

# Work injury and illness

### Sample lesson plan on workers' rights and responsibilities following a work injury or illness

#### About this guide

This guide provides tips for settlement services staff and workshop leaders in Ontario on delivering the information in the fact sheet for learners entitled, "Work injury and illness." The purpose of the fact sheet is to introduce newcomers to the workers' compensation system in Ontario, including the Workplace Safety and Insurance Board, and to provide information on what they should do in the event of a workplace injury or illness.

#### Use of the fact sheet is recommended for:

- all newcomers enrolled in English-language classes of CLB 4 or above
- newcomers preparing to enter the labour market (e.g. in job-search and employment-preparation programs)
- newly employed immigrants.

#### Why introduce this topic

Sometimes new immigrants do not find the work that they hoped to find when they first arrived in Ontario and instead take "survival jobs" that are not in their field. Research has shown that new immigrants to Canada are more likely to work in manual jobs where the risk of injury is higher. Many newcomers do not know anything about the workers' compensation system and, as a result, are unsure about what to do if they are injured at work or get sick due to work.

#### When to introduce this topic

This topic should be addressed when discussing occupational health or general safety information, workers' rights and job quality.

#### How to use this lesson plan

This lesson plan is designed for workshop leaders and settlement services staff in Ontario who have little knowledge or background in this field and want guidance. The sample lesson plan provides wording that essentially mirrors the information in the fact sheet handed out to learners. It also suggests some classroom exercises.

The lesson plan ends with workshop leaders providing learners with information on "Helpful resources." Phone numbers and website information are provided as a convenience, but these do not have to be verbally provided during the session. Learners have this information in the fact sheet/handout.

## Introduction

Today, we are going to talk about work injury and illness. Workers get hurt on the job every day. You have a higher risk of getting injured or ill in a new job, in a new place. You may use tools or machines that you have never used. You may do tasks you have never done. Your new workplace may feel strange.

The "Health and safety at work" fact sheet tells you about preventing injury and illness. You also need to know your rights and responsibilities if you get a work injury or illness.

#### Exercise #1

Ask participants to think about and discuss the types of injuries and illnesses that workers might sustain at work.

Possible answers: slips and falls, cuts, strains, pain that develops slowly over time (e.g. back pain), a disease, violence-related injuries, head injuries, dermatitis (i.e. skin allergic reaction).

Injuries from work can include:

- getting cut when using a machine
- hurting your back from lifting
- feeling pain from doing the same movements
- breaking your arm by falling off a ladder
- losing your hearing from working in a noisy area or with loud tools.



Illness from work can include:

- breathing problems or cancer from chemicals or dust
- skin disease from using chemicals or having wet skin
- depression or mental stress from being bullied or harassed
- mental stress after seeing a serious accident or experiencing violence.

## What is safety insurance for workers?

Canada has laws that help workers if they get injured or ill because of work. In Ontario, the law is the **Workplace Safety and Insurance Act (WSIA)**.

If you are injured at work, you will not be able to sue your employer. Instead, you can access Ontario's workers' compensation system through the Workplace Safety and Insurance Board.

The Workplace Safety and Insurance Board (WSIB) manages workplace insurance in Ontario. It helps people recover and return to work after a work-related injury or illness.

People with a work injury or an illness may get benefits from the WSIB. Benefits may include pay for time off work, health care and services to help people return to work. These benefits are called **workers' compensation**.

Federal government workplaces have safety insurance protection through a federal program.

## Who is protected by workplace safety insurance?

Most Ontario employers register with the WSIB and pay for insurance. If you work for a registered employer, you are covered. It does not matter if you are new to the job or new to Ontario.

It does not matter who or what caused a work-related injury or illness. For example, if you are injured because you forgot to use safety equipment, you may still get benefits.

The WSIB decides if an injury or illness is caused by work. If WSIB decides that your injury or illness is not work-related, you will not get benefits.

You may find work as an "independent operator," not as an employee. That means the person who pays you is not your employer, and you may not be protected by safety insurance. Independent operators can register with WSIB to be protected.

## What should you do if you get injured or ill from work?

1. If you have a serious, sudden injury or illness at work, tell someone to call an ambulance at 911.

2. Report your injury or illness to your boss or another supervisor as soon as possible.

- Tell this person that you are injured or ill due to work activities.

