

Workplace Safety and Insurance Appeals Assistance

How the Pensions & Benefits Unit Can Help You

If you disagree with a WSIB decision denying entitlements or benefits, the first step is to complete and submit a WSIB Intent to Object Form. Please refer to WSI Fact Sheet #2 – Appealing a Workplace Safety and Insurance Decision. It is your responsibility to meet the time limits for each and every decision you wish to appeal.

Failure to submit the Intent to Object form by the appeal deadline will result in the loss of your right to appeal.

Often, the reason for denial of benefit is a result of a lack of information or insufficient medical documentation. It is helpful if you contact the WSIB decision maker to determine what is needed. If you have additional medical or other supportive documentation, include it with your Intent to Object form. Once the Appeal Deadline has been met, additional information can be submitted at a later date

Benefit Officers in the Pension and Benefits Unit of OPSEU assist and may represent members in their WSIB and WSIAT appeals. If you would like OPSEU's assistance, the Pension & Benefits Unit will require a complete and up-to-date copy of your claim file for review. A copy of your claim file should be sent to you if the negative decision remains unchanged, after the WSIB decision-maker has reviewed the Intent to Object form and any other information submitted. If you do not receive a copy of your file you can request one under the Freedom of Information and Protection of Privacy Act. You will find a WSIB Access Request form in our WSIB Appeals Package.

Your Role and Responsibilities

Meeting the Appeal Deadline

It is each worker's responsibility to meet all deadlines to appeal. This is done by submitting an Intent to Object Form to the WSIB within the time limits specified in the WSIB decision. On the Intent to Object Form, identify each issue you are objecting to and clearly indicate the date of the WSIB letter which contains the decision on that issue. Additional Intent to Object forms must be completed and submitted within the prescribed timelines for any subsequent decision letter that may deal with additional issues.

When completing the Intent to Object form, Please check "I will represent myself in the objection process, or I am currently seeking representation" in section 4 (Representation).

The WSIB decision maker will review your Intent to Object form, arguments and any new information and reconsider the original decision. If the decision remains unchanged, the WSIB will send you a copy of your claim file along with an Appeal Readiness Form. Do **not** complete the Appeals Readiness Form at this time.

Once you receive your claim, forward the complete original copy, in the order it was received, along with the blank Appeals Readiness Form to the Pensions and Benefits Unit. You can drop it off at the nearest OPSEU regional office and it will be sent to OPSEU Head Office via internal mail. You can locate the closest OPSEU office to you by visiting www.opseu.org and clicking on the Contact Us button or by calling 416-443-8888 or toll

free at 1-800-268-7376. Alternatively, you can send your file directly to: Pensions and Benefits Unit, OPSEU, 5757 Coopers Avenue, Mississauga, Ontario L4Z 1R9.

You will receive written confirmation from the Pensions and Benefits Unit that your file has been received and a brief outline of the process to follow. Your file will be assigned to a Benefits Officer for review to determine whether it meets our case prioritization criteria. The appeal must also have a reasonable chance of success based on the information in your WSIB file and any additional information you submit. If there is not a reasonable likelihood of success based on the current information, the Officer will outline the reasons in writing.

When the decision has been made to represent you, you will be sent a Retainer. We cannot begin to represent you until you have signed and returned the Retainer to our office.

Work Reintegration

While receiving or appealing WSIB benefits, injured workers have an obligation to co-operate in the Work Reintegration process. Please refer to WSI Fact Sheet #4 for more detailed information on the WSIB Work Reintegration principles.

Although not specifically addressed under WSIB policies, applying for WSIB benefits brings with it a duty on your part as the injured worker, to mitigate your circumstances while awaiting or appealing benefits. This means you are expected to try and take whatever measures you can to recover and get yourself back to work at the earliest opportunity.

You should work with your union, employer and health professional to return to work with proper accommodations, if possible. If you are having difficulties with return to work/accommodation issues, please contact your Local's union representatives or an OPSEU staff representative for assistance.

If you are having difficulties with your working duties, contact your treating health professional to review your medical condition and modified work duties. Another Functional Abilities form will need to be completed. Provide a copy of the updated Functional Abilities Form to your employer and WSIB.

Reporting a Material Change in Circumstances

Please also remember to inform your WSIB Case Manager of any changes concerning your claim such as healthcare status, earnings/income and return to work status. The Board refers to this as a "material change in circumstances". You are required to inform the WSIB of any material changes within ten calendar days.

If you wish to contact the Pensions and Benefits unit, please email us 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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