

Promoting Safe Workplaces ...

Protecting Employers and Workers



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GENERAL OVERVIEW

1. What is the Workers Compensation Board of Prince Edward Island (WCB)?

- the Workers Compensation Board (WCB) is an independent, non-profit mutual insurance organization operating under the provincial Workers Compensation and Occupational Health and Safety Acts;
- WCB's mission is to promote safe workplaces and to protect employers and injured workers through a sustainable accident insurance program.

2. What does the WCB do?

It provides benefits to workers who have a workplace injury and protects employers from legal action. The WCB works in partnership with workers, employers, and others to increase understanding of the need for safe and healthy workplaces and to encourage the development of standards to promote health and safety in the workplace.

Compensation benefits may include:

- medical services;
- wage loss benefits;
- rehabilitation services.

PREVENTION

3. What does the WCB do to prevent workplace injuries and promote safe workplaces?

- the WCB administers the Occupational Health and Safety Act and Regulations, which establish a minimum standard of health and safety in Island workplaces, through workplace inspections and accident investigations;
- an Education Consultant is available to provide information on requirements under the Act and assist employers and workers with the development of Health and Safety programs to prevent illness and accidents;
- a Youth Education Coordinator is developing health and safety curriculum for kindergarten through grade 12 to promote health and safety for Prince Edward Island youth.

4. What are my rights at work?

The following are your rights:

- the right to know, which means the right to information on issues that affect your health and safety;
- the right to participate, which could include reporting unsafe or unhealthy conditions, or joining your joint occupational health and safety committee;
- the right to refuse, which means you have the right to refuse dangerous or unhealthy work. For more information see [Information on Occupational Health & Safety](#).

- 5. What are my responsibilities at work?**
- to report hazards and all injuries to your employer;
 - to work safely, by following health and safety rules. Ask for training if you need it;
 - use protective equipment if your work is dangerous (i.e. hard hat, rubber gloves);
 - to cooperate with your health and safety representative or committee.
- 6. What are my employer's responsibilities?**
- employers are responsible for taking every reasonable precaution to ensure the health and safety of everyone at or near the work site;
 - the OH&S Act and Regulations outline in detail how this is to be done. Essentially, employers are responsible for training you in the risks of your job and providing the knowledge and equipment for you to do your job safely;
 - for further information regarding employer responsibilities please see [Information on Occupational Health & Safety](#).
- 7. What are Health and Safety Representatives?**
- workplaces with between 5 and 19 regularly employed workers must appoint a health and safety representative chosen by workers from among the workers with no supervisory duties;
 - the representative's job is to meet regularly with their supervisor to bring concerns about health and safety to the supervisor's attention;
 - often the persons doing the work are more aware of problems than the supervisor;
 - the purpose of having a representative is to have a formal way of communicating concerns;
 - for further information see [Information on Occupational Health and Safety](#).
- 8. What are joint occupational health and safety committees?**
- all workplaces with 20 or more persons employed more than three months a year must maintain a committee;
 - at least half of the committee must be made up of workers with no supervisory duties. The remaining committee members are supervisors or management;
 - Joint occupational health and safety committees help to improve communication about hazards in the workplace and assist with addressing them.
- For more information see [Information on Occupational Health and Safety](#).
- 9. What should I do if I think my workplace is unsafe or unhealthy?**
- if you think your workplace is unsafe or unhealthy, report your concerns immediately to your supervisor who should promptly investigate the problem;
 - if you are still concerned, report the situation to your joint occupational health and safety committee or representative;
 - if your workplace employs less than five people there may not be a joint occupational health safety committee;

- if your workplace has no joint occupational health and safety committee, or you or your joint occupational health and safety committee have concerns, you may report concerns to an OH&S Officer who will investigate the situation.

10. Where can I find more information about prevention?

Further information can be found by following the link [Publications](#) or at the WCB office.

