

Hurt Your Back at Work? Here's What You Should Know

Many of the appeals we do concern back injuries that either:

- a. Aren't accepted as arising from the work accident or work activity;
- b. Were accepted for a strain/sprain and the WCB has told the worker that it has resolved, when it has not; or
- c. Is diagnosed as a strain/sprain when it is really something more.

These situations can be complex and very confusing but it is important to act quickly to deal with them as an *unappealed decision letter* can mean that you will have a tough time getting anything accepted in future.

When someone goes to their doctor complaining of back pain (whether it's low back, mid-back, or neck) the doctor is likely to diagnose a sprain/strain. Doctors will tell you that if they hear hoof beats in the woods, they will first assume it's horses because in most cases it is. However if there are reasons to think it is not horses, that's when they start to consider whether it may be zebras or any other hooved creature.

The same goes for back injuries. You will likely be diagnosed as suffering from a strain/sprain and your doctor or physiotherapist will expect it to resolve within 6–8 weeks. If your back pain does not resolve as expected however, then you should be sent for the appropriate tests to figure out if it may be something more; for example, a herniated disc.

We often have appeals where the family physician has started to suspect that this is the case and has asked the WCB to approve a visit to a specialist. The WCB has a deal with specialists in most fields that will provide expedited appointments so you don't have to wait so long.

Often the WCB refuses to approve a specialist appointment. *We can appeal this*, but in the meantime you should get your doctor to make a referral under the Medical Services Plan. Although it will take longer, at least you know you will be seen at some point. If you see a specialist and are diagnosed with a herniated disc or some other injury that you and your doctor feel is a result of your work activity, you will need to ask the WCB to accept that condition. If they say no, *you should appeal*.

It is always important to see a specialist when your condition is not resolving as expected. The WCB will often just cut you off and say, 'Your sprain/strain should be healed by now so if you are still experiencing pain, it must be unrelated to your work injury and it's not our problem.' In this case, it is again *crucial that you appeal* the decision. If you have a herniated disc and the WCB says it doesn't come from your accident or activities at work and you DON'T appeal, you will be stuck for the rest of

your life with a “pre-existing non-work-related herniated disc.” We can sometimes get around that but it is not easy.

The moral of the story is this: back injuries can be simple strains or they can be very complicated. If you hurt your back at work, and the WCB is not accepting it as their responsibility, something is wrong. You need to address that right away. Get some advice, file an appeal, don't just shrug and give up. *It is your right to appeal and you should use it!*