

WORK SAFE. FOR LIFE.
WORKERS' COMPENSATION BOARD OF NOVA SCOTIA

Worker's Handbook

A guide to your workers'
compensation insurance

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We are sorry to hear that you, or someone you care about, has experienced a workplace injury.

While most workplace injuries are relatively minor and don't result in time off the job, every workplace injury is unfortunate.

Beyond the physical impact, especially with a more serious injury, you may have many questions and concerns about how the injury will affect your life and the lives of those you care about.

At the WCB of Nova Scotia, we are here to help during this time. We offer benefits to support injured workers and their families. If you're hurt seriously enough to be off the job, we are here to work with you to do as much as possible to return you to your regular working life.

To be entitled to WCB benefits and services you must have been employed by a covered employer at the time of injury, and the injury must have been caused by something to do with your job.

Based on injury statistics, chances are you've already seen a health professional, and you've received the care that you need. That's the most important thing.

You've also likely worked with your employer to determine how the injury happened to do whatever can be done to prevent it from happening again. This step is very important, too.

You may already be working at your regular job right now.

But, if you do lose time from work as a result of your injury, we'll do everything we can to ensure you get back to your job in a safe and timely manner.

This guide includes basic information about workers' compensation insurance. It's intended to explain the process to you, so that you understand what is happening.

If you're interested in seeing more policy and legislative detail, please refer to the *Workers' Compensation Act* or the WCB Policy Manual. Both the *Act* and the Policy Manual are available on our website, wcb.ns.ca, and at select libraries throughout the province.

Your care comes first: health care benefits

By the time you receive this booklet, you may have been seen by a health care professional about your workplace injury.

Depending on the nature of your injury this may have been a physiotherapist, chiropractor, doctor, nurse, dentist, or other health care professional.

Seeking immediate care as soon as possible after the injury is the first and most important step.

In general, the cost of that health care, and any care you need during your recovery, is covered by the WCB. Most WCB claims involve only medical costs related to a workplace injury which does not result in time-loss from work. It's important to advise your health care provider that your injury is work-related. Your health care provider fills out a form which tells us that the service you received was for a work-related injury. We then pay the service provider.

You have probably received a claim number, which identifies this transaction in our system, and links the payment to the health service provider to your injury. This way, if you need other care in the future related to this injury, the right paperwork is on file to help you receive the benefits and services that you need.

Remember, any time you have health care services provided in relation to a workplace injury, it's important to check with us to ensure the service you are receiving is covered.

Here is a list of some of the covered service providers.

- Doctors, hospital visits, and surgery
- Chiropractors
- Physiotherapists
- Dentists

Any prescriptions related to your injury are usually covered, as are most other things you need during your recovery from a more serious injury. Be sure to discuss any questions you have about what is covered with your case worker.

If the WCB requests that you travel for treatment, we may cover travel expenses. In some cases, workers may be entitled to travel expenses for medical appointments, such as chiropractic treatment or physiotherapy. Some travel expenses such as meals and taxis require approval in advance. Contact your case worker for details.

Your employer is responsible for any costs related to transporting you to seek immediate medical care. This may range from a taxi to a walk-in clinic to emergency transportation by ambulance.

Direct access to physiotherapy and chiropractic services

Most workplace injuries in Nova Scotia are sprains and strains, or musculoskeletal injuries.

If you believe you have experienced a sprain or strain injury at work, your employer or WCB case worker will send you to an approved physiotherapist or chiropractor for an assessment. You may choose to see your family doctor, but your assessment should not be delayed because you are waiting for an appointment with your doctor.

The assessment is a series of activities that allows the physiotherapist or chiropractor to diagnose your injury and to find out what job tasks you can safely perform – like lifting, carrying, walking, etc. This will help determine your capacity for returning to work, either to your regular job or to transitional duties.

If you are unable to return to your regular job right away, your physiotherapist or chiropractor will work with you, your employer, doctor, other health care providers and case worker to determine your return-to-work plan, including treatment, and what transitional duties, if any, can be provided. Your physiotherapist or chiropractor will also share the results of your assessment with your doctor.

