

## Workers' Compensation: FAQs

Common misconceptions about Workers Compensation across all workplaces and professions. Here's a few debunked:

**It doesn't matter if you weren't operating the equipment properly, you're still covered.** *It's a no-fault system.* They are not going to refuse to accept your claim because it's your fault you got injured (even if the employer tells you that's the case.) The only exception is if you were engaging in misconduct like being drunk on the job, or starting a fight with a co-worker. In these cases they may deny your claim because you took yourself outside your employment.

**You DO NOT have to miss work in order to make a claim.** Even if there is no wage loss, you should always file a claim because you may find that you have problems in the future, or you may need health care coverage. You may have had an exposure to toxic fumes but did not get sick; however you may develop some form of pulmonary illness in later years. So always, always file a claim.

**If you realize after the one year time limit has passed that you should have filed a claim, it is not good enough to say that the employer threatened you, or told you that you didn't have to file, or told you that they had filed it for you.** It could be, but the WCB will generally not accept that as an excuse. So no matter what anyone says to you, file that claim!

**If you have a WCB pension, you CAN go back to them at any time if your condition worsens.** They may tell you that you can't, but you can. And you SHOULD. If you have a small pension from the WCB but your disability grows worse, you can ask for a reopening and a reassessment of your pension as well. If you suffer along in silence for years and finally go back to the WCB, even if you do get an increased pension, they will likely only give it to you from the date you contacted them. Don't let that time pass by. Go back and let them know your condition is worse.

**If you have a WCB pension, it will die with you.** Your spouse and dependents will not continue to get it after you die (unless it is your compensable injury or occupational disease that causes your death.) Make your plans accordingly.

**It's difficult to go back and fix an unappealed decision letter. Always appeal!** A decision that has never been appealed may haunt you for the rest of your life. You know you hurt your back on the job but the WCB turned down your claim. If you don't appeal it, you may have to live with a "history of a non-compensable back injury" for the rest of your life. Any future problems you may have with your back may well be attributed to your "pre-existing" back condition and you may just be out of luck. You might be able to get an extension of time to appeal, but you can save yourself the trouble; if you think a decision is wrong ALWAYS APPEAL.

**Never take their word for it.** The WCB may tell you that they cannot do something for you or that the policy does not cover you. They may tell you a lot of things. Don't take their word for it! Go to the union and find out. Don't take no for an answer from the WCB. A vast majority of appeals are won, and they all started with a "no."

**Finally: it's not legally WorkSafeBC.** They never did change their name. They are still the Workers' Compensation Board. When they call it "SafeWorkBC" we'll agree to use the term because that's where the emphasis should lie, on the employers, to provide safe work. This government wants to put all the responsibility on workers and give employers all the breaks. They have robbed workers of benefits and pensions and workplace rights. We should always remember that while we all have to work safely, it's up to employer to *make workplaces safe*, and the system is here to provide compensation to injured workers.