

WORKERS'
GUIDE

YUKON
WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD



working together

WITH YUKON WORKERS AND EMPLOYERS



workers' compensation

WORKERS' COMPENSATION

Workers' compensation is an employer-funded insurance system in which coverage for workers is compulsory. For nearly a century, it has protected Canadian workers and employers against the result of workplace injuries and illnesses.

Under workers' compensation legislation, workers give up their right to civil action against employers and co-workers in return for guaranteed compensation. This arrangement protects both workers and employers. Employers are protected because workers who suffer a work-related disability cannot sue employers for damages. Workers are protected because they are guaranteed compensation if they get a work-related injury or illness—including lost wages, payment of related health care costs, and assistance in returning to work.

The only claims that are subject to civil action are vehicle accidents where there is vehicle insurance. In such cases, the Yukon Workers' Compensation Health and Safety Board (YWCHSB) can sue, on behalf of the worker who was injured, another organization's employer or worker. The injured worker's own employer or co-workers cannot be sued.

ESTABLISHING A CLAIM

We require one piece of information from a worker to establish a claim: a *Worker's Report of Injury/Illness* that has been completely filled out and signed by the worker. You will need to submit a copy of this form to your employer as well as to us.

Your employer will then submit a report to us. An *Employer's Report of Injury/Illness* must be submitted by the employer to the YWCHSB within

making prevention a priority

developing safe and healthy workplaces

handling workers' claims

managing the impact of claims costs on assessment premiums

lessening the effects of work-related disabilities

developing ways for workers who have been injured to be reintegrated into the workplace

working together

WITH YUKON WORKERS AND EMPLOYERS

Whether you are a permanent, seasonal, casual, or part-time worker, you are covered by workers' compensation if you are working for an employer operating in the Yukon.

three days of the employer receiving a copy of your *Worker's Report of Injury/Illness*.

We also receive a report from the medical practitioner: the *Doctor's First Report*. This form is submitted by your attending physician directly to the YWCHSB. At your appointment, inform your doctor that you have a work-related injury or illness and he or she will fill in this report.

After the three reports are received, the claim is given to an adjudicator. The adjudicator may make further inquiries, and then decides whether or not to accept the claim. You will be notified in writing whether or not your claim is accepted. If the adjudicator rejects the claim, he or she will give the reasons, in writing, why the claim was not accepted. You may decide to appeal this decision (see *Appeals*, P. 5).

ENTITLEMENT TO BENEFITS

Adjudicators decide whether you are entitled to benefits based on the following criteria:

- > Were you employed as a worker?
- > Was there an employer/worker relationship?
- > Is the disability work-related?
- > Is there medical evidence to support your claim?

REJECTED CLAIMS

There are three reasons why claims are rejected:

- > There was not enough information to process the claim. In these cases, we have requested additional information and it has not been provided.

- > The industry or the claimant is not covered under the *Workers' Compensation Act*. For example: federal workers are exempt because they are covered under federal legislation.
- > The disability is not work-related as required by the *Workers' Compensation Act*.

INTER-JURISDICTIONAL AGREEMENTS

If you were injured outside of the Yukon, you may have a choice of which jurisdiction to claim benefits in.

CALL your adjudicator to find out more about inter-jurisdictional agreements.

Note: The information provided in this guide is based on the *Workers' Compensation Act* and YWCHSB policies. If there is a difference between this guide and the act, the act applies.

benefits

Workers' compensation provides five main types of benefits to workers and their families:

- > medical aid benefits
- > loss-of-earnings benefits
- > permanent impairment awards
- > vocational rehabilitation
- > survivor benefits

MEDICAL AID BENEFITS

Once we accept your claim, we will pay for all medical aid and most supplies your doctor prescribes for your injury or illness. These medical expenses must be approved by your adjudicator.

Medical benefits we cover include hospitalization, physiotherapy, chiropractic treatments, acupuncture, artificial limbs or other medical devices, prescription drugs, aids to independent living, and travel and living expenses to receive specialized medical treatment.

Medical benefits are paid starting on the day you were injured. They may still be paid after you return to work if your injury requires further care.

CALL your adjudicator to:

- > find out what medical services and expenses are covered
 - > get pre-approval for medical services and expenses
-

LOSS-OF-EARNINGS BENEFITS

According to the *Workers' Compensation Act*, "loss-of-earnings benefits" is the difference between what you earned before your disability and what you are capable of earning after your disability.

In most cases, loss-of-earnings benefits are paid while your injury or illness prevents you from working. They usually start the day after your accident and end when you are considered fit to return to suitable employment.

