



Workplace Safety
& Insurance Board
Commission de la sécurité
professionnelle et de l'assurance
contre les accidents du travail

Head Office:
200 Front Street West
Toronto, Ontario
Canada M5V 3J1

Siège social :
200, rue Front Ouest
Toronto, Ontario
Canada M5V 3J1

Telephone / Téléphone :
416-344-1000
1-800-387-0750
TTY / ATS : 1-800-387-0050

Fax / Télécopieur :
416-344-4684
1-888-313-7373

July 15, 2019

MYRIAM MICHAEL

Claim No.: ~~2004524~~

Worker Name: MYRIAM MICHAIL

Date of Injury/Illness: 30/Mar/2010

Injury/Illness: Psychological Trauma

Dear Ms. Michail,

Subject: Reconsideration of Initial Entitlement – Chronic Mental Stress

I have carefully reviewed the information in your claim using the current policies on Traumatic Mental Stress and Chronic Mental Stress and I am able to change the decision from January 27, 2016. I have allowed your claim for depression and anxiety because I have identified a substantial work-related stressor in relation to the conduct directed at you by your supervisor's and colleagues from 2010 to 2013. I explain my decision in more detail later in this letter.

My reconsideration decision means your entitlement to WSIB benefits changes. You are entitled to health care benefits. I will need additional information to determine your entitlement to loss of earnings (LOE). Because your claim is now allowed, I have attached an information sheet with important information about health care benefits, and your responsibilities while receiving WSIB benefits.

Our goal is to support you in your recovery and return to work. It is important that you participate in all health care and return-to-work activities to get the best possible results.

Time limit for employer to object

Your employer has the right to object to the allowance of your claim. The law (*Workplace Safety and Insurance Act* or *WSIA*) puts time limits on objecting to a decision. Your employer must send their notice of objection to me in writing by January 15, 2020 or they lose their right to appeal this decision.

Law and policy rules

The law (*Workplace Safety and Insurance Act* or WSIA) says that we can reconsider, change or confirm any decision at any time that it makes sense to do so. Often this happens when a worker or employer objects to a decision and provides new information.

In your case, I used Policy 15-03-14 (*Chronic Mental Stress*). To be eligible for WSIB benefits under Policy 15-03-14 (*Chronic Mental Stress*) a person's chronic mental stress must be an appropriately diagnosed mental stress injury caused by a substantial work-related stressor or series of stressors. Substantial means the work-related stressor(s) is excessive in intensity and/or duration when compared to normal stresses experienced by people in similar circumstances. The WSIB must be able to confirm the event(s) that caused the chronic mental stress, and the work-related stressor(s) must be the primary or main cause of the mental stress injury.

For information on benefits, services and working safely, visit our website, www.wslb.on.ca
 Pour des renseignements sur les prestations, les services et la sécurité au travail, visitez notre site Web, www.wslb.on.ca

LTR

3334A

Mental stress caused by an employer's management decision is generally not covered by the WSIB. This can include an employer's decisions or actions concerning changes to work duties or working conditions, disciplinary actions, or termination (ending) employment. However, a person may be entitled to WSIB benefits if their employer's decisions or actions are not part of the normal employment function, such as violence or threats of violence.

As of January 1, 2018, people with work-related chronic mental stress may be eligible for WSIB benefits. People with work-related mental stress with an accident date before January 1, 2018 may also be eligible for WSIB benefits. I can use our new policies to make claim decisions for mental stress conditions before January 1, 2018 if they meet the policy conditions and if they:

1. have an accident date on or after April 29, 2014, have not filed a claim with the WSIB for the mental stress before January 1, 2018, and they file a new claim before July 1, 2018; or
2. have not yet received a final decision on their mental stress claim by the WSIB and/or the WSIAT as of January 1, 2018. This could include cases where the WSIB has not made a decision in the claim, or a decision was made and the notice of objection is or was received within the allowed time period.

According to Policy 11-01-04 (*Determining the Date of Injury*) the date of injury (also known as the date of accident) varies based on the type of claim and can refer to the date:

- of the actual incident
- on which an unexpected result of working duties occurs
- of first medical attention, or
- of diagnosis.

