



COMPENSATION WATCH

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Timely incident reporting benefit workers, employers

Costly penalties, prosecution may result from failure to report

Timely accident reporting to the provincial compensation board is a major component of claims management. Failure to report claims in a timely manner may result in employers being assessed with administrative penalties by the compensation board, and/or being prosecuted under the provincial compensation legislation.

Many employers have asked whether they are required to submit a report if they dispute that the reported injury is work-related. They dispute the reporting requirement in the absence of a work-related injury. However, employers must remember that the reporting requirements are set out in the legislation, and that it is the role of the compensation board to adjudicate the claim and determine whether there is entitlement to benefits. Employers are required to report workplace injuries that they become aware of, based on the criteria set out in the compensation legislation. They also have the ability to dispute entitlement to benefits if they dispute work-relatedness.

As the workers' compensation system exists for the protection of workers, the requirement for timely reporting is vital to ensure that claims are registered,

processed and benefit entitlement decisions are made in a timely manner. Delays and non-reporting by employers may prevent an injured worker from receiving treatment or wage loss benefits that they may be entitled to from the compensation board, thus delaying recovery and creating financial hardship for a worker injured on the job.

Accident reporting requirements vary by province. While some provinces require reports to be made within three days or 72 hours, others allow a period of five days for reports to be submitted. Additional requirements may be in place, depending on the nature of the incident, including whether the worker received medical attention as opposed to first aid treatment, and whether they lost time from work. Employers should become familiar with the specific reporting requirements in their province, and ensure that staff responsible to complete reports are also trained on the reporting deadlines.

Penalties exist for those employers who do not report in a timely manner or who fail to report altogether. Penalties vary by province and may include administrative fines and/or prosecution. Employers have been prosecuted when compensation boards

have identified a pattern or history of late or non-reporting. Employers may also be prosecuted for providing false information when reporting, such as stating that a worker had returned to work following an injury when, in fact, the worker had lost time from work due to the injury.

Employers are generally required to submit an injury report when they become aware of an injury or illness. This would include reports made to a supervisor. Therefore, it is important for employers to establish processes to ensure that timely reporting takes place. There are a number of steps employers can take to ensure that incidents are reported on time:

1. Create and implement an accident/incident investigation and reporting procedure, including legislative requirements for accident reporting, reference to necessary forms, accountability and potential consequences.
2. Train employees to report accidents/incidents to their supervisors immediately. If they seek medical attention afterwards, employees should be trained to report this information to their supervisor immediately.
3. Train supervisors on the accident reporting requirements and advise them of the consequences of late or non-reporting of accidents. Ensure that supervisors receive training on accident investigation and reporting techniques, and provide them with the necessary forms/documentation to enable them to complete a thorough investigation and report.

4. Contact the compensation board if there is any question as to whether an incident must be reported. The compensation board will provide direction as to whether a report is required.

5. Monitor claim-reporting activities to ensure that accidents are being reported in a timely manner. Investigate any incidents of late reporting to prevent repeat occurrences.

Timely reporting benefits both injured workers and employers. Injured workers benefit by having their claims processed in a timely manner, thus resulting in more rapid access to treatment and wage loss benefits. Employers benefit by avoiding potentially costly administrative penalties and/or prosecution.

Timely cooperation requires coordination on the part of workers, supervisor and claim management personnel to ensure that the accident/incident is reported internally in a timely manner, and externally within required time limits. By taking steps to educate all parties about internal and external reporting requirements, employers will avoid unnecessary and potentially costly penalties.

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