WORKERS

Claims Questions

11. If a workplace injury occurs, what do I need to do?

- get first aid if you require treatment for the injury;
- when you see a doctor or chiropractor, be sure to tell them that you were hurt at work. This is important so your doctor or chiropractor can send a report to the WCB. You must be under a doctor or chiropractor's care to qualify for compensation benefits;
- report the details of the injury to your employer or supervisor immediately;
- make sure your joint occupational health and safety committee or representative is notified about the accident;
- complete a [Worker's Report - Form 6](#) and mail, fax, or drop it off to the Workers Compensation Board [Form 6 is also available from the WCB, and your employer]. The Form 6 must be received within six (6) months of the date of accident.

Note: The Worker's Report – Form 6 is required whether or not you miss time from work. Please do not leave the original form with your employer. The original form must be submitted directly to the WCB by the injured worker or designate.

12. If a workplace injury occurs, what does my employer need to do?

- provide you with first aid, if you require treatment for the injury;
- if required, arrange and pay for immediate transportation to a doctor or medical facility;
- complete an [Employer's Report of Accident \(Form 7\)](#) and mail, fax, or drop it off to the WCB within 3 days of being notified of the injury. Failure to do so may result in fines. The Employer's Report of Accident is required whether or not you miss time from work.

13. What does the WCB need to consider my claim?

- Form 6: A Worker's Report from you;
- Form 7: An Employer's Report of Accident from your employer;
- Form 8: A medical report, provided by your doctor or chiropractor, describing your condition and the medical treatment recommended.

14. What types of injuries can I claim?

The WCB covers workplace injuries and occupational diseases that require medical attention or therapy that may or may not cause time away from work.

15. When does my compensation begin?

- compensation will begin when your claim is approved by the WCB;
- treatments such as physiotherapy or chiropractic services may be approved prior to a decision being made on whether your claim will be approved, provided WCB has received a Worker's Report or Employer's Report of Accident.

16. Are all workers covered?

- most, but not all workers are covered by the Workers Compensation Act. There are industries, including fishing and farming, which are not required to carry WCB coverage under the Workers Compensation Act;
- employers in these industries may choose to register with the WCB;
- if you are not sure whether your industry is covered, please contact WCB Employer Services at 368- 5680 or 1-800-237-5049.

17. Do I need to work full-time to be covered?

- no, if you work in an industry that is required to have workers compensation coverage, you are covered whether you work full-time, part-time, temporary, or casual.

18. Where does the money come from? How much do I personally contribute?

- 100% of the funding is paid by the employer;
- workers do not contribute funds to WCB, nor does the government.

19. How is my compensation determined? Do I pay tax on this amount?

- compensation benefits are paid on a bi-weekly basis. Benefits are paid at 80% of net annual earnings for the first 38 weeks and 85% of net annual earnings thereafter. A maximum annual earnings level is decided each year by the WCB. Benefits may not exceed 80% or 85% of the maximum annual earnings level for the year. The compensation payable to you is reduced by any collateral benefits (e.g. Canada Pension Plan Disability Benefits or benefits paid wholly or in part by the employer.) Benefits are tax free, however, you need to report them to Revenue Canada;
- only wages you earn from employment with insured employers are used to calculate your benefits.

20. What is the benefit waiting period?

If you miss time from work due to a work related injury, an amount equal to 60% of a week's average earnings is deducted from your first benefit cheque.