Reasons for the decision

I made this decision because of the information below:

Documentation

- This is an extremely well documented claim file. Though all of the documentation on file was reviewed, the following documents weighed heavily in the decision:
 - The arbitration decision by Richard Brown dated August 2, 2013 that was in response to a grievance you filed on April 13, 2011 concerning events that occurred in the 2010-2011 school year.
 - The arbitration decision by Richard Brown dated July 23, 2015 that was in response to a grievance you filed on April 26, 2013 concerning events that occurred in the 2012-2013 school year.
 - The investigation reports dated September 06, 2013 by Elizabeth Hewitt, a third party investigator hired by the employer, outlined interviews from witnesses present at the time of the alleged harassment.
- I have place considerable weight on Mr. Brown's decision because he had access to relevant witnesses and obtained statements and cross examinations within a closer proximity to the events. Mr. Brown, as an arbitrator, is a qualified and competent decision maker with the necessary expertise to adjudicate claims of workplace harassment. I am not bound by the findings of Mr. Brown however his determinations in this case cannot be casually dismissed.

Background

- You commenced your employment with the London District Catholic School Board on September 1, 1991 teaching in elementary schools until 2003 when you started to teach secondary school as well. You were assigned to Regina Muni College (RMC) in 2007 where you worked with the principal, Nick Vecchio, and the vice principal, Rick Sheardown.
- Due to a permanent medical condition that you were diagnosed with during childhood, you assumed a sick leave from work in March 2010, returning to RMC in the fall of 2010. Upon your return to work, you presented medical documentation from your family physician, Dr. Horne, and your specialist, Dr. Patrick supporting your need for accommodations.
- You worked at RMC until February 25, 2011 when you then went off work on a medical leave. You remained off work until late November 2011 when you returned to work at an over-compliment assignment at the Holy Cross school in Strathroy in the guidance department. You described this assignment as secretarial duties. On January 6, 2012 you were assigned to John Paul II in London where you reported a positive experience. On February 27, 2012 you returned to RMC where you worked in the guidance department until February 14, 2013.
- You worked at St. Thomas Aquinas (STA) for 2013-2014 school year. In February 2014 you filed grievances regarding a number of issues during your time at that school. You went off work in mid-February 2014 and did not return.
- You were paid sick pay until October 20, 2014. In a letter dated October 29, 2014 the employer terminated your employment noting a frustrated employment contract. That termination was subsequently rescinded by the employer. Your employer made a final offer to end your employment and settle your disputes. You rejected that offer. Your union has refused to represent you further following this rejected offer.
- There has been considerable litigation in this case involving the Human Rights Tribunal of Ontario, the Ontario Labour Relations Board, the Superior Court of Justice, and the Ontario Court of Appeal.
- While all of the documentation on the file was reviewed, I have identified three separate series of events that I have determined, combined, resulted in a substantial work-related stressor. They are as follows.

2010-2011 School Year

- Upon your return to work in the fall of 2010, you gave your employer medical information supporting your need for accommodations. During the fall you worked one third of a typical workload teaching grade nine French. At the beginning of February 2011, as a part of the accommodation, you also started to do work in the guidance department.
- Almost immediately, you reported feeling unwelcome by the guidance department head, Ms. Chevalier-Fell, as she was displeased that guidance work was being used as an accommodation. She also felt that you should not be provided with the same level of access to information as the other counsellors and should only have the same access as the secretary.
- In addition to this, Ms. Chevalier-Fell felt that for the sake of confidentiality, you should not be permitted to attend student interviews. As a result, you were excluded from the interviews and you were not provided with appropriate access to student records.
- Your office was located in a room in the guidance department that contained a large number of filing cabinets but lacked necessary internet and phone connections. Those connections were not added until February 23 and February 25 respectively. The documented reason for the delay in setting up the phone and internet was due to the guidance secretary voicing her objection to Mr. Sheardown of you being placed in her filing room. With the lack of appropriate phone and internet connections, you spent your time performing clerical and administrative tasks.

