

WORKPLACE SAFETY & INSURANCE APPEALS ASSISTANCE

How The Worker Safety 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 (ITO) form. Please refer to *WSIB 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 (ITO) 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.

Benefits Officers in the Worker Safety Unit of OPSEU/SEFPO assist and may represent members in their WSIB and WSIAT appeals. If you would like OPSEU/SEFPO's assistance, the Worker Safety Unit will require a complete and up-to-date copy of your claim file for review. The WSIB will send you a complete copy of your claim file if after they have reviewed the Intent to Object form and any other information submitted, the decision to deny remains unchanged. 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 or by visiting WSIB's website (<https://www.wsib.ca/en/forms#Request>). WSIB will only send electronic versions of your claim file. If a paper copy is required due to some type of accommodation, you will need to formally request a paper file from the access department at WSIB.

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 ITO form to the WSIB within the time limits specified in the WSIB decision. On the ITO form, identify each and every issue you are objecting to and clearly indicate the date of the WSIB decision that addressed that issue(s). Additional ITO forms must be completed and submitted within the prescribed timelines for any subsequent decision letter that may deal with additional issues.

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When completing the ITO form, 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 file, forward the complete original copy, in the order it was received, along with the blank Appeals Readiness Form to the Worker Safety Unit. Files can be:

- Emailed to workersafety@opseu.org. If you receive a notice that the file is too large to email, please send an email advising this for further instructions on how to forward electronically.
- Drop off a paper file, or an electronic file on a thumb drive to your nearest OPSEU/SEFPO regional office and it will be sent to OPSEU/SEFPO Worker Safety Unit via internal mail. You can locate the closest OPSEU/SEFPO office to you by visiting www.opseu.org and clicking on the Contact Us button.
- Send your file via mail (either paper or on a thumb drive) directly to: **OPSEU/SEFPO Worker Safety Unit, 5757 Coopers Avenue, Mississauga, Ontario L4Z 1R9.**

You will receive written confirmation from the Worker Safety 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 representation 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 Benefits Officer will outline the reasons in writing.

When the decision has been made to represent you, you will be sent a Retainer and WSIB Direction of Authorization form that allows us to represent you. We cannot begin to represent you until you have signed and returned the Retainer and the WSIB Direction of Authorization form to our office.

Return to Work (RTW)

While receiving or appealing WSIB benefits, the workplace parties have an obligation to co-operate throughout the RTW process. Please refer to *WSIB Fact Sheet #4 Return to Work* for more detailed information on the WSIB Return to Work 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

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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(s) 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/SEFPO 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

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 (10) calendar days.

Contact Us

To contact **OPSEU/SEFPO Worker Safety Unit**, email workersafety@opseu.org or call **1-800-268-7376 extension 3561**.

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