

# **Navigating the System**

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A compiled portfolio that will aid retired workers and their families in filing for compensation claims related to long-term occupational disease or illness.

The Occupational and  
Environmental Health  
Coalition of Peterborough,  
O&EHC-P, 2015

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### **Introduction:**

The purpose of this compiled document is to assist in your knowledge of the compensation claims process and to provide you with an overview of process and many of the expected steps that will be necessary for workers and/or families who are experiencing the affects of a long-term occupational disease or illness due to exposures in the workplace.

The compensation claims process in general is geared more towards specific, short-term injuries that are directly affected by one's occupation. Those workers and/or families with claims related to long latency diseases, illnesses or cancers have a much more complex process to undergo.

This document will hopefully ease some stress and anxiety of trying to navigate the complexity of the compensation claims process on your own. The O&EHC-P is committed to making sure that you have the support you need.

\*This portfolio is meant to be a guideline. It aims to inform the claimant of the complexities of the system, and helps to point the claimant in the right direction.

\*\*In many instances this document was written as it is addressed to the worker, but in many cases it is family members who are advocating on behalf of deceased workers.

\*\*\* The recommendations within this document are based on the most recent experiences of the O&EHC-P, and therefore the information might change as new information and/or recommendations are made. This portfolio is meant to be a guideline with the claimants' interest in mind. Claimants are encouraged to contact the O&EHC-P for more information. (Information for the O&EHC-P can be found in

Chapter 8). Recommendations, written information and documents from your legal representative and from WSIB must be followed to ensure that you have completed all legal requirements in the claims process.

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**Contacting the O&EHC-P Steering Committee:**

- John Ball Telephone number: 905 342 5231  
[jonathanhenry73@hotmail.com](mailto:jonathanhenry73@hotmail.com)
- Don McConnell Telephone number: 705 745 1406  
[mccconnell493@hotmail.com](mailto:mccconnell493@hotmail.com)
- Katherine Dracup Harris Telephone number:705 760 9102  
[kathy@harrisgroup.ca](mailto:kathy@harrisgroup.ca)
- Marion Burton Telephone number:705 295 6139  
[marionburton@nexicom.net](mailto:marionburton@nexicom.net)
- Heather Brooks Hill Telephone number :705 927-1283  
[heatherbrookshill@mac.com](mailto:heatherbrookshill@mac.com)

At this point you and the O&EHC-P should have all of the necessary resources, information and support to go forward with your claim.

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**Chapter 1: First Steps, Information Gathering**

The first part of the process is to gather as much information on your health and work history as possible. The more information you gather, the more accurate your exposure history will be. The size of the GE-Peterborough plant, the complexity of the exposures and the long latency period between exposures and illness necessitate much information gathering. Don't worry if you can't remember everything – this is just a starting place. The OEHC-P has retirees who help compile this information – but you need to begin the process.

1. If you believe that you are suffering from a disease, illness or cancer that was caused by a former workplace exposure(s), then here are the ways that you can begin to gather information.
2. Contact GE-Peterborough for your **work history records**, including position changes.

Phone Number and address to retrieve this information:

- General Electric Peterborough, 107 Park St. North. Peterborough Ontario, K9J 7B5. Phone: **(705) 748-8083**. Fax: **(705) 748- 7016**.
- Ask for human resources
- Ask for “**work record/ position changes**” form [See example: Form (4).]
- Ask for a hard copy of your work records to be sent to you.

3. Create a context: Take out a pad and paper/computer and start to make notes on your work experiences at GE- Peterborough. Take note of working conditions,

protective equipment, eating locations, floor rules, nearby equipment, nearby workmen, smells, sounds, where you worked exactly, which department, etc. Aim to paint a picture of your work experience for your personal files and records, which you can refer to in later steps. Also refer to Document 7 in Chapter 7 for suggestions on where to start. Also refer to Documents 1 and 2 in Chapter 7 to see if these relate to your work experiences.

4. Take a look at the Map of GE-Peterborough Plant (Document 3 in Chapter 7), and try to pin point where you had worked in the plant. Take into consideration that you and/or your department may have moved throughout the years. If able, print out the map of GE- Peterborough and highlight/ mark where you had worked in the plant.

