

BULLETIN

## Injured at work? Heres why you should report it

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**n December 1999**, Jennifer Tindale was a recent graduate from a radiation therapy program. At 21, she was active in sports, had a busy social life, plans to buy a new car, and to move into her place.

Now, not even 30, she has been off work for six years.

-I was working at the BC Cancer Agency in Vancouver. A patient on our treatment bed grabbed my right arm with both of her hands. She wanted help sitting up and she wrenched my shoulder."

This one incident at work was to have a long lasting impact on her life. -Luckily," Tindale says, -I reported it."

Too often, when a worker is injured, it is not reported. -One of the biggest problems we have is people who keep on working," says Sarah OLeary, an advocate for HSA members dealing with the Workers Compensation Board. -They dont make a report and later on, when they need to apply to go on compensation, there is very limited help we can give them when their claim is denied."

Tindale can understand why workers often dont bother reporting injuries. -You want to be a team player, and you dont want to let the other team members down. But ultimately, its going to cost you."

Tindale says she felt something -wasnt quite right" and filed an injury report the day after she was injured. She was advised to take two weeks off, which were covered by WCB. She went back in January 2000 and recalls, - Within a month of the accident, I had a numbness in my hands. I kept working but the pain got to where I just couldnt work. I shouldnt have gone back to work [so soon]."

Tindale remained at work until June 2001, using up her sick days and vacation to recuperate. During those final months, she was working on a machine that required a lot of patient lifting. -The January before I went off work," she says, -we went to an eight-and-a-half hour day." That extra half-hour of work further exacerbated the problem and she was -popping" Advil and Tylenol.

Claim denied

Jennifer Tindale Radiation Therapist BC Cancer Agency
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Eventually, Tindale could not work at all. -Im in all this pain and it was obviously from the same injury that never got better. Initially, WCB said, "Well re-open your claim. Then a few weeks went by and then they said, "Its been a while so well just give you a new claim." Because she did not yet qualify for long term disability payments, Tindale had no income for seven months as she continued to wait for WCB to make a decision. In the end, WCB denied her claim.

-WCB was giving me the run-around so I contacted the union." Tindale was assigned to OLeary for assistance in handling her compensation appeal.

When her long term disability pay began, Tindale was paying for medical treatment not covered by her extended health coverage. She visited various specialists in an effort to diagnose and treat the source of her pain. -I am very fortunate to be in a profession that is well-paying. Long term disability gives you a percentage of your wage. If that was a percentage of, like, ten dollars an hour, it would be impossible to live on that."

It took a while but the cause of her pain was eventually diagnosed as thoracic outlet syndrome. -Its very, very difficult to diagnose," explains OLeary, -and very hard to cure."

One of the treatments is the surgical removal of the top rib to try to unpinch the affected nerve and blood vessels. -They went in and actually took out my first right rib," Tindale said. The relief from the constant pain lasted about two weeks before scar tissue formed over the stump of the rib, causing the pain to come back - worse than before.

She was also diagnosed with complex regional pain syndrome. The chronic pain team at St. Pauls Hospital tried everything, including botox shots, epidurals, and various medications, but nothing was effective.

-Up until six months ago, I was on so many medications, I couldnt even form a sentence properly. So I went off the medications just to see where I was at." It took 18 months to rid herself of her dependence on the medications. -I never got pain relief from all the heavy medication I was on. In some ways, the side effects were more difficult to deal with than the pain itself. I am at a point now where I am always in pain."

HSA's expert advocates can help

OLeary says HSA spends thousands of dollars a year on legal and medical opinions, which can range in cost from \$150 to \$1500 each. HSA provides corresponding service. -A big part of our job is to get the appropriate medical/legal opinions to support the appeal. In most medical reports, doctors do address the illness and the remedy but never address causation," OLeary explains. Getting doctors to put this information in writing is challenging, and the costs involved are considerable. Not all unions have the expertise or resources to help injured members at the WCB appeal stage.

Tindale received notification in January 2007 that she had won her appeal. -She will receive a pension for life because fortunately, she falls under the old "pre-Gordon Campbell rules," OLeary said. Determining just how much that pension will be is another stage in the process.

-The WCB and the union will work with the employer to try to get her back to work," OLeary explained. In a worst case scenario, if the WCB accepts that Tindale will never be able to work again, she may be entitled to payments of 75 per cent of her gross wages. This will provide a welcome sense of security as she awaits the start of her vocational rehabilitation.

Options for returning to work may include the possibility of shortened hours or other job modifications, if necessary.

Tindale credits the assistance provided by HSA for the outcome. -I cant say enough about Sarah. Shes amazing! She knows so much. This was a very difficult experience, and I cant imagine doing this alone." She says having OLeary with her during the hearings and answering on her behalf made the ordeal far less stressful.

-I had two big review hearings with WCB and I won both of them," Tindale said. -I think the main reason is having the support of the union and the help of Sarah through this whole process. If you dont have support like

this, your chances of winning against WCB are very limited," she said, adding, "The most critical thing is having the documentation."

What if Tindale had not filed a report following her injury seven years ago?

"There is no question that she would never have won," says OLeary. "It is hard enough to prove causation even when you have an identifying incident. Without reporting, anything she or the doctors said would have been considered mere speculation and she wouldn't have had a snowball's hope of getting her claim accepted." 

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