

## REPORTING INJURIES & ILLNESSES

If an employee at your workplace was injured or became ill on the job, would your company know to whom these must be reported by law, when, and in what form?

In Ontario, the Workplace Safety and Insurance Act and the *Occupational Health and Safety Act* have requirements for recording or reporting workplace injuries and illnesses. To comply with the Workplace Safety and Insurance Act, your company must follow the procedures and use the forms provided by the Workplace Safety and Insurance Board (WSIB or “the Board”). The types and content of reports required under the Occupational Health and Safety Act are specified in the Regulation for Industrial Establishments (R.R.O. 1990, Reg. 851).

### What the Law Says

#### Workplace Safety and Insurance Act

This Act has specific requirements in two main areas: first aid and accidental injury or disease.

#### First Aid

Keep records of all first aid treatment or advice given to employees who are injured or become ill on the job (First Aid Requirements Regulation 1101 s.5). Whenever an employee requires more serious treatment than first aid, complete and give the employee a Treatment Memorandum (WSIB Form 0156C) to take to the doctor, hospital or emergency centre.

#### Accidental Injury or Disease

Employers, employees and health care practitioners are required to submit reports as outlined below. These are mainly for compensation purposes. Make sure employees understand their obligation in this respect.

#### Employer’s Report

Complete and submit an Employer’s Report of Injury/Disease Form 7, within three calendar days, each time that a work-related injury or disease causes a worker to:

- obtain health care and/or
- be absent from regular work require modified duties at less than regular pay
- require modified duties at regular pay for more than 7 calendar days from the date of the accident
- earn less than regular pay at regular work

(Form 7, Reference Guide for Employers, WSIB)

“Health Care” includes services provided at a hospital or health care facility and by health care practitioners, that is, doctors, registered nurses, chiropractors, physiotherapists or dentists.

If an accident results in a fatality, state this clearly on the form.

Answer all questions fully. If you do not have all the required information, send in what you have, making a note that you will provide the missing information as soon as possible.

If you doubt the employee’s version of the accident or injury, or if any circumstances justify an investigation, state this in the appropriate space in the form. Attach a letter asking for an investigation, and give your reasons for the request.

The information must be completed by the manager or another authorized representative. Send the original to the Board, give a copy to the worker and keep a copy for your records.

When the Board assigns a claim number, attach it to your copy of the Form 7. Make sure that you quote this number on all future reports and correspondence with the Board.

### Employee's Report

The employee may either sign the Form 7 (in the appropriate space) or complete and return the Worker's Report of Injury/Disease Form 6 that will be sent out to the worker by the Board. The employee must give a copy of the completed Form 6 to the employer.

In either case, the employee is filing a claim and also agreeing to have his doctor release functional abilities information to you. Make sure the employee understands that this consent is necessary in order to receive benefits.

The employee should also know the assigned claim number and that it should be quoted on all correspondence he or she may have with the Board.

### Health Practitioner's Report

The employee's physician, dentist or chiropractor, as the case may be, must submit an initial report to the Board as follows:

- Health Professionals Report (Form #0008A); or
- Dental Report (WSIB Form 0278A); or
- Chiropractor's First Report (WSIB Form 0284C).

When required, the employee's physician must complete and return the Functional Abilities Form for Timely Return to Work to the Board. The employee's chiropractor or physiotherapist must submit to the Board the appropriate Treatment Extension Request if treatment extends beyond the allowable time period.

### Employer's Subsequent Report

When the employee returns or is able to return to work, and at any other time as the Board may request, complete and submit an Employer's Subsequent Statement (WSIB Form 0009) to the Board, giving the following information:

- date of return to work
- the type of work being done or that will be done (regular or modified)
- employee's earnings (indicate if they are the same as before)

For more information on reporting or to complete the required forms, go to the Workplace Safety and Insurance Board's web site <http://www.wsib.on.ca/>

## Occupational Health and Safety Act

While the Workplace Safety and Insurance Act deals largely with compensating workers who suffer work-related injuries or illnesses, the purpose of the *Occupational Health and Safety Act* is to prevent workplace injuries and illnesses. This *Act* and the Industrial Establishments Regulations have requirements for reporting and/or recording workplace accidents that result in:

- fatalities and critical injuries
- occupational illnesses
- disabling injuries

(OHS s.51 and s.52)

### Content and Format of Reports

Depending upon which of the above four categories you are reporting, the following information in whole or in part, will be required in written reports or notices:

- a) the company name and address
- b) nature of the injury and description of the
- c) injury that caused it

- d) description of the machinery or equipment involved
- e) time and place of the accident
- f) name and address of victim
- g) name(s) and address(es) of witness(es)
- h) name and address of attending physician or surgeon
- i) the type of business conducted
- j) steps taken to prevent a recurrence (IER s.5)

A format for the report is not specified; make sure all the required information is given within the prescribed time frame and that no personal information about the worker (e.g., social insurance number, wages, medical history) appears in the report.

### Fatality or Critical Injury

A “critical injury” is an injury that results in any of the following:

- places life in jeopardy
- produces unconsciousness
- involves the fracture of a leg or arm (but not a finger or toe)
- involves the amputation of a leg, arm, hand or foot (but not a finger or toe)
- consists of burns to a major portion of the body
- causes the loss of sight in an eye
- results in a substantial loss of blood

(O. Reg. 834 Critical Injury defined)

If a worker is killed or critically injured on the job, immediately notify the following by telephone, telegraph or other direct means:

- Ministry of Labour inspector
- health and safety committee or representative
- trade union, if any

Follow this up, within 48 hours, by a written report sent to the Ministry of Labour containing the information in (a) to (g) – Content and Format of Reports (OHS s.51(1)).

### Occupational Illness

If the employer is advised that a worker has an occupational illness or has filed a claim with the WSIB the employer must give written notice, within four days, to the following:

- Ministry of Labour Director
- health and safety committee or representative
- trade union, if any

(OHS s.52(2))

The notice must contain all the information specified in Content and Format of Reports.

**Note:** There is no time limit for an employee to file an occupational disease claim with the WSIB.

### Disabling Injury

A “disabling injury” is an injury that disables a worker from doing his or her usual work. In the case of a disabling injury, where no other person is killed or critically injured as a result of the incident, give written notice, within four days, to the following:

- health and safety committee or representative
- trade union, if any

(OHS s.52(1))

A copy of the notice must be given to a Ministry of Labour Director, if an inspector requires notification of the Director. Here, too, the notice must contain all the information specified in Content and Format of Reports.

### Retention of Reports and Records

Keep all reports and records on file for at least one year or for such longer period necessary to ensure that the two most recent reports or records are kept.

### How Can Employers Use These Reports?

Don't regard these reports merely as compliance requirements. Use them to help improve health and safety in your workplace. For example, a detailed monthly analysis of your first aid records and Form 7s will help you to identify such trends as:

- where most of the accidents are happening
- what injuries and illnesses are most common
- what processes, equipment, tools or materials are involved

This, in turn, will help you to identify the need to revise procedures, modify equipment, change processes, substitute material, provide personal protective equipment or upgrade employee training programs.

Make these analyses part of your company's procedures for measuring, valuating and continually improving your health and safety program or management system.

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