

If you have an accident

What to do
and how to do it



Government
of Canada

Gouvernement
du Canada

Canada
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Pursuant to the Official Languages Act, federal employers are required to provide assistance in both official languages to employees claiming benefits.

If services are not readily available, Human Resources and Skills Development Canada may provide advisory services to employees, unions and employers.





Foreword

The Public Service accident prevention program is an expression of the earnest desire of your employer to provide you with safe and healthy working conditions. This is a responsibility which any good employer accepts. But you have a responsibility too: the responsibility to work carefully.

You may never have seen anyone injured on the job. You may feel that nothing is likely to happen to you where you work. But just consider that in 2003, over 1,000,000 occupational injuries were reported. On average, one out of 15 Canadian workers was injured at work. The fact is no one is immune — accidents have occurred in every kind of occupation. It is an unfortunate fact that accidents will continue as long as things are being produced or employees work. When they do, Human Resources and Skills Development Canada is ready, in co-operation with employers, to look after the interests of those injured or suffering from an occupational disease.

If you suffer personal injury from an accident on the job, you have the right to many benefits, but you also have responsibilities. This booklet has been issued to inform you of your rights and responsibilities if you are a new employee, and to refresh your memory if you have been in the public service for some time.





Injury compensation for federal government employees

As an employee of the federal government, what benefits am I entitled to from my employer if I am injured by accident in the course of employment?

You are entitled to receive compensation for loss of earnings, medical care, and other benefits similar to those received by employees of private industry through workers' compensation in the various provinces.

Who provides these benefits?

The government provides benefits to employees under the *Government Employees Compensation Act** administered by Human Resources and Skills Development Canada. Instead of establishing its own system for compensation and treatment, the government uses the services already available through provincial workers' compensation boards (in Québec, Commission de la santé et de la sécurité au travail, CSST). There is no cost to the employee for these services; the government of Canada reimburses the provincial boards for the cost of compensation to employees.

What board would handle my claim if I were injured?

The board or commission in the province in which you are usually employed will handle your compensation claim. For instance, the claim of anyone who works in Ottawa would be handled by the Workplace Safety and Insurance Board (Ontario) and, in Gatineau, by the Commission de la santé et de la sécurité au travail (Québec).

What board would handle my claim if I usually work in the Far North or outside Canada?

If you usually work in the Nunavut or Yukon Territory or the Northwest Territories, your claim is handled by the Workers' Compensation Board of Alberta. If you are a Canadian posted abroad, your claim is handled by the Workplace Safety and Insurance Board (Ontario).

*Referred to as "The Act" in the text.



Who is covered?

Is everyone in the federal government covered?

The *Act* covers all employees of the federal government and most Crown agencies, regardless of rank or earnings. The *Act*, however, excludes members of the regular forces of the Canadian Forces or the Royal Canadian Mounted Police. It also excludes persons engaged to perform a service on a fee or contract basis.

Are employees hired locally abroad covered for compensation?

These employees may be covered by a local compensation plan to which the employing department contributes or, if no such arrangement exists, claims should be forwarded to the Occupational Health and Safety and Injury Compensation Division, Human Resources and Skills Development Canada, Gatineau, K1A 0J2.





What are the benefits?

What benefits does injury compensation provide?

You may receive any or all of these benefits:

- compensation for loss of earnings;
- medical, hospital and related services;
- rehabilitation services;
- a lump sum or a pension if you are permanently disabled.

Does my employer pay my salary if I am away from my job because of a work injury?

If you are an employee of a department or departmental agency, you may be granted leave of absence with pay (injury-on-duty leave) while you are disabled. Most Crown agencies have similar arrangements for their employees.

What if I am a casual employee?

Usually, casual employees with short service are not entitled to injury-on-duty leave, but receive the regular workers' compensation benefits for loss of earnings when disabled. These benefits are a percentage of your average weekly earnings, subject to the maximum set by the applicable provincial legislation.

What rehabilitation services might be provided?

The provincial workers' compensation board may provide services to help you recover from the effects of your accident and facilitate your return to work.

These services may include medical and surgical treatment, physical and occupational therapy, and a wide variety of other services, including vocational training. Artificial limbs and appliances may be supplied as required, and kept in repair or replaced as necessary.