5. Refer to form (5), the Co-worker Information sheet. Try to remember who could vouch for your whereabouts at the time you were working in the plant and who can corroborate your work history and exposure information. Write down their information on the sheet attached for your records. These co-workers can potentially be used to confirm the accuracy of the information you provide about your work history at GE-Peterborough. They can also be used as a resource to fill in any missing information that you do not remember about your working days, or to fill in missing information from your claim file.

Once you have created a solid base of information, you are ready to move forward with the process. The information compiled from this section will help in the following sections.

## **Chapter 2: Medical Information and Confirmation of Occupational Disease**

In order to identify that your illness, disease or cancer is work related there, is some more information that is needed by the WSIB.

1. You need a Medical Consultation. This consultation will offer a medical opinion about the probability of the link between your illness and work exposures.

2. A physician specializing in occupational disease will provide you with a more comprehensive consultation. To date most of these assessments are completed by the Occupational Health Clinics of Ontario (OHCOW). For some – their family physician completed this information.

3. Contact OHCOW to **book an appointment for a medical consultation.**

### Information needed to Contact OHCOW:

- Toll free at: **1-877-817-0336**
- For the Toronto clinic, call **416- 449-7772**, or 970 Lawrence Ave. West, Suite 110, Toronto Ontario M6A 3B6.
- Request a medical consultation at your earliest convenience.

\*For other phone numbers and addresses of the OHCOW clinics in Ontario, refer to Additional Relevant Information in the

appendix, under Associated Relevant Organizations:  
Explanations and Contact Information\*

3. The information that you collected from Chapter 1 will be helpful in informing the physician of your work history, work conditions, work exposures etc, so please make sure to bring all of your documents and notes to the consultation to be able to refer to them during the meeting. OHCOW physicians have completed many medical consultation for workers from GE-Peterborough.

4. In the consultation, the staff (which may include Occupational Hygienist, Nurse and Physician) will take detailed information on your health and work history including your:

- 1) Employment position
- 2) Work history exposures
- 3) Latency periods
- 4) Mixed exposures.

5. The staff will have you sign consent forms to allow your family doctors and/or specialist to send OHCOW your medical information, including things like diagnosis and test results. At this point, OHCOW will have compiled enough information on your health history to make an educated decision on whether your illness is work related.

6. Once OHCOW has reviewed all of the necessary information they will provide their official medical opinion known as a **Health Professionals Report**. A Health Professionals Report will indicate if they believe your illness is work related or not. You will likely receive a Medical Consultation Report as well. They will send you a copy of this report in the mail. This process will:

- Confirm that in their opinion OHCOW believes your illness is work related – a form 8 will be submitted to WSIB
- Indicate that there is not enough research/science to link your exposure history and specific illness – if this is the case they will keep your information for consideration should new science and/or medical information become available – a form 8 will NOT be submitted to WSIB

7. In addition to the Health Professionals Report, the physician will also complete a WSIB **Form 8** [refer to Document 6 in Chapter 6].

- If the claimant has already submitted a Form 8 to WSIB, the **Health Professionals Report** will be added to the claimants existing file to confer that the disease/ illness is work related.

8. OHCOW will then send both the **Health Professionals Report** and the **Form 8** to WSIB. A claim file will be made in your name.

### Chapter 3: the WSIB Claims Process

The following chapter will outline the WSIB claims process, as well as outline the next steps for claimants after a claim has been submitted by the health professional. Please note that this is a very complex process and this document attempts to provide basis information. It is important to read all correspondence from WSIB and follow any instructions that are given. This will include completing forms as per that process.

#### What is a Workplace Safety and Insurance Board (WSIB) claim file?

A claim file is created by the WSIB whenever a work-related injury or disease is reported to them. Your WSIB claim file will include all the documents related to your injury or disease claim including memos made on your claim by WSIB employees, medical reports, any and all forms such as **Form 8**, as well as any and all correspondence with WSIB. It can include documents submitted to the WSIB by you, your doctor, and your employer, your union as well as documents created by WSIB employees. Every claim file has a unique number. WSIB employees will request your claim number every time you talk to them.

Continuing from Chapter 2:

9. Once the medical information component of the process has been completed and submitted, the WSIB will contact you to say that they have received your information. They will explain the next steps in the process. This may take up to a few weeks.

