

## DUTY TO CO-OPERATE

### What Is Your Duty to Co-operate?

In order to receive benefits from the Workplace Safety and Insurance Board (WSIB), you must co-operate with WSIB and your employer. If WSIB decides that you are not co-operating without a good reason, your benefits and services may be reduced or taken away until you do co-operate.

### What Must You Do to Co-operate?

Under the *Workplace Safety and Insurance Act, 1997*, you must co-operate by doing the following:

- give WSIB any information required to decide your claim
- you must agree in writing when filing your claim to let your treating doctor (or other health care professional) release functional abilities information to your employer (see OWA Fact Sheet 3 called “Filing a Claim”)
- contact your employer as soon as possible after your injury and stay in touch with your employer throughout the period of your recovery or disability
- help your employer find work that is suitable, available, within your functional abilities and, where possible, restores your pre-injury earnings (see OWA Fact Sheet 10 called “Early and Safe Return to Work”)
- give WSIB any information required about your return to work
- co-operate in all aspects of a labour market re-entry assessment or plan (see OWA Fact Sheet 12 called “Labour Market Re-Entry”)
- help prepare a return to work program and follow that program
- co-operate in the health care and treatment prescribed by your treating doctor (or other health care professional) and approved by WSIB
- attend a health examination if requested by WSIB, your treating doctor, or other health care professional
- attend a health examination that your employer requested and that WSIB has directed you to attend (for information on objecting to an employer-requested health examination, see OWA Fact Sheet 17 called “Employer-Requested Health Examinations”)
- report any material change in circumstances to WSIB within 10 days of the change (see OWA Fact Sheet 7 called “Material Change in Circumstances”)

## **What If You and Your Employer Have Trouble Co-operating in Your Return to Work?**

You should tell WSIB about the problem as soon as it becomes clear. WSIB will first try to solve the problem quickly with mediation services. If that does not work, WSIB will make a decision, usually within **60 days** from when the problem was first identified to WSIB.

## **How Will You Know If WSIB Believes You Are Not Co-operating?**

If WSIB believes you are not co-operating, you may be reminded of your obligation to co-operate and of the impact to your benefits if you do not co-operate. If you continue to not co-operate without giving WSIB a reasonable explanation for your actions, WSIB may reduce or take away your benefits or services until you do co-operate.

## **If You Start To Co-operate Again, Will WSIB Pay You the Benefits You Missed?**

No. WSIB will not pay you benefits for periods where they were reduced or taken away because you were not co-operating. WSIB may restore the benefits you missed if it failed to tell you about your obligations to co-operate and what would happen to your benefits and services if you did not co-operate, or if it made a mistake in finding that you were not co-operating.

## **What If You Have a Good Reason for Not Co-operating?**

WSIB will not reduce or take away your benefits when you have a good reason for not co-operating. Examples of this might be an unexpected illness or accident, a death in the family, or severe weather conditions that prevent you from attending a scheduled appointment. When you have a good reason for failing to meet an obligation, you should advise WSIB as soon as possible.

### **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*