What happens if I break my glasses or dentures or damage my clothes?

As a general rule, broken glasses and dentures will be repaired or replaced if they are being worn when you have an accident.

Some provinces make provision for replacing or repairing clothing lost or damaged in an accident, others do not.

What happens if I am seriously injured and never fully recover?

You will receive either a permanent disability pension or a lump sum with future loss of earnings protection as provided under the workers' compensation law of the province where you are usually employed. Both pensions and lump sums are calculated according to the degree of physical impairment remaining after allowing time for recovery.

Contact a regional injury compensation office of Human Resources and Skills Development Canada* or the provincial workers' compensation board in the province where you are usually employed if you require additional information.

What happens if I contract an occupational disease as a result of my work?

In each province, occupational diseases are recognized for workers' compensation purposes. Any disease, other than those found in provincial workers' compensation legislation, that are due to the nature of the employment and characteristic of a particular occupation or trade may be compensated.

In addition, employees working abroad may be compensated for diseases resulting from environmental conditions of a place outside Canada.

*See list of offices and addresses on pages 19 and 20.





What happens when an employee is fatally injured on the job?

Coverage provides for funeral and other related expenses, a lump sum payment to the surviving spouse, and pensions to the surviving spouse and other dependants.





If you have an accident

If I am injured at work, what must I do to make sure I receive compensation benefits?

When you are injured at work, immediately seek and accept first aid or further medical attention, if necessary. This will ensure that the effect of the injury is minimized. Should you require transportation to a medical facility, transportation will be provided by your employer.

It is your responsibility to notify, as soon as practicable, your immediate supervisor about your accident and injury. Your employer will complete and process an employer's report for compensation purposes stating your description of the accident and his own comments. You may also be asked to give a report directly to the workers' compensation board.

Should I report even a minor injury that occurs at work?

You should report all injuries promptly to your employer. Minor injuries can develop into serious conditions, and there could be difficulty in establishing a claim if the original injury has not been reported.

Can I go to my own doctor for treatment?

You do have the right to choose your own doctor. Choose well, as any change of doctor must be justified in writing to the compensation board, which may or may not authorize your proposed change (except in Quebec where there is no such restriction).

Can claims for work injuries be disallowed?

Claims could be disallowed for the following reasons:

- insufficient information was supplied;
- the accident was not related to the employee's work;
- the injury or disability is not considered to be due to the accident.

A claim may also be rejected if the accident was caused solely by the serious and willful misconduct of the employee.





An employee or the employer may request a review of a decision to disallow a claim.

After my claim has been settled, can it be reopened?

If you can establish that you have further disability or require additional treatment as a result of the accident, you may apply to have your claim reopened.



Coverage while away from usual place of employment

Am I protected while carrying out my duties away from my usual place of work? If so, which province would deal with my claim?

As long as you are engaged in work for your department or agency at the time of the accident, you are covered by the *Act* wherever you may be working in Canada or abroad. Your claim would be handled by the province in which you are usually employed.

If I am travelling while on duty from one place to another, am I covered by the *Act*?

As a general rule, you would be covered while travelling on duty. Any departure or divergence from the route for personal reasons would, however, remove coverage during that interval.

What happens if an employee is fatally injured when away from home on duty?

When an employee is fatally injured away from the place where he or she is usually employed, the *Act* provides for the payment of any reasonable expenses, in addition to those normally paid by the workers' compensation board (see page 10).

What if I am travelling on a non-scheduled flight?

If you are injured while travelling on a non-scheduled flight (a flight on an aircraft that is not a private one and that is not operated on a scheduled flight), you may make a claim either under the *Government Employees' Compensation Act* or the *Flying Accidents Compensation Regulations**. If you are paid, or are entitled to be paid mileage allowance for the flight, you are not covered by the *Flying Accidents Compensation Regulations*.

*The *Flying Accidents Compensation Regulations* do not apply to the entire field covered by the *Act*.



Who handles claims under the *Flying Accidents Compensation Regulations*?

Any claims or inquiries made under the *Flying Accidents Compensation Regulations* should be directed to the Secretary of the Canadian Pension Commission in Charlottetown, P.E.I., or one of its regional offices.





