

# MATERIAL CHANGE IN CIRCUMSTANCES

## What Is the Requirement to Report a Material Change in Circumstances?

If you are claiming or receiving benefits from the Workplace Safety and Insurance Board (WSIB), you must advise them about any material change in circumstances that affects your entitlement to benefits within **10 calendar days** of it happening. The **10 days** include the day of the change. A surviving spouse, same-sex partner or dependant who may receive benefits must also report a material change to WSIB.

## What Is a Material Change in Circumstances?

A material change in circumstances is any change that affects: whether WSIB has to pay you benefits, how much WSIB has to pay you, or whether WSIB has to give you services. The following are some common examples of changes that you must report to WSIB.

### Changes in Your Medical Status

- your work-related injury gets better or worse
- your doctor changes your treatment or thinks you need an operation
- your treatment stops
- you need an assistive or prosthetic device for the first time, or you must change a device that you already have

### Changes in Your Earnings or Income

- your wages go up or down
- you start receiving Canada/Quebec Pension Plan disability benefits

### Changes in Your Work Status

- your hours of work or your job duties change
- you lose your job
- you retire or decide to stop looking for work

### Changes in Your Availability for, or Co-operation in Health Care, Early and Safe Return to Work Activities, or Labour Market Re-entry Programs

- you cannot work because of a medical condition unrelated to your work injury
- you change your address or leave the province
- you go to prison
- your work visa ends or you receive a deportation order

### Changes in Your Optional Insurance Coverage

- your actual earnings are different from the optional insurance coverage you chose (for example, a person who is not automatically covered by law under the workplace insurance system, but who applies to WSIB for such coverage has optional insurance)

### Changes in a Dependant's Entitlement to Benefits

- a dependant child turns 19 years old and continues to go to school

## What If You Are Unsure Whether a Change in Your Situation Is a Material Change?

If you are not sure whether something is a material change, report it anyway and let WSIB decide.

## How Should You Report a Material Change?

If you have a representative, you can request (s)he advise your WSIB decision-maker about the change. The best way to tell your WSIB decision-maker about a material change is by telephone. You can also do this by regular mail, courier, fax, or in person, as long as the report reaches WSIB within **10 calendar days** of the change happening. Write down when and how you reported the information to WSIB and keep this note for your records. Do not leave it up to friends, relatives or your employer to report a material change for you. When you know about a material change ahead of time, such as a planned return to work in a week's time, it is a good idea to tell WSIB about the change as soon as you know about it, instead of waiting until the last moment.

## What Will Happen After You Report a Material Change?

The decision-maker will review the information you provided and will decide if it affects your right to receive benefits or services. The decision-maker will then let you know about the decision.

## What Happens If You Fail to Report a Material Change or If You Do Not Report It on Time?

If you do not report a material change or if you report it too late, WSIB may treat the amounts that you received after the date of the change as a benefit-related debt (previously called an overpayment). WSIB will ask you to repay this money or will deduct it from any future benefits you receive. If necessary, WSIB can go to court to collect these amounts from you. If WSIB believes that you intentionally failed to report the change, your case may be sent to its Special Investigations Branch (SIB). The SIB will investigate your case and may charge you under the *Provincial Offences Act* or the *Criminal Code*. If a court finds you guilty, you can receive a large fine or even go to jail. If you believe that WSIB is thinking of charging you, you should seek help from a criminal lawyer immediately.

## Are Any Benefits Exempt From the Requirement to Report a Material Change?

Yes. If WSIB is paying you temporary disability benefits, permanent disability benefits, or survivors' benefits for an accident that happened before 1990, then you are **not required** to report a material change.

### 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>

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