If your health care service provider suspects the injury is more serious than a sprain or strain, you will immediately be sent to the hospital or to your doctor.

A Worker's Guide to Early Assessment of Sprains and Strains at Work explains Direct Access to Physiotherapy/Chiropractic Services. Both the guide and other information are available on our website, at wcb.ns.ca/physio.



EXAMPLE

Cory works in the retail industry stocking shelves. While carrying a box of product, he trips over a power cord and twists his ankle. He immediately experiences pain in his right ankle area. Cory's manager sends him directly to a physiotherapy/chiropractic clinic familiar with their workplace and electronically files an Injury Report with the WCB. The assessment finds that Cory has a limited range of motion in his right ankle, along with tenderness and swelling in the area.

Suspecting the injury may be more than a sprain and concerned about the possibility of a fracture, the physiotherapist/chiropractor instructs Cory to go directly to the local emergency department. An X-ray shows Cory has fractured a bone in his ankle. He gets a cast, which he has to wear for several weeks. Cory continues to work as his manager is able to find suitable transitional work.

Your privacy

We are committed to protecting the information of those we serve, in accordance with our own policies and legislation. Please contact us if you have questions about how your information is handled, and protected, while it is in our care.

When you have a claim with us, we understand that your personal information is in our care. We understand our responsibility in maintaining the privacy of those we serve and protecting the personally indentifying information we hold.

We are committed to maintaining the accuracy, confidentiality, security and privacy of personal information. All employees including the WCB Board of Directors are required to complete annual privacy training. If breaches occur, our goal is to contain, remedy and learn from them to prevent reoccurrences.

For more information about the WCB's privacy guidelines and practices please contact us at any time. You can review our policies and procedures related to privacy on our website: wcb.ns.ca.

Returning to work

In most cases, workplace injury is minor, and you may not miss any time from work at all, other than to receive the first aid and medical attention that you need.

But, all too often, it is more serious.

When this type of more serious injury occurs and you do lose time from your regular job, staying connected and continuing to work, whenever possible, is a very important factor in your recovery.

The longer you're away from your regular job, the more difficult it will be for you to return. So when an injury does occur, the best result for everyone is a safe and timely return to your regular duties.

The WCB's goal is to work with employers, employees, unions and health care providers to ensure this happens.

We know that a workplace injury has physical, emotional and sometimes financial implications for you and your family.

That's why an effective Return-to-Work program can mean the following for you:

- Reduces or eliminates lost-earnings
- Helps you stay active, which speeds up your recovery
- Minimizes impact on you and your family
- Shifts the focus from what you 'can't do' to what you 'can do'
- Maintains your sense of confidence and value
- Helps you stay in contact with co-workers

Your responsibilities as you recover

As you recover from your workplace injury there are a number of things to keep in mind. The *Workers' Compensation Act* outlines a few responsibilities of the worker, including:

- Filing a claim for compensation as soon as possible, ideally before leaving the worksite.

In most cases, this process starts before you leave the workplace, when your employer sends the WCB Injury Report to us. It may also be started when your health care provider provides a form to the WCB.

- Cooperating and sending any information that we may require, ensuring it is accurate and complete.
- Doing what you can to minimize the physical and financial impact of your injury.
- Participating in health-care services or treatment to promote recovery.
- Notifying us immediately of any change that may affect your claim, including return to work.
- Seeing a doctor or other health care provider, if requested by the employer, the WCB or the Workers' Compensation Appeals Tribunal.
- Advising your employer if you seek medical attention for a workplace injury.
- Actively participating in and cooperating with your Return-to-Work program.

Re-employment benefits

In most industries, when you are ready to safely return to work, and your employer has 20 or more workers, and you have been employed for 12 consecutive months, your employer is obliged to re-employ you. Some employers, such as those in the construction industry, may be exempt.

This obligation lasts up to two years after your injury but will end if you refuse an acceptable offer of re-employment.

If you can do the essential duties of your pre-injury job, you are entitled to be offered:

- the same job upon returning to work.
- a comparable position, if your position is not available.
- suitable work, if there is no comparable position available.
- positions more like your pre-injury job as they become available.

