

I Have a WSIB Claim. What am I Entitled To?

The type and amount of benefits available is determined by the Ontario government law. The following is a brief description of what is currently available under the WSIB system:

HEALTH CARE BENEFITS: If you require treatment because of your injury, the Board will consider paying for it, based on the laws and its own policies.

LOSS OF EARNINGS BENEFITS: If you are unable to do your own job, you are paid benefits based on a percentage of net your net income. For all accidents after January 1, 1998, that amount is 85% of your net average earnings. You will receive full benefit entitlement if you are totally disabled from any job, or partially disabled (that is, you can't do your own job, and the employer is unable to provide you with work within your restrictions). You and your employer are expected to work together to get you back to work as soon as possible, including modified work if that is available.

WORK TRANSITION PLANS (formerly called Labour Market Re-entry Plans (LMR)): If your employer cannot accommodate you with a permanent job in keeping with your restrictions, the board will prepare a plan to determine the best way to return you to the workforce in a suitable position. If that involves retraining, the board will pay for same.

NON-ECONOMIC LOSS (NEL) AWARD: You may be entitled to this if you sustain an injury that becomes permanent, and the Board recognizes this as a permanent impairment. A permanent impairment is defined as any permanent physical or functional abnormality or loss (including disfigurement) which results from an injury, and any psychological damage arising from the abnormality or loss. This is usually a one-time lump sum payment to reflect pain and suffering, and loss of enjoyment of life. However, it is calculated on a fairly arbitrary basis. The Board provides you with a list of doctors from which you will choose one, and undergo an examination. The doctor will write a report reflecting the extent of your physical limitations, and the Board will perform a calculation of your entitlement.

There may be further benefits available to you depending on the date of your accident, and the circumstances involved in your specific case that are not mentioned here. Contact our office for a free, no obligation consultation to see how we can help you.