10. In this letter, you will receive a **claim number** that will represent you and your information in the system. You will use this number whenever you are in contact with the WSIB from this point on.

10. Keep your files and medical records up to date by keeping receipts and records of doctor's appointments, expenses, and conversations with medical professionals etc. The more information that WSIB has in your claim file, the better because it will give them more context when considering your claim.

11. The next step is to decide who your legal representative will be. It is very important to choose a legal representative at this point. They will help to guide you through the next steps of the process and will help if your claim is denied.

12. There are 3 options to choose from when deciding legal representation:

1. OWA (Office of the Worker Advisor) provides free legal help for retired workers and non-union workers
2. Union (ie, UNIFOR) provides support if you are still employed. It is possible that they will represent retired workers as well – but you will need to confirm that with the local.

3. Licensed paralegal – provides legal representation – You will need to ask about upfront fees. Ask what % of your claim if you are compensated goes to them.

14. OWA (Office of the Worker Advisor) is committed to helping retired workers appeal their claims. The OWA can represent a claimant in a possible appeal at the Workplace Safety and Insurance Board (WSIB) or the Workplace Safety and Insurance Appeals Tribunal (WSIAT) level (Chapter 6). The OWA can help identify appropriate appeal forms and provide advice about meeting time limits.

\*The OWA and the O&EHC-P have a positive working relationships.\*

\*The following information will be regarding the use of the OWA as your legal representative.\*

15. Contact OWA to **find a legal representative**.

Information Needed to Contact the OWA:

- **The Scarborough Office handles the GE –Peterborough files and so it is recommended that you contact that office directly - 305 Milner Ave, Suite 918 Scarborough, ON M1B 3V4 Tel.: (416) 325-9846**
- When you call, make sure you tell them that you are a former employee of the GE-Peterborough. If you are not a former GE-Peterborough employee, let them know where you worked. Let them know that you are looking for help with a long-term occupational disease claim, as this is different from a specific, direct occupational injury claim.
- Ask if they would be able to help with the following steps of your claim, which could be a ‘denial’.
- You should have the following information and documents with you when you call:
  - your WSIB claim number or WSIAT appeal number
  - the nature of your illness
  - the name of your employer
  - the WSIB decision(s) or letter(s) you are calling about

16. Make sure that you get the contact information of the person you were talking with on the phone, and that you are able to contact them again in the future if you have more questions or need more information regarding the next steps of your claim.

17. The next step of the claim process is to respond to any requests for information from WSIB. For some workers WSIB may have one of their occupational hygienists complete an occupational hygiene assessment for you.

18. An adjudicator will be assigned to your file. You can contact that person at any time with questions.

\*The time between submitting a claim and getting an answer from WSIB may be considerable. We encourage workers and/ or their families to contact the adjudicator for updates. \*

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## Chapter 4: After a Denial: The Appeals Process

1. You will receive a letter in the mail that will determine the decision of the WSIB regarding your claim. If your claim has been denied, WSIB will send you a letter in the mail to notify you of the next steps, including information should you wish to appeal the decision. Your claim file is important if you want to appeal a WSIB decision. It will tell you what facts the WSIB used to make the decision.

The letter may also include directions to the option of filing an “**intent to object form**” and eventually an “**appeal readiness form**” (See attached Documents 8 and 9 for examples).

2. If you choose to go ahead with an appeal, contact your legal representative immediately. Make clear what you would like to do in terms of your “denial”, and discuss whether the legal representative supports you in your decision to go forward with your appeal claim. They will advise you on whether or not the decision can be reconsidered for an appeal.

\*You have 6 months to appeal a denial from WSIB, so do not hesitate with this step.\*

3. On your own AND with your legal representative review your denial letter and note any questions, concerns or comments that you might have. This denial letter along with other relevant information in your WSIB file is important for the claimant themselves to understand prior to continuing forwards with the appeals process.

4. It is at this point, that you should request a copy of your WSIB file. To do this, fill out the **Worker Request for Copy of Claim File** (refer to Document 10 in chapter 7) and send to WSIB as soon as possible.

