

Reporting and Filing Workplace Accidents

When Should You Report an Accident/Injury?

A work related accident/injury should be reported immediately. If that is not possible, it should be reported to your supervisor before leaving the workplace on the day of the injury. Accidents must be reported to the Workplace Safety and Insurance Board (WSIB) no later than 6 months from the date of the accident. Occupational illness must be reported no later than 6 months from when the member learns that they suffer an occupational illness.

If there is any doubt whether your injury/illness is work related, file a claim immediately. Workers who do not report workplace accidents may lose the protection of the Workplace Safety and Insurance Act. Some of the protections include health care, loss of earnings payments and the obligation to re-employ the injured worker.

The WSIB is an independent agency who determines whether an accident/injury is work-related and if benefits can be paid to the worker. Decisions made by the WSIB to deny entitlement can be appealed. Please see WSI Fact Sheet # 2 for more information on the appeal process.

Filing a Claim with the Workplace Safety and Insurance Board

Once you have reported the accident to the employer, the employer must report it to the WSIB if, due to the accident or injury you:

- require health care
- are absent from regular work
- earn less than regular pay for regular work (e.g. part-time hours)
- require modified work at less than regular pay
- require modified work at regular pay for more than seven calendar days following the day of the accident

The WSIB defines healthcare as services requiring the professional skills of a health care practitioner (e.g. doctor, nurse, chiropractor or a physiotherapist, hospital and health facilities (walk-in clinics and prescriptions).

If the employer is required to report your accident to the WSIB, they must complete and submit the WSIB Form 7 within 3 working days of the date the accident was reported. The employer is required to give you a copy of the completed form.

The employer does not have to report the accident to the WSIB if only first aid was given and/or the worker required modified work for less than 7 calendar days. However, the employer must keep records of the accident.

If you lose time from work on the day of the accident, the employer must pay your wages for that day. Also, the employer must permit you to seek medical attention from a health care professional and pay for the cost of the transportation to the health care facility. This can include a walk-in clinic, the hospital, your doctor, or other health care professional treatment centre.



When an injured worker seeks medical attention for an injury, the worker's treating health professional is obligated to complete and submit a Form 8. This is the health professional's reporting of the accident based upon an examination of the injured worker. If for some reason a Form 7 does not get filed, a Form 8 will also trigger the start of a WSIB claim. The submission of one or both of these forms will initiate a WSIB claim.

Worker's Consent to Release Functional Abilities

Every injured worker is obligated to consent to the release of functional abilities information. Functional abilities information is information regarding what the member can and cannot physically do (e.g., no lifting, no standing longer than 15 minutes etc.). The information is provided to employers and is used to assess whether a member can return to his or her regular job, or if accommodations are needed. If the worker does not sign the consent, the WSIB may not approve your claim for benefits. The consent can be given by signing a section at the bottom of the Form 7 (Employer's Report of Accident), Form 6 (Worker's Report of Accident) or by signing the health professional completed Functional Abilities Form (FAF). The FAF is given to the injured worker by the employer for completion by the member's health professional. The WSIB pays the cost for the completion of the FAF.

Your employer is only entitled to functional abilities information as it relates to your workplace accident. Employers should not have unlimited access to an injured member's medical history and injured members should not grant an employer open-ended access to medical information. There is no limit on the number of times a request for functional abilities can be made.

Obligation to Cooperate in the Work Reintegration Process

The Workplace Safety and Insurance Act sets out the responsibilities of the member and employer in the Work Reintegration process. Both parties are required to contact one another as soon as possible after the accident or injury occurs and to maintain contact throughout the period of the worker's recovery or impairment.

Employers must attempt to provide suitable employment that is available and consistent with a member's functional abilities. Members must assist the employer as required or requested to identify suitable work that is available, consistent and within the member's functional abilities. Your OPSEU Local can assist in this process if requested. For more information refer to WSI Fact Sheet #4 – Work Reintegration and Workplace Safety & Insurance.

If you need help with reporting and filing your WSIB claim, contact your Local union or your worker health and safety representatives. The Pensions and Benefits Unit can be reached via email at pensionsandbenefits@opseu.org

This publication contains general information and is intended as a reference only. It is not intended as a substitute for independent legal advice regarding your particular situation.

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