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Silence is NOT a Winning Strategy Employers Must Act to Reduce Workers' Compensation Costs

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At any given time, up to 12% of the workforce in Canada is off work due to injury and receiving related benefits, including workers' compensation.¹ In 2023, workers' compensation boards across Canada paid out approximately \$9 billion worth of benefits to workers.² The costs of these benefits are borne by **employers** that fund the workers' compensation systems across Canada.

To control workers' compensation costs it is critical that employers engage early, and often, with boards such as Ontario's Workplace Safety and Insurance Board (WSIB).³ **Ignoring the issue or waiting to get involved can have significant cost consequences for an employer.**

Time is money

It is very important not to lose track of the claims you may have in the workers' compensation system. Unattended claims inevitably result in increased costs for the employer.

The longer a worker is absent from work, the less likely they are to return to their job. Three months after a disabling injury, the likelihood of a worker returning to work is 90%. That drops to 32% at one year and to 5% at two years.⁴ According to the WSIB's Better at Work approach, after a six-month disability-related absence from work, approximately 50% of workers will **never** return to full-time employment.⁵

This is why we strongly encourage employers to actively participate in the return-to-work process.

¹ Canadian Society of Professionals in Disability Management, [Impact of Disability in Canada](#).

² Association of Workers' Compensation Boards of Canada (AWCBC), [2023 Annual KSM Industry Report](#).

³ Other workers' compensation boards across Canada include [WorkSafeBC](#), [Workers' Compensation Board of Alberta](#), [WorkSafeNB](#), etc.

⁴ Erica Fichter, [Why You Need a Stay-at-Work/Return-to-Work Program](#) (September 25, 2024).

⁵ WSIB, [Administrative Practice Document: Return-to-Work considerations](#); WSIB, [Better at Work](#).

Stay on top of the process

From an employer perspective, it is important to ensure the workers' compensation board processes a claim as quickly as possible. If the process moves too slowly, this can negatively impact the chances a worker will successfully recover and/or be re-trained.

In addition, in Ontario, the WSIB is required to "lock-in" a worker's benefits within six years of the date of injury, with few limited exceptions. After "lock-in", a worker could receive full loss of earnings benefits until they reach age 65. Once benefits are "locked in" an employer's only recourse to have the WSIB revisit benefits is to provide evidence the worker committed fraud or a material misrepresentation prior to the lock-in. This is a very steep hill to climb.

Sherrard Kuzz LLP can help

Our team of experienced WSIB lawyers regularly assists employers to navigate the workers' compensation system. We:

- Help employers proactively manage claims' costs.
- Provide strategic advice about how best to meet return-to-work obligations and avoid related penalties.
- Represent employers in appeals before the board and appeal tribunal (only recently, Ontario's Workers' Safety and Insurance Appeals Tribunal launched a new pre-hearing appeal process, which may be unfamiliar and time consuming for an employer).

Silence is NOT a winning strategy.

To learn more and for assistance, contact your Sherrard Kuzz LLP lawyer or **Angela Powell** at apowell@sherrardkuzz.com.

You may also want to join our intensive, half-day **WSIB Workshop on Return to Work: Common Pitfalls, Tips and Intersection with Human Rights**. Details and how to register can be found [here](#).

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