- 21. Do I need to file a claim if I am only off work for two days and I am not going to get a cheque from the WCB?**
- anytime there is a workplace accident, the worker and employer are required by the Workers Compensation Act to file a claim. Sometimes when an injury occurs it may initially seem minor, but there may be complications that develop later. Filing a claim means there is a record of the accident in case there is a need for treatment and medical care later on;
 - filing a claim for an accident helps the Workers Compensation Board keep an accurate record of the types of accidents that are occurring so it can work with employers and workers to prevent future accidents.
- 22. What happens after I file a claim?**
- WCB registers your claim and assigns it to an Entitlement Officer who gathers the information needed and makes a decision on your claim.
- 23. If my claim is approved what am I entitled to?**
- If your claim is approved, you are eligible for benefits and services that may include medical services, wage loss benefits, or rehabilitation services that are approved by the WCB.
- 24. What are my responsibilities after my claim is approved?**
- You are responsible for taking reasonable steps to assist in your recovery from the effects of a workplace injury. You are expected to do the following:
- contact your employer as soon as possible after the injury occurs and maintain weekly contact throughout the period of recovery;
 - inform the Entitlement Officer or Case Coordinator of any changes in your medical condition or income, including confirmation of a return to work date;
 - if the Occupational Therapist is involved in your recovery, maintain weekly contact with him or her;
 - if you are in doubt about whether a change should be reported contact your Entitlement Officer or Case Coordinator;
 - cooperate with your employer and the WCB in the timely and safe return to work process;
 - take an active role in your recovery by following the prescribed treatment;
 - attend scheduled appointments and ask questions if instructions are not understood.
- 25. What are my employer's responsibilities after my claim is approved?**
- The employer is expected to do the following:
- contact the worker as soon as possible after the injury occurs and maintain weekly communication throughout the period of the worker's recovery and return to work;
 - cooperate in returning the worker to employment in a timely and safe manner;
 - attempt to provide suitable employment that is safe, within the worker's physical

capabilities, and where possible, restores the worker's pre-injury earnings as closely as possible;

- provide the WCB with any information regarding the worker's return to work plan.

26. What are the responsibilities of the WCB?

Your Entitlement Officer or Case Coordinator can provide you with valuable help toward a successful recovery and return to work and can do the following:

- answer questions about treatments and conditions;
- act as a contact with the health care professionals and your employer;
- coordinate resources to support you and your family during your recovery and safe return to work;
- monitor the activity, progress, and cooperation of the worker and employer on the return to work plan;
- assist with all matters concerning your claim.

27. What is the difference between an Entitlement Officer and a Case Coordinator?

An Entitlement Officer is responsible for initially gathering the claim information. The Entitlement Officer makes the initial decision on whether to approve your claim. If your injury causes you to be in receipt of wage loss benefits for more than four weeks, your claim will be transferred to a Case Coordinator who will monitor your medical recovery and your return to work.

28. What information is needed when communicating with the WCB?

- date of injury (or date you first noticed symptoms);
- Entitlement Officer or Case Coordinator's name and phone number;
- always keep your case ID number close at hand when talking with WCB staff. This will help the WCB to serve you better.

29. What does the Worker Advisor do?

The Worker Advisor is available to help you with matters about the Workers Compensation Act and in particular with the appeals process. The Worker Advisor can:

- provide general information about the Workers Compensation Board's system, policies, procedures, and the appeal process;
- advise workers on what actions they can take and help gather necessary information;
- determine if the problem with a claim can be resolved through an appeal;
- help prepare an appeal; written or oral;
- appear as the representative, for the worker or the worker's dependant, at an appeal hearing;
- the Worker Advisor is independent of WCB and the services are free of charge.

The Worker Advisor Office can be reached at:

161 St. Peters Road, 2nd Floor
PO Box 2000
Charlottetown, PE
C1A 7N8

Toll free: 1-800-658-1806
Telephone: 902-368-6460
Fax: 902-368-6576
E-mail: mapeters@gov.pe.ca

Medical Questions

30. What medications are covered?

- only medications that relate to your compensable injury;
- medications that you were taking prior to your accident will not be covered;
- all prescriptions must be pre-approved; the WCB may limit authorization for prescription drugs.

31. How often do I need to see a doctor?

This depends on the extent and severity of your injury; medical documentation is required at least once per month.

32. What is the usual recovery time for soft tissue injuries?

- most injuries do not involve bones or joints; they are soft tissue in nature (i.e. muscles and ligaments);
- 90% of people recover in 30 days or less;
- for more information on how long it may take to recover from a soft tissue injury, please see the [Disability Duration Guidelines and Expected Healing Times](#).

