



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.

Factsheet #37
Updated: January 2013

TEMPORARY FOREIGN WORKERS

What happens if I have an injury at work or suffer 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 and should see a doctor immediately after your injury. Not all injuries require a visit to your doctor. For example minor cuts and scrapes may be treated by the first aid attendant at your work site. No matter how serious your injury is you must file a report with WorkSafeBC describing what happened. If your claim is accepted as being work related WorkSafeBC will pay for medical care including tests, treatment and surgery. You may also be eligible for additional benefits such as wage loss benefits.

How do I make a claim?

WorkSafeBC has offices across British Columbia. To report an Injury or Occupational Disease and to obtain a claim form, contact the office nearest you by calling:

The 24 hour toll free number: 1-888-967-5377.

The Call Centre: 604-231-8888.

Occupational Disease Services: 604-276-3007 or toll free within B.C. at 1-888-967-5377 (extension 3007).

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 compensation is normally determined by the place of injury, not by your country of residence. If WorkSafeBC determines that your injury resulted from your work in British Columbia you will likely be entitled to receive workers' compensation benefits. Each case is assessed on individual merit.

For more information:
Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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

Under the workers' compensation law in British Columbia, 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 may be covered for an injury resulting from an accident occurring while traveling to or from a work site. You may also have a claim for compensation if at the time of the accident you were traveling to or from a single work site in transportation provided by your employer such as a crew bus.

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. Because this is a complicated area of the law it is important that you obtain information and assistance as soon as possible after the accident. For further information also see the FactSheet *Third Party Claims*.

If I was working without a valid work visa when my injury or occupational disease occurred can I still get workers' compensation benefits?

It is important to have a valid work visa in order to work in Canada. However, if for some reason you did not have status at the time of your injury, you may be eligible for workers' compensation. When in doubt you should file your claim with WorkSafeBC.

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

You may be 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?

Under the law you have the right and duty to file a claim for a work related injury. You cannot give up your right to file a claim, and the employer can be fined if he fires you or disciplines you in any way for filing a claim.

What wage rate will be used to calculate my workers' compensation benefits if I have been working for only for a short period of time in British Columbia?

For the first 10 weeks of your injury your wage loss benefits will likely be calculated on the basis of your earnings at the time of your injury. After that, any long term benefits that you may be entitled to will generally be based on your earnings during the last 12 months of work. This may involve a combination of your work time in Canada and your work time in your country. This is a complex area and you should consider getting some assistance to review the wage rate calculation.

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What happens if I am still disabled from my work injury or have an occupational disease when I am required to leave B.C. and return to my country?

If your claim has been accepted for a permanent disability award you will continue to receive the same benefits that you would be entitled to if you lived in Canada. Depending on the nature and stage of your injury you may be entitled to ongoing wage loss benefits and/or health care benefits or a disability pension and related benefits.

What happens if I disagree with a decision on my claim?

WorkSafeBC decisions can be appealed to WorkSafeBC's Review Division. You must file your appeal within 90 days of the date of the original decision. Review Division decisions can be appealed to the Workers' Compensation Appeal Tribunal. Appeals to the Workers' Compensation Appeal Tribunal must be filed within 30 days of the date of the Review Division decision.

OCCUPATIONAL HEALTH AND SAFETY

Health and safety at the work site is protected under workers' compensation and health and safety laws. If you are concerned about the safety of your workplace or asked to do something that endangers yourself or others such as using unsafe equipment or performing unsafe work, you should report your concerns to someone who has authority in the workplace such as your supervisor. If your concerns are not addressed you have a duty to report your concerns to the WorkSafeBC. It is important to remember that you have the right to refuse unsafe work.

Making an occupational health and safety complaint should not affect your work status or right to be in Canada.

You can also file a discriminatory action complaint under the workers' compensation system if your employer or another person acting on behalf of your employer takes action against you for making an occupational health and safety complaint such as:

- threatening to report you to Canada Immigration or have you deported;
- decreasing your pay or your work hours;
- changing your work duties or work hours;
- firing or demoting you.

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.

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If you experience any of the above, you should contact the Compliance Section which is part of WorkSafeBC's Investigations Division, for information about filing a discriminatory action complaint. Decisions on discriminatory action complaints can be appealed to the Workers' Compensation Appeal Tribunal. Appeals must be filed within 90 days of the discriminatory action complaint decision. Orders and penalties on occupational health and safety matters can be appealed to the Review Division within 90 days of the prevention decision.

The Compliance Section of WorkSafeBC can be reached in the Lower Mainland at (604) 232-1864, or outside the Lower Mainland, toll free at 1-888-621-7233, extension 1864. You can also contact WorkSafeBC 24 hours a day, toll free, at 1-888-967-5377.