



Occupational &
Environmental Medicine

Engaging with the WSIB / Insurance Systems - Part 1

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Faculty/Presenter Disclosure

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 - None

Mitigating Potential Bias

- The information presented in this program is based on recent information that is explicitly “evidence-based”.
- This Program and its material is peer reviewed and all the recommendations involving clinical medicine are based on evidence that is accepted within the profession; and all scientific research referred to, reported, or used in this CME/CPD activity in support or justification of patient care recommendations conforms to the generally accepted standards

Learning Objectives

By the end of this session, participants will be able to:

1. Explain what the WSIB is and how it functions
2. Describe the role of healthcare providers in the workers' compensation system
3. Effectively complete Form 8s and other insurance forms for your patients



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The Workers Compensation System

Basis for Workers' Compensation: the **Historic Compromise**



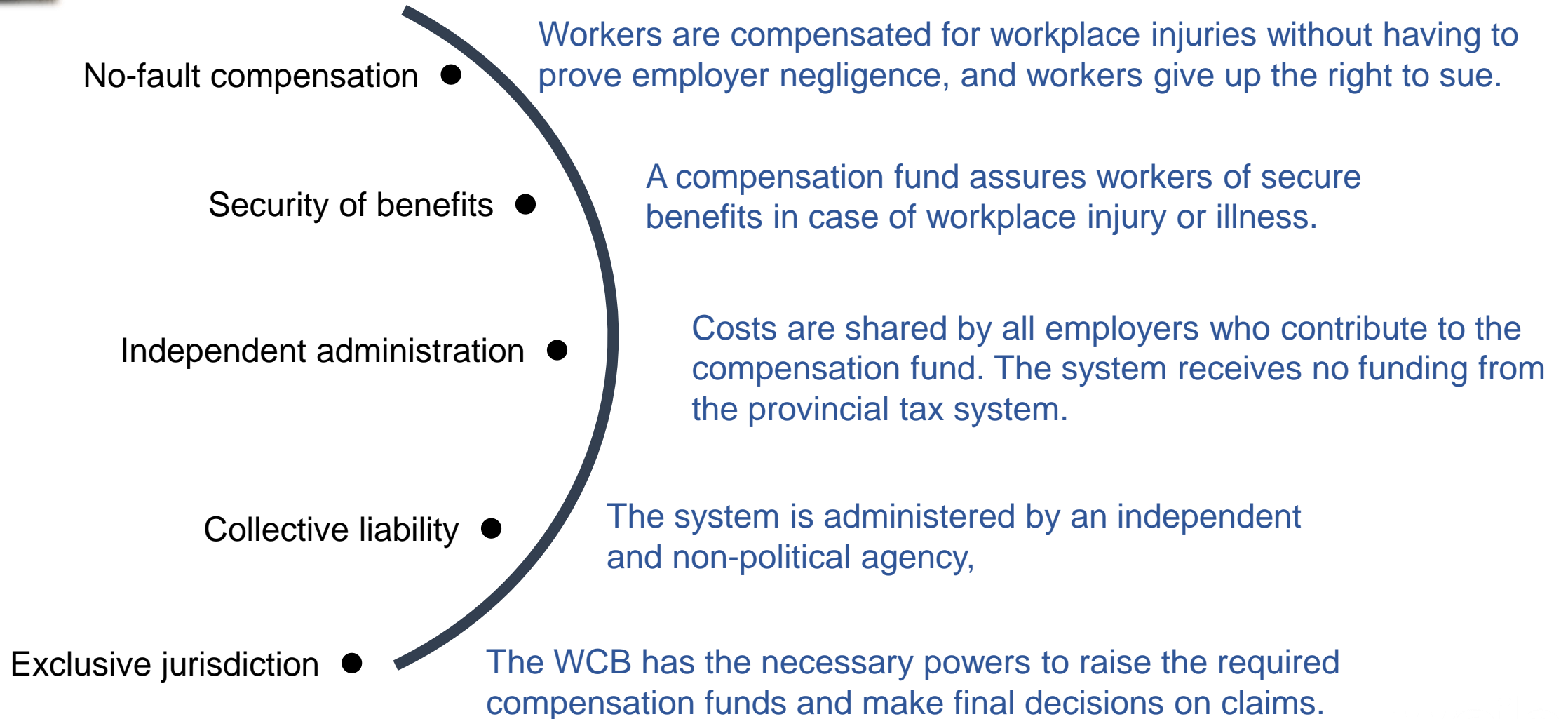
People with work-related injuries or illnesses waived the right to sue their employers in exchange for compensation that was prompt and dependable.



Employers agreed to pay into a shared insurance fund in exchange for protection from lawsuits and a more predictable cost of doing business.