\*This may take up to 8 weeks to process and be sent to you. \*

5. When you eventually get your WSIB file, DO NOT CHANGE THE ORDER OF ANY OF THE INFORMATION. If you can do so carefully, hole-punch the received documents and put them into a binder in the exact order you received them in. Do not remove



any of the documents from the file. On your own AND with your legal representative review all information from the file and note any questions, concerns or comments you might have. If any of the information does not appear to be correct, take note of this as well.

6. It is not unusual for GE-Peterborough workers exposure histories to be incomplete or underreported. So like the steps in Chapter 1, we ask workers and/or families to gather information with the legal representative to create a broad picture for WSIB and the legal representative to understand the claim up until this point. The following steps instruct a thorough gathering of information (similar to that in Chapter 1).

7. Contact GE-Peterborough for your **work history records**, including position changes.

Phone Number and address to retrieve this information:

- General Electric Peterborough, 107 Park St. North. Peterborough Ontario, K9J 7B5. Phone: **(705) 748-8083**. Fax: **(705) 748- 7016**.
- Ask for human resources
- Ask for “**work record/ position changes**” form [See example: Form (4).]
- Ask for a hard copy of your work records to be sent to you.

8. Create a context: Take out a pad and paper/computer and start to make notes on your work experiences at GE- Peterborough. Take note of working conditions, protective equipment, eating locations, floor rules, nearby equipment, nearby workmen, smells, sounds, where you worked exactly, which department, etc. Aim to paint a picture of your work experience for your personal files and records, which you can refer to in later steps. Refer to Document 7 for suggestions on where to start. Also refer to Documents (1) and (2) to see if these relate to your work experiences.

9. Take a look at the Map of GE-Peterborough Plant (Document 4), and try to pin point where you had worked in the plant. Take into consideration that you and/or your department may have moved throughout the years. If able, print out the map of GE- Peterborough and highlight/ mark where you had worked in the plant.

10. Refer to Document 5, the **Co-worker Information sheet**. Try to remember who could vouch for your whereabouts at the time you were working in the plant and who can corroborate your work history and exposure information. Write down their information on the sheet attached for your records. These co-workers can potentially be used to confirm the accuracy of the information you provide about your work history at GE-Peterborough. They can also be used as a resource to fill in any missing information that you do not remember about your working days, or to fill in missing information from your claim file.

**\*\*Make 3 copies of the file so that the documents can be shared with your legal representative, yourself and, if requesting support from the O&EHC-P, a copy for them\*\*.**

11. With your legal representative, due to their knowledge of the process, complete the **“Intent to Object Form”** and the **“Appeal Readiness Form”** to complete your request for an appeal to your denied claim. (See attached Documents 8 and 9 in Chapter 7).

## **Chapter 5: The OEHC-P and ‘Fair Review, Fair Compensation’**

**The O&EHC-P** is a group of volunteers who work closely with the Occupational Health Clinics for Ontario Workers (OCHOW), Office of the Worker Advisor (OWA) and the Special Team set up by WSIB.

In response to the number of calls that the O&EHC-P receives from people who need assistance in the compensation process or the appealing of a denial for compensation, OEHC-P set up a process to provide support and information so that injured workers and their families have both support and information in managing their claim. The stress of being sick, feeling like they have no support and the challenges of navigating numerous complex systems is more than most workers can manage on their own.

### **\*The Occupational and Environmental Health Coalition – Peterborough (O&EHC-P) has no legal authority.\***

The sole purpose in reviewing files and meeting with workers and/or their families is to help claimants navigate the complexity of the compensation claim system so that they have the best possible chance of having a **fair review** and, if appropriate, receive **fair compensation**.

**The Fair Review, Fair Compensation process** was set up by the O&EHC-P at the request of injured workers and/or their Families. The Coalition has received many calls (and now emails) from workers and families asking:

- How they can get information on the status of their claim,
- How to move their claim forward
- Requesting information in understanding why their claim was denied and what they can do about it.

The purpose of the review is to determine the steps that have already been made by the claimant, what information may be missing from the file and what information could contribute to a more detailed review of the workers retroactive work profile. Issues and/ or concerns can be identified clearly to move forward with the process and the O&EHC-P offers the support that many families need during this stressful process.

Many retired workers and their families are unable to undertake this without

support. The O&EHC-P relies on the documentation and information provided by other workers as resources for claims. John Ball and Don McConnell are key resources in accessing and documenting work histories and exposure histories. The O&EHC-P also contacts other retired workers when determining exposures.