- As detailed in the arbitration decision, on February 23, 2011, you reported to Mr. Sheardown that the other counselors were "not happy" about your presence and were "taking it out" on you. Later that day, Mr. Sheardown spoke to you and advised that a meeting would be scheduled to take place on February 25, 2011 to address your concerns.
- You expressed your dismay to Mr. Sheardown's request to attend the meeting, becoming tearful. Heather Gable of human resources (HR) became involved and persuaded you to attend this meeting and confront the people that had contributed to your stress reaction since the onset of your work in the guidance department.
- During the meeting it was confirmed that Mr. Sheardown was aware that you were being excluded by your co-workers from activities that were pertinent to your job duties. He also confirmed that there was no reason you should be precluded from having full access to student records or attend student meetings.
- You also commented during the meeting about task assignment which elicited a facial expression from Mr. Sheardown along with the rhetorical question "what more do you want?" in a loud voice.
- It is also noted that Mr. Sheardown did not provide any direction to the staff in the guidance department, verbally or in writing, in relation to your work allocation, inclusion in guidance related activities, or access to electronic records despite being aware of the distress this was causing you.
- Mr. Brown made a number of comments in his decision of August 2, 2013 regarding these issues:
 - The employer did not take reasonable steps to control the behaviour of the other counsellors who were excluding you from meaningful guidance activities despite their awareness of the problem.
 - Mr. Brown determined that during the meeting with Mr. Sheardown that you were publically scolded in the presence of your colleagues. Mr. Brown felt that Mr. Sheardown's behaviour during the meeting constituted a violation of the Human Rights code, however he felt the behaviour fell short of harassment.
 - The secretary's objection to your placement was not a legitimate reason to delay the instillation of your telephone and computer.
- Following the meeting on February 25, 2011 you went off work on a medical leave.
- Mr. Brown awarded you \$7,500 for injury to dignity, feelings, and self-respect.

2012 – 2013 School Year

- The second series of events that contributed to your mental stress injury occurred during the 2012-2013 school year.
- On December 10, 2012, you witnessed a student with known behavioral problems in the school in the afternoon when was supposed to leave at 12PM. You were told by the secretary that Mr. Vecchio was aware of the situation and had dealt with it. You approached Mr. Vecchio suggesting the co-op teachers "keep an eye on him", referring to the student. Mr. Vecchio agreed and you suggested addressing the situation with the co-op teachers. Mr. Vecchio agreed to this idea.
- In an effort to follow through on your suggestion, you drafted an email addressed to all of the co-op teachers, Mr. Sheardown, and Mr. Vecchio to ensure the request reached all of the teachers in the rotation. In the email, you requested that attendance be taken to avoid these situations.
- Ms. McNally, the teacher responsible for taking the attendance that day, approached Mr. Vecchio on December 11, 2012 to complain about your email. She felt your email suggested she wasn't doing her job. Mr. Vecchio stated that he understood why she was upset though he did not at any time indicate that he was aware of and agreeable to your suggestion of sending the email.

- On December 11, 2012 Ms. McNally then approached you about the email explaining that she had spoken to Mr. Vecchio and stated that he had not indicated that he approved of you sending the email.
- As a result of this, you and your colleague, Ms. Bourke, invited Mr. Vecchio to discuss the situation. He, in response, began yelling about "his need for representation and about being sick and tired of being dragged into disputes about emails". Ms. McNally was then brought into the meeting to resolve the issue and Mr. Vecchio exited telling you to work it out.
- This incident was investigated by Ms. Hewitt who concluded that Mr. Vecchio's behaviour in this matter was sufficiently serious to constitute harassment. The specific behaviour noted by Ms. Hewitt was:
 - Failing to inform Ms. McNally that he had accepted your offer to email the co-op teachers.
 - Telling Ms. McNally he understood why she was upset by your email.
 - Displaying anger and raising his voice when discussing the email with them
- In addition to this incident, you stated that on December 11, 2012 an announcement came over the public address (PA) system asking that any issues with the PA system be reported. You approached Mr. Vecchio to advise that your PA speaker had not been working in your office since were placed there. Mr. Vecchio turned to you and tapped both of your temples repeatedly with his index fingers and said "And how would I know? You have to tell me".
- Ms. Hewitt concluded that "Mr. Vecchio's conduct created a 'hostile or intimidating environment' and therefore, had engaged in harassment." The employer did not contest this conclusion.
- Ms. Hewitt also concluded that "Mr. Vecchio's tapping, coupled with his condescending comment and subsequent conduct during the co-op bus incident, as being sufficiently serious to constitute harassment."
- On December 21, 2012, two colleagues approached you to wish you a merry Christmas. According to Mr. Brown, Mr. Vecchio approached the three of you in a pre-meditated fashion where he proceeded to praise you and stated he was not mad at you or Ms. McNally. You did not engage with Mr. Vecchio and were then admonished by your colleagues for being ungracious and not accepting his apology. You clarified that he hadn't actually apologized.
- Ms. Hewitt investigated this incident as well. She determined that Mr. Vecchio had not in fact apologized for his conduct on December 11, 2012, rather, he apologized if you thought he was angry with you.
- On January 04, 2013, you sent an email to Amy Davis and Maureen Bedek in HR to formally report the incident of December 11, 2012. This email was forwarded to Karin Kristoferson on January 06, 2013, Ms. Kristoferson responded to this email on February 12, 2013. She stated, in part:

