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WSIB INFORMATION - September 2024

I hope to answer some of the questions that came across my desk since the July leaflet....

1) Question: What is this duty to accommodate I keep hearing about?

Answer: The duty to accommodate language in the WSIB Act and the Human Rights Code have some similarities but also have some differences. The WSIB Act and Human Rights Code are two separate pieces of legislation. **Under the WSIB Act**, an injured worker must have been injured during the course of employment and/or have suffered the injury on the employer's property. The **Human Rights Code** allows workers who were injured outside of work or who have a medical condition, the right to return to work with medical restrictions and be accommodated to maintain their employment. **The WSIB Act does have time limits on the duty to accommodate while the Human Rights Code can be for permanent injuries.**

2) Question: If my WSIB claim is denied, does that end my chances for a successful claim?

Answer: No. Injured workers can (within 6 months of denial) appeal to the WSIB for a review. Often injured workers will need to produce new medical evidence that was not part of the original claim. The new medical evidence can be in the form of a MRI, CAT Scan, Xray or from a doctor who specializes in a particular field of medicine. Also, for information purposes, employers can appeal an injured worker's claim for loss of earnings and WSIB healthcare. The appeal process is open to both parties.

Issued by,

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