### **(O&EHC-P) Fair Process – Fair Compensation Review**

1. Two to four members of the O&EHC-P Steering Committee will meet with the injured worker and/ or their family to hear their story.

2. The claimants will need to sign a consent form (see attached Document 11) so that they understand the process and so that confidentiality is protected. If O&EHC-P has signed a consent, it means that the worker and/or their family are indeed participating in the review process with the O&EHC-P, and that the coalition then has the permission to contact OWA, OCHOW, and WSIB on the claimants behalf in order to help them navigate the systems and move their claim forward.

\*Note that only those individuals identified above will have access to this information. Confidentiality will be respected to the highest degree and no information that discloses the identity of the participant will be published without consent, unless disclosure is required by law. Again, refer to the **consent form** attached as Document 11 in Chapter 7.

\*All workers and/or their families will be informed of the results of the O&EHC-P's review verbally.

\*Participants will be given a copy of the consent form to keep.

\*All claimants may refuse to participate or may withdraw at any time. If the participant withdraws they can request that all of their information be destroyed or returned to them. \*

3.Claimants are to bring all documentation to the interview so that issues, concerns, and missing information can be identified by the O&EHC-P.

\*If claimant does not have a full copy of their information, the O&EHC-P will work with the claimant to access the information. \*

5. An interview is conducted between members of the O&EHC-P steering committee and the worker and/ or family to hear their story and to identify next steps in the process of moving their claim forward. The O&EHC-P will also review the notes and documents with the claimant to look for:

- Missing information
- Inaccurate information
- Next steps in the process

## Chapter 6: WSIAT- the Final Level of Appeal

The WSIAT is an independent organization that is separate from the WSIB. The WSIAT is the **final level** of appeal for workplace insurance matters. Decisions of the WSIAT are made by a single Vice-Chair or a three-person panel. Appeals to the WSIAT decision often include an oral hearing, but may be dealt with through written submissions alone.

The *Workplace Safety and Insurance Act*, section 123(4), states that the Appeals Tribunal's (WSIAT) decisions are final. Nevertheless, section 129 gives the Tribunal the discretion to reconsider a decision if the Tribunal considers that it is advisable to do so. Reconsiderations, however, are rarely granted.

A reconsideration is different from an appeal. Unlike an appeal of a Board decision, a party must provide a good reason for a Tribunal decision to be reconsidered. A reconsideration will not be granted because a party disagrees with the decision and wants to re-argue the case. Other than a reconsideration, the only other option for having a Tribunal decision changed is to file an application for Judicial Review in the Superior Court of Justice, Divisional Court.

### **A reconsideration involves two steps:**

- 1) The Tribunal must decide whether it is advisable to reconsider the decision. This is called the threshold test;
- 2) If the threshold test is met, the Tribunal must decide whether the previous decision should be changed and, if so, how it should be changed. This is called the decision on the merits.

The Tribunal has developed a specific threshold test in its decisions to help Vice-Chairs and Panels weigh the need for finality in decision-making against the particular circumstances favouring reconsideration. The threshold test requires that generally, the Tribunal must find that there is a significant defect in the administrative process or content of the decision, which, if corrected, would probably change the result of the original decision. The error and its effects must be significant enough to outweigh the general importance of decisions being final and the prejudice to any party of the decision being re-opened .

The power to reconsider is discretionary. The Tribunal might decide that there is a good legal reason to reconsider a decision when:

- significant new evidence is discovered which was not available at the original hearing and which would likely have changed the outcome
- the decision overlooks an important piece of evidence (as opposed to rejecting the evidence or distinguishing it)

- the decision contains a clear error of law (for example, the decision does not apply the relevant sections of the *Workplace Safety and Insurance Act*)
- the decision contains a jurisdictional error (for example, the Tribunal decided an issue which it did not have the legal authority to decide).

The threshold test has been set out in numerous WSIAT decisions . These and other Tribunal decisions are available on the Tribunal’s website ([www.wsiat.on.ca](http://www.wsiat.on.ca)) or from the Ontario Workplace Tribunals Library.