"Turning to the situation which was the subject of the December 21, 2012 meeting, the Board has taken note of the concerns that you have expressed and they have been communicated to Mr. Vecchio. I can also advise you that it is the Board's expectation that you will be treated respectfully by all its employees, including Mr. Vecchio. That is a commitment which the Board is able to provide to you and it is consistent with the Board's expectations of all employees..."

Implicit in all that was his commitment to a positive and professional relationship with you in future. If you believe Mr. Vecchio falls below that standard in his future dealings with you, please let me know and we will respond to the circumstances at that time."
- On February 13, 2013, you were advised that a meeting had been scheduled to take place at the employers head office the following day to address a number of performance issues. You requested additional information relating to the content of the meeting however, any further details were withheld. During this meeting, the following concerns were brought forward. It is important to note that these performance concerns had not been brought up or addressed previously:

- Your interaction with the guidance secretary, Ms. Askew, on January 30, 2013, where you were accused of invading her personal space in an intimidating manner
- An email sent to multiple recipients relating to a mistake made by colleague, Mr. Lucier. According to Mr. Vecchio, the email should not have been sent to multiple recipients as this conduct was evidence that you were contributing to a negative work environment.
- Two parents complained about the service their children received when dealing with you. One stated that their daughter did not receive support in relation to post-secondary opportunities in the United States. The parent also alleged that you yelled at the student. You stated that you raised her voice to an assertive level and asked the student to make an appointment to discuss her concerns as there were other students waiting for their appointments to commence.
- A parent complained that his son was told to go on-line to obtain information about the post-secondary institution he wanted to attend. He stated that you had cancelled an appointment with the family. The parent also stated that his son was told in June 2012 that he did not have enough credits to graduate. You confirmed that you did advise the student to go on line as the appointment to meet with the parents was scheduled after the application deadline. Additionally, you confirmed that the error was not yours however you may have overlooked the error.
- Mr. Vecchio states that he received a report from a social worker stating that you told a student that if you were on an admissions panel for a post-secondary institution you would not admit her. Mr. Vecchio noted concerns about how you delivered this information. When asked, you confirmed that you told the student that she was "smart" however she was absent 155 times, 103 unexcused, during the 2012-13 school year therefore excluding her from acceptance into a post-secondary institution. You stated that your intent was to persuade the student to work harder.
- Mr. Vecchio states that you told the parents of a student that you would attempt to get him admitted into a specific program. It was later noted that the student had difficulty with math and was therefore not suited for the program. Mr. Vecchio criticized you for not consulting with the proper team of colleagues prior to speaking with the parents. It was noted that there were no math pre-requisites for the program.
- Mr. Vecchio reported that students had expressed concerns on Twitter about the lighting in your office as you did not use the fluorescent lights and you sat beside the students when they were reviewing something together. Witnesses confirmed that the lighting in the office was not an issue, the door was always open and the seating arrangement was common.
- In his decision of July 23, 2015 Mr. Brown states that you worked in the RMC guidance department for approximately one year before any concerns about your performance were raised. Yet within weeks of your January 2013 complaint about Mr. Vecchio, he convened a meeting to address eight concerns, some of which related to your long-standing practices when meeting with students in your office.
- Mr. Brown concluded that Mr. Vecchio and Ms. Kristoferson, who orchestrated the meeting on February 14, had demonstrated a bias against you after your complaint was lodged. Weighing all of the evidence, Mr. Brown concluded the manner in which performance issues were addressed were at least in part a reprisal for your complaint.
- Mr. Brown, in his decision, found that Mr. Vecchio's behaviour in this matter constituted the tort of intentional infliction of emotional distress
- A letter authored by Superintendent, Mr. DeDecker to Mr. Vecchio in relation to the Hewitt report, states in part:

"...the investigation made specific conclusions about meetings and conversations involving you, Ms. M. Michail and others that included a condescending tone, lack of judgement and an inability to effectively communicate and resolve concerns brought forward by Myriam.

...you have been offered the opportunity to be provided with additional supports with regard to this policy and encouraged to enroll in the Emotional Intelligence course provided by the board".

- Additionally a letter addressed to you dated August 08, 2013 authored by Ms. Bedek states:
*"...I want to acknowledge how upsetting this has been for you and confirm the Board's recognition of your very real commitment to teaching and the students who we all seek to serve.
...We look forward to working with you to re-establish the trust which has been broken and to creating a positive and healthy workplace for you..."*
- Mr. Brown awarded you \$20,000 for mental distress in large part due to the Mr. Vecchio's actions.

Medical Information

- There is a note from Dr. Horne dated February 28, 2011 noting that you were unable to work at that time due to increase stress at work. Dr. Horne noted that your condition appears to have deteriorated significantly since attending a staff meeting on February 25, 2011.
- Dr. Reiss, your psychologist, commented on the February 25 meeting stating in part:
"Unfortunately this incident further intensified Ms. Michail's psychological symptoms, specifically she experienced persistent feelings of sadness, frequent crying, reduced interest in typically enjoyable activities, withdrawal from daily activities and social connections... The note goes on to describe the increase in physical symptoms Ms. Michail experienced and her increased feelings of self-doubt."
- Dr. Brownstone, Psychiatrist, in a report dated May 17, 2012 noted that you had become clinically depressed due to the difficulties in the accommodations process as well as the incidents of harassment that you had experienced.
- Dr. Reist noted the following with respect to the temple tapping incident:
"...Ms. Michail presented humiliated and distressed at being treated as if though she was a child. She also discussed feeling violated by the fact the principal had touched her in such an insulting manner. In addition, she acknowledged that she did not feel safe around her principal and was guarded and hyper vigilant whenever she was around him....she was fearful of possible negative future encounters with her principal"
- Dr. Horne noted that you were seen on January 14, 2013 reporting significant stress due to being yelled at by the principal and you reported the temple tapping incident.
- Dr. Horne noted that you were seen again on February 19, 2013 reporting distress following the meeting on February 14, 2013.
- Dr. Reist, in a detailed summary report dated May 8, 2014 noted that you diagnoses were depression and anxiety.

Substantial Work Related Stressor

With regard to the allegations of harassment during the 2010-2011 school year:

- I have determined that as Mr. Sheardown's was a part of the management team, he should have been held to a higher standard to ensure each staff member is treated equally and with respect. He admitted that during the 2010-2011 school year he was aware that you were subjected to vexatious conduct at the hands of your colleagues yet he did not take the reasonable steps to end or prevent that behaviour.

- Mr. Sheardown did not ensure that you were equipped with the tools required to perform your job duties effectively and he allowed employees to continue excluding you from activities that were relevant to your job.
- Mr. Sheardown was aware of your plight, yet he did not provide direction to the staff to end the mistreatment.
- I have also concluded that Mr. Sheardown's participated in the mistreatment of you during the meeting of February 25, 2011 by insisting that you confront you colleagues, and by raising his voice and admonishing you publically. I find this conduct, by a manager, to be vexatious and contributed to the substantial work related stressor.