Meredith Principles



Ontario Example



Workplace Safety and Insurance Act (WSIA):
Meredith's 5 principles for workers compensation serve as the foundation of Ontario's workplace insurance law



Workplace Safety and Insurance Board (WSIB)
An agency of the Ontario Government. WSIB is one of the largest compensation boards in North America and is responsible for administering and enforcing the Workplace Safety and Insurance Act (WSIA).

In Ontario: Role of the WSIB as per WSIA



1. Promote health and safety in workplaces to prevent and reduce the number of workplace injuries and occupational diseases



2. Facilitate return to work and recovery of patients who sustain personal injury or who suffer from an occupational disease



3. Facilitate work transition services for workers when required



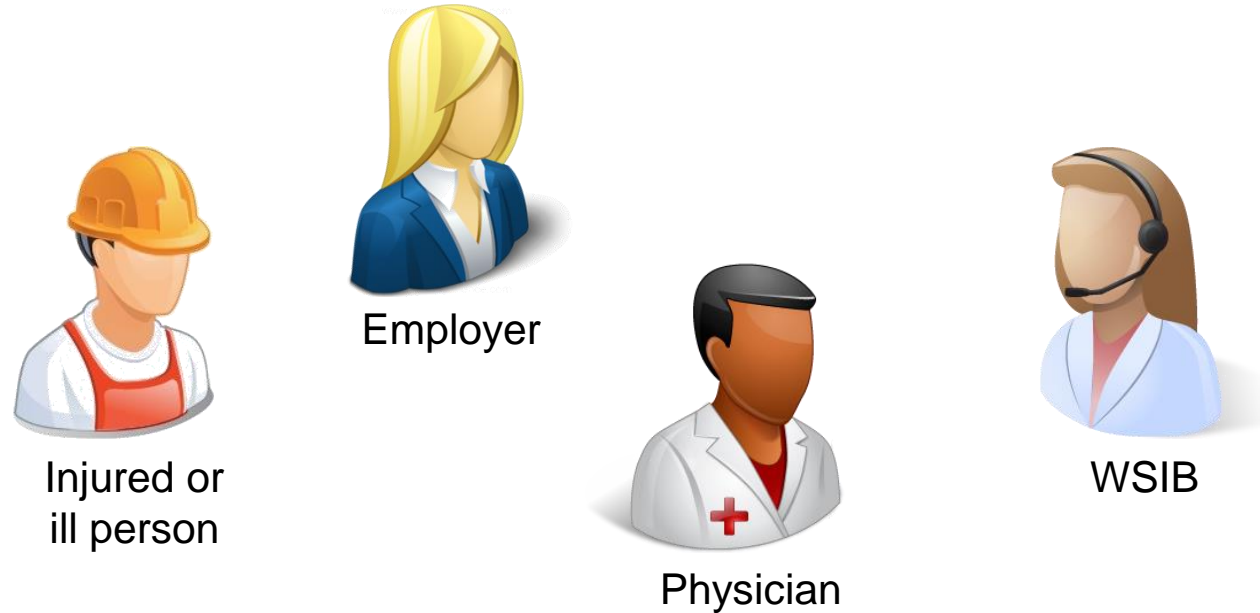
4. Provide compensation and benefits to workers and to survivors of deceased workers



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How Does the Claims Process Work?

Claims process



There are many people involved in the claims process. It is helpful to understand the roles of each.

Claims process



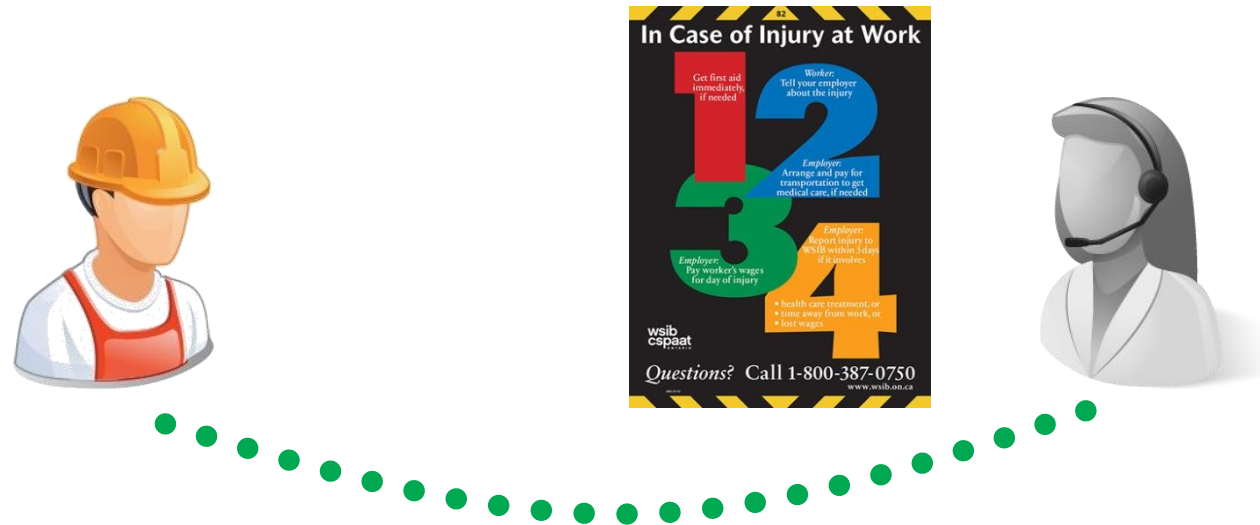
A person who suffers a work-related injury or illness should inform their employer.

