

# WSIB OVERVIEW

## HSIW NOV 13<sup>TH</sup>/ 2019

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# WELCOME TO WORLD KINDNESS DAY 2019

**7 WAYS TO START MAKING KINDNESS THE NORM IN YOUR DAILY LIFE:**

- 1** Send an uplifting text to a friend or family member.
- 2** Let that guy merge into traffic with a wave and a smile.
- 3** Include intentional moments of kindness, laughter and delight in your daily routine.
- 4** Go *slightly* outside of our comfort zone at least once a day to make someone smile.
- 5** Share a compliment with a co-worker or friend.
- 6** Reach out to a family member you haven't spoken to in awhile.
- 7** Treat someone to a cup of coffee (a friend, stranger, or even yourself).

**make kindness the norm.**

#WorldKindnessDay  
#MakeKindnessTheNorm  
[www.randomactsofkindness.org](http://www.randomactsofkindness.org)

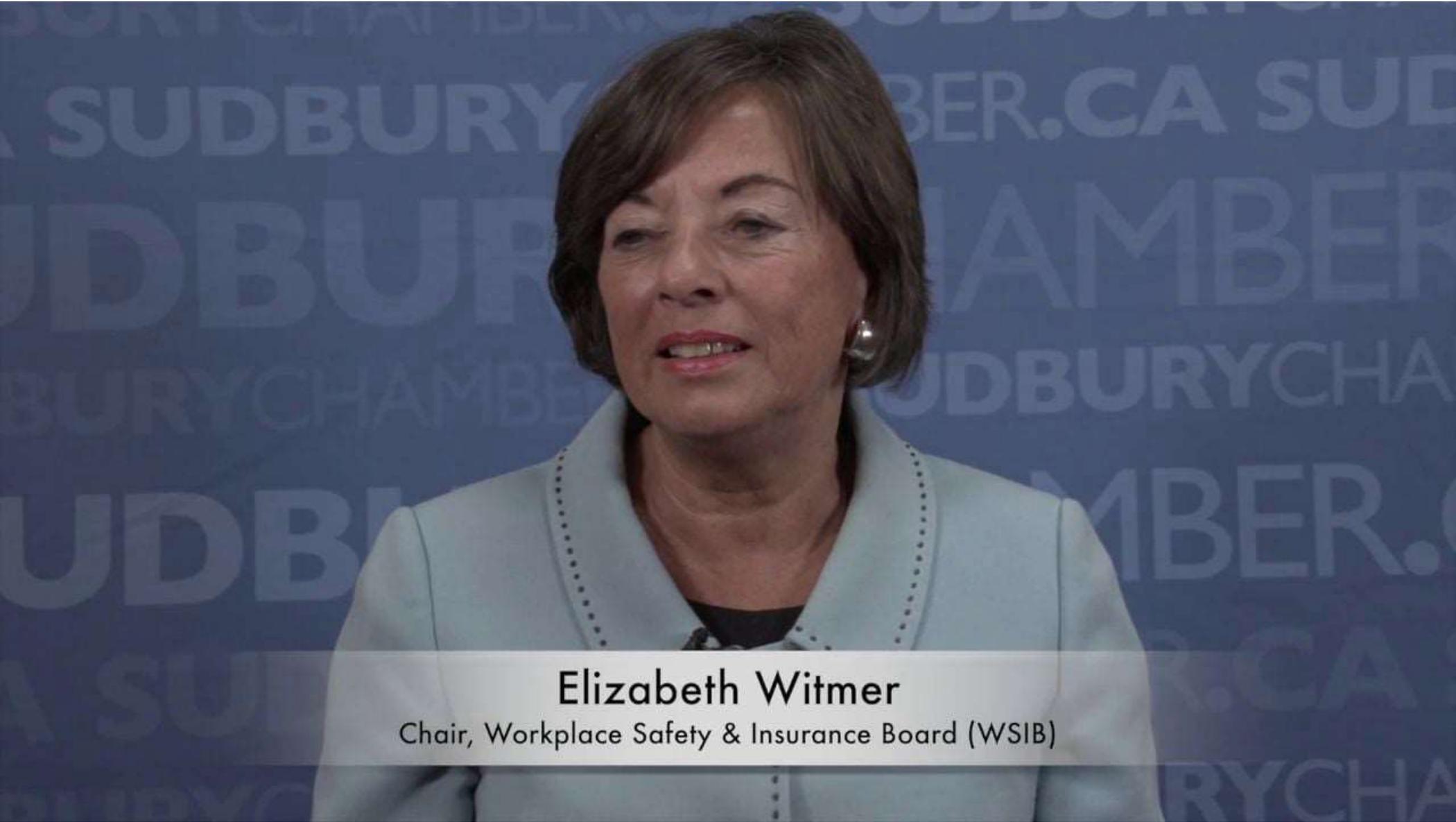
# WORKERS' COMPENSATION SERVICES AREA OFFICES