With regard to the allegations of harassment during the 2012-2013 school year:

- Regarding Mr. Vecchio's conduct relating to the co-op bus incident, he was in a position to address and potentially diffuse the obvious conflict that was about to occur however, he did not prevent it. When his part in the conflict came to light, he got upset with the parties, raised his voice stating he was "sick and tired of being dragged into disputes about email" and he left the conflict, unresolved. Ms. Hewitt felt this behaviour was sufficiently serious as to constitute harassment and I agree with that assessment.
- On December 11, 2011, when Mr. Vecchio physically tapped you on the temple while uttering a condescending comment was vexatious. This was compounded by the fact that Mr. Vecchio denied the conversation occurred and he denied tapping you on the temple on various occasions. Upon investigation, both the Hewitt report and the arbitration report confirm that the conversation took place. I find Mr. Vecchio's conduct to have significantly contributed to your work place stressors.
- I find that Mr. Vecchio's conduct in relation to reprisal rose to the level of vexatious. The arbitration report confirms that you worked in the department for approximately one year before any concerns about her performance were raised. Yet within weeks of your January 2013 complaint about Mr. Vecchio, he convened a meeting to address eight concerns, some of which related to your long-standing practices when meeting with students in your office. The arbitration decision goes on to say that Mr. Vecchio and Ms. Krsitoferson, who orchestrated the meeting on February 14, 2013 had demonstrated a bias against you after your complaint was lodged. Mr. Brown found this behaviour to rose to the level of intentional infliction of emotional distress.
- Typically under the CMS policy this type of conduct cannot be considered a substantial work-related stressor because these actions appear to be decisions/actions by the employer. There is no entitlement for mental stress that is due to decision/actions by the employer that are part of the employment function. I do not find that these actions were part of the employment function. Mr. Brown's carefully and thoroughly analyzed this incident and concluded it constituted intentional infliction of emotional distress. Noting the sequence of events it does appear that the actions of Mr. Vecchio were retaliatory in nature and therefore constitute vexatious conduct that is not part of the employment function.
- All of the incidents outlined above constitute a substantial work-related stressor under the CMS policy.
- I note that you have reported a multitude of additional allegations of incidents between you and your colleagues at RMC, Holy Cross and STI however, I was able to establish a substantial-work related stressor with the series of events noted above.

Predominant Cause

- Once a substantial work-related stressor has been identified I must also determine if that stressor is the predominant cause of the mental stress injury.
- I have reviewed the available medical information and I am satisfied that the substantial work-related stressor is the predominant cause of the ongoing mental stress injury. The medical reports from your doctor supports that stress due to the incidents outlined above were the most significant causes of your mental stress injury.
- It is also noted that you have a pre-existing medical condition however you were diagnosed with that condition in childhood and it does not appear to the reason you stopped working nor does it appear to be cause of your mental stress injury.

Date of Accident Decision

- Upon registration, the date of accident noted was March 30, 2010 however this is not accurate. Policy 11-01-04 (*Determining the Date of Injury*) states that when an identifiable, unintended event causes an injury, the date of injury is the date of the actual incident. I have determined that February 14, 2013 is the date of accident as that was the last in the series of incidents that constitute the substantial work-related stressor in this case.

McNair report dated May 29, 2014 which addresses issues during the 2013-14 school year:

- John McNair was a third party investigator hired by the LDCSB to investigate your allegations dated February 20, 2014 and February 21, 2014 against Jan Mallender and Mary Liz Chen. He also investigated a counter claim made against you by Ms. Mallender and Ms. Chen.
- In reading this report, Mr. McNair felt that you were a contributing factor in a hostile and toxic work environment. The report states (264):
"There was an atmosphere of mutual suspicion within STA and the Guidance department in particular, fed by Michail's belief that staff and administration were resentful and vindictive toward her, and by their realization that Michail was carefully documenting their interactions with her for the purpose of some undefined legal proceeding. Michail wrongly saw every instance of impatience or simple discourtesy by her colleagues as part of a pattern of contempt which had formed amongst the other guidance counsellors, secretaries and administrators at STA. Her firm belief that she was resented by virtually everyone at the school became self-fulfilling; Michail's suspicious and defensive outlook engendered and adversarial spirit within the department."
- Though I recognize Mr. McNair's opinion that you contributed to the toxic work environment during the 2013/14 school year, your actions at that time occurred after you sustained a mental stress injury as a result of the conduct of your colleagues and your employer in previous years.
- Mr. McNair's final opinion was that neither Ms. Mallender nor Ms. Chen were the victims of workplace harassment. This does not change the fact that you were previously subjected to workplace harassment sufficient to be considered a substantial work-related stressor.

