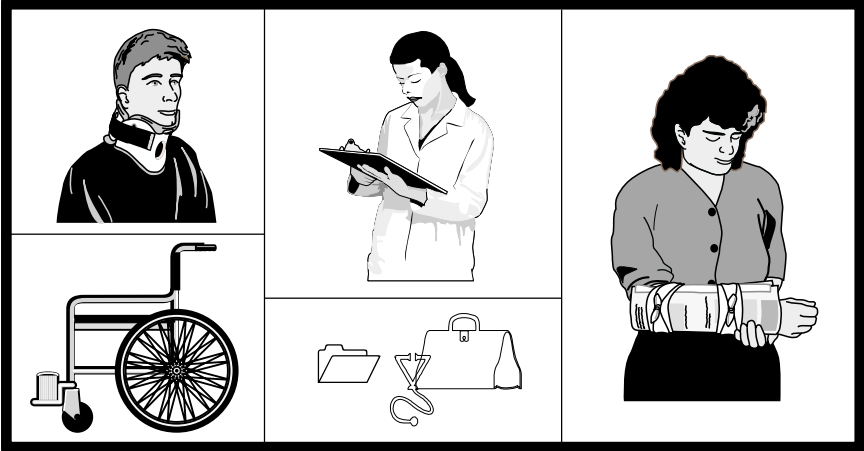


Workers' Compensation:

Your health care



This booklet is about your health care for a work-related injury or disease. It has general information only. If you have a problem, talk to someone who knows about workers' compensation law. There is a list of places to go for legal help at the end of this booklet.

The Workers' Compensation Board (WCB) is now the Workplace Safety and Insurance Board (WSIB). In this booklet we call it "the Board".



Can I choose my own doctor?

Yes. When you are injured at work, you can get immediate medical treatment from a health clinic, a local hospital, or your own doctor. You do not have to be treated by the company doctor.

After the immediate medical treatment, you still have the right to see your family doctor about your injury. You should see your doctor the same day or as soon as possible after you are injured. Your family doctor can refer you to any medical specialists that you need to see.



How can my doctor help with my workers' compensation claim?

Your doctor can keep a written record of the details of your injury at work. Make sure you tell your doctor that your medical condition is work-related. Give details

about your job and how you were hurt. Also tell your doctor about all the parts of your body that were hurt. For example, if you fell and hurt your lower back, you might also have hurt your neck and your shoulder. Make sure your doctor writes down everything you tell him or her.

After your first visit, you should see your doctor regularly while you are off work. The Board will look at your doctor's reports to decide how much your benefits will be.



Are there special medical forms for workers' compensation claims?

Yes, the Board has special medical forms for your doctor to fill out. The common ones are:

- Doctor's First Report (Form 8),
- Doctor's Progress Report, and
- Functional Abilities Form.

These forms are available from the Board or on their Web site at <www.wsib.on.ca>. The Board will pay your doctor's fees for filling out these forms.

The **Doctor's First Report** is the form your doctor should fill out when your work injury is first reported. Your doctor probably has copies of this form. This report gives the Board the details of how you were injured and your medical condition. After your doctor sends in the First Report, he or she will get **Doctor's Progress**

Reports to fill out on a regular basis. These give the Board up-to-date information about how you are recovering from your injury.

Your employer has copies of the Board’s **Functional Abilities Form**. The law says that if you make a claim for workers’ compensation benefits, you must agree to allow your doctor to fill out this form and give copies to your employer and the Board. You will also get a copy.

After you are injured, your employer may send a Functional Abilities Form to your doctor. This form is supposed to give medical information to your employer to help you get back to work after your injury. It tells your employer what parts of your job you can and cannot do.

The Functional Abilities Form does not ask if you are able to return to work right now. If you cannot return to work right now, make sure your doctor writes this somewhere on the form.

Tell your doctor about all the ways your injury will affect you in your job. For example, if you have broken your leg and your job involves driving, tell your doctor about the car you sometimes need to drive in your job. Or, if you have injured your back, tell your doctor about the lifting you do in your job.

Your doctor can also send in reports that are not on these forms, especially if the form does not cover all the points your doctor wants to make.



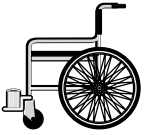
Do I have the right to change doctors?

You have some rights to change your doctor. The Board has a policy that says it must “approve” your change in doctor first. If you do not get the Board’s approval first, then the Board may decide you are not co-operating. This could affect any benefits or services you are getting from the Board.

There are many good reasons for changing doctors such as:

- you have moved far from your doctor’s office or your doctor’s office has moved far from you,
- you have language problems with your doctor,
- you feel your doctor is not giving you proper care,
- you feel your doctor is not helping you get better, or
- you and your doctor have a personality conflict.

If the Board tells you that you cannot change doctors, you can appeal that decision to the Appeals Branch of the Board. There is a list of places to go for legal help at the end of this booklet.



Will the Board pay for my medical treatment, drugs, or supplies?

Yes. The Board should pay for health care expenses that are related to your work injury. You do not have to miss any time from work to have these expenses paid. These payments are called “health care benefits”. They can include the cost of:

- prescription drugs,
- physiotherapy if a doctor prescribes it,
- chiropractic treatment,
- dental work,
- artificial limbs or eyes,
- eye glasses,
- hearing aids,
- braces,
- assistive devices or changes to your home or vehicle,
- wheelchairs,
- clothing allowances (to replace clothes damaged by braces or wheelchairs), and
- personal care attendants, or independent living allowances for severely impaired workers.

