



WORKERS' COMPENSATION

A GUIDE FOR

NEW BRUNSWICK WORKERS

This guide is strictly for information purposes and must not be interpreted as the legislation or policies administered by WorkSafeNB.
Revised April 2017.

Healthy and safe workplaces

IN NEW BRUNSWICK

WorkSafeNB is committed to promoting healthy and safe workplaces for New Brunswick's workers and employers.

While our priority is preventing workplace injuries and occupational diseases, WorkSafeNB is also about reducing the impact a work-related injury or illness has on you, your family and your employer.

We understand the effect injuries have on working New Brunswickers like you, and we will help you return to a full and productive life as quickly and safely as possible after an injury.



CONTENTS

General Information

- 4 What is workers' compensation?
- 4 Who pays for workers' compensation?
- 4 What is WorkSafeNB?
- 4 What about my privacy?
- 4 What services and benefits does WorkSafeNB provide?

Work Injury

- 5 What is a work injury?
- 5 What about a disease caused by work?
- 5 What about a work injury resulting in death?

If Injured at Work

- 5 What should I do now?
- 6 What should my employer do?
- 6 What should my health-care provider do?

Coverage

- 7 Who is covered by workers' compensation?
- 8 Are there situations that could affect coverage?
- 8 Is there a maximum age for receiving benefits?
- 8 Am I covered while working outside New Brunswick?

The Claim Process

- 9 Claims with *no time* off work
- 9 Claims with *time* off work

What Happens Next?

- 10 Loss of earning benefits
- 11 Can a worker receive additional earnings?
- 11 Is there a pension (annuity) at age 65?
- 11 When do benefits start?
- 12 Other compensation benefits
- 12 When do I start treatment?

Returning to Work

- 13 What are return-to-work plans?
- 13 Who decides when I should return to work?
- 13 Does my employer have to re-employ me when I am ready to return to work?
- 14 What if my employer refuses to accommodate or re-employ me after my injury?
- 14 What happens if I cannot find suitable work after I recover, or my job ends before I go back to work?

Case Management

- 14 Who are the members of my case management team?
- 14 What are my case manager's responsibilities?
- 14 What does an occupational therapist do?
- 14 What does a medical adviser do?
- 14 What is the rehabilitation specialist's role?

WorkSafeNB's Rehabilitation Centre (WRC)

- 15 What if I am admitted to the WRC?
- 15 What about meals?

Vocational Plan

- 15 What is a vocational plan?
- 15 What is a suitable occupation?
- 15 Will WorkSafeNB find me a job?

Benefits

- 16 What are estimated capable earnings?
- 16 What is a Permanent Physical Impairment (PPI) benefit?
- 16 How is a PPI benefit determined?

Long-term Disability (LTD) Benefits

- 16 What is a LTD benefit?
- 16 When do LTD benefits end?

Death Benefits

- 17 Burial expenses
- 17 Spousal benefits
- 17 Benefits for dependent children

Questioning a Decision

- 18 What if I am dissatisfied with a decision or service?

Issues Resolution Office (IRO)

- 19 What is the IRO?
- 19 What can I expect from the IRO?
- 19 How can I access the IRO?

More Information

- 20 WorkSafeNB's website
- 20 WorkSafeNB's locations and contact information
- 20 Convenient claim card

GENERAL INFORMATION

What is workers' compensation?

Workers' compensation is a no fault-insurance system for workplace injuries. This means, regardless of fault, injured workers are entitled to benefits. Injured workers get the financial help, the medical treatment and the rehabilitation aid they need. Founded on the Meredith Principles, a historic agreement between business and labour, workers don't have to pay for these benefits themselves and their employers are protected from being sued (unless criminally negligent).

Who pays for workers' compensation?

Employers pay for the cost of the workers' compensation system. Employers with three or more part-time or full-time employees pay premiums that are used to cover injured workers' lost wages, medical treatment, rehabilitation and other benefits. The premiums are assessed annually, and are based on the industry and associated risks. Workers do not contribute financially to the program, and employers cannot collect compensation contributions from workers.

What is WorkSafeNB?