### **The Reconsideration Request**

The reconsideration procedure is flexible and can be varied to fit the needs of a particular case. The Workplace Safety and Insurance Act states in section 131 that the Appeals Tribunal may set its own practice and procedure. Most reconsideration requests are decided on the basis of written submissions; however, the Tribunal may require an oral hearing.

The Tribunal is the last level of appeal for workplace safety and insurance matters in Ontario. Its decisions affect both workers and employers. Accordingly, finality of the decision-making process is extremely important.

Therefore the Tribunal has determined that as a general practice, it is not advisable to reconsider a decision after more than six months has passed since the date of the decision. A delay of more than six months in making a reconsideration request is a factor, which may be weighed in deciding whether it is advisable to reconsider the decision.

Only a party to a Tribunal decision or the Workplace Safety and Insurance Board can request a reconsideration. If a party has chosen not to participate in the hearing, it is unlikely that this party’s reconsideration request will be granted. A reconsideration is not an appeal and consequently it must be argued differently. The issues to be decided are whether the decision should be reopened and whether there is a good reason to change the result of the original decision. As such, it is a good idea for a party making a reconsideration request to have a representative experienced with workplace safety and insurance matters.

\*Please make sure to contact O&EHC-P if you come this far in the appeals process.\*

### **Chapter 8: Reference Documents:**

(Document 1) **“Asbestos Snowstorm” document**. This document briefly describes the experiences and work conditions of some workers who were exposed to Asbestos during their employment at GE-Peterborough.

(Document 2) **“GE Shutdowns, the Dirtiest Jobs” document.** This document describes the experiences and work conditions of some workers who were part of the Labour Gang.

(Document 3) **GE Peterborough Plant Map.** This is a simple map of the GE-Peterborough plant as it existed in the years <<<<>>>

(Document 4) **Example of Work Records/ Position Changes form.** This document will explain in detail what position in the factory you worked, if you had multiple positions, dates (in full) of your employment at GE-Peterborough. **Need to scan a blank copy!**

(Document 5) **Co-worker Information sheet.** This document might become useful when needing to substantiate and validate information made in your records/work history and exposure history.

(Document 6) **Form 8.** This is a copy of the Form 8, which WSIB requires that a health professional’s opinion be included in the compensation claims process to substantiate the injury or illness.

(Document 7) **Recollection sheet.** This sheet will help to organize your memories of your work history.

(Document 8) **Intent to Object.** This form will advise the WSB that you object to their decision to deny your claim.

(Document 9) **Appeals Readiness Form.** You and your legal representative will fill this out together when you are ready to submit it to the WSIAT.

(Document 10) **Worker Request for Copy of Claim File.** You will need to fill this sheet out if you want to request a copy of your claim file in the appeals process.

(Document 11) **O&EHC-P Consent Form (page 3).** This is an example of the form that the O&EHC-P will have you sign before collaborating with you on your claim.

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### **Additional Relevant Information:**

- Glossary of definitions
- Associated relevant organizations: explanations and contact information
- Disclosure of Claim file Information to Worker or Employer Representatives



Document (5). **Co-worker Information**

This is a useful sheet written by the O&EHC-P to help a claimant compile the information of former co-workers. This document might become useful when needing to substantiate and validate information made in your records.

Your Work History

1. Review – Your Work Records from GE – this has codes for each job you did
2. Review – GE work history – this is usually a year by year summary of where you worked and what you did. It is often completed by Brian Hill. Is this accurate?
3. Review – Any Occupational Hygiene assessments completed on your behalf – often Derek Chung from WSIB is the individual who has completed the hygiene assessment.

It is important to review all of this information – it is not unusual for this information to miss exposures and/or under report exposures. As you review this information – make notes, writing down as much information as you can remember.

Who Did You Work With? Are there co-workers that can help you confirm the accuracy of your information or help fill in any missing information?

1. Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_
  
2. Name: \_\_\_\_\_ Phone Number \_\_\_\_\_
  
3. Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Is there any other relevant information that think OWA should be aware of?