33. My Doctor said I have a RSI. What is that?

- RSI stands for repetitive strain injury and can be associated with both work and non-work related activities.
- the workplace risk factors are analysed and you will be asked to fill out a progressive injury questionnaire.

34. What is the best treatment for back pain?

- the current medical information indicates that maintaining as much as possible all of your normal daily activities, including staying at work, results in the quickest relief of back pain;
- this approach is incorporated in the sports medicine model promoted by the WCB.

35. Do I need an MRI (Magnetic Resonance Image) for my back pain?

An MRI is usually only indicated if there are specific medical findings and/or surgery is being considered.

36. The doctor said I have a disc bulge. What does that mean?

- a disc bulge may be seen on an x-rays, CT scan, or MRI of your spine;
- it represents a drying out of the disc compatible with the normal aging process;
- it is observed in over 50% of the population, including those with no back pain;
- another term is degenerative disc disease;
- the extent of the degeneration does not relate to the extent of back pain, nor limit treatment, nor limit a timely and safe return to work.

Return To Work Questions

37. Should I be fully recovered before returning to work?

Remaining active and at work are two strong components of the healing process. The best therapy includes living life as normally as possible, as it was prior to the injury. Activity is part of the healing process and needs to continue in order to help strengthen the injured body part and to help you feel active.

38. What is the role of the Occupational Therapist in my recovery?

- the Occupational Therapist works in collaboration with the worker and employer in the development, and monitoring of the return-to-work plan;
- as you recover the Occupational Therapist will work with you to build on your strengths and will help assist you back to work with either modified or alternate duties if required;
- the Occupational Therapist will visit the work site as needed.

39. What is a Return To Work plan?

- a Return To Work plan reintroduces workers to safe and productive employment, which eliminates or minimizes earnings loss, as soon as medically possible;
- return to work is a form of therapy and is based on the concept that many people can safely perform productive work during the process of recovery;
- a Return To Work plan is an individual plan designed to return a worker back to pre-accident, modified, or alternate duties.

Effective July 1, 2002, all employers and workers (the workplace parties) are obligated under Section 86 of the Workers Compensation Act to cooperate in the worker's timely and safe return to suitable and available employment with the employer.

40. What are the return to work options?

These options are designed and maintained by an Occupational Therapist from the WCB,

who focuses on the worker's capabilities rather than restrictions as a result of the injury. The following are the return to work options:

A.) Modified duties - Modified duties allow the worker to work regular hours. Modified work may incorporate, but is not necessarily limited to the worker's regular duties. The modified duties require less physical exertion than the pre-injury job. The worker's duties are limited according to the recommendations of the health care provider. The need for modified work is usually temporary, but may be required on a permanent basis in some cases. The employer may pay full wages to workers on modified duties.

B.) Alternate duties/tasks- While unable to perform regular duties, the worker may be able to perform other duties within the worker's skills or abilities. Hours of work may vary depending on the availability of appropriate, meaningful tasks and the worker's skills and abilities. The employer may pay full wages to workers performing alternate duties or tasks.

C.) Ease back- Ease back to regular work may be initiated by the WCB or by the employer. It allows workers to gradually return to their pre-injury work while building their strength and tolerance for work. The work hours are reduced and duties may be modified to match the worker's tolerance level. The objective is to allow a steady progression of hours or duties with the end result being a return to full employment. Regular job duties are performed or shared with other workers. The worker is an extra to the regular staff complement and may continue to receive wage loss benefits from WCB during ease back.

Note: Employers interested in developing and implementing a Return To Work Program may contact the WCB for additional information, eligibility requirements, and assistance.

41. What is work conditioning and when should it be used?

- work conditioning is a program provided under the direction of a physiotherapist or chiropractor;
- it usually involves several hours per day of exercise therapy and education which builds strength and stamina;
- work conditioning can be done before or during the return to work program. This program helps to strengthen the body in preparation for return to work.

