



YUKON WORKERS'  
COMPENSATION  
HEALTH AND  
SAFETY BOARD

SUBJECT: CLAIMS AND BENEFITS

POLICY NO.: CL-36

BOARD APPROVAL:

APPROVAL DATE: April 5, 2005

BOARD ORDER NO.:

EFFECTIVE DATE: April 5, 2005

## POLICY STATEMENT

**POLICY:**      **EMPLOYER PENALTY FOR FAILURE TO PROVIDE TIMELY NOTICE OF A WORK-RELATED DISABILITY**

This policy applies to employers as required under the *Workers' Compensation Act* R.S.Y. 2002 (the 2002 Act), and the Board of Directors, president, and staff of the Workers' Compensation Health and Safety Board ('the board').

### **Section Reference**

Section 11 of the 2002 Act provides that employers shall give written notice to the board of any, or the possibility of any, work related disability that comes to their attention within three days (3) of receiving the information. If an employer fails to provide the information within the required time-lines, the board may levy a penalty of up to five hundred dollars (\$500) against the employer. The payment of the penalty may be enforced in the same manner as an assessment.

### **Objective**

The objective of this policy is to reduce the cost of claims by encouraging employers to provide written notice of work related disability in a timely way, as required by the 2002 Act.

### **General Information**

The Employer's Report of Injury/Illness form provides the board with important information needed to deal with the claim efficiently

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and effectively. Delays in reporting cause delays in processing claims, which contributes to potential harm to the worker, and increases claims costs and inevitably increases 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 benefit payment to the injured worker, causing undue financial hardship.

Employer's Report of Injury/Illness forms will be provided by the board, and are also available on the board website at [www.wcb.yk.ca](http://www.wcb.yk.ca).

**Policy Statement**

**Notice of Injury or Illness**

Employers shall give written notice to the board within three (3) 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:

- the injured worker,
- a supervisor, co-worker or witness
- the board
- a physician.

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

**Penalty**

A penalty may be levied by the board against an employer who fails to provide information as required within the allowable timelines. The initial penalty will be one hundred dollars (\$100), increasing by \$25 for each day the report is overdue to a maximum of five hundred dollars (\$500).

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.



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**History**

Policy CL-36 Employer Penalty for Failure to Provide Notice of a Work-related Disability; effective January 2, 1993; amended April 5, 2005.

