

# POLICY REPORT

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**WSIB** Workplace Injuries & Insurance Board  
**ONTARIO**  
**CSPAT** Commission de la sécurité  
et des indemnités de l'assurance  
contre les accidents du travail

Clarifying the  
issues

## Employer's initial accident-reporting obligations revisited

The WSIB revised its "Employers' Initial Accident-Reporting Obligations" policy in March of 2000 (see the original *Policy Report* article in the February 2000 issue). One of the principal changes was to distinguish between the terms **first aid** and **health care**. Since employers are not required to report accidents when workers simply require first aid, these terms were defined to help employers determine when to report a work-related injury. Some customers, however, are experiencing difficulty in the situation when a health care practitioner provides **care**.

### Care provided by a health care practitioner

The policy defines **first aid** as the one-time treatment given to a worker. It can include:

- the cleaning of minor cuts, scrapes, or scratches
- the treatment of minor burns
- the application of bandages, dressing, splints, etc., and
- any follow-up visits made for **observation purposes** only.

The policy also defines **health care** to include:

- services requiring the professional skills of a health care practitioner
- services provided by or at hospitals or health facilities, and
- prescriptions drugs.

Because first aid is care that can be provided by a layperson, the question arises as to whether employers should always complete an accident report form when a worker is cared for by a health care practitioner.

The policy assumes that workers who require first aid generally seek care from a **first-aider**. Consequently, the worker's decision to seek care from a health care practitioner, as opposed to a first-aider, should generally be seen as a need for health care.

However, the policy does allow for the possibility of health care practitioners providing first aid only.

This possibility is more likely to occur:

- at hospitals or health facilities that are **workplaces**. That is, health care practitioners who work at hospitals or health facilities may be called upon to provide co-workers with first aid only
- with employers who have on-site health care practitioners, and
- at health care facilities that have contracts with specific employers to provide first aid and health care to their workers.

Therefore, apart from these exceptions, employers can presume that if a health care practitioner provides care to a worker, that worker received health care **unless** it is clear that the worker only received first aid.

### In practical terms

How can an employer conclude that a worker only received first aid from a health care practitioner? Generally, an employer may draw this conclusion if the facts demonstrate that:

- the **professional skills** of the health care practitioner were not used, and
- a first-aider could have provided the care.

For example, if the facts demonstrate that the health care practitioner simply applied a dressing to the injury and did not provide a clinical assessment, the employer can conclude that the professional skills of the health care practitioner were not used and that a first-aider could have provided the care. In this situation the employer would not have an obligation to report.

## Employer's initial accident-reporting obligations revisited

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In contrast, if the facts demonstrate that a health care practitioner conducted a clinical assessment, the employer should conclude that the professional skills of the health care practitioner were used. The fact that the professional skills were used would render this situation health care and would trigger the employer's obligation to report. It does not matter if following the clinical assessment that a simple bandage was applied, or no actual treatment was required.

Therefore, **regardless** of whether the care was provided:

- on the employer's premises,
- at the health care practitioner's office, or
- at a hospital or health facility,

the issue of whether professional skills were required must be answered to determine if the employer needs to complete a Form 7.

If customers remain unclear as to whether a reporting obligation exists in particular cases, they should call their WSIB contact.

## Did you know...



**...that** the WSIB suggests that employers retain all WSIB-related documents for the:

- current year, and
- previous six calendar years?

This is a general guideline all employers may use for the retention of WSIB records.

This guideline applies to the Ontario WSIB only and cannot be applied, either expressly or implicitly, to any other branch of government (federal, provincial, or municipal) that requires individual persons or corporations to store records or documents.

**...that** a health professional is a member of a college of a health profession as defined in the Regulated Health Professions Act, 1991 (RHPA)?

Health professionals include, but are not limited to:

- physicians and surgeons, and other medical specialists
- chiropractors
- dentists, oral surgeons, and periodontists
- registered nurses, midwives, and nurse practitioners
- physiotherapists, or
- occupational therapists and speech therapists.

For more information see s.2(1) of the WSIA.

**...that** the WSIA defines health care practitioners as:

- any health professional (as defined in the RHPA)
- a drugless practitioner regulated under the *Drugless Practitioners Act*, i.e., naturopath, or
- a social worker?

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ONTARIO  
**CSPAAT** Association de la sécurité professionnelle et de la santé au travail des arts et métiers

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