

CRITICAL INJURIES AND COVID-19

What is a Critical Injury?

Critical Injury: an injury of a serious nature that your employer is obligated to report to the Ministry of Labour (MOL) as outlined in the Occupational Health and Safety Act. (Reference: Regulation 834 “Critical Injury – Defined” of the Occupational Health and Safety Act)

Critically Injury: an injury of a serious nature that:

- a) Places life in jeopardy
- b) Produces unconsciousness
- c) Results in substantial loss of blood
- d) Involves the fracture of a leg or arm, but not a finger or toe. For clarity, the MOL considers the fracture of more than one finger or more than one toe to be a critical injury (*Clause 1(e) of Regulation 834*)
- e) Involves the amputation of a leg, arm, hand or foot, but not a finger or toe. For clarity, the MOL considers the amputation of more than one finger or more than one toe to be a critical injury
- f) Consists of burns to a major portion of the body
- g) Causes the loss of sight in an eye (*RRO 1990, Reg. 834, s. 1.*)



What is SEIU Healthcare’s position on Critical Injury?

To ensure that your employers follow the law and provide you with a safe working environment during the COVID-19 outbreak.

We deem that a positive COVID-19 outcome due to occupational exposure constitutes as an occupational illness that meets the threshold for a critical illness which places your life in jeopardy.



How do I submit a WSIB Claim?

If you have tested positive for COVID-19 you must inform your employer right away. Next, call your Member Resource Centre at **1-877-672-7348** and over the phone, a representative will help you fill out the claim Form #6, a detailed account of what happened to cause the injury or illness.

Your employer is obligated to submit a similar type of report called a Form #7, that they must complete within three calendar days of becoming aware of your claim and must also provide you with a copy.



What happens when a Critical Injury is submitted to WSIB?

After you submit your claim, it triggers a very important process protected and governed under the law which mandates:



Your employer to notify the MOL of the injury in writing, within 48 hours of the occurrence. (Occupational Health and Safety Act, R.S.O. 1990, c. O.1 s. 51)



Your employer must inform and provide notice about your injury to the Joint Health and Safety Committee (JHSC), the Health and Safety representative, and your union. Once the union is aware, we can step in to assist/represent you. We will notify you of your rights and guide you through ensuring you receive all the benefits you are eligible for.



The JHSC will investigate the critical illness and create recommendations and measures to prevent recurrences.

Who conducts the investigation?

When a person is killed or critically injured at a workplace the Health and Safety representative, or one or more worker-members designated by the JHSC, may inspect the place where the illness or incident occurred and must report their findings to a director and the committee. (*Reference: Sections 8(14) and 9(31) of the Occupational Health and Safety Act.*)

Worker representatives may decide to include a management representative in the investigation but are not required to do so.

The Ministry of Labour will also investigate and provide a report of its findings.



To download a copy of the investigation form please visit
www.seiuhc.ca/wsib-incident-form