

**Saint Mary's University**  
**Workers' Compensation Board (WCB) Process & Procedures**

---

Purpose: To report WCB incidents/injuries in accordance with the WCB Act. To ensure employees receive WCB benefits in a timely and accurate fashion, and that employees return to productive and safe employment as soon as possible.

This document is intended to outline the WCB process and procedures for all parties involved.

**A. WCB ACCIDENT REPORT:**

A WCB Accident Report must be completed for all injuries or illnesses *that require medical attention and/or where there is time lost as a result of a workplace injury*. If no time is lost from work, no wages are lost and no medical attention is sought, then it is not necessary to report the accident to the WCB at that time.

If a WCB Accident Report is required, it must be completed and provided to the HR Officer (OH&S & Wellness) within 24 hours of the injury. When completing the WCB Accident Report, the Saint Mary's University Firm # is **791175**.

*Note – For all workplace injuries/incidents that occur on campus, an Injury/Incident Report Form must be completed. This information is required to assist the HR Officer (OH&S & Wellness) and the Joint Occupational Health & Safety Committee in assessing workplace hazards.*

**Obtaining WCB Accident Reports:**

WCB Accident Reports are available through the HR Office (420-5564) or can be downloaded from the following link:

[http://www.wcb.ns.ca/Portals/wcb/Injury\\_Report\\_July\\_2011\\_editable1%20%281%29.pdf](http://www.wcb.ns.ca/Portals/wcb/Injury_Report_July_2011_editable1%20%281%29.pdf)

**Consequences of failing to complete a WCB Accident Report for a compensable injury:**

The WCB Accident Report must be sent to the WCB within five (5) business days from the date the employer is notified that an injury or illness has occurred and received by the WCB within eight (8) business days.

WCB has a graduated penalty structure for late reporting. It allows for a base penalty of \$100 for each time an injury is reported late. An additional \$25 is levied for each day the report is late, up to the date it is received, to a maximum of \$500 per claim. Under Section 207, the WCB may levy additional penalties where injury reporting obligations are continuously breached. The applicable department will be charged for the cost of late reporting.

Effective Date: May 31, 2005

Update February 5, 2008, October 7, 2010

## **B. WCB DETAILS:**

Injured workers are eligible for health-care benefits and/or financial benefits. Employees who lose time from work as a result of their injury or illness receive both health-care benefits (i.e. hospital care; visits to doctors, chiropractors, physiotherapists; surgery; prescriptions; dental expenses; other health-care items, such as braces or crutches) and financial benefits.

Financial benefits are based on **earnings lost** as a result of the injury or illness. Short-term benefits are called Temporary Earnings-Replacement Benefits (TERB).

- TERBs are calculated at 75% of net earnings loss during the first 26 weeks of earnings loss.
- TERBs increase to 85% of net earnings loss if you are off work for more than 26 weeks.
- TERBs are paid every two weeks for as long as you are medically unable to return to work.

Employees are required to undergo a waiting period during which they receive no earnings from WCB. The waiting period is 2/5ths of a normal work period (e.g., week, shift). WCB reduces the employee's first payment by 2/5ths. If the earnings loss continues beyond 5 weeks, the amount deducted for the waiting period is returned to the employee.

More information about WCB is available on the website: <http://www.wcb.ns.ca>

## **C. COMPENSATION & BENEFIT ADMINISTRATION:**

Benefits and pension while on an approved leave of absence will continue, as long as the employee continues to pay the required employee premiums. During the approved leave, the University will continue to cost share the benefit premiums.

WCB does not pay replacement earnings for leave not related to the WCB incident/injury. When an employee is on a return to work plan (modified hours) and uses leave (i.e. vacation, bereavement, etc...) the manager/supervisor must notify the HR Officer (OH&S & Wellness). HR will notify the WCB case worker to adjust the WCB replacement earnings accordingly. Employee must still complete the required Leave Form for approval and payroll processing.

### **Employees eligible for WCB supplement payments:**

In these cases, WCB will reimburse the University directly for the employee's eligible financial benefits, and the University will continue to pay the employee through payroll while on an approved WCB leave of absence. The employee's benefit and pension participation will continue on the same cost-sharing basis, and premiums and contributions are deducted through payroll from the employee's pay.

The length of time that an employee will be maintained at his/her regular rate of pay is subject the amount of sick leave available, as well as the provisions of the applicable Collective Agreement or Policy.

**Employees with no sick leave remaining and are not eligible (or no longer eligible) for WCB supplement payments:**

In these cases, the employee will be placed on an approved leave of absence without pay, and WCB will reimburse the employee directly. The employee's benefit and pension will continue, as long as the employee has made arrangements through HR/Payroll to maintain regular cost-sharing of premiums and contributions. Employees will also need to complete the "Application for Continuation of Benefits" available from Human Resources.

**Employees whose WCB claim has been denied:**

Should an employee's WCB claim be denied, the lost time will be deducted from the employee's sick leave. If the employee has no sick leave remaining, the employee would be placed on an unpaid leave of absence and a Record of Employment would be issued. In both cases, the University would require satisfactory medical evidence from the treating physician.

**D. VACATION:**

- Employees will earn vacation in accordance with the applicable Collective Agreement and/or Vacation Leave Policy.