It might scare you to report your injury or illness to your boss. You may be worried that your boss will be angry, or that you will lose your job. Remember: your boss does not have the right to fire you just because you have been injured or because you report your injury.

3. Get first aid help at work if your injury is minor. If you need more than first aid, go to your family doctor or a community health clinic or a hospital.

- Tell them that your injury or illness is related to your work.
- Tell them about your job tasks, and how you think you got injured or ill.
- The doctor must send a Form 8 to the WSIB. This gives the WSIB information about your injury or illness.
- If you cannot speak English well, bring a family member or friend who can. You should also ask for an interpreter. They are sometimes available at hospitals or community health centres.

4. Note details about your injury or illness. Include:

- date(s) of injury and symptoms
- pain you feel or symptoms you have
- names and contact information of co-workers who have seen your injury or symptoms
- date(s) when you speak to your boss about your injury or illness.

### Exercise #2

Tell participants that it is important to write down the details of an injury, illness or accident at work. Ask them to list the types of information they should make note of in the event of an injury, illness or accident at work.

Possible answers include:

- when the pain started
- the type of job being done when the injury/illness took place
- what was told to the supervisor, when, and how the supervisor reacted
- when the doctor was seen and what happened
- any increases in pain
- the details of the injury (what and why it happened, who was there, etc.)
- what activities can and cannot be done because of the injury
- any contact with the union or health and safety committee
- any changes to the job being done — if so, what changes, for how long, etc.

5. Tell a worker health and safety representative or someone on your joint health and safety committee about your injury or illness, if you have one. (If your workplace has 6 to 19 workers, tell your health and safety representative. If your workplace has 20 or more workers, tell someone on your joint health and safety committee.) If you belong to a union, tell a union representative.

6. Report your injury to the WSIB. (This is called “filing a claim.”) You and your employer must report your injury or illness to the WSIB if it causes you to:

- miss time from work *or*
- need health care (more than first aid) from a doctor, physiotherapist, nurse, dentist or chiropractor *or*
- earn less pay *or*
- do modified work (different work) for more than seven days *or*
- do modified work at less pay or for fewer hours.

If your employer is not registered with the WSIB, or if you work “under the table,” see the resources section for organizations that can give you advice.

7. Keep records of your pay and other forms that you get from work, such as a record of employment (ROE).

## How do you report your injury or illness to the WSIB?

To report your injury (to file a claim):

- Fill in a WSIB Form 6.
- Submit your completed Form 6 to the WSIB online or by mail or fax.
- Give your employer a copy of your completed Form 6.
- Check that your boss has filled in and submitted a WSIB Form 7.

### Exercise #3

Show participants examples of Form 6.

Ask participants to practise completing Form 6 so they will be aware of the kinds of information they will need to provide, in case they need to file a WSIB claim.

WSIB forms are found here: [www.wsib.ca](http://www.wsib.ca). Or call the WSIB and ask to have the forms mailed to you.

**Your boss cannot fire you because you got a work injury or illness. Your boss cannot stop you from making a WSIB claim. That is against the law.**

## What happens if you need to take time off work?

You may need to take time off work because of your injury or illness. To make sure you can return to work safely, you and your employer must:

- Communicate about a plan for your return to work. Email or phone your employer after your first health-care appointment if your employer has not yet contacted you.
- Continue to communicate about a return-to-work plan while you recover.
- Provide information to the WSIB. You must tell WSIB about changes to your health, your income, or your plans to return to work.

Keep notes about the communications (phone calls, letters or emails).

To help you return to work, your employer must offer you work that is **suitable**. Suitable work is safe and productive work that you are able to do. It should pay you the same or almost the same as you were paid before your injury or illness.

If you do not return to suitable work offered to you, the WSIB can reduce or stop your benefits.

Contact the WSIB if you think the work offered by your employer is not suitable. For example, the work might prevent your recovery or the work might cause you to get injured again or cause more illness.

The WSIB can help you and your employer find solutions to support a safe return to work.



## Why should you report an injury or illness to your employer?

It is important to report a work injury or illness because:

- You may get benefits like pay for time off work or special medical help. (You must report to get benefits!)
- Your employer can fix problems so someone else does not get hurt or ill.
- You might think you do not need to tell your boss because your injury is small or you think your illness will go away. But a small injury or illness might get worse. For example, a small cut can become infected, and that could mean that you cannot work until you get better.