Next Steps

- In order to determine your entitlements to loss of earnings (LOE) benefits I will require the following information from 2014 to 2018:
 - o Notice of Assessment from Canada Revenue Agency (CRA)
 - o Income and Deduction Printout - Option C. (This information can be requested from the CRA by calling the CRA toll-free at 1-800-959-8281 - then press * to speak with an agent).

Page 10

Claim No. / N° [REDACTED]

- I will also be requesting updated medical information from Dr. Horne and Dr. Reist. Both have provided detailed summaries of their treatment up to 2016. I will copy you on those requests for information outlining treatment from 2016 to date.
- I will also be gathering earnings and wage loss information from your employer.

I am committed to making fair decisions according to the law and policy, and the information we have on file. If you have new information, please send it to me. I will review your claim with the new information and may be able to change my decision.

If you want more information or have any questions after reading this letter, please call me.

Yours sincerely,

L. Ross
Case Manager, Mental Stress Injuries Program
Tel: 416-344-1000 or 1-800-387-0750

Copy To: SISKINDS THE LAW FIRM, OFFICE OF THE WORKER ADVISER, LONDON DISTRICT
CATHOLIC SCHOOL BOARD

3334A

Information about WSIB entitlement

Helping in your recovery and return to work

People with workplace injuries, employers and the WSIB have responsibilities under the law as workplace partners. You can help us during your recovery and return to work by keeping up with health care treatments, staying in touch with your employer about return-to-work options, and providing us with information we request to manage your claim.

You can help us manage your claim by submitting a completed *Worker's Report of Injury/Disease (Form 6)*, if you haven't already. The "eForm6" can be submitted securely through our website at www.wsib.on.ca using the "eWSIB" option on our welcome page. You will need your claim number (see decision letter) and your date of birth to complete the eForm6.

Reporting material change in circumstances

You must report the following changes in your circumstances to us within 10 days of the change to make sure your benefits are not reduced or stopped, and that you are not charged a penalty:

- An improvement or worsening in your condition,
- An increase or decrease in your wages,
- Beginning to get, or changes, to Canada Pension Plan disability benefits,
- A change in your job duties or hours, and/or
- A change in your ability to co-operate in treatment, early and safe return-to-work activities, or work reintegration program.

Please contact us if you're not sure if you need to report a change. We can review the information and decide if we need to make adjustments to your benefits.

As part of our responsibilities, we protect your privacy and the confidentiality of your personal information. You can read our detailed Privacy Statement for Workers on our website or contact us to send you a copy.

Employers' right to object

Your employer has the right to object to your claim being allowed for up to six months following the date of the decision letter allowing your claim.

About health care services/equipment and/or supplies

As a result of your injury or disease, you may need health care services including treatment, medication and health care equipment and supplies that have been prescribed to treat your work-related injury or disease. Pharmacies and health care providers should bill the WSIB directly and should not bill you for any services you receive.

Sometimes a service or product may need to be pre-approved to make sure payment is allowed. In these cases, the service provider or supplier should contact the WSIB to get approval.

If you need health care equipment or supplies because of your work-related injury or disease, a prescription is required from your treating practitioner.

For approved purchases, please use one of the four suppliers listed below. By using these preferred suppliers, you will not have any out-of-pocket expenses and you can expect a wide range of high quality products, locations across Ontario and excellent service – including fast home delivery to anywhere in Ontario, at no cost to you.