For some expenses, such as chiropractic treatments and clothing allowances, the Board will only pay up to a maximum amount.

Also, the Board pays for the reasonable costs of your transportation to and from your medical appointments for your work injury.

If you have to take time off work to get treated, the Board pays for your lost wages.

To make sure you will be paid for your expenses, you should get the Board to approve the expenses first. If you do not do this, then you will have to ask to be paid back, but there is no guarantee your expenses will be covered.

Whether you get approval first or ask for payment later, make sure you get receipts for everything. Also keep a record of the dates of your medical appointments. If you use a car to go to your medical appointments, keep a record of how many kilometers you drive there and back. Send your receipts and records to the Board. Keep a copy of everything, in case the Board loses anything you send in.



Who decides how to treat my injury or disease?

Workers' compensation law says that you must co-operate with the recommendations from your health care professional that are approved by the Board. If the Board approves a treatment, but you do not follow it, benefits can be reduced or stopped. If

the Board does not approve a treatment, but you get the treatment anyway, you may not be reimbursed for the cost.

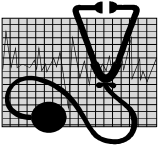
Usually your family doctor or your specialist doctor, such as an orthopaedic surgeon or a neurologist, decides how best to treat your work injury. The Board also has some say in your treatment. They can decide not to pay for some types of medical treatments. But, payment for many treatments are covered by the provincial health care plan (OHIP).

If you have any concerns about your treatment, make sure you discuss these with your doctor. For example, if you take a drug for your pain that makes you feel worse, then you should talk to your doctor about changing your prescription. Or, if you are getting chiropractic treatment for a neck problem, but your neck feels worse, you should talk to your doctor about this.



Do I have to be examined by the Board's doctor?

Yes. If the Board requests that you go to an examination by a doctor selected and paid for by the Board, you must go. If you do not go or if you do not co-operate with the doctor during the examination, the Board can reduce or stop your benefits. If this happens to you, get legal help right away.



Do I have to be examined by my employer's doctor?

It depends. If your employer asks you go to an examination by a doctor selected and paid for by your employer, you can either:

- go to the examination, or
- object to the examination.

If you do not go to the examination and you have not objected to it, then the Board can reduce or suspend your benefits.

If you object to the examination, you must tell your employer this. You should write **and** call your employer. Keep a record of when you told your employer about your objection. Your employer has 14 days to write to the Board if they want the Board to decide whether the examination is needed or not. If your employer does this, then the Board will tell you its decision.

If the Board agrees with your employer that the medical examination is needed, you can either:

- go to the medical examination, or
- appeal the Board's decision to the Board's Appeals Branch.

If you want to appeal, you may want to get legal help before your hearing.

There is another booklet in this series called, *Workers' Compensation: Your right to appeal*, that explains how to appeal and the time limits to appeal.



Where can I get legal help?

Community legal clinic: Clinic lawyers and community legal workers give free legal help to people with low incomes. Some clinics take workers' compensation cases. If there is a community legal clinic in your area, it will be listed under "Legal Aid" in the white or yellow pages of your phone book. You can also call Legal Aid Ontario at **1-800-668-8258** or go to their Web site at <www.legalaid.on.ca>.

Office of the Worker Adviser (OWA): The OWA gives free legal help with workers' compensation cases for non-unionized workers. If there is an office in your area, it will be listed in the Government blue pages of your phone book under the Labour section. If there is no listing for your area, call toll-free **1-800-660-6769** or **416-325-8570** in Toronto, or visit their Web site at <www.gov.on.ca/lab/owa>.

Member of Provincial Parliament (MPP):

Staff at your MPP's office may be able to help you. To find out who your MPP is, call toll-free **1-800-668-2727**, or visit the Ontario Legislature Web site at <www.ontla.on.ca>.

Union: Call your staff representative. If he or she cannot help you, ask for the staff person who knows about workers' compensation law.

Injured workers' group: Your local injured workers' group may be able to help you. To find out if there is a group near you, call the Ontario Network of Injured Workers' Groups at **905-387-1894** or visit their Web site at <www.oniwg.on.ca>. You can also call the Union of Injured Workers at **416-785-8787** in Toronto, or visit the Canadian Injured Worker Alliance Web site at <www.ciwa.ca>.

Legal Aid certificate: This certificate pays all or part of your lawyer's fees. Contact your nearest legal aid office to learn whether you qualify. The phone number is listed under "Legal Aid" in the white pages of your phone book or visit the Legal Aid Ontario Web site at <www.legalaid.on.ca>.

Lawyer Referral Service: If there is no community legal clinic near you and you want help finding a lawyer who practices workers' compensation law, you can call the Lawyer Referral Service at **1-900-565-4577**. The call costs \$6.00. They should give you the name of a lawyer who will talk with you for free for 30 minutes. For more information you can visit their Web site at <www.lsuc.on.ca>.

**This publication contains general information.
It is not a substitute for getting legal advice for
your particular situation.**

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