Claims process



Employers must inform the WSIB of any cases they are aware of that involve healthcare treatment, lost time, lost wages, or more than seven days of modified work.

Claims process



The person must also inform the WSIB of any changes to their situation and co-operate in their recovery and return-to-work process.

Claims process



A physician who cares for an injured worker claiming benefits has a duty to provide information to the WSIB regarding the person's clinical condition.

Claims process



The WSIB reviews each claim and determines the eligibility for compensation.

As a health care provider, what are my roles and obligations with respect to workers compensation?

Health Care Worker's Role in Workers' Compensation

1. Identify and treat work-related injuries and illnesses
2. Discuss with patients who have or may have a work-related condition the importance of filing a workers compensation claim
3. Complete Form 8 for patients making a claim with WSIB (with consent)
4. Provide information to WSIB when requested (Waivers are not required, Section 37(1,2) WSIA)

What Should I Teach My Patients about WSIB Benefits?

1. **Loss of earnings benefit** if there is time missed from work as a result of the work-related injury or illness.
2. **Health care benefits** including hospitalization, surgery, or emergency care, prescription drugs, glasses and dental surgery.
3. **Non-economic Loss Benefits** for people who suffer a permanent impairment as a result of a workplace injury/illness.
4. **Return to work** and work transition services
5. **Loss of Retirement Income Benefits** that help to replace the money your patient would have saved for pension (only available to workers on continuous benefits for 12 months).
6. The Serious Injury and Occupational Disease programs offer **special services for severe and complex injury/illnesses.**



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Insurance Forms - General

Insurance Forms

WSIB

Health Professional Form 8

Progress Report– Form 26

Functional Abilities Form (FAF) For Timely Return to Work

Disability Forms and Other Insurance

Attending Physician's Statement

Physicals for pre-placement (work) certification

Back to work note / Sick note

Auto Insurance

Insurance Certificate OCF- 3 Disability Certificate

Insurance Certificate OCF-18 Treatment Plan

Insurance Certificate OCF-19 Catastrophic Impairment

Insurance Certificate OCF-23 Treatment Confirmation

Government Forms

Revenue Canada, Federal Disability Tax Credit

Canada Pension Plan (CPP) Disability Medical Report Form

Canada Pension Plan (CPP) Narrative Medical Report

1. Medico-legal document - All information must be defensible!

- Objective medical findings
- If subjective, state "Patient reports..."

2. Only requested information

3. For fitness / workability questions and forms:

- Health Care Provider role: **restrictions** and **limitations**
- Employer role: find modified work to accommodate to point of undue hardship (Human Rights Leg., WSIA)
- Do not mix roles! Do not specify tasks, do not state cannot work (you have no way of knowing what accommodations might be possible!)

Take home messages

- Worker's compensation in Canada is managed provincially. Each province / territory has its own Worker's Compensation Board (WCB).
- Workers Compensation Acts tend to all follow the Meredith Principles: No fault, security of benefits, independent administration, collective liability and exclusive jurisdiction.
- Workers compensation covers much more than wage replacement: it also pays for health care, medications, non-economic loss payments, survivor benefits and return to work services.
- Health Care providers play an essential role in the workers compensation. They must be able to complete forms effectively and educate their patients on the importance of filing workers compensation claims.
- With respect to stay at / return to work:
 - It is the health care providers role to provide details on restrictions and limitations.
 - It is the employer's role (sometimes with WCB assistance) to find appropriate accommodations.
 - **Health care providers help facilitate early and safe return to work and prevent iatrogenic disability by effectively completing forms.**

Discussion



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<https://www.wsib.ca>

<https://www.wsib.ca/en/health-care-providers/resources/physician-learning-modules>