ask.

If you are unsure if your boss is insured with the WSIB, and you are afraid to ask, talk to your union representative if you are in a union, or call the WSIB directly. They will let you know if you are covered.

Should I make a deal with my boss to not report my injury?

This is not a good idea. Not only will you lose out on compensation and benefits which may be better than what your employer can offer, your boss may ask you to continue to do unsafe work. It is against the law for your boss to discourage you from filing a claim.

What should I do if I am not happy with my WSIB coverage or any other WSIB decision?

You can appeal your case manager's or Appeal Resolution Officer's decision. Please contact the Office of Worker Advisor who will assist you with your claim free of charge. Additionally, some legal clinics, such as the IAVGO and IWCC may represent you in the legal process depending on your case.

For support with your WSIB claim, please contact

The Office of the
Worker Advisor
1-800-435-8980

Workers' Health and
Safety Legal Clinic
416-971-8832

Industrial Accident
Victims' Group of Ontario
416-924-6477

The Injured Workers'
Community Legal Clinic
416-461-2411