Preferred supplier	Contact information	Location
McKesson Retail Banner Management	Phone: 1-844-989-1784 Fax: 905-943-4513 Website: www.hhcesprovider.ca	Province-wide with over 75 independently-owned locations. Banner stores include IDA Drugmart and Guardian Pharmacy
Ontario Home Health	Phone: 1-866-661-1912 Fax: 1-866-388-7681 Email: sales@ont-home-health.on.ca Website : www.ont-home-health.on.ca	Central and southwestern Ontario: Stratford, Orangeville, Guelph and Cambridge. Specializing in rural support for these areas.
Motion Specialties	Phone: 1-800-267-2920 Website: www.motionspecialties.com	Province-wide with about 22 retail locations across Ontario
Shoppers Home Health Care	Phone: 1-877-752-8885 Website: www.shoppershomehealthcare.ca	Storefront locations across Ontario

You can get more information about WSIB benefits and services, fact sheets and other publications in several languages and formats, our privacy statement and our policies at www.wsib.on.ca.

Drug benefit program

We have an automated drug benefit program. This lets pharmacies across Canada bill us electronically for medication prescribed for a work-related injury/disease that has been allowed by the WSIB.

To get your prescription filled, simply take your prescription to a Canadian pharmacy. Your pharmacist will need your claim number to process your prescription. The prescription information is sent electronically through the WSIB's online system and if you have entitlement to this drug, then the pharmacist can fill your prescription immediately and bill the WSIB.

Sometimes you may have to pay for your prescription and then request reimbursement from the WSIB. This happens if:

- We are still reviewing entitlement in your claim, or to a particular medication.
- A medication is not covered.
- The quantity of the drug requested is more than your entitlement.

You can request to be reimbursed for a prescription that you paid for. You must:

- Complete and sign a WSIB Medication Reimbursement Form (0806A), which is available from pharmacies and www.wsib.on.ca or by calling us at 1-800-387-0750
- Attach the original receipts, and
- Send it to the WSIB for consideration of payment to:

Drug Verification
Workplace Safety and Insurance Board
200 Front Street West
Toronto ON M5V 3J1

Community Mental Health Program

The Community Mental Health Program is designed for all people with a WSIB registered claim who require psychological assessment or treatment. This includes people who experience a psychological reaction secondary to a work-related physical injury, as well as people who experience a significant work-related psychological response to a workplace incident or cumulative incidents, such as chronic mental stress, traumatic mental stress, first responder PTSD.

The Community Mental Health Program is delivered by community-based psychologists who are registered with the WSIB's Community Mental Health Network. A directory of psychologists registered with the Community Mental Health Network is available on our website www.wsib.ca. If you require a psychological assessment or treatment, you can search this directory to find a psychologist or psychology clinic by name, clinical specialization, or region.

Travel expenses

We pay all reasonable expenses that you incur when, on the direction or approval of the WSIB, you or another person designated by the WSIB, must travel in relation to a claim.

If you are not sure of the type of travel expenses for which you are eligible, please call us or visit www.wsib.on.ca for more information. A Worker's Travel Expense Form is available on the website to complete. We must pre-approve travel expenses.

Please complete the form based on the method of travel we have approved, even if you choose to travel a different method. For example, if you are eligible for public transit fare and choose to drive, you should complete the form claiming transit fares. Be sure to provide all the information requested so that we can process your payment promptly.

Additional support for you

You may find it helpful to have a representative assist you with your claim. Free advice and representation may be available through the following organizations:

- If you are a unionized employee, your union may help you. If you are having trouble getting help from your union local, you can call the Ontario Federation of Labour (OFL) at 1-800-668-9138.
- If you do not belong to a union, the Office of the Worker Adviser (OWA) may be able to help you. The number for the OWA is 1-800-435-8980 (English) or 1-800-661-6365 (French).
- You may qualify for assistance from the Community Legal Clinics. The number for Legal Aid in Ontario is 1-800-668-8258 (outside Toronto) or 416-979-1446 (Toronto area).

Page 14

Claim No. / N [REDACTED]

Yours sincerely,

Lindsey Ross
Case Manager, Mental Stress Injuries Program

Tel: 416-344-1000 or 1-800-387-0750

Copy To: OFFICE OF THE WORKER ADVISER, SISKINDS THE LAW FIRM

3331A