

## FILING A CLAIM

### When Should You File a Workplace Safety and Insurance Board (WSIB) Claim?

- If you were injured in an **accident at work** (for example, falling off a ladder, or sudden back pain after lifting or twisting).
- If you develop medical problems that you think are caused by the **type of work** you do (for example, tendonitis or carpal tunnel syndrome caused by repetitive movements over time).
- If you develop a disease or medical problems that you think are caused by **work exposure** (for example, exposure to noise, chemicals, or dust).

### What Should You Do First?

- You should tell your employer about your accident or occupational disease. If you need more than first aid, your employer should send a report of your accident or disease to WSIB within **three days**.
- Get medical attention right away (for example, first aid, hospital emergency, family doctor).
- Tell the person treating you to send a report (Form 8) to WSIB.
- Report the accident to your union or your health and safety representative, if you have one.

### How Long Can You Wait Before Filing a Claim for Benefits?

- In order to receive WSIB benefits, you must file a claim as soon as possible, and no later than **six months** from the date of your accident, or from the date you discover you are suffering from an occupational disease. In disablement claims (conditions that emerge gradually over time such as carpal tunnel syndrome), the **six-month deadline** begins from the date you report the disablement as work-related. You can report this to your employer, your doctor (or other health professional), or to WSIB. WSIB is able to extend this deadline in certain cases.
- WSIB does not apply the **six-month time limit** to injuries that happened before January 1, 1998. However, you should be prepared to explain why you did not claim benefits earlier.

### How Do You File a Claim for Benefits?

- There are two ways to apply for WSIB benefits: you can sign the Worker's Claim/Consent Form (Form 1492), or you can complete and sign the Workers' Report of Injury/Disease (Form 6). The first form can be obtained from your employer. You can get a Form 6 by phoning WSIB at 1-800-387-0750 or by visiting their website at [www.wsib.on.ca](http://www.wsib.on.ca).
- In order to receive WSIB benefits, you must agree to allow your doctor (or other treating health professional) to release information about your "functional abilities" to your employer. Functional abilities information describes what you **can** and **cannot** do at work because of your work-related injury. Functional abilities information does not include details about your medical condition. By signing Form 6 or Form 1492, you allow your doctor to complete the functional abilities form and provide a copy of the completed form to you, your employer, and WSIB.

- Generally, WSIB will pay no more than two weeks benefits to a worker who has not signed Form 6 or Form 1492.
- If you wish, you can file your claim by signing Form 1492. Your employer should have copies of Form 1492 at your workplace. If you do not sign a Form 1492, then WSIB will send you a Form 6 to complete, or you can download any forms you need from the WSIB website at [www.wsib.on.ca](http://www.wsib.on.ca). Just look under “Forms”.
- If you have filed your claim by signing Form 1492, then WSIB may not send you Form 6 to complete. If you do not receive a Form 6, phone WSIB and request one by mail. When completing the Form 6, provide detailed information about the accident. You should also contact WSIB and request a Form 6 if you think your employer has not reported your accident.
- The employer must provide you with a copy of the Form 7 that they sent to WSIB. If you complete a Form 6, you must also provide a copy of the Form 6 to your employer. Your employer keeps two copies of Form 1492.

### What Should Happen Next?

You should receive a letter from WSIB, providing you with a claim number. A claim number does not mean your claim has been approved. It only means that WSIB knows about your claim and has started a file. You should refer to the claim number every time you contact WSIB about your claim. If you do not receive a claim number, it may mean that WSIB does not know about your claim. You should contact WSIB immediately to determine the nature of the problem. WSIB will advise you how to establish a claim if you do not have a claim number.

### What If Your Benefits Are Delayed?

You could experience a delay in benefits if WSIB has not received all the information required to make a decision (for example, the doctor's report or employer's report may be missing). A delay could also mean that WSIB is still in the process of reviewing your claim and that a decision has not been made. If you do not receive a letter of explanation, call WSIB and ask about the delay.

### What If Your Claim Is Denied?

You should receive a letter from WSIB advising you why they have decided not to grant you benefits. If you disagree with the reasons provided, you have **six months** from the date of the WSIB decision to file an appeal. See OWA Fact Sheet 24 called “Appealing to WSIB”.

#### IMPORTANT INFORMATION

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called “Appealing to WSIB” and “Appealing to WSIAT”.

**This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:**

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at <http://www.owa.gov.on.ca>

*Cette feuille-info est aussi disponible en français*