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<p>Barrie Cornwall Kenora North Bay Ottawa Area Office &amp; L. 503 Ottawa Valley Sault Ste. Marie Sudbury Timmins Thunder Bay</p> <p>OFL WCB Committee OSBCU</p>	<p>Airlines Kingston Local 79 Local416 London Oshawa Peterborough Windsor</p> <p>OFL Committee (Alternate)</p> <p>O UWCC</p>	<p>Hamilton Kitchener Local 966 Niagara Peel Toronto</p> <p>CUPE Ontario Injured Workers Advocacy Committee</p> <p>OMECC</p>	<p>INTAKE &amp; Appeal Readiness</p> <p>ONTARIO REGION</p> <p>HCWCC OCHU</p> <p><small>jml/dg:cope491</small></p>

wsib  
cspaat  
ONTARIO

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**Elizabeth Witmer**

Chair, Workplace Safety & Insurance Board (WSIB)

The purpose of this Act is to accomplish the following in a financially responsible and accountable manner:

1. To promote health and safety in workplaces.
2. To facilitate the return to work and recovery of workers who sustain personal injury arising out of and in the course of employment or who suffer from an occupational disease.
3. To facilitate the re-entry into the labour market of workers and spouses of deceased workers.
4. To provide compensation and other benefits to workers and to the survivors of deceased workers.

# WHAT DEFINES A WORK RELATED INJURY/ACCIDENT?

- **Definitions**
- **2 (1)** In this Act, [Workplace Safety & Insurance Act]
- **“accident”** includes,
  - (a) a wilful and intentional act, not being the act of the worker,
  - (b) a chance event occasioned by a physical or natural cause, and
  - (c) disablement arising out of and in the course of employment; (“accident”)

## Workplaces



**16**  
diverse industries



**319K**  
businesses covered



**211K**  
claims registered

## Demographics



**Women**  
represent 48% of the workforce and 40% of lost-time claims.

**4.8M**  
people covered



Don't miss the focus chapter highlighting **mild traumatic brain injuries**.

## Claims



**7.7**  
average days lost within one month post-injury date



**1.00**  
lost-time injury rate

### High-impact claims



**30%**  
of all allowed lost-time claims

**41%**  
of all lost-time benefit payments

## Injury

Allowed lost-time claims



**Nature**  
Sprains and strains



**Event**  
Overexertion



**Part of body**  
Low back

## Benefit payments

**40%**  
loss of earnings

**2%**  
non-economic loss

**9%**  
survivor benefits

**7%**  
future economic loss

**20%**  
health care

**1%**  
external providers

**21%**  
workers' pension

**\$2,461M**  
total benefit payments



## Chance event

A chance event is defined as an identifiable unintended event which causes an injury. An injury itself is not a chance event.

## Disablement

The definition of disablement includes:

- a condition that emerges gradually over time
- an unexpected result of working duties.

# WORK RELATEDNESS

- In determining whether a personal injury by accident occurred in the course of employment, the decision-maker applies the criteria of place, time, and activity in the following way:
- **Place**
- If a worker has a fixed workplace, a personal injury by accident occurring on the premises of the workplace generally will have occurred in the course of employment. A personal injury by accident occurring off those premises generally will not have occurred in the course of employment.
- If a worker with a fixed workplace was injured while absent from the workplace on behalf of the employer or if a worker is normally expected to work away from a fixed workplace, a personal injury by accident generally will have occurred in the course of employment if it occurred in a place where the worker might reasonably have been expected to be while engaged in work-related activities.

# WORK RELATEDNESS [CONT'D]

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- **Time**
- If a worker has fixed working hours, a personal injury by accident generally will have occurred in the course of employment if it occurred during those hours or during a reasonable period before starting or after finishing work.
- If a worker does not have fixed working hours or if the accident occurred outside the worker's fixed working hours, the criteria of place and activity are applied to determine whether the personal injury by accident occurred in the course of employment.