If you cannot do the essential duties of your pre-injury job, but you are able to do other work safely, you are entitled to be offered the first suitable position available, and positions more suited to your abilities as your recovery progresses.

The WCB can help with workplace modifications that allow you to return to work. Some funding may be provided for these modifications. In addition to health and financial benefits, some other programs are designed to help you return to work in a safe and timely manner, and you can read more about these programs later in this booklet.

Earnings replacement benefits

In more serious workplace injuries, you may not be able to return to your regular job right away. This can create a financial impact for you. The WCB is here to provide support during this time through financial compensation.

Temporary earnings replacement benefits

Most injuries don't entirely prohibit you from working. But, you may be working at a different job, or for fewer hours per week during your transition back to your regular job. Work is an important factor in recovery.

Earnings replacement benefits are based on your earnings loss – the difference in your income before your injury, and after your injury.

In more than 90 per cent of cases, when you have an injury at work, you will return to work at your pre-injury earnings. As you recover, you will receive Temporary Earnings Replacement Benefits (TERB). These benefits are usually paid every two weeks at the following rates for as long as you are unable to return to your regular job.

The calculation works like this:

- 75% of your net earnings loss for up to 26 weeks after your injury occurs
- After 26 weeks the TERB increases to 85% of your net earnings loss

There is a waiting period before you can begin to receive earning-loss benefits from the WCB. This period is two-fifths (2/5) of your normal work week. The amount you would have earned during this period is taken off the first compensation cheque.

For example, if you usually work five days a week you would have two days' worth of your net weekly benefit deducted from your first cheque (2/5 x 5 days).

If your loss of earnings is greater than 5 weeks, the deducted amount is reimbursed.

Long-term benefits

In the vast majority of workplace injuries, there is either no time loss at all, or the worker returns to work within a few weeks at most. In some cases, the situation is more serious, and the impact of injury is more severe.

There are two types of long-term benefits if the impact of your workplace injury is permanent.

1. Permanent Impairment Benefit (PIB)
2. Extended Earnings Replacement Benefit (EERB)

Permanent impairment benefit (PIB)

A permanent impairment benefit (PIB) compensates for permanent impairment due to a workplace injury.

Eligibility for a PIB is determined by a review of your medical information and a medical assessment performed by an accredited WCB Medical Advisor. The assessment allows your case worker to set a Permanent Impairment (PI) rate. The PI is used to calculate the amount of your benefit.

Your Permanent Impairment Benefit is calculated as follows:

$$\text{PIB} = (\text{PI} \times 30\%) \times (85\% \times \text{net average weekly earnings})$$

After 16 months, if you have medical information that shows a change in your condition, another medical assessment may be conducted. If this assessment results in a change in your PI, then your benefit amount would also change.

Extended earnings replacement benefit (EERB)

If your injury is so severe that you are unable to return to work at your pre-injury earnings, and there is medical evidence supporting a permanent impairment, you may be eligible to receive Extended Earnings Replacement Benefits (EERB).

Extended Earnings Replacement Benefits (EERB) are paid monthly, in most cases, to replace a permanent loss of earnings – but only if your lost earnings are greater than the amount of your Permanent Impairment Benefit.

The EERB compensates an injured worker for a permanent loss of earnings, and is based on the difference between the worker's earnings before the injury and their earnings, or ability to earn, after the injury.

This benefit is calculated at 75% of your net earnings loss during the first 26 weeks after your injury or illness and 85% of your net earnings loss after 26 weeks. This may be payable to age 65, pending scheduled reviews.

When you reach the age of 65 this benefit is replaced by an annuity. As soon as you start receiving the Extended Earnings Replacement Benefit, we begin setting aside an additional 5% of your total benefits to replace lost retirement income.

It's important to note that all benefits are paid based on a maximum amount set according to the Average Industrial Wage, which may change from one year to the next.

Survivor benefits

In the very tragic event a worker dies from a workplace injury, survivor benefits to the spouse and/or dependants are provided. The deceased's spouse and dependants may be entitled to various benefits.

