

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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FOREIGN WORKERS

This factsheet provides information for workers in British Columbia who are neither citizens nor permanent residents of Canada. The first part is about compensation claims. The second part is about workplace health and safety.

Compensation

What should I do if I am injured at work, or develop a work-related disease?

You must advise your employer or supervisor of your accident or illness right away. You have the right to medical care. Minor injuries may be treated by a first aid attendant, but more serious injuries should be treated at the hospital. You should also follow up with a visit to a doctor's office.

If your injury or illness causes you to miss time from work, or if it persists, you should make a claim for compensation from WorkSafeBC. If your claim is accepted, you can receive wage loss, medical, and other benefits.

How do I make a claim with WorkSafeBC?

Usually, the most convenient way to file a claim is to call their toll free number: 1 888 967-5377. Interpreters are available upon request.

You can also attend in person at one of WorkSafeBC's offices across British Columbia, and obtain an application form.

You can also go to WorkSafeBC's website and file online. The website address is: www.worksafebc.com.

FOREIGN WORKERS

Will the fact that I am from another country, working in British Columbia on a temporary basis, affect my right to file a claim?

The right to file a claim is normally determined by the place of injury, not by your country of origin. If WorkSafeBC determines that your injury resulted from your work in British Columbia, you will likely receive compensation. Each case is assessed on individual merit.

What if my employer is not registered with WorkSafeBC, or does not pay workers' compensation premiums?

You are covered even if your employer is not registered, or does not pay premiums.

I am afraid that if I file a claim I could lose my job. What should I do?

The law prohibits employers from:

- discouraging workers from filing claims, or
- retaliating against workers who do file claims.

Also, employers cannot make deals with workers to give up their right to claim benefits from WorkSafeBC. Any such deal has no effect, and the worker can still make a claim.

If your employer does any of these things, you should contact WorkSafeBC immediately to report the injury, as well as what your employer has done to pressure you. If you wait too long before contacting WorkSafeBC, it may be too late to get enough evidence to support your claim.

For more information, please see our factsheet entitled "Claim Suppression."

What if I am injured while travelling to or from a work site in an employer's vehicle?

Workers are entitled to compensation for injuries that occur while performing work-related duties. If your work-related duties involve travel between work sites, you will likely be covered for an injury resulting from an accident occurring while traveling to or from a work site. You may also be entitled to compensation if you were injured while traveling to or from a single work site in transportation provided by your employer such as a crew bus.

FOREIGN WORKERS

If somebody else is involved in the accident who was not working at the time, you may have a motor vehicle claim under the Insurance Corporation of British Columbia. This is a complicated area of the law, so you should get legal advice as soon as possible after the accident. For further information, please see our factsheet entitled “Third Party Claims.”

How does WorkSafeBC calculate my workers’ compensation benefits if I have been working for only for a short period of time in British Columbia?

If your work injury results in disability that causes you to miss time from your job, WorkSafeBC should cover your lost wages. For the first 10 weeks of your disability, your wage loss benefits will likely be calculated on the basis of your wage rate at the time of your injury. After that, any long term benefits that you may be entitled to will generally be based on your wage rate over the 12 months of work before you were injured. For newcomers to BC, this period may involve a combination of your work time in Canada and your work time in your home country.

This is a complex area and you should consider contacting us to get some specific advice and assistance on your case.

What if I have to leave Canada before a decision is made in my claim, review or appeal?

If you are still waiting for a decision when you leave Canada, your matter will continue to proceed through the decision-making process after you leave. The decision-maker may need further information or documents from you, so it is important for you to give your most current contact information to WorkSafeBC, the Review Division, and the Workers’ Compensation Appeal Tribunal (“WCAT”) whenever your address changes.

Will my benefits continue if I have not recovered by the time that I am required to leave B.C. and return to my home country?

Yes. Your claim continues, and you remain entitled to wage replacement, medical care, and other benefits. You should provide WorkSafeBC with your contact information in your home country, as well as any changes in your banking information.

If WorkSafeBC still considers your disability to be temporary at the time of your departure from Canada, your benefits may change later. WorkSafeBC may ask you to undergo a medical assessment with a health services provider in your country of residence to determine the status of your disability.

FOREIGN WORKERS

If you continue to require health care services for your workplace injury, WorkSafeBC will likely continue to cover the reasonable costs of approved services. However, you may be responsible for finding suitable providers in your country of residence, and for sending expense claims to WorkSafeBC in the proper format.

What if I disagree with a decision on my claim?

If you disagree with WorkSafeBC's decision, you have the right to request a review. You must request a review within 90 days. If you disagree with the Review Division decision, you have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.

Workplace health and safety

By law, employers must ensure the health and safety of their workers.

If you are concerned about the safety of your workplace, or your employer asks you to do something that seems dangerous, you should immediately report your concerns to your supervisor or other person in authority with your employer. You have the right to refuse unsafe work, and to be informed of dangers at your workplace. If your concerns are not addressed properly, you have a right to report your concerns to WorkSafeBC.

It is illegal for an employer to fire or take any other negative action towards a worker for raising a health and safety concern. If your employer does so, you can file a "prohibited action" complaint with WorkSafeBC. If you are successful in your complaint, WorkSafeBC may order a number of remedies such as requiring the employer to pay you lost wages, or to reinstate you at your job. For more information, please see our factsheet titled "Prohibited Actions Related to Occupational Health and Safety."

To make a report to WorkSafeBC, you can call WorkSafeBC's Prevention Information Line at 1 888 621-SAFE. Interpreters are available on request.