

Filing a Claim

Under the act benefits are payable for “personal injury by accident arising out of and in the course of employment”. There are two types of injuries sudden and gradual.

A sudden injury is the result of a chance event, most of us would think of this as an accident. However it important to have a very broad mind with regards to an accident. The act states benefits are payable for any work related personal injury. This would also include a gradual onset injury. That would be an injury which would be brought about over a period of time due to a repetitive action or movement.

When a worker is made aware of an injury related to their work duties it is their responsibility to notify the employer. This usually takes place when you seek medical attention at work. If the medical attention is sought outside of work it is your responsibility to notify the employer. The employer then generates a form 7 which is their reporting obligation to the Board. The form 7 would normally be initiated when the injury results in one of the following:

1. Absent from regular work.
- 2 Earns less than regular pay for regular work.
3. Requires modified work at less than regular pay.
4. Requires modified work at regular pay for more than seven days.
5. If a worker initially returns to regular work, but then requires modified work for more than seven days from the date the modified work began.

Once the Board is made aware of an incident it would send a form 6 to the worker. This is your obligation to give your account of the incident and how it relates to your employment, the form 6 is the worker making claim for benefits. I must stress that it is in the workers best interest to complete and mail the form 6 to the board, to many times when a worker feels I'll get over it, the injury worsens at a later date and the worker never made claim. This would result in the worker having the burden of proof to relate his medical problems to their employment.

The third form at the onset of a claim is the doctor's form 8; this would be the medical supporting your claim. To establish entitlement we have an incident (accident) requiring medical = form 7, the worker making claim= form 6 and the compatibility of the injury to your job =form 8. The claims which can get a little dicey are the gradual onset. These require a good diagnosis relating work duties to the injury, generally there is no specific “accident” thus the employer questions the compatibility of injury to work.

We are here at the hall to assist you with the process and encourage that you utilize us in the process.

In solidarity
Joe Cantwell
Compensation & Benefits