

**Chapter:** General and Administrative

**Legislative authority:** section 89

*Prevention statement*

*Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.*

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## Purpose

This policy provides information about an employer's requirement to provide written notice of injuries to the board.

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## Definitions

**board** means the Workers' Safety and Compensation Board

**employer** means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

**worker** means a person who performs work or services for an employer under a contract of service or apprenticeship, written, or oral, express or implied and as further defined in section 77 of the Act

**work-related injury** means an injury or death arising out of an in the course of a worker's employment, resulting from

- a. a chance event occasioned by a physical or natural cause,
- b. a willful and intentional act, not being the act of the worker,
- c. a disablement, or
- d. an occupational disease,

but does not include

- e. mental stress, or

- f. an injury resulting from any decision by the worker's employer relating to the worker's employment, including a change in the work to be performed or working conditions, or promotion, transfer, demotion, lay-off-discipline, suspension or termination

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## Policy statement

### 1. General

An employer must give the board written notice, in the form required by the board, of any, or the possibility of any, work-related injury that comes to their attention, within three days after the employer receives the information, and must:

- a. describe the circumstances that gave rise to the work-related injury, including the time, date, place and nature of the work-related injury; and
- b. send a copy of the notice to the worker.

An employer must also provide the board with any further information that the board requests regarding the work-related injury within a reasonable time.

The notice provides the board with important information needed to adjudicate and manage a claim efficiently and effectively. The employer must provide notice even if they are not sure the injury is work-related. Late notices by employers causes delays in processing claims and interferes with the early and safe return to work process. It may also cause an injured worker financial hardship due to possible delays in receiving benefits.

The Act gives the board authority to levy administrative penalties or prosecute employers who fail to provide notice within the time required.

### 2. Notice of injury

Employers are required to give the board written notice of a worker's work-related injury or possibility of a work-related injury that comes to the employer's attention within three days, after the employer receives the information. The employer may receive information about a work-related injury, or possibility of a work-related injury from sources such as:

- a. the injured worker;
- b. a supervisor, co-worker or witness;
- c. the board; or

- d. a medical practitioner or other health care provider.

The required form can be completed on-line or submitted by fax, mail, email, or in person.

### 3. Possibility of a work-related injury

In many cases, there is a clear cause-and-effect relationship between the work and the injury, and reporting the injury is straight forward. In some cases, it is not obvious whether there is an injury, or whether an injury is work-related.

In the following examples, it is not immediately obvious whether the worker has an injury, or whether the worker's injury is work-related. Since there is a possibility that it is, the employer must provide notice to the board:

*On Monday morning, Steve calls in sick. On Tuesday, he comes in to work with a doctor's note that says Steve hurt his back at work on the prior Friday afternoon. Nobody saw Steve get hurt and he didn't say anything at the time, but he says his back injury happened at work.*

*Samantha often gets itchy, watery eyes and hives on her skin. She submits a claim saying she is allergic to something at work.*

*Leonard and Darryl are unloading construction materials from the pick-up truck in preparation for the decking job they're about to start. Darryl faints and is rushed to the hospital. He may have had a heart attack.*

The board determines whether an injury is work-related and is eligible to receive compensation by weighing evidence provided by the employer, the worker, health care providers and other sources. To facilitate timely decision-making, it is important for employers to provide the notice of injury within the time required, even if they are not sure an injury is work-related.

### 4. Requirement to immediately report serious incidents and injuries

There is also an additional requirement for an employer or prime contractor to immediately report the time, date, place and nature of a serious incident, or serious injury, or death of a worker to the board.

Further information on what is considered a serious incident or injury is set out in section 57 of the Act.

## 5. Failure of an employer to provide notice of injury

If an employer fails to provide a written notice to the board of a work-related injury or the possibility of a work-related injury within three days after receiving the information, the board may impose an administrative penalty on the employer.

The amount of the administrative penalty is \$100 as the initial penalty, increasing by \$25 for each day the required report is overdue, to a maximum of \$500. Even if the worker does not submit a claim for compensation, the employer is required to submit a notice of injury under the Act.

If an employer fails to provide notice of a work-related injury or possibility of a work-related injury to the board within three days after receiving the information, the board may investigate and charge the costs of the investigation to the employer.

The board may investigate whether:

- a. the employer has a reporting process in place;
- b. injury reporting is encouraged in the workplace;
- c. supervisors are trained in reporting requirements;
- d. workplace parties are knowledgeable about their responsibilities for reporting and recording injuries; or
- e. any other associated or related issues, as determined by the board.

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## History

EA-15 Employer Penalties for Failure to Provide Timely Notice of a Work-Related Injury, effective July 1, 2017, revoked July 1, 2022

EN-03 Employer Penalty for Failure to Provide Timely Notice of a Work-related Injury, effective July 1, 2008, revoked July 1, 2017

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