



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 #16
Updated: January 2013

WHERE YOUR EMPLOYER DOES NOT WANT YOU TO REPORT AN INJURY OR FILE A CLAIM

What if my employer tells me it is in my best interests not to apply for workers' compensation or report an injury or disease?

Section 177 of the *Workers Compensation Act* makes it an offence for your employer or supervisor to discourage, impede or prevent you from reporting an injury to WorkSafeBC. Any pressure from an employer is illegal, including:

- threats;
- promises;
- inducements;
- agreements;
- persuasion; or
- intimidation.

Can I make a separate compensation agreement with my employer instead of getting workers' compensation?

Section 177 of the *Workers Compensation Act* says you cannot do this. The Act also states that any separate agreement you do make is not valid. This is intended to protect you from being pressured or forced into making an agreement with your employer.

What should I do if my employer is pressuring me to make an agreement?

You should report the injury **immediately**, as well as what your employer has done to pressure you, to WorkSafeBC. Sometimes workers report this much later, and then it is often too late to get enough proof for WorkSafeBC to open a claim.

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 my employer pressures me not to report my injury?

There are penalties for not following Section 177 of the Act. If an employer or supervisor commits an offence, they can be fined by WorkSafeBC.

There are also provisions of the Act concerning Discriminatory Actions that prohibit an employer from disciplining you in any way for refusing unsafe work or reporting a safety concern. However, the Discriminatory Action process does not apply where you are disciplined for simply filing a claim for worker's compensation. This is not considered sufficient notice to the employer of your disability for the provisions regarding Discriminatory Actions to come into play. For more information about Discriminatory Actions under the Act, please refer to our Factsheet: Discriminatory Action Relating to Occupational Health and Safety.

What if I report an injury and then lose my job?

In certain circumstances, the Vocational Rehabilitation Department of WorkSafeBC may offer assistance if you are no longer job attached. For more information about this, please refer to our Factsheet "Vocational Rehabilitation."

You may also wish to file a complaint with the Employment Standards Branch and/or file a Human Rights complaint for some aspects of your dismissal. You can also seek legal advice about other actions you could take (such as civil remedies) for wrongful dismissal. The Workers' Advisers Office cannot offer any advice on any of these activities.