WorkSafeNB promotes healthy and safe workplaces for New Brunswick's workers and employers. It is a Crown corporation charged with overseeing New Brunswick's workers' compensation system for about 14,500 employers and 350,000 workers in the province. It reports to the provincial minister of Post-secondary Education, Training and Labour and administers:

- New Brunswick's *Occupational Health and Safety (OHS) Act*
- *Workers' Compensation (WC) Act*
- *Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal (WHSCC and WCAT) Act*
- *Firefighters' Compensation (FC) Act*

What about my privacy?

In New Brunswick, your privacy, including your personal health information, is protected by the *Right to Information and Protection of Privacy Act (RTIPPA)* and the *Personal Health Information Privacy and Access Act (PHIPAA)*. If you have questions or concerns regarding your personal information, you can contact WorkSafeNB. For more information on how personal information is gathered, used and disclosed when a workers' compensation claim is filed, and your rights and choices regarding your personal information, check the *Privacy and the Legal Process* section under the *Legal* tab at worksafenb.ca.

What services and benefits does WorkSafeNB provide?

If you are injured at work and your claim is accepted, WorkSafeNB will usually:

- Pay for 85% of your net pre-accident earnings if off work due to the injury.
- Pay for medical treatment and health-care expenses related to the injury.
- Oversee your recovery and work with the health-care providers to arrange treatment programs.
- Help set up a return-to-work plan with you and the employer to get you back to work as soon as it is safe to do so.

WORK INJURY

What is a work injury?

A work injury is an injury that:

- Happens at work, on company property, or during company business.
- Needs medical attention.
- May or may not need time away from work.

(See page 8 for examples)

What about a disease caused by work?

Workers' compensation also covers diseases caused by your work or by the work environment – called occupational diseases.

(See page 8 for examples)

What about a work injury resulting in death?

If a worker's death is the result of a work injury, the worker's spouse and dependants can receive benefits.

(See page 17 for more details)

IF INJURED AT WORK

What should I do now?

You should immediately take the following actions if injured at work or if you develop an occupational disease:

- Report the injury to your employer before leaving work, even if the injury does not require medical attention.
- Seek treatment, as required. You can go to any medical professional, such as a physician, chiropractor or nurse practitioner registered or licensed in New Brunswick. Treatment from other medical professionals, such as dentists and optometrists, is available upon referral.
- If you seek treatment, tell the health-care provider it was a work-related injury. All medical reports should be sent to WorkSafeNB.
- File a claim for benefits using a *Form 67 – Report of an Accident or Occupational Disease*. Fill out the form with the employer and send it to WorkSafeNB. This form can also be completed online and sent electronically by the employer (Look under e-Services at worksafenb.ca).
- If you and your employer disagree about the claim or any aspect of it, you must still complete a *Form 67* and send it to WorkSafeNB.

If You're Injured At Work...

STEP 1

Tell Your Employer Immediately

Report your injury immediately to your supervisor, first aid attendant or company nurse.

STEP 2

Tell WorkSafeNB

Complete a Form 67 – *Report of Accident or Occupational Disease* with your employer. Your employer must send the form to WorkSafeNB within **three days** of the incident. Delays in receiving reports can delay claim decisions.

STEP 3

Tell Your Physician

Seek immediate health care. Ask your doctor to complete any forms provided by your employer and send them to WorkSafeNB. Ask if you are cleared to return to work and in what capacity.

Form 67

Medical Forms

What should my employer do?

The employer must:

- Make sure you get any immediate medical attention or first aid needed for the injury.
- Provide or pay the cost of immediate transportation to a hospital or medical treatment facility, if necessary.
- Complete a *Form 67* with you and submit it, even if you did not lose time from work. This must be done within three days from the date of the injury or from the date the employer was notified of the injury.
- Record information on the form about the events leading up to the injury and whether there were any witnesses or co-workers who can provide information. It should include the activities you were doing at the time of the incident.
- Immediately contact WorkSafeNB (1 800 222-9775) to report any incident that causes or may cause a fatality, a loss of limb, an occupational disease or requires hospitalization.

What should my health-care provider do?

