

EXTENSIONS OF TIME LIMITS FOR FILING A CLAIM

What Time Limits Apply?

Under the *Workplace Safety and Insurance Act* there is a **six-month time limit** to apply for benefits. For further details on time limits, please see OWA Fact Sheet 3 called “Filing a Claim”.

If you have missed a time limit, you should seek help from a qualified representative as soon as possible. Both the Workplace Safety and Insurance Board (WSIB) and the Workplace Safety and Insurance Appeals Tribunal (WSIAT) have the authority to extend time limits.

What If You Did Not File Your Claim on Time?

If you did not file your claim on time, you should complete a Form 6 (Worker’s Report of Injury/Disease) from the OWA Workers’ Information Kit: [Appealing WSIB Decisions](#) and submit it to WSIB. You can also obtain the Form 6 by visiting the WSIB website at www.wsib.on.ca, or by calling WSIB at 1-800-387-0750.

You should provide WSIB with as much information as possible when explaining the reason for the delay in filing your claim.

When Will WSIB Extend the Time for Filing a Claim?

According to WSIB policy, the **six-month deadline** will be extended when:

- WSIB originally decided you should not receive benefits, but either the law or WSIB policy changed
- you filed a claim in another province or country and then discovered your claim should have been filed in Ontario
- your employer failed to report your accident to WSIB, and the Special Investigations Branch of WSIB determined your employer had created the kind of workplace wherein you would be afraid to report your accident to WSIB
- it seemed you would only need health care benefits when you filed your claim, but you later experienced a loss of earnings
- there are exceptional circumstances

What Are Exceptional Circumstances?

The following are examples of exceptional circumstances where the **time limit** for filing an appeal may be extended by WSIB:

- important personal reasons, such as where you or a close family member had serious health problems, or an accident

- you had to leave the province due to the illness or death of a family member
- you did not understand the time limit requirements or the consequences of not having met those time limits (for example, no one at work ever told you about receiving benefits if you reported a work-related accident, or you did not understand because you did not speak English very well)
- you had reported the accident to your employer, a doctor (or other health care professional), or a co-worker

What If Your Circumstances Are Not Included in the List?

The exceptional circumstances listed above are only some examples. WSIB decision-makers are able to review a variety of other situations as well. Ultimately, you need to provide WSIB with a good reason why you did not file your claim on time. If you have a good reason, you should inform WSIB right away.

What If WSIB Does Not Extend the Time Limit to File Your Claim?

If a Claims Adjudicator refuses to extend the **time limit** and decides you are not eligible for benefits because you did not file your claim on time, you can appeal their decision to an Appeals Resolution Officer (ARO). See OWA Fact Sheet 24 called “Appealing to WSIB”. If your appeal to the ARO is not successful, you can further appeal to WSIAT. See OWA Fact Sheet 25 called “Appealing to WSIAT”. If your appeal to WSIAT is successful, you should contact WSIB. WSIB will then decide your benefits.

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

