

A STITCH IN COMPANY TIME SAVES NINE

by Shawn E. Blackman

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If an employee is injured at the workplace, it can have a critical impact on an employer's bottom line. Workplace injuries not only create retraining costs, absenteeism, and decreases in general productivity, but increased workers' compensation expenses as well.

One of the purposes of the workers' compensation system is to replace the wages of an injured employee who is unable to work as a result of an injury that occurred in the workplace. It is the responsibility of the Workers' Compensation Board to manage this process in a cost effective manner. It is the responsibility of the employer to promptly report the information required to facilitate this process.

The employer's obligation to report the necessary information is found in Section 52 of the *Workers' Compensation Act*. In the past, this law was not enforced by the Workers' Compensation Board. This practice changed on July 1, 2005, when the Workers' Compensation Board announced it would begin to enforce Section 52.

Section 52 provides that each employer shall, within five days from the date he or she becomes aware of an injury which prevents a worker from earning full wages or necessitates medical aid, notify the board in writing of:

- a) the nature, cause, and circumstances of the injury;
- b) the time of the injury;
- c) the name and address of the injured worker;
- d) the place where the injury happened;
- e) the name and address of any physician who attended the worker's injury; and
- f) any further particulars that the Board may require.

An employer who contravenes Section 52, unless excused by the Board, is guilty of an offence and liable to a fine of not more than \$1,000.00. More seriously, the employer may also have to pay to the Board all or part of the amount that the Board awards for that injury.

The liability of the employer for failing to report a workplace injury is largely dictated by the type of injury, of which there are three basic classifications.

The first is a 'no time loss' claim, which accounts for approximately 60% of all Workers' Compensation claims in Saskatchewan. The majority of these injured workers recover and return to work with relative ease. The Workers' Compensation Board will pay for travel and medical expenses of the injured worker which are incurred as a result of the injury.

The second type of claim is the 'time loss' claim. 80 – 85% of all time loss claims reported to the Workers' Compensation Board are short term, and in most cases the employee returns to work within four weeks of the injury.

The third type of claim is the long term "time loss' claim, which is most often caused by a serious injury which results in an extended absence from the workplace.

Regardless of the type of injury, many problems may arise when an employer fails to comply with Section 52 of the *Act*.

Late reporting or non-reporting delays the payments of benefits to the injured employee, as the initial payment cannot be determined until the employer provides the employee's income information to the Board. This can delay payments to an injured employee and his or her dependents.

Late or non-reporting also delays the coordination of WCB benefits, medical treatment, and limits the Board's ability to assist the injured employee in achieving a timely and safe return to work.

While some may argue the enforcement of the longstanding law will create a hardship for employers, one must also bear in mind that incidents of late or non-reporting ultimately result in an increase in overall premiums for all employers. This move by the Board to enforce Section 52 may help shift those costs associated with late or non reporting to those employers who are responsible for the delays.

While the majority of employers already adhere to the five day notification requirement, there still remain employers that do not promptly report. The new emphasis on timely reporting may reduce the costs associated with maintaining a healthy Saskatchewan workforce.

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