Your health-care provider should:

- Send medical reports about your injury to WorkSafeNB as soon as possible.
- Help you understand the extent of the injury.
- Discuss and initiate a recovery plan.

WORKSAFENB

Registers your claim and assigns it to a staff member. If more information is required, WorkSafeNB will contact you, your doctor and/or your employer. Incomplete forms, or missing information like medical reports, can delay the adjudication process.

CLAIM ACCEPTED

Benefits and services may include:

- Wage loss replacement
- Medical services
- Case management services
- Vocational rehabilitation services

CLAIM NOT ACCEPTED

- You will be advised in writing.
- You will have the option to appeal within one year to the Workers' Compensation Appeals Tribunal.

COVERAGE

Who is covered by workers' compensation?

Most New Brunswickers – whether they work part-time, full-time or as a casual or temporary worker (including volunteer firefighters) – are covered from their first day on the job. Coverage usually depends upon two factors: the **size and type of business** run by the employer and the worker's **relationship with the employer**.

Size and type of business: All workers employed in industries where three or more workers are employed at the same time are generally covered. There are, however, some exceptions, such as the fishing industry, where coverage is only required when 25 or more workers are employed at the same time.

Relationship with your employer:

Workers excluded from workers' compensation coverage are:

- Family members of the employer who reside with the employer and are under 16 years of age
- Domestic servants, armed forces personnel and professional athletes
- RCMP members

If you are unsure of your coverage, ask your employer or call our assessment services inquiry line at 1 800 222-9775.

Are there situations that could affect coverage?

WorkSafeNB reviews and assesses all claims on a case-by-case basis. Benefits will not be paid if the injury is not work-related. See Boxes 1 and 2. You may be eligible for coverage if an injury at work makes a pre-existing condition worse.

Is there a maximum age for receiving benefits?

Generally, wage loss benefits from WorkSafeNB cease when you turn 65. However, if you are 63 or older when the loss of earnings begins, you are entitled to receive benefits for a maximum of two years. Medical treatment related to the injury, however, is paid for life.

Am I covered while working outside New Brunswick?

You are covered when working outside the province if:

- Your usual place of employment is in New Brunswick.
- You are working outside of the province for a specific period of time at your employer's request.
- Before you leave the province, your employer requests coverage from WorkSafeNB for you.
- You are paid through the New Brunswick employer's payroll.

Type of injuries or diseases NOT considered work-related

- Pre-existing or underlying health problems like diabetes, arthritis, old sports injuries, etc.
- Injuries that occur while routinely commuting to and from work.
- Injuries that happen outside of work.
- Injuries arising from serious and wilful misconduct (WorkSafeNB reviews each case individually).

Type of injuries or diseases typically considered work-related

- **Traumatic injuries:** happen quickly, causing trauma to the body. For example, broken bones, severe cuts and burns.
- **Repetitive strain injuries:** includes strains or sprains caused by repeatedly performing the same activity. For example, an assembly line worker may develop a repetitive strain injury in the wrist as a result of performing job duties.
- **Occupational diseases:** caused by a job site condition. For example, if you are repeatedly exposed to toxic materials in the workplace, you may develop conditions that affect your health.
- **Re-injury:** happen when you hurt an old work-related injury during work. A claim for a re-injury may be accepted if there is a continuity of symptoms as well as a medical relationship between the present condition and the past injury.

THE CLAIM PROCESS

Claims with *no time off work*

Even if you don't lose time from work because of the injury, your employer needs to be informed about the injury as you may qualify for medical aid benefits. If medical treatment was needed:

- You and your employer must still file a *Form 67* within three days of the injury.
- Keep receipts for any treatment expenses, prescriptions or travel expenses for treatment.
- Make sure the doctor forwards all medical reports to WorkSafeNB.

Claims with *time off work*

If you require time off work following an injury:

- You and your employer must send a *Form 67* to WorkSafeNB within three days of the injury, or the date your employer was notified of the injury.
- Ensure the form is filled out completely. Incomplete forms delay the adjudication process, meaning you might have to wait longer for benefits.
- Make sure the health-care provider sends all reports to WorkSafeNB, including medical leave slips.