- A one-time lump-sum benefit of \$15,000
- Funeral expenses up to \$5,000
- Survivor benefits for spouses and dependent children
- Benefits for other dependents, depending on the situation
- Survivor benefits are also only payable until age 65 — then an annuity is payable.

To learn more about survivor benefits, please contact us.

Please note: Claims made before 1996 are based on the *Workers' Compensation Act*, Regulations and Policy Manual in effect at that time. These documents have changed since 1996. As a result, there are differences in the types of benefits, benefit amounts and services for workers injured before and after 1996.

Other services and programs

Employment incentive program

Depending on the nature of your injury, you may not be able to return to your original job.

To create opportunities for you, the WCB offers employers incentives to hire injured workers through our Employment Incentive Program. Employers benefit from hiring a skilled worker, and workers benefit by getting back on the job – proven as an important factor in recovery.

Vocational rehabilitation services

Workers receiving Permanent Impairment Benefits who are unable to return to their pre-injury position due to their injury may be considered for Vocational Rehabilitation Services.

Vocational rehabilitation involves assessing your skills and abilities and matching them to a modified set of job tasks at work, or to a new job with another employer. It may also involve skills development and job search assistance. We will work with you to find the right solution that fits your situation.

On-the-job training

If you are unable to return to the job you held prior to your injury, the WCB can help you obtain job experience. Our goal is to help you get back to work at a job with the equivalent salary as your pre-injury job.

The On-the-Job Training Program provides you with experience at a new job, which will help you find employment. Your wages are subsidized during your work term.

For more information on any of these programs, please contact your case worker. You can also find more information about returning to work at our website, wcb.ns.ca.

What is workers' compensation insurance?

Workers' compensation insurance protects you in the event of a workplace injury.

Employers in covered industries pay a premium, at a rate based upon the costs of workplace injury in their industries and in their individual workplace. They pay a certain amount per \$100 of payroll. In some industries, they also pay for a safety association to help promote workplace safety.

When someone is hurt on the job, the WCB pays for costs related to that injury. No tax dollars are used to cover the cost of workers' compensation. Employers are prohibited from collecting WCB cost from workers.

Details around who is covered, how benefits work, and other details are set out in the *Workers' Compensation Act* and *Workers' Compensation General Regulations*.

Who is covered?

Some industries require WCB coverage, and others do not. In covered industries, workplaces are required to have workers' compensation insurance if they employ three or more workers at the same time.

For some workplaces coverage is not required either because their industry is not mandatory under the *Workers' Compensation Act* or because they employ fewer than three workers. Banking is an example of an industry that does not require coverage.

Although some workplaces are not required to have workers' compensation insurance, they can purchase coverage voluntarily.

When a workplace is registered with the WCB, everyone working there is covered under the *Act*. Full-time, part-time, casual/seasonal workers, workers hired through a Human Resources and Skills Development Canada grant, and subcontractors without their own coverage are all covered. This includes officers of corporations, as long as they are salaried employees of the business (receiving a T4).

Differences for self-employed and family members

Employers who are self-employed or in a partnership are not required to have coverage for themselves, but they must provide coverage for their workers if there are at least three workers and the business is in a mandatory industry.

The exception to this coverage is for family members living in the household of the sole proprietor, partners, active officers or directors of a limited company. These family members are counted as workers, although coverage is not mandatory for them. They are also not covered under the regular coverage. However, voluntary coverage is available.

A safe workplace is your right. And your responsibility.

As a worker, you have the right to a safe workplace. But you also need to take responsibility for your own safety and those around you. Under the *Occupational Health and Safety Act*, you are responsible for:

- Protecting your own health and safety, as well as that of your co-workers and others near your workplace.
- Cooperating with your employer and co-workers regarding safety.
- Using protective devices, equipment and clothing.
- Consulting with your Occupational Health and Safety Committee or representative, and complying with the *Occupational Health and Safety Act* and regulations.
- Notifying your employer of any hazard or injury as soon as possible.