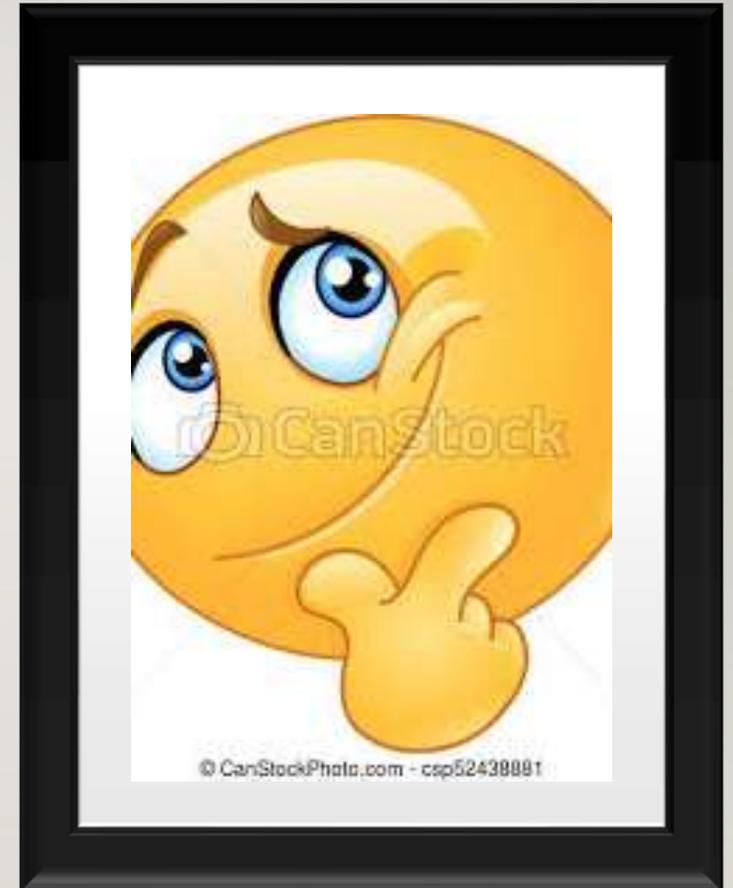
# WORK RELATEDNESS [CONT'D]

- **Activity**
- If a personal injury by accident occurred while the worker was engaged in the performance of a work-related duty or in an activity reasonably incidental to (related to) the employment, the personal injury by accident generally will have occurred in the course of employment.
- If a worker was engaged in an activity to satisfy a personal need, the worker may have been engaged in an activity that was incidental to the employment. Similarly, engaging in a brief interlude of personal activity does not always mean that the worker was not in the course of employment. In determining whether a personal activity occurred in the course of employment, the decision-maker should consider factors such as
  - the duration of the activity
  - the nature of the activity, and
  - the extent to which it deviated from the worker's regular employment activities.

# JUST BECAUSE AN INJURY HAPPENED AT WORK DOESN'T MAKE IT WORK- RELATED

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David's thought for the day



## WHAT & WHO IS OHCOW?

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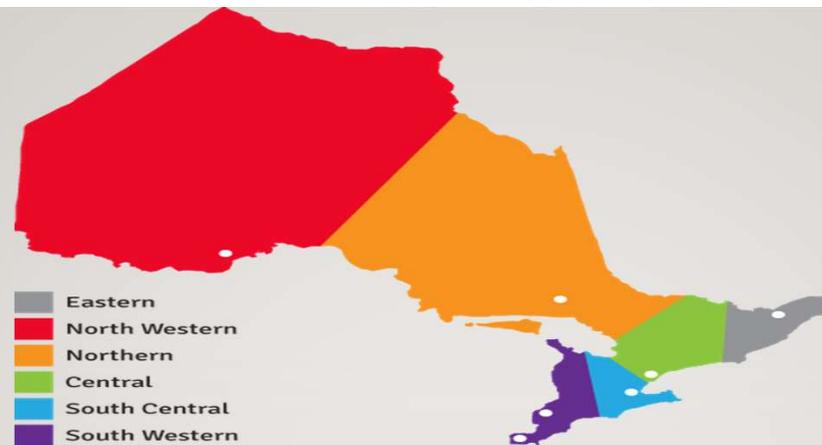
For over 30 years, OHCOW has been a valuable injury and illness prevention resource for the workers and workplaces of Ontario. The first clinics, proposed by the Ontario Federation of Labour (OFL) and funded through the Ontario Ministry of Labour (MOL), were founded in Hamilton and Toronto in 1989. Expansion to Windsor, Sudbury, Sarnia, Thunder Bay and more recently Ottawa occurred over the next 20+ years.



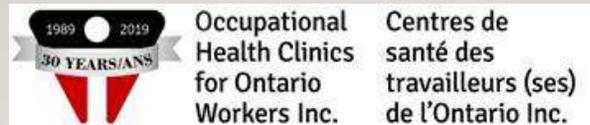
Occupational  
Health Clinics  
for Ontario  
Workers Inc.