WorkSafeNB will verify whether your employer is registered for workers' compensation insurance. If you and/or your employer are covered by workers' compensation, WorkSafeNB will review the information and determine whether the claim can be accepted. They will contact you in writing to inform you whether or not the claim has been accepted and why.

If your employer is required to have coverage but does not, you are still covered by workers' compensation and are entitled to benefits if WorkSafeNB determines the injury is work-related.



WHAT HAPPENS NEXT?

In more serious workplace injuries, you may not be able to return to work right away. WorkSafeNB is here to provide support during this time through various compensation benefits.

Loss of Earning Benefits

Your initial loss of earnings is based on the information given to WorkSafeNB at the time your claim is adjudicated. In most cases, your employer provides this information on a *Form 67 – Report of Accident or Occupational Disease*. No later than three months after the start of your claim, and then at any time during the claim management process, WorkSafeNB may review your earnings and adjust your benefits to most appropriately reflect your loss of earnings.

In some cases, WorkSafeNB can consider earnings for up to three years before your injury (or recurrence of your injury), to determine what best represents your loss of earnings. Other earnings, such as Employment Insurance (EI) benefits, are included as regular employment earnings. You will be compensated at 85% of your average net earnings, not to exceed the maximum compensation allowable for the year of the injury.

Loss of earning benefits are calculated as follows (See Example 1):

Gross employment earnings (up to a yearly maximum) – Probable deductions (CPP, EI, income tax) = Net employment earnings

Net employment earnings x 85% = Amount of loss of earnings benefits

EXAMPLE 1

Tom earned \$500 gross per week at the time of his workplace injury. His injury was serious and he was admitted to hospital.

After deductions for CPP, EI and income tax, Tom's net earnings were \$388.19. Under the *WC Act*, the current benefit is 85% of net. Tom will receive \$329.96 per week from WorkSafeNB.

Gross earnings per week	\$500.00
Deductions	-111.81
Net earnings	\$388.19
85% of net loss of earnings	\$329.96

If you had a second job when injured, and the injury prevents you from working at your second job, WorkSafeNB will also consider those earnings when setting the compensation rate.

Can a worker receive additional earnings?

If your earnings before you were injured were higher than the maximum insurable amount, the employer may choose to top up your benefits up to 85% of your net earnings. However, you must report to WorkSafeNB any supplements to compensation, including wage replacement or disability insurance paid by the employer or an employment-related program.

You must also report any other income you receive while on compensation, including employment insurance, vacation pay and bonuses. Such income may be deducted from your regular benefits if the total supplements plus your compensation benefits exceeds 85% of your pre-accident net earnings. The employer may also choose to continue paying your full salary, in which case WorkSafeNB will not pay loss of earning benefits. However, you may still qualify for other WorkSafeNB benefits (medical aid, for example).

Is there a pension (annuity) at age 65?

If you have received loss of earnings benefits for more than 24 consecutive months, WorkSafeNB sets aside an amount equal to 10% of your benefits, plus accrued interest, to provide an annuity at age 65. It is paid either as a monthly annuity or a lump sum, depending on the total amount set aside.

When do benefits start?

Benefits start on the first day of your injury. In New Brunswick, loss of earnings benefits are subject to a three-day wait period, or the equivalent to three-fifths (60%) of a five-day work week. The amount you would have earned during the three-day period is deducted from the first workers' compensation payment. See Example 2. This amount is only reimbursed after four weeks if:

- you are hospitalized as an in-patient because of your injury
- you remain on benefits for more than 20 working days
- you are a police officer or firefighter

EXAMPLE 2

Martine earned \$500 gross per week at the time of her workplace injury. Her injuries were minor and she was off work for only three weeks.

Gross earnings per week	\$500.00
Deductions	\$111.81
Net loss of earnings	\$388.19
85% of net loss of earnings	\$329.96
3/5 or 60% of weekly benefit	-\$197.98
Entitlement for first cheque	\$131.98

Provided all the information is available to make a decision, your first cheque should be issued usually within 10 business days after WorkSafeNB creates your claim.