# Glossary of Important Definitions

## **What is a Workplace Safety and Insurance Board (WSIB) claim file?**

A claim file is created by the WSIB whenever a work-related injury or disease is reported to them. Your WSIB claim file will include all the documents related to your injury or disease claim including memos made on your claim by WSIB employees, medical reports, any and all forms such as **Form 8**, as well as any and all correspondence with WSIB. It can include documents submitted to the WSIB by you, your doctor, and your employer, as well as documents created by WSIB employees. Every claim file has a unique number. WSIB employees will request your claim number every time you talk to them.

## **What is an occupational disease?**

An occupational disease is a disease or illness that was caused by some aspect of your job. Often, occupational diseases are caused by exposure to chemicals or substances in the workplace. For example, you might develop lung cancer because you were exposed to asbestos in your workplace.

You can file a claim for occupational disease if:

- you have been diagnosed with a disease that you think is related to your employment, or
- you have been removed from exposure to a substance to prevent you from developing a disease

Many diseases take a long time to develop. You can file a claim for occupational disease even if you no longer work at the job that you think caused your disease.

## **What is Long-Term Latency?**

A long-term latency period refers to the time between an initial exposure and when a doctor definitively diagnoses the cancer.

## **What is a Licensed Paralegal?**

To provide legal services on WSIB matters, a representative must be licensed by the Law Society of Upper Canada (LSUC) **OR** must be exempt from this licensing requirement.

A common exemption: You may be represented by a friend or a relative who is not in the business of providing legal services but who may occasionally help someone for no fee.

You must give WSIB written authorization to allow your representative to view your claim file. The WSIB also needs current contact information for your representative. Your representative must sign the Appeal Readiness Form confirming you are ready to proceed with your appeal.

## **What are survivors' benefits?**

If you are a spouse, child or other dependant of a worker who died as a result of a workplace injury or disease you can file a claim for survivors' benefits. Survivors' benefits include a lump sum payment and monthly benefits. Surviving spouses may also be entitled to assistance with re-entering the workforce. Funeral expenses and counseling for survivors may also be covered.

# Associated Relevant Organizations

## O&EHC-P Participants(s):

- John Ball Telephone number: 905 342 5231  
[jonathanhenry73@hotmail.com](mailto:jonathanhenry73@hotmail.com)
- Don McConnell Telephone number: 705 745 1406  
[mccconnell493@hotmail.com](mailto:mccconnell493@hotmail.com)
- Katherine Dracup Harris Telephone number:705 760 9102  
[kathy@harrisgroup.ca](mailto:kathy@harrisgroup.ca)
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[marionburton@nexicom.net](mailto:marionburton@nexicom.net)
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[heatherbrookshill@mac.com](mailto:heatherbrookshill@mac.com)

**The Office of the Worker Advisor (OWA)** provides free and confidential services (advice, education, and representation) in workplace insurance matters (formerly called workers' compensation) and on occupational health and safety reprisal issues. The OWA has provided assistance with workplace insurance matters since 1985 and health and safety reprisals since April 2012.

The OWA provides workplace insurance services to non-unionized injured workers and their survivors. Occupational health and safety reprisal services are provided to non-unionized workers. The OWA delivers all of its services in English and French. The OWA represents workers at the Workplace Safety and Insurance Board (WSIB), the Workplace Safety and Insurance Tribunal (WSIAT) and the Ontario Labour Relations Board (OLRB). Alternative dispute resolution is used to resolve cases when possible. The OWA also provides self-help information for workers to handle their own claims or applications where appropriate.

The OWA develops community partnerships with other groups that assist injured workers or who promote health and safety in the workplace. The OWA also provides educational services in local communities on topics related to its mandates.

- To contact them call the toll free number: 1-800-435-8980
- E-mail: [owaweb@ontario.ca](mailto:owaweb@ontario.ca)
- Address: 123 Edward Street, Suite 1300 Toronto, ON, M5G 1E2  
Tel.: (416) 325-8570  
Fax: (416) 325-4830

The mission of the **Occupational Health Clinics for Ontario Workers (OHCOW)** is the protection of all workers and their communities from occupational disease, injuries and illnesses, support their capacity to address occupational hazards and to promote the social, mental and physical well-being of workers and their families.

To have a health professional complete a Health Professionals Report and a Form 8, book an appointment to see a physician by considering the locations below.

OWA phone numbers and addresses in the figure below.