42. Under what circumstances is retraining possible?

- the main goal of the WCB is to return the worker to pre-injury employment;
- the employer has a responsibility to accommodate the worker by providing a job to match the worker's functional abilities. Retraining is only considered if alternate employment with the same or different employer is not possible, and the worker has both a permanent medical impairment and a loss of earning capacity.

43. What is an impairment award?

A worker who has incurred an impairment from an injury arising out of and in the course of employment is entitled to a lump sum award for the measurable loss of body function. Awards are based on the percentage of total body impairment as determined by the Board Medical Consultant or another qualified medical practitioner designated by the Workers Compensation Board, using the AMA Guides to the Evaluation of Permanent Impairment as a reference.

Appeal Related Questions

44. Can I get information from my claim file?

- you are entitled to request access to your claim file;
- the WCB will provide one copy of the file, free of charge, following completion of the [Workers Request for Release of File – Form A](#) or form [Worker's Authorization For Release Of Information - Form B](#) available from the WCB office or our website under [Forms](#).

45. Does my employer have access to my claim file?

- yes, after an appealable decision has been made and where there is a *bona fides* issue in dispute with respect to that decision;
- Information from a claim file will only be released if the employer submits an [Employer's Request for Release of File-Form D](#) clearly identifying the *bona fides* issue in dispute.

For further information see the Workers Compensation Board Policy [POL04-03, File Release](#).

46. What happens if I do not agree with a decision made on my claim?

- any worker or employer involved in a claim may request a reconsideration/appeal of a decision;
- you have the right to request a reconsideration/appeal of the decision within 90 days from the date of notification of the decision made in your claim;
- further information can be sent to you by the Entitlement Officer or Case Coordinator, or by calling toll free 1-800-237-5049 or the Internal Reconsideration Office at (902) 368-5674.

For further information see Workers Compensation Board Policy [POL06-01, Internal Reconsideration](#) or [Guidelines: Internal Reconsideration Process](#).

47. Can someone help me with my claim?

- your Entitlement Officer or Case Coordinator is available to assist you;
- the Worker Advisor service is also available. For more information see: [Worker Advisor Program](#).

EMPLOYERS

48. Are all industries covered by the Workers Compensation Act?

- no, employers in certain industries, such as fishing and farming, are not covered by the Workers Compensation Act;
- these employers can choose to be covered by applying for optional coverage;
- if you wish to apply for optional coverage, complete an Employers Registration Form and mail or fax it to WCB.

For more information see [Information for Employers](#) or Workers Compensation Board Policy, [POL02-26, Optional Coverage](#).

49. How do I register?

- you must register with the WCB if you employ one or more workers on a regular, part-time, or contractual basis;
- you can register by calling the WCB at 368-5680 or toll free 1-800-237-5049; the WCB will send you the forms required to register;
- if you have any problems in completing the forms, please contact the WCB, and someone will assist you;
- please note all WCB forms and booklets are available on our website under [Forms](#) and [Publications](#).

50. What happens if I do not register?

- an employer who does not register with the WCB may be given an arbitrary assessment plus penalties for filing late;
- if a worker's compensation claim was filed before registration, the employer may have to reimburse the WCB for the full cost of the worker's claim.

For more information on employer registration see Workers Compensation Board Policy, [POL02-10, Employer Registration](#).

51. How are assessment rates established?

- assessment rates are set annually by the WCB;
- rates are based on the relative cost of injuries, payroll for all employers in each rate group, and the WCB administration;
- the rates are set per \$100 of assessable payroll;
- employers who are subject to the Experience Rating Program will pay an adjusted rate based on program criteria.

For more information about assessment rates, see Workers Compensation Board Policy, [POL02-20, Setting Assessment Rates](#).

For more information about the Experience Rating Program, see the [Experience Rating Program](#) pamphlet.

52. How do I pay WCB assessments?

- assessments are normally payable in one lump sum;
- you will receive a Statement of Account, which will outline all of your assessment activity for the month;
- all payments are due thirty days from the date of statement.

53. How am I assessed if I operate in more than one industry?

- perhaps you are engaged in a variety of industries to which different assessment rates apply;
- in this case, a separate employer account may be necessary for each industry if the activity is independent and self-sustaining as a separate business.