Other Compensation Benefits

- **Medical aid:** WorkSafeNB pays expenses required for the medical treatment of your injury, including hospital fees and fees for approved health-care providers (like physicians, chiropractors and physiotherapists).
 - **Prescriptions and medical supplies:** WorkSafeNB may also pay or reimburse for the cost of prescription medication and physical aids, such as braces, crutches and artificial limbs, related to your injury.
 - **Damaged personal items:** Expenses related to personal items, such as clothing, damaged when you were injured may also be reimbursed.
 - **Travel expenses:** WorkSafeNB will help cover your claim-related travel expenses. Expenses covered may include transportation to and from medical appointments or training, hotel accommodations, meals and child/dependant care (baby sitting). To be considered for reimbursement, save and send in your original receipts.
 - **Personal care allowance:** WorkSafeNB provides this monthly allowance for family and friends of injured workers who help with their recovery, return to work and daily activities. Home care and related services may include: professional health-care services, such as nursing; physical care assistance, such as bathing; and contracted homemaker services, that may include meal preparation and cleaning. The allowance is based on an assessment by a health-care professional, like an occupational therapist.
- **Respite care:** WorkSafeNB recognizes the need for injured workers' caregivers, such as family members, to have rest, especially when caring for the terminally ill or a seriously injured worker.
 - **Quality of Life Grant:** For seriously injured workers, WorkSafeNB may provide support for items or services to improve their quality of life. The grant helps seriously injured workers resume participation in recreational, social or community activities. The case management team determines whether the worker qualifies for this grant, renewable every five years.

When do I start treatment?

Generally, you need a referral from your physician and, in some cases, advance authorization from WorkSafeNB before a visit to a physiotherapist or chiropractor. You should always consult WorkSafeNB as some treatments, like massage therapy, are not generally approved. When referred to a specialist, tell them you are on a compensation claim.

RETURNING TO WORK

What are return-to-work plans?

Return-to-work plans are based on the philosophy that many workers can safely perform productive work during their recovery. These plans benefit everyone in the workers' compensation system:

- **Workers** benefit by a more rapid, safe and healthy recovery. They are able to perform meaningful work while maintaining their income levels and job status within the company. The programs allow them to be independent and productive and may provide an opportunity to gain additional skills and experience.
- **Employers** benefit by reducing the length of time the worker is away from the job, therefore, reducing the costs of training replacement workers. They also benefit by keeping the injured worker's skill set and experience.
- **Unions** benefit by protecting the employment and employability of their members.
- **Health-care providers** benefit by having an additional option for helping injured workers recover from their injuries.

Return-to-work plans are customized to your injuries and what you can do safely in your job. They help the employer accommodate you and your injury. The plans include:

- Checking what job duties you can safely do with your injury.
- Changing or modifying the job duties you can safely do with temporary or permanent limits because of your injury.
- Altering your work schedules.
- Training for new job duties or for other jobs with the same employer.
- Providing tools or equipment to make your job easier and safer.

The following WorkSafeNB resources may be made available to you as part of a return-to-work plan:

- Case management
- WorkSafeNB's Rehabilitation Centre
- Vocational planning

Who decides when I should return to work?

Your doctor and other health-care providers send progress reports to WorkSafeNB and work with your case manager to determine when you can safely return to your job.

Does my employer have to re-employ me when I am ready to return to work?

The employer is legally obliged to make every reasonable effort, short of undue hardship, to accommodate you if you are temporarily or permanently disabled from a workplace injury. For more information on your rights, visit the Human Rights Commission website at gnb.ca/hrc-cdp/index-e.asp and WorkSafeNB's website at worksafenb.ca/acts-and-regulations.

What if my employer refuses to accommodate or re-employ me after my injury?

You can file a formal complaint with the Employment Standards Branch and/or the Human Rights Commission. To help in the complaint process, WorkSafeNB can provide you with information on how to file a complaint. WorkSafeNB may file a complaint on your behalf if it determines that the employer did not comply with the *WC Act*.

What happens if I cannot find suitable work after I recover, or my job ends before I go back to work?

