

# YOUR CLAIM FILE AND HOW TO GET IT

## What Is a Workplace Safety and Insurance Board (WSIB) Claim File?

A claim and file is established when you report a work-related injury or disease to WSIB. Every claim has a number. WSIB employees will request your claim number every time you talk to them. The claim file is divided into sections separated by blue title pages. Each section of the file starts with the most recent document and then goes back in time.

The claim file includes these sections:

- **Memorandums (memos)** - This section contains decisions, WSIB doctors' opinions and notes of telephone calls and meetings with you, your employer, your doctor, and others connected to your claim. The memos are all numbered. You should refer to these numbers when you contact WSIB employees about specific memos in your claim file.
- **Forms** – This section contains the accident report forms from you, your doctor and your employer. If your file does not contain this section, the forms can probably be found at the front of the “Medical Reports” section.
- **Medical Reports** - This section contains the medical reports that your doctors sent to WSIB.
- **Correspondence** - This section contains all the letters WSIB has sent and received about your claim, except for medical reports.
- **Labour Market Re-entry or Vocational Rehabilitation** - If you received Labour Market Re-entry or Vocation Rehabilitation services, your file will contain this section.

Some files also include other sections, like “NEL”, “Payments” and “Health Care Benefits”.

## When Can You Get a Copy of Your Claim File?

- You can get a copy of your claim file at any time by writing to WSIB.
- If you object to a WSIB decision and state that you are ready to proceed with your objection, you will automatically receive a copy of your claim file and an objection form. This is the preferable way of getting your claim file if you intend to proceed with an appeal, because it does not require an extra step to secure the objection form.

## How Can You Get a Copy of Your Claim File?

- Write to the WSIB office. Provide them with your claim number and request a copy of your file. Make sure your letter is dated and includes your signature.
- If you object to a WSIB decision, WSIB will send you a copy of your file. See OWA Fact Sheet 24 called “Appealing to WSIB”.

## How Long Does It Take to Get a Copy of Your Claim File?

If you do not receive a written acknowledgement about your request for your claim file within three weeks, call WSIB. Once WSIB confirms your request in writing, you should receive your file in about eight weeks.

## Will You Get Everything in Your Claim File?

You will usually get the whole claim file. In rare cases, WSIB may send some medical reports to your family doctor rather than to you. To determine if any part of your file is missing, look at the **Access Memo**. It should be one of the first pages in the file.

## What Should You Do With Your Claim File?

- Your claim file is important whenever you want to appeal a WSIB decision. It will tell you what facts WSIB used to make a decision.
- There are strict time limits for appealing WSIB decisions. You should seek qualified help immediately.
- When you get your claim file, read it carefully.
- It is important to keep the file in exactly the same order in which it came. If you ask someone to represent you, they will want to see the entire file in its original order.
- Do not remove anything from the file.
- Check to see if any information is missing from the file.
- Check that the information in the file is accurate.
- If you are asking someone to represent you, give that person the complete file in its original order. Also, **do not** return a WSIB objection form without speaking to a qualified representative first.

## Who Can Get a Copy of Your Claim File?

- You, or your representative on your behalf, can get a copy of your file.
- If the employer you worked for at the time of your accident objects to a decision about your claim, WSIB will send the entire file to the employer, except for the medical reports. You can object to the release of medical information by WSIB to your employer. You should obtain advice before objecting to the release of medical information because it is often difficult to continue the objection successfully. For more information, see OWA Fact Sheet 4 called “Employers and Claims”.

### **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*