**Vacation Carry Over:**

Vacation carry over as per the provisions of the applicable Collective Agreement.

**E. ROLES & REponsibilities:**

**Employee:**

1. Notify employer of any injury or illness as soon as the incident occurs.
2. Complete the Saint Mary's University Injury/Incident Report and the WCB Accident Report (if required).
3. Provide complete and accurate information.
4. Take steps to minimize the physical, mental and financial impact of the injury or illness.
5. Seek health-care services or treatment to promote recovery immediately, as well as have the Return to Work Abilities Form completed by the treating physician or physiotherapist. This Return to Work Abilities Form must be completed and returned to the immediate supervisor within **twenty-four hours** of the accident occurring (i.e. if employee misses time and/or seeks medical attention).
6. Undergo any medical examinations that may be requested by the employer, WCB, or the Worker's Compensation Appeals Tribunal.
7. Notify the employer and WCB immediately of return to work dates and necessary accommodations due to physical limitations.
8. Notify the employer and WCB immediately of any change in health or earnings that may affect the WCB claim.

**Department:**

1. Take every reasonable precaution to ensure the health and safety of employees. Responsible for ensuring the workplace is safe and that workers are not exposed to activities, processes or substances that could result in a workplace injury or illness.

2. Report accidents. Employers have legal responsibilities to report injuries and illnesses to the WCB within five business days. The WCB Report should be completed, signed and forwarded to the HR Officer (OH&S & Wellness) within 24 hours of the injury.
3. If a WCB Report is not required, the employer must still record the accident information through the Saint Mary's University Injury/Incident Report Form. Employee must still be provided with WCB Kit, which includes the Return to Work Abilities Form (i.e. in case employee misses time or seeks medical attention). Supervisor/Manager is responsible to review and sign the Return to Work Policy and provide copy to employee.
4. In cases where an employee misses time or seeks medical attention, supervisor/manager ensures Return to Work Abilities Form is completed and returned by the employee within the required twenty-four hours. If not returned, follow-up with employee on status.
5. Provide completed Return to Work Abilities Form to HR Officer (OH&S & Wellness) (immediately upon receipt) to be sent to WCB for adjudication and return to work efforts.
6. Based on the employee's abilities (i.e. as identified in the completed Return to Work Abilities Form), work with the employee, WCB, health care providers, and Human Resources to make arrangements for the return to work, including modified return to work plans (hours and/or duties).
7. Report any extensions or early returns to Human Resources.
8. Maintain regular contact with the employee.
9. Maintain confidentiality of medical information.
10. When an employee is on a return to work plan (modified hours) and uses leave (i.e. vacation, bereavement, etc...) the manager/supervisor must notify the HR Officer (OH&S Wellness) *via* e-mail. WCB does not pay leave not related to the WCB incident/injury; therefore, HR will notify the WCB case worker to adjust the WCB replacement earnings accordingly. Employee must still complete the required Leave Form for approval and payroll processing.

### **Human Resources:**

1. Provide consistency in the administration of WCB policy and procedures. Apply applicable Collective Agreement and Policy details, as it applies to employees injured on duty.
2. In conjunction with the department, determine the employees that are eligible for WCB benefits.
3. Maintain employee records. The WCB Act requires employers to keep a detailed, up-to-date record of who is hired, when they started and their rate of pay. A WCB Field Representative may review these records on a periodic basis.
4. Review WCB Accident Reports to ensure accurate completion, and fax WCB Accident Reports and other required correspondence to the WCB Office for adjudication of claim and return to work efforts.
5. Maintain regular contact with employee, WCB case worker, and department to facilitate return to work efforts.
6. Maintain confidentiality of medical information.
7. Complete SMU Staff Payroll Profiles to ensure employees receive payment for approved WCB absences in accordance with the applicable Collective Agreement or Policy, and ensure the employees sick leave balances are adjusted accordingly. Advise Payroll of any changes to the WCB claim.
8. Notify WCB of any necessary adjustments to the temporary earning replacement (i.e. employee uses vacation while on modified RTW plan).
9. If employee is off longer than 90 consecutive days and is eligible for LTD, the HR Officer (OH&S Wellness) notifies the HR (HR Officer, Benefits, Pension &

Compensation) sends the employee an application for LTD benefits to the employee's home address on file.

**Payroll**

1. Remit payroll information and premiums. Payroll must report the University's total assessable payroll and make WCB payment to the Canada Customs and Revenue Agency periodically during the year, and on or before the applicable due dates.
2. Process SMU Staff Payroll Profiles and Leave Forms in accordance with payroll cut-off schedule and the applicable Collective Agreement or Policy.

**F. LTD APPLICATION:**

Employees covered by WCB and eligible for Long-Term Disability (LTD) that are unable to work due to a work-related injury for 90 consecutive days, will be sent an application for LTD benefits. Although the LTD carrier may not pay any wage loss benefit, the employee may be eligible for Waiver of Life Insurance premiums and Employee/Employer pension contributions on behalf of the employee. The HR Officer (Benefits, Pension & Compensation) will assist and coordinate the LTD application process.

**G. INTERPRETATION:**

The Director of Human Resources is responsible for the interpretation of the WCB Process & Procedures.

In situations where a Collective Agreement is in place, provisions outlined in the collective agreement will prevail.