Once your rehabilitation is complete and your loss of earnings is no longer related to your injury (for example, you have no job to return to because of a poor job market), you are not eligible to receive workers' compensation benefits. If this happens, you may need to apply for another type of insurance coverage, for example federal Employment Insurance or CPP Disability benefits.

CASE MANAGEMENT

Case management is a way of co-ordinating everyone involved in your case – you, your employer and your health-care providers. Case managers are dedicated to helping you get back to work as soon as it is safe. Your case manager will be your main contact with WorkSafeNB and all other team members. They will be responsible for co-ordinating and overseeing your rehabilitation and return-to-work plan. Case management services are provided to workers off work for six weeks or more.

Who are the members of my case management team?

The team may include your case manager, an occupational therapist, a medical adviser and a rehabilitation specialist.

What are my case manager's responsibilities?

Your case manager will be your main contact with WorkSafeNB and all other team members. Your case manager is responsible for developing, implementing, monitoring and evaluating your rehabilitation and return-to-work plan.

What does an occupational therapist do?

The occupational therapist works with you and your employer to ensure your safe return to work. The occupational therapist may visit your job site to determine if changes must be made to help you get back on the job. The therapist may also arrange a gradual return-to-work schedule for you. They may conduct home evaluations if you require help with activities of daily living.

What does a medical adviser do?

The medical adviser is a WorkSafeNB physician who provides medical expertise to the case management team on the medical management of your case. The medical adviser may also conduct a medical examination.

What is the rehabilitation specialist's role?

If you cannot return to pre-accident employment due to work restrictions resulting from your injury, the rehabilitation specialist will provide you with information on retraining, alternative employment options, and vocational counselling services. The rehabilitation specialist's goal is to help you find safe, suitable employment, while attempting to match your pre-accident earnings.

WORKSAFE NB'S REHABILITATION CENTRE

WorkSafeNB's Rehabilitation Centre (WRC), located in Saint John, provides specialized and comprehensive occupational rehabilitation services. Treating injured workers since 1965, it is the only occupational rehabilitation centre of its kind in Eastern Canada. The WRC is accredited by the Commission on Accreditation of Rehabilitation Facilities.

Your case manager or your health-care provider may refer you to the WRC. Your case manager will provide more information at the time of referral.

The WRC offers the following programs:

- **Work Recovery** provides intensive occupational rehabilitation to prepare your return to the workplace.
- **Vocational Evaluation** assesses your physical, psychological and vocational capabilities and helps set realistic occupational goals.

What if I am admitted to the WRC?

If you are admitted to the WRC, you will participate in its treatment and/or assessment activities during daytime hours, Monday through Friday. If you are admitted for one or more days, depending on how far you live away from the WRC, WorkSafeNB will help you find lodgings and will cover those expenses, according to its transportation policy.

You should bring casual, comfortable clothing and closed-toe shoes, such as sneakers or walking shoes. You should also bring all your prescription medicine. You will have a locker to store personal belongings.

What about meals?

WorkSafeNB provides a meal advance. Meals can be purchased at restaurants, although the noon-hour meal is available onsite. The WRC's dietitian designs well-balanced noon-hour meals, plus snacks, served in the cafeteria every day.

VOCATIONAL PLAN

What is a vocational plan?

If your injury leaves you unable to do your job or other suitable occupation, you and your case manager will work to develop a vocational plan. Depending on your interests, qualifications, physical condition and past work experience, it could include:

- A counsellor-assisted job search
- Training on the job
- Formal training

What is a suitable occupation?

A suitable occupation is an appropriate job that you can perform, considering your physical abilities and employment qualifications, and that does not endanger your health, safety or physical well-being.

Will WorkSafeNB find me a job?

WorkSafeNB will not find you a job. It will, however, support you in your job search efforts. WorkSafeNB also has a program to encourage you to actively search for and find a suitable job that can be done safely. More details on the Job Search Incentive Program are available from your case manager.

BENEFITS

What are estimated capable earnings?

Estimated capable earnings are earnings that you are deemed capable of earning at a suitable occupation after sustaining the injury (subsection 38.1(1) of the WC Act.) This process is often referred to as deeming.

What is a Permanent Physical Impairment (PPI) benefit?

