 Yukon Workers' Compensation Health and Safety Board	<b>Part:</b>	<b>Entitlement</b>	
	<b>Board Approval:</b>	<i>Original Signed by Chair</i>	<b>Effective Date:</b> <b>July 1, 2008</b>
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	<b>Board Order:</b>	<b>2008</b>	<b>Review Date:</b>

## **EMPLOYER PENALTY FOR FAILURE TO PROVIDE TIMELY NOTICE OF A WORK-RELATED INJURY**

### **GENERAL INFORMATION**

The Employer's Report of Injury/Illness form provides the Yukon Workers' Compensation Health and Safety Board (YWCHSB) with important information needed to deal with the claim efficiently and effectively. Delays in reporting cause delays in processing claims, which contribute to potential harm to the worker and increase claims costs and inevitably assessment premiums. Late reporting may inhibit the provision of appropriate treatment and rehabilitation of an injured worker, thus delaying the process of early intervention, and possibly increasing time lost from work. Late reporting may also translate into delayed payment of benefits to the injured worker, causing undue financial hardship.

Employer's Report of Injury/Illness forms are provided by the YWCHSB, including through its YWCHSB website at [www.wcb.yk.ca](http://www.wcb.yk.ca).

### **PURPOSE**

This policy is to reduce the cost of claims by encouraging employers to provide written notice of work-related injury in a timely way, as required by the *Workers' Compensation Act* S.Y. 2008 (the "Act").

### **PREVENTION**

To prevent work-related injuries, employers must ensure that workplaces, procedures and equipment are safe and appropriate and that workers are thoroughly trained to perform their work safely. Employers must also ensure the Employer's Report of Injury/Illness form is submitted to the YWCHSB in a timely manner. Delays in reporting may be detrimental to the safe and early return to work of the injured worker.

## **POLICY STATEMENT**

### **1. Notice of Injury or Illness**

Employers shall give written notice of a worker's work-related injury or illness to the YWCHSB within three working days, beginning when the employer is made aware of the injury/illness. The employer may be made aware of an injury/illness by, but not limited to:

- a) the injured worker;
- b) a supervisor, co-worker or witness;
- c) the YWCHSB; or
- d) a physician.

Injury/illness reports may be submitted by fax, mail or in person.

### **2. Penalty**

A penalty may be levied by the YWCHSB against an employer who fails to provide information as required within the allowable timelines. The penalty will be levied in an amount established by Order of the Board of Directors.

In circumstances where the employer can prove that they were unable to submit the report within the allowable timelines and submitted the report as soon as possible, the penalty may be waived.

## **APPLICATION**


This policy applies to employers as required under the *Act*, the Board of Directors, President/CEO and staff of the YWCHSB.

## **APPEALS**

Decisions made by the YWCHSB under this policy can be appealed directly in writing to the hearing officer of the YWCHSB in accordance with subsection 53(1) of the *Act*. Notice of the appeal must be filed within 24 months of the date of the decision by the YWCHSB, in accordance with section 52 of the *Act*.

## **ACT REFERENCES**

Sections 10, 52, 53 and 54

  
Chair

**Employer Penalty for Failure to Provide Timely Notice of a Work-Related Injury**

**HISTORY**

CL-36, "Employer Penalty for Failure to Provide Notice of a Work-related Disability", effective January 2, 1993, amended April 5, 2005, revoked July 1, 2008.