## Contact Us

If you think something about your workplace is putting you or your co-workers at risk, or if several people at your workplace have similar health problems, or if you simply want information about what the Occupational Health Clinics for Ontario Workers (OHCOW) do, contact the clinic nearest to you listed below.

All clinics can be reached toll free at 1-877-817-0336

 **Hamilton**  
848 Main Street East  
Hamilton, Ontario L8M 1L9  
Tel 905.549.2552  
Fax 905.549.7993  
Email [hamilton@ohcow.on.ca](mailto:hamilton@ohcow.on.ca)

**Sudbury**  
84 Cedar Street, 2nd Floor  
Sudbury, ON P3E 1A5  
Tel 705.523.2330  
Fax 705.523.2606  
Email [sudbury@ohcow.on.ca](mailto:sudbury@ohcow.on.ca)

**Windsor**  
3129 Marentette Avenue, Unit 1  
Windsor, Ontario N8X 4G1  
Tel 519.973.4800  
Fax 519.973.1906  
Email [windsor@ohcow.on.ca](mailto:windsor@ohcow.on.ca)

**Thunder Bay**  
1151 Barton Street, Suite 103B  
Thunder Bay, Ontario P7B 5N3  
Tel 807.623.3566  
Fax 807.622.5847  
Email [Thunderbay@ohcow.on.ca](mailto:Thunderbay@ohcow.on.ca)


**Samia-Lambton**  
171 Kendall Street  
Point Edward, Ontario N7V 4G6  
Tel 519.337.4627  
Fax 519.337.9442  
Email [samia@ohcow.on.ca](mailto:samia@ohcow.on.ca)

**Toronto**  
970 Lawrence Ave. West, Suite 110  
Toronto, Ontario M6A 3B6  
Tel 416.449.0009  
Fax 416.449.7772  
Email [toronto@ohcow.on.ca](mailto:toronto@ohcow.on.ca)

**Or contact our Provincial Office**  
1090 Don Mills Road, Suite 606  
Toronto, ON, M3C 3R6  
Tel 416.510.8713  
Fax 416.443.9132  
Email [info@ohcow.on.ca](mailto:info@ohcow.on.ca)

**General Electric Peterborough** may need to be contacted during your claim. Here is their information.

## General Electric Peterborough

107 Park St. N.  
Peterborough, ON K9J 7B5 | [map](#) | [directions](#)  
 (705) 748-8083 | fax: (705) 748-7016

## Disclosure of Claim File Information to Worker or Employer Representatives

All claim file information is considered personal information under *The Freedom of Information and Protection of Privacy Act* (FIPPA) and may be disclosed in limited circumstances in accordance with various exceptions listed in FIPPA. FIPPA and the *Workplace Safety and Insurance Act* (WSIA) permit disclosure of personal information to worker or employer representatives where the authorization or permission of the worker or the employer, as the case may be, has been obtained.

When authorization has been obtained, and when the authenticity of the representative is not in doubt, disclosure to the representative is allowed in the same manner as it would be to the worker or the employer.

In all cases, therefore, WSIB staff must take reasonable steps to verify the authenticity of the person requesting information, and the authorization of the worker or the employer, before any information is disclosed. Such steps may include

- calling the worker, employer, or representative, and
- requesting a claim number, account number, or other verification information.

**Personal representative** means anyone with the legal authority to administer the estate of a deceased worker, including executors and administrators.

### Authorized representatives

The WSIB must be notified in writing of the authorization of representatives before such representatives are given verbal information about the claim, copies of the claim file documents (including WSIB decision letters), or written status information. Such authorizations must be signed by the worker or the employer, as the case may be.

### Personal representatives

A deceased worker's personal representative has a right of access to claim file information, in the same manner that the worker would have had, if disclosure of the information

- is related to the administration of the worker's estate, or
- fulfills a purpose of the WSIA, such as determining entitlement to survivor's benefits.

Any personal representative seeking access to a deceased worker's claim file must establish their legal authority by providing

- a copy of the will
- a letter from the lawyer handling the estate, or
- an equivalent official document.

If decision-makers are unsure of a personal representative's legal authority, the WSIB's Legal Services Branch should be contacted.

For specific limitations on a personal representative's right of access where there is an **issue in dispute**, see **21-02-02, Disclosure of Claim File Information (Issue in Dispute)**.

