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COCA Update on WorkSafeBC Activities #539 July 16, 2012

The following column from COCA appeared in the Journal of Commerce

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Why early claims management is vital

Everything starts with the first report of a WorkSafeBC claim. The first report is critical, especially if you think it is a questionable claim. It is more difficult to have the claim stopped once it has been accepted within the system.

As mentioned in my previous column, it is important to send in your Employer Report (Form 7) promptly, especially if you are protesting the acceptance of the claim.

Form 7s that are sent in electronically take seven days to reach the WorkSafeBC decision maker

A faxed in Form 7 takes nine days, but a mailed Form 7 takes 21 days.

Use the web-based Form 7 – or at least fax in the Form 7, to avoid the long delays with mail.

Take the time and trouble to fill out the Form 7 completely and accurately. If you do not think the claim is work-related, say so on the Form 7.

Attach a letter if you need more space.

If your version of the injury or disease agrees with that of the worker, the claim will usually be accepted.

If you disagree with the worker's version and state this in writing, the WorkSafeBC case manager must advise you in writing of the decision and the reasons for it.

In the case of a disputed claim, it is best to have everything in writing. Memories fade and details may be overlooked unless they are written down.

A future column will describe the appeal process.

Claims need to be managed from the moment the incident occurs. Have a policy that requires that all injuries be reported to your first aid station or first aid attendant.

Use the standard first Aid reporting book, available from safety supply companies, to ensure that the basic information about the injury is recorded.

Require that a management person initial all entries to the first aid book. This management person should also complete the Form 7, Employers' Report of Injury.

Do not have the Form 7 completed by the first aid attendant, unless this person is also a manager. The first aid attendant may be a co-worker of the worker reporting the injury.

It is not fair to put the attendant in what may be a conflict of interest.

If the worker needs or wants medical attention, arrange for a manager to take the worker to the hospital or clinic.

Following treatment, the worker may be cleared medically to return to work that same day or next day.

In these cases, there is no wage loss.

If the worker needs to visit a doctor, offer to make that appointment for the worker.

This will help to ensure that an early appointment is made and that medical attention starts as soon as possible.

And finally – the basic issue – when is a worker covered by workers' compensation?

The rules are complex and each claim is judged on its merits, but here are some general guidelines.

One or more of these circumstances may qualify the worker for workers' compensation.

The injury occurred at the worksite;

The worker was carrying out the employer's instructions;

The worker was doing something for the benefit of the employer;

The worker was using the employer's equipment or material; or

The worker was being paid for the activity.

Grant McMillan is the president of the Council of Construction Associations (COCA), which represents the interests of 16 construction associations in B.C. on WorkSafeBC matters. Grant is also a member of the Journal of Commerce Editorial Advisory Board.

The article is available online at: <http://www.joconl.com/article/id51041/--why-early-claims-management-is-vital>