If your work injury results in the permanent loss of use of any body part, you may be entitled to a lump sum award based on your level of impairment in addition to your loss of earnings benefits.

How is a PPI benefit determined?

A WorkSafeNB-approved medical adviser will determine if you have a permanent physical impairment from the injury, and makes a recommendation – using an approved rating schedule based on New Brunswick medical guidelines – to calculate the amount. This PPI benefit does not affect your entitlement to other benefits.

LONG-TERM DISABILITY BENEFITS

If, after completing rehabilitation, you are unable to earn as much as you earned before your injury, you may be entitled to Long-term Disability (LTD) benefits.

What is a LTD benefit?

This benefit is based on your earnings before your injury, less what you are considered capable of earning after your rehabilitation, or are earning at a suitable occupation. Canada Pension Plan (CPP) disability benefits and Quebec Pension Plan benefits are deducted from your entitlement to LTD benefits.

When do LTD benefits end?

LTD benefits end when:

- You reach the age of 65; or
- Your loss of earnings ends; or
- The injury that prevented you from returning your job no longer exists; or
- Two years have passed since the injury, if the injury happened to you after the age of 63.

DEATH BENEFITS

If a worker's death is the result of a work injury, the immediate family may receive benefits.

Burial expenses

WorkSafeNB will pay an amount equal to 40% of the New Brunswick Industrial Aggregate Earnings (\$41,221 for 2016) to help pay funeral expenses as well as an amount equal to 50% of the NBIAE. If the worker's body must be transferred for burial, additional monies may be paid.

Spousal benefits

A dependent spouse or common-law spouse could be eligible for a range of benefits, which will be paid to the spouse until age 65. Remarriage has no effect on these benefits.

For 12 months after the worker's death: A surviving spouse will receive monthly benefits equal to 80% of the deceased worker's average net earnings.

Within one year of the worker's death: A surviving spouse must choose to receive benefits under one of two plans.

OPTION 1

Monthly benefits based on 85% of the deceased worker's average net earnings, payable to age 65. In addition, an amount equal to 5% of the benefits will be set aside for the surviving spouse to provide a pension beginning at age 65. These benefits are subject to a family income test.

OPTION 2

A lump sum payment of 60% of the net annual income of the deceased worker, plus monthly benefits based on 60% of the deceased worker's average net earnings, plus benefits for each dependent child. In addition, an amount equal to 8% of the monthly surviving spouse benefits will be set aside for the surviving spouse to provide a pension at age 65. No income test applies. However, the total amount of monthly benefits (spousal and dependent children) cannot exceed 85% of the deceased worker's monthly average earnings.

Benefits for dependent children

Children who are 18 or under (or 22 and under if enrolled in a full-time educational institution), and who were financially dependent on the worker's earnings at the time of death, may also be eligible for benefits.



QUESTIONING A DECISION

What if I am dissatisfied with a decision or service?

You can always call us to talk about your claim. WorkSafeNB staff is committed to providing effective programs and services, implemented with care, compassion, efficiency, promptness and fairness to both workers and employers.

If you wish to make a complaint about a decision regarding your claim, or you are dissatisfied with the quality of service you have received, you can:

- **Contact the person who made the decision or provided the service** (for example, the adjudicator or case manager). If you are still dissatisfied...
 - **Ask to speak to their supervisor.** If you are still dissatisfied...
- **Contact WorkSafeNB's Issues Resolution Office (IRO).** Read the next section providing more information on accessing its services.
- **Submit an appeal to the Workers' Compensation Appeals Tribunal (WCAT).** Independent of WorkSafeNB, the appeals tribunal's primary responsibility is to provide timely, fair, consistent and impartial decisions when resolving appeals of WorkSafeNB decisions. To contact WCAT, call toll-free 1 844 738-6444 or email wcat.taata@gnb.ca.
- **Contact the Office of the Workers' Advocates.** Workers' advocates provide free information, advice and direct representation to injured workers or their family members who want to discuss or dispute any decisions made in relation to their claim for workers' compensation. These employees of the Department of Post-secondary Education, Training and Labour are independent of WorkSafeNB. Workers' advocates review and investigate complaints; inform clients of available options; and, represent clients at appeals tribunal hearings, if required. Note that advocates have full access to your WorkSafeNB files and records relating to your claim.

