



CITY POLICY & PROCEDURE

SECTION: HUMAN RESOURCES

NO: HR – HS - 51

REFERENCE: HEALTH AND SAFETY

Date: Dec 5, 2017

**Next Review Date:
Dec 2019**

**TITLE: WORKPLACE SAFETY & INSURANCE BOARD (WSIB)
PROCEDURES**

1.0 POLICY STATEMENT

The Corporation maintains a Schedule II Contractual Agreement with the WSIB of Ontario for all employees who work for the Corporation. The Human Resources Department or designate is responsible for handling reporting, record keeping, inquiries and complaints regarding WSIB, and ensuring that the Corporation's obligations to the WSIB and to the employees are fulfilled.

2.0 ELIGIBILITY

- 2.1 In order to be eligible for WSIB benefits, there must be proof of an incident. In accordance with the WSIB Act, an incident is defined as:
- (a) a willful and intentional act, but not an act of the worker;
 - (b) a chance event resulting from a physical or natural cause; and/or,
 - (c) a disablement arising out of and in the course of employment.

3.0 RESPONSIBILITIES

- 3.1 Manager/Supervisor:
- (a) Ensure the injured employee receives immediate medical attention, including transportation to a treatment facility if necessary.
 - (b) Preserve the incident site and conduct an investigation, and/or contact the Health & Safety Coordinator to assist with the investigation. Contact appropriate parties if the incident is a critical injury or fatality.

- (c) If medical treatment is required or time is lost due to an injury or illness, document the details of the incident and injury on form 7 (Employer's Report of Injury/Loss) and forward it to Payroll/Human Resources immediately. Payroll will forward a copy to WSIB and to the Health & Safety Coordinator.
- (d) The Supervisor should contact the Health & Safety Coordinator, Payroll Administrator or Human Resources for assistance, if required.

3.2 Employees:

- (a) If an employee becomes injured or ill as the result of an incident arising out of the course of their employment with the Corporation, the employee must report the incident to their Supervisor as soon as possible after the injury and complete a form 6 (Worker's Report) if able;
- (b) The employee must maintain communication throughout the period of the recovery;
- (c) Employees have an obligation to co-operate in the return to work process and assist the employer to identify suitable employment that is available and consistent with functional abilities and when possible, restores earnings; and,
- (d) Give the WSIB information as requested concerning the return to work process, and other information as required.

4.0 CRITICAL INCIDENT OR HAZARDOUS OCCURENCE

- 4.1 If an employee is involved in a critical incident, the Ministry of Labour or Labour Affairs Officer (for Airport) must be informed immediately. (see HR-HS-42)

5.0 RELATED DOCUMENTATION

- 5.1 The Supervisor will also submit any Witness Statements completed on a voluntary basis by any employee who may have witnessed or may have knowledge of the incident.
- 5.2 Any other relevant documentation or information will also be made available for the investigation.

6.0 PAYMENT

- 6.1 Any employee who loses time from work on the day of a new compensable injury/illness will be paid for the entire shift (and recorded as regular pay). If the injury is a recurrence of a previous compensable injury, the employee will only be paid for hours worked on their last day of work. All payments will be made as defined by the appropriate Collective Agreement.

7.0 PAY THEREAFTER

- 7.1 For employees eligible for "pay advances" (i.e. Police, Fire, Non-Union, IBEW), the Corporation will continue the employee's regular pay for a period of twenty (20) working days from the last day worked. If after twenty (20) working days, the claim has not been approved by WSIB, the employee's regular bi-weekly pay will cease until approval has been received. Once the claim is approved, advances will be paid retroactively on the subsequent pay period.
- 7.2 If the employee's WSIB claim is denied for lost time, any monies overpaid through advances will be recovered.
- 7.3 Employees who are not "covered by advances" will receive payment directly from WSIB when the claim has been approved, at which time the Corporation ceases the employees pay immediately.

8.0 BENEFITS ABOVE ELIGIBLE WSIB BENEFITS

- 8.1 An employee on an approved WSIB claim may be eligible for further benefits such as the use of sick leave credits as stipulated in the Collective Agreement applicable at the time of the incident.

9.0 DENIAL OF WORKPLACE SAFETY AND INSURANCE BENEFITS

- 9.1 If an employee is denied WSIB benefits, the employee may be eligible to use their sick leave credits to cover their absences, provided the employee provides

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or other relevant legislation or Union agreement.**

medical documentation from their treating physician supporting their disability for the period of time being claimed. If an employee is denied WSIB benefits, the employee may be eligible for Long-Term Disability (LTD) benefits where it is provided for in their Collective Agreement or City of Dryden Policy.