## What types of benefits can the WSIB provide?

If the WSIB accepts your claim, benefits can include:

- **Loss of earnings (LOE) benefits:** If you can't work because of your injury or illness, the WSIB will cover most of your pay until you can work again.
- **Non-economic loss (NEL) payment:** If you are permanently injured, you may get a lump sum (one full payment) for physical or mental suffering in addition to LOE benefits.
- **Health-care services for your injury:** This can include physiotherapy, chiropractic care, prescription drugs and equipment you may need. Sometimes WSIB benefits pay for travel to receive health care or other services.
- **Help with returning to work:** This can include help for you and your employer to make changes to your job so that you can work while you get better. It can also include training for a different type of job.

## What if you are worried about reporting an injury or illness

You may be afraid to report an injury or illness. You may worry that your boss will be angry or offended, or fire you.

If you think your boss will get angry or offended, report your injury or illness to a health and safety representative, a joint health and safety committee member or union representative.

Sometimes an employer does not know the law or obey the law. Call one of the organizations listed in the "Helpful resources" section for advice if any of these things happen:

- Your employer fires you.
- Your employer offers to give you time off work instead of reporting your injury to the WSIB.
- Your employer offers to give you money so that you don't report the injury to the WSIB.
- Your employer offers you money to leave the job.
- Your employer says that you cannot get benefits or tries to stop you from filling in a form.
- Your employer takes your pay because you filed a claim.

### Get help filing a claim

You can call the WSIB to get help. It can help you fill in a form. You can ask for help in your own language. You can also get help from the Form 6 Reference Guide for workers available on the website.

You can also get help from someone else who understands WSIB. Get this information in the "Helpful resources" section.

## HELPFUL RESOURCES

Many organizations help with workers' compensation and return-to-work issues:

**Workplace Safety and Insurance Board.** Get information on workplace insurance and benefits in Ontario, as well as information about filing a claim and the necessary forms to do so. These include Form 6 for workers, Form 7 for employers and Form 8 for health-care providers. Some information is available in different languages. You can ask for help in your language by emailing [translation@wsib.on.ca](mailto:translation@wsib.on.ca). You can also visit a WSIB office (find locations on the WSIB website).

Call: 416-344-1000 (in Toronto) or 1-800-387-0750 (toll free)

Website: [www.wsib.ca](http://www.wsib.ca)

**Office of the Worker Advisor.** Get free legal advice and services if you are not a member of a union and you are injured or ill from work or are threatened or punished for following health and safety laws.

For workers' compensation issues, call: 1-800-435-8980 (toll free)

For health and safety reprisal (threats or punishment) issues, call: 416-212-5335 (in Toronto) or 1-855-659-7744 (toll free)

Email: [owaweb@ontario.ca](mailto:owaweb@ontario.ca)

Website: [www.owa.gov.on.ca](http://www.owa.gov.on.ca)

**Injured Workers' Consultants.** Get free services if you have a work-related injury or illness. Consultants speak several languages besides English and French, and interpretation is available.

Call: 416-461-2411 (in Toronto)

**Occupational Health Clinics for Ontario Workers.** Get occupational health services, information and medical diagnoses for work-related injuries and diseases.

Call: 416-449-0009 (in Toronto) or 1-877-817-0336 (toll free)

Website: [www.ohcow.on.ca](http://www.ohcow.on.ca)

**Industrial Accident Victims' Group of Ontario.** Get free legal advice, legal representation and information about work-related injuries or illnesses in Ontario.

Call: 416-924-6477 (in Toronto) or 1-877-230-6311 (toll-free)

Website: [www.iavgo.org](http://www.iavgo.org)

**Fair Practices Commission.** Get advice if you have problems with WSIB services, if WSIB decisions are delayed or seem unfair, or if WSIB staff are not helpful.

Call: 416-603-3010 (in Toronto) or 1-866-258-4383 (toll free)

Website: [www.fairpractices.on.ca](http://www.fairpractices.on.ca)

**Steps to Justice.** Get information about Ontario laws in clear and simple language, including information about employment standards (such as laws on pay and firing), employment insurance, disability benefits, and more. You can also ask questions using the website chat box.