You can also contact the Department of Post-secondary Education, Training and Labour by email at dpetinfo@gnb.ca, by calling 506 453-2597, or visit gnb.ca/labour for contact information on the office of the Workers' Advocate nearest you.

ISSUES RESOLUTION OFFICE (IRO)

What is the IRO?

At WorkSafeNB, we understand that our clients may sometimes disagree with a claim-related decision or be dissatisfied with a service. The Issues Resolution Office (IRO) can help. The IRO reviews claim-related decisions and investigates service-related complaints. Guided by the principles of fairness and service excellence, the IRO is committed to working with our clients in a timely, responsive and open manner to address their concerns.

What can I expect from the IRO?

Workers, employers or their representatives can contact the IRO either to request an internal review of a claim-related decision, or lodge a client service complaint.

If you disagree with a WorkSafeNB decision, an internal review specialist will conduct an impartial review. This review will have one of four possible outcomes: confirm the original decision; overturn the original decision; vary the original decision; or, in certain situations, return it to the original decision-maker for another look (for example, when new evidence is presented).

The internal review specialist's decision is WorkSafeNB's final decision. If you disagree with an internal review specialist's decision, you can file an appeal with the Workers' Compensation Appeals Tribunal (WCAT), if you have not already done so. The WCAT will contact you directly about your appeal.

If you have an issue with service you received from WorkSafeNB, a client service specialist will review it, conduct an investigation and, if warranted, make recommendations to either resolve or acknowledge the issue.

How can I access the IRO?

- Complete the Issues Resolution form found on our website (worksafenb.ca) and send it to:
Issues Resolution Office
WorkSafeNB
P.O. Box 160
Saint John, N.B. E2L 3X9
- Contact the Issues Resolution Office by phone at 1 800 222-9775 (option #5) or 506 738-4317, by fax at 506 642-0720 or by email at iro.bpr@ws-ts.nb.ca to discuss your request.

FOR MORE INFORMATION

WorkSafeNB's website:

worksafenb.ca

WorkSafeNB's website contains lots of information about all aspects of WorkSafeNB, including policy, legislation, publications, newsletters and forms.

All written correspondence with WorkSafeNB should be mailed to:

WorkSafeNB
1 Portland St.
P.O. Box 160
Saint John, N.B. E2L 3X9

WorkSafeNB toll-free number for all locations and for emergencies: 1 800 222-9775

WorkSafeNB office locations and phone/fax numbers

Grand Falls
166 Broadway Blvd., Suite 300
Phone: 506 475-2550
Fax: 506 475-2568

Dieppe
30 Englehart St., Suite F
Phone: 506 867-0525
Fax 506 859-6911

Bathurst
Place Bathurst Mall
1300 St. Peter Ave., Suite 220
Phone: 506 547-7300
Fax: 506 547-7311 or 506 547-2982

WorkSafeNB's Rehabilitation Centre
3700 Westfield Rd.
Saint John
Phone: 506 738-8411
Fax: 506 738-3470

Head Office
Phone: 506 632-2200

Please do not send personal claim information by email, unless using your secure MyServices* account. Use the toll-free fax for claims: 1 888 629-4722.

*MyServices allows you to:

- Check your claim status.
- Learn about the services and benefits available to you.
- See past and upcoming payment dates.
- Review your prescription and physiotherapy treatment history.
- Access travel expense and direct deposit forms.
- Communicate with WorkSafeNB through My Services' secure email.

To sign up for MyServices call 1 800 222-9775.



Claim Number: _____ Date of Injury: YY/MM/DD

Case Manager: _____ Phone: _____

For claim assistance, call us toll-free in Canada at 1 800 222-9775 or fax us toll-free at 1 888 629-4722.	Office	Phone
	WRC	506 738-8411
	Saint John	506 632-2200
	Grand Falls	506 475-2550
	Dieppe	506 867-0525
	Bathurst	506 547-7300