The *Workers' Compensation Act* states that loss-of-earnings benefits must be calculated using your past earnings. We will need to see proof of earnings to calculate your benefit.

Loss-of-earnings benefits are based on 75% of your gross salary or wages from all sources of employment, up to

return to work

Returning to work speeds workers' recovery and increases their feelings of well-being. For this reason, workers' compensation boards in Canada focus on the safe return of workers to employment in the shortest possible time. Ideally, workers return to work before they are 100% recovered from their disability.

Usually your doctor will be the one who advises you that you are fit to return to suitable work.

During your recovery and after the acute phase of your injury, we work together with you, your employer and your doctor to facilitate a return to work. One of our tasks is to ensure that your employer and co-workers are aware of any restrictions you may have. You may not be immediately able to perform all of the duties of your pre-injury job. Your rehabilitation counsellor will help inform the people in your workplace of your individual needs.

Workers' compensation helps pay the costs of medical treatment, lost wages and return-to-work when you get a work-related injury or illness.

the maximum wage rate. Loss-of-earnings benefits are not taxable but they may affect tax credits, such as the child tax credit.

Loss-of-earnings benefits are usually paid twice a month.

CALL your adjudicator

- > to find out how loss-of-earnings benefits are calculated
- > to find out what the maximum wage rate is for the current year

PERMANENT IMPAIRMENT

If you receive a permanent injury, you may qualify for a permanent impairment award. Examples of permanent impairments may be noise-induced hearing loss or the loss of a limb.

Permanent impairment awards are made after a condition stabilizes. They are determined according to American Medical Association guidelines.

These awards may be paid out as annuities or in a lump sum. They may

be paid out in addition to loss-of-earnings benefits.

CALL your adjudicator

- > to find out how permanent impairment awards are calculated

VOCATIONAL REHABILITATION SERVICES

If your work-related injury or illness has caused you to take time off work, we will work with you to develop a return-to-work plan.

Return-to-work plans may include a phased-in return to your pre-injury employment or modified work with your employer.

In some cases, a worker may be unable to perform his or her pre-injury job because of functional limitations. A rehabilitation counsellor will then work with the worker to explore other suitable employment. This may include an assessment of previous work history, education, interests and transferable skills. In certain situations, vocational retraining will be considered. The cost of this training is covered by workers' compensation.



SURVIVOR BENEFITS

If a worker dies because of a work-related injury or illness, YWCHSB pays funeral costs as well as providing monthly payments to the deceased worker's spouse and dependants. Surviving spouses receive monthly payments for life based on 3.125% of the maximum wage rate. Children may also receive monthly payments, depending on their age and whether or not they have a disability or are attending school.

Studies show that the sooner workers return to work and activity, the more quickly they recover from a disability. Your rehabilitation counsellor will work with you, your doctor and your employer to develop a return-to-work plan.

Depending on your disability, you may not be able to return to your pre-injury job. If this happens, a rehabilitation counsellor will work with you and your employer to arrange for a return to another form of suitable employment in your organization. If this is not feasible, then other areas of work will be looked at—taking into account your interests and transferable skills. If these options are not possible, you may be considered for retraining.

CALL your rehabilitation counsellor to:

- > arrange for your return to work
 - > find out what modifications can be made at your work place to facilitate your return to work
-

frequently asked questions

WHEN SHOULD I FILE A CLAIM?

If you receive or require medical treatment for a work-related injury or illness, you should fill out a *Worker's Report of Injury/Illness*—even if you don't expect to miss time from work. Send your report to the YWCHSB and make sure your employer receives a copy of the completed report.

WHEN CAN I EXPECT MY FIRST PAYMENT?

Normally, you can expect to get your first loss-of-earnings benefits payment within 30 days of submitting your completed *Workers' Report of Injury/Illness*. To adjudicate your claim, the adjudicator uses your completed *Workers' Report of Injury/Illness*, a *Doctor's First Report* and your *Employer's Report of Injury/Illness*.

If the YWCHSB is responsible for a processing time of longer than 30 days on your claim, you will receive interest on the money owed. In such a case, the interest calculation begins

31 days following the date of receipt of your injury report. Loss-of-earnings benefits, survivor benefits and medical benefits are eligible for interest. Permanent impairment awards are not eligible.

WHO CAN I GO TO FOR MEDICAL CARE?

When receiving treatment for your injury or illness, you may go to any licensed, practicing physician. According to the *Workers' Compensation Act* you cannot "unreasonably" change medical practitioners.