Website: [www.stepstojustice.ca](http://www.stepstojustice.ca)

**Metro Toronto Chinese and Southeast Asian Legal Clinic.** Get free legal advice, if you are a low-income person from Toronto's Chinese or Southeast Asian community, on employment standards (such as laws on pay and firing), employment insurance, WSIB, and human rights.

Call: 416-971-9674 (in Toronto)

Website: [www.csalc.ca](http://www.csalc.ca)

**Workers' Health & Safety Legal Clinic.** Get free legal services if you are a low-income or non-unionized worker who needs help with employment rights or health and safety rights at work.

Call: 416-971-8832 (in Toronto) or 1-877-832-6090 (toll free)

Website: [www.workers-safety.ca](http://www.workers-safety.ca)

**Ontario Network of Injured Workers Groups.** Get peer support from other injured workers, get information on the compensation system, or get involved in an injured worker's group activities.

Email: [oniwgexec@gmail.com](mailto:oniwgexec@gmail.com)

Website: [www.injuredworkersonline.org](http://www.injuredworkersonline.org)



As you present this material, students may have concerns that are difficult to address. They may ask what to do if they are pressured to not report an injury or if they face reprisals for reporting. While the *Workplace Safety and Insurance Act* (WSIA) sets out employer responsibilities, sometimes what should be done according to the law is different from what actually occurs.

### Issues in safety insurance protection

All workers who are employed by workplaces covered under the *Workplace Safety and Insurance Act* can report injuries or illnesses that involve health care and/or time off work to the Workplace Safety and Insurance Board (WSIB). Even if an employer has not registered with the WSIB and has not paid for insurance when it should have, an injured or ill worker is still covered under the Act. The worker may be able to get benefits and should report their injury or illness.

Newcomers should know when they are *not* protected by safety insurance. For example, “independent operators” like Uber drivers are not considered employees and are *not* covered by workers’ safety insurance unless they register and pay the insurance premiums themselves. Newcomers working “under the table” also have no protection.

### Issues in reporting an injury or illness or return to work

Newcomers who are uncertain about whether they are covered by safety insurance should still report their injury or illness to WSIB. Workers should report acute injuries to the WSIB immediately and report other injuries or illnesses as soon as they have symptoms. Workers should ask if their employer reported their injury to WSIB. If the worker reports the injury but the employer does not, difficulties may arise with the worker’s claim. Workers should ask their health-care provider to complete and send a Form 8 to WSIB, whether the worker needs to take time off work or not, as the consequences of an injury are not always evident at first.

Workers who face challenges after reporting an injury—e.g. being discouraged from reporting, facing reprisals for reporting, having trouble with return to work—or issues with their WSIB claim can speak with their union or health and safety representatives, if they have any. They can also contact the organizations listed in the “Helpful resources” section for help.

### Essential tips for workshop leaders

- When questions arise, one approach is to engage students in a discussion or role-playing exercise.
- Acknowledge that reporting an injury or illness when facing resistance by others can be difficult.
- Discuss steps that workers can take if they have challenges with reporting an injury or problems with returning to suitable work.
- Emphasize the importance of keeping detailed records of conversations and events (with dates).
- Acknowledge when you do not have answers. The workers’ compensation system and legislation is complicated. The “Helpful resources” section points to websites with more information and organizations that provide assistance.
- Consider asking an injured worker to come into your class/workshop to talk about his or her experiences.

This document does not constitute legal advice or formal training. To determine your rights and obligations, contact the organizations listed in the resources section.

This document is part of the Safe Work Toolkit for Newcomers, originally published in 2011 under the title, *Prevention is the Best Medicine*. The toolkit was developed by a research team at the Institute for Work & Health. Input was provided by:

Immigration, Refugees and Citizenship Canada  
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KEYS Job Centre  
Occupational Health Clinics for Ontario Workers  
Ontario Ministry of Citizenship and Immigration  
(now part of the Ministry of Children, Community and Social Services)

Ontario Ministry of Labour (now called  
Ontario Ministry of Labour, Training and Skills  
Development)  
Skills for Change  
Workers Health and Safety Centre  
Workplace Safety and Insurance Board  
Workplace Safety & Prevention Services



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