Centres de  
santé des  
travailleurs (ses)  
de l'Ontario Inc.

## Clinics



Occupational Health Clinics for Ontario Workers are dedicated to the identification and prevention of work-related illnesses. At the core of each clinic is a dedicated staff trained in occupational medicine, who are available to provide medical examinations for a full range of work-related illnesses. The clinics are open to anyone with a possible occupational health problem. While tending to the individual needs of each worker, OHCOW has also developed a public health oriented clinical approach. This involves determining whether co-workers are at risk, and taking steps to have their workplace evaluated, if needed. Consequently, the impact of the clinics reaches far beyond those persons seen as individual patients.



Staffed by an inter-disciplinary team of nurses, hygienists, ergonomists, client service coordinators, administrators and contracted physicians, each OHCO clinic provides unique, comprehensive occupational health services, **all free of charge**:

- Inquiry service to answer work-related health and safety questions
- Clinical services to provide evidence-based technical and medical reports determining work-relatedness for individuals
- Group service providing exposure or health-based prevention consulting for workplaces, health and safety committees and groups of workers
- Outreach and education to increase awareness of health and safety issues, foster dialogue and promote prevention strategies.
- Research services to better understand hazards, illness incidence and control effectiveness

# TRAUMATIC MENTAL STRESS POLICY

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- **Workplace harassment**
- Workplace harassment occurs when a person or persons, while in the course of the employment, engage in a course of vexatious comment or conduct against a worker, including bullying, that is known or ought reasonably to be known to be unwelcome.
- **Traumatic mental stress**
- A claim for traumatic mental stress (as described below) is distinct from a claim for chronic mental stress. For information relating to claims for chronic mental stress, see [15-03-14, Chronic Mental Stress](#).
- A worker will generally be entitled to benefits for traumatic mental stress if an appropriately diagnosed mental stress injury is caused by one or more traumatic events arising out of and in the course of the worker's employment. For more information see [15-02-02, Accident in the Course of Employment](#).
- In order to consider entitlement for mental stress related to one or more traumatic events, the WSIB decision-maker must identify that one or more traumatic events occurred. A traumatic event may be a result of a criminal act or a horrific accident, and may involve actual or threatened death or serious harm against the worker, a co-worker, a worker's family member, or others. In most cases a traumatic event will be sudden and unexpected.

In all cases, the event(s) must arise out of and occur in the course of the employment, and be:

- clearly and precisely identifiable, and
- objectively traumatic.

This means that the event(s)

- can be established by the WSIB through information or knowledge of the event(s) provided by co-workers, supervisory staff, or others, and

- is/are generally accepted as being traumatic.



Traumatic events include, but are not limited to:

- witnessing a fatality or a horrific accident
- witnessing or being the object of an armed robbery
- witnessing or being the object of a hostage-taking
- being the object of physical violence
- being the object of death threats
- being the object of threats of physical violence where the worker believes the threats are serious and harmful to self or others (e.g., bomb threats or confronted with a weapon)
- being the object of **workplace harassment** that includes physical violence or threats of physical violence (e.g., the escalation of verbal abuse into traumatic physical abuse), and
- being the object of **workplace harassment** that includes being placed in a life-threatening or potentially life-threatening situation (e.g., tampering with safety equipment; causing the worker to do something dangerous).

The worker **must have suffered or witnessed** the work-related traumatic event(s) **first hand**, or heard the work-related traumatic event(s) first hand through direct contact with the traumatized individual(s), e.g., speaking with the victim(s) on the radio or telephone as the traumatic event(s) is/are occurring.



## Cumulative effect

Due to the nature of their occupation, some workers, over a period of time, may be exposed to multiple traumatic events. If a worker experiences traumatic mental stress because of the most recent traumatic event, entitlement may be in order even if the worker may experience these traumatic events as part of the employment and was able to tolerate the past traumatic events. A final reaction to a series of traumatic events is considered to be the cumulative effect.



## **Standard of proof and causation**

In all cases, the WSIB decision-maker must be satisfied, on a **balance of probabilities**, that the traumatic event(s), or the cumulative effect of a series of traumatic events,

- **arose out of and in the course of** the worker's employment, and

- **caused**, or **significantly contributed to**, an appropriately diagnosed mental stress injury.

# CHRONIC MENTAL STRESS

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## Workplace harassment



Workplace harassment occurs when a person or persons, while in the course of the employment, engage in a course of vexatious comment or conduct against a worker, including bullying, that is known or ought reasonably to be known to be unwelcome.

