

EMPLOYER-REQUESTED HEALTH EXAMINATIONS

What Is an Employer-Requested Health Examination?

If you are receiving benefits from the Workplace Safety and Insurance Board (WSIB) or have made a claim for WSIB benefits, your employer may ask you to agree to a health examination conducted by a doctor chosen and paid for by the employer.

Are You Required to Attend an Employer-Requested Health Examination?

You are not required to attend an employer-requested health examination until ordered to do so by WSIB. You can object to the examination or to the nature and extent of the examination. WSIB will ultimately decide if you must attend the examination. In the meantime, you will continue to receive WSIB payments.

WSIB may request that you attend a health examination without the employer asking for one first. If that happens and you do not attend the examination, WSIB may reduce or suspend your payments. WSIB pays for this examination.

What Should You Do if You Do Not Want to Attend the Examination?

If you do not want to attend the employer-requested health examination, you must tell your employer that you object to the examination. For your own records, keep a note of the date, time, and name of the person you spoke to when you informed your employer about your objection. You should follow-up with a written letter to your employer, emphasizing your objection to the examination. You are not required to provide your employer with reasons for refusing to attend the health examination at this time.

After receiving your objection, your employer has **14 days** to write and request that WSIB order you to attend the health examination.

How Will WSIB Decide Whether to Order You to Attend the Examination?

WSIB will decide if the examination is necessary and if the nature and extent of the examination is appropriate.

How Will WSIB Decide If the Examination is Necessary?

WSIB considers the employer-requested health examination necessary if:

- it will help with your early and safe return to work,
- it will provide significant new information not already available in your claim file,
- it will help clarify any disagreements in the medical opinions of doctors, or
- it will help to better understand the nature of your injury, whether the injury is related to your work, your level of impairment, or your physical restrictions.

How Does WSIB Decide If the Nature and Extent of the Examination Is Appropriate?

WSIB considers the nature and extent of the examination appropriate as long as the examination is about the injuries, diseases, or conditions for which you are claiming benefits.

Also, the examination must be performed by a “health professional”. This includes medical doctors, chiropractors, physiotherapists, psychologists, and other types of health-care professionals.

What Can WSIB Decide?

After considering all the evidence, including arguments from you and your employer, WSIB can decide in one of three ways as follows:

- if the examination is not necessary, you will not be required to attend,
- if the examination is necessary, but WSIB disagrees with the nature or extent of the examination, your employer will be ordered to arrange an appropriate examination,
- if the examination is necessary, and the nature and extent of the examination are appropriate, WSIB will order you to attend the examination.

What if You Do Not Obey the WSIB Order to Attend the Examination?

If you do not attend the examination, or if you do not obey the order without a good reason, WSIB will reduce or take away your benefits for as long as you disobey the order.

Can You Appeal the WSIB Decision that Orders an Employer-Requested Health Examination?

You can appeal the WSIB decision that orders you to attend an employer-requested health examination through their internal appeal system. However, you **cannot** appeal the final WSIB decision that orders you to attend an employer-requested health examination to the Workplace Safety and Insurance Appeals Tribunal (WSIAT).

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