Under the same law, you have the following rights:

- The **Right to Know** – You are entitled to information on issues that affect your health and safety or that of another person in your workplace.
- The **Right to Refuse** – You have the right to refuse unsafe or unhealthy work.
- The **Right to Participate** – You can participate on Occupational Health and Safety Committees or be a Safety Representative, report unsafe conditions, and voice concerns or opinions on any issue that affects your health and safety, or that of your workplace.

Frequently asked questions

Who pays for workers' compensation?

Employers pay for workers' compensation insurance through premiums collected by the WCB. Workers do not pay for this insurance.

No tax dollars are used to cover the cost of workers' compensation. Employers are prohibited from collecting WCB cost from workers.

If I develop an illness such as cancer or hearing loss as a result of my work, am I eligible for WCB coverage?

Yes, if you have an occupational disease or illness that occurred as a result of your work you may be eligible for WCB benefits.

If I'm injured at work, can I sue my employer?

No, not if your employer has WCB coverage. WCB coverage is no-fault insurance, which means you have access to compensation benefits if an injury occurs, and your employer is protected from legal action.

What happens if a third party (someone other than my employer) may be responsible for my injury?

You must decide, within 180 days of the injury, whether you will receive compensation from the WCB or take legal action against the third party on your own. If you decide to receive compensation, the WCB may sue the third party in order to recover the cost of your workplace injury. If you choose this option, you are entitled to the same benefits and services as those available to other injured workers during the WCB's legal action.

Can I appeal a claim decision?

Yes. If you disagree with a claim decision after discussing it with your case worker, you may file an appeal within 30 days of receiving a written decision. It's important to note that the appeal process is not intended as a second look at the entire claim. The process exists to review specific errors or oversights. It is important that appeals be as specific as possible.

More information about appeals may be found in the brochure *When you have questions about your decision: a guide to the WCB appeals process* which is available on our website (wcb.ns.ca, under Brochures & Publications) or by calling us directly at 902-491-8999 or 1-800-870-3331.



After a claim is closed, can it be re-opened?

Yes. If a healed injury flares up again, or turns out to be more serious than was originally thought, the claim may be reviewed. Any new medical information will be considered, and then, depending on the type of benefit requested, the claim could be re-opened.

Can a worker receive compensation from more than one claim?

Yes. The maximum compensation allowed is 85% of the worker's net earnings. If compensation from previous claims and compensation from the current claim total more than the 85% maximum, the benefits paid on the current claim are reduced accordingly.

While I'm receiving WCB benefits, do I continue to contribute to CPP, EI, pension, etc.?

No, and that may impact benefits you may be entitled to in the future.

Are my benefits taxable?

No, but you do have to report your benefits to the Canada Revenue Agency for tax credits. A T5007 slip will be issued by the WCB early each taxation year.

Are my benefits adjusted for the cost of living?

Yes. At the beginning of each year, long-term benefits, some short-term benefits and some survivor benefits are adjusted by half of the percentage change in the Consumer Price Index in Nova Scotia for the preceding year.

What about the cost of traveling to my WCB appointments?

If the WCB requests that you travel for treatment, we may cover travel expenses. In some cases, workers may be entitled to travel expenses for medical appointments, such as chiropractic treatment or physiotherapy. Some travel expenses such as meals and taxis require approval in advance. Contact your case worker for details. Travel expense forms are available at wcb.ns.ca.

Can someone help me during meetings and discussions related to my claim?

Yes, anyone can help you with any part of the process — presenting information, filing an appeal, etc.

Can my spouse or family member speak on my behalf?

Yes, a third party can speak on your behalf. However, to ensure your privacy, you must provide the WCB with written authorization in order for us to release any information to them.

Can I drop in to see my case worker at any time?

No. To ensure you receive the best service possible, we ask that you contact your case worker in advance to schedule an appointment.

Where can I find more information about filing a claim, and the WCB's process for reviewing and accepting claims?

For information about the WCB's claims process, visit wcb.ns.ca.

The information included in this brochure adheres to the WCB's Corporate Information Protection Policy. Details about the policy can be found at wcb.ns.ca.

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