CALL your adjudicator

- > for more information on changing medical practitioners

WHEN DO BENEFITS START?

Medical benefits start at the time of your injury. Once your claim is accepted, you will receive loss-of-earnings benefits from the day after your work-related disability began.

client services

SERVICE TEAMS

Every Yukon business, and its employees, has been assigned to one of three service teams at the Yukon Workers' Compensation Health and Safety Board (YWCHSB). Each service team includes a safety education consultant, a safety officer, an employer services officer, a policy representative, an adjudicator and a rehabilitation counsellor. Your service team can answer questions on workplace safety, accident prevention, workers' claims or assessments.

As a worker with an injury, your primary contacts will be your adjudicator and rehabilitation counsellor.

PUBLIC REGISTER

The public register contains copies of all policies, rules and procedures of the YWCHSB and the appeal tribunal; all decisions of the appeal tribunal; and the annual reports of the YWCHSB, appeal tribunal and workers' advocate. It is located in the YWCHSB building. Our website also contains all of the materials available in the public register.

CALL your adjudicator to:

- > find out when you can expect a decision to be made on your claim

WHEN DO BENEFITS END?

Medical benefits normally end when you have achieved maximum recovery from your injury or illness. This may be before or after you return to work.

Loss-of-earnings benefits usually end when your medical practitioner or the YWCHSB determines you are fit to return to suitable work.

Permanent impairment awards may be paid in a one-time, lump sum or as an annuity.

Vocational benefits normally end once you have returned to work or are considered employable.

Survivor benefits are paid to spouses for their lifetime, and to children until they are 19 to 21 years old—depending on whether they have a disability or are attending a school.

WHAT HAPPENS IF I HAVE A RECURRENCE OF MY INJURY OR ILLNESS?

Recurrences should be immediately reported to your employer. Seek

medical treatment and make sure the medical practitioner sends a report to the YWCHSB. Then call your adjudicator and let him or her know that you believe your present problem is the result of a previous injury or illness.

CALL your adjudicator

- > to report a recurrence of an injury or illness

I DON'T AGREE WITH A DECISION THAT WAS MADE ON MY CLAIM. WHAT DO I DO?

In the Yukon, workers' compensation has a two-level appeal system. Any decision made on a claim for compensation may be reviewed by the hearing officer. Decisions of a hearing officer may be appealed to the Workers' Compensation Appeal Tribunal. See *Appeals*, below for more information.

CAN I SEE MY CLAIM FILE?

Every worker and the dependant of a deceased worker has the right to see the claim file. You may arrange to get a copy of your file by contacting your adjudicator or our main reception desk. The first copy of your file is provided free of charge.



Our service teams provide all of our customers with full access to all of our services. As a worker with an injury, your primary contacts will be your adjudicator and rehabilitation counsellor.

WEBSITE

You can access worker information as well as all current legislation and policies on our website at www.wcb.yk.ca. Our website also contains electronic copies of our annual report, newsletter, media releases, appeals kit and all decisions of the appeal tribunal.

APPEALS

Workers or employers can file for an appeal if they do not agree with a decision made by an adjudicator.

The YWCHSB has a two-level appeal process:

- 1st level Hearing Officer
- 2nd level Workers' Compensation Appeal Tribunal

Call the appeals registrar at (867) 667-5645 or 1-800-661-0443 if you are interested in knowing more about appeals procedures. You can also find information on appeals on our website at www.wcb.yk.ca.

WORKERS' ADVOCATE

The workers' advocate advises workers and the dependants of a deceased worker on the intent,

process and procedures of the workers' compensation system, including the administration of the *Workers' Compensation Act* and the regulations and policies of the YWCHSB. The advocate can explain decisions made under the *Workers' Compensation Act* and if requested, will assist a worker or dependant of a deceased worker in appealing any decision of the YWCHSB. The workers' advocate is appointed by the minister of justice.

Call the workers' advocate at (867) 667-5324 or 1-800-661-0408 for more information.



**YUKON WORKERS' COMPENSATION
HEALTH & SAFETY BOARD**

401 Strickland Street
Whitehorse, Yukon Y1A 5N8

Tel: (867) 667-5645
1-800-661-0443

Fax: (867) 393-6279

www.wcb.yk.ca

**YUKON WORKERS' COMPENSATION
HEALTH AND
SAFETY BOARD** **COMMISSION DE LA
SANTÉ ET DE LA SÉCURITÉ
AU TRAVAIL
DU YUKON**