## Chronic mental stress

A claim for chronic mental stress (as described below) is distinct from a claim for traumatic mental stress. For information relating to claims for traumatic mental stress, see [15-03-02, Traumatic Mental Stress](#).

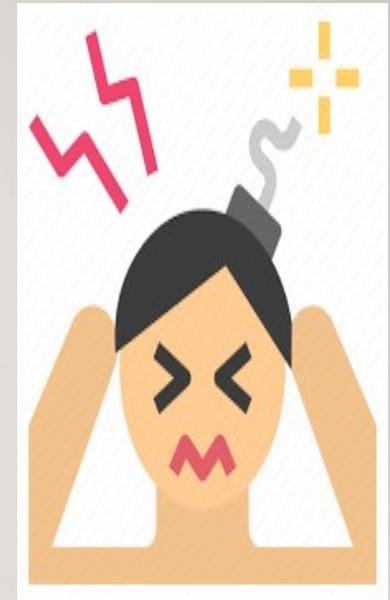
A worker will **generally** be entitled to benefits for chronic mental stress if an appropriately diagnosed mental stress injury is caused by a substantial work-related stressor arising out of and in the course of the worker's employment. For more information see [15-02-02, Accident in the Course of Employment](#)



## **Substantial work-related stressor**

A work-related stressor will generally be considered substantial if it is excessive in intensity and/or duration in comparison to the normal pressures and tensions experienced by workers in similar circumstances.

**Workplace harassment** will generally be considered a substantial work-related stressor.



## Interpersonal conflicts

Interpersonal conflicts between workers and their supervisors, co-workers or customers are generally considered to be a typical feature of normal employment. Consequently, such interpersonal conflicts are not generally considered to be a substantial work-related stressor, **unless** the conflict

- amounts to workplace harassment, or
- results in conduct that a reasonable person would perceive as egregious or abusive.



## Standard of proof and causation

In all cases, the WSIB decision-maker must be satisfied, on a balance of probabilities, that the substantial work-related stressor

- arose out of and in the course of the worker's employment, and
- was the **predominant cause** of an appropriately diagnosed mental stress injury.

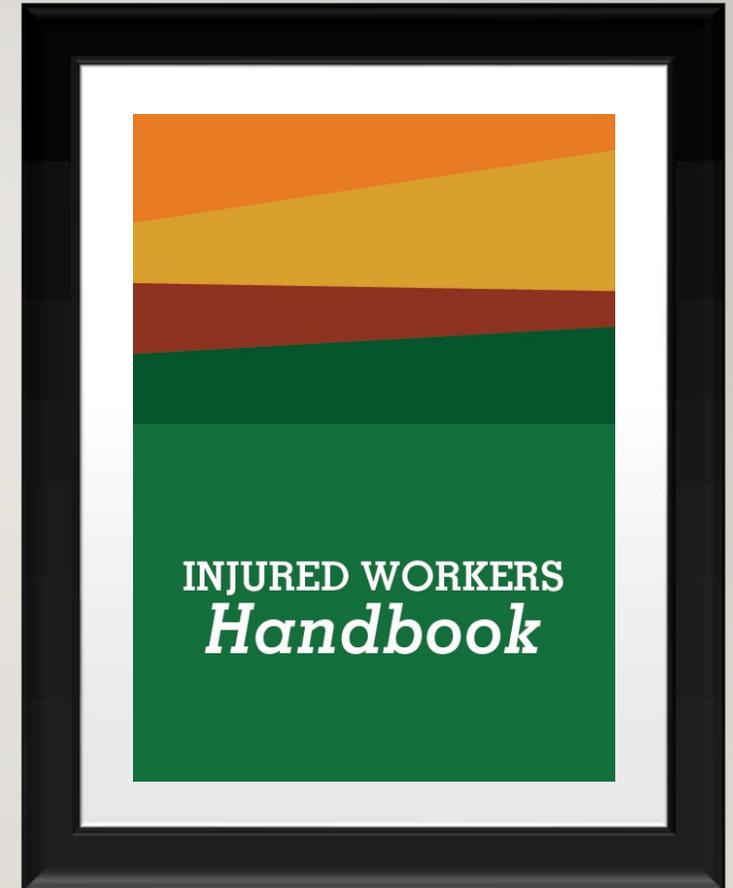


For the purposes of this policy, “**predominant cause**” means that the substantial work-related stressor is the primary or main cause of the mental stress injury—as compared to all of the other individual stressors. Therefore, the substantial work-related stressor can still be considered the predominant cause of the mental stress injury even though it may be outweighed by all of the other stressors, when combined

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THANK YOU

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