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COCA Update on WorkSafeBC Activities #542 - September 3, 2012

The following column from COCA appeared in the Journal of Commerce

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Signs to look for in a problem claim

View from the Board | Grant McMillan

Most WorkSafeBC claims are the result of legitimate workplace injuries and diseases. A few, however, will develop into problems.

You may feel that the injury did not happen at work or that it never happened. You may also feel that the worker is dragging out the return to work. All claims should be investigated immediately and thoroughly, when you first receive the report of the injury.

This requires the following steps:

- Ensure that claims are reported promptly to the right person in management. Claims that are questionable in the early stages tend to become both controversial and expensive.
- Use the standard Employer's Report of Injury or Occupational Disease (Form 7) and pay close attention to the information it requests -- and remember to file electronically on-line, through the WorkSafeBC web portal. This will get your information in much faster.
- Make sure that whoever manages claims for your company understands the problem signs for claims.

Problem claims frequently have a number of common elements. You should watch for these kinds of situations:

- The worker states the injury occurred late on Friday or early Monday morning (or after a holiday or long weekend).
- There was no witness to the accident.
- The worker was about to be laid off.
- The worker changes doctors after being told he can return to work.
- There are rumours that the worker is working elsewhere or engaging in sports.
- The worker has multiple WorkSafeBC claims.
- The worker has a poor performance record.
- The worker is days late in reporting the injury.
- The worker has family problems that cause irregular attendance.

- The worker has other personal problems.
- The worker is difficult to contact while off on compensation.
- The accident description does not seem likely.
- There is a poor relationship between worker and supervisor.
- There are poor labour relations on the worksite.
- The worker has a vague medical diagnosis.
- The worker has little or no local support system (family or friends).

If the claim seems questionable, indicate on the Form 7 that you have concerns or don't agree with the worker's version. On the electronic Form write "This claim is protested."

WorkSafeBC must then do its own enquiry as well. WorkSafeBC is a large organization and the staff has many demands on their time.

If you are professional and persistent, you will get more attention from them than if you don't show an interest in the claim. Telephone or fax the case manager if you have immediate concerns. Always have the claim name and claim number ready to speed identification.

Do not assume that all is going well if you have not heard anything. The case manager may have 100 to 150 claims at any one time. If you are not able to reach the case manager within a reasonable time, speak with the case manager's boss.

Make sure you leave your mobile phone number so you can easily be contacted.

The employer who remains the most active in the claim will get the best result.

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. Send comments or questions to editor@journalofcommerce.com.

The column is available online at:
<http://www.joconl.com/article/id51686/--signs-to-look-for-in-a-problem-claim>