Accidents caused by a third party

What is a “third party” accident?

If you are injured in an accident caused by someone who is not in the public service, then this individual is the third party. For example, if you are struck by a car while on duty, the driver of the car is the third party.

What should I do if am involved in an accident caused by a third party?

You should report the accident as outlined on page 11.

It is important that a complete description of the accident be promptly supplied to a regional injury compensation office of Human Resources and Skills Development Canada through your employer. Names of witnesses, drawings or sketches of the scene, and any other pertinent, factual information should also be submitted. You will be required in such circumstances to indicate that you will claim compensation as provided by the *Act* or that you intend to sue the third party for damages.

May I sue the third party for damages and also claim compensation?

No. If you claim compensation, you transfer your right to sue the third party to the federal government represented by Human Resources and Skills Development Canada. **You may not do both.**

If I sue the third party for damages and lose, OR I recover less than I would be entitled to under compensation, can I then claim compensation?

You are always protected under the *Act* up to the full amount of compensation to which you are entitled. Should you sue and recover less, you would be entitled to receive the difference between what you received from the lawsuit and what you are entitled to under the *Act*, provided the settlement is approved by the Minister of Labour. A court judgement does not require prior approval.





Should I accept a settlement offer made by a third party?

When you elect to claim compensation, you should not discuss nor accept any settlement offered by the third party. In such a case, the recovery of damages from the third party is entirely the responsibility of Human Resources and Skills Development Canada.

How long do I, or my dependants, have to decide whether to claim compensation benefits or to sue the third party for damages?

You must make your decision to claim compensation or to sue within three months after the accident. In the case of an accident resulting in your death, your dependants must elect to claim compensation or sue within three months after your death.





Inquiries

Where can I obtain more information about compensation or the handling of my claim?

You should ask your supervisor or personnel officer. If necessary you can ask the workers' compensation board in the province in which you work or a regional injury compensation office of Human Resources and Skills Development Canada. In all correspondence you should mention the date of the accident and the claim number.





It is your responsibility to notify your employer of any accident you may have at work.

An ounce of prevention

Bring to the attention of your supervisor any unsafe process, equipment, machine or other thing that constitutes a hazard to yourself or to your fellow employees.

It is to your advantage to think and to act safely as you go about your work.

It is in your interest to supply information about your accident promptly, accurately and completely.





Your claim should be sent to the regional office according to the province where you usually work

New Brunswick, Nova Scotia, Newfoundland and Labrador and Prince Edward Island

Manager - Injury Compensation
HRSDC - Labour
New Brunswick Region
P.O. Box 1166
Moncton, New Brunswick
E1C 8P9
Tel.: (506) 851-2162
Fax: (506) 851-6645

Quebec

Manager - Injury Compensation
HRSDC - Labour
Quebec Region
Guy-Favreau Complex
200 René-Lévesque Blvd. West
West Tower, 4th Floor
Montreal, Quebec
H2Z 1X4
Tel.: (514) 982-2384
Fax: (514) 283-6737

Ontario

Manager - Injury Compensation
HRSDC - Labour
Ontario Region
Podium Building
300 Sparks Street, 3rd Floor
Ottawa, Ontario
K1A 0J6
Tel.: (613) 991-4562
Fax: (613) 990-3596



Manitoba and Saskatchewan

Manager - Injury Compensation
HRSDC - Labour
Manitoba/Saskatchewan Region
P.O. Box 11,000
Winnipeg, Manitoba
R3C 3A4
Tel.: (204) 983-2413
Fax: (204) 983-2117

Alberta, British Columbia, Nunavut, Yukon and the Northwest Territories

Manager - Injury Compensation
HRSDC - Labour
B.C. & Yukon Regions
125 East, 10th Avenue
Vancouver, B.C.
V5T 1Z3
Tel.: (604) 872-4398
Fax: (604) 666-6741

Claims for locally-engaged abroad:

Human Resources and Skills Development Canada
Occupational Health and Safety and
Injury Compensation Division
Gatineau, Quebec
K1A 0J2
Tel.: (819) 953-8001
Fax: (819) 994-5368