- 9.2 Under no circumstances will an employee be eligible to collect Long-Term Disability benefits unless their WSIB claim has been formally denied by WSIB. An employee may, however, submit an application for LTD benefits pending a decision from WSIB.
- 9.3 Under no circumstances will an employee be allowed to collect full benefits from two or more sources for the same period of absence.

10.0 SUCCESSFUL APPEAL OF A CLAIM PREVIOUSLY DENIED

- 10.1 An employee who successfully appeals a previously denied WSIB claim will be required to reimburse the Corporation, at the applicable rate of pay, those sick leave credits used during the compensable absence.
- 10.2 An employee who successfully appeals a previously denied WSIB claim and who has collected LTD benefits will be required to reimburse the Insurance Carrier the full amount of benefits received.

11.0 RETURN TO WORK

- 11.1 Upon an employee's return to work from a WSIB absence, the Supervisor is required to complete a Return to Work Form and return it to Human Resources immediately.
- 11.2 The Supervisor or Human Resources may ask an employee to supply documentation from their treating physician authorizing the release of the employee to return to their duties (regular, modified, or alternate duties).
- 11.3 On a periodic basis, when an employee is required to attend a medical appointment (physiotherapy, chiropractic treatments etc.) due to a compensable condition, the Supervisor must notify Human Resources in writing (including date of appointment and time lost from work). Lost time for medical appointments requires approval from the Workplace Safety and Insurance Board.

12.0 PREVIOUS EMPLOYER

- 12.1 In applying the foregoing policy, it is to be understood that only those employees injured while performing duties regularly carried out while in the employ of the Corporation are covered. No such payment will be made when an employee is re-injured and receiving compensation as a result of claim incurred while in the employ of a previous employer.

13.0 THIRD PARTY INVOLVEMENT

- 13.1 All compensable injuries involving a third party, whether covered by the Workplace Safety and Insurance Act or not, will be reported in the normal manner using the Supervisor's Report of Injury/ Loss Form.
- 13.2 When an employee is injured in the course of employment by a third party, there is a right of legal action against the third party. Employees must choose to accept WSIB benefits, or pursue legal action on their own (thereby, waiving the right to collect WSIB benefits).
- 13.3 Right of Action:
- (a) WSIB policies provide that an employee may exercise a "Right of Action", which is the legal right to sue in negligence for damages, or "Right of Recovery", which allows the employee to secure restitution, compensation or damages by legal process against any third party, except:
 - (i) the employee's own employer;
 - (ii) Executive Officers of the employer; or
 - (iii) Directors of the employee's employer.
 - (b) An absent employee who elects to take action on their own against a third party will not receive WSIB benefits or wages for any lost time related to the incident if they are covered for advances through their Collective Agreement or Benefits By-law. If an overpayment of wages does occur, the Corporation will recover these monies. Any future costs related to the claim will not be paid by the Corporation.
 - (c) All recoveries of cost will be processed within two (2) years of the injury to stay within the Statute of Limitations while allowing sufficient time to evaluate the injury, the related losses and the potential for future losses.

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- (d) All claims exceeding One Thousand Dollars (\$1,000.00) in costs or having a potential for future costs, will be forwarded to the City's Solicitor for processing once the costs of a claim have been analyzed and compiled by Human Resources.

13.4 Elect to Claim WSIB:

An employee may elect to claim WSIB benefits by signing a Schedule II Election to Claim WSIB Form. This form will be provided to the employee by the WSIB and no benefits will be awarded until the form is returned to the WSIB.

- (a) If the employee signs the form, the employee gives up their right of action/recovery against the third party and transfers the right of possible action/recovery to the Corporation (employer).
- (b) If the employee elects to receive WSIB benefits by signing the form, a copy must be provided to Human Resources by the Employee immediately to review the claim for recovery of costs.
- (c) If the Election to Claim form is not received and the claim is not approved by the WSIB within the specified time frame, the Department will be notified by Human Resources to adjust the employee's pay accordingly.
- (d) For employees who are "Covered by Advances" through their Collective Agreement or Benefits By-law, the Corporation will allow twenty (20) working days from the date the incident occurs, for the WSIB to receive the Election to Claim form and approve the claim.

14.0 CONFIDENTIALITY

- 14.1 All WSIB related documentation and reports will be maintained on file in the Human Resources Department separate from their Employee File. The medical information contained in the file is confidential and only accessible to the Human Resources Staff or designate responsible for the administration of WSIB Benefits (unless a Release of Information Form has been signed by the employee).

History			
Approval Date:	January 1, 2003	Approved by:	Council Resolution
Review Date:	April 27, 2011	Approved by:	H & Safety Coordinator
Review/Amendment Date:	Dec 19, 2017	Approved by:	CAO
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