For more information about payment options, please contact the WCB.

54. What are the employer's responsibilities around injury prevention?

- take reasonable precautions to ensure the health and safety of everyone at or near the work site;
- follow the Occupational Health and Safety Act and Regulations;
- ensure workers are aware of health and safety hazards;
- maintain equipment;
- provide appropriate supervision and training to workers;
- provide personal protective equipment.

For further information consult the Occupational Health and Safety Act or contact the WCB.

55. If a workplace injury occurs, what do I need to do?

- provide the worker with first aid if he or she requires medical treatment for the injury;
- if required, arrange and pay for immediate transportation to a doctor or medical facility;
- complete an [Employer's Report of Accident \(Form 7\)](#) and mail, fax, or drop it off to the WCB within 3 days of being notified of the injury. The Employer's Report of Accident is required regardless of whether the worker misses time from work.

56. When a worker is on claim, what is required?

The employer is expected to do the following:

- contact the worker as soon as possible after the injury and maintain weekly communication throughout the period of the worker's recovery and return to work;
- cooperate in returning the worker to his or her employment as timely and as safely as possible;
- attempt to provide suitable employment that is safe, within the worker's physical capabilities, and where possible, restores the worker's pre-injury earnings as closely as possible;
- provide the WCB with any information requested concerning the worker's return to work.

Effective July 1, 2002, all employers and workers (the workplace parties) are obligated under Section 86 of the Workers Compensation Act to cooperate in the worker's timely and safe return to suitable and available employment with the employer.

57. If I am self-employed, can I get coverage?

- personal coverage is available to all employers and to independent operators (self-employed persons with no workers);
- executive officers and directors of a company may also apply;
- contact the WCB at 368-5680 or 1-800-237-5049.

For more information about personal coverage, see Workers Compensation Board Policy, [POL02-18, Personal Coverage](#).

58. Where can I find more information about Employer Services?

- Further information can be found through the WCB website link [Employers](#) or at the WCB office.

59. What is the Employer Advisor?

- the Employer Advisor provides advice, assistance, education, and representation to Island employers and employer associations in their dealings with both the Workers Compensation Act and the Occupational Health and Safety Act, as well as Regulations, policies, procedures, and practices of each Act;
- the Office of the Employer Advisor is funded by employer assessments paid to the Workers Compensation Board, but it operates independently of both the Board and government;
- on any WCB decision pertaining to claims, assessments, workplace health and safety, or appeals, the Employer Advisor is available to discuss it with employers, their management staff, or their association;
- there are no fees charged for this service and all inquiries are held in strict confidence.

The Office of the Employer Advisor can be reached at:
40B Burns Avenue
PO Box 2000
Charlottetown, PE
C1A 7N8
Telephone: 902-368-6132
Fax: 368-4382
E-mail: kdmullins@gov.pe.ca
Website: www.gov.pe.ca/go/oea

FOR MORE INFORMATION

60. Where can I find information on Workers Compensation Board policy?

- all WCB policies are located on the WCB website which can be accessed at www.wcb.pe.ca
- if you have general policy questions you can contact the WCB at 569-7713 or submit a question on the website by following the links [Policy](#) and [Policy - Public Consultation](#)

61. What is the Policy Insider?

The Policy Insider is a quarterly publication dedicated to providing you with information related to policies and other important facts about the Workers Compensation Board. The main focus of the Policy Insider is to help you get information on policy and increase awareness of policy changes that may affect you. All editions of the Policy Insider are available for downloading from our website at www.wcb.pe.ca.

62. If you require further assistance...

If you require more information, please contact the Worker's Compensation Board of Prince Edward Island.

Toll Free Telephone for Atlantic Canada 1-800-237-5049
or (902) 368-5680
Fax (902) 368-5696
Internet: www.wcb.pe.ca
14 Weymouth Street
P.O. Box 757
Charlottetown, PE
C1A 7L7